

# U4 Expert Answer



## Zimbabwe: Overview of corruption and anti-corruption

### Query

**Please provide an overview of corruption, including the sectors/areas of government which have the highest corruption risks, and anti-corruption in Zimbabwe.**

### Purpose

Preparation for an up-coming in-country workshop in Zimbabwe.

### Content

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### Summary

Zimbabwe was effectively a one-party state, ruled by Robert Mugabe's Zanu-PF, until the main opposition party, the Movement for Democratic Change (MDC) outpolled ZANU-PF in the violence-affected elections of 2008. A fragile and acrimonious power-sharing deal reached after the polls started to resolve the country's economic and political crisis, and brought relative calm and economic stability to Zimbabwe. The coalition succeeded in agreeing a new constitution which was approved by referendum ahead of fresh elections in July 2013 in which 90-year-old President Mugabe was re-elected to his seventh five-year term.

In spite of recent constitutional reforms, the country continues to face major governance challenges, manifested through various forms of corruption, ranging from petty, bureaucratic and political corruption to grand forms of corruption involving high level officials. Corruption is also characterised by the deeply entrenched system of political patronage, the tight grip of the ruling party over the security forces, and the history of political violence, repression and manipulation.

**Author(s):** Marie Chêne, Transparency International, [mchene@transparency.org](mailto:mchene@transparency.org)

**Reviewed by:** Tapiwa Uchizi Nyasulu, Transparency International, [tunyasulu@transparency.org](mailto:tunyasulu@transparency.org)

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## 1. Overview of corruption in Zimbabwe

### Background

Since the country gained independence in 1980, Zimbabwe has gradually transformed into a single-party state, characterised by the increasing concentration of powers in the presidency and the ruling party, Zimbabwe African Union-Patriotic Front (ZANU-PF) (Bertelsmann Foundation 2012). President Robert Mugabe and his party have consistently used violence, repression and manipulation to retain their grip over government institutions during this period. The 2008 general elections were affected by extreme violence from the security forces and supporters of ZANU-PF, which peaked when the main opposition party, the Movement for Democratic Change (MDC), outpolled President Mugabe, requiring a run-off between the two candidates. The leader of the MDC, Morgan Tsvangirai, finally withdrew from the run-off, allowing the unopposed Mugabe to win 85 per cent of the votes (Freedom House 2012). According to international and domestic human rights organisations, some 200 MDC activists and supporters were killed throughout 2008, and thousands were tortured and injured in the months following the elections (Freedom House 2012).

In September 2008, ZANU-PF, the MDC and a third coalition member reached a fragile and uneven power-sharing agreement brokered by the Southern African Development Community (SADC), known as the Global Political Agreement (GPA). The agreement, meant to resolve the country's economic and political crisis, allowed Mugabe to remain president, while the post of prime minister was created for Tsvangirai, and the 30 ministries were distributed among the three coalition members (Freedom House 2012). In practice, Mugabe retained control over the executive branch and the increasingly fragmented MDC lacked the power and political weight to implement its political agenda and bring an end to human rights abuses.

In March 2013, a long-awaited new constitution was adopted through a referendum that saw a massive turnout and which was later approved by Parliament and President Mugabe, paving the way for presidential and parliamentary elections that were held in July 2013. While the political climate was tense in the run-off to the elections

with a crack-down on some civil society organisations and independent media, voting day was largely peaceful, and 90-year-old President Mugabe was re-elected with a comfortable majority (61 per cent) to his seventh five-year term (International Crisis Group 2014). Despite some irregularities, observers from the Southern African Development Community (SADC) and the Africa Union endorsed the results (Freedom House 2014).

Zimbabwe is among the least competitive economies in the region. After independence, the country's economy was largely dominated by the agricultural sector. The large-scale commercial farming sector (tobacco, tea and cotton), which was the traditional source of exports and foreign exchange, collapsed following Mugabe's controversial land reform in 2000. The reforms led to the misappropriation of commercial farmland and violent land invasions and turned Zimbabwe into a net importer of food products. The formal labour market does not function adequately and the informal sector continues to be a major source of employment (African Development Bank 2011).

