



TRANSPARENCY INTERNATIONAL ZIMBABWE

ALAC

Advocacy And Legal Advice Center

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“Integrity without knowledge is weak and useless, and knowledge without integrity is dangerous and dreadful” - Samuel Johnson

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

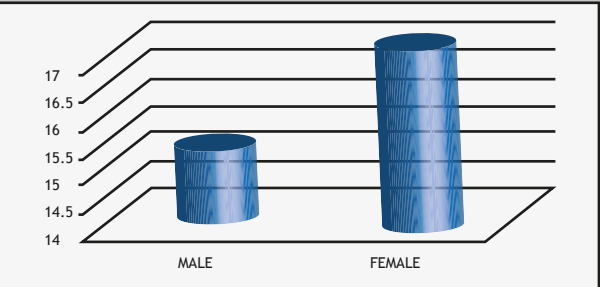
The month of September saw the COPAC outreach teams in the Harare and Bulawayo Metropolitan provinces. In line with this development, Transparency International-Zimbabwe (TI-Z) had conducted community meetings in various suburbs in and around Harare with the aim of increasing the public’s understanding of the Constitution and the need to have values of transparency, integrity and accountability entrenched in the new constitution. Eleven communities meeting were held in Harare during the month of September. Communities visited included Cold Comfort, Epworth, Glen Norah, Highfield, Kambuzuma, Marimba, Mufakose, Seke, Warren Park and Waterfalls. Four community meetings were carried out in Matabeleland North and South in Bulawayo, Gwanda, Plumtree and Shangani. Manicaland saw three community meetings and mobile legal aid clinics being conducted in Chikanga, Dangamvura and Sakubva and one public meeting in Mutare. These meetings enabled TI-Z to evaluate the public’s understanding of the thematic issues in the constitution as well as the level of their participation during the outreach programmes that had already been carried out. Over 300 people attended the road show held in Chikanga where prizes were awarded in a stimulating question and answer session on corruption and the constitution.

The majority of the community members in Harare were eager to participate save for a few communities such as Epworth where the public is still afraid to voice their views and concerns for fear of victimization.

Current Trends in corruption

During September 2010, 32 clients sought assistance from the Advocacy and Legal Advice Centre. This brings the total number of clients who have been assisted by ALAC since April 2009 to 753. September was a month with a difference as it was the first time that more complaints were received from women rather than men. More than half of the complaints were received during mobile legal aid clinics which were conducted after community meetings. It has since been noted that generally women attend community awareness meetings more and hence mobile legal aid clinics may be a more efficient way to reach the female population.

Only 9% of the complaints received were from semi urban areas with 91% of complaints being received in urban areas. The low percentage of clients from the rural and semi urban areas suggests a need for aggressive publicity of services on offer in those areas so that people may demand them more.



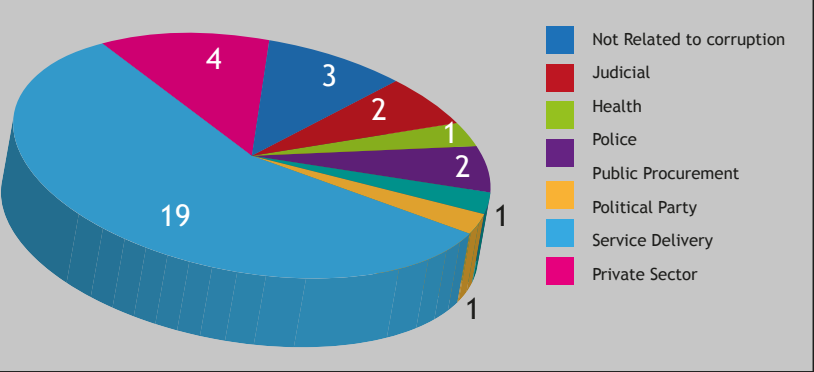
Graph showing disaggregates of clients by gender

Social services delivery: Majority of the complaints received were on issues pertaining to service delivery particularly service delivery from Zimbabwe Electricity Transmission and Distribution Company (ZETDC) and the Mutare City Council and Harare City Council. Complaints of water metres being forcibly removed by council employees and clients receiving water bills after disconnection were received. Both the local authorities and ZETDC have agreed to hold group meetings to advise both TI-Z and the clients on how they are billing them. These meetings have been scheduled for October 2010 and their outcomes will be articulated in the next ALAC Update. The willingness of these parastatals

and local authorities to clarify matters is a commendable step towards enhancing accountability to the tax payers.

