

# U4 Expert Answer



## Zambia: Overview of corruption and anti-corruption

### Query

**Please provide us with an overview of corruption in Zambia. To the extent possible, please also provide an assessment of the effectiveness of the Anti-Corruption Commission.**

### Purpose

We are conducting a review of our support to anti-corruption and are designing the next phase of our country assistance.

### Content

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### Summary

Zambia has made considerable progress in the fight against corruption in the last decade, as reflected by major improvements recorded in main governance indicators. The legal and institutional frameworks against corruption have been strengthened, and efforts have been made to reduce red tape and streamline bureaucratic procedures, as well as to investigate and prosecute corruption cases, including those involving high-ranking officials.

In spite of progress made, corruption remains a serious issue in Zambia, affecting the lives of ordinary citizens and their access to public services. Corruption in the police emerges as an area of particular concern (with frequency of bribery well above that found in any other sector), followed by corruption in the education and health services.

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## 1. Overview of corruption in Zambia

### Background

Three decades of authoritarian rule and state-controlled economy followed Zambia's independence from Britain in 1964, until president Chiluba was democratically elected in 1991. In early 2002, Levy Mwanawasa was sworn in as president amid opposition protests over alleged fraud in the 2001 presidential elections (Bertelsmann Foundation 2014). He has been praised for his anti-corruption commitment and largely been credited with having put the fight against corruption high on Zambia's political agenda, reflected by the establishment of a Task Force on Corruption, the design of a corruption prevention strategy and the reinforcement of anti-corruption institutions (Ryder 2011).

Following Mwanawasa's death in 2008, vice-president Rupiah Banda assumed power after a narrow election win over the main opposition candidate, Michael Sata. His presidency was characterised by restrictions of civil liberties and a mixed anti-corruption record (Freedom House 2013). In particular, the acquittal of former president Chiluba for embezzling public funds, the dismantling of the Task Force on Corruption, and a major health care corruption scandal in 2009 have been seen by many observers as a weakening of anti-corruption efforts under his presidency (NORAD 2011). Banda stepped down peacefully after a surprise defeat by the opposition party led by Michael Sata in the 2011 presidential elections.

The new government embarked on major reforms to fulfil campaign promises, including constitutional reforms and measures to fight corruption and open up the media. In particular, a new constitution has been drafted but not yet ratified, including provisions for increasing press freedom, decentralising government, a bill of rights, and a 50-percent-plus-1-vote requirement to win the presidency. However, when facing criticism by civil society organisations for lack of consultation and the pace of reform implementation, the government tends to resort to anti-democratic practices such as invoking the Public Order Act which allows the banning of public rallies (Bertelsmann Foundation 2014).

Zambia is an electoral democracy, where democratic principles and separation of powers are broadly

institutionalised and generally accepted and respected. However, the executive branch is largely dominant and tends towards autocratic leadership. The new government does not seem to break with this tradition, showing little tolerance for political dissent and allegedly using repressive methods and politically motivated lawsuits against its critics (Freedom House 2013 and Bertelsmann Foundation 2014).

Zambia is a lower middle income country, with approximately 60% of the population living below the poverty line, according to [World Bank data](#). Although mining is one of the most important sectors of the economy, with copper extraction accounting for much of the country's foreign earnings, 85% of the workforce is employed in the agriculture sector (Heritage Foundation 2014).

### Extent of corruption

While progress has been made in terms of control of corruption in the last decade, Zambia continues to face major corruption and governance challenges, as reflected by main governance and corruption indicators.

The [World Bank Governance Indicators](#) for example indicate progress made between 2002 and 2012 on all six areas of governance assessed, especially in terms of political stability (65.3 in 2012 compared to 33.17 in 2002 on a 0 to 100 scale), rule of law (42.65 compared to 39.71), government effectiveness (37.8 compared to 24.39), and control of corruption (45.95 compared to 20.90). Zambia scores 38 on a 0 (very corrupt) to 100 (very clean) scale in Transparency International's [2013 Corruption Perceptions Index](#), ranking 83rd out of the 177 countries assessed. This represents a slight improvement from its 2012 score of 37 out of 100.