The country's economic situation has begun to stabilise after a decade of severe monetary and fiscal problems, reflected by the end of hyperinflation and a modest economic growth, driven primarily by the mining sector. However, Zimbabwe remains one of the world's least free economies, and the country continues to face major social and economic problems, fuelled by governance failures and a succession of crisis within the ruling party. The government struggles to pay wages and provide basic public services (Heritage Foundation 2015; International Crisis Group 2014).

### Extent of corruption

Against this backdrop, Zimbabwe faces major challenges of endemic corruption and a deeply entrenched party patronage system.

Major governance indicators reflect this situation. Zimbabwe ranks 156 out of the 175 countries and territories assessed by [Transparency International's 2014 Corruption Perceptions Index](#), with a score of 21 on a 0 (highly corrupt) to 100 (highly clean) scale. Similarly, Zimbabwe performs well below the regional average in the [2015 Heritage Foundation Index of Economic Freedom](#), especially in terms of freedom from corruption (21 out of 100), and is placed at the bottom of the

regional rankings. Consistent with these findings, the country performs extremely poorly in all six governance areas assessed by the [2013 World Bank worldwide governance indicators](#), scoring 2.87 (on a 0 to 100 scale) in terms of freedom from corruption, 2.37 in terms of rule of law, 2.39 in terms of regulatory quality, 12.92 in terms of government effectiveness, 9.95 in terms of voice and accountability, and 24.17 in terms of political stability and absence of violence.

Corruption is also identified as one of the five most problematic factors for doing business in the country in the [World Economic Forum's 2014/2015 Global Competitiveness Index](#), after access to financing, political instability, inadequate infrastructure and inefficient government bureaucracy. This is confirmed by findings from the [2011 World Bank enterprise survey](#), which indicate that close to a third of the firm's surveyed identified corruption as a major constraint.

Citizens also experience corruption in their daily lives, with 62 per cent of the Zimbabwean respondents to Transparency International's [2013 Global Corruption Barometer](#) (GCB) report having paid a bribe to at least one of eight services listed in the survey in the preceding twelve months, while 67 per cent think that corruption has increased a lot in the past two years.

### Forms of corruption

Corruption takes a variety of forms in Zimbabwe, from petty and bureaucratic corruption to grand forms of corruption involving high level officials. Corruption also manifests itself through a deeply entrenched system of political patronage, the tight grip of the ruling party over the security forces and the history of political violence, repression and manipulation.

#### Petty and bureaucratic corruption

The collapse of the economy since 2000 has resulted in a decline of resources for public services and administration. Low salaries in Zimbabwe's bloated public service, inefficient bureaucracy and opacity of the overall regulatory environment are fuelling bureaucratic corruption in the public sector. Citizens and firms resort to bribery and corruption to speed up burdensome bureaucratic processes and access services to which they are entitled. The main reasons invoked by respondents for paying a bribe in the twelve months preceding the 2013 GCB is to speed

things up (38 per cent) and because it is the only way to access a service (36 per cent).

The Zimbabwean government is reported to have made some efforts in recent years to ease business start-up and improve the business climate by simplifying procedures and reducing the corporate income and capital gains tax rates (African Development Bank 2011). However, the regulatory framework remains costly and time-consuming. Starting a business costs more than the average annual income and completing licensing requirements takes over 400 days, which provides incentives for corruption (Heritage Foundation 2015). In line with this assessment, the regulatory burden is rated 2.8 on a 1 to 7 scale in the 2014/2015 Global Competitiveness Index.