Private sector: Once again, complaints for the month of September were on labour related matters. It appears some employers are not being transparent with their clients when they sign employment contracts especially on matters of pension schemes. The result is that some employees only realize they do not have much money when they approach the relevant insurance companies for payment. Upon investigations, the insurance companies approached argued that many clients do not understand that they have to pay a certain amount as tax and that part of the money is kept in a fund account until the client reaches the retirement age, at which stage he or she may claim it. Nevertheless, an uninformed employee base is prone to corruption by unscrupulous companies and hence companies and workers bodies have a role to play explaining not just contractual obligations but various options available to employees.

Judicial complaints: The role of the judiciary is to interpret and enforce the laws of the country through the legal and justice systems such as the Courts. Regrettably, this field has not been spared by corruption with four complaints having been received during the month of September. Unwarranted delays in legal processes, requests for bribes by public prosecutors and the failure to execute judgments have seen the public losing faith in their judicial system. These delays and failure to execute judgments could be an indication that the office holders require bribes to do their jobs. In Mashonaland West, complaints have been received alleging that public prosecutors are demanding bribes for the acquittal of convicted persons. Both the lower and upper courts, that is the Magistrates Courts, the High Courts

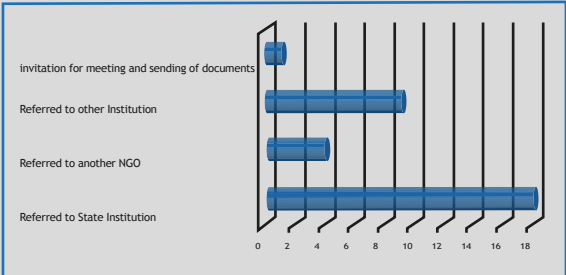


Pie chart showing complaints per primary corruption area

and the Supreme Court have been accused of failing to execute their role leaving some clients with matters pending for many years without valid reasons. Some cases which require state appointed lawyers are not being given due regard creating the impression that there has to be corruption to for one to access justice. The complaints received by TI-Z were confirmed by the Anti Corruption Commission, comments widely reported by the media on the judiciary will be dealt with in the media section of this update.

Strengthening the Fight Against Corruption

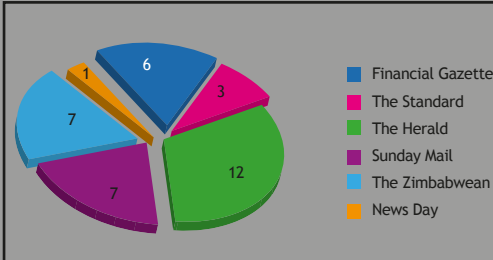
The fight against corruption still continues despite the various hurdles met along the way. The majority of the cases received this month involved seeking further clarification on nature and progress of cases. For example, some clients wanted to know if the acts alleged actually constituted corruption acts under the laws of the country and international law or if they were a violation of other legal provisions and regulations. Clarification was sought through communication with various Ministries including the Ministries of Finance, Labour, Local Government through various city councils, Home Affairs through the various Police Departments and the Anti Corruption Commission. Although responses are still pending from various Police Departments, Ministry of Labour, Ministry of Education, City of Harare and City of Mutare on the allegations of corruption, it is commendable to note that clarification has since been received from The Zimbabwe National Water Authority (ZINWA) on its responsibilities particularly on water allocation from natural sources. Other cases required assistance from other nongovernmental organisations such as Zimbabwe Women’s Lawyers Association, Justice for Children Trust and Legal Resources Foundation.



Graph showing the action taken for the complaints received

The Media and Corruption

The media still remains one of Zimbabwe’s most important and strategically placed stakeholders in anti-corruption advocacy. The media provides the platform through which corruption and governance issues involving public and private entities are publicly discussed. In addition, the media has played a significant role in educating and informing the general public on the extent to which corruption has affected development and democracy in the country. Media coverage on corruption issues in both the public and private print media for the month of September was decent. However, most articles were trivialised by being confined to the middle pages of newspapers or forming accompanying stories in on-line publications. Nevertheless, TIZ observed that most newspapers carried at least three corruption related articles per publication under consideration.



