

**CORRUPTION IN PUBLIC INSTITUTIONS IN ZAMBIA FROM 1991 TO 2008:
A CASE STUDY OF THE DEPARTMENT OF IMMIGRATION, MINISTRY OF
HOME AFFAIRS**

By
Japhet Mwanamwalye Lishomwa

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**A dissertation submitted in partial fulfillment of the requirements for the degree of
Master of Public Administration**

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Declaration

I hereby declare that this dissertation represents my own work, and that it has not been previously submitted for a degree, diploma or any other qualification at this or another university.

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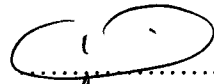
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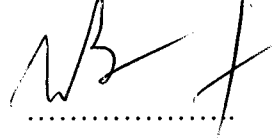
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Prof. Jotham C. Momba (Supervisor)



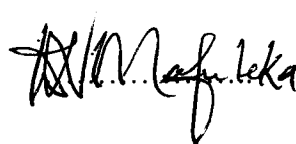
25/6/2009

Dr. M. C. Bwalya (Examiner)



29/06/2009

Dr. W. N. Mafuleka (Examiner)

 25/06/2009

Abstract

The study problem was that there was a recurrent problem of officers in the Department of Immigration being suspended from work, dismissed, and sometimes facing other disciplinary actions for reasons which are mainly corruption-related, particularly bribery. This phenomenon persists despite the fact that many remedial efforts have been implemented to mitigate the incidence of corruption in the institution. The current (Mwanawasa) government has particularly adopted a tough stance towards issues of corruption, although mostly through mere public pronouncements not cemented by actions. Equally, many civil society organisations have used various platforms and approaches to advocate against corruption but the problem has remained resilient and persistent in public institutions, particularly the Immigration Department.

The general objective of this study was to establish the main factors that contribute to corruption in the bureaucracy in general and in particular, among immigration officers in Zambia. To achieve that objective, the methodology involved a case study design, focusing on the Immigration Department (ID). Four immigration stations were selected for investigation; Immigration Headquarters, Lusaka International Airport (LIA), Chirundu and Kasumbalesa boarder controls. The sample size was 167 respondents consisting of 67 immigration officials selected using stratified random sampling, and 100 members of the public (both Zambians and foreigners) selected using the simple random sampling method. Key informants were drawn from the Anti-Corruption Commission (ACC), Transparency International Zambia (TIZ), Immigration Headquarters, Lusaka Regional Immigration Office and some selected immigrants in Zambia. Both primary and secondary sources of data were employed. Data was analysed manually and using the Statistical Packages for the Social Sciences (SPSS) techniques.

The study established that the principal cause of corruption in the ID is poor salaries and conditions of service for immigration staff. From the 167 respondents interviewed, 120 attributed corruption in the institution to poor remuneration. In this regard, the investigation also revealed that 82% of the 67 immigration officials interviewed received monthly take-home salaries of less than K 1million each. Other findings were that corruption in the ID was also due to the bureaucratic system of

operation which makes clients desperate for services in the long-run. It was also established that the operation of immigration consultants/agents breeds corruption in the organisation. These agents operate as middle-men between immigration staff and their clientele. Another source of corruption discovered, especially at the borders, is that immigration officers are understaffed leading to overwhelming workloads. This creates unnecessary congestions which subsequently lead to corruption. The centralization of the permit-issuance exercise at immigration headquarters was also found to be a contributor to corruption in the Immigration Department (ID). Other causes established in the findings include: ill-skilled and incompetent immigration officers; weak law-enforcement by watch-dog institutions; sheer greed on the part of officers; unclear policies and procedures at the ID, and; the culture among the members of the public, especially foreigners, to give bribes to public officers (even needlessly).

The study findings also indicate that bribery is the most common form of corruption in the ID. Of the 100 members of the public, 63% held that view. As for the immigration respondents, 62% of them identified bribery as the most prevalent in their institution. Other findings from the members of the public were as follows: 24% rated corruption in the ID as “very high”, 35% rated it as “high”, 32% put it at “average”, with 5% seeing it as “low”, while only 4% classified it as “very low”. On the time it takes to acquire a permit from the ID, the members of the public stated the following: 40% said it took 1-2 months; 41% put it at 2-6 months; 9% said it was 6months – 1year, while 5% said it lasted up to 1year or more. On the highest academic qualifications of immigration officers covered by the study, 29.85% had only school certificates; 37.31% had college certificates; 26.86% were in possession of diplomas; 5.97% were university graduates and none had a post-graduate degree.

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List of Abbreviations

ACC	-	Anti-Corruption Commission
ACIO	-	Assistant Chief Immigration Officer
ADMN	-	Administration
AFRONET	-	Africa Network for Human Rights and Development
CIO	-	Chief Immigration Officer
COZ	-	Credit Organisation of Zambia
CPI	-	Corruption Perception Index
CSO	-	Central Statistical Office
DCIO	-	Deputy Chief Immigration Officer
ECZ	-	Electoral Commission of Zambia
FRA	-	Food Reserve Agency
GRZ	-	Government Republic of Zambia
IC	-	Integrity Committee
ID	-	Immigration Department
IMF	-	International Monetary Fund
IO	-	Immigration Officer
JCTR	-	Jesuit Centre for Theological Reflection
LDCs	-	Less Developed Countries
NCPPS	-	National Corruption Prevention Policy and Strategy
NGOs	-	Non-Governmental Organizations
OECD	-	Organization for Economic Cooperation and Development
OIC	-	Officer-In-Charge
OPS	-	Operations
PHI	-	Presidential Housing Initiative
PRO	-	Public Relations Officer
RIO	-	Regional Immigration Officer
RO	-	Report Order
SAHRR	-	Southern Africa Human Rights Review
SAUSSC	-	Southern African Universities Social Sciences Conference
SITET	-	Special Investigation Team on Economy and Trade

SPSS	-	Statistical Package for the Social Sciences
TI	-	Transparency International
TIZ	-	Transparency International Zambia
UNDP	-	United Nations Development Plan
UNIP	-	United National Independence Party
UNZA	-	University of Zambia
ZCCM	-	Zambia Consolidated Copper Mines
ZNOC	-	Zambia National Oil Company
ZPA	-	Zambia Privatization Agency
ZRA	-	Zambia Revenue Authority

CHAPTER 1

INTRODUCTION

Background

This dissertation is a discussion of the causes and dimensions of corruption in the Zambia Public Service, with particular focus on the Department of Immigration, Ministry of Home Affairs. It mainly covers the period from 1991 to 2008.

Corruption is an “ethical and criminal problem which has been discussed throughout history” (Klitgaard, 1988:12). The issue of corruption has often been identified by development experts as one of the major reasons why Third World Countries, particularly in Sub-Saharan Africa fail to achieve economic growth and development (Rose-Ackerman and Coolidge, 2000:35). Among several other effects, it is through corrupt tendencies by public officers that resources that are meant for the improvement of the livelihoods of many deserving citizens are diverted by corrupt officials for personal aggrandizements (Sandbrook, 1993:19). The Anti-Corruption Commission (ACC) states that corruption perpetuates, among other things, underdevelopment, high levels of poverty, high levels of unemployment, and high levels of crime (ACC: Reform Study Report 2003: 6). Corruption can also compromise public officers in the manner they execute their work procedures. At national level, corruption can undermine the government’s ability to effectively and efficiently provide social services to the citizens. This is because corruption negates principal tenets of good governance, namely accountability and transparency (ACC, 2006: 12). According to AFRONET (2002: 13), “today corruption in Zambia is a disease of endemic socio-economic and political dimensions.” It was further observed that corruption poses a big obstacle to sustainable livelihood in Zambia.

The possible existence of bureaucratic corruption in the country may negatively affect the government’s capacity to delivery goods and services to its populace. This is so because the government mainly delivers services through the public institutions. According the Public Service Reform Paper (2002: 23), for example, the government’s service-delivery to the public has not been satisfactory due to several factors. It is due to this dissatisfaction in the public service delivery, for example, that the Public Service Reform Programme (PSRP) was launched by the Government in order to achieve improvement in the delivery of quality, efficient and cost-effective service (Public Service Reform Paper, 2002: 17). One of the major factors which affect the Public Service capacity in terms of

efficiency and responsiveness to the needs of the country's population is arguably corruption in many of the public institutions.

Many reports on corruption have suggested that corruption in public institutions in Zambia is "high". For instance, Transparency International Zambia (TIZ) State of Corruption Report (2004: 12) revealed that a total number of 840 cases of suspected corruption in public institutions were reported to the Anti-Corruption Commission (ACC) from 2003 to 2004. In 2003, there were 456 cases reported. Topping the list was Zambia Police Service with 112 (24.6%) of the reported cases, followed by Local Councils with 54 cases (11.8%); the Ministry of Education had 40 cases (8.8%); Ministry of Lands with 30 cases (6.6%); while the Judiciary had 25 cases (5.5%). These five institutions accounted for 57.3% of all the cases reported to the ACC in 2003. Similarly, the acting Director General of the Anti-Corruption Commission stated that about 70% of the corruption cases received by her institution in the year 2008 involved government officials (Post, 10th January, 2009).

In 2004 alone, there were a total of 384 cases of suspected corruption reported to the ACC. This represented a reduction of 15.8% over the cases reported in the previous year. However, the Police Service still maintained its top slot with 96 cases (25%). This time the Judiciary came out second with 50 cases (13%), after having been in fifth position in 2003. Local authorities were third with 41 cases (10.7%), followed by Ministries of Education with 37 cases (9.6%), and Lands with 24 cases (6.3%) in fourth and fifth positions respectively. In 2004, the top five institutions accounted for 64.6% of the suspected corruption cases reported to the ACC compared to 57.3% in 2003. As was the case in 2003 however, corruption was not necessarily apparent in some of the 384 reported cases in 2004. Some of the cases were referred by the ACC to relevant organizations for appropriate action while others were dealt with by the Courts of Law.

In most reports on corruption, the Department of Immigration is generally positioned among the top ten "most corrupt" institutions in Zambia. For example, in the TIZ report cited above, the institution had 23 cases of suspected corruption reported in 2003, representing 5.4 % of the total number of cases reported in public institutions. In 2004, the TIZ State of Corruption Report (2004: 13) further indicated that the number of corruption cases reported in the institution had dropped to 17 from a total of 384, an equivalent of 4.4%. In 2003 and 2004, therefore, according to the above report, the

Department was respectively ranked the seventh and eighth “most corrupt” public institution from a list of 57 organisations in the country. In addition to that, the Central Statistics Office (CSO) Report on Corruption (1999: 34) also ranked the Department of Immigration among the “most corrupt” wings of government. In the year 2003, CSO ranked the Department of Immigration as the third “most corrupt” public institution in Zambia, surpassed only by Zambia Police Service and Zambia Revenue Authority (CSO Report 2004: 14). Other highly ranked institutions were the Ministry of Lands and Local Authorities. Although some of these reports suggesting a “high” level of corruption in the Department of Immigration may be devoid of the necessary evidence, the ‘problem’ of corruption in the institution has also been acknowledged by management. The only difference seems to lie in the fact that the institution views the ‘problem’ of corruption within its ranks at less magnitude than suggested by most of these reports and perhaps portrayed by public opinion.

The apparent existence of corruption in the Immigration Department is a threat to national security as the institution is charged with the important responsibility of facilitating and regulating the movements of persons, both foreigners and citizens, entering and leaving Zambia (Immigration Department, 1995: 29). According to the Department’s Public Relations Unit Brochure (2005), its Mission Statement is “to facilitate and regulate the movement of persons entering and leaving the country, and control the stay of immigrants and visitors in order to contribute to the maintenance of internal security.” This is clearly a strategic role in ensuring the security of the nation against external and internal threats. Therefore, if such an institution is afflicted by corruption, its capacity to fulfill its important responsibility may be compromised. Among other things, corruption in this institution could lead to the abuse and flouting of the general Immigration Policy which is premised on the following four (4) basic principles:-

- (i) An immigrant to Zambia must have a contribution to make in the form of skill, profession or capital which should be of benefit to Zambia;
- (ii) An immigrant should not deprive a citizen of Zambia employment;
- (iii) An immigrant should not be a charge on the state. He/She must have the means with which to support him or herself and dependants in Zambia; and
- (iv) An immigrant intending to settle in Zambia must be in possession of an entry permit.

The above principles are enforced within the broader provisions of the Immigration and Deportation Act, Cap 123 of the Laws of Zambia. The possible flouting of immigration policies and procedures can adversely affect the economic and social conditions in the country. Being the screening authority of all individuals entering the country, the Immigration Department stands the risk of admitting undesirable foreigners into Zambia if its operating guidelines are deliberately abused by officers. For instance, the abuse of the system may result in the admission into Zambia of criminal elements which could compromise the country's security. Compromise of the Department's policy, for example, could equally allow the issuance of various permits to unqualified foreigners which can disadvantage indigenous people.

Being aware of the threat posed by corruption, the Department of Immigration has devised some measures to counter the "problem". This is according to the Immigration Public Relations Unit (2007: 4). Principal among these efforts, which are discussed in detail in chapter 2, is the introduction of an Integrity Committee (IC) which tries to ensure that service delivery in the institution is more transparent and free of corruption. The Department has also embarked on efforts to improve the motivation of officers. For instance, officers now do receive some free mealie meal monthly. Besides that, the institution has also embarked on a computerization programme with the view of improving efficiency and ultimately reducing rigidities which may lead to corruption. Apart from that, there is an intelligence unit within the organisation, which among other things looks at issues to do with corruption. Another strategy put in place involves the Customer Service Centre (CSC) which operates as a one-stop centre where almost all public services are offered at Immigration Headquarters. This is an open hall which is designed to enhance transparency in the institution's service delivery and also reduce opportunities for corrupt practices. In addition, there are programmes of training and retraining of officers in modern customer care strategies, as well as sensitization against corrupt tendencies.

Statement of the Problem

In spite of the above measures that have been put in place to mitigate the incidence of corruption in the Department of Immigration, the "problem" still seems to persist. There are continued cases of officers being charged, suspended, prosecuted and/or dismissed from work for reasons which are mainly corruption-related, particularly bribery. Equally,

many complaints about corruption in the institution are still being recorded by the Anti-Corruption Commission. This study will reveal some reasons for this scenario later.

Objectives of the Study

Main Objective

The main objective of this investigation is to establish the principal causes of corruption in the Immigration Department.

Specific Objectives

- (i) To identify motivating factors that lead to corruption
- (ii) To identify some bureaucratic loopholes that allow for corruption to take place in the organisation
- (iii) To identify cases of officials in the Department who have been either suspended or dismissed, reported to the ACC or charged for corruption in the courts of law, and the reasons for such action.
- (iv) To establish the perception of the public towards the Department in relation to the alleged corruption in the institution

Rationale of the Study

This research will be the first one to academically investigate corruption in the Department of Immigration. In that regard, it will contribute a new sphere of knowledge on corruption in the country. It is also important to the Immigration Department itself in terms of identifying possible causes of corruption. When the causes are identified, it may enable the organisation to counter ‘corruption’ with measures based on an investigation backed by empirical evidence rather than reports which may be hypothetical. Beyond that, the research may also be helpful to watch-dog institutions like the Anti-Corruption Commission in relation to the prevention and curbing of corruption in other public institutions in particular, and the country as a whole.

Conceptual Framework

The conceptual framework used in this dissertation basically revolves around five main concepts, namely: corruption, grand corruption, petty corruption, bureaucratic corruption, and immigration. The first four concepts are interrelated, as shown later. The Draft

National Corruption Prevention Policy (DNCP) of October 17, 2006 views corruption as “soliciting, accepting, obtaining, giving, promising or offering of gratification by way of a bribe or other personal temptation or inducement or the misuse or abuse of a public office or authority for private advantage or benefit through bribery, extortion, influence-peddling, nepotism, fraud, rushed trials, electoral corruption...”. Similarly, Monteiro (1966: 41) states that corruption, in its widest connotation, includes improper or selfish exercise of power and influence attached to public office due to special position one occupies in public life. Hodd and Theobald (1996:277) distinguish two types of corruption. On the one hand, “there is routine or petty corruption; what is sometimes referred to as bureaucratic corruption; and on the other hand, there is what is termed grand corruption.” The former refers to the “acceptance or extortion of bribes, embezzlement, or the illegitimate or illegal use of public resources by low-level government employees.” In this sense, petty corruption may also include ‘gifts’ or money given to public officials in order to speed up the processing of permits, licences and other documents/services offered by the public service. The latter denotes, “the misuse of public power by heads of state, ministers and senior government officials for private pecuniary gain, resulting in large-scale misappropriation, contract kick-backs, and the like.”