There is also ample anecdotal evidence of citizens being asked for bribes to access public services, such as to acquire a driving licence, a passport, a permit, a birth or a death certificate (Global Integrity 2011) or to speed up processes. Expectant mothers are asked to pay to access health services that are supposed to be free (Global Integrity 2011). Firms are routinely asked for a bribe to access various services, with 44 per cent of the firms interviewed within the framework of the World Bank 2011 enterprise survey also reporting being asked for a bribe to get a construction permit (44 per cent) or a water connection (26.2 per cent) (World Bank 2011 Enterprise Survey).

#### Private and public sector collusion

There are also indications of a blurred line between economic and political elites. For example, according to Freedom House (2012), President Mugabe oversees a conglomerate of businesses, while ZANU-PF owns two companies, M&S Syndicate and Zidco Holdings, which operate with a relative lack of transparency and are included in targeted sanctions by the US government. These two companies hold a range of businesses in Zimbabwe, with party elite taking a share in their profits. Such concerns are reflected in the 2013 GCB findings: 78 per cent of the respondents found that government was run by a few big entities acting in their own best interests.

#### Grand corruption and misuse of state resources

There have been several grand corruption cases and examples of large-scale misuse of state

resources that were made public in recent years through the media, and a recently published report compiles a list of corruption cases that made the headlines in Zimbabwe in recent years (Anti-Corruption Trust of Southern Africa 2012). This includes an illegal housing scheme that was used to build houses for senior government officials, cases of unexplained wealth/illicit enrichment of high ranking officials, misuse of public enterprises' assets such as the Zimbabwe Iron and Steel Company (ZISCO) or the National Oil Company of Zimbabwe (NOCZIM), or corruption in procurement in connection with the Harare Airport extension in the 1990s (Anti-Corruption Trust of Southern Africa 2012). More recently, in 2014, the country was hit by a salary scam involving senior executives in state-owned enterprises and other public entities, awarding themselves exorbitant salaries. For example, a chief executive officer at the Premier Service Aid Society was revealed to earn a reported monthly salary of US\$230,000 (Mapuranga 2014).

While some of these scandals hit the headlines, some observers argue that prominent political figures could have been targeted for political purposes and ministers dismissed for corruption on dubious grounds (Bertelsmann Foundation 2012). The Anti-Corruption Trust of Southern Africa 2012 report also alleges that suspects in corruption cases are selectively investigated and arrested, based on their political allegiances. For example, a number of members of parliament were arrested for failing to account for US\$50,000 advanced to them from the Constituency Development Fund (CDF) in 2010. (The CDF is intended for development projects in constituencies represented by the parliamentarians). The report alleged that the police arrested one ZANU-PF MP while all other arrested MPs were from the MDC.

### Political corruption

All sources consulted agree that Zimbabwean public life is riddled with political corruption, particularly manifested by the political elite using state resources to cultivate patronage networks, reward loyalty and sanction political opposition. According to the 2014/2015 Global Competitiveness Index, the country scores 2.5 on a 1 to 7 (best) scale in terms of favouritism in government decisions, suggesting the existence of widespread patronage networks. According to the Bertelsmann Foundation (2012), for example, ZANU-PF maintains control over key ministries

and state resources which are being used to bind political supporters to the ZANU-PF through jobs and additional incomes, and sustain the president's patronage network instead of stabilising the economy and investing in health, infrastructure and education. The recent parastatals remuneration scandal illustrates this situation. ZANU-PF ministers oversaw board appointments and remuneration packages, with patronage playing a more importance role than competences. This scandal unfolded against the backdrop of the current ZANU-PF internal succession politics. The public anti-corruption drive launched by the minister of information is allegedly linked to these internal dynamics and has exacerbated party tensions. Observers consider that it is unlikely to go much further, as any serious efforts to unravel corruption would undermine the ruling party's patronage network (International Crisis group 2014).

Closely linked to the deeply entrenched political patronage systems, the country is affected by other forms of political corruption, permeating all spheres of public life. Political parties are perceived by citizens interviewed for the 2013 GCB as one of the most corrupt institutions in the country, scoring 4 on a 1 (not corrupt at all) to 5 (extremely corrupt) scale. In particular, ZANU-PF maintains a tight control over political processes, through violence, fraudulent electoral processes, and the abuse of state resources and state-run media.

