Anti-corruption reform in Kenya and Tanzania

Can foreign donors help turn the tide?

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List of abbreviations

ACECA	Anti-Corruption and Economic Crimes Act
AfriCOG	Africa Centre for Open Governance
CIDA	Canadian International Development Agency
CPI	Transparency International's Corruption Perception Index
Danida	Danish International Development Agency
DFID	Department for International Development
DPP	Director of Public Prosecutions
EACC	Ethics and Anti-Corruption Commission
GGCU	Good Governance Coordination Unit
GJLOS	Governance, Justice, Law and Order Sector Joint Reform Programme
KACC	Kenya Anti-Corruption Commission
NACSAP	National Anti-Corruption Strategy and Action Plan
NGO	Non-Governmental Organization
PCB	Prevention of Corruption Bureau
PCCB	Prevention and Combating of Corruption Bureau
STACA	Strengthening Tanzania's Anti-Corruption Action
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme

Introduction

In 2015, the international donor community supported developing countries in reforming or sustaining their anti-corruption institutions and policies with 214 billion US dollars, of which more than half went to Sub-Saharan Africa (OECD, 2015). This vast amount of money is invested in government-led and donor-led reform programmes and supports national anti-corruption institutions in their general budget. The intention of donors is to lower corruption in developing states, thereby aiding them in their overall development. The bitter truth is however that there is almost no improvement, or even deterioration, in the levels of corruption in Sub-Saharan Africa (Transparency International, 2016). Donors and national governments are not always successful in translating an aid budget and well-meant efforts into an effective lowering of corruption in developing states.

To get a better understanding of the workings of these donor efforts, this research aims to answer the following question: How effective are donor-supported programmes in supporting anti-corruption policies and institutions in Tanzania and Kenya? Donors often face the dilemma of choosing between either helping a state tackle its own corruption problems and thereby funding possibly corrupt public institutions or diverting funds to non-state actors and risking ineffectiveness. By analysing the problems that occur during donors' attempts at reform, this research aims to add to the empirical knowledge on anti-corruption aid effectiveness, while keeping in mind that an analysis of strategy effectiveness can be of value for future aid programmes. In order to do this, it is first important to look at the state's existing anti-corruption policies and institutions. Second, donors' goals, means, and targets will be discussed. Third, an analysis will be made of the political factors that might cause problems during donor programmes and reform. Last, the effectiveness of the aid will be evaluated. Here it will be important to look at the level in which donors reached their goals and the extent to which national anti-corruption institutions and projects gained sufficient capacity.

This research project consists of a comparative case study involving the states of Kenya and Tanzania. Both states are former British colonies, having become independent in the 1960s and sharing a similar inherited institutional structure and legal system. Their relatively similar background variables, which include also their geographical proximity and relatively comparable levels of development and growth, make it easier to compare the extent to which both states cooperate with donors to stimulate anti-corruption reform. Tanzania is often called the 'darling' of the donor community, whereas Kenya has regularly been shunned by foreign donors (Harrison, Mulley & Holtom, 2009, p.295; NY Times, 2005).

Conducting a qualitative comparative case study allows for an in-depth analysis of both states' political circumstances and the context in which the interplay between the national government and foreign donor takes place. Even though both states' background variables are similar, other unexpected factors can have a large effect on the effectiveness of anti-corruption aid. This study allows for the freedom to take unexpected variables into account during the course of the research. This research is conducted by means of document analysis, making use of secondary literature and the available programme reports and reviews as provided by donors themselves or more independent reviewers. Quantitative indicators such as Transparency International's publications on the levels of perceived corruption are used to give an indication of the state's level of corruption.

For each state two relatively recent development programmes were chosen that targeted anti-corruption reform. One of which is government-led, whereas the other is donor-led. In Kenya these programmes did not specifically target corruption as their main goal but took a wider approach to either reforming the whole justice and governance sector, or promoting accountability in general. For Kenya's programmes the focus is on the goals, means, and effects that dealt with anti-corruption. For Tanzania it was possible to find two recent programmes that aim specifically at lowering the state's problem with corruption. In the next chapters these programmes and their effects will be discussed and analysed.

Theoretical framework

Since the 1990s the international donor community has put emphasis on achieving good governance in developing states. The World Bank (1992, p.1) defines governance as "the manner in which power is exercised in the management of a country's economic and social resources for development" (World Bank, 1992, p.1). The bilateral donors' good governance agenda became focused on promoting a representative and efficient governance in developing states, which meant a respect for human rights, an elected and accountable government, and low levels of corruption. The internal affairs of developing states became a concern of the international donor community as a result of recent global political developments. Various developing states had been ruled by illegitimate regimes while others had just started to democratize in the aftermath of the Cold War. Furthermore non-state actors such as the United Nations and the World Bank but also various Non-Governmental Organizations (NGOs) had a growing influence on national policies (Weiss, 2000, p.799-801). Governmental transparency, a rule of law, and a civil service based on meritocracy started to be promoted as good governance and as prerequisites for growth and development (Ganahl, 2013, p.1-2).

The wide range of proposed good governance reforms that followed has often been criticized. They are said to consist of mere 'technical fixes', ignoring the larger political context and needs of the respective developing states. Leftwich (2005, p.152) argues that good governance as it is promoted by institutions like the World Bank have focused mainly on the administrative soundness of the public sector in developing states. Separating the politics of a state from the managerial problems will not however promote sustainable development since politics and development are inseparable (Leftwich, 2005, p.69).