Grand or ‘High-level’ corruption takes place at the policy formulation end of politics (TIZ, 2006: 14). It refers “not so much to the amount of money involved as to the level in which it takes place.” It occurs at the top levels of the public sphere, where policies and rules are formulated in the first place. When grand corruption takes root in a system, it is likely that petty corruption will also manifest itself among junior bureaucrats. As grand corruption occurs at the high level of the political and government leadership where national policies are made, its existence certainly encourages similar conduct at the lower tiers. In such a situation, disciplinary action over petty corruption may not only be hypocritical but also prove difficult for senior officials. Equally, if top officials desist from corruption, the chances are that bureaucratic or petty corruption will be minimised among their junior officers. Therefore, it may be argued that the existence of grand corruption encourages petty corruption. In this case, it may be said that grand corruption influences petty corruption.

Petty corruption, on the other hand, is synonymous with bureaucratic corruption. Small scale, bureaucratic or petty corruption is the everyday corruption that takes place at

the implementation end of politics, where the public officials meet the public (TIZ, 2004: 6). Petty corruption is “bribery in connection with the implementation of existing laws, rules and regulations, and thus different from grand corruption or political corruption.” Petty corruption refers to the modest sums of money usually involved, and has also been called “low level” and “street level” to mean the kind of corruption that people can experience more or less daily, in their encounter with public administration and services like hospitals, schools, local licensing authorities, police (immigration), taxing authorities, and so on. It would appear that the majority corruption cases in public institutions assume the form of petty or bureaucratic corruption. In fact, TIZ (2006: 12) refers to petty corruption as “survival” corruption; “a form of corruption which is pursued by junior or middle-level officers who may be grossly underpaid and who depend on relatively small but illegal sources of income to feed and house their families.” According to TIZ State of Corruption Report (2004: 7), however, bureaucratic corruption may also be referred to as “administrative corruption” which means “the institutionalised personal abuse of public resources by civil servants”. Gould D.J (1997: 100) cites typical examples of such abuse as ‘kickbacks’ on construction contracts; bribery to secure a favourable decision on the granting of a licence or permit; ‘tips’ after a decision has been made on the allocation of land; the use of public resources such as labour, vehicles, travel and accommodation for personal consumption.

The Anti-corruption Commission (ACC) Media workshop (2006) identified five well-known kinds of corruption which are practiced world-wide today. These include bribery, embezzlement, fraud, favouritism and extortion. Looked at in view of the grand/petty corruption dichotomy, the above forms of corruption may either be grand corruption or petty corruption depending on who, between a senior public official and a middle/ lower tier bureaucrat, commits the offence. If it is a senior public official committing such offence using his/her powers, then it may be considered grand corruption. On the other hand, if any of the five forms of corruption is committed by a middle/junior government official, then it becomes a case of petty corruption. However, it should be argued that most of those offences seem to be more aligned to petty corruption than grand corruption.

According to the Draft National Corruption Prevention Policy (DN CPP) (2006: 12), bribery implies “the act of offering someone money or other valuables in order to persuade

him/her to do something for you, or not to do something.” The Anti-Corruption Commission refers to embezzlement as theft of public funds or resources by public officials. Fraud means “a misrepresentation done in order to obtain unfair advantage by giving or receiving false advantageous information” (Anti-Corruption Commission, 2006: 21). Though many people may consider the act of lying to be fraud, in the legal perspective lying is only one small element of actual fraud. Fraud is an economic crime which involves “trickery, swindle and deceit”. There must be “deliberate misrepresentation of the product’s condition and actual monetary damages must take place”. As for favouritism, it involves one’s natural propensity to favour friends, family members or anybody close to oneself and trusted (ACC, 2008: 32). The DNCPD simply sees extortion as the “unlawful extraction of money or favour by force or intimidation.” Finally, “immigration” simply refers to the process of coming to live permanently in a country that is not one’s own (Immigration and Deportation Act Cap. 123 of the Laws of Zambia).

This paper addresses issues pertaining to both petty/bureaucratic corruption and grand corruption in Zambia. It looks at petty and grand corruption in public institutions as defined above, with main focus on events in the Immigration Department.

Literature Review

This section reviews literature on corruption. It will look at literature on corruption in Zambia, other African countries and the rest of the world. The specific purpose of this review is to see what lessons can be learnt from this literature in relation to this study.

In chapter 3 of his Masters Degree dissertation entitled ‘The Role, Nature and Authority of the Legislature in Zambia’s one-party system of government,’ Ludwig Sondashi (1985: 79) observes that the ascendance to political power of indigenous people marked the cradle of corrupt practices by new bureaucrats in Africa in general, and Zambia in particular. Concentrating on Zambia, Sondashi argues that the exposure of Zambians to power and status led them to emulate the “luxurious and exotic life” of their predecessors – the foreign bureaucrats and bourgeoisies. Referring to Gertz (1984: 117), he states that the favourable economic climate in the country did not last for a long time to sustain affluent lifestyles. After 1975, the economic recession had serious consequences for the Zambian people, leading to, among other problems, scarcity and economic crisis which “contributed to increase in corruption as well as other crimes.” On causes of corruption at

the time, Sondashi identified, among others, the “inadequate remuneration for politicians, civil servants and parastatals cadres; insecurity of office; and, lust for quick riches and wealth-worship.” One of his main arguments was that corruption was prevalent both in the public and private sectors in Zambia at that time. He also suggests that causes of corruption were “numerous, and in order to tackle corruption successfully, governments must take on board and understand the root-causes of corruption first. Only then can measures be formulated to stop the problem.”

The above literature offers vital lessons on corruption soon after Zambia became an independent state. The literature is particularly in tune with the objective of this research as it emphasizes the need to meticulously identify root-causes of corruption, before attempting to fight the problem. Another lesson to possibly benefit from Sondashi’s research is the fact that bureaucratic corruption in Zambia is almost as old as the public service itself. The literature also gives an evolutionary picture of corruption in Zambia over the years. However, it is important to argue that the type of corruption that was “prevailing” at the time of Sondashi’s investigation could be different from the corruption which may be existing at present. Owing to advancements in technology and other factors, ‘contemporary corruption’ could be different, suiting the new environment. In order to better understand the issue at present, one has to conduct a scientific investigation under the prevailing conditions.

Arguing that corruption was seen as a “problem” in the Second Republic, Sandbrook (1993:165) in ‘The Politics of Africa’s Economic Recovery’ observes that President Kaunda “neutralized his opponents and retained supporters by finding them government, parastatals and party jobs, or opportunities to benefit from public connections.” Though they were apparently unqualified and incompetent, they still received salaries and benefits from the government treasury. Sandbrook states further that the Auditor General’s report of 1986 found evidence of misappropriation and mismanagement of public funds, which amounts to corruption as defined in the conceptual framework. In addition, party patronage was extended to agricultural credit such that loan disbursement at the Credit Organisation of Zambia (COZ) for instance, was based on party patronage (Turok, 1989: 67). Consequently, loan recipients “felt no obligation to repay loans, and this contributed to the collapse of the organisation.” This particular literature demonstrates one of the effects of corruption when tolerated. It can lead to serious liquidity

problems and ultimately collapse of an organisation. However, Sandbrook and Turok concentrated much on corruption to do with party patronage in the one-party state. This type of patronage may still be existent today but arguably at less magnitude. This is because of the current multiparty system, which provides better checks and balances, and generally better democratic tenets and governance. Present-day 'corruption' may transcend party patronage, and is probably more sophisticated. Therefore, it may call for a broader investigation or coverage.

Burdette (1988: 113) in 'Zambia: Between Two Worlds' uses some examples to illustrate "corruption and abuse of authority" in the second Republic. She states that "in the 1980s, several senior government officials and their wives were caught in the drug trade, especially at European airports, and a former government official was detained in India for alleged mandrax-smuggling." Although drug-trafficking is not corruption, it is a typical example of impropriety which is related to corruption. Such officials used their government positions or diplomatic prerogatives to carry out illicit trade for personal gain. There were also instances of theft of public funds and property by diplomatic officials at foreign missions, and Zambian diplomats demanding kickbacks for aid earmarked for Zambia (Woldring, 1984: 212). From Burdette and Woldring's literature, one learns that 'grand corruption' reported during the second Republic went beyond Zambian borders. It may have involved many officials in Zambian missions abroad. One peculiar aspect of this "abuse" is that it also involved drug-trafficking. Although there are many possible lessons to extract from this review, Burdette and Woldring do not address all types of 'corruption' which could be present today. They opt to give examples of certain cases instead of addressing the problem of grand and bureaucratic corruption holistically.

In his analysis entitled 'Corruption and accumulation in Zambia,' Chikulo (2000: 168) uses a comparison of the situation the Second Republic (1972-1990) and the Chiluba regime. He argues that the expectations on the multiparty-era in the third Republic regarding good governance, accountability and transparency in the conduct of public affairs, and high standards of probity and efficiency had "all crumbled in the face of numerous corruption scandals among senior cabinet ministers and other public officials." He observes that although corruption and graft were "common" in the public sector during the Kaunda era, they only "involved lower-level public servants seeking to supplement their meagre salaries by making illegal demands on members of the public." Chikulo also

states that anti-corruption measures introduced in the second Republic were “frustrated” by government officials in the third Republic. The major drawback of the Chiluba administration, he adds, was the lack of political will to do something convincingly about the “systemic and endemic corruption among public officials and the network of other predators that had supported and financed the ruling party in its formative stages.” Unlike in the second Republic where leadership was seen to be “highly esteemed and less corrupt”, the successive government under Chiluba “openly denied accountability and shielded corrupt ministers and other public officials”.

Chikulo’s arguments show how corruption “grew” with the ushering in of the Third Republic in 1991. He demonstrates, among other things, that the new government “harboured corrupt tendencies” rather than being leader in fighting the ‘problem’. However, Chikulo does not address the question of what really caused this “corruption”, especially in public institutions. This is very important in seeking to find the solution to the ‘problem’ of corruption in any given situation.

The introductory chapter of Transparency International Zambia (TIZ) State of Corruption Report (2004: 6) makes an observation that when the first TIZ Report was written in 2001, the Transparency International Corruption Perception Index rated Zambia as the 9th most corrupt country among all the countries surveyed, while the 2004 rating put Zambia as the 11th most corrupt country among Transparency International (TI) member countries. It was further observed that though the figures indicated an improvement in levels of ranking, there was no marked decline in the levels of corruption in Zambia. In fact, it was discovered that corruption was actually “increasing rather than decreasing”. The limitation of this report lies in the fact that it was not an academic but advocacy paper. Besides, it did not address itself to public institutions. However, the importance of this observation made by the report is that it served as a ‘warning’ that the country was sliding more into the “problem of corruption”. Although such revelations may not be very welcome especially to government officials, they should serve to invigorate the formulation of measures to counter the “perceived” effects of corruption. This research seeks to identify some of the causes of corruption in the Zambian bureaucracy.

The National Governance Baseline Survey Report of August 2004 (whose main objective was to yield information that would be of use in, among other things, combating corruption, and improving the quality and delivery of public services), established that

generally, members of the public did not have much trust in public officials in Zambia. It stated that members of the public considered public officials to be only “moderately honest”. On corruption, the survey revealed that corruption was recognized to be a “serious problem” in the country. Responses from the people who were interviewed indicated unequivocally that corruption was “widespread” in the public institutions in Zambia, and that it had “worsened” in the previous decade or so. The extent and nature of the “problem” was found to “vary from one institution to another, from one location to another, and according to income status of the client or firm size”, among other factors.

Although it was a consultancy report and not academic work, many lessons can be drawn from the National Governance Baseline Survey Report. The survey shows clearly, for instance, that corruption was “very widespread among institutions providing public services in Zambia, and that it has worsened over the previous decade or so.” This observation may serve as an indicator to the effect that the ‘problem of corruption’ in the country was ascending. At the same time, members of the public were “losing trust” in public officials. For the government, this may entail reduction of legitimacy. Szeftel (1982: 54) argues that public confidence is badly shaken when corruption is high in a country. Therefore, it becomes “imperative for any nation to restore public confidence by fighting corruption vigorously.” This, in return, gives legitimacy to the government. Legitimacy is cardinal to any government. Monteiro (1966: 161) in his ‘Control of Maladministration,’ for example, shows how by “the 5th century, the Greek citizens’ interest in their government gradually waned, and attendance at public meetings had to be ensured by cash payments.”

Another possibly vital point to pick from the National Governance Baseline Survey Report is the observation that the nature and extent of corruption varies from one institution to another. This simply advises that to tackle corruption effectively, there is need to look at the various public institutions separately. To some extent, it is a justification for the cause of this paper. To address the ‘problem’ of corruption holistically may be a myopic and erroneous strategy. Therefore, individual institutions like the Department of Immigration should be selected, carefully investigated and corrective measures, if necessary, formulated and implemented.

AFRONET (2002: 13) in ‘Nchekelako; an African reader on corruption in Zambia’ also provides some important literature on corruption in Zambia. Corruption, in this

literature, is perceived as “a symptom of maladaptive and inappropriate political and social economic systems of governance.” It is further shown that corruption in Zambia “traverses main sections of our daily lives, extending from competition for political office to the donor community, and that its spread entrenchment should be considered within the context of existing and shifts in political and economic governance modes.” The second chapter of this book highlights the “intrusion of the colonial states and how it helped to produce a new set of cultural norms and values that are a negation of African traditional systems.” Furthermore, there is an exploration and interrogation of the emerging trend of corruption in the political and electoral systems in Zambia. Issues highlighted include the improper use of state resources and organs to obtain a favourable election result by the party in power. The book proceeds to examine corruption associated with business and the state; Corruption in the public procurement system; and also examines the donor-recipient relationship in Zambia. It further looks at opportunities for corruption in Donor-supported programmes.

One lesson highlighted in the above literature is that the intrusion of colonial states into Africa contributed to the production of new cultural norms and values which “trampled” upon the African traditional systems. This theory is in agreement with that of Sondashi (1985: 66) where he argues that indigenous Zambians who took over the bureaucracy at independence in 1964 later tended to emulate the “luxurious and exotic life of their predecessors – the foreign bureaucrats and the bourgeoisie.” Does this ultimately suggest that corruption was brought to Africa by colonizing powers, mainly Europeans? This theory atleast suggests that the pre-colonial African society had its own way of life possibly devoid of such “foreign practices” as corruption. However, the above literature does not provide details about specific public institutions with regards to issues of corruption; it adopts a wholesome coverage of the subject. Therefore, in as far as this investigation is concerned, it leaves a gap.

Apart from the above issues of corruption in Zambia, there is some other literature with valuable lessons to learn on corruption in other countries, especially in Africa. The following segment, therefore, reviews some selected pieces of literature regarding corruption in Africa. As much as possible, weaknesses of these perspectives will be underscored in line with the hitherto unexplored objective of this research.

In the introductory chapter of 'Corruption and Development in Africa: Lessons from Country Case Studies,' Hope and Chikulo (2000: 142) argue that "although the incidence of corruption varies among African countries, ranging from rare (Botswana) to widespread (Ghana) to systemic (Nigeria), the majority of the countries are in the range of widespread to systemic." From being widespread to systemic, corruption in Africa has now "reached cancerous proportions and today has a demonstrable negative impact on the development process in the region." They add that "whether in the public or private spheres, corruption results in the abuse and misuse of scarce resources that significantly affect an entire economy through multiplier effects." Hope and Chikulo argue further that the entrenchment of corruption in Africa points to the fact that something has gone wrong in the governance of the individual countries. Institutions designed for regulation of relationships between citizens and the state are used instead for "enrichment of public officials." Hope adds that African governments, international organisations, and foreign governments must all play a pivotal role in "ensuring that corrupt activities in Africa will yield no current gains or future benefits inside or outside the region." In that regard, "corruption must be a high-risk activity, with perpetrators severely punished."

Hope and Chikulo certainly provide some important insights on corruption in Africa. However, they seem to be inclined to be calling for too much international involvement. Although outside contributions may be important to the fight against 'corruption' (especially in terms of funds), African governments are more likely to understand their environments better. Therefore, they should not wait for external assistance to combat 'corruption'. Hope also suggests a punitive solution to corruption. Instead, it may be better to fight corruption in a proactive rather than reactive way as Hope appears to suggest. It is important to investigate root causes of corruption before trying to find a panaceatic solution to the problem.

