

ZAMBIA'S EXPERIENCE IN ACTIVITIES TOWARDS COMBATING CORRUPTION.

A Paper Presented by Charles Kafunda Ag. Principal Resident Magistrate, At The United Nations Economic Commission For Africa Committee On Human Development And Civil Society Fourth Meeting, Addis Ababa, Ethiopia From 19th to 20th November 2007

It is generally accepted that there is no single definition of corruption. In my paper I will refer to corruption as an abuse of office for personal or private gain. Corruption can as well be categorized as grand/plunder or petty corruption. Zambia like any other country has been facing the challenge of corruption in both the public and private spheres. The problem of corruption has been attributed to a number of factors ranging from poor public service delivery systems, inclination by officers to supplement what may be low incomes, pure greed and other a myriad factors.

Zambia is classified as a Least Developed Country (LDC) and in this regard there is a school of thought which contends that corruption is a major factor that has contributed to the status of the country remaining an LDC arguing that the perpetration of the vice especially at a grand/plunder level has a direct impact on public service delivery to vulnerable groups and that it interferes with processes that are dependant on integrity such as law enforcement and judicial processes.

Independent studies on the problem of corruption in Zambia by Integrity groups such Transparency International, Integrity Foundation and others have suggested that the problem of corruption in Zambia has in certain instances discouraged Foreign Direct Investment (FDI) thereby depriving the country of opportunities that can offer much needed employment and provide income to the government through taxes.

Against the above background Zambia has taken a number of initiatives in an effort to fight corruption. Since 1980 Zambia has had a permanent Anti

Corruption Commission (ACC) a body that is principally tasked to take necessary and effective measures for the prevention of corruption in public and private bodies. Although Zambia has had an Anti Corruption Commission for quite a while now, the problem of corruption has been perceived by many observers to be prevalent. This is especially so with regard to the period 1991 to 2001 when the government in power then was generally perceived not to have had the necessary political will to effectively deal with the scourge despite having in place necessary instruments to do so. The current government in power since 2002 has taken important steps to negate the perception that government lacks the necessary political will to fight corruption and has adopted what it terms as a zero tolerance stance on corruption. For example in 2002 the President asked Parliament to lift the immunity of the former President of the government of 1991 to 2001 and the said former President is currently facing corruption charges in the courts of Zambia together with other high profile former members of his government, some of whom have since been convicted and imprisoned. The President has also created a Task Force on corruption, which is a body that brings together officers from different law enforcement agencies and is mandated to investigate corruption from 1991 to 2001 and prosecute individuals involved in the said corruption and to recover property that such individuals may have amassed. As stated in the foregoing a number of individuals have been prosecuted and property involved seized. It is worth noting that the Task Force on Corruption is not created by an Act of Parliament but created by the President's discretionary authority.

A number of members of the current government have also been prosecuted for corruption charges and a number have been dismissed or have resigned after being exposed in corruption scams by the law enforcement agencies, media and civil society groups. This scenario gives the impression that the focus in the fight against corruption is on the grand/plunder type of corruption mainly perpetrated by those mandated to control national resources and believed to have the greatest negative and direct impact on the majority of the vulnerable groups.

Most of the cases so far investigated and prosecuted have involved highly complex transactions sometimes spanning different jurisdictions. This has provided a great challenge to both the law enforcement agencies and the Judiciary and has in certain instances taken a lot of time to deal with and consequently has created frustration among certain interest groups who are not pleased at the rate progress is being made. Corruption cases in Zambia

are initiated and prosecuted in the Magistrates Courts, which are also manned by, lay magistrates (magistrates not trained as lawyers). Owing to the complexity of corruption cases it has become paramount for the Judiciary to retrain its magistrates and has also been on recruitment drive to employ legally qualified magistrates.

There has also been a considerable interest by the government and cooperating partners to reform public service delivery institutions in a way that would reduce the incidence of corruption. An example is the Patents and Companies Registry, which has been, under the Millennium Threshold Project computerized and procedures simplified to make it user friendly and reduce on red tape that is a major factor in inducing corrupt practices. Other institutions perceived to have a high incidence of corruption like the Ministry of Lands are also to be reformed under the said Millennium Threshold Project run by the USAID and the Government of the Republic of Zambia.

The Anti Corruption Commission has also introduced in institutions with a high corruption perception index integrity committees, which are comprised of officers from all levels of the institution's structure so as to encourage homegrown solutions to problems of corruption in such institutions.

Finally experience in fighting cooperation has also revealed the importance of public-private partnership to fight corruption noting the important role that the private press, civil society and other non state actors have played in sensitizing people on corruption and exposing corruption when it has occurred. I end here.