Grindle (2004) adds to this critique the unrealistic expectations of the good governance agenda. The large scale of reforms that are proposed to combat bad governance do not fit the current level of development in most developing states, making them largely ineffective. It is important to set priorities and to propose policies that are adapted to the stability and development of the state's current institutions, while also dealing with the most urgent problems first. She argues instead for the promotion of good enough governance, where donors should focus on minimally acceptable government performance but which allows for a better focus on immediate poverty reduction (Grindle, 2004, p.527).

Whereas before corruption was only a matter of national concern, since the 1990s donors' good governance agenda for developing states came to include policies to lower corruption. Political

corruption as used in this study can be defined as "the misuse of public office for private gain" (Rose-Ackerman, 1999, p.91). Philp (2015, p.20) states that a Western conception of the term corruption derives from the sense that people who use political power for their own personal ends, and are therefore corrupt, can seriously damage the political order and structure. Behaving in a corrupt way means to fail to conform to the norms and expectations of society in order to gain a personal advantage (Philp, 2015, p.21). One can distinguish two forms of 'corruption': grand and petty corruption. Petty corruption concerns the everyday corruption, the bribery with small amounts of money to access basic (governmental) goods and services (Dahlström, 2015, p.111). Grand corruption is defined by Rose-Ackermann (1999, p.27) as the misuse of public office and the diversion of funds in the higher levels of government involving major government projects.

A poor performance of government with widespread rent-seeking and corruption is bound to lead to worse conditions for the poor. In the short term petty corruption and bribery can facilitate smoother transactions, promoting some form of efficiency in bureaucracies (Rose-Ackerman, 2002, p.353). In the longer term however, petty corruption can have a large impact on the well-being of a poor population. When people do not have the money to bribe a public official or healthcare worker, some services may become unavailable to them. At the same time grand corruption and the diversion of public funds will hinder development. Money that could have helped improve the quality of public education and health services is instead lost to corrupt officials (Rose-Ackerman, 1999, p.27). Furthermore, high levels of corruption will slow economic growth and thus development by discouraging foreign investment as a result of inefficient governance (Mauro, 1995, p.683). Especially because corruption has a big influence on the lives and wellbeing of the poorest part of the population, the good governance agenda focuses on the effectiveness of government and anti-corruption policies.

The aid that is intended to promote good governance and fight corruption comes in the form of technical assistance and financial aid and has been provided by a wide range of international donors. This consists of national governments such as the United Kingdom's Department for International Development (DFID) and international organizations such as the United Nations Development Programme (UNDP). Over the last twenty years these donors, together and alone, have been involved in either setting up good governance programmes or supporting government-led good governance projects aimed at fighting corruption.

In the literature on corruption and aid effectiveness certain factors can be found that are thought to have an influence on the effectiveness of anti-corruption reforms. It is important to look at the larger context in which the processes of initiating and implementing reform is taking place, while also

considering whether the circumstances will allow for an independent and efficient working of the resulting institutions. First, the willingness of a political elite to cooperate with these reforms is thought to have a big impact on reform. Fritz & Menocal (2007, p.542) note it is known that aid has more positive effects in states where a political elite shows a willing cooperation with the foreign donor (Fritz & Menocal, 2007, p.542). This will have an effect not only on the success of implementation of anti-corruption policies, but also on the independence and judicial power that an elite is willing to grant to the anti-corruption institutions. Rose-Ackerman (1999) affirms the resistance a political elite can pose to the setting up of institutions that aim to fight corruption. A committed elite on the other hand can push successfully for reform (Rose-Ackerman, 1999, p.198).

Second, the current effectiveness and capacity of the national institutions are likely to be a factor in the expected results of reform. Rose-Ackerman (2002, p.356) states that a higher state capacity will cause a smoother implementation, while the stability of government institutions will have a positive influence on the effective working of anti-corruption institutions. There is a strong relationship between the effective functioning of government institutions and lower levels of corruption (Rose-Ackerman, 2002, p.356). An extensive legal framework, an independent judiciary, and institutions that are stable and that do not exhibit high levels of corruption will make cooperation with international donors more effective and will make a successful fight against corruption more likely.

Third, a state's level of civil and political liberties is likely to play a role in anti-corruption reform. Kaufmann and Pritchett (1998) studied the link between the level of civil and political liberties and related to that, democracy, and the success of anti-corruption policy implementations. They find a relationship between greater civil liberties and a better deliverance of services by the government. The possibility to express social discontent either via protests or through media coverage can determine the success of governance reform projects (Kaufmann & Pritchett, 1998, p.28-29). Foreign donors often fund local civil society organizations during their aid programmes. The liberties that these organizations possess in a state are important for their operating freedom and their level of influence.

Lastly, Rose-Ackerman (2009, p.67) notes the negative effect of conflict and political instability on efforts to fight corruption. Violence and political instability have been found to raise the levels of corruption in a state because weakened institutions create opportunities and incentives to abuse public power (Rose-Ackerman, 2009, p.67). In a state where violence and political instability is a problem, foreign donors have different priorities than to stimulate anti-corruption reform. In any case it will make consistent efforts to combat corruption less likely, relating to the aforementioned problem that weak and unstable institutions pose.

In short, it is expected that a limited political willingness, a low institutional capacity, limited civil and political liberties, and the presence of political instability and violence will have a negative impact on anti-corruption reform. In the following research I will analyse the presence and effect of these factors on anti-corruption reform in Kenya and Tanzania.

