

GLOBAL INTEGRITY

*AN INVESTIGATIVE REPORT TRACKING CORRUPTION, OPENNESS AND
ACCOUNTABILITY IN 25 COUNTRIES*

Z I M B A B W E

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INTEGRITY SCORECARD

Overall, Zimbabwe ranks 25th out of 25 countries on the Public Integrity Index, falling into the very weak tier. Zimbabwe scores in the weak tier (60-70) for Category 5 and in the very weak tier (below 60) for Categories 1, 2, 3, 4 and 6.

1. **Civil Society, Public Information and Media**, Very weak, ranking 25th
2. **Electoral and Political Processes**, Very weak, ranking 25th
3. **Branches of Government**, Very weak, ranking 25th
4. **Administration and Civil Service**, Very weak, ranking 17th
5. **Oversight and Regulatory Mechanisms**, Weak, ranking 22nd
6. **Anti-Corruption Mechanisms and Rule of Law**, Very weak, ranking 25th

Category - 1:	Civil Society, Public Information and Media	58	Very Weak
I-1	<u>Civil Society Organizations</u>	53	Very Weak
I-2	<u>Access to Information Law</u>	69	Weak
I-3	<u>Freedom of the Media</u>	52	Very Weak
Category - 2:	Electoral and Political Processes	39	Very Weak
II-1	<u>National Elections</u>	67	Weak
II-2	<u>Election Monitoring Agency</u>	50	Very Weak
II-3	<u>Political Party Finances</u>	0	Very Weak
Category - 3:	Branches of Government	51	Very Weak
III-1	<u>Executive</u>	43	Very Weak
III-2	<u>Legislature</u>	66	Weak
III-3	<u>Judiciary</u>	45	Very Weak
Category - 4:	Administration and Civil Service	52	Very Weak
IV-1	<u>Civil Service Regulations</u>	65	Weak
IV-2	<u>Whistle-blowing Measures</u>	28	Very Weak
IV-3	<u>Procurement</u>	64	Weak
IV-4	<u>Privatization</u>	50	Very Weak
Category - 5:	Oversight and Regulatory Mechanisms	69	Weak
V-1	<u>National Ombudsman</u>	50	Very Weak
V-2	<u>Supreme Audit Institution</u>	75	Moderate
V-3	<u>Taxes and Customs</u>	68	Weak
V-4	<u>Financial Sector Regulation</u>	83	Strong
Category - 6:	Anti-Corruption Mechanisms and Rule of Law	50	Very Weak
VI-1	<u>Anti-Corruption Law</u>	57	Very Weak
V1-2	<u>Anti-Corruption Agency</u>	57	Very Weak
VI-3	<u>Rule of Law and Access to Justice</u>	61	Weak
VI-4	<u>Law Enforcement</u>	27	Very Weak

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INTEGRITY ASSESSMENT

By John Makumbe

Civil Society, Public Information and Media

The Zimbabwe government is anxious to control the activities of civic groups through the enforcement of the Private Voluntary Act (PVO). Civic bodies are required to register with the Ministry of Labor and Social Welfare before they can operate legally. Those registered under the PVO Act can be subjected to government scrutiny of their programs, finances, and the suitability of their executive officers. Some civic groups have evaded this type of governmental control by registering as trusts and as private companies. Currently, the government is trying to amend the PVO Act in order to force civic bodies that are not registered under the Act to cease operations and surrender their assets. The reason for this is that most civic groups in the democracy, governance, and human rights areas are openly critical of government and the ruling ZANU-PF political party. They have criticized the government for gross violations of human rights, sponsorship of lawlessness by the ruling party's youth militia, corruption, partisan distribution of drought relief, and selective application of the law. Civic groups have also been a thorn in the ruling party's flesh through their effective monitoring of both local government and national elections. Since 1985, the civic groups' election reports have largely been critical of the manner in which the government handled the elections. In essence, they have consistently indicated that elections are never free and fair under the current ZANU-PF government. This has, obviously, made the regime rather hostile to civic organizations. Starved of foreign currency because of the collapsing economy, the government is also anxious to lay its hands on some of the foreign currency that many civic groups receive from foreign donors to sponsor their numerous activities.

The media is subjected to worse controls through the Access to Information and Protection of Privacy Act (AIPPA), which severely restricts the operations of

independent media. It requires that all media houses be registered and their journalists be accredited through the state-created Media and Information Commission (MIC). Any media house, magazine, or newspaper that fails to register is banished from publishing. Journalists not accredited by the MIC are not allowed to operate in Zimbabwe. Several newspapers and journalists have been prosecuted for violating the AIPPA. The charges have ranged from "publication of falsehoods" to allowing unaccredited journalists to write articles that appeared in these newspapers. The latest victim of the state's desperation to control all news and information has been the *Daily News*, a fearless daily newspaper that used to publish accurate news, including stories about bureaucratic corruption and the government's sponsorship of political violence against opposition party members and supporters. The *Daily News* declined to submit an application to the MIC. It also declined to have its reporters accredited by the MIC, and the government banned it in September 2003. The *Daily News* appealed to the Supreme Court, arguing that the AIPPA was in contravention of the Constitution of Zimbabwe. The partisan Supreme Court threw out the *Daily News'* appeal, arguing that the paper should register under the AIPPA first and then appeal to the courts for a ruling on the constitutionality of the act.

Electoral and Political Processes

Although both the Constitution of Zimbabwe and the Electoral Act provide for universal and equal adult suffrage, numerous amendments over the years have tended to impose restrictions on the electorate to the extent that some adults are now unable to vote in elections. For example, only state employees and members of the uniformed forces may apply for postal votes. The Electoral Act was amended to include this restriction when the ruling party realized or suspected that the majority of Zimbabwean citizens who had left the country over the years were hostile to the ruling party. Other restrictions include the requirement that proof

of residence be produced before one may be allowed to register to vote. This has tended to exclude some, such as lodgers and other tenants, who do not own their residences. In several instances, it was discovered that ballot boxes had been stuffed with marked ballots several days before polling. There have also been several other irregularities.

The political system was initially designed to create a so-called socialist one-party state. This was stiffly resisted by the public, but most existing legislation essentially favors the ruling party. The law, however, does allow multiple parties, and anyone may form a political party. Some 20-odd political parties exist in Zimbabwe, but only three are represented in the legislature. The largest opposition political party, the Movement for Democratic Change (MDC), is highly popular with the electorate. It has, however, been vilified by the ruling party and branded as "enemies of the state" by the president himself. This reflects the level of intolerance for political diversity that ZANU-PF has. The ruling party now controls less than two-thirds of the seats in the legislature. In fact, the ruling party has only six more elective seats than the opposition MDC, but the Constitution allows the president to personally appoint 20 members of Parliament who then invariably vote with the ruling ZANU-PF Party in virtually all matters. There are also 10 traditional chiefs who are members of the legislature. The fact that all traditional leaders are appointed by the president basically forces these legislators to support the government in whatever matters it places before the legislature.

In the appointment of senior civil servants, the ZANU-PF Party has always been very partisan. Indeed, some civil servants suspected of being sympathetic to the opposition have frequently been discharged from the service without any reasonable explanation. All citizens have a right to run for public office, but

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civil servants who do so are required to resign their positions first. If they run for public office under the ticket of an opposition political party, they are very unlikely to be rehired after the election. However, those running as ruling party candidates are normally restored to their positions if they lose the election.

Women constitute only 15 percent of the current legislature. The aggressive manner in which political and electoral campaigns are conducted is the major disincentive for women to participate in politics.

Branches of Government

There are three arms of the state: the legislature, the executive, and the judiciary. Although in law these are autonomous bodies, in reality, the executive attempts to dominate and strongly influence the other two. The legislature is essentially dominated by the ruling party, ZANU-PF, and therefore tends to endorse most of whatever the government or the executive places before it. Since independence in 1980, however, the judiciary has been fairly autonomous; it effectively resisted the executive's attempts to influence it until 2000, when the government embarked on a controversial land reform program. The violence, violation of human rights, and general breakdown of the rule of law were all encouraged by the executive. The legislature stood by and watched helplessly, but the judiciary strongly opposed the blatant violations of law by the ruling party and its supporters. There were several court rulings that went against the government and the members of the ruling party. This resulted in the ZANU-PF government forcing some members of the judiciary to go on forced leave pending "early retirement."

The Constitution of Zimbabwe provides members of the judiciary with immunity from dismissal from their positions by the executive except after a negative report has been issued by a legally constituted tribunal appointed by the president on the advice of the Judiciary Commission. The chief justice and several senior judges of the Supreme Court and the High Court were effectively forced out of office by the regime of President Rob-

ert Mugabe after being accused of being racists and hostile to the ruling party. Today, the majority of judges are known to be partisan in favor of the ruling ZANU-PF Party. Some of them are alleged to have been allocated large commercial farms that belonged to white commercial farmers before the farm invasions of 2000 began. On several occasions the government has defied court rulings on matters that went in favor of opposition political parties and their supporters. This has seriously eroded the present government's credibility and legitimacy.

There is an office of the ombudsman, also called the Office of the Public Protector. In law, this office has the responsibility of assisting members of the civil service who have experienced problems of unfair treatment by state structures. It also assists public servants who have been victimized for one reason or another by their employers. Sadly, the incumbent ombudsman is the wife of a former provincial governor, and her performance or the performance of her office can only be regarded as lackluster. There is a deliberate effort to avoid confrontation with any of the government ministries that are reported to have practiced unfair treatment of their employees or members of the public. The ombudsman's office currently has a three-year backlog of cases.

The Office of the Comptroller and Auditor General has the responsibility of auditing government departments. Its reports are made to the legislature. This institution suffers from its location within the Ministry of Finance and from the fact that it has no power to enforce its decisions or recommendations. At the time of preparing this report the auditor general is still to submit the 2002 report. This backlog essentially means that by the time reports are submitted to the legislature it will be too late for any meaningful action to be taken to rectify problems.

Administration and Civil Service

The Constitution of Zimbabwe makes a provision for the creation of the Public Service Commission (PSC). The PSC has five to seven commissioners who are appointed by the president after notifying the legislature. In practice, these commis-

sioners are normally well-known ruling party members, and in their operations they ensure that ruling party interests are safeguarded and promoted. The PSC undertakes the personnel function of the administration. It hires, promotes, and fires staff in accordance with laid down procedures. In practice, however, party political considerations are often resorted to when senior administrative positions are to be filled.

The chairman of the PSC is also the chairman of the Election Directorate, the body that runs presidential elections, and both local government and national or parliamentary elections every five years or whenever there is a by-election. In that role, the chairman of the Election Directorate has, on many occasions, not acted in an impartial manner. Rather, he has often been alleged to make decisions in favor of the ruling ZANU-PF Party, much to the chagrin of opposition political parties.

Public servants are not required to disclose details of their wealth at any time during their tenure of office. Nevertheless, several of them have been prosecuted for alleged corrupt practices, but only a few were convicted. The majority are alleged to have bribed the investigating police officers, court officials, and even state lawyers or prosecuting officers in order to escape conviction in courts of law. There is currently no agency responsible for monitoring conflicts of interest among public servants who make decisions on matters of state procurement and the awarding of tenders for the provision of various goods and services to the government. The result has often been widespread allegations of public servants soliciting and receiving bribes and kickbacks from private-sector contractors that need to win government tenders.

The major weakness of the national administration is excessive insulation from public scrutiny. Members of the public have limited access to the

decision-making structures and processes in the public service. It is also virtually impossible for the public to access information the government may have. The information is generally classified as official secrets and is therefore not accessible under the Official Secrets Act. The result is that little or no consideration is made of public criticism of the performance of the public service. There have been several complaints about corruption, poor service delivery, and the slowness of the public service in responding to public demands for goods and services. In the main, the government normally just ignores such complaints, or reacts to them much later than is required. For example, the Parliamentary Public Accounts Committee has often castigated several senior administrators for violating government procedures of procurement, but none of the identified civil servants has ever been disciplined or dismissed. A few have been re-assigned to different departments or ministries.

Oversight and Regulatory Mechanisms

The President's Office provides oversight of the executive branch. The secretary to the president and cabinet has overall responsibility for the way all government ministries and departments operate. Officers in the president's office are allocated specific ministries and departments that they monitor on a regular basis. Appointments at the level of director or higher have to be approved by the President's Office. Indeed, applicants to or candidates for promotion to these levels have to be investigated by state intelligence agencies before they are appointed or promoted. This is usually done for political reasons. There is very limited distinction between the ruling party and the state in Zimbabwe. In fact, state resources are commonly used for party political purposes by the ruling ZANU-PF. Public complaints and criticisms for this practice are generally ignored by state and party officials. A classic example was the printing of wedding cards by the Ministry of Information when the president wedded his current wife a few years ago.

The legislature is very weak as an oversight body. The main reason is that the

ruling party has adequate numbers of legislators to frustrate the criticisms and sanction of opposition party legislators. The level of political polarization in Zimbabwe is so high that legislators hardly ever agree on any issue across party lines. There is also provision for the ejection of recalcitrant legislators from the chamber should they vote against their own party. Further, the legislature is weakened in its oversight role by the fact that the president is not a member of Parliament. He therefore cannot be questioned by legislators on the performance of his government. In most cases, he does not even attend parliamentary debates. Although legislators ask several questions to portfolio ministers during Question Time in Parliament, very little is achieved by way of ensuring that the performance of the administration meets public expectations.

With regard to financial matters, the Ministry of Finance provides general oversight and ensures that Treasury Instructions are followed by all government departments. In this responsibility, the Comptroller and Auditor General's office plays a vital role. The only problem is that the Auditor General's office is both very small and understaffed. It therefore struggles to cover all the ministries and departments during a given fiscal year. At the time of preparing this report, the Auditor General's office had not yet submitted its 2002 report to Parliament. Thus, by the time that report is ready for submission it will already be sadly out of date and hardly relevant to meaningful management of public funds. Further, there has been no record of any public officials being disciplined as a result of adverse reports by the Auditor General. In a country so heavily infested with bureaucratic corruption, this is a very unfortunate state of affairs.

Finally, some limited oversight is provided by the ombudsman's office. This is, however, a very weak institution as it is located in the Ministry of Justice, is grossly understaffed, and is headed by the wife of a provincial governor. Few cases submitted to the ombudsman's office have been resolved to any meaningful degree. Most government ministries and departments ignore the orders and instructions from this incompetent office.

Anti-Corruption Mechanisms and Rule of Law

Since the ruling ZANU-PF Party embarked on a violent land reform program in March 2000, there has been a serious breakdown of the rule of law in Zimbabwe. Prime agricultural land was largely in the hands of white commercial farmers since the advent of national independence in 1980. The rejection of the draft constitution by the majority of the electorate in February 2000 signaled to the Mugabe regime that its popularity was fast declining. The regime therefore sponsored liberation war veterans and unemployed youth to invade white-owned farms and drive the white farmers off the land. As a result, 10 white commercial farmers and more than 150 black farm workers alleged to be members of the opposition MDC Party were killed. The ruling party was determined not to lose the parliamentary elections of 2000 to the widely popular MDC.

The breakdown of the rule of law was manifest in the police declining to arrest lawless members of the ruling party while applying the force of the law against any members of the opposition party alleged to have engaged in lawlessness. It was also manifest in the dismissal of judges of the Supreme and High Courts for allegedly making rulings against the ruling party's supporters. Indeed, the president himself granted amnesty to all people who had engaged in acts of violence in the run-up to the 2000 parliamentary elections, except those who had been arrested for murder and rape. The overwhelming beneficiaries of that amnesty were obviously members of ZANU-PF.

