



TRANSPARENCY INTERNATIONAL ZIMBABWE

ALAC
Advocacy And Legal Advice Center

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‘The accomplice to the crime of corruption is frequently our own indifference’- Bess Myerson

Every month, Transparency International Zimbabwe produces a monthly Advocacy and Legal Advice Centre (ALAC) Update to provide its stakeholders with a corruption trends analysis. The updates seek to inform clients, referral organisations, civic society as well as the general public of emerging issues and how these issues may be addressed at an individual, community and policy level.

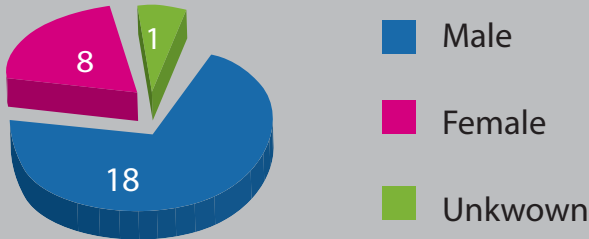
Corruption and Your Constitution

The current Constitution of Zimbabwe has an enabling clause providing for the creation of the Anti – Corruption Commission. The purpose of this enabling clause is to protect basic fundamental rights including the right to rule of law. Through ALAC, TI-Z (ALAC) has been engaging communities throughout Zimbabwe to increase knowledge of corruption-related issues and create a platform for much needed discussion about the Constitution. During the July-August period, TI-Z held a total of 15 meetings in Chegutu, Gutu, Norton, Jerera, and Zaka. In Harare, constitutional community meetings were held in Dzivarasekwa, Hatcliffe, Highfield, Kuwadzana, Rugare, Sunningdale Tafara and Zengeza. More communities meetings are to be carried out in Seke, Plumtree, Gwanda, Bulawayo, Tsholotsho, Glen view, Warren Park, Kambuzuma, Epworth and Glen Norah. Communities visited by TI-Z welcomed the opportunity to gain further clarification and debate issues of concern to them. Discussion in most meetings centred on the structure of the Executive and the separation of powers in the new Constitution.

TI-Z managed to engage communities about the Constitution and its impact on the daily lives of the people and also drew attention to the importance of values such as transparency, integrity and accountability as enshrined in the new Constitution. Although many communities were of the opinion that corruption should be a standalone issue, the consensus was that corruption should be addressed in all thematic issues.

Current Trends in Corruption

The pie chart below showing disaggregates of clients by sex who came to report complaints. The unknown sex is a result of a letter received which did not clarify whether it was coming from a male or female person



During the July – August period at least 27 clients were attended to either during mobile clinics, or at the office and through the letters, emails and telephone calls received. Since April 2009, 719 clients have sought assistance and advice from ALAC. Men are still reporting more complaints than their female counterparts. Majority of the women who came to inform TI-Z of complaints reported on complaints mostly influenced by the social environment whilst majority of the men reported on financial issues. TIZ notes space to explore ways of communicating not just the gender dimensions of corruption but rather creative ways of emboldening women so that they report their experiences with corruption.

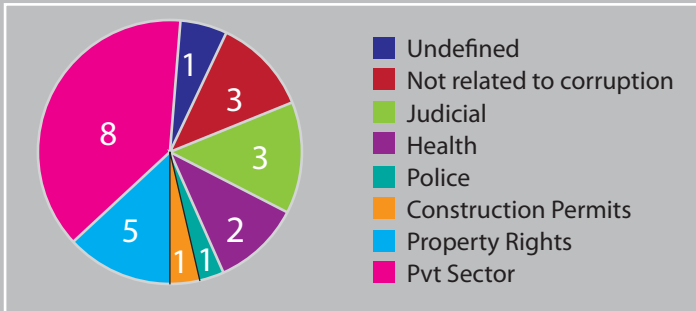
Over 90% of the clients are from the urban areas. This trend demonstrates the need for ALAC to increase awareness of the services it provides beyond the boundaries of cities and towns and to enable it to reach the majority of Zimbabweans in the rural areas and to target women in its advocacy work.

The private sector still continues to struggle with issues of corruption with at least 29.6% of the cases reported falling under this section. Most of the complaints were complaints against employers who are failing to pay their employees. Complaints were also levelled against employers for failing to adhere to Labour Court judgments to either reinstate or pay awards given to their employees by the Court. This situation underscores the positive correlation between economic distress and the spread of corruption in a country hence the abuse of employees by the employers. It is also an indication of the lack of effectiveness of our justice delivery system which still dithers on impartial prosecutions or following court judgements to their logical conclusion. The office of the Commissioner of Insurance / Registration of Pension and Pension Funds has been forced to deal with issues emanating from the private sector as majority of pensioners have filed complaints regarding the manner in which privately owned Insurance and Pensions companies have calculated their pensions. Some pensioners were shocked to realise that after thirty years of working hard and contributing towards their pension schemes, they are receiving as little as US\$20, 00 a month. The insurance companies have stated that this was beyond their control as there were receiving the pension contributions in Zimbabwean dollars and when the multi currency system was introduced, it wiped away all savings. The companies also state that they invested mostly in the stock markets which did not yield good results for them.