The anti-corruption framework in Kenya

Kenya's anti-corruption institutions and laws originate from the country's fight against corruption after the election of president Kibaki in 2002. Under his rule Kenya adopted the *Anti-Corruption and Economic Crimes Act (*ACECA*)* which resulted in the establishment of the Kenya Anti-Corruption Commission (KACC) (Gathii, 2011, p.204). The KACC had the power to investigate offences of corruption as specified in the ACECA. These crimes include bribery, abuse of office, conflicts of interest, and the unlawful handling of public property (AfriMAP, 2015, p.22). The KACC did not have the power to prosecute but could refer investigated cases to the Attorney General. This made the KACC dependent on the office of the Attorney General to take up the case for prosecution, which it sometimes refused to do (AfriMAP, 2015, p.214). Furthermore there were no clear criteria for either the KACC or the Attorney General to decide whether a case needed investigation or prosecution. Both institutions were prone to political influence and abuse (Mbote & Akech, 2011, p.138).

Kenia's constitution of 2010 replaced the KACC by the Ethics and Anti-Corruption Commission (EACC), again under president Kibaki's rule. This institution was granted the same investigative powers as the aforementioned KACC, although this time the EACC's powers were secured in the constitution. The power to prosecute remained vested in the Attorney General's office, continuing the EACC's dependency on this institution (AfriMAP, 2015, p.40). The EACC is working independently of the executive and the legislative branches of government, however the appointment and removal of commissioners of the EACC needs the approval of the president and the parliament (Afrimap, 2015, p.22). Overall, Kenya's anti-corruption framework offers limited possibilities for donor assistance and the risk of political influence and abuse are still present. Although monetary aid could increase the EACC's capacity, the necessary legal reform to ensure independence is more challenging.

Donor-supported anti-corruption efforts in Kenya

Governance, Justice, Law and Order Sector Joint Reform Programme (GJLOS)

In 2003 Kenya became the first state to sign and ratify the United Nations Convention Against Corruption (UNCAC) (UNCAC, 2009, p.i). This treaty is a legally binding framework in which signatory parties agree to take measures to prevent and combat corruption (UN, 2004, p.9). In order to

conform to this treaty, the Kenyan government, with the help of various international donors, developed the GJLOS programme (UNCAC, 2009, p.ii). President Kibaki had been elected in the previous year and his governing party was leading the fight against corruption, stating it should be the country's first priority in promoting development (BBC, 2002). A total of 16 donors took note of the country's commitment to improve governance and agreed to fund the GJLOS programme (Mbote & Akech, 2011, p.181). Among these donors were the European Commission, the World Bank, the UNDP, and various Western states that made funds available to the whole programme or to specific parts of it.

The initial programmes lasted from 2004 to 2009 and consisted of a Short-Term Priorities Programme and a Medium-Term Strategy. The full programme takes a sector-wide approach under the Kenyan government authority with the aim of preventing donor-driven reforms (Hope, 2013, p.624). All government institutions in the justice sector are supported by the Kenyan government and donors by direct funding and technical assistance in order to improve governance and develop a sound administration (UNCAC, 2009, p.xiii). In order to analyse the effects of donor support on Kenya's anti-corruption efforts, the focus lies on the parts of the GJLOS programme that deal with lowering corruption in Kenya.

The GJLOS' corruption-related goal was a reduction of the state's corruption-related impunity (Everatt & Kanyinga, 2007, p.17). In order to realize this, the GJLOS programme supported the KACC through funding and staff training. The programme targeted all other government institutions and the Kenyan public for advocacy on the harms of corruption. Furthermore, the GJLOS aimed to address Kenya's large-scale problem with petty corruption, specifically police bribery, by supporting the police force with training and legal advice (Kenya IFLA, 2009; Everatt & Kanyinga, 2007, p.26).

Analysing the GJLOS programme

Outcome. The GJLOS was a government-led programme where donor funding from 16 donors was channelled via a basket fund to the different sectors of government. Advisors Everatt and Kanyinga (2007) note that GJLOS' achievements were mostly material and technical. This includes the successful training of anti-corruption personnel, the purchase of equipment for the KACC and advocacy in 23 Kenyan districts and across all government institutions (Everatt & Kanyinga, 2007, p.17; Sida, 2009, p.5). More substantial reform that would substantially lower corruption-related impunity was difficult to realize.

Political unwillingness. While donors were interested in helping Kenya's fight against corruption during the beginning of the programme, some donors started to lose trust in the government's willingness to fight corruption. In 2005 and 2006 the United States decided to stop the funds intended to aid the fight against corruption because of concerns about the governments' willingness to reform (NY Times, 2005). The government of the Netherlands did the same in 2006 when it declared it would stop all new aid programmes to Kenya (including education and water aid) as a protest to the Kenyan Government's stance on corruption fighting, while choosing to keep on funding the GJLOS programme. The idea was to punish the government of Kenya while not wanting to give up on governance reforms (Ontwikkelingssamenwerking, 2006). The GJLOS experienced a drastic cut in funds which negatively impacted the implementation of reforms.

There are indications that the donors were right to be suspicious of the Kenyan governments' willingness to tackle the country's corruption problems. Kibaki had been elected in 2002 on the presumption he would start a fight against corruption. However in 2005 a scandal started after the Permanent Secretary for Governance and Ethics revealed large-scale corruption within the Kibaki administration (Lawson, 2009, p.80). President Kibaki subsequently replaced the General of the KACC out of fear for further investigations. The original whistle-blower resigned from his position as Permanent Secretary for Governance and Ethics and went into exile for fears of his life (Lawson, 2009, p.81; Guardian, 2006).