Apart from the courts, there is very limited anti-corruption infrastructure in Zimbabwe. There are now plans to create an anti-corruption commission as a state institution in accordance with Constitutional Amendment No. 16 of 2000. There is also the National

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Economic Crime Inspectorate (NECI) located in the president's office. This is essentially a dubious institution that to date has not made even one prosecution. The NECI is alleged to have been created in order to appease international assistance donors and to give the impression that the government was doing something about corruption. The Zimbabwe Republic Police (ZRP) has an anti-corruption unit with the task of investigating cases reported to the police. The unit has investigated several senior politicians, civil servants, and businesspersons. It has prepared several dockets and submitted them to the Attorney General (AG) for prosecution. Only a few of these cases have seen the light of day. Interviews with members of the ZRP anti-corruption unit revealed that most of the cases the unit has submitted to the AG have not been prosecuted for political reasons. It must be understood that in Zimbabwe, the AG is essentially a politician and he sits with the cabinet. He is therefore anxious not to be seen to prosecute some of his cabinet colleagues for cases of corruption.

Outside of state structures there is the civic body, Transparency International Zimbabwe (TIZ), which carries out various anti-corruption activities in conjunction with other civil society organizations. The TIZ has been instrumental in exposing the corrupt practices of several government officials, but only a few of them have ever been prosecuted.

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CORRUPTION NOTEBOOK

By Geoffrey Nyarota

A number of top-ranking Zimbabwean politicians, some of them government ministers, were named as having corruptly acquired vast tracts of lands, in some cases more than one farm each during the government's controversial and often violent land reform program over the past three years.

The government of President Robert Mugabe conceded defeat in 2000 in a crucial national referendum on a proposed new constitution, and his party nearly lost a parliamentary election four months later to an opposition political party that was less than a year old. Realizing the popularity of the ruling ZANU-PF Party had declined, the government introduced the land redistribution program, seeking to immediately transfer vast tracts of rich commercial farms from ownership by a few thousand white farmers into the hands of the largely landless black peasant population.

By the time Mugabe, who has repeatedly been censured for condoning endemic corruption and protecting corrupt cronies within his government, ordered an audit of all the land acquired for rural resettlement, his controversial land-redistribution plan had clearly gone awry. Well-heeled ruling party politicians and business tycoons aligned to ZANU-PF had embarked on a frenzy of corrupt land acquisition, in some cases driving poor peasant farmers off the land on which they had recently been resettled.

The Land Reform and Resettlement Program National Audit report named three cabinet ministers, four provincial governors, two leading businessmen and members of Mugabe's own family as having obtained farms through corrupt allocations. The audit was secretly coordinated in the office of Vice President Joseph Msika.

"We are not surprised by this report at all," Wilfred Mhanda, chairman of the Zimbabwe Liberators' Platform, said soon after the shocking contents of the report were leaked to the press. "It is what we've said all along, that the land seizures were benefiting those high up in ZANU-PF."

The Zimbabwe Liberators' Platform draws its membership from former liberation war fighters under Mugabe, who are now disillusioned by and disenchanted with the rampant corruption, mismanagement of the economy, and the violence and gross abuse of human rights that have become the hallmark of their former party, 20 years after attainment of independence.

The report says that in one case a senior armed forces officer used troops to forcibly evict 96 resettled families from formerly white-owned land. It says this officer eventually grabbed three farms. In another incident, the report adds, a cabinet minister obtained a choice farm by hiring thugs to drive off youths settled on the property as part of an agricultural training program.

The report names Mugabe's vociferous information minister, Jonathan Moyo, as having acquired three farms, one property in the picturesque eastern districts, a farm in the rich Mazowe Valley north of the capital city, in the center of the country, and yet another one in the western province of Matabeleland, the minister's tribal home.

Moyo later said he was suing *The Financial Gazette*, a leading independent newspaper which published the salacious details of the predatory tendencies of the politicians during land redistribution. He said one farm allocated to him had been withdrawn, claimed he had paid for the second, and that his mother was the owner of the third property.

The Liberators' Platform is not a voice in the wilderness in condemning the rampant corruption that has flourished under Mugabe and contributed considerably to the sharp decline in the performance of the economy. Zimbabwe's major opposition party, the Movement for Democratic Change (MDC), swiftly gained a secure political foothold by targeting corruption, violence, and lawlessness, which were causes of public disenchantment with the ruling party.

Last April Eddison Zvobgo, the eloquent and maverick ZANU-PF Member of Parliament for Masvingo South, attacked the government for covering up corruption. He said the time had come for the

government to hunt down those spreading the "Aids of corruption."

Zvobgo pushed through a motion in Parliament requesting that the government establish an anti-corruption commission to investigate government departments, politicians, parastatal organizations, and financial institutions which, he said, were riddled with massive corruption.

"Notwithstanding the economic difficulties that we have," Zvobgo told the hushed House, "if you visit some parts of our major cities and observe the buildings, the houses that are going up there—they are obscene. They are clearly beyond their reach, beyond the means of those who are constructing them."

Referring to Mugabe's chaotic land-redistribution program, Zvobgo said: "Some people have taken advantage of the exercise to seize two, three, four, five farms."

The battle cry of ZANU-PF's violent campaign to dispossess the white farmers of land has been, "One man, one farm."

Another outspoken ZANU-PF politician, Edgar Tekere, then the secretary general of the party and a long-time close associate of Mugabe, mounted a short-lived campaign against corruption in 1988. He was instantly fired from the party and gradually descended into political oblivion, but not before he unsuccessfully attempted to wrestle the presidency from Mugabe in 1990. His election campaign was an anti-corruption crusade.

While Tekere departed into the political wilderness, his campaign against corruption sparked a chain of events that would ultimately culminate in the formation of a viable opposition political party a decade later and a more focused onslaught on corruption by the press.

As Tekere pontificated about corruption and lamented that in Zimbabwe democracy was "in the intensive care unit," University of Zimbabwe students took his campaign a step further by staging

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violent demonstrations against corruption. Mugabe's response to growing public impatience was to challenge citizens to produce the evidence of corruption.

Literally taking its cue from the challenge by the president, the *Chronicle*, a daily newspaper of which I was then editor, investigated and published in 1988 details of deep-rooted corruption in the upper echelons of government and the ruling party. Cabinet ministers and other politicians abused their positions to source many cars each from a government-owned automobile assembly plant. They resold the vehicles at great profit.

"Willowgate," as the *Chronicle* staff dubbed their scoop, was too big and volatile for Mugabe to sweep under the carpet. The paper aggravated an already explosive situation by vowing that its revelations were only the tip of a massive iceberg of corruption. Mugabe appointed a commission of inquiry, Zimbabwe's first judicial commission, to investigate the *Chronicle's* investigations. The paper, however, never exposed the rest of the iceberg. I was immediately removed from the position of editor of the *Chronicle* and shunted into a non-editorial function in the paper's head office.

When the Sandura Commission, named for its chairman, Justice Wilson Sandura, completed its own hearings, five senior government ministers, including two of Mugabe's three most senior lieutenants and a provincial governor, were forced to resign. One of them, Maurice Nyagumbo, committed suicide. His close friend, Enos Nkala, who was minister of defense, was defiant to the end. He appeared on state television and threatened *Chronicle* editors with dire consequences, including arrest, if they dared to publish the story.

President Mugabe's apparent inability or unwillingness to deal decisively with corruption has caused despondency among Zimbabweans. Some of the villains of the Willowgate scandal were virtually rehabilitated and accommodated back into the top echelons of ZANU-PF, where they continued to prosper. Jacob Mudenda, the governor of Matabeleland North, who was forced to resign for his role in the Willowgate scandal, reportedly acquired two farms during the recent land scam.

Mudenda is now the ZANU-PF chairman for the same province and central committee member of the party.

Addressing Parliament in December 2001, Mugabe said his government was committed to the total eradication of corruption, adding that Parliament had already provided for the establishment of an anti-corruption commission, following the passage of necessary enabling legislation. To date, while corruption continues to spread its tentacles, the commission is still to be established.

"We are now into 2003," Zvobgo noted wryly in April in the august House, an institution better known for rubber-stamping the decisions of the executive than for any apparent commitment to legislate in the interests of the electorate.

Nowhere did the unchallenged status of the executive manifest itself more than when President Mugabe sent Zimbabwean troops to the Democratic Republic of Congo (DRC) to help prevent the overthrow of President Laurent Kabila. The Congolese president's regime came to power by force with the backing of the very people who were now trying to overthrow it. Mugabe dispatched thousands of Zimbabwean soldiers—12,000 at the end—on a costly military adventure without consulting either Parliament or his cabinet.

The real motive behind Zimbabwe's intervention in propping up Kabila soon became apparent. Mugabe's military commanders and political cronies enriched themselves on proceeds from Congo's diamond and cobalt mining industries, and from trade in timber and transport.

A United Nations report published at the end of 2002 singled out Emmerson Mnangagwa, the Speaker of Zimbabwe's Parliament, and General Vitalis Zvinavashe, commander of the defense forces, as having allegedly played a leading role in exploiting Congo's mineral wealth for personal benefit. Mnangagwa is widely viewed as the candidate favored by Mugabe to succeed him. When I interviewed him on his role in high-level corruption during the military campaign in the Congo, he pleaded innocence, while laying all blame on the army.

Indeed, Zimbabwe's army created companies to do business in the DRC, say-

ing Zimbabwe's private sector was unwilling to take advantage of available opportunities. One of the military's firms said it had a multimillion-dollar diamond mining deal in Mbuji-Mayi, while the state-owned Zimbabwean Defence Industries won a £35 million contract to supply the Congolese army.

While Mugabe's government spent more than £1 million a day on the military campaign, the political and military elite feathered their nests in the Congo with singular impunity.

Transparency International, the non-governmental organization tracking corruption, produces an annual report which ranks the countries of the world in terms of the degree to which corruption is perceived to exist. In its 2002 Corruption Perception Index, it ranked Zimbabwe at Number 71, near the bottom of the 102 countries surveyed.

Zimbabwe's anti-corruption act targets activities such as bribery, fraud, and extortion. It also embraces unethical conduct, such as disregard for legal principles and procedures or action, that is contrary to or inconsistent with a public officer's duty as such, or the omission by a public officer to perform anything which falls within his or her scope of work, if the conduct or omission is done for the purpose of showing favor or disfavor to any person.

In theory, there are many transgressions by public functionaries which could fall within the ambit of this prohibition. Most, if not all, of them have, however, gone unpunished, as there are very few reported prosecutions, mostly those of low-ranking officials, at that.

This could be the direct result of the compromised role of the prosecuting function of the state. The attorney-general, who has the discretion to decide whether or not to prosecute, is in many cases a political appointee. It is a discretion which he generally will not exercise against political colleagues or to the detriment

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of Mugabe's party. It is also noteworthy that the penalties provided for corruption are trivial, considering the huge benefits usually to be derived.

Fear of prosecution is, therefore, not a deterrent. Coupled with that, the government's vast media empire, comprising newspapers and the only radio and television channels, will rarely, if ever, investigate and expose corruption. The small but vibrant independent press has become increasingly fearful of exposing corruption following a crackdown on newspapers and journalists over the past three years.

Journalists have been subjected to violence, arrest, torture, and death threats. The offices and the printing press of *The Daily News*, the country's only independent daily newspaper, were subjected to bomb attacks on three separate occasions. One attack reduced the newspaper's printing press to a grotesque pile of scrap metal. After all forms of intimidation failed to silence the press, the government enacted draconian media legislation, the Access to Information and Protection of Privacy Act.

The legislation requires both media houses and individual journalists to register with the state. It also renders serious investigation of corruption virtually impossible. Citing one section of this legislation, Mugabe's government effectively closed *The Daily News* last fall.

Meanwhile, the number of brand new Mercedes Benzes and other luxury vehicles on the roads of one of the poorest countries in the world today continues to increase, almost by inverse proportion to the decline in the performance of Zimbabwe's economy.

"There's big money to be made here," the son of a former cabinet minister told a journalist. "We've all become like the Mafia. I don't know anyone who pays tax."

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CORRUPTION TIMELINE

March 1992 – Prompted by the distribution of wealth in the nation—Zimbabwe’s 70,000 whites account for less than 2 percent of its population, yet own 70 percent of all land—Parliament approves the Land Acquisition Act. The new law, backed by President Robert Mugabe, establishes a system allowing the state to seize white-owned farms while offering little compensation and allowing no appeal. The new system favors distributing the land to “more capable” farmers rather than the poorest, and focuses on developing the black commercial farming sector. However, lacking any transparency whatsoever, the system is soon rife with accusations of cronyism and is declared a failure.

April 1995 – Five opposition parties boycott the parliamentary election, claiming it would not be free or fair. In an election where 57 percent of the electorate turns out, Mugabe’s Zimbabwe African National Union / Patriotic Front (ZANU-PF) wins 118 of 120 seats, while a ZANU offshoot wins the remaining two seats. In the aftermath of the election, one independent candidate, former ZANU-PF member Margaret Dongo, receives a second round of balloting after the High Court discovers that the total number of votes cast was 2,000 more than the number of registered voters. Dongo subsequently wins a follow-up election in November 1995, becoming the third opposition member of Parliament.

March 1996 – Robert Mugabe wins 93 percent of the vote in an uncontested presidential election. His two opponents withdraw a week before the election, and one is subsequently jailed. The official turnout is only 32 percent, the lowest since independence in 1980, which brought Mugabe into power.

March 1997 – The War Victims Compensation Fund is suspended pending an investigation that high-level government officials and their relatives had looted more than US\$450 million in only eight months. The suspension prompts violent demonstrations and riots by veterans of

Zimbabwe’s civil war, a key constituency of the president and his ZANU-PF party. Mugabe eventually concedes to pay out more than US\$2 billion in unbudgeted funds to placate the veterans.

July 1997 – The Sunday Independent discovers that Zimbabwe sold weapons, supplies, and soldiers to support new leader Laurent Kabila of the Democratic Republic of the Congo (formerly Zaire). The paper estimates that Mugabe had authorized the sale of US\$38 million in weapons to Kabila’s forces, and later estimates that Zimbabwe had transferred US\$200 million in goods and material to Kabila. Additional contracts between Kabila and state-owned Zimbabwe Defence Industries (ZDI) arrange to supply the Congolese army with hundreds of millions of U.S. dollars’ worth of food and military gear.

December 1997 – Led by Secretary-General Morgan Tsvangirai, the Zimbabwe Congress of Trade Unions (ZCTU) launches a massive general strike to protest a package of new taxes designed to pay war veterans their pensions. The strike spreads, and dissent grows against the Mugabe regime. Amidst the strike, Mugabe agrees to pay Z\$2.5 billion to nearly 50,000 war veterans, with a lump sum payment of Z\$50,000 plus monthly installments of Z\$2,000 for the rest of their lives. The struggling economy collapses soon thereafter.

August 1998 – Mugabe begins sending one-third of the army—approximately 11,000 troops—into neighboring Congo. The war proves to be unpopular with most Zimbabweans. As casualties mount and Mugabe’s cronies become rich from diamonds and other resources, war veterans complain that they had never been properly compensated for their services to the country.

June 1999 – Mugabe appoints a highly partisan commission dominated by his own ZANU-PF party to draw up a new constitution to replace the one drafted at Lancaster House in December 1979, which

brought the country independence. After widely consulting on the draft, the commission presents it to the government, whereupon Mugabe adds a section mandating that farmers should be compensated by the “former colonial power” for land acquired as part of the proposed land resettlement program. Mugabe schedules a referendum for the following February.

September 1999 – The opposition party Movement for Democratic Change (MDC) forms. Its roots are in trade unions, civil society groups, professional groups, and a broad coalition of citizens who search for social change, including the ZCTU. The MDC is the first viable opposition group to emerge in Zimbabwe since independence.

