

# Corruption in Zimbabwe

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# Problem of corruption in Zimbabwe

Defined as the abuse of public power for private gains (World Bank)

TI 2020 Corruption Perceptions Index, Zimbabwe ranks 157 out of 180 countries. Problems of corruption :

- ❖ increases the cost of doing business for enterprises
- ❖ skews economic growth and development
- ❖ cost is transferred to consumers via higher prices or lower quality of goods and services
- ❖ earnings from the proceeds of corruption are often committed to non-productive activities
- ❖ encourages leakages of resources from the national fiscus

President Mnangagwa has prioritised the fight against corruption since assumption of office in 2017

New ZACC was constituted after dissolution of the old ZACC in February 2019 due to alleged incompetence

Obadiah Moyo (then Minister of Health) arrested on 19 June 2020 over allegations of being involved in a coronavirus supplies scandal. Prisca Mupfumira also arrested and dismissed from her portfolio

Some observers see the arrest of Cabinet Ministers as well as erstwhile Cabinet Ministers as a demonstration of ZACC's crackdown on corruption, others are dismissive of this preferring to describe it as selective, politically convenient and a 'catch and release' game. Other observers also view the anti-corruption crusade as targeting the small fish, while the big fish are let free.

# Anti-corruption measures in Zimbabwe

- Constitution of Zimbabwe - through Chapter 13 provides for institutions mandated to fight the vice -provides for the establishment of the ZACC and the National Prosecuting Authority (NPA)
- Other pieces of legislation aimed at combating corruption include:
  - Money Laundering and Proceeds of Crime Act
  - Prevention of Corruption Act (PCA) - criminalises active and passive bribery, extortion and money laundering in both the public and private sectors. Gifts and facilitation payments are illegal, as is the bribery of foreign officials.
- The Public Entities Corporate Governance Act (passed in May 2018) provides for the governance of public entities and provides a uniform mechanism for regulating the conditions of service of members of public entities and their senior employees.
- Zimbabwe is a signatory to the United Nations Convention against Corruption (UNCAC), having affixed its signature on 20 February 2004 and undertaken subsequent ratification on 8 March 2007 and a signatory to the African Union Convention on Preventing and Combating Corruption (AUCPCC), adopted in July 2003
- Zimbabwe also signed the SADC Protocol on Corruption (2004) in response to a regional call for leaders to pledge their commitment in the fight against corruption
- **Legislation on Unexplained Wealth Orders** - specified authorities e.g. ZACC, the ZIMRA and ZRP can without prior notice to the person concerned approach the High Court seeking an order that the person explains how they acquired assets in question.
- **Establishment of a Special Anti-Corruption Unit (SACU)** - President Mnangagwa's administration established a Special Anti-Corruption Unit, (SACU) in 2018.

## Anti-corruption measures in Zimbabwe

- Establishment of Anti-Corruption Courts - JSC established anti-corruption courts in all the country's 10 administrative provinces in a bid to expeditiously deal with graft.
- Repatriation of externalised funds in 2017 - Mnangagwa's administration made an amnesty call for the repatriation of externalised funds by Zimbabwean citizens and local and foreign companies which were operating in the country.
- Launch of anti-corruption awareness campaigns (August 2019) by the ICJ in collaboration with ZACC and the NPA. The campaign was expected to run for 15 months and aim was to harness different forms of media to spread awareness on the negative impact corruption has on the rule of law, human rights and development.
- Arrests and prosecution of corrupt officials and institution of forensic audits – e.g. President Mnangagwa ordered a forensic audit of Harare City Council
- Tracking, seizure of and repatriation of movable and immovable assets - In February 2021, ZACC started the process to track down, seize and repatriate movable and immovable assets worth more than US\$13 million allegedly acquired by Zimbabweans in five foreign jurisdictions using proceeds of corruption.
- Launch of a National Anti-Corruption Strategy (NACS) on 11 July 2020 - Zimbabwe adopted its first ever National Anti-corruption Strategy (NACS) to address the coordination of anti-corruption efforts by different stakeholders.
- Anti-Graft Memorandums of Understanding (MOUs) - ZACC signed several memorandums of understanding (MOUs) with organisations in a bid to tackle corruption.

# Conclusion

- Battle against corruption is far from being won – key challenges include political interference, inadequate resources to anti-corruption institutions, corruption cases taking too long to be concluded, impunity against corruption, centralisation of anti-corruption campaigns, gaps in legislation and delays in cross border investigations
  - ❑ There is evidence of a robust legislative framework to fight the vice but no corresponding effort to deal with high profile cases - ‘small fish’ being brought to book but the ‘big fish’ escaping the jaws of justice.
  - ❑ NPA stands accused of weak prosecution and political interference in its activities. In other instances, the law enforcement agents are accused of receiving bribes so that they scuttle investigation into corruption cases.
  - ❑ AB survey data shows that a majority of adult Zimbabweans are disillusioned by government’s efforts against the corruption scourge
  - ❑ The harassment of journalists through arrests and imprisonment, e.g., Hopewell Chin’ono after exposing corruption – means , the media and civil society has to tread carefully in the fight against the vice.
  - ❑ Lack of political will to deal with corruption scandals that involve politically exposed persons which reinforces the ‘catch and release’ syndrome that the administration has been accused of.
  - ❑ Evidence of a culture of drawn-out prosecutions with the conclusion of cases taking longer than necessary to be finalised.

# Recommendations

- Overall strengthening of anti-corruption institutions through boosting the financial human capacities of the anti-corruption institutions so that they discharge their mandates in an effective and efficient manner.
- The Government should do more to ensure that cases of impunity against Politically Exposed Persons (PEPs) are minimised and at most eradicated so that it gets the necessary buy in in the fight against corruption. The law should be allowed to take its course regardless of the seniority of a person being investigated and prosecuted.
- Government should do more in terms of protecting whistle blowers in order to gain the confidence of stakeholders in the fight against the vice. The arrest of Hopewell Chin'ono and Transform Zimbabwe Party leader Jacob Ngarivhume in July 2020 after calling for nationwide anti-corruption protests does not send a good message to citizens against corruption.
- The Government needs to cast the anti-corruption net wider to include both the opposition and ruling party members to avoid a scenario in which it is accused of political persecution of the opposition especially in opposition led city councils.
- The Government has to do more in terms of creating an enabling whistle blowing environment since the country does not have a policy and legal framework on this. Such a framework will allow corruption witnesses confidence to testify against corrupt person.

# Recommendations

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- Awareness campaigns against corruption should be decentralised to most parts of the country so that the anti-corruption crusade spreads across the breadth of the country. The campaigns should focus on the effects of corruption on community and national development. It looks like the anti-corruption campaign launched in August 2021 has lost momentum and hence there is need to reboot and re-energise the process.
- Government has to expedite the conclusion of some of the already known high profile corruption cases in order to regain public confidence. Expediting conclusion of such cases will also serve to show government's political commitment to fighting corruption.