In their article entitled 'The Political, Economic, and Cultural Bases of Corruption in Africa,' Bertha Osei-Hwedie and Kwaku Osei-Hwedie (2000: 131) use examples from Ghana and Zambia to argue that "there are political bases (patronage, patron-client relationships, unequal access to public resources, abuse and misuse of office and political position, and administrative quagmire) ; economic bases (poverty and the desire to be wealthy, and the mismatch between expectations and available resources) ; and social bases (the cultural bonds of socio-economic and political organisations, pressures from extended

family and friends, and the lack of distinction between personal and private property) which all contribute significantly to the incidence of corruption and corrupt incidences in Africa.” They conclude by stating that corruption, having permeated almost every level of governmental activity in many parts of Africa, is one of the major causes of economic decline on the continent. Most government activities are “conditioned by considerations of patronage, tribal loyalty, and personal gain.” Moreover, the Osei-Hwedies argue, irrespective of the type of government, whether military or civilian, one-party or multi-party system, corruption has thrived and entrenched itself, with the poor being the greatest victims in Africa.

The paragraph above shows that corruption in African countries has almost reached universal levels. It afflicts countries regardless of their governance styles. However, the authors seem to dwell only on the context and gravity of corruption in Africa without any effort to identify its causes and probably offer some corrective measures.

George B. N. Ayittey (1998: 186) in his ‘Combating Corruption in Africa: Analysis and Context,’ argues that corruption is certainly not a social vice unique to Africa. It “prevails in one form or another in practically all countries.” Ayittey points out that past African governments have attempted to combat corruption in a half-hearted manner through “various *ad hoc* measures such as probes, commissions of enquiry, and the occasional execution by firing squads, as those staged by Jerry Rawlings of Ghana in 1979.” Ayittey argues that such approaches have failed. Instead, he proposes an approach based on five basic steps. Firstly, corruption has to be exposed through the media, public forums, and civil society. His second step is to diagnose the causes of corruption. Thirdly, prescribe the solution before implementing it (4th step). The fifth and last step involves monitoring the implementation process. Ayittey’s strategy may be very crucial to the fight against ‘corruption’ in that it provides a framework of action through the five steps outlined. However, his theory advocates for exposure of corruption through the media. Some media may not be objective and professional enough, and therefore dwell on unfounded corruption allegations and statistics. A better way could be scientific investigation premised on empirical evidence to detect and expose corruption before corrective measures are suggested. This is the strategy on which this research is based; proceeding from a scientific diagnosis of the problem to prescribing the necessary prognosis.

John Mukum Mbaku (1997: 206) in 'Controlling Corruption in Africa: A Public Choice Perspective,' argues that an effective clean-up programme can only be designed and implemented if policy-makers in Africa put corruption in its right context. He adds that corruption must be understood as "opportunistic or rent-seeking behaviour which is related to the scope and extent of government regulation of private exchange." As Africans prepared for the new century, he observed, comprehensive institutional reform to establish and sustain participatory, accountable, and transparent government structures, and economic systems that guarantee the individual the right to engage in exchange and contract, was the only way to deal effectively with corruption. Given the incentive systems provided by the rules that exist in most African countries today, Mbaku concluded that "corruption is an important and inevitable outcome". Using traditional strategies to force change in this outcome is likely to "fail as the evidence of past efforts indicates". Among other things, Mbaku calls for two major courses of action against corruption in Africa; institutional reform and non-traditional or radical strategies. However, institutional reforms may not be a panacea to 'corruption' in Africa. For example in Zambia, some government ministries, departments and other public institutions like Zambia Revenue Authority (ZRA), the Patents and Company Registration Office (PACRO), and the Judiciary have undergone reforms but cases of corruption are still persistent there. As for departure from traditional strategies against corruption, this research may provide a perfect example for such as it investigates in depth the causes and dynamics of corruption in the Immigration Department with a view of suggesting some remedy.

According to Riley, S.P (2000: 91), principal aid donors to Africa are of the perspective that the issue of minimizing corruption in Africa needs to be given a higher priority. This is so because gross, high-level and systematic corruption has formed the backdrop of contemporary events in Africa. Therefore, Riley adds, "reducing the debilitating effects of public sector corruption, and countering the damaging effects of diverse forms of corruption, should be the focus of African governments and others now and into the next century." In the past, he further argues, many Western governments and international institutions have failed to concern themselves with the levels of corruption in Africa. But many donors now argue that it is, and ought to be a politically salient issue for social reformers and civil society groups, as well as concerned African governments and donors themselves. As a result, almost all of Africa's principal aid donors and trading

partners have recently developed policies aimed at curbing corruption in Africa (UNDP/OECD: 1997: 41).

However, the above argument, which suggests a reduction on the effects of public sector corruption and countering the damaging effects of diverse corruption, is rather ineffective. It is a reactive rather than proactive strategy. To address the issue of 'corruption' comprehensively, it is imperative to start by understanding its root causes before proceeding to attempt to solve the 'problem'. The review above also talks of principal donors and trading partners developing policies to curb corruption in Africa. This may not work effectively because policies are best formulated by African experts with the proper understanding of their environment. As for the civil society mentioned, it can serve as a major stakeholder in the fight against corruption as can be evidenced from Transparency International Zambia (TIZ). However, civil society organisations have many legal and operational limitations like the lack of powers to arrest and prosecute corruption culprits.

Gould and Amaro-Reyes (1983: 44) argue that corruption in African Societies is multi-faceted and occurs at many levels. They also state that it has "important transnational dimensions and short-term and longer-term developmental effects, both of them catastrophic." Corruption, they suggest, can have very damaging consequences for public reputations and the integrity of state institutions. Corruption, they further observe, is "often part of a syndrome of de-development or under-development which destroys the life chances of the poor majority." Much as this point of view may be considerably true, it is necessary to even go further to smaller units of the said state institutions and excavate a much clearer picture of issues of corruption obtaining on the ground. Studies carried out so far have confirmed the undoubted universality of corruption in African bureaucracies. Therefore, what remains now is to broaden knowledge on this subject by focusing scientific research on smaller units of the civil services for more accurate information. This research attempts to do exactly that.

Moody-Stuart (1997: 27) suggests that corruption in African Societies is "inegalitarian and redistributive as the losers are likely to be poor, female and marginalized, whilst the winners are frequently already relatively wealthy and part of an inefficient and swollen state." He argues that the African state often does not act in an efficient and enabling way. Instead, through corruption and maladministration, "it

reinforces the current unequal distribution of opportunities and undermines basic human rights”. It is argued further that public sector corruption can also create new inequalities in Africa, but corruption comes in diverse forms and also encourages maladministration and state inefficiency, illicit international trade, fraud, organized crime and money-laundering. Like other scholars discussed above, Moody-Stuart’s views stop at lamenting about the effects of ‘corruption’ in Africa. He does not go further to give tangible suggestions as to how the ‘problem’ can be mitigated.

Deleon (1993: 78) and Riley (1983: 104) share the view that policies to try and curb the diverse forms of ‘corruption’ should pay more attention to the various types or levels of corruption that exist. They make an important distinction between incidental, systematic and systemic corruption. Incidental corruption “is a feature of life in almost all African societies.” In Zaire (now Democratic Republic of Congo), “it took many forms.” For example, “corrupt payments were often involved in enrolling a child in school, visiting a public health clinic, or passing a roadblock, in addition to the higher-level rip-offs.” In some African states, Deleon and Riley further argue, corruption can be systematic in many public institutions (such as Customs Departments, parastatals, and other revenue-generating bodies), if not systemic in society as a whole. If, as these writers claim, corruption is systematic in many public institutions like the Department of Immigration in Zambia, the elaborate question one may ask is about the nature of this ‘systematism’. Just what does it involve; how and why is it sustained? Many such arising questions can only be answered by way of a narrower analysis of a particular institution, in this case the Immigration Department.

Discussing corruption in Africa, Waterbury (1973: 81) uses the example of Nigeria, “where regulation of the oil business seems to be the locus of much high-level corruption.” This “involves massive high-level diversions of funds involving key political and financial figures, including Presidents, Ministers of Finance, and Central Bank Governors.” He further argues that corruption can be endemic as well as planned, and routine as well as crisis-induced. In such circumstances, “aid donors, responsible public officials and civic organizations have a difficult task in seeking honest conduct and good governance, even when programmes of economic liberalization, deregulation and public sector reform have been initiated.” Waterbury does not, however, state the cause of the high-profile

embezzlement of state funds. That is the most plausible approach to reveal hidden insights required to curb such kind of “corrupt” practices”.

Faced with rising corruption, some African countries have attempted to control corruption by way of national awareness campaigns. These campaigns seek to publicize the negative effects of corruption, the penalties for engaging in corrupt acts, and the type of behaviour that is required by public officials (Harsh, 1993:27). A good epitome of this type of strategy can be drawn from Nigeria’s *War against Indiscipline and Corruption* (WAIC). The WAIC is a rhetoric-filled and symbol-laden campaign which revolves around a decree that is intended to give legitimacy to efforts “to remove the cancer of indiscipline and corruption” (the Botswana Gazette, 1995: 28). Through WAIC brigades, “activities are designed and implemented with the stated purpose of creating disciplined, patriotic, honest and dedicated public servants.” Going by current global statistics (by any system of measurement) however, Nigeria is arguably among the world’s most corrupt countries. This simply suggests the ineffectiveness of the WAIC. Therefore, there is need to embrace the scientific approach in any realistic mechanism to counter ‘corruption’ rather than mere campaigns.

In his article entitled ‘Ghana: the Continuing Search for Cures in the Fight against Corruption,’ Joseph R.A. Ayee (1997: 19) classifies measures to combat corruption in Ghana into 4 groups: (1) Commissions of enquiry; (2) Deterrence and judicial actions; (3) Codes of conduct; and (4) Independent anti-corruption agencies. Ayee concludes that “Ghana’s continuing search for cures for corruption and the ineffectiveness of strategies to control corruption have supported the view that promotion of ethical behaviour doesn’t depend solely on remedies but on optimism, courage, and fairness. To fight corruption, there is need for a much higher level of integrity in public officials and all members of society.” Ayee seems to be focusing mainly on the lack of integrity as the only source of corruption in the Ghanaian society. This may be an incomplete assumption which is likely to exclude other crucial factors which may cause bureaucratic corruption. Ayee does not do more to expose other possible causes of corruption.

Sahr J. Kpundeh (1994: 33) in his article entitled ‘Controlling Corruption in Sierra Leone: an Assessment of Past Efforts and Suggestions for the Future’, argues that the lack of understanding of the origin of malfeasance has resulted in inadequate coordination and political will, power leadership and mediocre public involvement. He continues to state that

“some recent events in Sierra Leone underscore the futility of defining corruption as simply aberrant behaviour. It begs for a complete understanding and analysis of its origins, dynamics, and peculiarities to the country and region.” Investigation, prosecution, research and prevention must be integral elements of a single, efficiently coordinated strategy that has strong support from the political leadership and the general public. Kpundeh underlines the importance of research and proper understanding of the problem in the curbing of corruption. This particular investigation attempts to increase knowledge on the subject of corruption by bringing out unique insights which may be inevitable in a realistic fight against ‘corruption’.

In ‘Public Sector and Its Control in South Africa,’ Constanze Bauer (2000: 219) uses case studies to show that “corruption is prevalent in the public sector of South Africa and manifests itself primarily through tender fraud, nepotism, favouritism, lack of accountability and bribes.” Her case studies indicated that gross misuse of taxpayers’ money had occurred at the hands of authorities and that corruption had been the rule rather than the exception, which had, in turn promoted a “pervasive culture of corruption”. She argues that “the lack of accountability, responsibility, and control measures all provide the ideal breeding ground for corrupt and unethical behaviour on the part of public officials in South Africa.” She concludes that only by creating a moral and ethical culture based on integrity and loyalty will the foundations be laid for the control of corruption and maladministration. In her analysis, Bauer shows clearly that corruption was high in the South African public service. She goes further to outline some forms of corruption prevalent in that system. Like Ayee, she seems predominantly concerned with the integrity and ethical conduct of public officials without exploring other possible causal aspects of corruption. It is perhaps better for efforts to fight corruption to be synergized rather than tackled in isolation if desired results are to be achieved.

On Cameroon, Charles M. Fombad (2000: 235) in his ‘Endemic Corruption in Cameroon: Insights on Consequences and Control’, argues that corruption has had a dysfunctional effect on the country’s economic, social and political development. He states that ‘the everyone-is-doing-it’ mentality has taken hold of society and precipitated a noticeable slide in moral standards. “Cameroonians have resorted to corruption both as a strategy for coping and for survival.” Fombad demonstrates that political and administrative corruption had become entrenched as a result of the systematic politicization

of the bureaucracy in Cameroon. Civil service positions were “offered either to government supporters or for government support.” Fombad advocates three specific types of anti-corruption institutional mechanisms: administrative measures; legislative support; and judicial processes. This literature shows, among other things, how serious the problem of corruption had “grown” in Cameroon. Fombad does not however, offer any possible solutions to the problem of corruption in that country.

Analyzing ‘Government Reforms and the Control of Corruption in Ethiopia,’ Bamidele Olowu (2000: 267) observes that “ethical standards have been found to decline in the civil service owing to over-centralization and cumbersome procedures; over-politicization; archaic personnel management; poor pay and service conditions; weak mechanisms for enforcing ethical codes, and ; non-involvement of the civil society and the public in anti-corruption activities.” Olowu outlines some causes of corruption in the Ethiopian bureaucracy as poor pay and service conditions, cumbersome procedures and over-centralization, among others. He also suggests some solutions. However, he does not explain more on what he exactly means by “cumbersome procedures.”

John Erero and Tony Oladoyin (2000: 280) in their article entitled ‘Tackling the Corruption Endemic in Nigeria,’ demonstrate that “the corruption epidemic in Nigeria has been widely addressed in scholarly papers, reports submitted to successive governments, and in the press, but there is yet no solution in sight.” Rather, they add, the incidence of corrupt practices has tended to increase in all spheres of Nigerian society over the years, and the phenomenon appears to have been institutionalised. Corruption has had “negative consequences on the political, economic and social development of a country reputed to be one of the most corrupt in the world.” This literature points to the argument that Nigeria is seriously afflicted by corruption. However, the mere description of the gravity of the problem is not enough. It is important to investigate its causes and explore possible corrective action.

In his article entitled ‘Curbing Corruption through Democratic Accountability in Botswana,’ John D. Holm (1996: 302) concludes that the Botswana experience offers three important lessons with respect to the achievement of democratic accountability:

- (1) Such accountability evolves from the needs and experience of the politics of a given country. It is not a deductive process of realizing some abstract principle

- (2) Democratic accountability is tied into the struggle within the political class amongst its very contending groupings. The political elite itself, in effect, has a primary role in driving the expansion of democratic governmental accountability.
- (3) Certain forms of democratic accountability are likely to be slow in coming into existence.

Holm further observes that while African countries may suffer from endemic corruption, existing systematic democratic accountability to remedy the situation needs a process of slow change, involving fundamental structures and beliefs. Holm shows how Botswana is “generally” considered the African “success story” in terms of anti-corruption and democratic accountability. He seems, however, to confine himself too much to democratic accountability. He does not address other possible forms of corruption like bribery and fraud in the Botswana public service.

Finally, discussing corruption in Developing Countries, Edgar Simpkins and Ronald Wraith (1963: 99) use what they term the ‘Uneducated Democracy Theory’. Their argument is that democracy promotes freedom, and freedom turns practically to be a freedom “to do wrong as well as right.” They argue further that in a country where most of the population is illiterate, as in most Less Developed Countries (LDCs), many governments and local authorities lack the discipline imposed by an educated electorate. Thus, they tend to choose to do wrong “because they know that voters either will not care, or will not understand, or will not find out.” This theory brings to light the fact that some public officials and politicians in LDCs take advantage of their illiterate and uninformed populaces in the name of democracy to engage in illegal activities like corruption with impunity. Perhaps the highest manifestation of this in Zambia is political corruption. Many illiterate voters, especially villagers, may be vulnerable to politicians using gifts in exchange for votes. Due to their poverty of knowledge, many LDC citizens may be easy to compromise. However, Simpkins and Wraith do not offer any solutions to this type of corruption. They also fail to address other types of corruption which may affect LDC governments.

Outside Africa, Ramseger (2007: 7) states that in the most recent history of Europe, theorists explain the decrease in corruption as a by-product of economic growth. Citing Bardham (1997: 1329), he gives some reasons why economic growth can have that effect.