February 2000 – Squatters and ZANU-PF war veterans seize hundreds of white-owned farms, throwing Zimbabwe into a crisis. During a non-binding national referendum, Mugabe’s draft of a new constitution—which would entrench his personal power, allow him to dissolve Parliament at will, and permit governmental seizure of white-owned land without compensation—is defeated by 53 percent of the electorate, giving Mugabe his first electoral defeat in nearly 20 years in control of Zimbabwe. Mugabe announces on state-run TV that he will respect the will of the people.

April 2000 – Undeterred by the defeat of his referendum, Mugabe forces through Parliament a constitutional amendment that places an obligation on the United Kingdom—as the former colonial power—rather than the state of Zimbabwe to compensate citizens evicted in the resettlement program. The U.K. immediately rejects the law as unenforceable, noting that one sovereign state cannot use its constitution to impose conditions on another sovereign state. At the time the law is passed, two-thirds of the 4,000

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white-owned farms had been purchased after independence, and were not colonial holdovers.

June 2000 – In parliamentary elections, Mugabe’s ZANU-PF narrowly defeats the MDC, led by Morgan Tsvangirai, but loses the power to change the Constitution. At least 37 people die during rioting and election violence, the majority of them opposition members. Of the contested seats, Mugabe’s ZANU-PF wins 62 compared with MDC’s 57. The MDC alleges vote-rigging and systematic pre-election violence in 37 districts, filing several legal challenges, several of which are successful. About 400 international observers are on hand to witness the election, and the consensus is that the ZANU-PF is responsible for most of the pre-election violence, though the balloting process itself is mostly orderly.

July 2000 – The government launches its “fast track” resettlement program of land reform, with the goal of resettling 162,000 families on some 5 million hectares of white-owned farmland within four years. Soon, 1,250 commercial farms are occupied by ZANU-PF party members, war veterans, and other squatters who used the government’s hands-off attitude to build houses on private land. The program eventually benefits Mugabe’s ministers and officials rather than the landless poor, and the economic consequences are disastrous when skilled farmers are pushed off their land to make way for unskilled laborers. The program encompasses an institutionally violent and lawless component, with black war veterans being given free reign to usurp control of white-owned farms at will.

October 2000 – The United Nations Development Programme issues an Experts Report confirming that there was essentially no agricultural plan in Zimbabwe, and that the government was simply dumping unskilled laborers onto farmland without establishing an infrastructure with which to be effective. As a result, Zimbabwe is wracked by food shortages and gross mismanagement, which lead to nationwide famine.

October 2000 – Mugabe issues a presidential decree granting amnesty to all politically motivated crimes committed between January 1 and July 31, 2000. The crimes not included in the amnesty are murder, rape, robbery, and other serious charges. The decree permits the immediate release of people imprisoned in the previous spring’s campaign of violence leading up to the 2000 election. Human rights groups condemn the amnesty, declaring that it will encourage future political violence during elections.

March 2001 – Chief Justice Anthony Gubbay of the Supreme Court is forced to retire after repeated government threats, including direct, personal threats allegedly made by Joseph Chinotimba, an outspoken war veteran and associate of Mugabe. A longtime friend and former cabinet member of Mugabe is sworn in as the new chief justice.

April 2001 – Following an investigative mission to Zimbabwe the previous month, the International Bar Association publishes a report criticizing the government for its campaign of intimidation against the judiciary, notably the forced resignation of the chief justice. The report also condemned the government’s refusal to obey and enforce court orders mandating that squatters leave the farms they have occupied.

November 2001 – The government once again amends the Land Acquisition Act, this time to allow it to immediately confiscate land without offering the owners any right to contest the seizures.

January 2002 – The government cracks down on civil liberties through two draconian new measures:

- The Public Order and Security Act effectively eliminates freedom of expression and makes several barriers to organizing an opposition. The vaguely written law imposes severe penalties on anyone suspected of plotting against the government, as well as making prejudicial statements against the government.
- The government enacts the Access to Information and Protection of Privacy Act, which targets independent media by

requiring licenses from domestic journalists while creating barriers for foreign news coverage by restricting press accreditation to foreign journalists. The law also criminalizes defamation of the president and prohibits coverage of certain government functions, such as the results of cabinet meetings. The law takes effect in March 2002, and though some of the act is declared unconstitutional by the Supreme Court in May, the law is in full force during the election campaign.

February 2002 – The European Union imposes sanctions on Zimbabwe and withdraws its election observers after team members are barred from performing their duties. The sanctions are extended the following February after the situation in Zimbabwe does not improve.

February 2002 – In the run-up to the March elections, an Australian television station broadcasts a videotape reportedly capturing opposition leader and presidential candidate Morgan Tsvangirai plotting to kill President Mugabe. The tape shows an employee of a public relations firm, which Mugabe had employed in the past, talking about murdering and eliminating Mugabe. The tape does not show Tsvangirai endorsing the plot, though he does not denounce it either. Later, he claims that the tape was doctored, and threatens to sue the Australian television station that aired the report. Though Tsvangirai is allowed to run for election, he is charged with treason by the government.

March 2002 – Mugabe wins re-election in what international and opposition observers say was a deeply flawed process. Thirty members of the opposition are killed in the months prior to the election, and several report torture and other violence committed against them (Zimbabwe is not a party to the U.N. Convention Against Torture). Operatives of ZANU-PF

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attacked judges and harassed the independent media, and pushed forth a campaign of systematic torture, rape, violence, vote manipulation, and media restriction. Following the election, the Commonwealth suspends Zimbabwe from its Councils after its election observers note that the election was unfair and did not embody the will of the electorate.

April 2002 – A state of disaster is declared. The government blames drought for food shortages, but the U.N. World Food Programme blames disruption of the agricultural sector.

May 2002 – Private TV station Joy TV loses its lease, effectively shutting down the only station which had allowed critical commentary of Mugabe, such as televising opposition leaders.

June 2002 – Under the updated Land Acquisition Act, white farmers may now be ejected automatically from their land, and production of food by white farmers is criminalized.

October 2002 – The U.N. World Food Programme suspends distribution of emergency aid to southwestern Zimbabwe after tons of food had been diverted to Mugabe supporters. Several sources had noted that WFP aid had only been given out to ZANU-PF strongholds, and that the government was using the limited food supply in conjunction with a devastating famine in order to systematically starve the opposition.

October 2002 – The U.N. Expert Panel on Congo presents a final report to the Security Council, chronicling systematic looting and exploitation of the country by foreign governments, including Zimbabwe. The panel indicates that the senior military leadership of the operations in Congo has personally enriched itself during the conflict and is working to establish and promote new businesses in the event of military withdrawal.

November 2002 – Agriculture Minister Joseph Made announces an end to the land grab of white property. He claims that the government has taken 35 million acres

from white farmers. According to the U.N. Development Programme and several NGOs, an estimated 500,000 farm laborers and their families are left unemployed and internally displaced by the end of 2002.

February 2003 – The treason trial of Morgan Tsvangirai begins. The star witness, Ari Ben Manashe, a Canadian consultant and former Israeli spy, admits that he received US\$200,000 from the government after providing the secretly recorded tape purporting to show that Tsvangirai was involved in a plot to assassinate Mugabe.

March 2003 – A general strike organized by the MDC is met with numerous beatings and over 400 arrests by government forces. The government subsequently cracks down on those it suspects of leading the strike, and arrests five members of Parliament.

June 2003 – Opposition leader Morgan Tsvangirai is arrested twice and held in police custody during a week of protests. He appears in court wearing leg irons.

September 2003 – The government refuses to issue a license to the independent newspaper, the *Daily News*, effectively shutting down the last media entity that looked critically at the government.

September 2003 – Continuation of the ongoing treason trial of Morgan Tsvangirai, the longest trial in Zimbabwe history, is postponed for six weeks.

October 2003 – Human Rights Watch releases a report charging the government with using its limited, state-run food supply as a means of political control. While 5 million of Zimbabwe's more than 12 million people are unable to obtain enough food to live, the government agency charged with food distribution—the Grain Marketing Board—regularly refuses to sell food to anyone who is not a member of ZANU-PF.

December 2003 – After nearly three days of bitter talks at a summit of the 54-member Commonwealth, Zimbabwe an-

nounces plans to quit the organization after its 18-month suspension is extended for another two years. Mugabe himself had been barred from attending the summit.

December 2003 – Morgan Tsvangirai's treason trial resumes. Final arguments are made in February 2004; the judge announces he will need six months to study the evidence before arriving at a verdict.

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Zimbabwe: Civil Society, Public Information and Media

Sub-Category: I-1/Civil Society Organizations

	Indicators	Scores
1	In law, do citizens have a right to form civil society organizations (CSOs)?	1.00
2	Can citizens organize into trade unions?	0.88
3	In practice, do CSOs actively engage in public advocacy campaigns?	0.50
4	Are citizens able to form CSOs?	0.25
5	Are civil society activists safe when working on corruption issues?	0.00

Indicator and sub-Indicator Details

1 In law, do citizens have a right to form civil society organizations (CSOs)?

Score: yes/1.00



Comments: Citizens are allowed to form civic organizations and to have associational activities, however, the government tries to control the activities of CSOs.

References: Private Voluntary Organizations Act 1992

Peer Review Comments: There is much pressure that is exerted by government on civil society formations and on individual activists leading or participating in them. The situation has certainly worsened in the past year, with the impact being felt even by church organizations, such as the Catholic Commission for Justice and Peace.

2 Can citizens organize into trade unions?

- 2a: *In law, citizens have a right to organize into trade unions.*

Score: yes/1.00



Comments: Citizens are allowed to form labor unions as long as they register them with Ministry of Labor. The government seeks to control the activities of trade unions.

References: Labour Relations (Amendment) Act 2002

- 2b: *In practice, citizens are able to organize into trade unions.*

Score: often/0.75



Comments: Recently, government has encouraged or sponsored the formation of rival unions that are friendly to the ruling party.

References: The Zimbabwe Federation of Trade Unions

3 In practice, do CSOs actively engage in public advocacy campaigns?

Score: sometimes/0.50



Comments: CSOs often undertake advocacy campaigns with the support of international donor agencies and local academics.

References: At least 18 CSOs regularly engage Parliamentary Portfolio Committees on specific issues of their interest.

Peer Review Comments: Civil society in Zimbabwe continues to be divided, directionless and, at times, overwhelmed. The biggest crisis within CSOs is the lack of direction and common voice, which is needed to define the role of civil society in the present multi-faceted crisis environment. Because civil society lacks this comprehension, its own role as a watchdog of the state is undermined. The lack of cohesion has made it easy for individual organizations to be harassed, neutralized and reduced to mere shells whose advocacy is tame to the point of ineffectiveness. So while the indicators are true in that they indicate that in principle, the law has made it possible for CSO to exist, they continue to negate the role of civil society as a part of the checks and balances of government.

4 Are citizens able to form CSOs?

- 4a: *In practice, the government does not create barriers to the organization of new CSOs.*

Score: sometimes/0.50



Comments: CSOs that are viewed as potentially hostile to the ruling elite will find it difficult or impossible to register as Private Voluntary Organizations or as CSOs.

References: Private Voluntary Organisations (PVO) Act 1992

- 4b: In practice, citizens can obtain any necessary license to form a CSO within a reasonable time period.

Score: > 1 year/0.00



Comments: CSOs suspected of being potentially hostile to the ruling elite may take more than a year to be registered or may even be refused registration.

References: PVO Act 1992

- 4c: In practice, citizens can obtain any necessary license to form a CSO at a reasonable cost.

Score: sometimes/0.50



Comments: CSOs facing delays and possible denial of registration sometimes opt to register as trusts, which is a very costly option.

References: PVO Act 1992

- 4d: In practice, in the past year, no existing CSO has been banned by the government for non-violent advocacy.

Score: no/0.00



Comments: Amani Trust, which assists victims of torture and violence, has been harassed and threatened by the government and has officially ceased operations.

References: Public Order and Security Act (POSA) 2001

5 Are civil society activists safe when working on corruption issues?

- 5a: In practice, in the past year, no civil society activists working on corruption issues have been imprisoned.

Score: no/0.00



Comments: Several have been harassed by government agents and ruling party functionaries. Seven researchers of the Mass Public Opinion Institute were imprisoned for false accusations.

References: POSA 2001 and Law and Order Section of Police Act

- 5b: In practice, in the past year, no civil society activists working on corruption issues have been physically harmed.

Score: no/0.00



Comments: Several have been beaten up on trumped up charges.

References: POSA 2001 and Law and Order Section of Police Act

- 5c: In practice, in the past year, no civil society activists working on corruption issues have been killed.

Score: no/0.00



Comments: The four whistle-blowers who were killed were all civil servants, such as police and army officials who had exposed corruption.

References: Access to Information & Protection of Privacy Act (AIPPA) 2002

Zimbabwe: Civil Society, Public Information and Media

Sub-Category: I-2/Access to Information Law

	Indicators	Scores
6	In law do citizens have a right of access to information?	1.00
7	In practice, is the right of access to information effective?	

Indicator and sub-Indicator Details

6 In law do citizens have a right of access to information?

- 6a: *In law, do citizens have a right of access information and basic government records?*

Score: yes/1.00



Comments: Although there is a law permitting access to information by citizens, there is also another law forbidding civil servants from giving out certain information to the public. This is usually termed classified information.

References: Access to Information and Protection of Privacy Act (AIPPA) 2002; Official Secrets Acts (OSA) 1961

Peer Review Comments: The fact that the Official Secrets Act and others nullify the rights given to citizens under the Access to Information Act means that in essence there is no right to access information. In regard to fighting corruption, investigations and prosecutions are hampered by the lack of access to information that results from public information being categorized as classified information. Similarly from an anti-corruption agency point of view the disorganization and graft in government institutions have encouraged corruption further compounding the problems of the beleaguered citizens. [Comment 2]: To obtain a basic government record like a birth certificate, citizens have to make several visits to the Registrar General's Office and may even have to pay a bribe to speed up the process. [Comment 3]: There is some debate if there is a right of access. There is a law - The AIPPA - which does have a significant access regime in it which fits the international criteria for FOI. However, at the same time, no one uses it. So there is a legal right, but no practical right.

- 6b: *In law, do citizens have a right of appeal if access to a basic government record is denied?*

Score: yes/1.00



Comments: The Official Secrets Act effectively negates any right to information. Citizens can appeal to the ombudsman but the current incumbent is the wife of a former provincial governor and she will not normally assist an appellant in this regard.

References: AIPPA 2002 and OSA 1961; Ombudsman's Act 1981

7 In practice, is the right of access to information effective?

Score: Composite value, See commentary

Comments: This indicator is a composite of access to information scores in all sectors of government. Based on those measures, this country scored a 38 out of a best possible score of 100.

References:

Zimbabwe: Civil Society, Public Information and Media

Sub-Category: I-3/Freedom of the Media

	Indicators	Scores
8	In law, is freedom of the media guaranteed?	1.00
9	In law, is freedom of speech guaranteed?	1.00
10	Are citizens able to form media entities?	0.50
11	Is the media able to report on corruption?	0.08
12	Are journalists safe when investigating corruption?	0.00

Indicator and sub-Indicator Details

8 In law, is freedom of the media guaranteed?

Score: yes/1.00



Comments: The Constitution of Zimbabwe guarantees the media freedom but the lesser law restricts that freedom significantly.