Electoral processes appear to be riddled with corruption, political violence and manipulation, as evidenced by the dramatic events that followed the 2008 presidential and parliamentary elections. ZANU-PF's control over the state's security forces exacerbated the situation, and was used to harass and intimidate MDC supporters both in 2008 and in the 2013 election run-off. While an Electoral Amendment Act was passed in 2012 to address registration challenges (almost 30 per cent of voters on the register were deceased and 40 per cent did not reside at the address registered), the 2013 elections were also marred by serious irregularities including an outdated voter roll with hundreds of thousands "ghost voters". The Zimbabwe Electoral Commission has been renewed with the appointment of more independent commissioners, but its president and much of its staff remain partisan and its role largely unaddressed (Freedom House 2014; Bertelsmann Foundation 2014).

## 2. Sectors most vulnerable to corruption

According to the 2013 GCB data, the police, political parties and public officials are perceived to be the most corrupt institutions in the country, scoring above 4 on a 1 (not corrupt at all) to 5 (extremely corrupt) scale, closely followed by the judiciary and parliament (3.9), education and health services (3.8), private sector and the media (3.7).

### Police and security forces

The police is perceived by GCB respondents as the most corrupt institution in the country, scoring 4.5 on a 1 (not corrupt at all) to 5 (extremely corrupt) scale. Of the 2012 Afrobarometer respondents, 74 per cent believe that all or most police officers are involved in corruption. Police forces are ill equipped, underpaid and poorly trained, resulting in corruption and police extortion at the lower levels. Armed police routinely erect roadblocks to extract bribes or arbitrarily seize goods for their own benefits. Impunity and a culture of disregard for human rights also contributes to police use of excessive force (US Department of State 2012)

At another level, as already mentioned, police and security forces are controlled by the ruling party, and have been used to crush political opposition. For example, there is little indication of criminal investigation or prospects for prosecution in the remuneration scandals referred to as “Salarygate”, as the Zimbabwe police claims that these are governance and not criminal matters, and that remuneration packages are legally sanctioned by the respective boards (The Herald 2014). The continued politicisation of the police’s upper echelons, mainly composed of war veterans loyal to ZANU-PF, prevents the emergence of politically impartial police and security forces. Police and army personnel suspected of being sympathetic to the MDC are intimidated and threatened with demotion, suspension or transfer to remote areas (US Department of State 2012).

There is a broad consensus that, in spite of the GPA agreement, government efforts to reform the security sector have been minimal to date. In a 2011 summit on politics, defence and security, SADC notes that implementation of the GPA in the defence and security sector has been slow and is “not satisfied with the polarisation of the political environment characterised by the

resurgence of violence, arrests and intimidation in the country” (AFdB 2012).

As Mugabe and ZANU-PF maintain a tight grip on the security apparatus, observers and analysts warn against the risk of the country sliding back into violence, torture, political and economic chaos (Mavhinga 2013; International Crisis Group 2014).

### Public finance management

Economic and political instability have created major capacity gaps across the public sector, which is particularly damaging for the sound management of public resources. According to the African Development Bank (AfDB), there are “systemic weaknesses” in most critical stages of the country’s budgeting process (Mann 2012). For example, Zimbabwe performs well below most countries in the region in terms of budget transparency in the 2012 Open Budget Index, with a score of 20 out of 100. This indicates that the government provides the public with scant information on the national budget or the government’s financial activities, which makes it challenging for citizens to hold the government accountable for its management of public money.

Public procurement is an area especially vulnerable to corruption. The Procurement Act requires competitive biddings for major procurement, but there are no strict formal requirements to limit the extent of sole sourcing and there are guidelines in the law which empower the government to waive certain requirements in favour of sole sourcing (Global Integrity 2011).