The Zambia Bribe Payers Index (ZBPI) conducted jointly by Transparency International Zambia and the Anti-Corruption Commission in 2012 revealed that the incidence of corruption in the public sector had reduced from 14% in 2009 to 9.8% in 2012. Put simply, this means that any average adult Zambian from the age of 16 has about a 10% likelihood of being asked to pay a bribe in a government institution mentioned in the study when accessing services provided by the institution (TI Zambia and the Anti-Corruption Commission 2012).

The [World Bank enterprise surveys](#) conducted in Zambia in 2013 seem to confirm this positive trend compared to previous surveys. In 2002, almost 45% of

firms surveyed expected to make informal payments to public officials to get things done, and close to 36% expected to give gifts to secure a contract. In 2013, only about 9.5% expected to make informal payments to public officials to get things done, while 14% expected to make gifts to secure government contracts. "Only" 15.8% of the firms experienced at least one bribery request, which is below the regional average (22.3%) or even the world average (17%).

In spite of this progress, corruption is identified as the second most problematic factor for doing business in the country by companies interviewed within the framework of the [World Economic Forum's 2013-2014 Global Competitiveness Report](#), after access to financing.

According to AfroBarometer data, one in ten Zambians had personal experience of corruption in the twelve months preceding the survey (AfroBarometer 2013).

## Forms of corruption

### *Petty and bureaucratic corruption*

In spite of progress made, corruption remains a serious issue in Zambia, affecting the lives of ordinary citizens and their access to public services. Petty corruption remains widespread and relatively stable over time. According to the ZBPI of 2007, more than half of the respondents were asked for bribes in the year preceding the survey and 11% admitted having paid a bribe for accessing public services. The 2012 ZBPI revealed that a total of 44.6% of respondents who were asked for a bribe actually paid the said bribes (TI Zambia and the Anti-Corruption Commission 2012). While no data was available in 2013, 45% of Zambian citizens interviewed within the framework of [Transparency International's 2011 Global Corruption Barometer](#) continued to report having paid a bribe in the 12 months preceding the survey, while 67% perceived corruption to have increased in the three years preceding the survey. Progress has been made in the last two years and citizens' perceptions reflect this positive trend to some extent. However, 47% of respondents interviewed within the framework of [the 2013 Global Corruption Barometer](#) still perceived corruption to have increased in the two years preceding the survey.

Red tape, low salaries of public officials, challenging regulations, and overall lack of transparency and accountability provide both incentives and opportunities

for administrative corruption (NORAD 2011). Every year, millions of dollars' worth of public money are either misappropriated, stolen or grossly mismanaged in the country (TI Zambia 2007), and this trend seems to be sustained over time. In a 2012 report covering the year 2011, the auditor general uncovered financial irregularities in all ministries, amounting to US\$98 million, in the form of abuse of petty cash, unauthorised or wasteful expenditures, overpayments or unaccounted revenues (US Department of State 2013). Such financial irregularities seem to be increasing exponentially from year to year with allegedly little action taken on the auditor's report (Chanda 2013).

The government has taken steps in recent years to improve the business environment by streamlining and simplifying bureaucratic procedures. In particular, the government has established a one-stop-shop and an e-registry to decrease the administrative burden of doing business (US Department of State 2013), resulting in major improvements in the [World Bank's 2014 ease of doing business](#) rank.

### *Patronage networks and nepotism*

In neopatrimonial states, power and resources typically remain highly concentrated at the central level, providing the ruling elite the discretion to allocate public resources to reward political loyalty and support. Zambia remains characterised by informal political processes of patronage and corruption, whereby foreign aid and public resources can be (mis)used to sustain incumbent and patronage politics linked to the executive (Rakner 2012).

At the local level, a 2011 study assessed the extent to which the ruling party in Zambia uses patronage and sustains a clientelistic network to nurture its political power base at the local government level, and concludes that existing patronage networks have adapted to the emergence of basic democratic institutions and maintained neopatrimonial structures in spite of formal regime change (Leiderer 2011). In particular, the study finds a high correlation between dominance of local councils by the ruling party and improvements in access to infrastructure or health services, indicating that the government tends to target public investments to government party dominated constituencies to entertain local clientelistic networks in political strongholds.