The mining sector topped majority of the private sector complaints. Complaints were mostly on the lack of transparency in tendering procedures and unfair labour practices. The public allege that when it comes to the mining of natural resources, it is unclear how certain companies win bids to mine and supply goods and services for a particular mining venture when such companies are not even registered. It has also been alleged that majority of the companies which win their bids fail to provide the services and remuneration for their employees. Although the mining sector is poised for growth in Zimbabwe owing to the welcome discovery of diamonds, problems relating to capacity utilisation have been observed. Currently the capacity utilisation in mining is varying between 33 to 40% with the exception of platinum and diamond producing mines where capacity is almost at optimum. The low percentiles in capacity utilisation may be attributed to the lack of power and lack of free capital. Some mines have had their employees involved in industrial action earlier this year which also affected their revenue levels. Poor revenues have precipitated the commonly reported yet inexcusable abuse of vulnerable employees. With regards to tendering and bidding processes, most privately owned mines have their own internal processes for procuring goods as acquiring services. As private companies, they are not necessarily bound to any procurement regulations but bound to obey the laws of the countries from which they are operating from. Transparency in tendering

in matters concerning natural resources should be enhanced so that critical sectors like mining are not corruption prone.

Complaints relating to inspections/licences procurement have dwindled over time with none being reported during this period. The reduction in complaint of this nature may be attributed to the production of “How to get a vendor’s licence” which is still being distributed in many communities. The short informative brochure has helped to prevent corruption by equipping the community with the necessary knowledge and hence placing them in a position to know when they are being required to do anything unprocedural.

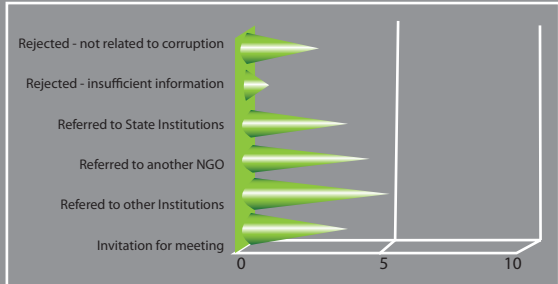


The Media and Corruption

The media continues its worthwhile efforts to report corruption for July/August. Matters of unaccountability in relation to public funds have been brought out through articles about the scale of salaries of local government officials versus service delivery by local authorities. The judicial sector received focus as reports of more corrupt public prosecutors were brought to light in cases still before the Courts. Although these issues were reported, focus of both the public and private media was on the constitutional reform and any other current events such as the opening of Parliament and the SADC summit.

Strengthening the Fight Against Corruption

From the 27 complaints received, 5 were referred to the relevant institutions including the Commissioner of Insurance, Ministry of Labour, the Chamber Secretary for the Ministry of Local Government and the Zimbabwe Republic Police. Majority were referred to the other institutions such as various national employment councils including that of Mining.



What needs to be done?

The salaries controversy that has dogged many local authorities in Zimbabwe under the backdrop of poor service delivery best encapsulates the wide gulf existing between the expectations associated with democratic theory and the practice of democracy in community governance. This controversy buttresses the need for a relentless and multi-sectoral approach to the fight against corruption. Action at the personal, community and policy level cannot be underestimated. The public’s business is the public business hence communities have to demand better service for the public delivery system. There is a discernible evolution of the civic culture which has created a new operating environment for public officials and it demands a paradigm shift. The challenge is to shift the paradigm of the political system from the “top-down” model to one that integrates the citizen into every aspect of governance. Under the traditional paradigm, consultation is largely passive, while involvement is episodic. That time is past. Where feasible, local authorities have to take advantage of new and alternative media to reach out to the public in order to enhance transparency, accountability and integrity.

An enabling policy environment is critical through creation of transparent and accountable systems in companies and public sector. For example, legislation should recognise the primary role of the rate payers in the planning process. TI-Z calls on the legislature to create a participatory framework for public sector management. Admittedly, participation is costly and cumbersome, but it remains indispensable and imperative in public service delivery and its complexity should not be reason for overlooking it. Civil society, business and the donor community are encouraged to scale up support to local authorities in order to operationalize participation. In the same vein, regulatory and representative institutions for private sector companies should emphasise the role of corporate governance principles even in the challenging macroeconomic environment. Clients should shun companies that abuse their own employees.

As for the civil society, one of the important challenges in the new millennium will be to find successful ways to engage the public in shaping the communities of the future. There is need to reach the public through innovative interpersonal and new social media in order to disseminate important information that is critical for decision making. An informed citizenry tends to be more creative with strategies and more assertive in its demand for its rights. More platforms of expression and public support should be made available so that the public is aware of its rights and options in abusive situations. This is the whole rationale behind the TI-Z ALAC project and other commendable civil society initiatives. Residents Associations that are operational all over the country need all the support available as they mobilise the public to assert its rights. In many countries, not even a reluctant government can stand in the way of an inspired and an empowered citizenry.

Abuse of employees by irresponsible companies and widespread bribery and extortion could be dealt with if punishment for corruption is sufficiently deterrent and the judiciary discharges its role with impartiality. Consequently, TI-Z advises the inclusive government to expedite the appointment of a new Anti-Corruption Commission following the lapse of the terms of the current commissioners so that the massive corruption cases reported are investigated and the perpetrators prosecuted accordingly. In the same vein, it is important for policy makers in government to note that a weak economy precipitates the spread of corruption and as such, economic recovery and, massive capital injections coupled by transparent systems are indispensable to the eradication of corruption in Zimbabwe. It has to be noted though that should capital be injected to salvage a struggling enterprise, transparent and responsible salary regimes should be put in place especially with capital from tax payers or facilitated by the state. Similarly, promulgating deterrent laws and punishing offenders could enhance the much needed investment which could indirectly deal with most forms of survival corruption. Furthermore, TI-Z’s experience in July-August also underscores the need to protect and incentivise whistleblowers. The government and civil society should work together to find ways of protecting such outstanding Zimbabweans. Whistle-blowers should be protected and perpetrators prosecuted. That way, Zimbabwe’s economic recovery will be faster and more sustained.

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