References: Constitution of Zimbabwe 1980; AIPPA 2002

9 In law, is freedom of speech guaranteed?

Score: yes/1.00



Comments: The Zimbabwe Constitution does guarantee freedom of speech and expression. This freedom is, however, restricted by lesser laws.
References: Constitution of Zimbabwe 1980; AIPPA 2002; Broadcasting Services (Amendment) Act 2000

10 Are citizens able to form media entities?

- 10a: *In practice, the government does not create barriers to forming a media entity.*

Score: almost never/0.00



Comments: The government is wary of all private media houses and often creates barriers to the formation of media entities.
References: AIPPA 2002

- 10b: *In law, where a license is necessary, there is an appeal mechanism if a license is denied or revoked.*

Score: yes/1.00



Comments: Yes, but the appeal is to the same MIC that will have rejected the application in the first place.
References: AIPPA 2002

- 10c: *In practice, where necessary, citizens can obtain a media license within a reasonable time period.*

Score: < 3 months/0.75



Comments: This period is stipulated in the act.
References: AIPPA 2002

- 10d: *In practice, where necessary, citizens can obtain a media license at a reasonable cost.*

Score: rarely/0.25



Comments: The cost of registering a media house is very high, too high for most citizens. Only well-off citizens can apply for media licenses.
References: AIPPA 2002

11 Is the media able to report on corruption?

- 11a: *In law, it is legal to report accurate news even if it damages the reputation of a public figure?*

Score: no/0.00



Comments: The law states that any report that damages the reputation of the president is unlawful.
References: AIPPA 2002; POSA 2001

- 11b: *In practice, the government does not encourage self-censorship of corruption-related stories.*

Score: almost never/0.00



Comments: At their own risk and even after carefully checking every detail of the alleged corruption, they can be sued for all types of damages, such as defamation of character.
References: Prevention of Corruption Act 1985; AIPPA 2002 and POSA 2001
Peer Review Comments: The so-called independent media had been fighting for the nullification of various offending provisions of the AIPPA, POSA, the Broadcasting Services Acts and others. So far the success has been limited, depending on the personalities and political persuasions of various court personnel. The nullification of constitutionally entrenched freedoms by minor draconian laws is another indicator that there is a draconian bid to manipulate existing laws to suit the repressive regime. The lack of comprehensive training of local journalists especially in the area of investigative journalism is one of the major reasons why there isn't robust exposition of corruption and perpetrators. There is also fear of reprisal by certain media houses that makes them very cautious about reporting on corruption comprehensively. Usually corruption that is tooted about in the papers is that which the state has chosen to crack down on and does not involve key government officials or their affiliates. [Comment 2]: Several journalists were arrested and imprisoned for alleged defamation of public officials, including the president. Some were even tortured. The "Daily News," a privately owned paper, was closed allegedly for being anti-government but it also made numerous reports on corruption, fraud and gross asset-stripping by politicians. The assets of the "Daily News" were seized by the police and the paper was banished. More than 20 private media journalists have been imprisoned.

- 11c: *In practice, there is no prior restraint on publishing corruption-related stories.*

Score: rarely/0.25

Positive

Negative

Comments: There is considerable restraint as the media can be sued for defamation of character.

References: AIPPA 2002

Peer Review Comments: Flouting the rule of law, by arbitrarily arresting and sometimes prosecuting members of the press and media houses, has resulted in a paralysis of the fraternity.

12 Are journalists safe when investigating corruption?

- 12a: *In practice, in the past year, no journalists investigating corruption have been imprisoned.*

Score: no/0.00

Positive

Negative

Comments: Several were imprisoned, even tortured and banished from reporting.

References: AIPPA 2002; Prevention of Corruption Act 1985

Peer Review Comments: Recent information from the Media Institute of Southern Africa - Zimbabwe gives a slightly higher figure of more than 100 media workers arrested allegedly under anti-freedom of expression laws such as the AIPPA, on allegations of writing falsehoods, or operating media houses without licenses.

- 12b: *In practice, in the past year, no journalists investigating corruption have been physically harmed.*

Score: no/0.00

Positive

Negative

Comments: Several journalists were beaten up and tortured by state agents for reporting on corruption stories.

References: AIPPA 2002; Prevention of Corruption Act 1985; POSA 2001

- 12c: *In practice, in the past year, no journalists investigating corruption have been killed.*

Score: no/0.00

Positive

Negative

Comments: There are several allegations of such killings but nothing has as yet been proved in a court of law.

References: AIPPA 2002; Prevention of Corruption Act 1985; POSA 2001; Daily News July 14, 2001.

Zimbabwe: Electoral and Political Processes

Sub-Category: II-1/National Elections

	Indicators	Scores
13	In law, is universal and equal adult suffrage guaranteed to all citizens?	1.00
14	Can all citizens exercise their right to vote freely and fairly?	0.42
15	Do citizens participate in the political process?	0.60

Indicator and sub-Indicator Details

13 In law, is universal and equal adult suffrage guaranteed to all citizens?

Score: yes/1.00



Comments: All adults over the age of majority (i.e. 18 years) can vote if they are registered as voters and if they have the requisite documentation.

References: Electoral Act 1990; Constitution of Zimbabwe 1980 (Amended several times)

Peer Review Comments: The lack of respect for the rule of law, in order to protect the status quo of the few is ubiquitous in Zimbabwe. No doubt the national elections indicators are a sign of that. Although the laws in place are democratic, they are flouted to suit the ruling party, which has constantly led to rigging and unfair elections. The ESC is supposed to be a nonpartisan commission but it is not. The representation of the commission is largely biased towards the ruling party. Laws and policies pertaining to elections are often manipulated to ensure that the ruling party wins.

14 Can all citizens exercise their right to vote freely and fairly?

- 14a: *In practice, all adult citizens can vote.*

Score: rarely/0.25



Comments: There are many hurdles and barriers thrown in from time to time to prevent some adults from voting freely and fairly.

References: Electoral Act 1990 (Amended severally)

- 14b: *In practice, ballots are secret or equivalently protected.*

Score: rarely/0.25



Comments: There are too many irregularities that result in the ballots not being secret.

References: Electoral Act 1990 (Amended severally)

- 14c: *In practice, elections are held according to a regular schedule.*

Score: often/0.75



Comments: There are only a few instances when elections were postponed.

References: Electoral Act 1990 (Amended severally, last amended February 2002); Presidential decrees (various)

15 Do citizens participate in the political process?

- 15a: *In practice, all citizens have a right to form political parties.*

Score: almost always/1.00



Comments: Anyone can form a political party but not every political party can be funded with public funds.

References: Electoral Act 1990 (Amended severally); Political Parties (Finance) Act 1992

- 15b: *In practice, all citizens have a right to run for public office.*

Score: almost always/1.00



Comments: Some categories are banned from running for public office, e.g. convicts and insolvent people.

References: Electoral Act 1990 (Amended severally)

- 15c: *In practice, at least 30 percent of national legislators are women.*

Score: no/0.00



Comments: The highest percentage ever attained was 29 percent some 15 years ago. Currently, approximately 15 percent of the national legislators are female.

References: Constitution of Zimbabwe 1980

- 15d: *In practice, the ruling political party controls less than 2/3 of seats in the legislature.*

Score: yes/1.00



Comments: This only came about in the 2000 parliamentary elections. Prior to that, the ruling party always controlled more than 90 percent of the legislature.

References: Political Parties Finance Act 1992

- 15e: *In practice, during the most recent election, political parties received media coverage roughly proportional to their popular support.*

Score: almost never/0.00



Comments: The state media almost never reported on opposition political parties, except negatively.

References: Broadcasting Service's Act and the Zimbabwe Broadcasting Corporation's "Ten Golden Rules"

Peer Review Comments: Media coverage is disproportionately weighted in favor of the ruling party. The sole broadcasting institution has been known to refuse advertisements from the opposition.

Zimbabwe: Electoral and Political Processes

Sub-Category: II-2/Election Monitoring Agency

	Indicators	Scores
16	In law, is there an election monitoring agency?	1.00
17	Is the election monitoring agency effective?	0.00

Indicator and sub-Indicator Details

16 In law, is there an election monitoring agency?

Score: yes/1.00



Comments: The only problem is that it is an election supervisory commission with very limited powers.

References: Electoral Act 1990 (amended severally)

17 Is the election monitoring agency effective?

- 17a: *In law, the agency is protected from political interference.*

Score: no/0.00



Comments: It must report to the president who is partisan, which makes the commission vulnerable to political influence.

References: Electoral Act 1990 (amended severally)

Peer Review Comments: The structures which support the ESC are staffed by personnel from the Public Service Commission, and from various ministries, especially the Ministry of Home Affairs (Registrar-General and the police). The ESC is not much of a monitoring agency, rather it runs the elections, and needs monitoring itself.

- 17b: *In practice, agency appointments are made that support the independence of the agency.*

Score: almost never/0.00



Comments: Appointments into the Electoral Supervisory Commission (ESC) are invariably partisan and favor the ruling party.

References: Electoral Act 1990 (amended severally)

- 17c: *In practice, the agency has a professional, full-time staff.*

Score: almost never/0.00



Comments: It uses staff transferred from the Ministry of Justice and the rest of the civil service, including uniformed forces, such as army personnel.

References: Electoral Act 1990 (amended severally) and various presidential decrees

- 17d: *In practice, the agency makes reports to the legislature following an election cycle.*

Score: almost never/0.00



Comments: It reports only to the president.

References: Electoral Act 1990 (amended severally)

- 17e: *In practice, when necessary, the agency imposes penalties on offenders.*

Score: almost never/0.00



Comments: In the main, the offenders are ruling party elements and the ESC never imposes any penalties on them. In fact, it has no power to impose any penalties.

References: Electoral Act 1990 (amended severally)

Zimbabwe: Electoral and Political Processes

Sub-Category: II-3/Political Party Finances

	Indicators	Scores
18	Are there regulations governing political party finances?	0.00
19	Are the regulations governing political party finances effective?	0.00
20	Can citizens access the financial records of political parties?	0.00

Indicator and sub-Indicator Details

18 Are there regulations governing political party finances?

- 18a: *In law, there are regulations governing private contributions to political parties.*

Score: no/0.00



Comments: Private contributions to political parties are not at all regulated.

References: Political parties (Finance) Act 1992 (as amended)

Peer Review Comments: The lack of an independent agency monitoring or providing for the funding of political parties has largely resulted in the lack of strong opposition parties in Zimbabwe. The funds allocated to political parties by the national budget are monopolized by the ruling party as the main decision maker and the opposition has nothing to do but look for alternative funding to supplement the meager amounts they would have received. Normally these supplementary funds are sought from sympathizers, individual and corporate. As the leading opposition party, MDC received a lot of financial support in this manner, though the ruling party deliberately twisted facts in the papers saying that it got its finances from the West and, therefore, it was a puppet for furthering Western interests to oust the present regime.

- 18b: *In law, there are limits on individual donations to candidates and political parties.*

Score: no/0.00



Comments: There are no such limits and there are no disclosures either.

References: Electoral Act 1990 (amended severally)

- 18c: *In law, there are limits on corporate donations to candidates and political parties.*

Score: no/0.00



Comments: There are no such limits and there are no disclosures either.

References: Electoral Act 1990 (amended severally)

- 18d: *In law, there are limits on total party expenditure.*

Score: no/0.00



Comments: There are no such limits whatsoever.

References: Electoral Act 1990 (amended severally)

19 Are the regulations governing political party finances effective?

- 19a: *In practice, when necessary, an agency monitoring political party finances independently initiates investigations.*

Score: almost never/0.00



Comments: Not applicable, as there is no such agency in Zimbabwe.

References: Not applicable, as there is no such agency in Zimbabwe.

- 19b: *In practice, when necessary, an agency monitoring political party finances imposes penalties on offenders.*

Score: almost never/0.00



Comments: Not applicable, as there is no such agency in Zimbabwe.

References: Not applicable, as there is no such agency in Zimbabwe.

- 19c: *In practice, contributions to political parties are audited.*

Score: almost never/0.00



Comments: They are not audited because the act stipulates that they should not be audited.

References: Electoral Act 1990 (amended severally)

20 Can citizens access the financial records of political parties?

- 20a: *In law, citizens can access the financial records of political parties.*

Score: no/0.00



Comments: This is impossible; the act does not make any such provision.

References: Electoral Act 1990 (amended severally)

- 20b: *In practice, citizens can access the financial records of political parties within a reasonable time period.*

Score: > 1 year/0.00



Comments: Not applicable.

References:

- 20c: *In practice, citizens can access the financial records of political parties at a reasonable cost.*

Score: almost never/0.00



Comments: Not applicable.







References:

Zimbabwe: Branches of Government

Sub-Category: III-1/Executive

	Indicators	Scores
21	In law, can citizens sue the government for infringement of their civil rights?	1.00
22	Can members of the executive be held accountable for their actions?	0.75
23	Is the executive leadership subject to prosecution?	0.50
24	Are there regulations governing conflicts of interest by the executive branch?	0.33
25	Can citizens access the asset disclosure records of the head of state?	0.00
26	In practice, is the ruling party distinct from the state?	0.00

Indicator and sub-Indicator Details

21	<p>In law, can citizens sue the government for infringement of their civil rights?</p> <p>Score: yes/1.00 </p> <p>Comments: The Constitution of Zimbabwe makes provision for redress through the courts for infringement on civil rights by government.</p> <p>References: Constitution of Zimbabwe 1980; Ombudsman's Act</p>
22	<p>Can members of the executive be held accountable for their actions?</p> <p>- 22a: <i>In practice, members of the executive give reasons for their policy decisions.</i></p> <p>Score: often/0.75 </p> <p>Comments: Their reasons are often not consistent with the people's wishes.</p> <p>References: Presidential Powers (Temporary) Measures Act (1990)</p> <p>- 22b: <i>In law, the judiciary can review the actions of the executive.</i></p> <p>Score: yes/1.00 </p> <p>Comments: Yes, but the reviews are not necessarily respected by the executive.</p> <p>References: Judicial Commission Act (amended severally); High Court Act</p> <p>- 22c: <i>In practice, when necessary, the judiciary reviews the actions of the executive.</i></p> <p>Score: sometimes/0.50 </p> <p>Comments: Often the executive does not comply with the decisions of the judiciary. On several occasions the executive has taken new amendments to specific laws to the legislature for passing so that it did not have to comply with court decisions.</p> <p>References: Presidential Powers (Temporary) Measures Act (1990); Administrative Tribunal (various decisions/rulings)</p>
23	<p>Is the executive leadership subject to prosecution?</p> <p>- 23a: <i>In law, the head of state is not immune from prosecution.</i></p> <p>Score: no/0.00 </p> <p>Comments: He is immune from prosecution as long as he is head of state but can be prosecuted once he leaves office.</p> <p>References: Constitution of Zimbabwe (Amendment) Act No 7 1987</p> <p>Peer Review Comments: The first former head of state (Canaan Banana) was convicted on corruption-related charges and imprisoned for one year. The current head of state cannot be prosecuted until he leaves office.</p> <p>- 23b: <i>In law, ministerial-level officials are not immune from prosecution.</i></p> <p>Score: yes/1.00 </p> <p>Comments: They can be prosecuted but can hardly be convicted if they claim to have carried out whatever</p>

the action may be on behalf of the state.

References: Public Order and Security Act (POSA) 2002

Peer Review Comments: Of the several current and former ministerial-level officials who have been prosecuted, only a few were convicted. Many of the cases are still pending and some officials were granted the presidential pardon before and after prosecution and conviction.

24 Are there regulations governing conflicts of interest by the executive branch?

- 24a: *In law, the head of state is required to file an asset disclosure form.*

Score: no/0.00



Comments: There is no such requirement in any of the legislation in Zimbabwe.

References:

- 24b: *In law, ministerial-level officials are required to file an asset disclosure form.*

Score: no/0.00



Comments: There is no such requirement in any of the legislation in Zimbabwe. A code of conduct was once proposed but was stiffly resisted by ruling party elements.

References: ZanuPF Code of Conduct (unpublished)

- 24c: *In law, there are regulations concerning gifts and hospitality for the executive.*

Score: yes/1.00



Comments: Yes, but aspects of that law have hardly ever been enforced.

References: Prevention of Corruption Act 1985

25 Can citizens access the asset disclosure records of the head of state?

- 25a: *In law, citizens can access the asset disclosure records of the head of state.*

Score: no/0.00



Comments: There is no such record. In fact attempts to use the Deeds Office for this purpose by some journalists were thwarted by state agents who removed all such records from that office.