Senior positions in the country's civil service are filled by presidential appointees and perceived to be subject to nepotism and patronage, a pattern that has been sustained under successive administrations (Freedom House 2011).

### *Political corruption*

Freedom House broadly refers to Zambia as an electoral democracy with democratic institutions and multiparty elections (Freedom House 2013). While there have been improvements in the conduction of elections since the country's transition to multiparty in 1991, including with regard to logistics and more transparent procedures for voter registration, counting and tabulation, progress has been uneven. Recent elections have reportedly been characterised by anomalies, an unfair electoral landscape, and sporadic violence and intimidation (Freedom House 2011). The 2011 elections in which former president Banda was defeated by Michael Sata were allegedly characterised by massive misuse of public resources by the ruling Movement for Multiparty Democracy and isolated rioting. They were assessed as free by international observers (Freedom House 2013), although their fairness has been questioned by others (Bertelsmann Foundation 2014).

The Electoral Commission of Zambia is in charge of overseeing electoral processes. Its members are appointed by the president, which is seen as undermining its autonomy by the opposition and civil society (Freedom House 2011). However, a new electoral code in 1996 made voter intimidation a punishable offence, requires fair and balanced media reporting, and prohibits the use of public resources for campaigning.

Political parties are perceived to be corrupt or extremely corrupt by 70% of [2013 Global Corruption Barometer](#) respondents.

There have also been instances of grand corruption, embezzlement and abuse of office involving high-ranking officials under the various presidencies. For example, former president Chiluba was found liable for defrauding US\$46 million by a UK civil court, but was acquitted of embezzling public funds by a Zambian court in 2009. Former president Banda was also allegedly involved in corruption allegations relating to an oil procurement contract (NORAD 2011) and there are a number of major new cases involving senior members of the Banda administration (Bertelsmann Foundation 2014). A major health scandal broke out in

2009, leading to the suspension of US\$300 million of funding by the Global Fund to Fight AIDS, Malaria and Tuberculosis as a result of concern about corruption in the Health Ministry (BBC 2010) but US\$100 million was restored in 2012 after several officials were fired (Freedom House 2013). Sweden also withheld US\$33 million from the Ministry of Health when US\$5 million went unaccounted for, while the European Union also halted a road-building project (Freedom House 2011). Prosecutions of high-ranking officials are rare and suspected by some critics to be politically motivated (Bertelsmann Foundation 2014).

### Sectors most affected by corruption

While corruption permeates many sectors of society, some institutions stand out as being particularly corrupt. All reports and indicators point to widespread corruption in the police, with frequency of bribery well above that found in any other sectors (NORAD 2011, Freedom House 2013, AfroBarometer 2012, Transparency International 2013). 92% of respondents to the 2013 Global Corruption Barometer perceive the police to be corrupt or extremely corrupt. This is consistent with [2012 AfroBarometer data](#), with nearly 50% of Zambian citizens saying that all or most police officers are corrupt, while 44% consider that some of them are corrupt. Extorting bribes at roadblocks is common practice, as is asking for favours or illegal payments for performing regular police functions (US Department of State 2013). According to Freedom House 2013, allegations of police brutality and corruption is also widespread in prisons, with reports of forced labour, abuse of inmates and deplorable health conditions. While the police enjoy a high degree of impunity, five officers were suspended in September 2013 for soliciting bribes at a roadblock.

Citizens' access to public services is hampered by widespread corruption. Respectively 77% and 57% of [2013 Global Corruption Barometer](#) respondents consider education and health services as corrupt or extremely corrupt. Access to judicial services is also undermined by corruption, with 83% of respondents reporting that they felt that the judiciary was corrupt/extremely corrupt (see below).

Public officials and civil servants are also perceived to be corrupt by the vast majority of citizens. Sixty-five % of 2013 Global Corruption Barometer respondents perceive them to be corrupt or extremely corrupt. Slightly more nuanced, 27% of the 2012 AfroBarometer

respondents consider that most or all government officials are corrupt, while close to 60% said that some government officials, members of parliament and members of the presidential office are corrupt. In particular, procurement is an area of concern. Government control over public spending is often inadequate, and investigation units do not always have the expertise, resources and capacity to conduct investigations (US Department of State 2013). In spite of recent public financial reforms, procurement standards remain opaque and insufficiently enforced (Freedom House 2011). Some public contracts are awarded without competitive bidding against tender procedures.