State Capacity. The GJLOS was government-led and the donors were funding government institutions. Still, the donors hired a Financial Manager to ascertain an efficient and fair spending of the funds. Donors feared that the Kenyan programme coordination office would not be able to do so to the same extent (Mbote & Akech, 2011, p.185). McCormick, Mitullah and Manga (2007, pp.46, 50) criticize this bypassing of the national programme coordinator for showing a lack of trust. It also avoids stimulating the development of a higher capacity within the Kenyan government (McCormick, Mitullah & Manga, 2007, pp.46, 50). Making use of the Kenyan programme coordinator with its lower capacity could have posed problems for the programme's implementations. However, one would expect that it is the aim of donors to stimulate Kenya's institutional capacity by letting it manage its funds, even more so in a government-led programme.

Everatt and Kanyinga (2007, p.11) further note a low fund absorption rate for the GJLOS due to a low institutional capacity in the Kenyan government. During the year 2005/2006 only 13% of donor

funds were spent. This increased after work plans had been approved. Financial year 2006/2007 saw an absorption rate of 61% of donor funds.

Civil liberties and Political Instability/Violence. Another problem for the effectiveness of the programme was the presence of political instability and violence in Kenya. The re-election of president Kibaki in 2007 caused violent protests throughout the country, lasting until a peace agreement was declared two months later (Dupas & Robinson, 2012, p.2). This crisis and political instability had a big impact on the well-being of people and the development of the whole state, therefore it also had an impact on the implementation of government reforms. Funding for the GJLOS was paused by donors and only resumed at the end of 2008. Implementation was therefore delayed until the beginning of 2009, which also marked the end of the donor-funded part of the programme (Sida, 2009, p.5).

Funding problems. Everatt and Kanyinga (2007) blame the unsteady flow of funds for the slow progress of the programme. Donors' stance of protest towards the Kenyan government did not aid the progress of anti-corruption reform. Their withholding of funds or threats to do so has been harmful to the working of the sector-wide approach, which was to be based on a steady and predictable flow of aid and not to be led by the donors' priorities (Everatt & Kanyinga, 2007, p.20). Overall, the donors have not shown a lot of trust in the willingness and capacity of the Kenyan government, as evidenced by their decision to appoint a financial manager to administrate the basket fund.

The difficult relationship between Kenya and foreign donors can be demonstrated by looking at the amount of donor funding the KACC and subsequently the EACC received. As shown in Table 1, overall donor contributions to Kenya's main anti-corruption institution have always been marginal compared to the funding from the Kenyan government. Since financial year 2014/2015 the EACC no longer received donor funds, however funding from the Kenyan government drastically rose after 2013 (see Table 1). The loss of foreign funding did not impact the functioning of the institution if the rise in corruption reporting and processing can be seen as evidence for that (EACC, 2010 & 2015). Past foreign funding does not seem to have made the EACC donor-dependent.

Table 1

KACC and EACC funding in millions of Kenyan shilling

Funding	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
GoK	591	1,677	1,294	1,234	1,221	1,248	1,370	1,292	1,245	1,646	2,957
Donors	5	14	13	60	73	71	191	13	0	3	0

Note. GoK = Government of Kenya. KACC from 2005 to 2011. EACC from 2011 to 2015.
KACC & EACC Annual reports 2005/2006 – 2015/2016. Retrieved from: http://www.eacc.go.ke/default.asp?pageid=20

The Drivers of Accountability Programme

The Drivers of Accountability Programme was jointly developed by the UK's DFID, the Danish International Development Agency (Danida), and the Canadian International Development Agency (CIDA). Its purpose was to improve government accountability and democratic stability in Kenya from 2010 to 2015. The development partners stated three output goals for achieving this. The goal most related to anti-corruption reforms was an expected reduced impunity for elected public officials. The programme aimed to establish this by supporting national reform processes and by supporting civil society, the media and regulatory institutions, though it specifically notes to avoid directly funding Kenyan government institutions (DFID, CIDA & Danida, 2010, pp.1, 8).

Donors noted in the initial 2010 statement that the extent of corruption in Kenya would make it insufficient to take only specific 'technical' measures, such as increasing the pay of public officials in order to lower their incentives to be corrupt. Instead a more holistic approach was chosen where strengthening democratic institutions and accountability were key (DFID, CIDA & Danida, 2010, p.41). For the anti-corruption part of the programme a budget of 13.6 million US dollars was reserved. The expected benefits were stated as lowered levels of perceived corruption, reduced indicators of bribes paid to the police and an increase in the number of high-level corruption prosecutions (DFID, CIDA & Danida, 2010, p.15).

For the projects that aimed to lower the petty corruption, the programme provided technical assistance on legal reform and financial assistance to police oversight institutions. For lowering the levels of grand corruption the donors funded the Parliamentary Support Programme from the New York State University which aimed to support parliamentary oversight committees given the role of overseeing parliament's compliance with the new constitution's regulations (DFID, CIDA & Danida, 2013, p.6). Furthermore the African Centre for Open Governance (AfriCOG) was funded through the programme with the aim of spreading information on the harms of corruption. AfriCOG is an NGO that

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has as its goal the promotion of anti-corruption reform through research and advocacy (DFID, CIDA & Danida, 2013, pp.3-4).