The state-owned enterprises (SOE) sector is also particularly vulnerable to corruption challenges, with several ongoing cases involving the misappropriation of state funds, fraud in SOEs, and the abuse of office by SOE officials (OECD 2014).

While Zimbabwe has fairly elaborate fiscal frameworks and systems that are comparable with those in the region, the opaque revenue collection processes raise fundamental questions about the extent to which public revenues flow to the Consolidated Revenue Fund. In addition, government capacity to effectively manage public finance has been severely impaired by the brain drain that hit Zimbabwe in the post-2000 era (Zhou 2012).

Despite these major challenges, some progress has been noted, such as the adoption of the Public Finance Management Act in 2010, which is also perceived as an important step towards strengthening public finance management systems in Zimbabwe. The country introduced a computerised public finance management (PFM) system in government ministries in 1999 to address delays and inefficiencies in the country's overall PFM system, but the system's operations are further challenged by frequent electricity cuts and some technical capacity gaps (Zhou 2012).

### Mining and natural resources management

Corruption in natural resources management, including land and mining, are at the core of the country's system of political patronage, with occupied farm lands and revenues from the recently resumed diamond extraction being preferentially granted as a reward to ZANU-PF supporters (BTI 2012).

#### Land management

The management and redistribution of expropriated white-owned land was often granted to ZANU-PF elite with limited transparency (US Department of State 2012). Freedom House (2012) refers to a 2012 report that estimates that approximately 40 per cent of the 4,000 to 5,000 white-owned farms seized in Zimbabwe's controversial land reform of 2000 are now in the hands of about 2,200 senior government officials. The country's land reform programme has been characterised by chaos and violence that has badly damaged commercial farming and the once-vibrant agricultural sector (Heritage Foundation 2015). There are also major concerns about the uncertainty of the land reform policy and indigenisation law – requiring companies to transfer 51 per cent of their business to indigenous Zimbabweans – which are seen as disincentives for long-term investment in the country (AfDB 2011).

A 2014 report from Transparency International Zimbabwe indicates that land governance is fragmented creating opportunities for corruption in and across institutions. Corruption in the land sector is fuelled by many factors, including the politicisation of land management, the multiplicity of players involved in land administration, weak legal frameworks and excessive discretionary powers given to some administrators, among others, undermining

transparency, integrity and accountability in the sector (TI Zimbabwe 2014).

#### Mining

While Zimbabwe is not a mineral-rich economy per se, it has vast natural resources such as platinum, gold, diamonds, methane gas, nickel, coal and chromite, which could contribute to the country's post-crisis growth and recovery, provided sound macroeconomic, fiscal and industry governance are in place, which is currently not the case (Hawkins 2009). The sector's development has been further hampered by the deteriorating economic situation, weak governance, the exodus of skills, infrastructural bottlenecks and policy unpredictability, especially with regard to the government indigenisation bills, demanding a majority "indigenous" ownership of mining ventures, including a 25 per cent stake for the state.

There are many accounts of corruption in the management of natural resources involving high level senior officials. Significant amounts of diamond revenues are not being reported, flowing instead to high ranking ZANU-PF officials (Freedom House 2012). In 2011, Finance Minister Biti claimed that at least US\$300 million in diamond-related revenue collected by Zimbabwean Minerals Development Corporation (ZMDC) and the Mineral Marketing Commission of Zimbabwe (MMCZ) had not arrived in state coffers due to corruption, misappropriation and lack of transparency in the systematic underselling of diamonds (Partnership Africa Canada 2012; The Financial Gazette 2011). Lack of revenue transparency and breaks in the country's internal oversight controls allow an illegal and parallel trade in diamonds from the Marange diamond fields to thrive, allegedly with the full knowledge and complicity of public officials in the Ministry of Mines, ZMDC and MMCZ (Partnership Africa Canada 2012).