References: The Daily Gazette (a now defunct, privately owned newspaper)

- 25b: *In practice, citizens can access the asset disclosure records of the head of state within a reasonable time period.*

Score: > 1 year/0.00



Comments: Not applicable because such records do not exist.

References:

- 25c: *In practice, citizens can access the asset disclosure records of the head of state at a reasonable cost.*

Score: almost never/0.00



Comments: Not applicable because such records do not exist.

References:

26 In practice, is the ruling party distinct from the state?

Score: almost never/0.00



Comments: The ruling party and the state are largely viewed as one and the same thing. State funds and other assets are used for the benefit of the ruling party.

References: Parliamentary Election Reports 1990 and 1995

Zimbabwe: Branches of Government

Sub-Category: III-2/Legislature

	Indicators	Scores
27	Can members of the legislature be held accountable for their actions?	0.00
28	In law, are members of the legislature subject to prosecution?	1.00

29	Are there regulations governing conflict of interest by members of the legislature?	0.50
30	Can citizens access the asset disclosure records of members of the legislature?	0.00
31	Can citizens access legislative processes and documents?	0.58
32	Does the legislature have control of the budget?	1.00
33	Can citizens access the national budgetary process?	1.00
34	In law, is there a separate legislative committee which provides oversight of public funds?	1.00
35	Is the legislative committee overseeing the expenditure of public funds effective?	0.88

Indicator and sub-Indicator Details

27 Can members of the legislature be held accountable for their actions?

- 27a: *In law, the judiciary can review the actions of the legislature.*

Score: no/0.00



Comments: This does not happen because of parliamentary immunity granted all legislators by the Constitution.

References: Constitution of Zimbabwe 1980

- 27b: *In practice, when necessary, the judiciary reviews the actions of the legislature.*

Score: almost never/0.00



Comments: Not applicable because such records do not exist.

References:

28 In law, are members of the legislature subject to prosecution?

Score: yes/1.00



Comments: They can be prosecuted for actions conducted outside the chamber that violate the law.

References: POSA 2002; Constitution of Zimbabwe 1980

Peer Review Comments: Several have since been prosecuted and convicted, but later pardoned by the president

29 Are there regulations governing conflict of interest by members of the legislature?

- 29a: *In law, members of the legislature are required to file an asset disclosure form.*

Score: no/0.00



Comments: There is no such requirement.

References:

- 29b: *In law, there are regulations concerning gifts and hospitality for members of the legislature.*

Score: yes/1.00



Comments: These are largely spelled out in anti-corruption legislation. They are rarely ever enforced.

References: Prevention of Corruption Act 1985; Ombudsman's Act 1981

30 Can citizens access the asset disclosure records of members of the legislature?

- 30a: *In law, citizens can access the asset disclosure records of members of the legislature.*

Score: no/0.00



Comments: No such records exist.

References:

- 30b: *In practice, citizens can access these records within a reasonable time period.*

Score: > 1 year/0.00



Comments: Not applicable.

References:

- 30c: *In practice, citizens can access these records at a reasonable cost.*

Score: almost never/0.00

Positive

Negative

Comments: Not applicable.

References:

31 Can citizens access legislative processes and documents?

- 31a: *In law, citizens can access records of legislative processes and documents.*

Score: yes/1.00

Positive

Negative

Comments: Only unclassified documents; others are subject to the Official Secrets Act.

References: Official Secrets Act 1961; Kavran Report on Reform of the Public Service 1988 to 1989

- 31b: *In practice, citizens can access these records within a reasonable time period.*

Score: > 1 year/0.00

Positive

Negative

Comments: Civil servants do their best to delay access to such documents.

References: Kavran Report on Reform of the Public Service 1988 to 1989

- 31c: *In practice, citizens can access these records at a reasonable cost.*

Score: often/0.75

Positive

Negative

Comments: These reports are printed by government printers and are inexpensive.

References: Finance Act 1980

32 Does the legislature have control of the budget?

- 32a: *In law, the legislature can amend the budget.*

Score: yes/1.00

Positive

Negative

Comments: Pre-budget seminars and workshops for legislators can result in some adjustments to the proposed budget.

References: Various media reports; Hansard, 2000 to 2003; Finance Act.

- 32b: *In practice, significant public expenditures require legislative approval.*

Score: almost always/1.00

Positive

Negative

Comments: Such expenditures must be contained in the budget or supplementary budget, which must be passed by the legislature.

References: Hansard Reports (various); Constitution of Zimbabwe 1980

33 Can citizens access the national budgetary process?

- 33a: *In practice, the national budgetary process is conducted in a transparent manner in the debating stage.*

Score: almost always/1.00

Positive

Negative

Comments: Members of the public can participate in the budgetary process at the debating stage by lobbying their legislators or participating in pre-budget seminars and workshops.

References: Finance (Amendment) Act 2000; Parliamentary Standing Orders 2000

- 33b: *In practice, citizens provide input at budget hearings.*

Score: almost always/1.00

Positive

Negative

Comments: Citizens participate in all hearings conducted by the various parliamentary committees.

References: Finance (Amendment) Act 2000; Parliamentary Standing Orders 2000

Peer Review Comments: There is little to nothing of significance that the citizens can do even if they are totally against the priorities and allocations of a particular year's budget. The sentiments of citizens are generally not respected, feared or listened to in Zimbabwe. So though the citizens murmured disapproval at the largest budget allocation going to defense in a time of peace, nothing was done about it.

- 33c: *In practice, citizens can access itemized budget allocations.*

Score: almost always/1.00

Positive

Negative

Comments: This only happens after the budget has been passed through the legislature.

References: Various media reports

34 In law, is there a separate legislative committee which provides oversight of public funds?

Score: yes/1.00



Comments: Yes, there is the Public Accounts Committee (PAC).

References: Parliamentary Standing Orders 2000

Peer Review Comments: The issue of the PAC is a problematic one because, though it has a lot of powers given to it by the Parliamentary Standing Orders, the fact that it is chaired by a member of the opposition has in reality made it difficult for it to get cooperation and support. It is also a very under-resourced portfolio committee and cannot carry out much of the work that it should be carrying out, especially when it comes to conducting research and so forth. Furthermore the committee chairperson has complained about the lack of enabling legislation that would make their rulings enforceable in a court of all. In the current set-up, all the committee can do is make recommendations which may or may not be implemented and it cannot impose those recommendations.

35 Is the legislative committee overseeing the expenditure of public funds effective?

- 35a: *In practice, department heads regularly submit reports to this committee.*

Score: often/0.75



Comments: The PAC requires that they do so.

References: Parliamentary Standing Orders 2000

- 35b: *In practice, a member of an opposition party presides over this committee.*

Score: almost always/1.00



Comments: This is a requirement of the Standing Orders.

References: Parliamentary Standing Orders 2000

- 35c: *In practice, this committee is protected from political interference.*

Score: almost always/1.00



Comments: Parliamentary immunity ensures that this committee is protected from political pressure.

References: Parliamentary Standing Orders 2000

- 35d: *In practice, when necessary, this committee initiates independent investigations into financial irregularities.*

Score: often/0.75



Comments: The committee is empowered to do so, although such investigations need to be supported by the auditor general.

References: Parliamentary Standing Orders 2000; Auditor General's Act

Zimbabwe: Branches of Government

Sub-Category: III-3/Judiciary

	Indicators	Scores
36	In law, is the independence of the judiciary guaranteed?	1.00
37	Is the appointment process for high court judges effective?	0.45
38	Can members of the judiciary be held accountable for their actions?	0.25
39	Can citizens access the judicial system?	0.50
40	In law, is there a program to protect witnesses in corruption cases?	0.00
41	Are judges safe when adjudicating corruption cases?	0.50

Indicator and sub-Indicator Details

36 In law, is the independence of the judiciary guaranteed?

Score: yes/1.00



Comments: The Judicial Commission Act ensures the autonomy of the judiciary.

References: Judicial Commission Act 1980; Constitution of Zimbabwe 1980

Peer Review Comments: As the government becomes more and more totalitarian, its interference becomes more and more ubiquitous and the judiciary is no less affected. The political interference has undermined citizens' faith in the judiciary, which is currently suffering a credibility crisis.

37 Is the appointment process for high court judges effective?

- 37a: In practice, there is a transparent procedure for selecting high court judges.

Score: rarely/0.25



Comments: Political interference and partisan appointments are now the order of the day.

References: Recent forced leave and subsequent early retirement of several judges as described in media reports.

- 37b: In practice, there are certain professional criteria required for the selection of high court judges.

Score: almost always/1.00



Comments: The Judicial Commission normally does most of the appointments. Political figures are now making appointments without following procedures. However, there are no appointments made of unqualified persons.

References: Various media reports Daily News and Financial Gazette 2002 - 2003

- 37c: In law, there is a confirmation process for high court judges (i.e. conducted by the legislature or an independent body).

Score: no/0.00



Comments: The presidential appointments are final and the legislature has no role.

References: Constitution of Zimbabwe 1980; Judicial Services Commission Act

- 37d: In law, high court judges are protected from removal without relevant justification.

Score: yes/1.00



Comments: They are protected from arbitrary dismissal under both the Constitution and the Judicial Services Commission Act.

References: Constitution of Zimbabwe 1980; Judicial Services Commission Act 1980

- 37e: In practice, high court judges are protected from political interference.

Score: almost never/0.00



Comments: There is often considerable political interference. Most of the high court judges have been allocated free farms.

References: Justice for Agriculture Reports 2003; Transparency International Zimbabwe field research report

38 Can members of the judiciary be held accountable for their actions?

- 38a: In law, members of the judiciary are obliged to give reasons for their decisions.

Score: yes/1.00



Comments: This is provided for in the stipulated court procedures.

References: High and Supreme Court Procedures Manual 1980

- 38b: In practice, members of the judiciary give reasons for their decisions.

Score: sometimes/0.50



Comments: Some will reserve their reasons or explanations for devious reasons.

References: Various rulings on political disputes especially between 2000 and 2003.

- 38c: In law, there is an ombudsman (or equivalent agency) for the judicial system.

Score: no/0.00



Comments: The higher court reviews decisions of the lower court. The Supreme Court reviews all decisions appealed to it. It is the constitutional court.

References: Judicial Services Commission Act 1980

- 38d: In law, the judicial ombudsman (or equivalent agency) is protected from political interference.

Score: no/0.00



Comments: No, political influence may be applied on the courts.

References: Judicial Services Commission Act 1980

- 38e: In practice, when necessary, the judicial ombudsman (or equivalent agency) initiates investigations.

Score: almost never/0.00



Comments: Only a tribunal set up for the specific purpose may investigate a matter.

References: Judicial Services Commission Act 1980

- 38f: In practice, when necessary, the judicial ombudsman (or equivalent agency) imposes penalties on offenders.

Score: almost never/0.00



Comments: This is part of the sentencing procedure.

References: Judicial Services Commission Act 1980

39 Can citizens access the judicial system?

- 39a: In practice, citizens earning the median yearly income can afford to bring a legal suit.

Score: almost never/0.00



Comments: Legal suits are prohibitively expensive and most citizens cannot afford them.

References: Judicial Fess Procedures (reviewed from time to time)

Peer Review Comments: Although Zimbabweans have been described as a non-litigious people it stems largely from the prohibitive costs. Many citizens have no access to legal aid or do not know about the services they offer.

- 39b: In practice, a typical small retail business can afford to bring a legal suit.

Score: rarely/0.25



Comments: A legal suit would be too costly for a small business.

References: Judicial Fess Procedures (reviewed from time to time)

- 39c: In practice, the state provides legal counsel for defendants in criminal cases who cannot afford it.

Score: almost always/1.00



Comments: This is a requirement of the legal practice and procedures in Zimbabwe.

References: Judicial Services Commission Act 1980

- 39d: In practice, all citizens have access to a court of law, regardless of geographic location.

Score: often/0.75



Comments: Exceptions are citizens living in communities in remote areas of the country.

References: Rural District Councils Act 1988

40 In law, is there a program to protect witnesses in corruption cases?

Score: no/0.00



Comments: There are no such programs yet in Zimbabwe.

References: Prevention of Corruption Act 1985

Peer Review Comments: Transparency International Zimbabwe is in the process of setting up a Corruption Protection of Whistleblower's Trust Fund. Private sector initiative still needs buy-in from the government. Furthermore, there are acts and various bills waiting for reading in Parliament that the government, in a bid to bring sanity to the financial services sector, is pushing to enact as soon as possible. These all have provisions for a witness protection program: Banks Use and Anti-Money Laundering Bill 2003; Witness Protection Act 112 of 1998; The Prohibition and Prevention of Money Laundering Bill, 2001; The Anti Corruption Commission Bill, 2003; and The Economic Crime and Anti Money Laundering Act, 2000.

41 Are judges safe when adjudicating corruption cases?

- 41a: In practice, in the last year, no high court judges have been physically harmed because of adjudicating corruption cases.

Score: no/0.00



Comments: Several magistrates and High Court judges have been physically harmed.

References: Daily News and other independent newspapers 2000 to 2003

- 41b: *In practice, in the last year, no high court judges have been killed because of adjudicating corruption cases.*

Score: yes/1.00



Comments: Several high court judges have received threats and are under state protection.







References: Daily News 2000 to 2003

Zimbabwe: Administration and Civil Service

Sub-Category: IV-1/Civil Service Regulations

	Indicators	Scores
42	Are there national regulations for the civil service?	1.00
43	Is the law governing the administration and civil service effective?	0.59
44	In law, are there conflict of interest regulations for senior civil servants?	1.00
45	Can citizens access the asset disclosure records of senior civil servants?	0.00

Indicator and sub-Indicator Details

42	Are there national regulations for the civil service?
	<p>- 42a: In law, there are regulations requiring an impartial and independent civil service.</p> <p>Score: yes/1.00 </p> <p>Comments: This is stipulated in the law. References: Public Service Commission (PSC) Act 1980; Constitution of Zimbabwe 1980 Peer Review Comments: In most cases the appointments are impartial. However, the nontransparent recruitment of senior civil servant officials and low salaries make the jobs unattractive for those without political ambitions.</p> <hr/> <p>- 42b: In law, there are regulations to prevent nepotism within the civil service.</p> <p>Score: yes/1.00 </p> <p>Comments: Public Service Commission recruitment procedures do not allow nepotism. References: Public Service Commission Act 1980; Constitution of Zimbabwe 1980; PSC Recruitment Procedures</p> <hr/> <p>- 42c: In law, there are regulations to prevent cronyism/patronage within the civil service.</p> <p>Score: yes/1.00 </p> <p>Comments: Commission recruitment procedures do not allow nepotism. References: Commission Act 1980; Constitution of Zimbabwe 1980</p> <hr/> <p>- 42d: In law, civil servants convicted of corruption are prohibited from future government employment.</p> <p>Score: yes/1.00 </p> <p>Comments: Five years after serving their sentence, convicted civil servants can be employed as public servants again. References: Public Service Commission Act 1980; Constitution of Zimbabwe 1980; PSC Recruitment Procedures</p> <hr/> <p>- 42e: In law, there are restrictions for senior public servants entering positions in the private sector.</p> <p>Score: yes/1.00 </p> <p>Comments: These restrictions are, however, not enforced strictly. References: Public Service Commission Act 1980</p> <hr/> <p>- 42f: In law, there are regulations and registers concerning gifts and hospitality for senior civil servants?</p> <p>Score: yes/1.00 </p> <p>Comments: These are stipulated in the relevant acts. References: PSC Act 1980; Prevention of Corruption Act 1985; Ombudsman's Act 1981</p>
43	Is the law governing the administration and civil service effective?
	<p>- 43a: In practice, civil servants are protected from political interference.</p>

Score: sometimes/0.50



Comments: Most civil servants are vulnerable to political interference.
References: Ombudsman's Report 1989; Sandura Commission Report 1989

- 43b: *In practice, civil servants are appointed according to professional criteria.*

Score: often/0.75



Comments: The only exception are political appointees made by the president.
References: Constitution of Zimbabwe 1980; PSC Act 1980; Constitutional Amendment Act No 7 1987

- 43c: *In practice, civil servants are not employed based on nepotism.*

Score: rarely/0.25



Comments: Often they are employed on the basis of nepotism and they have to know someone in the service.
References: PSC Various cases of misconduct 1997 to 1999

- 43d: *In practice, civil servants are not employed based on cronyism/patronage.*

Score: sometimes/0.50



Comments: They have to be well-connected politically or regionally in order to get the job.
References: PSC Various cases of misconduct 1997 to 1999

- 43e: *In practice, civil servants have clear job descriptions.*

Score: often/0.75



Comments: These are determined by the PSC and its staff in accordance with the law.
References: PSC Terms and Conditions of Service 1980 variously updated through Statutory Instruments (e.g. SI 111)

- 43f: *In practice, in the past year, the government has paid civil servants on time.*

Score: almost always/1.00



Comments: There have not been any problems of the government failing to pay civil servants.
References: PSC Salary Services Bureau (internal minute 2003)

- 43g: *In practice, civil servants convicted of corruption are prohibited from future government employment.*

Score: sometimes/0.50



Comments: But they may be re-employed five years after serving their sentence.
References: PSC Act 1980

- 43h: *In practice, restrictions on private sector employment for senior public officials are enforced.*

Score: sometimes/0.50



Comments: Recently civil servants have been allowed to undertake limited private sector work after hours.
References: PSC SI 111

44 In law, are there conflict of interest regulations for senior civil servants?

Score: yes/1.00



Comments: The regulations are hardly enforced, unless one is reported to a higher authority
References: State Procurement Board Procedures

45 Can citizens access the asset disclosure records of senior civil servants?

- 45a: *In law, citizens can access the asset disclosure records of senior civil servants.*

Score: no/0.00



Comments: There are no such records.
References:

- 45b: *In practice, citizens can access the asset disclosure records of senior civil servants within a reasonable time period.*

Score: > 1 year/0.00



Comments: There are no such records.