Analysing the Drivers of Accountability Programme

Outcome. The donors note in their 2016 programme evaluation that the first goal, the lowering of public official impunity, "moderately did not meet expectations" as opposed to the other goals. Although several of the goals have been reached, Kenya's levels of perceived corruption have worsened over the course of the programme. The programme's review notes a higher severity, frequency and incidence of police bribery compared to the 2008 baseline indicator (DFID, CIDA & Danida, 2016; DFID, CIDA & Danida, 2014, p.3). The goal to reach the Kenyan population with anti-corruption messages has been reached. Advocacy on the harms of corruption by AfriCOG resulted in parliamentary discussions and the amendment of a few anti-corruption laws. Through advocacy by AfriCOG and the Kenyan media high-level corruption cases have been reported. Furthermore, the donor's technical assistance and training resulted in a higher capacity for Kenya's parliamentary oversight commissions (DFID, CIDA & Danida, 2013, pp.1-6). Nakamura (2015) studied the role of oversight committees in Kenya after the termination of the programme and notes an increase in resources and professionalism of the staff who are now better able to function as watchdogs. Where the parliament used to approve "whatever the President wanted" (Nakamura, 2015, p.44), the commission now regularly questions officials and publicly reports on its findings (DFID, CIDA & Danida, 2013, p.47). It is however too early to draw conclusions on the sustainability of these committees after they stop receiving financial and technical aid.

Political willingness. Important to note is that the donors explicitly avoided funding the Kenyan government directly. The donors do not state their motivation in the programme's documents, however the DFID (2013a) has its own declaration on the matter. The DFID is aware of the fraud risks of development funds in Kenya and tries to safeguard taxpayer's money while at the same time supporting Kenya in reducing corruption. It is committed to "Transparency, results and value for money" by using risk assessments and bases its choice for funding on a thorough analysis of the expected results (DFID, 2013a). Promoting accountability in Kenya is classified as a 'high risk' programme design (DFID, CIDA & Danida, 2010, p.5). The underlying cause for this statement and decision can be found in the donors' past experiences with political unwillingness in Kenya. The donors did not report a perceived

political unwillingness to reform during the course of this programme, which could be explained by the fact that the donors directed funding to NGO's instead of the government.

State Capacity. As a result of the decision to avoid funding government, it is not likely the donor partners experienced a lack of state capacity. Donors perceived a low political willingness in the past, which resulted in the circumvention of funding state institutions. However by avoiding state institutions for funding, they do not help Kenya's state institutions with building the expertise and knowledge to take steps against corruption as NGO's have taken over that role. Not only does this avoid the problem of a low capacity, neither does it tackle the problem of creating a higher willingness to fight corruption, making this problem a vicious cycle.

Civil liberties and Political Instability/Violence. The funding of civil society organizations turned out to be a problem for establishing results in this programme. Donors note in the 2016 review that during the course of the programme the Kenyan government tried to issue laws to limit the foreign funding to civil society organizations (DFID, CIDA & Danida, 2016, p.8). These laws were later repealed, but the attempts to limit the working space of civil society organizations are a concern for donors and their fight against corruption, because donors often target NGO's instead of government institutions for funding in Kenya. During the course of this programme no major civil conflict or political instability was present in Kenya.

Measuring Kenya's anti-corruption progress

Within the scope of this project it is not possible to conclude on the effects of the specific programmes on the levels of corruption in Kenya. A decrease on an aggregate level of corruption such as Transparency International's Corruption Perception Index (CPI) is difficult to attribute to the accomplishments of the specific programmes. Furthermore, Transparency International (2012) explains in its report on the updated methodology of the CPI that scores from before 2012 are not comparable with scores from 2012 and later. For that reason, an overall evaluation of Kenya's corruption progress over the course of both programmes cannot be made. The CPI scores and ranks are used here merely to give a broad indication of Kenya's overall success in fighting corruption.

The GJLOS programme ran from 2005 to 2009. As can be seen in Table 2, up until 2011 Kenya's levels of corruption as scored and ranked by the CPI do neither show progress nor deterioration. Over the course of the Drivers of Accountability Programme (2012-2015) Kenya's score

slightly worsened. When one takes into consideration Kenya's rank, which is highly dependent on other state's scores and anti-corruption progress, Kenya neither improved nor deteriorated from 2005 to 2015, apart from small fluctuations. In sum, the fight against corruption proves to be difficult in Kenya. Although all four factors were present in Kenya and negatively impacted the anti-corruption efforts, a low political willingness can be seen as the largest obstacle to reform.

Table 2

Corruption Perceptions Index Scores for Kenya

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Score	2.1	2.2	2.1	2.1	2.2	2.1	2.2	27	27	25	25
Rank	145	142	150	147	146	154	154	139	136	145	139

Note. Scores from before 2012 cannot be compared with scores from 2012 and later.
2005-2011 scores: 0 = highly corrupt, 10 = highly clean.
2012-2015 scores: 0 = highly corrupt, 100 = very clean.
The rank indicates the state's position relative to the other states in the index. Cleanest state is on position 1.
Source: Transparency International (2005-2015). Corruption Perceptions Index. http://www.transparency.org/research/cpi/

The anti-corruption framework in Tanzania

Tanzania's legal framework to combat corruption dates from its colonial era when Tanzania was under British rule. Subsequent governments have amended this framework until in 1990 the Prevention of Corruption Act was adopted, which established the Prevention of Corruption Bureau (PCB) (AfriMAP, 2015, p.59). This institution operated from within the presidential office and had the power to investigate cases of corruption. The Director of Public Prosecutions (DPP) received the power to refer the PCB's corruption case files to the official prosecutor for prosecution. Tanzania's recent measures against corruption started after Mkapa's election as president in 1995. In order to address Tanzania's corruption problem, President Mkapa established the Warioba Commission in 1996, which was given the task to evaluate the state's laws, regulations, and procedures (Havnevik & Isinika, 2010, p.2). The commission advised to strengthen the anti-corruption commissions. This was the start of a renewed national fight against corruption with more governmental openness and a transparent evaluation of Tanzania's current state of corruption (Heilman & Ndumbaro, 2002, p.7).