In 2009, the Kimberley Process imposed a ban on diamond exports following reports of widespread human right abuses and allegations that the military had financial interests in the mining industry and that these funds were re-directed to finance ZANU-PF (Freedom House 2012). The presidency has also been criticised for assigning lucrative concessions in the Marange diamond fields to Chinese firms from which it benefits (Wayne 2011).

A 2010 Global Witness report on the Marange fields further documented the way ZANU-PF political and military elite are looting the country's diamond wealth through a combination of violence involving the secret police and the military, and the introduction of opaque joint-venture companies. The report also criticises the Kimberley Process, which, following reports of military control of the mines and severe human rights abuses against both miners and locals, settled on a weak compromise agreement instead of suspending Zimbabwe for flagrant breaches of its code (Global Witness 2010).

In October 2011, the Kimberley Process Certification Scheme lifted the sanctions despite persisting human right and governance concerns (International Crisis Group 2012). In 2013, the European Union also lifted sanctions on ZMDC, despite allegations by domestic and international civil society organisations that the company's resources had been misused to finance ZANU-PF's election campaign (Freedom House 2014).

### 3. Governance structures and anti-corruption efforts in Zimbabwe

According to 2013 GCB data, the credibility of the government's political will to effectively address the country's corruption challenges is limited, and 67 per cent of citizens perceive government efforts against corruption as either ineffective (29 per cent) or very ineffective (38 per cent). In spite of existing anti-corruption legislation, the legal environment is generally not supportive, and corruption cases are often not pursued by the police. There are no effective legislative or administrative mechanisms to strengthen the integrity of the public sector. While investigative and auditing bodies exist, they are routinely subjected to undue influence and political pressure (Freedom House 2012). Prosecutions of public officials for corruption are scarce and often suspected to be politically motivated.

#### Legal framework

##### National legislation

Zimbabwe has a relatively strong legal framework, as assessed by Global Integrity (2011), criminalising offences such as active and passive bribery, extortion, money laundering, and so on. Zimbabwe's Criminal Law and Criminal Procedure and Evidence Act also provide for corporate

criminal liability for corruption offences based on the following legislation, among others:

- Prevention of Corruption Act (1983)
- Ombudsperson Amendment Act (1984)
- Serious Offences (Confiscation Of Profits) Act (1990)
- Public Service Act (1995)
- Procurement Act (2001)
- Anti-Corruption Commission Act (2004)
- Criminal law (Codification and Reform) Act (2004)
- Bank Use Promotion and Suppression of Money Laundering Act (2004)
- Criminal Procedure and Evidence Amendment Act (2004)
- Public Finance Management Act (2010)
- The Money Laundering and Proceeds of Crime Act (2013)

The Constitution of Zimbabwe established the Zimbabwe Anti-Corruption Commission in 2005, as well as the National Prosecuting Authority. It also sets forth responsibilities for public officers and civil service conduct.

Among other recommendations, the 2013 executive summary of Zimbabwe's United Nations Convention against Corruption (UNCAC) review calls for the adoption of a system of asset and income declaration for high level public officials; the protection of witnesses, experts and victims of corruption (there is no whistleblowing protection law in Zimbabwe); and strengthening public reporting of corruption (Conference of the States Parties to the United Nations Convention against Corruption 2013).

Oppressive laws that were in force in 2008, such as the Public Order and Security Act (POSA), the Access to Information and Protection of Privacy Act (AIPPA) and the Political Party Finance Act (PPFA) remain on the statute books and pose limits on freedom of speech, association and assembly. The POSA criminalises reporting and statements which "incite or promote public disorder or violence" and the AIPPA restricts access to information held by public bodies. They can be used and abused by the police to punish ZANU-PF opponents, limiting the space for transparency, participation, voice and accountability mechanisms (Mavhinga 2013). The PPFA is construed as a hindrance to multi-party democracy, as it prohibits donations from Zimbabweans in the diaspora and sets a

comparatively high threshold for access to public funds (Transparency International Zimbabwe 2010).