References:

- 45c: In practice, citizens can access the asset disclosure records of senior civil servants at a reasonable cost.

Score: almost never/0.00



Comments: There are no such records.

References:

Zimbabwe: Administration and Civil Service

Sub-Category: IV-2/Whistle-blowing Measures

	Indicators	Scores
46	Are employees protected from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?	0.25
47	Is there an effective internal mechanism (i.e. phone hotline, e-mail address, local office) where civil servants can report corruption?	0.31

Indicator and sub-Indicator Details

46	Are employees protected from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?
----	--

- 46a: In law, civil servants who report corruption are protected from recrimination or other negative consequences.

Score: no/0.00



Comments: There is no such protection in law in Zimbabwe.

References:

Peer Review Comments: The Bank Use Promotion and Anti-Money Laundering Bill, 2003, Witness Protection Act 112 of 1998, The Prohibition and Prevention of Money Laundering Bill, 2001, Anti Corruption Commission Bill, 2003, and The Economic Crime and Anti Money Laundering Act 2000 all make mention of whistle-blower protections, though so far none have been implemented. Some private sector institutions such as Delloite and Touche have programs of their own that offer certain levels of protection through offering anonymity (Tips Off Anonymous) while in the Public sector ZIMRA (Zimbabwe Revenue Authority) also has a whistle-blower program.

- 46b: In practice, civil servants who report corruption are protected from recrimination or other negative consequences.

Score: sometimes/0.50



Comments: Sometimes they are transferred to remote regions or to other departments.

References: Public Service Commission (PSC) procedures 1980

- 46c: In law, private sector employees who report corruption are protected from recrimination or other negative consequences.

Score: no/0.00



Comments: There is no such protection in law in Zimbabwe.

References:

- 46d: In practice, private sector employees who report corruption are protected from recrimination or other negative consequences.

Score: sometimes/0.50



Comments: They may be transferred to remote regions or to other centers of their company.

References: Private company procedures

47	Is there an effective internal mechanism (i.e. phone hotline, e-mail address, local office) where civil servants can report corruption?
----	--

- 47a: *In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.*

Score: rarely/0.25



Comments: No special provision is made for this.

References:

- 47b: *In practice, the internal reporting mechanism for public sector corruption receives regular funding.*

Score: rarely/0.25



Comments: No special provision for funding is made for this. The only funding provided is a small allowance provided by Ministry of Finance.

References: Budget Speech 2001

- 47c: *In practice, the internal reporting mechanism for public sector corruption acts on complaints within a reasonable time period.*

Score: < 6 months/0.50



Comments: This happens only if the alleged culprits are not political heavyweights.

References: Media reports

- 47d: *In practice, when necessary, the internal reporting mechanism for public sector corruption initiates investigations.*

Score: rarely/0.25



Comments: A committee may be appointed by the executive official.

References:

Zimbabwe: Administration and Civil Service

Sub-Category: IV-3/Procurement

	Indicators	Scores
48	Is the public procurement process effective?	0.58
49	Can citizens access the public procurement process?	0.70

Indicator and sub-Indicator Details

48	Is the public procurement process effective?
	- 48a: <i>In law, there are conflict of interest regulations for public procurement officials.</i>
	Score: yes/1.00
	Comments: Allegations of violations of these regulations abound.
	References: State Procurement Board (SPB) Act 2000; Finance Act 1980; Media reports
	- 48b: <i>In practice, the conflict of interest regulations for public procurement officials are enforced.</i>
	Score: rarely/0.25
	Comments: Political influence prevents their strict enforcement.
	References: Media reports: Daily News, Financial Gazette, Independent 2000 to 2003
	- 48c: <i>In law, there is a mechanism that monitors the assets, incomes and spending habits of public procurement officials.</i>
	Score: no/0.00
	Comments: No such mechanism exists.
	References:
	- 48d: <i>In law, all major procurements require competitive bidding.</i>

Score: yes/1.00



Comments: This is often violated by officials and politicians.
References: Media reports, Grain Marketing Board Act 1982

- 48e: In law, strict formal requirements limit the extent of sole sourcing.

Score: yes/1.00



Comments: Yes, but they are rarely enforced due to political interference.
References: Government Tender Board Procedures

- 48f: In law, unsuccessful bidders can instigate an official review of procurement decisions.

Score: yes/1.00



Comments: If political influence is effective they do not succeed in getting decisions overturned.
References: GMB case 2000; Post and Telecommunications Corporation (PTC) Act 1989

- 48g: In law, unsuccessful bidders can challenge procurement decisions in a court of law.

Score: yes/1.00



Comments: Chances of success are extremely limited because the judiciary is politically partisan.
References: Econet Wireless case 197 to 2000 Post and Telecommunications Corporation (PTC) Act 1989

- 48h: In law, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in procurement bids.

Score: no/0.00



Comments: They are not prohibited at all.
References: Harare International Airport case 2000

- 48i: In practice, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

Score: almost never/0.00



Comments: They are not prohibited.
References: Airport Harbour Technologies case 2000

49 Can citizens access the public procurement process?

- 49a: In law, citizens can access public procurement regulations.

Score: yes/1.00



Comments: These can be purchased from government stores.
References: Government Publications Act 1980

- 49b: In practice, citizens can access public procurement regulations within a reasonable time period.

Score: < 1 month/1.00



Comments: The documents are available on sale to the public.
References: Government Publications Act 1980

- 49c: In practice, citizens can access public procurement regulations at a reasonable cost.

Score: almost always/1.00



Comments: The documents are generally inexpensive.
References: Government Publications Act 1980

- 49d: In practice, major public procurements are widely advertised.

Score: rarely/0.25



Comments: There is no legal requirement for the government to do so.
References: State Procurement Board (SPB) Act 2000; Finance Act 1980; Media reports

- 49e: In practice, citizens can access the results of major public procurement bids.

Score: rarely/0.25



Comments: The State Procurement Board is restrictive on this for obvious reasons unless a court order has been obtained.

References: State Procurement Board (SPB) Act 2000; Finance Act 1980; Media reports

Zimbabwe: Administration and Civil Service

Sub-Category: IV-4/Privatization

	Indicators	Scores
50	Is the privatization process effective?	0.00
51	Can citizens access the terms and conditions of privatization bids?	1.00

Indicator and sub-Indicator Details

50 Is the privatization process effective?

- 50a: *In law, all businesses are eligible to compete for privatized state assets.*

Score: no/0.00



Comments: There is a deliberate policy of indigenization of selected businesses. Indigenization is a policy whereby firms or companies owned by black Zimbabweans receive preferential treatment when they bid for state assets that are being privatized.

References: Economic Structural Adjustment Programme (ESAP) 1991; Millennium Economic Recovery Programme (MERP)2000

- 50b: *In law, there are conflict of interest regulations for government officials involved in privatization.*

Score: no/0.00



Comments: No such laws exist. In fact several state-owned enterprises have been purchased by senior government officials and politicians involved in the privatization process.

References: Media Reports: Daily News various issues 2001

- 50c: *In practice, conflict of interest regulations for government officials involved in privatization are enforced.*

Score: almost never/0.00



Comments: There is no political will to enforce them, especially when politically connected officials are involved.

References: Media reports 2000 to 2003

Peer Review Comments: The Privatization Agency of Zimbabwe has been fraught with rumors and accusations of irregularities. The process has not benefited or empowered black business people to a large extent as it has become a closed shop affair, involving politicians and other top government officials.

51 Can citizens access the terms and conditions of privatization bids?

- 51a: *In law, citizens can access the terms and conditions of privatization bids.*

Score: yes/1.00



Comments: These are often published by the relevant government ministries.

References: Ministry of Finance Act 1992

- 51b: *In practice, citizens can access the terms and conditions of privatization bids within a reasonable time period.*

Score: < 1 month/1.00



Comments: These are made available once a decision to privatize has been published.

References: Government Gazette 1992 plus several issues of the same until 2003

- 51c: *In practice, citizens can access the terms and conditions of privatization bids at a reasonable cost.*

Score: almost always/1.00



Comments: The Government Gazette is inexpensive and sold by the Government Publications Office.
References: Ministry of Finance Act 1980

Zimbabwe: Oversight and Regulatory Mechanisms

Sub-Category: V-1/National Ombudsman

	Indicators	Scores
52	In law, is there a national ombudsman, public protector or equivalent agency covering the entire public sector?	1.00
53	Is the national ombudsman effective?	0.17
54	Can citizens access the reports of the ombudsman?	0.33

Indicator and sub-Indicator Details

52 In law, is there a national ombudsman, public protector or equivalent agency covering the entire public sector?

Score: yes/1.00



Comments: The ombudsman's office covers all but some specific sections of the public sector; it does not cover the president's office or security agents.

References: Ombudsman's Act 1981

Peer Review Comments: Ideally the ombudsman's office should have an oversight function over the president's office for it to be totally legitimate.

53 Is the national ombudsman effective?

- 53a: *In law, the ombudsman is protected from political interference.*

Score: no/0.00



Comments: The ombudsman is within the Ministry of Justice and is, therefore, subject to political influence.

References: Ombudsman's Act 1981

Peer Review Comments: The reason for the ombudsman's ineffectiveness is not so much where the office is administratively located, as the fact is she has no autonomy, institutionally or in terms of resources. Even for the limited range of functions allocated, the ombudsman's office is understaffed. The ombudsman is protected from arbitrary removal, but there are ways for the politicians to influence her actions indirectly.

- 53b: *In practice, the ombudsman is protected from political interference.*

Score: almost never/0.00



Comments: The ombudsman can be interfered with by politicians.

References: Ombudsman's Act 1981

- 53c: *In practice, the ombudsman is protected from removal without relevant justification.*

Score: almost never/0.00



Comments: Ministerial authority can result in removal without explanation.

References: Media reports Daily Gazette 1987

- 53d: *In practice, the agency has a professional, full-time staff.*

Score: sometimes/0.50



Comments: Their operations, however, rarely qualify as professional.

References: Ombudsman's reports 1985 to 1995

- 53e: *In practice, agency appointments support the independence of the agency.*

Score: almost never/0.00



Comments: Appointments fall within the regular public service provisions.

References: Ombudsman's Act 1981; Public Service Commission Act 1980

- 53f: *In practice, the agency receives regular funding.*

Score: almost never/0.00



Comments: It is funded just like any other government department.

References: PSA Act 1980; Finance Act 1981

- 53g: *In practice, the agency makes regular reports to the legislature.*

Score: almost never/0.00



Comments: Reports are made only through the Minister of Justice.

References: Ombudsman's Act 1981

- 53h: *In practice, the government acts on the findings of the agency.*

Score: sometimes/0.50



Comments: The government often ignores the agency's findings.

References: Ombudsman's Reports 1986 to 1994

- 53i: *In practice, the agency acts on citizen complaints within a reasonable time period.*

Score: < 6 months/0.50



Comments: Financial and staff shortages militate against speedy resolution of cases.

References: Ombudsman's Reports 1986 to 1998

54 Can citizens access the reports of the ombudsman?

- 54a: *In law, citizens can access reports of the ombudsman.*

Score: no/0.00



Comments: These become public documents once they have been discussed in the legislature. They are sold in government stores. (These reports do not score, as the ombudsman does not cover the chief executive).

References: Ministry of Finance Act 1981

Peer Review Comments: A major stumbling block is the fact that the public by and large do not even know about the existence of the ombudsman's office let alone the scope and functions of that offices vis-à-vis how it stands to benefit them as citizens of Zimbabwe. The ideas of holding government offices, officials and institutions accountable are alien to Zimbabwe, hence the lack of curiosity or inquisitiveness that leads to a lack of transparency and accountability.

- 54b: *In practice, citizens can access the reports of the ombudsman within a reasonable time period.*

Score: > 1 year/0.00



Comments: There is a serious backlog (three years behind) of cases in the agency due to the lack of resources.

References: Ombudsman's Report 2000

- 54c: *In practice, citizens can access the reports of the ombudsman at a reasonable cost.*

Score: almost always/1.00



Comments: The reports are inexpensively sold by the Government Publications Office.

References: Ministry of Finance Act 1981

Zimbabwe: Oversight and Regulatory Mechanisms

Sub-Category: V-2/Supreme Audit Institution

	Indicators	Scores
55	In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?	1.00
56	Is the supreme audit institution effective?	0.68
57	Can citizens access reports of the supreme audit institution?	0.58

Indicator and sub-Indicator Details

55 In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

Score: yes/1.00



Comments: The auditor general audits the whole of the Public Service and state-owned enterprises or parastatal organizations.

References: Auditor General Act; Finance Act

56 Is the supreme audit institution effective?

- 56a: In law, the supreme audit institution is protected from political interference.

Score: yes/1.00



Comments: Yes, the auditor general reports to Parliament, but also no because his office is under a portfolio ministry.

References: Finance Act; Auditor General Act

- 56b: In practice, the head of the agency is protected from removal without relevant justification.

Score: rarely/0.25



Comments: He can be removed through a political decision made by the president or following the recommendation of the responsible minister.

References: Finance Act; Auditor general Act

- 56c: In practice, the agency has a professional, full-time staff.

Score: almost always/1.00



Comments: The staff of the agency is composed of professionals.

References: Finance Act; Auditor General Act

- 56d: In practice, agency appointments support the independence of the agency.

Score: almost always/1.00



Comments: Virtually all appointments are made in a transparent manner by the Public Service Commission.

References: PSC (Amendment) Act 199; Finance Act; Auditor general Act

- 56e: In practice, the agency receives regular funding.

Score: often/0.75



Comments: It is allocated funds through the national budget as part of the Ministry of Finance.

References: PSC (Amendment) Act 1997; Finance Act; Auditor general Act

- 56f: In practice, the agency makes regular reports to the legislature.