In 2007 the Tanzanian parliament adopted the Prevention and Combating of Corruption Act which replaced the PCB with the Prevention and Combating of Corruption Bureau (PCCB). The PCCB can investigate cases of suspected corruption, although the power to initiate prosecution remains with the DPP (AfriMAP, 2015, p.49). The president of Tanzania appoints and can remove the high-level positions of both the PCCB and the DPP. Havnevik and Isinika (2010) criticize this legal construction for lacking political independence. A deficiency in resources and staff further limits the capacity of both institutions (Havnevik & Isinika, 2010, p.235). Unlike the Kenyan EACC, the Tanzanian PCCB does not issue yearly financial reports to specify the donations and their origin. Relying on World Bank estimates, for the financial year 2014/2015 the PCCB's annual budget is 27 million US dollars, of which 11% is foreign funding (AfriMAP, 2015, p.65). Tanzania's PCCB has the same problems with legal dependence as Kenya's EACC. While donors can stimulate a higher capacity with monetary aid, legal reform to assure the institutions independence is necessary for an effective working but is difficult to accomplish.

Donor-supported anti-corruption efforts in Tanzania

The National Anti-Corruption Strategy and Action Plan II (NACSAP II)

In 1999 the government of Tanzania launched the NACSAP. This programme was established on the basis of the Warioba Commission advices. This government-led plan aimed to strengthen governance, transparency, accountability, and integrity in Tanzania (Wang'ati & Shah, 2012, p.7). During the first part of the programme (2001-2005) many Western donors gave support through the basket funding system. The NACSAP II was subsequently launched with the intention of promoting and strengthening Tanzania's anti-corruption efforts from 2008 to 2011. The programme's goals were to strengthen the state's existing anti-corruption agencies, and to combat corruption more scientifically by addressing its root causes (Gov. of Tanzania, 2008, p.8). Furthermore the programme aimed to raise public awareness and sensitivity for corruption in Tanzania (Wang'ati & Shah, 2012, p.8). Much of the programme's goals were aligned with the UNCAC, of which Tanzania is a participant since 2005 (UNCAC, 2012, p.2).

The Tanzanian government emphasized the importance of a partnership with development partners in carrying out the NACSAP II programme (Gov. of Tanzania, 2008, pp.3-4). The UNDP turned out to be the only contributing donor for the NACSAP II, other donors opted to aid Tanzania with general budget support or contributed indirectly by funding the UNDP. For the total course of the NACSAP II, the UNDP had pledged 8 million US dollars, but only 1.2 million was provided (Wang'ati & Shah, 2012, pp.11, 34).

Analysing the NACSAP II

Outcome. Independent consultants Wang'ati and Shah (2012) evaluated NACSAP II. They state that the programme has been "largely effective in strengthening public service delivery, transparency, and accountability in the conduct of public affairs" (Wang'ati & Shah, 2012, p.23). The programme reached half of the initial objectives by 2012, which was above expectations since the programme's funding turned out to be less than half of the initial agreement. NACSAP II's main accomplishments were the development and training of integrity committees and PCCB staff, the increasing of public awareness on the harms of corruption and ways to prevent it through radio, TV, and in youth clubs (NACSAP II, 2010, p.6; Wang'ati & Shah, 2012, pp.23, 27). The programme was weak in strengthening effective

watchdog and oversight institutions and did not accomplish all training goals (Wang'ati & Shah, 2012, p.24).

Political willingness. There are no indications that the development partners experienced a lack of political willingness to combat corruption in Tanzania. Wang'ati and Shah (2012, p.24) state that the insufficient funds and the lack of coordination caused the non-compliance of public officials to conduct follow-up evaluation reports and to attend follow-up meetings on training programmes. Wang'ati and Shah (2012) state that the monitoring and evaluation reports of the Tanzanian-led programme coordination unit indicate a lack of willingness to stick to the programme's targets. This can be seen as an unwillingness to focus on target-driven reforms, it does not necessarily implicate an unwillingness to promote reform altogether. Wang'ati and Shah (2012, p.40) conducted interviews with development partners who did not support the programme. From these interviews it became clear that the main reason for donors to withhold aid was the lack of focus on achieving clear results from the programme coordinators (Wang'ati & Shah, 2012, p.40). The development partners have criticized the planning by the Good Governance Coordination Unit (GGCU) for being driven by ulterior motives or self-interest (Wang'ati & Shah, 2012, p.39). Whether the lack of planning and coordination was a symptom of unwillingness or low capacity is difficult to differentiate in this context.

State capacity. Wang'ati and Shah (2012) state that the largest hindrance to successful implementation of the NACSAP II was the low institutional capacity in Tanzania. The Tanzanian government set up the GGCU within the President's Office to coordinate the implementation of the NACSAP II and the reporting on results. This coordination unit consisted of three staff members who coordinated the funding and evaluations across local government institutions, ministries, and non-state actors. Given the complexity of this task and the geographical dispersion of their activities, this institution's under-capacity significantly hindered high-quality implementation and reporting (Wang'ati & Shah, 2012, p.29). Whether this low budget allocation to the GGCU can be attributed to the cut in funds by the UNDP or to an unwillingness to reform is unknown. However, it is clear that one can see here the effects of a vicious circle. As a result of low capacity and late and low-quality reports, the UNDP delays the necessary funds, which only aggravates the GGCU's problem of low institutional capacity.