He firstly explains that the process of economic growth ultimately generates enough forces to reduce corruption. Besides, a prospering economy can also afford to pay its civil servants well, reducing their motivation to corruption. Ramseger clearly argues that economic growth led to a reduction in corruption in Europe. However, this may not be possible in Africa, Zambia in particular, due to the lack of that sort of economic growth. Therefore, alternative solutions should be sought through research. Besides that, Ramseger seems to exclusively attribute corruption to poor pay to civil servants without looking at other possible causes of the problem.

Discussing public sector corruption in Australia, Grabosky Peter and Peter Larmour (2000: 113) observe that the country's performance in terms of corruption has been relatively good by world standards. However, top officials including a former Premier and Deputy Premier of Western Australia, a former Commissioner of Police in Queensland, a former Chief Magistrate, and a minister of Crown in New South Wales "have all been imprisoned over the past two decades for offences relating to corrupt practices." This literature shows that even in countries considered less corrupt, corruption cases still occur even at high levels of the government.

Srivastava (2006: 17) describes "endemic corruption" in India as being woven in the social fabric of the country and tangible in every section of society. He argues further that the differentiating factor between India and other nations is its rich culture and heritage and its spiritual and religious outlook. But inspite of all this, "corruption has thrived in India." Although he tries to link culture and religion to corruption, Srivastava does not propose any solution to the problem.

On China, Pei (2007: 65) estimates that about 10 percent of government spending, contracts, and transactions is used as kickbacks and bribes, or simply stolen. Among other things, Pei states that the amount of money stolen through corruption in China has risen exponentially since the 1980s. He observes that corruption is concentrated in sectors with extensive state involvement, such as infrastructure projects, real estate, government procurement, and financial services. The absence of "a political competitive process and free press make these high-risk sectors susceptible to fraud, theft, kickbacks and bribery." The direct costs of corruption could be "as much as US \$ 8 billion each year." This literature outlines some forms of corruption similar to those identified in Zambia. However, it does not offer any possible measures to mitigate these types of corruption.

Elsewhere in the world, Hunt (2005: 129) discusses corruption in Peru by focusing on detailed data measuring bribery in order to assess which types of public official are most corrupt and why. She states that the bribery rate in Peru is higher at institutions with bribe-prone clients, and that bribery rates and bribe amounts are higher where clients are frustrated by slow service. She further argues that faster and better service would reduce corruption. Although Hunt observes that bribery rates and amounts are higher where public service is slow, she doesn't clearly outline what factors lead to the "slowness" of this service by those institutions. She also doesn't indicate why clients of certain institutions are more bribe-prone than the others.

Methodology

Scope of the Study

The research mainly focussed on selected Immigration formations in Lusaka and the Copperbelt Provinces. These included, in Lusaka, Immigration Headquarters, Lusaka Regional Immigration Office, Lusaka International Airport and Chirundu boarder. On the Copperbelt, the survey basically covered Kasumbalesa Boarder Control. The choice of the Lusaka stations and Kasumbalesa was justified by the fact these Immigration offices are the busiest of all, and therefore, most cases of corruption in the institution are recorded or reported there.

Instruments of Data Collection

This investigation basically depended on two instruments in the gathering of data. These were written questionnaires and oral interviews.

Primary Data/ Sampling Design/Size

On primary data, using stratified random sampling, 80 Immigration officials were targeted by way of written questionnaires. This sampling design was used in a quest to ensure inclusiveness of all ranks of personnel in the Immigration Department hierarchy. Twenty (20) representatives each came from Immigration Headquarters, Kasumbalesa, Lusaka International Airport, and Chirundu Boarder Controls. The study also undertook to obtain more primary data using written questionnaires on 100 randomly selected members of the public from Lusaka, Chirundu, Chingola and Kasumbalesa. These provided data on what

they thought was the cause of corruption in the Immigration Department, how the problem could possibly be mitigated, and other basics. The written questionnaires provided some quantitative data.

As for qualitative primary data, the study had oral interviews with six (6) informants from managements at Immigration Headquarters, Lusaka Regional Immigration Office, Anti-Corruption Commission (ACC), and Transparency International Zambia (TIZ). Qualitative primary data was also provided by eight (8) members of the public, who included foreigners and Zambians with good knowledge and acquaintance to the operations of the Department of Immigration. These included individuals who had allegedly encountered corruption advances from members of staff of the Immigration Department. One of the informants was a former Immigration Assistant, dismissed over corrupt practices. All these informants were selected using Judgemental Sampling. These provided qualitative data on various issues including the frequency, causes, bureaucratic loopholes, and the forms of corruption pertaining to the Immigration Department.

Secondary Data

Secondary data in this research was basically obtained from various writers on corruption in Zambia, Africa and other parts of the world. Equally utilized in this respect were some reports and other literature from the ACC, TIZ, AFRONET, Central Statistics Office (CSO), the Jesuit Centre for Theological Research (JCTR), the University of Zambia (UNZA) and various other institutions. There were also various publications from the Immigration Department which provided valuable secondary data. Apart from that, the study had to rely on newspaper articles from the *Post* Newspaper, *Zambia Daily Mail*, *Times of Zambia*, and the *Monitor*. This data also served as quantitative data.

Data Analysis Techniques

Primary data obtained was processed and analyzed both manually and using Statistical Packages for the Social Sciences (SPSS).

Limitations of the Study

This research encountered the following major limitations:

- 1) In the beginning, the researcher had envisaged to interview a total of 80 Immigration officers from the four stations earlier mentioned. In the end however, only 67 immigration officials were interviewed because of staff shortages in some of the selected stations. Targeting 20 personnel at each station, the researcher only found a total of 13, 9 and 19 officers at Chirundu, Kasumbalesa and Lusaka International Airport respectively. Only Immigration Headquarters had adequate respondents as per research plan. However, a few officers from Lusaka Regional Immigration Office were subsequently covered in a contingency effort to cover up for part of the deficit.
- 2) Secondly, some potential informants, especially foreigners declined to disclose any substantive data for fear that their own immigration statuses in the Zambia could be jeopardized. Some of them openly indicated that they could not give any information “damaging” to the Immigration Department because they had “friends” within the institution who were taking care of their stay in the country. Others gave data but requested not to be named due to the “sensitivity” of the subject.
- 3) The researcher had also intended to obtain some data from the Drug Enforcement Commission (DEC). However, all efforts in that regard proved futile.
- 4) A few respondents, particularly Zambians seemed to confuse the Immigration Department with the Customs Division of the Zambia Revenue Authority (ZRA).

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CHAPTER 2

CORRUPTION AND PUBLIC INSTITUTIONS; A CONTEXTUAL ANALYSIS

Introduction

This chapter will look at the historical background of perceived and real corruption in public institutions in Zambia, mainly starting from the Second Republic, through the Chiluba regime, to the Mwanawasa administration. It attempts to analyse the manner in which corruption is believed to have evolved and transformed over the years. It also interrogates public perception of corruption over these periods. By so doing, the chapter will show the context of corruption in public institutions. The chapter will also make some comparisons among the Kaunda, Chiluba and Mwanawasa administrations vis-à-vis issues of corruption, especially in public institutions. It will start by discussing the Kaunda legacy on corruption, before proceeding to examine issues of corruption in the Chiluba era, and later Mwanawasa's 'zero-tolerance' on corruption. Anti-corruption measures of the respective administrations are also interrogated. The chapter also discusses public perception of corruption in the Department of Immigration and some main measures being implemented by the institution to mitigate the incidence of corruption.

Historical Context: The First and Second Republics Legacy

In the early stages of Zambia's independence, the government and the general public generally did not recognize the issue of corruption as a threat. For many people, they perhaps did not even know precisely what corruption entailed. Therefore, corruption perception by the government and the public was either very low or simply non-existent at that time. The perception of corruption has arguably grown with the passage of time since independence. This has steadily led to increased concerns and reactions to perceived corruption both by the government and other stakeholders.

Although the perception of corruption was low in the aftermath of independence, Sondashi (1985: 43) traces issues of 'corruption' in the Zambian public service to as early as "shortly after independence in 1964". Initially, as Sondashi further observes, the new independent government was mostly preoccupied with establishing its power and structures while corrupt tendencies slowly developed in public institutions. In few years'

time however, the government “became aware of the problem and started developing strategies to counter the problem.” It may be argued that due to early concerns over ‘corruption’, the Kaunda administration formulated some strategies which were both preventive and punitive towards corruption. These strategies were sometimes designed to counter corruption as it would emerge at later stages.

One of the early anti-corruption strategies was the introduction of the Leadership Code. The Leadership Code, which prescribed a Code of Conduct for leaders, was outlined in its most concrete form in an address by President Kaunda to the National Council in December 1973 (Sondashi, 1985: 47). This Code prohibited leaders from having private business interests, other than small-scale enterprises or smallholder land. The major objective of the Leadership Code was not only to inculcate a sense of civic commitment upon the politico-administrative elite but also to prevent abuse of office (Dresang and Young, 1980: 137). The broad category of public officials who were affected by the Leadership Code was defined as “all persons in the service of public agencies, all local authorities, institutions of higher learning, parastatals or any enterprise where the government has a majority or controlling interest.” Although some observers such as Sandbrook (1993: 27) have “derided the slow and half-hearted manner” in which the Leadership Code was applied during the Second Republic, its existence served to prevent grosser forms of abuse on the part of top government officials (Tordoff, 1980: 89).

The Leadership Code was reinforced by a resolution adopted by the United National Independence Party (UNIP)’s National Council in November, 1977 as follows: “The party and government initiate a law which will require persons who amass wealth through unscrupulous means to account as to how they got it, failure to do so, the property and wealth should be confiscated by the state” (Sondashi, 1985: 169). In addition to that, the amended 1973 party constitution Article 4(c) provided for “stamping out of all forms of corruption, exploitation of man by man, and intimidation.” In 1983, the party constitution was revised further, with an amended Article 4 partly reading as follows: “the party shall fight poverty with its off-shoots of hunger, ignorance, disease, crime, corruption and the exploitation of man by another.” All these early government efforts, among other things, do not only attest to the fact that the problem of corruption

has been seen as a threat for a long time, but were also an acknowledgement by the authorities of the early presence of the problem.

Prior to the introduction of the Leadership Code, the Penal Code, Cap 146, Chapter 10 made all the legal provisions that outlawed corruption in Zambia (ACC, 2008: 8). The exclusive focus of this piece of legislation was on corrupt acts committed by persons in the public service; its provisions did not extend to corrupt transactions conducted by or with private agents or bodies. Herein laid its major weakness as far as fighting corruption was concerned. Equally, the Zambia Police Force which was entrusted with the responsibility of enforcing this legislation had many other offences to deal with.

That background, coupled with the government's desire to stem "growing corruption", led to the passing of a bill in parliament in 1980 that culminated into the establishment of the Anti-Corruption Commission (ACC) to exclusively deal with corruption cases (ACC, 2006: 14). The provisions of the Penal Code relating to corrupt practices were therefore repealed by the new Act called the Corrupt Practices Act no. 14 of 1980. This new Act provided a comprehensive list of possible corrupt acts, extended jurisdiction to all sectors including political parties, the civil service, parastatals, as well as the private sector, provided for imposition of heavy penalties for offenders including imprisonment, and made provision for more powers for the ACC to investigate and prosecute cases of corruption. Subsequently, the ACC was formally established in December, 1982. Besides investigating corrupt activities, the ACC was also charged with the task of undertaking measures to prevent the occurrence of corruption in both private and public bodies (ACC, 2008: 17). In order to further mitigate the incidence of corruption in the country, the ACC was also expected to examine the practices and procedures of both private and public bodies and advise these bodies on the requisite reforms in policies and procedures. Equally, the ACC was assigned the task of disseminating information on the effects of corruption on society, in order to foster public support against corruption. The ACC has since investigated and prosecuted many cases of corruption, some of which are "due to greed by those already wealthy, and corruption by the middle and lower ranking personnel due to economic necessity as economic hardships became pronounced in the mid-1980s" (Chiwele and Colclough, 1996: 84).

Other organisations that were meant to check on the conduct of public officials during the Kaunda era include the Special Investigations Team on Economy and Trade (SITET). This team was established in the early 1970s to investigate economic crimes in the country (Chikulo, 2000: 85). It was, therefore, concerned with issues such as “illegal foreign currency dealings, hoarding of essential commodities for speculative purposes, money laundering, and smuggling, among other things.” Similarly, the Commission for Investigation, which is also known as the Ombudsman, was established by an Act of Parliament in August, 1974 following the constitutional reforms that transformed Zambia into a one-party state from the previous multi-party system. Since the Commission was expected to receive complaints about injustice and maladministration from aggrieved members of the public against public institutions and officials, it may be argued that the institution also, to some extent, served some anti-corruption purposes. The commission was vested with powers to investigate and recommend appropriate corrective action. This organisation was headed by a person called the Investigator General, qualified to hold high judicial office. Zambia became the first country in Southern Africa to adopt the Office of the Ombudsman (Ayeni, 1997: 116). The Drug Enforcement Commission (DEC) was also established by an Act of Parliament in 1989 to deal with drug-related offences, as a response to the increasing incidents of international drug-trafficking in Zambia in the early 1980s. Although the Commission for Investigation, SITET and DEC were not directly dealing with corruption, they were designed to regulate the behaviour of leaders and other public officials against bad practices which encompassed graft or impropriety. To some extent, they complemented the provisions of the Leadership Code and perhaps helped enhance the integrity of the leadership.

Although there were all those measures being implemented by the Kaunda government to prevent and curb ‘corruption’, a number of political observers (Szeftel, 1982: 233; Woldring, 1984: 177; Mufune, 1988: 76) have pointed out that graft in the Second Republic public sector was not uncommon. However, it has also been shown that in the majority of the cases, graft then involved lower-level public servants, seeking to supplement their meagre salaries by making illegal demands on members of the public (Dresang and Young, 1980: 63; Doro and Legum, 1992: 131; Szeftel, 1982: 53). This phenomenon, as Hope (1997: 34) points out, is not peculiar to the Zambian public service

– “it is widespread in African countries and is primarily due to diminishing salaries among junior level public servants, leading them to disavow any sense of civic virtue and attempt to supplement their incomes by engaging in corrupt practices.”

However, while cases of graft were common among lower-level public servants in the Second Republic, there were also some isolated cases involving senior public servants and political officials which, in some instances, resulted in prosecutions over corruption charges (Dresang and Young, 1980: 57; Burdette, 1988: 92). For instance, in 1972, “two senior Permanent Secretaries in the Ministry of Home Affairs were convicted for selling Zambian citizenship to resident expatriates affected by the economic reforms introduced in 1968 and 1971, which excluded non-Zambians from participating in specified economic sectors and geographical areas.” In 1976, the Governor of the Bank of Zambia “was charged in a case involving receipt of stolen property.” In another case known as the Thomas Alexander Wood (TAW) ‘scandal’, in March 1981, two senior Permanent Secretaries, contrary to government instructions, signed two waiver letters to TAW, an American truck leasing company, confirming a leasing contract and at the same time dispensing with the delivery deadline (Chikulo, 2000: 163). These manoeuvres, which were apparently motivated by private gain on the part of the two officials, cost the country K14 million (equivalent to about US \$19million) at the time, which the government had to pay as compensation after canceling the contract.

Accusing the First Republican President of somehow contributing to corruption in the Second Republic, Sandbrook (1993: 46) argues that President Kaunda “neutralized his opponents and retained supporters by finding them government, parastatal and party jobs, or opportunities to benefit from public connections.” Therefore, without the necessary qualifications and competency, Kaunda’s supporters were able to “receive salaries and benefits from the government treasury.” Those with political connections had such privileges as buying imported vehicles with government loans, and also had access to scarce foreign exchange. It is probably due to such practices that the Auditor General’s report of 1986, for instance, found evidence of misappropriation and mismanagement of public funds, which is a form of corruption as earlier defined. Party patronage during the Second Republic was also extended to agricultural credit such that loan disbursement at the Credit Organisation of Zambia (COZ) was based on party

patronage (Turok, 1989: 77). Consequently, "loan recipients felt no obligation to repay loans, and this partly contributed to the collapse of the organisation."