Business executives surveyed in the World Economic Forum's [Global Competitiveness Report 2012-2013](#) report that it is common for government officials to favour well-connected companies and individuals when awarding contracts.

## 2. Anti-corruption efforts and institutions

### Overview of anti-corruption efforts

The late President Mwanasawa has been credited for putting the fight against corruption high on the political agenda and taking important measures in this direction, including by creating the Task Force on Corruption in 2002 to prosecute former president Chiluba, and investigating its own government officials (NORAD 2011). As part of the Millennium Challenge Account programme, integrity committees have been established in various government ministries, including the police and tax authorities.

The anti-corruption commitment of Mwanasawa's successor, president Banda, is referred to by observers as ambivalent and achieving mixed results (NORAD 2011). The National Anti-Corruption policy was launched in 2009, comprehensive audits in all major ministries and public agencies were ordered by the Banda administration in response to the 2009 health scandal, and a whistleblowing legislation was passed by Parliament in 2010. At the same time, the government removed the abuse of authority clause of the Anti-Corruption Commission Act, which was an important tool for prosecuting high-level corruption in Zambia; former President Chiluba was acquitted; and the Task Force on Corruption was dismantled in 2010,

which was interpreted as a major setback in the fight against corruption (Ryder 2011).

On coming to power, President Sata committed to intensify the fight against corruption and launched investigations against several former ministers and senior officials as well as Banda's relatives. However, in 2012, the Anti-Corruption Commission opened corruption investigations into Justice Minister Wynter Kabimba and Defence Minister Geoffrey Mwamba, both leading figures of Sata's party. The government reinstated the abuse of office clause of the Anti-Corruption Act, and the parliamentary committee scrutinised the operations of the executive and followed up on irregularities reported by the Office of the Auditor General (US Department of State 2013).

When the new government came into power in 2011, it established a number of commissions of inquiries to investigate alleged misconduct and malpractices against the previous Movement for Multiparty Democracy regime. These gave an opportunity to a broad spectrum of society (including ordinary citizens, as they were held in public places open to all) to present any relevant evidence. However, little progress has been made to date on the recommendations of the commissions' reports, and law enforcement agencies have not acted upon those. For example the Zambia Revenue Authority Commission of Inquiry, the Oil Procurement Commission of Inquiry and the NAPSA Land Commission of Inquiry reports have revealed abuse of office and corrupt practices but little action has been taken, leading civil society organisations such as TI Zambia to question their effectiveness (TI Zambia 2012).

In 2012, Zambia achieved full compliant status with the (EITI).

The Zambian government also joined the [Construction Sector Transparency Initiative \(CoST\)](#) programme to enhance accountability and transparency within the construction sector, and a multi-stakeholder group was established to oversee implementation of CoST regulations for transparency and accountability.

### The legal framework

The legal framework for fighting corruption is mostly in place in Zambia, although there are some remaining gaps and implementation challenges (Business Anti-Corruption Portal). Passive and active corruption, attempted corruption, extortion, bribery of foreign

officials, money laundering and abuse of office are criminalised by the [Anti-Corruption Act 2012](#).

The [Prohibition and Prevention of Money Laundering Act 2001](#) requires financial institutions to report suspicious transactions, criminalises money laundering and provides sanctions for financial crimes. It increases investigative and prosecuting powers of the Drug Enforcement Commission.

A number of public office holders are subject to asset declaration requirements, but in several institutions provisions are vague and inadequately enforced and there are no effective verification mechanisms in place (US Department of State 2013). Presidential candidates are required to declare their assets, but once elected the president is not required to declare his assets. Ministers are also required to declare their assets within 30 days of being appointed and within 30 days after each anniversary of his or her appointment. MPs and civil servants are not subject to asset declaration provisions.

The [Public Procurement Act 2008](#) requires open competitive bidding as a preferred procurement method, and for high-value procurements also provides for disclosure of information on the tender process and contract award. Direct or limited bidding can be used under certain conditions specified by law.