Civil liberties and Political Instability/Violence. Tanzania has been a politically stable state in the region and there are no indications of new instability or conflict. Tanzania's percentile rank on the

World Bank's Political Stability and Absence of Violence/Terrorism indicator is more than double that of Kenya and above Sub-Saharan African average (World Bank, 2015). The NACSAP II made use of media channels to broadcast anti-corruption education programmes. Although the PCCB's 2009 report acknowledges a limited media independence, the media has played an active role in improving governance in Tanzania by functioning as a watchdog (PCCB, 2009, p.25). Tanzania's limited media independence does not seem to have caused problems for the implementation of this programme.

Funding problems. Wang'ati and Shah (2012, p.32) note that several of the programme's shortcomings are a direct result of the problems with funding. UNDP had regularly delayed funds for up to three months. UNDP Tanzania stated that this was caused by the delayed reports of various Tanzanian institutions, which were also of low quality. This created a high time pressure for the Tanzanian institutions when they received the delayed funds, and decreased again the quality of the implementation as well as the quality of the reports (Wang'ati & Shah, 2012, p.32). As mentioned before, the UNDP drastically cut the amount of the pledged funds. At the start of NACSAP II the Tanzanian government as well as the UNDP had expected that other development partners would follow in making funds available to the programme. When this did not happen, the UNDP adapted its funding plan (Wang'ati & Shah, 2012, p.33).

Donor coordination. A history of successful cooperation with the government of Tanzania in promoting governance reform has created a willingness in the donor community to initiate governance development programmes (Harrison, Mulley & Holtom, 2009, p.295). An abundance in reform programmes causes problems with donor coordination. Many donors did not fund NACSAP II due to the vast amount of development programmes simultaneously active in Tanzania. Many development partners (such as the DFID) were already involved in some governance reform programme in Tanzania or supported the state through general budget support. Not only does this cause coordination problems and inefficient donor efforts, it has also made Tanzania aid-dependent. Fengler (2011) states that in 2011 at least 41% of the public expenditures in Tanzania depended on foreign aid. For Kenya this was estimated at only 15%, and it is likely that for Kenya this has decreased in later years due to donors' experiences with aid fraud. Wang'ati and Shah (2012, p.41) affirm that NACSAP II was heavily reliant on UNDP funds. Again, a vicious circle can be identified. An abundance of aid has made it unclear whether Tanzania will be able to independently stimulate anti-corruption reform. Donors have caused

aid-dependency instead of stimulating a higher institutional capacity. This calls for more aid but not necessarily more successful reform.

The DFID's Strengthening Tanzania's Anti-Corruption Action (STACA)

The DFID has provided the equivalent of 17 million US dollars for the bilateral STACA programme in Tanzania for the period from 2012 to 2016. This programme was set up specifically to aid the enforcement of the already existing anti-corruption legislative and institutional framework in Tanzania. STACA aimed to improve the performance of the institutions that directly deal with preventing and combatting corruption, such as the PCCB and the DPP. At the same time the programme aimed at combatting petty corruption in the police and judicial sector (DFID, 2012, p.1). The expected results were: more and faster prosecutions in corruption cases, more public trust in the police and judicial sectors, and more governmental willingness to combat corruption (DFID, 2012, p.1).

STACA has funded government institutions directly and has supported civil society organizations in the field of anti-corruption (DFID, 2013c, p.1). Oversight institutions were funded, and technical assistance was given with the intention of improving anti-corruption institutional effectiveness. The improvement of oversight mechanisms in the police and judicial sector aimed to increase the trust in those institutions and lower the amount of bribery. The programme also aimed to raise Tanzania's domestic willingness to combat corruption. The DFID hoped that advocacy on the negative effects on corruption would cultivate a better understanding of the benefits of accountability systems and at the same time result in a higher reporting rate of corruption (DFID, 2012, p.2).

Analysing the STACA programme

Outcome. The DFID's 2016 review of the programme notes an increase in the number of corruption cases investigated and referred to the DPP for prosecution. It also notes a 5% increase in the number of corruption cases that ended in conviction. The DFID considers the training of oversight committee staff in detecting corruption successful. However, overall the programme's results "moderately did not meet expectations" (DFID, 2016). The DFID can be partly blamed for the relative unsuccessfulness of the programme. It is important to look at the relation between the goals as set out at the beginning of the programme and the DFID's strategies. The overarching aim of the programme was "more effective anti-corruption laws and systems" (DFID, 2016). The means with which the DFID tried to reach the targets consisted mostly of training and financial support. The DFID has made no mention of offering technical support in the form of legal advice to change Tanzania's anti-corruption laws. However, it is

likely that trying to assure a more independent PCCB and DPP would make both institutions more effective, as was the DFID's initial goal.

Political willingness. Although Tanzania shows slightly lower levels of corruption than Kenya, the DFID acknowledges again a high risk of aid fraud in Tanzania (DFID, 2013b). The DFID's decision to support Tanzania through general budget support is however evidence of a certain level of trust in the willingness of the Tanzanian government to tackle corruption. The programme's reviewers note no signs that STACA's shortcomings can be blamed on Tanzanian political unwillingness to tackle corruption. If anything, political willingness rose after the new government took office in 2015. Since then, the PCCB and DPP attract more publicity and are eager to expose their corruption cases in the media (DFID, 2016).

State capacity. STACA was a bilateral donor-led programme. While it needed cooperation with the Tanzanian government and various governmental institutions to successfully implement reform, the DFID or designated sub-contractors provided the programme's coordination and evaluation. Nevertheless the DFID notes problems with the unavailability of data and the bad communication between Tanzania's anti-corruption institutions. The PCCB and DPP's official reports regularly differ on the number of corruption cases reported and the number of convictions. Or even worse, there is no data available on the PCCB's and DPP's budget or number of cases processed (DFID, 2016). Furthermore, the legal framework of the PCCB and DPP limits progress on the number of corruption cases handled. The DFID reports a low inter-agency communication between the two institutions (DFID, 2013c, p.13). The two institutions work independently of each other which causes much of their ineffective working.