### International legislation

Zimbabwe ratified UNCAC in 2007. The country is also a signatory to the SADC Protocol as well as the African Union Convention on Combating Corruption.

### Institutional framework

Zimbabwe has a number of institutions that play a role in the fight against corruption. However, according to the Conference of the States Parties to the United Nations Convention against Corruption's 2013 executive summary of Zimbabwe's implementation of the UNCAC, the resources and capacity of the institutions tasked with curbing corruption, especially the Anti-Corruption Commission, the police, the Department of Anti-Corruption and Anti-monopolies and the Department of Home Affairs, are limited and require special attention.

This includes providing training and addressing the perception of mistrust in some criminal justice institutions.

### Judiciary

The long credited independence of the Zimbabwe judiciary has been eroded since 2000, when the government expanded the membership of the Supreme Court and replaced independent members with its supporters (Bertelsmann Foundation, 2014). Since then, members of the supreme and high courts have been closely tied to ZANU-PF and rewarded with houses, cars, farmland, and other benefits. For example, since 2002, all but one member of the Supreme Court – who ruled against the legality of land seizure – received previously white-owned farms for free (Freedom House 2012).

As part of the new constitution, the powers of the president to appoint judges has shifted to the Judicial Service Commission, but some members of the commission are appointed by the president, giving way to executive influence. Vacant positions have to be advertised and public interviews held. Many appointees are perceived to be insufficiently qualified (Bertelsmann Foundation 2014). As a result, the executive branch strongly influences the judiciary and openly challenges court outcomes (Heritage Foundation 2012).

The lower judiciary is less subject to political interference and was long credited for its independence, but its decisions are not always enforced by the police.

### The Public Service Commission

The Public Service Commission in the Ministry of Public Service Labour and Social Welfare is in charge of: appointing qualified people to hold posts in the civil service; regulating conditions of service, including salaries, allowances and other benefits; exercising control and discipline over members of the civil service; investigating and remedying grievances and implementing measures to ensure effective and efficient performance within, and the general well-being of, the civil service, among other functions.

### The Zimbabwe Anti-Corruption Commission

The Zimbabwean Anti-Corruption Commission (ZACC) was established in 2004 by the Anti-Corruption Commission Act. However, according to Global Integrity (2011), the commission is highly inefficient, under-funded and has limited authority to effectively fulfill its mandate.

According to Global Integrity, not only does ZACC rarely investigate reports of corruption, but has in some cases even investigated and had a whistleblower arrested on allegations of passing false information about diamond-mining violations to the international diamond control body.

ZACC faces major resources and political will constraints, is suspected of having faced challenges of corruption, and civil society organisations have called for a reform of the institution to restore citizens' trust in the organisation (Maparunga 2014). The Conference of the States Parties to the United Nations Convention against Corruption's 2013 executive summary of Zimbabwe's implementation of the UNCAC also recommends some measures to strengthen the institution, including training, awareness raising, granting it prosecutorial powers and enhancing its oversight role by making its recommendations binding on the subject institutions, among others.

### The National Prosecuting Authority

The National Prosecuting Authority (NPA) Act of 2014 brings the provisions of the new constitution into force. The NPA is responsible for instituting and undertaking criminal prosecutions on behalf



of the state and discharging any function that may be necessary or incidental to such prosecution. Under the previous constitution, the responsibility for prosecution came was under the attorney general's office.

### **The Office of the Comptroller and Auditor General**

Governed by the Audit Office Act of 2010, the Office of the Comptroller and Auditor General is authorised to audit all public accounts, safeguard public accounts, and to prepare reports on the exchequer account. Its core functions include ensuring regularity, compliance, accountability and value for money in the use of government finances by auditing and safeguarding all public accounts, preparing reports on the exchequer account and reporting to the public through parliament

However, the effectiveness of the Office of the Comptroller and Auditor General in the execution of its mandates has over the years been severely compromised by a lack of resources and power to make its reports public. Its annual reports are largely ignored by both the executive and the parliament, and there are few follow-up investigations to its audit reports (Zhou 2012). Its operational independence is also compromised by the nature of its appointments.