Burdette (1988: 83) also discusses the 'misconduct' of some leaders in the Second Republic. Though not directly linked to corruption, Burdette states that in the 1980s, several senior officials and their wives were caught in the drug trade, especially at European airports, and a former government official was detained in India for alleged mandrax smuggling. Such officials "used their government positions or diplomatic status to carry out illicit trade for personal gain", which to some extent constitutes corruption. There were also instances of abuse of public funds and property by diplomatic officials at foreign missions, and diplomats demanding kickbacks for aid earmarked for Zambia (Woldring, 1984: 169). Another illustration of 'unethical' behaviour by the Second Republic leadership is the 1979 Kanyama Disaster story, where officials were accused of buying and selling relief supplies donated by the public to the victims of floods (Burdette, 1988: 66). In December, 1980, it was discovered that senior officials who included a Cabinet minister, a provincial Permanent Secretary, a District Governor, and a District Secretary had bought for themselves, and sold at give-away prices, supplies donated to the Kanyama Disaster Fund (Chikulo, 2000: 163).

In addition to the cases outlined above, allegations of corruption in the parastatals sector resulted in the establishment of investigative Commissions of Inquiry. In its Report, for instance, the Kayope Commission of Inquiry concluded that parastatal companies in the Second Republic made financial losses due to corrupt practices such as neglect of duty, fraud, nepotism, and misappropriation of funds (Sandbrook, 1993: 125). The parastatals which were investigated by the Kayope Commission included the Zambia Printing Company (ZPC), United Bus Company of Zambia (UBZ), National Marketing Board (NAMBOARD), Cold Storage Board, Freight Holdings, Contract Haulage (CH), and the National Transport Company. Similarly, the Mumpanshya Commission which investigated Zambia Railways confirmed complaints about 'corruption' which resulted in inefficiency and losses. Even academic institutions like the University of Zambia (UNZA) were not immune from alleged corrupt practices as some auditors revealed that about US \$ 11million was misappropriated in 1981, and that there was much evidence of neglect of duty (Woldring, 1984: 54). This led to the establishment of a commission of inquiry by the President.

Although the Commissions of Inquiry partly reflected the government's readiness to probe allegations of corruption, Chikulo (1996: 38) argues that there was a "general feeling among some observers that the recommendations of the Commissions of Inquiry were deliberately not effectively implemented in order to protect the 'big fish', and that only the 'small fish' were ever prosecuted." Woldring (1984: 204) seems to concur with that argument when he observes in relation to Second Republic corruption: "Rather, I suspect the lack of the will to implement recommendations effectively or not to prosecute and convict is related to the collective interest of the political elite or social bureaucracy." However, it has to be borne in mind, as Szeftel (1982: 6) points out, that some of the Commissions of Inquiry found "little evidence of actual illegality." Even then, some evidence indicates that several cabinet ministers, party officials and bureaucrats were dismissed after being investigated (Szeftel, 1980: 28; and Dresang and Young, 1980: 119).

Although there were many anti-corruption bodies and strategies during the Second Republic, corruption still persisted to the extent that the political leadership, especially President Kaunda, was "concerned about the problem" (Chikulo, 2000: 61). As Legum (1982: 73) also points out, Kaunda was known to be deeply concerned about corruption and frequently deplored the "creeping corruption tendencies" in Zambian society. Chikulo further asserts that Kaunda's regime demonstrated a strong commitment to fight corruption and other similar offences. For example, Kaunda dismissed 13 senior government bank officials and "purged" almost half of the top management of the parastatal sector on account of corruption in 1986 (Doro and Legum, 1987: 38). Similarly, in showing no tolerance to 'bad conduct', the government in 1985 detained, for one year, 24 prominent Zambians involved in drug-trafficking, three of whom, according to Chikulo (2000: 72), subsequently became senior government officials in the first Movement for Multi-party Democracy (MMD) cabinet. These were Vernon Mwaanga and Princess Nakatindi, who respectively were to hold the positions of ministers for Foreign Affairs, Community Development, while the latter's husband, Sikota Wina was given the position of Deputy Speaker of the National Assembly in the Third Republic. It is perhaps due to this kind of strict reaction to misconduct during Kaunda's rule that cabinet ministers and senior (UNIP) party officials at that time demonstrated relative exemplary behaviour during their tenures of office.

Although the anti-corruption strategies of the First and Second Republics may not have functioned as effectively as expected, their mere existence, coupled with avowed political support from President Kaunda, was a significant deterrent to such an extent that corruption and other vices, such as drug-trafficking, were not endemic and systemic during the Kaunda administration (Chikulo, 2000: 56). In addition, as Szeftel (1982: 4) observed, "the frequent exposure and punishment indicates that corruption remained a risky undertaking." Thus, the political will to eradicate corruption in the Second Republic was not only manifest in the enactment of anti-corruption legislation, but also the involvement of the top leadership in demonstrating exemplary conduct which generally included non-involvement in corruption themselves, as well as the readiness to prosecute culprits.

Finally, it is perhaps due to the measures and strategies discussed earlier that public perception of corruption was generally very low or non-existent during the First and Second Republics. As for the few cases that emerged during that era, they were subjected to stiff punishment and reaction which was provided for in the many government strategies like the Leadership Code. On the basis of this section, it may be argued that Dr. Kenneth Kaunda's government laid a good foundation for integrity in leadership in general and anti-corruption in particular.

Issues of Corruption in the Chiluba Era

Unlike the situation under the First and Second Republics, the environment in the successive Third Republic under President Chiluba apparently changed. While many people could not freely express their views under the one-party Kaunda government, the new Movement for Multiparty Democracy (MMD) administration introduced liberal policies which allowed people to question the government over many issues, including corruption (Mphaisha, 1996: 7). This arguably increased public awareness and perception of corruption in the country, particularly in public institutions.

To understand issues of corruption during the Third Republic, it is important to analyse it in the context of the environment in which it occurred. Firstly, the liberal policies of the Chiluba regime probably contributed to the perception that corruption had increased during the Third Republic. In that vein, for instance, Mauro (1997: 61) argues that despite inheriting from the Second Republic both positive anti-corruption

mechanisms and strategies for controlling corruption and enhancing ethical behaviour, the new Chiluba regime had increasingly undermined them. He observes that the capacity of strategic institutions, which was firmly built in the previous administration, to deal effectively with corruption was reduced in the Third republic. Similarly, discussing 'corruption' in the Third Republic, Chikulo and Sichone (1996: 143) have observed that "contrary to the general expectations that political and economic liberalization in the Third Republic would reduce the level of corruption, under the Chiluba regime corruption became a very serious problem." It had "become not only widespread but endemic and systemic, especially among senior cabinet ministers and other public officials." The liberal democratic policies ushered in by the Third Republic could have allowed the incidence of corruption among the political leadership and, therefore, the bureaucrats. At the same time, it possibly increased public awareness about the 'problem' hence the increase in public perception of corruption.

It is probably in the same regard that Chiluba himself was ultimately accused of several cases of corruption. Although most of such allegations remain unproven, in one of the civil cases filed by the Attorney General of Zambia in the United Kingdom, London High Court Judge Peter Smith on May 4, 2007 ordered the former president to pay the government of Zambia about US \$ 35 million (*Post Newspaper*, May 5, 2007). This was after Judge Smith established that Chiluba had "defrauded Zambia a total of US \$ 41 million through the BK Facility and the Zamtrop account in London." Chiluba was ordered to pay about US \$ 21 million, money he "misappropriated" through the BK conspiracy case and US \$ 20 million in the Zamtrop matter. The BK facility involved Chiluba's alleged dealings with Congolese businessman Raphael Soriano regarding the supply of arms and fighter aircraft. Judge Smith further expressed surprise that instead of fighting corruption, the former President "actively participated in it and ensured it happened."

In addition, the Third Republic environment was also characterized by cases of top political leaders of the Chiluba government being accused of corrupt practices. For instance, in 1995, there was a case that was referred to as the 'Remmy Mushota Affair'. The matter was centred around Legal Affairs Minister, Remmy Mushota, who attempted to cash a cheque of K 210 million (equivalent US \$ 165, 000 at the time), drawn in his name, at the Bank of Zambia, ostensibly to pay printing companies which had been

contracted to undertake printing work for his ministry. However, the bank declined to honour the cheque (*The Post*, 5th June, 1995). Earlier incidents of suspected graft were highlighted in 1993 by a parliamentary select committee which investigated the activities of several cabinet ministers as well as the Zambia National Tender Board. Those implicated in the report included Michael Sata, Minister of Local Government and Housing; Ephraim Chibwe, Minister of Works and Supply; Guy Scott, Minister of Agriculture; and Ronald Penza, Minister of Commerce, Trade and Industry (Chikulo, 2000: 165).

Despite all such allegations of corruption among cabinet ministers and other top government officials, Chiluba still challenged the public and Western donors to produce evidence before he could take any actions. Another similar case involved Works and Supply Minister, Godden Mandandi who, in 2000, was accused of involvement in the disappearance of K250 million at the National Assembly in unexplained circumstances (Chikulo, 2000: 168). Although this case ended up in the courts of law, where Mr. Mandandi was jointly charged with National assembly cashier Luka Lyelu for theft by public servant (*Zambia Daily Mail*, February 9, 2002), President Chiluba had declined earlier to take any action. Implying that Chiluba was reluctant to act over cases of suspected corruption involving some of his leaders, Chikulo (2000: 177) states that even when there was “overwhelming evidence of corruption against the upper echelon of the MMD leadership, none were prosecuted at that time, save for a few dismissals.” There were even some arguments as to why the President “behaved in that manner”. Some people argued that Chiluba’s inability to deal firmly with cabinet colleagues implicated in corruption or other issues was mainly due to his “weak leadership” (Maipose, 1996: 43). Almost all of the cabinet ministers and other top officials who resigned from the Movement for Multiparty Democracy (MMD) government under Chiluba, such as Levy Mwanawasa and Akashambatwa Mbikusita Lewanika, cited “a litany of corruption, drug dealing among senior members of government, and President Chiluba’s inability to deal with the problem as the major reasons for quitting (Polhemus, 1997: 39). In addition to all these issues, the new Chiluba government also abolished the Special Investigations Team on Economy and Trade (SITET) as soon it assumed power in 1992 (Chikulo and Sichone, 1996: 57). However, although Chiluba has been accused of failure to act against alleged corruption against many of his top officials, there may not be enough

evidence that he was reluctant to do so. Besides, the allegations could, in some cases, have been misplaced or devoid of the relevant evidence to warrant any action.

The various corruption allegations leveled against the President and other top leaders of the Third Republic and the lack of any tangible risks involved are likely to have created an environment where bureaucrats were enticed to also engage in corruption. This may have given rise to bureaucratic corruption as can be observed from documented cases among both senior civil servants and junior bureaucrats at that time. One such case of suspected impropriety occurred in 2002 when the *Post Newspaper* revealed that the Chief Justice, Matthew Ngulube had received over US\$ 168, 000 from former President Frederick Chiluba over a period of three years (TIZ Report 2002, p.33). This came to light following the publication of the Zambia National Commercial Bank (ZANACO) US\$ account number 58c/40/070185/01 called the Zamtrop account which was administered by the former Director General of the Zambia Security Intelligence Systems (ZSIS). In that regard, the Anti-Corruption Commission (ACC) instituted investigations to ascertain how Mr. Ngulube managed to build a mansion in Lusaka east. There was a national uproar on the revelation that the Chief Justice was involved in financial impropriety. As a result of pressure from the public, Mr. Ngulube was forced to resign with effect from July, 2002.

Besides that, President Chiluba's former Press Aide, Richard Sakala has been facing several cases of corruption and abuse of authority. Even after serving a prison sentence of about five years over abuse of authority and other corruption offences, Mr. Sakala still faces more similar charges. For example, on March 26, 2007, he appeared before a Lusaka magistrate court jointly charged with Lusaka resident Nellie Mwila for abuse of office. In the first count, Mr. Sakala was alleged to have sold a house to a non-sitting tenant at a reduced value. In the other count, he was charged with obtaining execution of a valuable security by false pretences (*Post Newspaper*, March 27, 2007). Mr. Sakala's earlier conviction was for abuse of office when he, as chairman of the Presidential Housing Initiative (PHI), registered three motor vehicles in his name. In the second count, he was found guilty of ignoring tender procedures when he awarded a building contract to a Zimbabwean construction company. In the third and fourth counts respectively, Sakala was accused and found guilty of converting a government Ono Linear Editing suite and a Betacam SP camera into personal property, and abuse of office

by diverting PHI money to pay for his associate's meals and lodging at Mulungushi Village complex (TIZ State of Corruption Report 2002: 33).

In another high-profile case, former Permanent Secretary in the Ministry of Health in the Chiluba government, Dr. Kashiwa Bulaya was convicted and sentenced to five years imprisonment on February 21, 2007 on three counts relating to abuse of authority. He was also convicted for corrupt practices by a public officer. Dr. Bulaya was charged for abusing his power by offering himself a contract to supply Elixir 9, a food supplement for people living with HIV/ AIDS instead of antiretroviral drugs (*Post Newspaper*, May 9, 2007). His appeal to the High Court against that conviction has also been rejected, with the earlier sentence being upheld.

Besides cases of abuse of office in the bureaucracy during the Third Republic, there are recorded cases of theft and financial mismanagement. The Auditor General's Report for the year 2000, for instance, reported misuse of public funds and failure to follow tender procedures. For example, it revealed some financial mismanagement, ignoring of tender procedure, and several cases of untraceable expenditure involving huge amounts of money at the Electoral of Zambia (ECZ). In one instance, the ECZ was reported to have awarded an overseas-company a US\$ 6.921 million contract on a single source basis and without clearance from Zambia National Tender Board. The contract was awarded to Software Ideas Inc. to provide the Commission with voters' rolls for the Presidential, Parliamentary, and Local Government elections in 2001. Such unorthodox ways of awarding contracts are mostly motivated by private gain on the part of the public officials involved, and will most likely settle for a contractor not best suited for the assignment.

The Auditor General also reported that 42 vehicles bought by the Ministry of Health during the 11th International Conference on Acquired Immuno Deficiency Syndrome and Sexually Transmitted Diseases in Africa (ICASA) had disappeared (Auditor General's Report, 2000: 176). In this report, the Auditor General stated that a sum of K80 million was paid as deposit to a car dealer for purchase of vehicles valued at US\$636,682. However, as of August, 2000, the vehicles had not been supplied. The report further stated that the purchase was made without the authority of the Zambia National Tender Board. All in all, the report stated that K13 billion spent on the ICASA conference had not been fully accounted for. Minister of Health at the time, Professor

Nkandu Luo “castigated” Members of Parliament for attempting to implicate her in the misappropriation of the ICASA funds (*The Post*, November 23, 2002).

In the year 2001, a forensic audit of the Zambia Revenue Authority (ZRA) Value Added Tax (VAT) refunds by KPMG South Africa uncovered a K33.6 billion fraud over a period of seven months between September 1999 and April 12, 2000(*The Monitor*, May 10-13, 2002). The audit, which was carried out following complaints over VAT refund delays, established that cheques issued to the Assistant Commissioner (VAT) by tax payers were never receipted at the Lusaka Central Cash Office but were presented at the bank for encashment.

In addition to the examples above, Chikulo (2000: 66) states that committee reports tabled before Parliament in 1997 had revealed “serious levels of incompetence, financial mismanagement and indiscipline.” He further states that a Parliamentary Accounts Committee described the state of government accounts as “frightening and scandalous with glaring irregularities resulting in the loss of billions of kwacha.” Some of the highlights of these irregularities, as Chikulo puts it, included two former directors of Zambia Telecoms Corporation (ZAMTEL) who were “overpaid” in their terminal benefits by K 70 million and K 35 million, respectively. After initially resisting to refund the money to the corporation, the two former directors were subsequently forced to do so (*Times of Zambia*, 7th September, 1997). Chikulo further states that at the Small Enterprise Development Board, top officials allegedly illegally transferred US \$ 620 671 into eight foreign banks, as well as local banks, between March, 1995 and March, 1996. Over a five-year period, a total of K 1 billion was also allegedly misappropriated, in addition to the “irregular” allocation of hammer-mills and “irregular” imports of products (*Sunday Times of Zambia*, 13th September, 1997).