The pie chart below shows the number of articles reported in the major newspapers in the month of September 2010

Highlights of stories that are corruption related or those that denote an absence of accountability and transparency;

The Zimbabwean edition of 22 September 2010 carried a headline ‘Judges take bribes’ in which the Anti Corruption Commission (ACC) condemned the growing number of cases they are receiving involving bribery of prosecutors, magistrates and even judges. The Independent had earlier picked up the story on 17 September, ‘Judges among corruption accused’. TI-Z commends the ACC for coming out strongly against corruption in the judiciary and looking forward to the prosecution and conclusion of all cases they have received. It is important for urgent action to be taken against corrupt judicial officers because anti-corruption work to some extent depends on them. Corrupt judiciaries fracture and divide communities by keeping alive the sense of injury created by unjust treatment and mediation. Judicial systems debased by bribery undermine confidence in governance by facilitating corruption across all sectors of government, starting at the helm of power. In so doing, they send a blunt message to the people “in this country, corruption is tolerated”. This is the last message Zimbabwe needs to project especially in the current discourse around reconstruction, reconciliation and democratisation.

The Sunday Mail of 26 September - 2 October also carried a sobering story entitled “1.4m exposed”. The story referred to the million dollar scam which took place at Kingstones Pvt (Ltd). The newzimsituation.com online publication of 28 September carried a story “7,6m fraud at Lobels”, yet another tragedy in the business sector. For a country in as much economic difficulty as Zimbabwe and losing such astounding amounts to fraud is troubling. The country needs to save and only spend where necessary and as such, the state needs to decisively intervene to root out corruption and enact laws that have a deterrent effect towards corruption. The cost to corruption needs to be higher than the ‘benefits’ of corruption. Corruption risks in the business sector and success in controlling them are crucial determinants of whether business and markets can live up to their productive, contributory role, or succumb to their destructive potential.

NewsDay newspaper of 21 September carried a revealing headline entitled, “Mugabe flies 80 to New York”. The story which criticised the President’s decision to ferry 80 people to the United Nations General Assembly drew a lot of interest and discussion from most quarters of the economy on issues of accountability in public finance. The same story was also carried in The Zimbabwean of 29 September, entitled, “Mugabe must cut expensive entourage - Tsvangirai”. The public media curiously shied away from commenting on this widely criticised United Nations general assembly trip. TI-Z condemns this insensitivity on the part of leadership in light of the dire economic challenges currently bedevilling the nation. For a President to get away with such fiscal irresponsibility reflects the lack of accountability of the executive to the electorate. This behaviour by the President underscores the importance of strong participation of the public in the constitution-making process and the need to suggest mechanisms of making the executive accountable to the electorate. Ignoring the constitutional making process is an indirect endorsement of future fiscal irresponsibility and an unrestrained executive. Zimbabwe needs a constitution that can have leaders who are made to account for their decisions at least before parliament on a more frequent basis.

What needs to be done?

Parastatals need to build accountability platforms: Parastatals play a crucial role in this country especially on energy provision and other social services and hence constant feedback on challenges the tax payers are encountering are key to avoid incidences of corruption. Public meetings, interaction in the media and the need to use social media networks to gather views and concerns of the public should be top priority for public relations departments of various parastatals. Failure to communicate with clients can result in clients having a perception that corruption is taking place.

Towards a comprehensive business integrity system; Zimbabwe will not fully recover unless business leaders and politicians decide to put anti-corruption issues on the agenda. This is because while production might increase, corruption will wipe out the profits. Moreover, a critical and qualified human resource base maybe a pipe dream if bribery and nepotism are not dealt with. TI-Z strongly recommends the representative bodies for employers, industry and others to put in place stronger measures against corruption. Investors are watching. Ministry of Finance and the Reserve Bank need to consistently and decisively comment and deal with corrupt elements in the system. TI-Z is always willing to be a technical partner in the capacity building to fight corruption and systemic improvements as well.

Personal and community responsibility: As citizens, Zimbabweans still have individual roles to help in eradicating corruption. Corruption is not compulsory and its effects are pervasive hence waiting for the government and or private sector to do everything is irresponsible. Where possible, citizens should shun companies they know to be corrupt. Boycott their products. It is important not to become despondent in the face of a compromised justice delivery system. Not all prosecutors, lawyers and or judges are corrupt hence reporting corruption remains important. TI-Z has a daily hotline and service to assist victims of corruption on advice to move forward. TI-Z encourages the public to be as diligent as possible in gathering evidence. It is always difficult to demand prosecution where there is little to no evidence. Neighbours within communities should organize themselves, name and shame for example, municipal staff that is demanding bribes from ratepayers. Communities and neighbourhoods can and should organize themselves and come up with local and actionable solutions to root out corruption. Contact your Member of Parliament and demand that they push for stronger anti corruption legislation in Parliament and follow up on their promise.

Join the battle against corruption. Report Today Toll Free 0800 4276