### **The Public Protector**

The ombudsman function is performed by the Public Protector's office. However, its independence is compromised as the position is appointed by the president and its funding from the Ministry of Justice, which is likely to make it vulnerable to political interference and pressure (Global Integrity 2011). The ombudsman's office also lacks professional, full-time staff, which limits its ability to effectively fulfil its mandate. According to Global Integrity, the ombudsman has a backlog of 1,500 cases and only two law officers.

### **The Financial Intelligence Unit**

The Financial Intelligence Inspectorate and Evaluation Unit, located within the Reserve Bank of Zimbabwe, operates as a Financial Intelligence Unit and was set up in 2004 as part of the country's efforts to tackle money laundering, financing of terrorism, and to ensure the safety and integrity of Zimbabwe's financial system. It is in charge of formulating and implementing strategies to combat money laundering and financing of terrorism, ensuring compliance with Financial Action Task Force (FATF) 's standards

by financial institutions and designated non-financial businesses and professions, assisting in the detection, investigation and prosecution of money laundering and terrorist financing offences.

### **Other actors**

#### **Media**

While the constitution guarantees freedom of speech and the media, it does not articulate the protections that are needed to support such expression. In addition, as already mentioned, the Public Order and Security Act (POSA), the Access to Information and Protection of Privacy Act (AIPPA) and the Official Secrets Act conflict with freedom of the media (Global Integrity 2011). There are processes that hamper the registration of print media, and absence of government advertising in new newspapers also has resulted in some of them closing down.

The state-owned Zimbabwe Broadcasting Corporation controls all domestic television stations and is blatantly in favour of ZANU-PF, while side-lining the MDC. According to some media reports, ZANU-PF supporters have developed a jingle frequently played on state television and radio in favour of President Mugabe (Mavhinga 2013). Media coverage is largely polarised, with the state-owned media reporting in favour of the ruling party, while the privately-owned media tend to report in favour of the opposition, while ignoring stories that may be too politically sensitive.

The media is also not free to report on corruption and the law on defamation makes it difficult for them to do so. In late 2010, the Standard newspaper was sued by the first lady for publishing excerpts from WikiLeaks alleging that high level senior officials, including Grace Mugabe, "had been extracting tremendous diamond profits" (Freedom House 2012).

#### **Civil Society**

Although there are no explicit restrictions in the laws, the operations of non-governmental organisations (NGOs) promoting anti-corruption efforts and good governance are severely hampered by the slow registration process and the above-mentioned restrictive laws. Civil society activists and non-ZANU-PF members are reported to be routinely harassed, abused and arrested, including those from human rights NGOs and, in some cases, representatives from foreign NGOs (US Department of State 2011b). For example,

Transparency International Zimbabwe faces constant harassment from the police and ZANU-PF youths and has had its personnel detained by the police without formal charges. The personnel were later released without charge or compensation (Global Integrity 2011). There are indications of recurrent political violence and intimidations in the sensitive pre-election periods (Bertelsmann Foundation 2014; US Department of State 2011b).

### The international community

The international community has responded to the deteriorating governance situation as well as human rights, political violence and election related abuses committed between 2001 and 2008. The US and the EU adopted a series of sanctions targeting individuals (such as freezing of assets and imposing travel bans) as well as other sanctions (restrictions on loans, credit and development assistance, and an arms embargo) (International Crisis Group 2012). While the EU removed some of the sanctions on Zimbabweans and individuals after the 2013 constitutional referendum, the US sustained targeted sanctions, including travel restrictions and assets freezes on President Mugabe and other senior ZANU-PF figures, as well as on the Zimbabwe Mining Development Corporation and other firms (Freedom House 2014; Chatham House 2014).

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