Although all these cases were allegedly taking place, the Chiluba government also introduced new anti-corruption strategies to reinforce the already existing ones like the Corrupt Practices Act No. 14 of 1980. One step the government undertook was the strengthening of the anti-corruption legislation by making the Anti-Corruption Commission (ACC) autonomous (Polhemus, 1997: 41). The ACC was granted autonomy in March, 1997 when Chiluba signed the Statutory Instrument. The new Anti-Corruption Commission Act No. 42 of 1996 made provision for a large measure of autonomy for the ACC. Under the provisions of Act No. 14 of 1980, the ACC had no

autonomy since the Executive branch had wide powers of control over it. According to Chikulo (2000: 179), the major flaw was section 4(2) which stipulated that: "The Commission shall be a Government Department under the control and supervision of the President." The result of this arrangement, besides Executive dominance, was "loss of confidence in the integrity of the ACC on the part of the public." Under the provisions of Act No. 42 of 1996, the ACC was to report to an independent board consisting of five commissioners appointed by the President but subject to ratification by parliament.

The Chiluba government also tabled before Parliament the Code of Ethics Bill which was subsequently passed in November, 1995 as the Ministerial Code of Conduct Act. This Act, which was to some extent similar to Kaunda's Leadership Code, established a Code of behaviour for all government members, including Members of Parliament (MPs) (Chikulo, 2000: 165). Among other provisions of the Act, members of government and MPs were required to declare their assets, liabilities and incomes to the Chief Justice. The Act also prohibited officials from utilizing information obtained by virtue of their privileged positions to gain monetary advantage or preferential treatment. Officials found in violation of the provisions of this Act were to lose their ministerial positions and/or seats in parliament, and be prosecuted in courts of law. A novel facet of this Act was the requirement that after all the government officials and MPs had declared their worth, the files were open to the members of the public for scrutiny at a nominal fee of K1, 000. However, there is little or no evidence to show that any senior government official was ever disciplined or prosecuted on the basis of this Act.

Apart from abuse of office and financial mismanagement in public institutions during the Chiluba administration, Chikulo (2000: 171) accuses the former President of tribalism and nepotism. He argues that upon assumption of office, Chiluba "dismissed all senior personnel in the armed forces, civil service, intelligence and parastatal organisations and replaced them with his financiers and supporters." It may be argued that individuals gaining high government positions in this manner could find it easier to engage in corrupt practices with impunity as they had the support of the top leadership. This may arguably explain the court cases facing former commandants of the Zambia Army, Zambia Air Force (ZAF), and Zambia National Service (ZNS) of the Chiluba government. Their charges include, among others, deliberate disregard for tender procedures, abuse of office, and corrupt practices. Those being prosecuted include

former Army commander Lt. General Geojago Musengule who is facing some charges of abuse of office and corruption (*Post*, September 21, 2006). Former ZNS commandant, Lieutenant General Wilford Funjika was convicted and imprisoned over a charge that he, between December 3 and 5, 2001, corruptly received 15,000 British pounds from a company called Seymon Holdings Limited as gratification for the supply of berets, raincoats and jerseys to ZNS. In another count, Lt. General Funjika was alleged to have, between October 22 and November 1, 2001, abused his authority by awarding a 72, 000 British pounds contract to Seymon Holdings Ltd for the supply of jerseys without following tender procedure (*The Post*, December, 16, 2006). He later refunded the 15, 000 British pounds in question to the state.

Similarly, former ZAF Commander, Lieutenant General Christopher Singogo appeared in court on September, 26, 2007 charged with one count of abuse of authority (*The Post*, 27th September, 2007). It was alleged that Lt. General Singogo between January 12, 2001 and February 27, 2001, being a public officer as ZAF Deputy Commander abused the authority of his office by awarding a contract worth K486 million to Nassim Cleaning Services. In addition, the former Director General of the Zambia Security Intelligence Systems (ZSIS), Xavier Chungu is now a fugitive, believed to be hiding abroad. Among other cases, he is believed to be one of Chiluba's main accomplices in the "plunder of national resources" through Zambia National Commercial Bank (ZANACO) US\$ account number 58c/40/070185/01 called the Zamtrop account which was administered by the former Director General of the Zambia Security Intelligence Systems (ZSIS) (TIZ Report, 2004: 13).

In concluding this section, it may be observed that bureaucratic corruption during the Chiluba administration may not have been as high as portrayed by many writers (as earlier seen) and probably the public. It would appear as though the liberalism and democracy that was introduced by the Chiluba government brought more freedom of expression to many stakeholders resulting in increased awareness about corruption in general and bureaucratic corruption in particular. The environment during the First and Second Republics was more restrictive and secretive hence, people were possibly oblivious to issues of corruption in the bureaucracy. The environment during the Chiluba government exposed many top government officials allegedly involved in corruption.

However, it may not be appropriate to argue that Chiluba failed to take action against his subordinates implicated in corruption because little or no evidence exists to that effect.

It may also be argued that the environment during the Chiluba reign, where many top political leaders were implicated in various corruption cases, could subsequently have given rise to the increase in bureaucratic corruption as shown in the examples. If political leaders are accused of corrupt practices without any apparent risks involved, civil servants and other public officials are likely to follow suit. This phenomenon, supplemented by enhanced public awareness in the Third Republic about the effects of corruption, could probably explain the perception that corruption was “endemic and systemic” during that era. In reality, however, bureaucratic corruption in the Third Republic may not have been significantly different from the case during the preceding eras. In fact, the Chiluba government also introduced anti-corruption policies like the Ministerial Code of Conduct of November, 1995, and also strengthened anti-corruption legislation by devising the Anti-Corruption Commission Act no. 42 of 1996. However, these policies were not tangibly effective.

Mwanawasa's 'Zero-Tolerance' on Corruption

Although cases of corruption in public institutions continued to emerge even after Chiluba's reign, with public perception high, the Mwanawasa leadership arguably had comparatively shown more commitment towards the ‘fight against corruption’ as it assumed office. Due to growing concerns about corruption, for example, the government in 2003, in conjunction with other stakeholders embarked on an exercise of collecting baseline data on corruption in the country. The product of this exercise was a comprehensive document called the *National Baseline Survey Report* of August, 2004. Besides, to particularly deal with cases of ‘plunder of national resources’ believed to have occurred during the Chiluba era, the new administration established an inter-security agency which was named the *Task Force on Corruption*. This institution has since made several arrests and prosecutions of former (and serving) top government officials over corruption cases, although convictions have been rare. The Task Force, as of 10th November, 2008, had recovered and forfeited to the government K 87 billion worth of funds and properties believed to have been acquired corruptly both locally and abroad (Task Force Public Relations Officer, interviewed on 10th November, 2008).

The hallmark of the Mwanawasa government's concerns about corruption is perhaps the Draft National Corruption Prevention Policy (DNCPP) of October, 2006, which envisaged 'zero-tolerance' on corruption in Zambia, and outlines the basic strategic measures the authorities were/are implementing to prevent and fight corruption. This policy is an amalgamation of various past government efforts and new strategies, both preventive and corrective. The institutional, legal, and social measures identified in the DNCPP were to be fully implemented within the period 2006 to 2010. The exercise, as stipulated by the ACC (2006), among other things, involves the following institutional measures:

- 1) Development and implementation of a framework for the coordination of corruption programmes in government agencies, private sector and within non-governmental organisations. This measure involves developing and implementing a framework for the Anti-Corruption Commission (ACC) to facilitate inter-agency coordination of corruption prevention programmes, so that the ACC's role and responsibility is also institutionally and programmatically recognized.
- 2) Development of mechanisms for strengthening oversight institutions in corruption prevention. These mechanisms involve parliamentary review performance to ensure effective monitoring of regulatory government agencies; and, review of performance of the Public Accounts Committee with respect to taking action on the Auditor-General's reports. This measure is particularly important because hitherto, many cases of misappropriation and theft of public funds have been revealed by the Auditor general's reports without any tangible corrective or punitive action meted out on the alleged offenders.
- 3) Development of mechanisms for strengthening human, financial and material resource capacity in corruption prevention institutions with respect to investigative and prosecutorial skills; corruption prevention skills; and, corruption prevention capacity building for the judiciary, among others.
- 4) Development and implementation of mechanisms for enhancing transparency and accountability in the exercise of public authority through public auditing and promotion of access to information.
- 5) Mainstream corruption prevention in the routine business of government agencies and the private sector. The mechanisms include, among others, the introduction of

Integrity Committees (ICs) in public departments (like Immigration) and at public points of service delivery. ICs are mainly charged with the responsibility of ensuring that service delivery is transparent and corruption-free. Persons in ICs are the corruption prevention focal persons, and such are already existing persons in respective sectors with sufficient controlling authority within the reform process.

- 6) Development and implementation of mechanisms for reducing cumbersome, bureaucratic and complex procedures in public service delivery. Mechanisms here involve, among others, reviewing and revising procedures in order to reduce cumbersome bureaucracy and complexity in public service delivery; and, developing operational manuals defining procedures for public service delivery (ACC, 2006: 37).

Under legal measures, the following were identified and are being implemented:

- 1) Provision of a framework for harmonizing and strengthening corruption prevention laws and regulations. This framework involves, inter alia, reviewing, harmonizing and introducing relevant laws, regulations and procedures in order to strengthen the legal framework for corruption prevention and disposal of recovered assets; reviewing and introducing relevant laws and regulations governing the private sector in order to incorporate corruption prevention provisions in such laws and regulations; and, developing and stipulating whistle-blower legislation, including measures to protect whistle-blowers from victimization for exposing corrupt and unethical practices.
- 2) Provision of a framework for ratification and domestication of relevant provisions in international protocols and conventions to which Zambia is a state party (ACC, 2006:).

As for social measures being implemented, they include the following:

- 1) Reviewing, coordinating and implementing social measures for preventing corruption. The mechanisms involve, among other things, reviewing existing curricula to incorporate elements of corruption prevention and integrity values in education programmes from primary to tertiary education, and in the informal school system; and, establishing and disseminating guidelines for the public on how to report cases of corruption to government law enforcement agencies.
- 2) Developing and implementing mechanisms for enhancing integrity and moral values in society. This exercise involves facilitating financial support to non-governmental

organisations that promote integrity and combat corruption; facilitating traditional rulers' involvement in social mobilization against corruption; facilitating development and dissemination of sector level corruption prevention policies; promoting citizen participation in corruption prevention; and finally, enhancing community awareness programmes on corrupt practices before, during and after elections (ACC, 2006: 39).

Specifically, the Department of Immigration has, in line with this new government policy, devised several measures to fight corruption in the institution. In addition to the broader measures being implemented at national level to combat corruption, the Department of Immigration has also put in place its own strategies to mitigate the incidence of corruption in the institution. According to the Deputy Chief Immigration Officer (DCIO) for Administration and the Public Relations Unit at Immigration Headquarters, these measures, most of which were also brought out by the Chief Immigration Officer (CIO) at an ACC Public Discussion Forum entitled "Tackling Corruption at the country's entry and exit points" held at Holiday Inn on the 20th April, 2007, include the following main ones:

- 1) The Department has constituted an Integrity Committee in conjunction with the ACC under the auspices of the Millennium Challenges Threshold Project. This Committee, headed by the Deputy Chief Immigration Officer in charge of Administration, is responsible for ensuring that service delivery is more transparent and free of corruption. According to the Deputy Chief Immigration Officer (Administration), the committee "has so far devised a Code of Ethics for the Department which will regulate the functions and work behaviour for our officers." The Code of Ethics "is awaiting approval by the government."
- 2) The Department has also embarked on training and re-training of all officers so as to keep them abreast with dynamic technologies that are forever changing. This includes sensitization on the "negative" effects of corruption. It is also hoped that this exercise will improve the calibre of staff in terms of comprehension of work procedures and general efficiency which cuts down on corruption-related rigidities.
- 3) The Department is also working on better motivation of officers by generally improving their conditions of service and welfare so that they can be at par with officers from other organisations. Top on this dimension are issues to do with

improving salaries and the introduction of a realistic and sustained loan facility for the officers. The Department has so far managed to introduce free monthly distribution of mealie-meal to officers around the country.

- 4) To improve on efficiency and ultimately reduce corruption, the organisation has embarked on a computerization programme involving all its establishments around the country. To that effect, Immigration Headquarters and Lusaka International Airport have already been computerized. The rest of the formations are scheduled to be computerized “soon”. This will make work procedures “less tedious, more customer-friendly, and ultimately less susceptible to corruption.”
- 5) At Immigration Headquarters, a Customer Service Centre (CSC) was officially introduced in December, 2007. This is a one-stop centre where all cases to do with applications for various services are processed. Unlike the earlier arrangement where officers were operating from small secluded offices, offering some privacy “fertile” for “corrupt deals with clients”, the CSC is an open and transparent hall where everyone is able to see what everyone else is doing. This is believed to be a good deterrent to corrupt interactions between officers and members of the public who seek services from Immigration Headquarters.
- 6) The Department is also “working” on increasing staffing levels. It is assumed that the current understaffing in the institution is a contributor to the incidence of corruption. Currently, the Department has a total of about 456 officers countrywide.
- 7) To check on the “theft and financial mismanagement” at the Immigration Regions, Regional Immigration Officers (RIOs) have now been given authority to carry out audits in offices within their jurisdictions. Previously, audits were done by Immigration Headquarters only. This previous arrangement is believed to have created opportunities for officers in outlying offices to personalize public funds as audits were conducted seldom.
- 8) Receipt books are now given to individual officers as opposed to the case before, where one receipt book could be used by more than one officer or an entire shift of officers. When it came to “fraudulent accounting”, it became very difficult to identify the offending officer. Issuance of one receipt book to one officer has been devised as a solution to this problem. Besides that, with computerization, general receipt books are being abolished, and replaced by computer-issued receipts.

- 9) Finally, there is an Intelligence wing within the Department of Immigration. Among other functions, this wing is responsible for identifying and investigating cases of corruption in the institution. This wing has always been there, and collaborates with similar wings in other security institutions like the Zambia Police Service, Drug Enforcement Commission, ACC, and the Office of the President (Special Division).

In concluding her presentation at the Holiday Inn, the Chief Immigration Officer said “there is need for stakeholders to start addressing the root causes of corruption critically if we are to reduce corruption in the nation.” This research attempts to do exactly that. It is important to also state that the measures put in place by management at Immigration are complimented by many other efforts by civil society organisations like Transparency International Zambia (TIZ) but the problem still persists (Immigration Public Relations Unit, 2007: 11).

Perhaps as a result of the Mwanawasa government’s efforts to counter corruption, the country’s standing on the Corruption Perception Index (CPI), for example, had improved by 0.2 % in 2008 (*Post*, 24th September, 2008: 9). According to TIZ president, Reuben Lifuka, this “improvement”, as compared to the country’s 2007 position of 13th rank out of 654 ranks, was a clear “indication that some of the measures instituted by the government and other stakeholders were bearing fruit.”

In addition to integrated government efforts to counter corruption, President Mwanawasa’s anti-corruption legacy also involved a tough personal stance towards public officials accused of corruption. Unlike Chiluba, he took necessary disciplinary action on any senior public official who was reported to be involved in any corrupt practices. It may be observed, however, that Mwanawasa was slower to act on certain individuals as compared to others. This brought suspicion that his anti-corruption programme was selective, and perhaps meant to victimize former President Chiluba and his close allies. All in all, though, Mwanawasa’s resolve to fight corruption appeared to be more tailored towards the general good of the country than anything else, as shall be seen from examples discussed later. Mwanawasa’s tough stance on disciplinary matters, particularly corruption, was similar to that exhibited by the first Republican President, Dr. Kaunda. In the same vein, it may be argued that Mwanawasa accorded more latitude to law-enforcement agencies to carry out their investigations without unnecessary interference than his two predecessors. It should be suggested here that Mwanawasa’s tough stance on corruption is

likely to have created fear among his fellow leaders and the general bureaucracy. And to some extent, his anti-corruption vision may not have been shared by some of his top leaders who could have been proclaiming it for sake of loyalty and job-security.

Some examples of top government officials who were dismissed or suspended by the Mwanawasa administration over corruption and abuse of office allegations include former Minister of Lands, Gladys Nyirongo, her Permanent Secretary, and Commissioner of Lands, Ms Mukuka Zimba and Mr. Frightone Sichone respectively in March, 2007(*Post Newspaper*, March 20, 2007; *Zambia Daily Mail*, 1st March, 2007). The trio has since been arrested by the ACC, and is appearing in court over various charges relating to abuse of office based on the allocation of land. Mrs. Nyirongo has in fact been found with a case to answer. Among other cases, the former minister is alleged to have, on unknown dates but between October, 2006 and April, 2007 in Lusaka abused her authority by directing Christopher Chewe, a junior technical officer in the Ministry of Agriculture and Cooperatives, to subdivide ZCCM farm F/309a in property no. L/9634/M for her and did thereby obtain property for herself (*Post*, 19th September, 2008). She is also accused of directing Daisy Mulenga M'soka to generate offer letters for land in Foxdale meant for, among others, her own children and friends.