Civil liberties and Political Instability/Violence. Once again Tanzania's levels of civil and political liberties do not seem to have affected the success of this development programme. The DFID did not use the media in their programme since they focused on spreading awareness within the governmental institutions through training.

Measuring Tanzania's anti-corruption progress
It is not possible to draw conclusions on the effects of the specific programmes on the levels of corruption in Tanzania. NACSAP II started in 2008 and ended in 2011. Apart from a slight downward

fluctuation, Tanzania's levels of perceived corruption have been stable during that time and before. Over the course of the STACA programme (2012-2016), Tanzania's CPI scores slightly dropped. Tanzania did not witness stark improvements in the levels of perceived corruption. If the rank is used to compare the results over the full course of both programmes, Tanzania's position even dropped. When using the CPI, it is important to acknowledge the difference between perceptions of corruption and real levels of corruption. Although the CPI uses the perceptions of experts and not those of the general public, a higher awareness of the significance and harm of corruption can change even the perceptions of business and public sector experts. People can perceive more corruption just because they have an increased awareness of corruption.

In sum, corruption remains a persistent problem in Tanzania with reform showing only limited results. Tanzania's level of political and civil liberties did not seem to hinder anti-corruption, nor were there problems with political instability. The largest hindrance to reform in Tanzania is a low state capacity and related to that, a problem of donor coordination and aid-dependence.

Table 3
Corruption Perception Index Scores for Tanzania

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Score	2.9	2.9	3.2	3.0	2.6	2.7	3.0	35	33	31	30	32
Rank	96	93	94	102	126	116	100	102	111	119	117	116

Note. Scores from before 2012 cannot be compared with scores from 2012 and later.
2005-2011: 0 = highly corrupt, 10 = highly clean.
2012-2015: 0 = highly corrupt, 100 = very clean.
The rank indicates the state's position relative to the other states in the index. Cleanest state is on position 1.
Source: Transparency International (2005-2015). Corruption Perceptions Index. http://www.transparency.org/research/cpi/

Conclusion

To summarize this research's findings, donor-stimulated anti-corruption reform in Kenya and Tanzania has been effective only to a limited extent. The donors' main accomplishments in both states are the raising of awareness and the training of public officials. Neither governments nor donors were able to establish more substantive progress such as legal reform, with the possible result of more independent anti-corruption institutions. The general conclusion can be made that out of the four factors analysed, a political unwillingness and the existence of low state capacity have the most negative influence on donor-stimulated reform. Additionally, bad donor coordination and an unsteady flow of funds were found to negatively impact reform.

In Kenya the largest obstacle to reform was a low political willingness to tackle corruption. Donors lost trust in Kenya's willingness and capacity to spend funds efficiently and wisely during the GJLOS programme. The subsequent appointing of an independent funds manager during the GJLOS programme and the complete refusal to fund public institutions during the Drivers of Accountability Programme had its own negative effects. In any case, this circumvention of the government did not stimulate an improvement in state capacity. Furthermore, donors often took a critical stance and tried to steer government-led reform by using their financial power to delay funds in order to pressure for a prioritization of anti-corruption reform. As is evidenced by the halted donor funding to the EACC, donors have largely withdrawn from anti-corruption aid initiatives in Kenya.

In Tanzania, cooperation between donor and government went smoother. No clear indications were found of an unwillingness to cooperate or reform, although programme coordinators were not always willing to stick to target-driven reform. Instead, programme reviewers mostly blame Tanzania's limited state capacity. NACSAP II had significant problems with the coordination of funds, work plans, and priorities. During the STACA programme, donors perceived low inter-agency communication between the anti-corruption institutions which limited their effectiveness. Furthermore donors experienced problems with missing or incorrect data from those institutions, which made it difficult to evaluate progress and set priorities.

In both states, the donors' funding behaviour has been an obstacle to reform. Funds were delayed, drastically cut or all together stopped. Donors made threats to stop aid if the national government would not change its stance. Although donors had every right to be suspicious of aid fraud in both Kenya and Tanzania, an unsteady flow of funds often caused implementations to delay or stagnate, creating a vicious circle of low capacity and low donor commitment. The difference between

Kenya and Tanzania is here their aid-dependency. Where donors have largely withdrawn from attempts to reform in Kenya altogether, Tanzania's general budget and the PCCB's budget remain dependent on donor contributions. This becomes a problem of its own when Tanzania is not able to independently initiate and sustain anti-corruption reform or let its institutions operate effectively.

The level of political commitment and the level of state capacity are important factors that could determine the donors' strategy most likely to accomplish reform. When donors have no trust in the national government to seriously fight widespread corruption, financially supporting government-led projects is less likely to be successful. In such cases it can be wise to support non-state actors, even though this limits the possibilities for raising capacity. Unfortunately, for both Kenya and Tanzania it holds that the resilience of the problem can be partly blamed on the vicious circle of a low state capacity and the resulting low impact of aid. A low capacity causes ineffective reform and makes donors lose trust in the government's commitment, resulting in less aid and less capacity. In such cases it is important not to withdraw from projects, but to support the state to build up its capacity to independently tackle its problems of corruption. Aid-dependency should be avoided when possible, it may however be a necessary but hopefully temporary side-effect of donor-stimulated reform that raises capacity. A low political willingness to cooperate with donors and fight corruption as well as the persistent problem of low state capacity needs to be carefully evaluated by donors before they decide on their aid strategies.

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