Score: sometimes/0.50



Comments: It is a statutory requirement that it report to the legislature. Sadly, the agency is more than three years behind in its reporting.

References: Finance Act; Auditor general Act; Auditor general report 2000

Peer Review Comments: The Public Accounts Committee (PAC) has no special powers to compel the agency to submit its report as it should. It needs to be given powers through constitutional provisions or amendments that would make it a standing committee with the power to not only compel but to also prosecute the agency for failing to submit reports on time. Secondly, the PAC cannot hold the agency accountable for failing to act on its recommendations.

- 56g: In practice, the government acts on the findings of the agency.

Score: rarely/0.25



Comments: The general practice is to ignore the findings of the auditor general.

References: Auditor General Act Auditor General report 2000

Peer Review Comments: In a hyperinflationary environment, the auditor general's prescriptions to curb over-spending have been regularly ignored.

57 Can citizens access reports of the supreme audit institution?

- 57a: In law, citizens can access reports of the agency.

Score: yes/1.00



Comments: Yes, but only after the reports have been discussed in the legislature and have become public documents.

References: Auditor General Act; Auditor General report 1997

Peer Review Comments: Once again the lack of citizen participation in state functionaries is caused by a lack of information. By and large Zimbabweans do not know about the existence of the agency or how to hold it accountable.

- 57b: In practice, citizens can access the agency reports within a reasonable time period.

Score: > 1 year/0.00



Comments: The legislature takes a long time to release the reports to the public.

References: Auditor General Act; Auditor General report 2000; Parliamentary Review Committee Report Vol.1

- 57c: In practice, citizens can access the agency reports at a reasonable cost.

Score: often/0.75



Comments: As a government publication, the auditor general's reports are inexpensive.

References: Finance Act 1985

Zimbabwe: Oversight and Regulatory Mechanisms

Sub-Category: V-3/Taxes and Customs

	Indicators	Scores
58	In law, is there a national tax collection agency?	1.00
59	Is the tax collection agency effective?	0.58
60	In practice, are tax laws enforced uniformly and without discrimination?	0.50
61	In law, is there a national customs and excise agency?	1.00
62	Is the customs and excise agency effective?	0.50
63	In practice, are customs and excise laws enforced uniformly and without discrimination?	0.50

Indicator and sub-Indicator Details

58 In law, is there a national tax collection agency?

Score: yes/1.00



Comments: The Zimbabwe Revenue Authority (ZIMRA) is a statutory authority that replaced the Tax Department.

References: ZIMRA Act 2000; Finance (Amendment) Act 2000

Peer Review Comments: Legislation does not make provisions for appeals against ZIMRA. Tax assessments have been appealable to the Administrative Court.

59 Is the tax collection agency effective?

- 59a: In practice, the tax collection agency has a professional, full-time staff.

Score: often/0.75



Comments: Its reports indicate that since its inception it has exceeded its targets. There are, however, many corporations that engage in tax evasion and tax avoidance.

References: ZIMRA Act 2000; ZIMRA Report 2001

- 59b: In practice, the agency receives regular funding.

Score: almost always/1.00



Comments: The agency raises its own funds from the taxes it collects.

References: ZIMRA Act 2000

- 59c: *In practice, the agency makes regular reports to the legislature.*

Score: almost never/0.00



Comments: The ZIMRA reports only to its establishing ministry (i.e. Finance).

References: ZIMRA Act 2000; Finance (Amendment) Act 2000

Peer Review Comments: Ideally the agency should report to the legislature. The failure to do so has resulted in speculation on how taxpayer money is disbursed after collection. This lack of transparency has led to loss of faith in ZIMRA by the public.

60 In practice, are tax laws enforced uniformly and without discrimination?

Score: sometimes/0.50



Comments: There are often reports of top government officials not paying customs and duty for imported goods.

References: Daily News 2001, 2002; Financial Gazette 2002

61 In law, is there a national customs and excise agency?

Score: yes/1.00



Comments: ZIMRA does the collection of customs and excise for the government.

References: ZIMRA Act 2000; Finance (Amendment) Act 2000; Tax Act

Peer Review Comments: Appeals are possible, initially within the Customs authority, and then to the Administrative Court.

62 Is the customs and excise agency effective?

- 62a: *In practice, the customs and excise agency has a professional, full-time staff.*

Score: sometimes/0.50



Comments: Although ZIMRA is effective in collecting customs and excise, there are numerous reports of corruption within its staff.

References: Daily News 2002 and 2003; Financial Gazette 2002 and 2003

- 62b: *In practice, the agency receives regular funding.*

Score: almost always/1.00



Comments: ZIMRA uses some of the funds that it collects for its own operations.

References: ZIMRA Act 200; Finance (Amendment) Act 2000; Tax Act

- 62c: *In practice, the agency makes regular reports to the legislature.*

Score: almost never/0.00



Comments: It reports only to its establishing ministry.

References: ZIMRA Act 2000; Finance (Amendment) Act 2000; Tax Act

63 In practice, are customs and excise laws enforced uniformly and without discrimination?

Score: sometimes/0.50



Comments: Reports of senior politicians who decline to pay customs and excise abound.

References: "Daily News" 2002 and 2003; "The Independent" 2002 and 2003

Peer Review Comments: Customs evasion have been reported through the airports, and by the use of military aircraft (ex-DRC).

Zimbabwe: Oversight and Regulatory Mechanisms

Sub-Category: V-4/Financial Sector Regulation

	Indicators	Scores
64	In law, is there a central bank?	1.00
65	In practice, is the central bank independent of the executive?	0.25
66	In law, is there a financial regulatory agency overseeing publicly listed companies?	1.00
67	Is the financial regulatory agency effective?	0.95

68	Can citizens access the financial records of publicly listed companies?	1.00
69	Are business licenses available to all citizens?	0.75

Indicator and sub-Indicator Details

64	In law, is there a central bank?	
	Score: yes/1.00	
	Comments: The Reserve Bank of Zimbabwe (RBZ) is the central bank that supervises all other banks. References: RBZ Act 1980, Finance Act 1980 Peer Review Comments: The decisions of the bank are considered to be classified information and not readily available to citizens.	
65	In practice, is the central bank independent of the executive?	
	Score: rarely/0.25	
	Comments: The established acts (RBZ Act 1980 Finance Act 1980) stipulate that the RBZ shall be autonomous, however, there is considerable political interference by the executive. References: Daily News 2000 to 2003; Financial Gazette 2000 to 2003	
66	In law, is there a financial regulatory agency overseeing publicly listed companies?	
	Score: yes/1.00	
	Comments: This function is undertaken by the Zimbabwe Stock Exchange (ZSE). References: ZSE Act 1980; Companies (Amendment) Act 1980 Peer Review Comments: The financial sector extends beyond what is in the purview of the Zimbabwe Stock Exchange. It is arguable that the unregulated, formal and informal part of this sector is larger than what the ZSE regulates, even after the outlawing of currency traders (bureaux de change) in November 2002. The speculative activities of asset management firms, which mushroomed in the latter half of 2003, illustrated the extent to which collusion exists between listed companies and unregistered players in the financial sector. Effective regulation requires the participation of multiple regulators, including professional supervisory bodies, such as the bankers association, the chambers of commerce, the law society, the accountants profession, etc.	
67	Is the financial regulatory agency effective?	
	- 67a: <i>In law, the financial regulatory agency is protected from political interference.</i>	
	Score: yes/1.00	
	Comments: The ZSE is totally autonomous and free from political influence. References: ZSE Act 1980 Companies (Amendment) Act 1980 Peer Review Comments: The Zimbabwe Stock Exchange remains one of the most democratic oversight institutions. It is a recent development that black companies are going public and listing on the ZSE. This could probably explain the lack of active interference by political figures, who have never been keen on equities such as stocks and bonds, largely because of their lack of understanding of the stock market.	
	- 67b: <i>In practice, the agency has a professional, full-time staff.</i>	
	Score: often/0.75	
	Comments: The ZSE employs its own staff in a transparent manner. References: ZSE Act 1980	
	- 67c: <i>In practice, the agency receives regular funding.</i>	
	Score: almost always/1.00	
	Comments: The ZSE raises its own funds by charging fees from listed companies. References: ZSE Act 1980 Companies (Amendment) Act 1980	
	- 67d: <i>In practice, when necessary, the financial regulatory agency independently initiates investigations.</i>	
	Score: almost always/1.00	
	Comments: It does so on a regular basis whenever there are complaints about the behavior of listed companies. References: ZSE Act 1980 Companies (Amendment) Act 1980 Finance Act and RBZ Act	

- 67e: *In practice, when necessary, the financial regulatory agency imposes penalties on offenders.*

Score: almost always/1.00



Comments: The ZSE often imposes stiff penalties on offenders in accordance with legislation.

References: ZSE Act 1980; Companies (Amendment) Act 1980

68 Can citizens access the financial records of publicly listed companies?

- 68a: *In law, citizens can access the financial records of publicly listed companies.*

Score: yes/1.00



Comments: These are to be published in national dailies and weeklies.

References: ZSE Act 1980; Companies (Amendment) Act 1980; Various reports in media

- 68b: *In practice, the financial records of publicly listed companies are regularly updated.*

Score: almost always/1.00



Comments: They are also required to be audited and the results are to be published.

References: ZSE Act 1980; Companies (Amendment) Act 1980; Financial Gazette (various)

- 68c: *In practice, the financial records of publicly listed companies are audited according to international accounting standards.*

Score: almost always/1.00



Comments: Yes, the ZSE requires all listed companies have their financial records audited at least once a year and the results published.

References: ZSE Act 1980; Companies (Amendment) Act 1980

- 68d: *In practice, citizens can access the records of disciplinary decisions involving publicly-listed companies.*

Score: almost always/1.00



Comments: The ZSE publishes all of these decisions in newspapers.

References: ZSE Act 1980

- 68e: *In practice, citizens can access the financial records of publicly listed companies within a reasonable time period.*

Score: < 1 month/1.00



Comments: They are available as soon as they are published.

References: ZSE Act 1980; Companies (Amendment) Act 1980

- 68f: *In practice, citizens can access the financial records of publicly listed companies at a reasonable cost.*

Score: almost always/1.00



Comments: Basically the cost of daily or weekly newspaper.

References: ZSE Act 1980

69 Are business licenses available to all citizens?

- 69a: *In law, business licenses are not restricted to domestically-owned enterprises.*

Score: yes/1.00



Comments: Business licenses are available to citizens and noncitizens. The exception is that there are certain restrictions that apply to the media sector, over which there have been several vicious battles.

References: Companies Act 1980; National Investment Trust (NIT) Act 1991; Access to Information and Protection of Privacy Act AIPPA 2002

- 69b: *In law, a complaint mechanism exists if a business license request is denied.*

Score: yes/1.00



Comments: This is usually through the courts. In relation to the media, this is through the Administrative Court.

References: Companies Act 1980; National Investment Trust (NIT) Act 1991; Access to Information and Protection of Privacy Act AIPPA 2002

- 69c: *In practice, citizens can obtain any necessary business license (i.e. for a small import*

business) within a reasonable time period.

Score: < 6 months/0.50



Comments: Bribes are often necessary to shorten the length of this period.

References: Companies Act 1980; National Investment Trust (NIT) Act 1991

Peer Review Comments: In practice businesses are encouraged, although there is a lot of corruption from the issuing officials. This has tended to affect the demographics of small businesses as most black women are without access to loans and lose out because of the sexual harassment prevalent in the sector.

- 69d: In practice, citizens can obtain any necessary business license (i.e. for a small import business) at a reasonable cost.

Score: sometimes/0.50



Comments: The prices for specific categories are stipulated by law but higher fees are often demanded by public officials for their own benefit.








References: Various media reports; Companies Act 1980; National Investment Trust (NIT) Act 1991

Zimbabwe: Anti-Corruption Mechanisms and Rule of Law

Sub-Category: VI -1 /Anti-Corruption Law

	Indicators	Scores
70	In law, is there legislation criminalizing corruption?	0.89
71	In practice, are anti-corruption laws enforced?	0.25

Indicator and sub-Indicator Details

70	In law, is there legislation criminalizing corruption?
	- 70a: <i>In law, attempted corruption is illegal.</i>
	Score: yes/1.00 
	Comments: Attempted corruption attracts almost the same penalties as any other act of corruption. References: The Prevention of Corruption Act 1985; PSC Statutory Instrument No 1 of 2000; Police Act 1985
	- 70b: <i>In law, extortion is illegal.</i>
	Score: yes/1.00 
	Comments: Various acts are interpreted as extortion and their prohibition is covered in legislation. References: The Prevention of Corruption Act 1985 ; PSC Statutory Instrument No 1 of 2000; Police Act 1985; Criminal Offences Act 1980; Zimbabwe Stock Exchange Act 1983 Peer Review Comments: Extortion is an offence in terms of the common law.
	- 70c: <i>In law, offering a bribe (i.e. active corruption) is illegal.</i>
	Score: yes/1.00 
	Comments: Active corruption is illegal and several state officials and business persons have been convicted for it. References: The Prevention of Corruption Act 1985; PSC Statutory Instrument No 1 of 2000; Various media reports
	- 70d: <i>In law, receiving a bribe (i.e. passive corruption) is illegal.</i>
	Score: yes/1.00 
	Comments: Passive corruption is illegal and several state officials and business persons have been convicted for it. References: The Prevention of Corruption Act 1985; PSC Statutory Instrument No 1 of 2000; Various media reports
	- 70e: <i>In law, bribing a foreign official while in domestic territory is illegal.</i>
	Score: no/0.00 
	Comments: The legislation is silent on this matter. References: The Prevention of Corruption Act 1985; PSC Statutory Instrument No 1 of 2000; Police Act 1985
	- 70f: <i>In law, using public resources for private gain is illegal.</i>
	Score: yes/1.00 
	Comments: The law is very specific on this, although there is gross abuse of public resources for private benefit by many officials and politicians. References: The Prevention of Corruption Act 1985; PSC Statutory Instrument No 1 of 2000; Police Act 1985; Various media reports
	- 70g: <i>In law, using confidential state information for private gain is illegal.</i>
	Score: yes/1.00 

Comments: This is strongly penalized under the law but many public officials still get away with this crime.
References: The Prevention of Corruption Act 1985; PSC Statutory Instrument No 1 of 2000; Police Act 1985; Electoral Act 1990

- 70h: In law, money laundering is illegal.

Score: yes/1.00



Comments: Enforcement of the provisions of the law on this crime is very weak.
References: The Prevention of Corruption Act 1985; Police Act 1985; Finance Act 1980
Peer Review Comments: There have been over six drafts of the Anti-Money Laundering Bill with the last one being the weakest of them all because it subsumes the anti-money laundering aspects into the Banks Use Promotion and Anti-Money Laundering Bill. Transparency International Zimbabwe and other stakeholders recently critiqued the bill and found it to be a weak document that implies a lack of understanding of money laundering and all its tenets. Civil society is trying to encourage the anti-money laundering legislation be a stand alone piece of legislation that is drafted in consultation with other stakeholders who will give input to make the legislation more airtight. The political interference from the executive is one other factor that has hampered the effective drafting and implementation of anti-corruption laws. As many politicians are involved in grand corruption they fear that they will be exposed and, therefore, try to stifle legislation in its drafting or implementation. Civil society is advocating for review, amendments and drafting of comprehensive anti-corruption laws, especially because Zimbabwe is a signatory to AU and SADC initiatives on anti-corruption and has ratified the SADC Protocol Against Corruption.

- 70i: In law, conspiracy to commit a crime (i.e. organized crime) is illegal.