Another high-ranking public official who fell to Mwanawasa's intolerance to graft was the former commissioner of the Drug Enforcement Commission (DEC), Ryan Chitoba. He was suspended together with some of his immediate subordinates. Mr. Chitoba was suspended from duty in July, 2007 to facilitate for investigations by the Anti- Corruption Commission for abuse of his office involving about K1 billion (*Post Newspaper*, July 27, 2007). Among other allegations, Chitoba was being investigated for the abuse of the forfeiture account and the suspicious acquisition of his house in Kalundu, Lusaka. The forfeiture account is where the DEC banks all the monies they recover from various investigations and any assets forfeited to the state after a successful conviction of an accused person. This particular case was perhaps more interesting as it involved the head of one of the government's main investigative and security wings. Further to that, this particular case brought into question the genuineness of the government's "fight against corruption" (*Post*, 15.07. 2007). This is because the President was seen to be "reluctant" to suspend Mr. Chitoba from office because the two were "related". Another case (discussed earlier under Chiluba) where the president was accused of being selective in his anti-

corruption stand involved former Health Permanent Secretary Dr. Kashiwa Bulaya. In this case, where Dr. Bulaya was ultimately convicted by the court of law, the state had initially wanted to discontinue proceedings even when there was evidence against the accused.

In related circumstances, the boss of the Anti-Corruption Commission (ACC) was implicated in a “plot allocation” case. The ACC Director General at that time, Nixon Banda was named as a beneficiary of some residential plots which were illegally issued by the Chipata Municipal Council (Times of Zambia, 15th November 2007). Although these were mere allegations, they may have irretrievably undermined the integrity and work of the institution charged with the very responsibility of fighting corruption on behalf of the government. It could equally have been a threat on public confidence in the ACC.

Luapula Province Permanent Secretary, Alfred Kalumba was suspended for allegedly misappropriating K194 million meant for a palm oil project (The *Post*, September 18, 2007). This action was effected by Secretary to the Cabinet, Dr. Kanganja on instruction from the President. The money approved for the palm oil project was K515 million in the 2006 national budget. About K405 million was released to the Provincial Administration for activities which included farmer selection, training of farmers, and support for an out-grower scheme, infrastructure development and research packaging. Out of that amount of money, K209 million was withdrawn for training of farmers but not all the training programmes took place. Instead, K194, 852, 640 was misappropriated by exaggerating the period of training, false receipts and venues. Another case involved the dismissal of Southern Province Minister, Joseph Mulyata, for alleged abuse of his authority when he ordered the release of an impounded bus without the necessary penalty fee being paid to the Road Development Agency (RDA) staff at the Livingstone weigh bridge (The *Post*, 27th July, 2007). Although Mr. Mulyata was later acquitted by the Magistrate Court, this was another example of President Mwanawasa’s consistency and commitment to allow the law to take its course regardless of who the accused person was.

As can be clearly seen from the examples above, President Mwanawasa dismissed many top political leaders and bureaucrats over corruption-related offences. When such an approach is strongly exercised on top government officials, the ‘warning message’ will most likely trickle down to the lower tiers of the public service. Although those examples have epitomized the tough reaction to corruption by the Mwanawasa administration, they also signify the fact that the incidence of corruption in public institutions during this period

was still high. However, it depicts a sharp contrast to the Chiluba stance, which insisted on evidence before action could be taken. The Mwanawasa approach definitely discouraged corruption while the Chiluba administration's strategy arguably embraced the practice.

There are some cases which were recorded in the early days of the Mwanawasa administration, before the 'zero tolerance on corruption' policy was adopted. In April, 2002, for example, there was a case involving then Minister of Tourism Levison Mumba. The ACC was reported to be investigating circumstances in which the Minister was alleged to have disregarded tender procedures in awarding a company called Safari Hunters six (6) prime hunting blocks (*The Monitor*, April 5-8, 2002). The award of those hunting blocks to Safari Hunters prompted other hunting companies aggrieved by that "unorthodox" action to obtain a court injunction to restrain the company from commencing any operations. A media report alleged that the Minister connived with two named officials at the Zambia Wildlife Authority (ZAWA) to illegally award all the six hunting blocks to Safari Hunters. It was further alleged that the entire Board of ZAWA, except for two mentioned officials, were not involved in the evaluation, including the recommendation thereafter. Sources within the Ministry of Tourism revealed to the *Post* Newspaper that the Minister's action was going to cost Zambia over K94.5 billion worth of donor-funding towards wildlife sector development (*The Post*, March 27, 2002).

Despite the many measures which were being implemented by the Mwanawasa government in respect of the civil service in general and the Immigration Department in particular, the problem of corruption had still remained resilient and persistent in public institutions over the years. Incidences of corruption were still being experienced in almost all public institutions and some private sector organisations. This recurrence of corrupt practices, particularly in the public service simply suggested that the measures being implemented by government and other stakeholders were, to some extent, ineffective. Since earlier examples in this section highlighted high-profile cases over which the President instituted disciplinary action, the following segment discusses a selection of cases of impropriety which continued to be recorded among middle and lower levels public servants, suggesting ineffectiveness of anti-corruption measures.

One area in the Mwanawasa government which seemed to have particularly continued in the way of the Chiluba time had to do with theft and financial mismanagement in public institutions. Addressing a rally in Mpulungu on February 7, 2007, for instance,

President Mwanawasa revealed that public servants had stolen about K3 trillion from public coffers (*Post* Newspaper, February 8, 2007). The President expressed “shock” at this discovery. The reaction from various stakeholders was perhaps even more of anger and protest about that matter. The opposition Forum for Democracy and Development (FDD), for instance, called upon the Police Service to thoroughly investigate the President’s report over the K3 trillion thefts by some civil servants. Equally, Civil Servants and Allied Workers Union of Zambia (CSAWUZ) Secretary General, Darison Chaala challenged the President and government to publish the list of civil servants involved in the “scam” (*Monitor*, February 9-15, 2007). At a later stage, however, President Mwanawasa clarified that the amount involved was about K36 billion not K3 trillion as earlier stated. He also reversed his earlier intention to publicly disclose the names of the public servants suspected to have stolen the money from the public treasury (*Post*, February 14, 2007). Although this scenario was based on unproven allegations, the figures involved were colossal enough to enable one to seriously doubt the accountability strategies used in public institutions. Equally, it may give a picture of how poor the whole accounting mechanism in government functions.

Similarly, the Auditor General, Anna Chifungula, threatened to stop auditing the Ministry of Health if the Permanent Secretary Dr. Simon Miti continued to be uncooperative (*Post*, April 17, 2007). This was after the latter tried to defend some of his officers who, according to the 2005/6 Audit report, failed to provide information on K24 billion worth of expired drugs which were being kept at great storage costs, among other things. All this came to light when the Auditor-General appeared before the Parliamentary Public Accounts Committee (PAC). Later on, the government came under pressure especially from civil society organizations like Transparency International Zambia (TIZ) and the Federation of Free Trade Unions in Zambia (FFTUZ) to come out “clean” on the issue of the expired drugs (*Post*, April 18, 2007).

The *Times of Zambia* of April 13, 2007, reported that K5.4 billion had been misapplied at the Ministry of Communications and Transport. Although it may be argued that this is not a typical case of corruption, this “misapplication” in most cases is premeditated and usually results in personal gain to the public official(s) involved. In this particular case, the Ministry Deputy Permanent Secretary (DPS), Eustern Mambwe and some other officers in the ministry were reported to have misapplied the money which was

meant for the Appropriation-In-Aid funds. This was revealed to the Public Accounts Committee (PAC) by the Auditor General when Communication Permanent Secretary, Peter Tembo made his submissions. However, the DPS defended himself by stating that the ministry gave out loans from the same funds, a decision he claimed had approval from the Ministry of Finance. This response enraged PAC chairman, Mr. Charles Milupi, who warned the Deputy Permanent Secretary against misleading the committee instead of admitting the fact that loans were given to both senior and junior officers in “bad faith”.

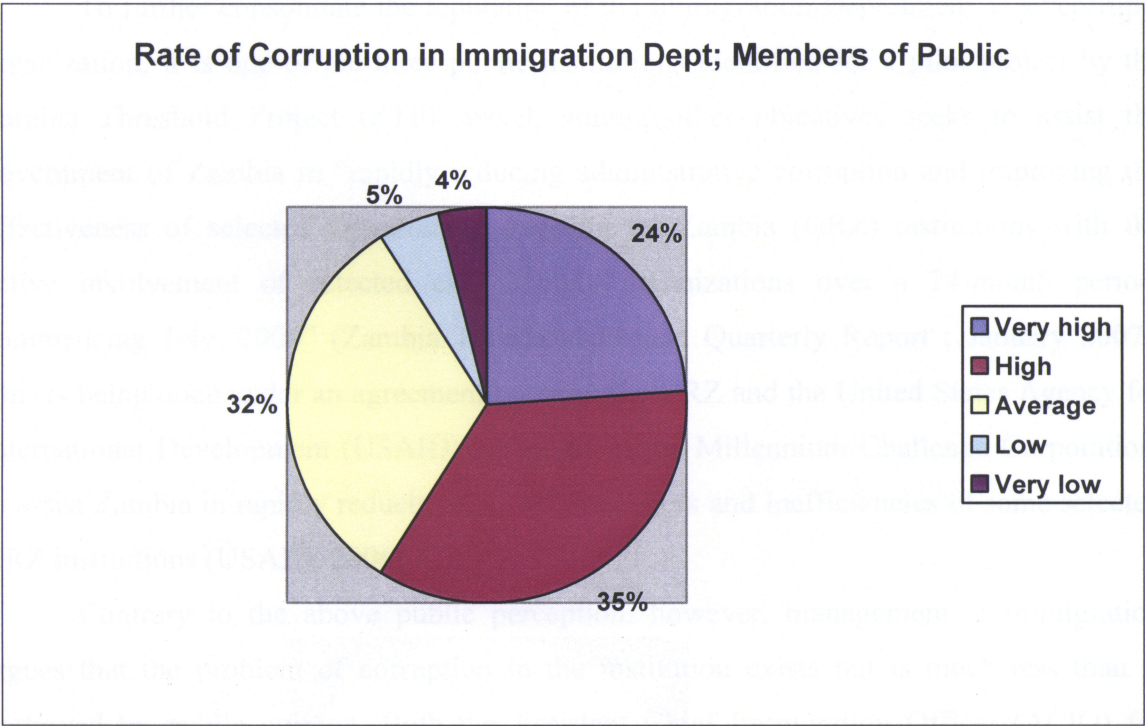
The *Zambia Daily Mail* of April 18, 2007 reported the arrest of former Road Development Agency (RDA) Director and Chief Executive, Watson Ng’ambi by the Drug Enforcement Commission (DEC). He was arrested for allegedly attempting to obtain over K3.5 billion by false pretences. Mr. Ng’ambi was arrested together with an accountant, Mulenga Kapambwe. In the same month, an accounts clerk in the Police Service was arrested for allegedly stealing over K1 billion public funds from the Service. This was revealed by Home Affairs Permanent Secretary, Peter Mumba when he appeared before the PAC (*Times of Zambia*, April 14, 2007). Around the same period, more than K9 billion meant for housing allowances for staff in the Ministry of Education on the copperbelt was reportedly misapplied (*Post*, April 24, 2007). Similarly, Deputy Clerk of the National Assembly, Fairchild Chibomba, was reportedly being investigated by the ACC over allegations that he had misappropriated undisclosed millions of kwacha meant for his house servants’ salaries (*The Post*, 21st November, 2007).

With regards to examples of cases of bribery during Mwanawasa’s government, a Lusaka police officer was arrested by the Anti-Corruption Commission (ACC) for soliciting for a K200, 000 bribe. It was alleged that the officer solicited for that amount from Scholastica Chewe in order to release someone from custody (*The Post*, November 5, 2006). And a reserve police officer under Lusaka Division Traffic was instantly dismissed from the Service after being caught soliciting for a K60, 000 bribe from a Lusaka resident on March 12, 2007. The reserve officer was dismissed on recommendation by then Minister of Communication and Transport, Peter Daka (*Post*, March 14, 2007)

Public Perception of Corruption: The Case of Immigration

In view of what seems to be continuing occurrence of corrupt activities despite the efforts that have been instituted by the Mwanawasa government in the fight against corruption, public perception regarding corruption in the country is negative judging from the responses of the members of the public. Asked to rate corruption in the Immigration Department on a scale ranging from ‘very high’ to ‘very low’, for example, 24 respondents of the 100 members of the public interviewed for this research said corruption in the Department was “very high”. Thirty-five (35) said it was “high” while 32 put it at “average”. Five said it was “low”, with only four saying it was “very low”. These figures indicate that 59% of those respondents were of the view that the rate of corruption in the institution was either “very high” or “high” (See diagram 2.1 below).

Diagram 2.1



When further asked whether they had personally encountered any corrupt advances from some Immigration officers, 55 respondents of the 100 members of the public said “Yes”. The other forty-five (45) said “No”. Out the 55 who said “Yes”, forty-five (45) indicated that they had actually “met” whatever corrupt demands that were made by the

officers. Ten (10) declined to “meet” such demands. One Lusaka-based respondent, a Ugandan said he had to pay about “K8 million of the K10 million” that was demanded from him by Immigration officials to help process his application for a work permit. In similar circumstances, a Nigerian named Levinus Opeamadike was compelled to pay “US\$ 3000 in order to be allowed to enter the country at Lusaka International Airport.” Another Burundese respondent stated that he paid K500, 000 in June, 2006 “to push” his file so that he could get his study permit “as soon as possible.” Among those who said they had declined to “meet” corrupt demands from Immigration officials, one Ugandan staying in Chilenje, Lusaka, and interviewed in Lusaka on 8th November, 2007, said he was subsequently “maliciously arrested”. Another Lusaka resident, Mr. Nicholas Okware, who is also Ugandan, stated that he refused to part with the money that was demanded by an immigration officer from him because he was “a lawyer who knows my rights, and can not be abused.” In another example, a Zimbabwean respondent said when money was demanded from him, he did not only refuse to produce it but also “reported the officer involved to senior Management at Immigration.”

To further consolidate the reputation of the Immigration Department as a “corrupt” organization, it is one of the three public institutions identified for a pilot project by the Zambia Threshold Project (ZTP), which among other objectives seeks to assist the government of Zambia in “rapidly reducing administrative corruption and improving the effectiveness of selected Government Republic of Zambia (GRZ) institutions with the active involvement of selected civil society organizations over a 24-month period, commencing July, 2006” (Zambia Threshold Project Quarterly Report ; January 2007). This is being done under an agreement between the GRZ and the United States Agency for International Development (USAID) on behalf of the Millennium Challenge Corporation, to assist Zambia in rapidly reducing the ineffectiveness and inefficiencies of some selected GRZ institutions (USAID, 2006: 12).

Contrary to the above public perception, however, management at Immigration argues that the problem of corruption in the institution exists but is much less than is portrayed by public opinion. Both the Assistant Chief Immigration Officer (ACIO) for Operations and the Immigration Public Relations Officer (PRO) argued that most suspicions of corruption in the institution were unfounded as there were few actual cases of corruption taking place. Interviewed at Immigration Headquarters on the 13th November,

2007, the Public Relations Officer said corruption in the institution was “seen as a problem but it is exaggerated”. She clarified that contrary to the public perception which is premised on “false statistics”, the problem on the ground was “smaller”. According to her, some immigration officers are falsely accused of corruption and subsequently secure acquittals when prosecuted. Much as her argument may be valid, it should be noted that an acquittal may result from improper preparation of a case by the prosecution or even insufficient evidence against the accused even in instances where corruption really took place. Therefore, to view the problem only from the perspective of convictions of accused officers may be ineffective as court cases may be lost due to technical issues and not necessarily facts or truth. Therefore, it would probably be more realistic to address the issue from a comprehensive perspective which encompasses all indicators including public perception.

However, the Public Relations Officer still stated that corruption in the Department was a “problem”. Among other things, she explained, as an example, that corruption at the borders as well as at internal immigration offices leads to the entry and stay in Zambia of immigrants who do not qualify. Ultimately, such immigrants have to be apprehended through “costly” operations and detained in prisons at the “expense of the government”. She further explained that deportations and removals of such immigrants back to their countries of origins was “very costly”, especially if it was by air. This brought a “strain on the Department’s little financial resources.” Another problem identified with corruption in the institution was that many immigration personnel found themselves suspended or dismissed from work due to involvement in corrupt practices. This, according to management, reduces the staffing levels and ultimately inhibits the smooth operation of the organisation.