The [Public Interest Disclosure Act 2010](#) provides protection for whistleblowers disclosing public interest information, entitling whistleblowers to anonymity, compensation, relocation and employment reinstatements. Whistleblowers disclosing to the media are not protected by the act. The Anti-Corruption Commission has an online reporting mechanism to facilitate reporting of corruption.

The law does not provide for access to government information, and in spite of earlier promises to do so, no legislation had been proposed to Parliament by the end of 2012 (US Department of State 2013).

In terms of its international commitments, Zambia has ratified the United Nations Convention against Corruption (2007), the Africa Union Convention on Combating and Preventing Corruption (2007), and the United Nations Convention against Transnational Organised Crime (2005).

## The institutional framework

### *The Anti-Corruption Commission (ACC)*

The ACC is mandated to lead the fight against corruption in Zambia. It is composed of a board of five commissioners and a directorate appointed by the president and subject to Parliament's approval. The ACC is in charge of investigating and prosecuting corruption cases as well as other offences under any written law that may come to the attention of the Commission during the course of an investigation into corruption. It also conducts awareness-raising and public education campaigns, and runs a free hotline for reporting suspicions of corruption.

The ACC benefits from long-term donor funding but has low capacity and an ambitious mandate which undermines its ability to perform its functions effectively (Freedom House 2011, NORAD 2011). Donor funding has supported the ACC's progress to improve management and operational capacity, and helped it meet its institutional targets such as drafting strategic plans to build its investigation, prosecution and prosecution capacity. However, the commission faces a number of structural weaknesses, including sustainability of funding, understaffing (it is estimated that it should have 318 staff compared to the 217 in 2011), and geographical outreach (NORAD 2011). Partnership with civil society organisations has helped compensate to some extent for these weaknesses. The Anti-Money Laundering Unit of the Drug Enforcement Commission also assists with investigations into allegations of misconduct.

In spite of these challenges, the commission has investigated a number of cases and played a role in selected grand corruption cases. While some investigated cases have led to convictions, it is not uncommon for senior officials to remain free during lengthy appeal processes of uncertain outcome, fuelling Zambian citizens' cynicism towards the ACC (Freedom House 2011 and 2013). Many cases involving high-ranking officials have also not been prosecuted, and some believe anti-corruption efforts to be politically motivated (Bertelsmann Foundation 2014).

### **Investigations and prosecutions**

In 2011, according to the [ACC website](#), the ACC received 345 complaints, of which 126 were valid complaints. In terms of legal prosecutions, 54 "ordinary" cases and 11 "high-profile" cases were being prosecuted. There were 14 convictions, 10 acquittals

and 5 cases pending judgement in the course of the year. Although the ACC has primarily focused its activities on investigations and prosecutions, it increasingly engages in education and prevention campaigns and initiatives.

As of 31 March 2014, there were a total of 1,192 cases under investigation. During the first quarter of 2014, the ACC received a total of 596 reports of suspected cases of corruption. Out of these cases 197 reports contained elements of corruption and 140 were authorised for investigations. Fifty-seven reports did not have sufficient details of the corruption offence to warrant investigations but were either referred to relevant institutions for administrative action or complainants advised on other courses of action to take. The ACC recorded nine arrests country-wide during the quarter, while one conviction was recorded. Fifteen appeals are pending before the courts, and there was no acquittal that was recorded. According to TI Zambia, the relatively low conviction rate is likely to undermine citizens' confidence in the institution (Anti-Corruption Commission 2014).

In April 2014, the ACC confirmed at its quarterly briefing that it had recorded 22 cases of misappropriation of funds from the 2012 Auditor General's Report, and had since instituted investigations. From the 2011 Auditor General's Report, the commission confirmed that it was still investigating 49 cases, while there were only 3 cases under investigation from the 2010 report. Civil society organisations such as TI Zambia have openly criticised the slow pace of the ACC's investigations into misappropriation of public funds. For instance, in 2013 the ACC announced to the public that out of the 62 cases that it was investigating emanating from the 2011 Auditor General's reports on alleged malpractices, only 47 cases had been investigated and just 3 concluded, while others were referred to other institutions (*Lusaka Times* 2014).