Score: yes/1.00



Comments: Organized crime is punishable under the law.
References: The Prevention of Corruption Act 1985; PSC Statutory Instrument No 1 of 2000; Police Act 1985; Finance Act 1980; Criminal Offences Act 1980
Peer Review Comments: There is no specific law against organized (syndicated) crime, and there is no seriousness at the level of law enforcement to systematically (as opposed to haphazardly) combat it. Thus the dedicated agencies that exist focus only on motor vehicle theft, narcotics and trafficking of gold. Instances of large-scale activities of the latter kind have not attracted an adequate response, on account of the political ramifications, and under-resourcing of the responsible authorities. Smuggling of precious resources from the Democratic Republic of Congo, partly reported by the UN Panel of Experts in October 2002, and again in November 2003, has not been investigated in Zimbabwe, even though there is visible evidence of unexplained wealth in the hands of key military personnel involved. While an offence in terms of the Serious Offences (Confiscation of Proceeds) Act, money laundering is defined in such an amorphous way as to make it meaningless. Law enforcement authorities regularly opt to charge with predicate offences, such as fraud, rather than money laundering. Investigative capacity is low.

71 In practice, are anti-corruption laws enforced?

Score: rarely/0.25



Comments: There is lack of political will to enforce anti-corruption legislation; the major beneficiaries are well connected in the ruling party.
References: The Prevention of Corruption Act 1985 ; PSC Statutory Instrument No 1 of 2000; Police Act 1985; Finance Act 1980; Criminal Offences Act 1980
Peer Review Comments: The existing anti-corruption legislation is fragmented and weak. It does not address the ubiquitous nature of corruption in Zimbabwe that is taking different forms every day. Civil society and other stakeholders have been advocating for comprehensive catch-all legislation on anti-corruption. The problem faced by anti-corruption legislation is one facing legislation formulation as a whole, because legislation is drafted internally without consulting experts in the areas they are drafting legislation for. The fact that the legislation is also drafted without consulting Parliament as the legislators is another reason for weak anti-corruption legislation that does not offer a deterrent. Parliament is usually given feedback at the last minute, without enough time for the relevant portfolio committees to caucus.

Zimbabwe: Anti-Corruption Mechanisms and Rule of Law

Sub-Category: V1-2/Anti-Corruption Agency

	Indicators	Scores
72	In law, is there an agency (or group of agencies) with a legal mandate to address corruption?	1.00

73	Is the main anti-corruption agency effective?	0.33
74	Can citizens access the main anti-corruption agency?	0.38

Indicator and sub-Indicator Details

72	In law, is there an agency (or group of agencies) with a legal mandate to address corruption?	
	Score: yes/1.00	
	Comments: Yes, there is the Commercial Fraud Unit within the police. References: Constitution of Zimbabwe (Amendment) No 16 of 2000 Peer Review Comments: [Comment 1]: Constitutional amendment No. 16 of 2000 proposes the establishment of the Anti-Corruption Commission (ACC), but to date the commission has not yet been created. There is debate about whether to place the ACC under a portfolio ministry or directly under the legislature. [Comment 2]: The debate on the ACC has been raging in Zimbabwe for almost a decade. The fear of prosecution by big wig politicians is the fundamental reason why there has been a dragging of feet around the setting up of the commission. The only way in which the government (synonymous with the ruling party elite) is prepared to set the ACC is if they can manipulate its provisions in a way that protects them. Transparency International Zimbabwe has been leading the advocacy pushing for an alternative position that offers independence of prosecutions, investigations and financing of the ACC in order to protect it from the executive. It is emerging lately that the ACC, as drafted by the Ministry of Justice, is being pushed at great speed and with no room for consultations with stakeholders because of pending primary elections in 2005 and presidential elections in 2006. Cleaning up corruption is the ticket the ruling party is seemingly used to winning elections with. The worry on the part of civil society is that an ineffective ACC will be put in place, which will not lend perceivable support to the anti-corruption fight in Zimbabwe.	
73	Is the main anti-corruption agency effective?	
	- 73a: <i>In law, the agency is protected from political interference.</i>	
	Score: no/0.00	
	Comments: In law, the commercial fraud unit is not protected from political interference. References: Transparency International Zimbabwe (TIZ) documents 2003	
	- 73b: <i>In practice, the agency is protected from political interference.</i>	
	Score: almost never/0.00	
	Comments: In practice, the commercial fraud unit is not at all protected from political interference. References: Transparency International Zimbabwe (TIZ) documents 2003	
	- 73c: <i>In practice, the head of the agency is protected from removal without relevant justification.</i>	
	Score: almost never/0.00	
	Comments: The head of the unit is not protected from removal without justification. References: Transparency International Zimbabwe (TIZ) documents 2003	
	- 73d: <i>In practice, appointments to the agency are based on professional criteria.</i>	
	Score: sometimes/0.50	
	Comments: Appointments are sometimes based on professional criteria. References:	
	- 73e: <i>In practice, the agency has a professional, full-time staff.</i>	
	Score: often/0.75	
	Comments: Often there is a full-time professional staff, but it is not dedicated to the unit. References:	
	- 73f: <i>In practice, the agency receives regular funding.</i>	
	Score: sometimes/0.50	
	Comments: In practice, there is regular funding, but it is not sufficient. References:	
	- 73g: <i>In practice, the agency makes regular reports to the legislature.</i>	

Score: often/0.75



Comments: Yes, the unit indirectly reports to the legislature through the minister, but there is nothing to prevent the legislature from calling the police to give an account.

References:

- 73h: *In practice, the agency has sufficient powers to carry out its mandate.*

Score: sometimes/0.50



Comments: The unit sometimes has sufficient powers to carry out its mandate.

References:

- 73i: *In practice, when necessary, the agency independently initiates investigations.*

Score: almost never/0.00



Comments: There is a perception that police investigations tend to be political.

References:

74 Can citizens access the main anti-corruption agency?

- 74a: *In practice, the main anti-corruption agency acts on complaints within a reasonable time period.*

Score: < 6 months/0.50



Comments: The response time depends on the case.

References:

- 74b: *In practice, citizens complain to the agency without fear of recrimination.*

Score: rarely/0.25



Comments: There is no protection for whistle-blowers and little trust of the police.

References:

Zimbabwe: Anti-Corruption Mechanisms and Rule of Law

Sub-Category: VI-3/Rule of Law and Access to Justice

	Indicators	Scores
75	In practice, does the criminal justice process function according to the rule of law?	0.50
76	In law, is there a general right of appeal?	1.00
77	Are citizens protected from detention without trial?	0.50
78	Are individual economic rights guaranteed?	0.44

Indicator and sub-Indicator Details

75 In practice, does the criminal justice process function according to the rule of law?

Score: sometimes/0.50



Comments: The only exceptions relate to politically motivated crimes where the ruling political party actively seeks verdicts that are favorable to it and against opposition party members and supporters.

References: Behind the Smokescreen 2000; Elections 2002 report

Peer Review Comments: In essence the break down of the rule of law is not ubiquitous. It has mostly been experienced in the suppression of dissatisfaction and disgruntlement from the people and the opposition. At these times the repression of civil rights such as freedom of the press, freedom of expression, freedom of assembly and the right to protest is intense. Youth militias are recruited by the state (ruling party) to intimidate, harass and victimize the people in into inaction. The worst instances have been the undermining of law enforcement agencies by the youth militias who interfere with arrest and detention processes, setting themselves up as tribunals that are really after intimidating and harassing people without the due process of law. This has led to various run-ins between the police, army and the youth militias,

whose confidence stems from the fact that they are protected by the ruling party through the state machinery.

76 In law, is there a general right of appeal?

Score: yes/1.00

Positive  Negative

Comments: The Supreme Court is the court of appeal in Zimbabwe.

References: Judiciary Commission Act 1980; Criminal Procedures Act 1980

Peer Review Comments: The system of appeals in judicial matters is well established, though it is slow and can be manipulated.

77 Are citizens protected from detention without trial?

- 77a: *In practice, the government does not detain anyone without charging them for more than 48 hours.*

Score: sometimes/0.50

Positive  Negative

Comments: The only exceptions are people who are detained for alleged political crimes or members of the opposition.

References: Various judgments 2000 to 2003; various media reports

Peer Review Comments: Detention without trial has a long history, and has been used since 1980, mainly against perceived political opponents.

- 77b: *In practice, the government does not detain anyone accused of petty theft for longer than two weeks without a resolution in a court trial.*

Score: sometimes/0.50

Positive  Negative

Comments: There is a huge backlog of cases for trial and so petty criminals can be detained for even longer than one month.

References: Prisons Act 1980; Judiciary Commission Act 1980; Criminal Procedures Act 1980

78 Are individual economic rights guaranteed?

- 78a: *In law, individual property rights are protected*

Score: yes/1.00

Positive  Negative

Comments: The law provides for the protection of private property.

References: Constitution of Zimbabwe 1980; Companies Act 1980

- 78b: *In practice, individual property rights are protected.*

Score: rarely/0.25

Positive  Negative

Comments: The government can do pretty much whatever it likes with citizens' private property, especially with their land.

References: Land Acquisition Act 1985; Land Acquisition (Amendment) Act 1992, 2001, 2002.

- 78c: *In practice, the government does not expropriate property without appropriate compensation.*

Score: almost never/0.00

Positive  Negative

Comments: If the property is owned by a non-African, the government is often reluctant to pay compensation or it pays below market rates.

References: Justice for Agriculture (JAG) records 2003; Various court records 2002, 2003

Peer Review Comments: As recent events have shown, in respect to the expropriation of private property and detention without trial, there is a great deal of latitude available to the state. Agricultural land may be expropriated without compensation in terms of the Constitution. Compensation now exists only in respect of improvements, but even then, the adequacy thereof is determined by the expropriator, who also decides on the timing and pace at which the compensation is paid.

- 78d: *In practice, legal contracts are honored.*

Score: sometimes/0.50

Positive  Negative

Comments: Only if the parties are all citizens, blacks or the contracts do not relate to land.

References: Justice for Agriculture (JAG) records 2003; Various court records 2002, 2003

Peer Review Comments: Legal contracts in the private sphere are usually honored, or at least enforceable, but there is a great deal of uncertainty where the state or a parastatal entity is involved.

Zimbabwe: Anti-Corruption Mechanisms and Rule of Law

Sub-Category: VI-4/Law Enforcement

	Indicators	Scores
79	Is the law enforcement agency (i.e. the police) effective?	0.17
80	Can law enforcement officials be held accountable for their actions?	0.38

Indicator and sub-Indicator Details

79 Is the law enforcement agency (i.e. the police) effective?

- 79a: *In practice, appointments to the law enforcement agency are made according to professional criteria.*

Score: rarely/0.25



Comments: There is, however, considerable political interference in appointments.

References: Several complaints from unsuccessful and in-post police officers.

- 79b: *In practice, the agency has a budget sufficient to carry out its mandate.*

Score: rarely/0.25



Comments: The budget for the police force is perennially below requirements.

References: The Post: A Zimbabwe Republic Police (ZRP) in-house magazine May 2000

- 79c: *In practice, the agency is protected from political interference.*

Score: almost never/0.00



Comments: Of late, the ruling party has openly victimized officers suspected of supporting or being sympathetic to the opposition. In 2002 the Commissioner of Police publicly stated that he was a member of the ruling party.

References: Various media reports; Daily News 2002

Peer Review Comments: The law provides for protection of interference, although the location of the police within a portfolio ministry negates this provision.

80 Can law enforcement officials be held accountable for their actions?

- 80a: *In practice, there is an independent mechanism for citizen complaints about police action.*

Score: rarely/0.25



Comments: Efforts to make them accountable have often been thwarted by the government.

References: Various media reports; Daily News 2002; Financial Gazette 2003

Peer Review Comments: Citizens in Zimbabwe have lost all confidence in law enforcement agencies because of the politicization of law enforcement. The police have been used by the ruling party to advance their political aims. Police have also been known to take bribes from criminals or accused persons especially in high profile persons involved in corruption. The shoddiness of investigations and the lack of follow through has in such cases been deliberately designed to sabotage the due process of law. In the end these cases have come to nothing. Another factor that has led to the loss of confidence is the fact that there is an unclear relationship between the police and the ruling party youth militias, which at times seem to be in cahoots, while at others, they appear to have opposite purposes. It is in this light that organizations such as Transparency International run integrity systems and ethics management workshops to try and foster an ethical image and culture in these institutions and restore the people's confidence in the police. In the same vain TI-Z has also been advocating for an independent anti-corruption commission with its own investigating and prosecuting arm in order to ensure that it has a buy-in from the people and is protected from political interference.

- 80b: *In law, there is an agency to investigate and prosecute corruption committed by law enforcement officials.*

Score: no/0.00



Comments: No such agency exists, apart from an internal unit within the ZRP itself.

References: Police Act 1980

- 80c: *In law, law enforcement officials are not immune from prosecution.*

Score: yes/1.00



Comments: They can be prosecuted and several of them have, indeed been convicted and punished.

References: Police Act 1980; Various media reports; The Post 2002

- 80d: *In practice, law enforcement officials are not immune from prosecution.*

Score: rarely/0.25



Comments: The ruling party and the government often intervene to prevent their prosecution.

References: Daily News 2003; Independent 2003

Peer Review Comments: Susceptibility of law enforcement officers to public prosecution is often negated by amnesty legislation, as well as the broad discretion extended by the criminal procedure laws. Police information on arrests, detentions and detention conditions is often not accessible, even to lawyers. This makes prosecutions or law suits for infractions of rights difficult to put together or pursue. Class actions, which in theory open an additional avenue to render law enforcement authorities accountable, are subject to judicial approval, and often costly. They have not been widely used.

Zimbabwe: Country Facts

Land	Facts
Land area (sq km)	386,850
Population	Facts
Adult illiteracy rate (% of people ages 15 and above)	10.66
Life expectancy at birth (years)	39.45
Infant mortality rate (per 1,000 live births)	76
Population growth (annual %)	1.14
Population	12.82 million
Poverty headcount (% of population living below the national poverty line)	34.9
Ethnic breakdown	Shona, 71%; Ndebele, 16%; other African, 11%; white, 1%; mixed and Asian, 1%
Religious breakdown	Christianity, 75%; offshoot Christian sects; animist; and Muslim
Languages	English (official), Shona, Sindebele
Murder rate (per 100,000)	10.15
Political	Facts
Capital city	Harare
Character of government	Republic, since 1980
Current president/prime minister	Robert Mugabe
Executive branch description	An executive president who appoints an Advisory Council of Chiefs and an ombudsman, to investigate complaints against actions by political authorities.
Legislative branch description	A unicameral House of Assembly. Members are elected for six-year terms.
Judicial branch description	Headed by a High Court (with both general and appellate divisions) and includes magistrates' courts at the local level.
Percentage of women in legislature	10
Economics	Facts
Aid (% of central government expenditures)	11.15
Aid per capita (US\$)	12.41
Net foreign direct investment (current US\$)	29.96 million
GDP growth (annual %)	-8.42
GDP per capita (constant 1995 US\$)	559.38
Consumer prices inflation (annual %)	76.71
Military expenditure (% of central government expenditure)	9.44
Military expenditure (% of GDP)	3.2
Tax revenue (% of GDP)	26.37

Exchange rate to US\$1 (as of January, 2004)	750
Currency	Zimbabwe Dollar
Public spending on education (% of GDP)	10.36
Public health expenditure (% of GDP)	3.11
Main exports	Tobacco, cotton, agricultural products, gold, minerals
Unemployment (% of total labor force)	6
External debt (current US\$)	3.78 billion
Information/Technology	Facts
<i>Radio:</i>	
Radios (per 1,000 people)	362
<i>Telephone:</i>	
Telephone mainlines (per 1,000 people)	19
Mobile phones (per 1,000 people)	24
<i>Television:</i>	
Television sets (per 1,000 people)	30
<i>Other Media:</i>	
Daily newspapers (published at least four times a week) in circulation per 1,000 people	18
Internet users	100,000