On the positive side, the ACC has initiated investigations against serving cabinet ministers and MPs from the ruling Patriotic Front, a move which was commended by civil society organisations, including TI Zambia, in a press statement issued on 9 April 2014 (*Zambia Daily Mail* 2014).

### Prevention and education

The ACC continued to undertake preventive measures through engaging both public and private institutions to ensure that corruption prevention is mainstreamed in such institutions and to foster transparency and integrity

in the provision of services to members of the public. Such measures have included the formation of integrity committees, which is now a legal requirement in all public institutions under the Anti-Corruption Act 2012. So far, 32 integrity committees have been established in various institutions. The commission conducts occasional trainings for members of these committees.

The ACC continues to conduct public campaigns and sensitisation activities. Through its programme of Networking with Civil Society Organisations (CSOs), a total of 40 CSOs signed contracts with the commission to undertake various anti-corruption sensitisation activities in several parts of the country. As part of its prevention activities, the commission sits in an observer capacity in some tender evaluation committees constituted by ministries, departments and agencies. Its involvement in the evaluation committees is aimed at observing and monitoring procurement processes to ensure that only deserving bidders are selected. The commission also collaborated with the Office of the Auditor General in developing a gift register and formulating a gift policy aimed at regulating the receipt of gifts by any member of staff in the institution, which is now a legal requirement for all government ministries, departments and agencies.

However, the ACC notes in its 2014 analysis that more still needs to be done to raise ethical standards and promote a culture of honesty and integrity in the discharge of public duties (Anti-Corruption Commission 2014).

### Other institutions

#### Judiciary

While the law guarantees the independence of the judiciary, the judiciary has mixed a record in terms of judicial independence and integrity, and is not immune to political interference (Freedom House 2011). While the Judicial Service Commission appoints magistrates through a fair process, the president may dismiss lower court judges. Supreme Court and High Court judges are appointed by the president subject to parliamentary approval. For example, in 2012 President Sata replaced most top judges and judicial officials upon taking office and subsequently suspended three top judges for misconduct, which some critics regarded as a retaliation measure for an unfavourable judgement against the president's allies (Freedom House 2013).

As a result, although overall the judiciary operates in relative independence, courts' rulings are susceptible to

political interference when they are politically sensitive (Bertelsmann Foundation 2014).

The judiciary is understaffed; lacks resources, qualified personnel and court facilities to operate effectively; and low remuneration for judicial officials provides an incentive for corruption (Freedom House 2013, Bertelsmann Foundation 2014). According to Transparency International's [2013 Global Corruption Barometer](#) data, the judiciary is perceived by Zambian citizens as one of the country's most corrupt institutions, and 13% of respondents to the 2011 Global Corruption Barometer survey reported having paid a bribe when accessing judicial services.

#### **The Directorate of Public Prosecution (DPP)**

The DPP oversees investigations initiated by the police to ensure that they are conducted in accordance with the law, and undertakes criminal proceedings. The institution has struggled with lack of capacity and political autonomy (NORAD 2011). According to some reports, the DPP is understaffed and lacks capacity to perform its functions effectively, especially with regard to the fight against corruption, relying extensively on police prosecutors who are not lawyers by training (Business Anti-Corruption Portal). The DPP was transformed into the National Prosecution Authority in May 2013. It is still too early to assess the impact of this reform.

#### **Financial Intelligence Unit (FIU)**

An independent FIU was formed in 2010 as part of the government's wider struggle against money laundering, terrorist financing and other serious offences, but has not yet fully developed the capacity to take the lead in investigating financial crimes (US Department of State 2013). Among other things, the unit is responsible for the receipt, requesting, analysing, disclosure and dissemination of Suspicious Transaction Reports. The FIU has limited intervention powers to freeze suspected proceeds of crime while referring the case to investigators to pursue. While Zambia has made progress in the fight against money laundering, the country is undermined by a lack of human and financial resources and by flaws in legislation (Goredema 2011).

In November 2012, a new Board of Directors was appointed and sworn in.

#### **The Office of the Auditor General (OAG)**

The OAG is the supreme audit institution. As with other anti-corruption institutions, the head of office is appointed by the president subject to parliamentary

approval. The OAG is responsible for auditing government institutions. It cannot impose sanctions against public officials, but refers cases to relevant authorities. According to the Business Anti-Corruption Portal, its recommendations are largely ignored. OAG reports regularly on uncovered irregularities. The 2012 statement issued by the Office of the Auditor General in Lusaka revealed that unvouched expenditure has significantly increased, from K77 billion in 2011 to K553 billion in 2012, including petty corruption, unauthorised expenditures, overpayments etc. (*Lusaka Times* 2014). According to a joint evaluation of donor support to anti-corruption, measures, the work of the OAG has been hampered by lack of funding, understaffing and political interference.

#### **The Commission for Investigations (Ombudsman)**

The Commission for Investigations acts as an ombudsman. It has no power to investigate or prosecute. Its role consists of passing relevant complaints to the ACC which decides whether or not to investigate. It is chaired by an investigator general who is appointed by the president in consultation with the Judicial Services Commission, and is answerable to the president. The ombudsman handles complaints that relate to abuse of power, arbitrary decisions, omissions, improper uses of discretionary powers, decisions made with bad or malicious motives or those influenced by irrelevant considerations, unnecessary or unexplained delays, obvious wrong decisions, misapplication and misinterpretation of laws.

#### **Zambia Public Procurement Authority (ZPPA)**

In 2009, ZPPA replaced the former Zambia National Tender Board, which was assessed to be unsuccessful, hampered by lack of political independence. ZPPA is in charge of regulating and controlling public procurement. Among other things, it has introduced a debarment mechanism of corrupt firms and allows unsuccessful bidders to appeal its procurement decisions. At the end of 2013, President Sata fired the director general of ZPPA over alleged growing controversies about how telecom tenders have been awarded to Chinese companies. The ACC is currently conducting investigations into the irregularities that forced the cancellation of the tenders (Malakate 2013).

## Other stakeholders

### The media

Although freedom of speech and of press are guaranteed by the constitution, the law has some provisions that can be used and have been used in the past to restrict the media (US Department of State 2013, Freedom House 2013). In particular, the Official Secret Act and the State Security Act can be (mis)used against the media. President Sata has pledged to open up the media environment, including by lifting government control over the editorial boards of the public media, but little progress has been made in advancing freedom of the press.

Critical journalists face intimidation from law enforcement agencies, harassment and legal action, and President Sata has not refrained from using libel and defamation suits against independent journalists (Freedom House 2013). For example, defamation suits were filed against an opposition leader and two editors of the *Zambia Watchdog* and another newspaper in 2012. In 2012, some journalists were arrested, and others had their homes raided by the police or their computers confiscated (US Department of State 2013), or received threatening phone calls. Zambia ranks 72 out of the 179 countries assessed by the Reporters without Borders *2013 World Press Freedom Index*., while Freedom House assesses the press environment as “partly free”.

### Civil society

Freedom of association and assembly is provided for by the constitution in Zambia, but there are limits imposed on the operations of civil society organisations. All organisations must formerly apply for registration, and the registration process is cumbersome and subject to considerable discretion (US Department of State 2013). The NGO 2009 Act allows government oversight of CSOs’ operations, but it has not been officially implemented. In 2012, the government set a deadline for implementation, which was later postponed, and implementation is currently being negotiated between the government and CSOs. While no registration was rejected in 2012, the government attempted to “de-register” critical organisations.

In spite of these restrictions, Zambia has a tradition of civil society and it mostly operates freely. A number of networks and CSOs are engaged in anti-corruption efforts, including:

- TI Zambia, which is the leading anti-corruption NGO in the country, involved in awareness raising, advocacy, monitoring, and capacity-building activities, among other activities.
- African Parliamentary Network Against Corruption (APNAC). APNAC-Zambia is a chapter of a cross-party parliamentary anti-corruption network in Africa, aimed at promoting good governance and strengthening the capacity of parliamentarians to fight corruption.
- Integrity Foundation is involved in ethical training for ACC staff and the national assembly.
- National Movement Against Corruption (NAMAC) is a coalition of NGOs involved in the fight against corruption.

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