Finally, on the Mwanawasa administration and corruption, it may be argued that a new positive and pragmatic anti-corruption approach was introduced in the public service in particular and the whole country in general. From the discussion above, one can see that more relative freedom was given to law-enforcement agencies to carry out their work without significant interference from the political elite. Equally, the government introduced a more integrated and comprehensive anti-corruption strategy in form of the National Corruption Prevention Policy. This was in addition to the contributions of already existing watch-dog institutions like the Anti-Corruption Commission. The dismissal of many top political and other public officials by the President over corruption also played a big role in

reinforcing the fight against corruption at the national level and particularly in the bureaucracy.

However, corruption perception by members of the public still remained high. As earlier illustrated, cases of both grand and petty corruption still continued to surface at almost all levels of public institutions. The government acknowledged this recurrence of corruption, especially among bureaucrats. Overall, however, it may be clear that the Mwanawasa government's 'zero tolerance on corruption' really inculcated a sense of relative restraint to corruption among public officials in Zambia, unlike the preceding government.

Conclusion

This chapter has shown that there have been some cases of corruption in public institutions in Zambia from the post-independence period to the Mwanawasa administration. However, like Hope (1997: 13) argues, corruption is not peculiar to Zambian institutions as it is widespread in African countries, and other parts of the world. In fact, the magnitude of corruption in Zambia is not, by a great deal, like the case is in Nigeria, for instance. The various cases of corruption discussed above, however, provide a clear picture of the nature and context of corruption in Zambian public institutions. Common cases of corruption in the Zambian bureaucracy, which seem to have been recorded during the Kaunda, Chiluba and Mwanawasa administrations, include abuse of authority, theft and financial mismanagement, and bribery. However, there could still be several other minor forms of corruption like favoritism, nepotism and extortion taking place in the public service.

The chapter has also shown that the government and the Department of Immigration have both tried to counter corruption with many measures, both preventive and reactive in nature. The First and Second Republic administrations were particularly serious with anti-corruption measures hence, they achieved some relative success against the problem of corruption. The Kaunda leadership implemented many anti-corruption strategies at a time when both reported cases and public perception were relatively low. The Leadership Code was quite instrumental in that regard. In short, the Kaunda legacy on corruption laid a strong foundation for anti-corruption efforts in Zambia.

However, the successive Chiluba government arguably performed less in terms of fighting corruption in public institutions. This eventuality was to some extent created by the environment where the rights of individuals were highly “promoted and observed”, resulting in more difficulty to punish alleged offenders without evidence. Citizens were then at liberty to question the government over certain issues, including corruption. Due to the liberal policies in the Third Republic, President Chiluba’s power to react to alleged corruption by his subordinates was possibly limited especially if evidence was lacking. As a result, many top political leaders, including the President as seen in the above examples, were all accused of involvement in corrupt practices. Such an environment only created some enticement on bureaucrats to also engage in corruption, resulting in many recorded cases which occurred at that time. To some extent, corruption was seen as a non-risky practice. The many examples explored involving both members of the top echelon of the Chiluba regime and middle and junior bureaucrats arguably suggest that corruption became more common during that era. As for anti-corruption strategies, the Chiluba government only introduced the 1995 Ministerial Code of Conduct and the Anti-Corruption Commission (ACC) Act no. 42 of 1996.

On the other hand, the Mwanawasa administration, particularly the President, had probably shown unprecedented interest in confronting corruption of any form. The various anti-corruption measures introduced, and the President’s personal stand towards issues of corruption epitomized the resolve of that government to counter corruption. These efforts included the National Corruption Prevention Policy and the formation of the Task Force on Corruption. However, the “Zero tolerance on Corruption” policy was apparently centred on the Presidency as other senior members of that administration may not have been as committed, save for mere loyalty and patronage to their leader. In the end, though, positive results of the anti-corruption efforts may slowly be noticed.

However, the fact that there are still cases of corruption being reported at least in every Government Ministry or Department today should necessitate further investigation as to why the problem persists in spite of all the current corrective mechanisms. Even with the measures put in place by the Department of Immigration, for example, corruption has still persisted in the institution. Public perception of corruption in the bureaucracy is still high as seen from the views regarding the Immigration Department. This simply suggests that the anti-corruption measures currently in place are not fully

effective. The next two chapters will, therefore, discuss the main causes and dimensions of corruption in the Department of Immigration.

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CHAPTER 3

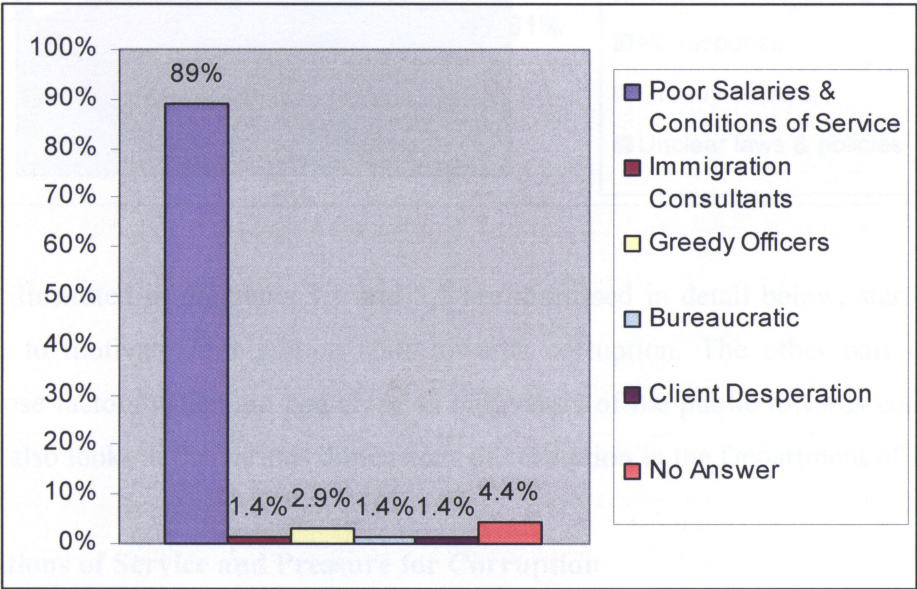
THE MOTIVATING FACTORS FOR CORRUPTION

Introduction

This chapter attempts to analyse the main motivating factors for corruption in the Department of Immigration. It firstly addresses those factors which seem to motivate immigration staff towards engagement in corrupt practices. Later, it will examine factors which seem to drive members of the public into corruption in their pursuit of services from the Immigration Department. Both officers of the Department of Immigration and members of the public identified a number of issues which they perceived to be the major motivating factors for corruption in the institution. The immigration staff in the sample by far identified poor salaries and conditions of service as the main motivating factor. A total of 89 % of them identified that factor. Other factors were not considered as important, with the issue of “greedy officers” coming second at 2.9%. The other minor motivating factors which attracted 1.4 % each include bureaucracy, immigration consultants, and client desperation (See illustration in diagram 3.1).

Diagram 3.1

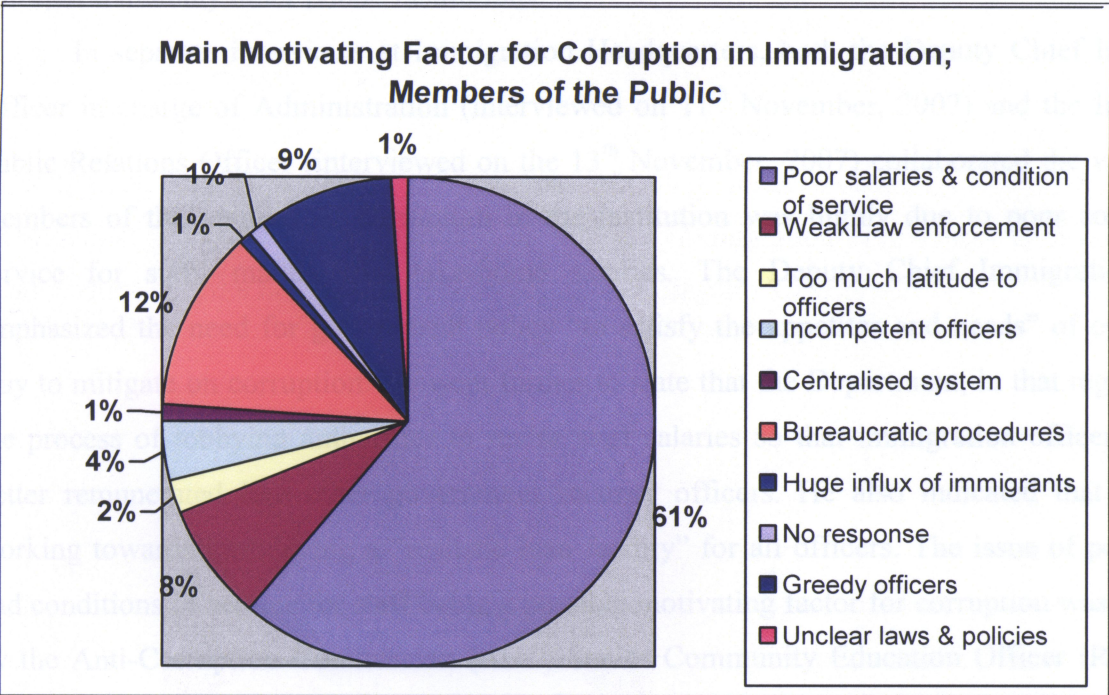
Main Motivating Factors for Corruption; Immigration Officers



On the other hand, members of the public in the sample largely identified poor salaries and conditions of service as the major motivating factor for corruption with 61% of them stating so. However, unlike the officers in the Immigration Department, there was a higher recognition of

other motivating factors with the issue of bureaucratic procedures accounting for 12%. About 9% of the members of the public identified greedy immigration officials as the major factor while 8% suggested that the problem was due to weak law-enforcement. The latitude accorded to immigration staff scored 2%. Each of the following minor motivating factors received 1%: centralized permit-issuance; ill-trained/incompetent immigration employees; unclear laws and procedures; and, the huge influx of immigrants (See diagram 3.2 below).

Diagram 3.2



The factors illustrated in diagrams 3.1 and 3.2 are discussed in detail below, starting with those which seem to motivate immigration staff towards corruption. The other part of the chapter discusses those factors which are perceived as motivators of the public towards corrupt practices. The chapter also looks at the various dimensions of corruption in the Department of Immigration.

Staff Conditions of Service and Pressure for Corruption

There may be many various motivating factors for corruption in the Department of Immigration. However, poor salaries and conditions of service seem to be the major motivating factor for immigration employees. As diagram 3.1 indicates, 89% of the members of staff of the Immigration Department interviewed identified “poor salaries and conditions of service” for Immigration

workers as the main motivating factor for corruption. Similarly, 61% of the members of the public interviewed stated that immigration staff engages in corruption because of “poor salaries and general working conditions”.

The responses advanced in diagrams 3.1 and 3.2 overwhelmingly indicate that the main force that drives immigration officials towards corruption is the problem of poor remuneration of staff and other related working conditions. One would mainly have expected this to be the perspective of Immigration staff only. However, the majority of the members of the public have also expressed similar opinions. Since poor salaries perhaps affect the whole civil service, it may be suggested that the example of the Immigration Department shows that the factor is a source of corruption in many other public institutions.

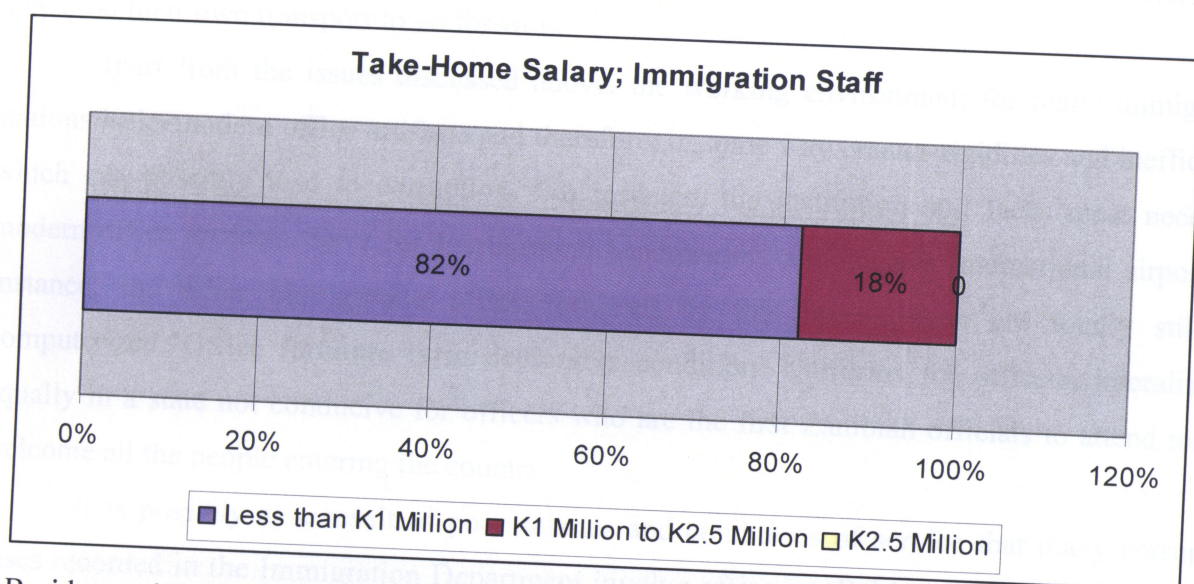
In separate interviews at Immigration Headquarters, both the Deputy Chief Immigration Officer in charge of Administration (interviewed on 11th November, 2007) and the Immigration Public Relations Officer (interviewed on the 13th November, 2007) collaborated the views of the members of the public that corruption in the institution was highly due to poor conditions of service for staff, mainly low take-home salaries. The Deputy Chief Immigration Officer emphasized the need for government policy “to satisfy the appetites and needs” of officers as a way to mitigate on corruption. He went further to state that the Department, in that regard, was in the process of lobbying authorities to revise staff salaries so that immigration officers could be better remunerated like other government security officers. He also indicated that they were working towards introducing a “realistic loan facility” for all officers. The issue of poor salaries and conditions of service for staff being a possible motivating factor for corruption was also raised by the Anti-Corruption Commission (ACC) Senior Community Education Officer (Research) at Anti-Corruption House (interviewed on 14th November, 2007), and Transparency International Zambia (TIZ) Deputy Project Coordinator (ALAC) (interviewed on the 17th November, 2007).

What seems to clearly emerge from this phenomenon is that immigration workers, like others in the civil service, are generally subjected to poor conditions of service despite working for a sensitive and strategic government institution. As the Immigration Public Relations Officer (PRO) indicated, the institution is not only of security in nature, but also one through which the government collects huge amounts of money in permit fees and visas. In 2007 alone, for example, the Department collected K57 billion against a target of K24 billion (Regional Immigration Officers’ Conference, 2008). The officers who receive “meagre salaries” are the very ones who collect all these large amounts of money. The Public Relations Officer suggested that this may be a

recipe for corruption in the Department. The Deputy Project Coordinator (ALAC) at Transparency International Zambia (TIZ) (interviewed in Lusaka on the 17th November, 2007) further observed that the above problem is probably exacerbated by the fact that the main clientele for Immigration officers are foreigners who are “normally affluent and able to pay bribes” in order to obtain any documents they may require within the “shortest possible time”. He argued that poor remuneration for officers may make them susceptible to corruption. Possibly, the resistance of Immigration officers to corruption would be exponentially boosted by the betterment of their conditions of service, especially their take-home salaries. According to the Immigration Officer attached to the Mechanized Salaries section of the Immigration Department (interviewed on 12th November, 2008), for example, the net salary for an Immigration Assistant, which falls under the salary scale of PS 12, ranges from K 900, 000 to K 1, 300, 000 per month depending on the respective deductions. Meanwhile, the position of Immigration Assistant has more officers in the organisation than any other (Immigration Headquarters, 2007). To support the case above, out of the 67 members of staff interviewed for this research, none receive a monthly take-home salary exceeding K2.5 million. Only 12 members of staff indicated that they received a monthly take-home salary ranging from K1 million to K2.5 million. 55 other immigration staff stated that they get less than K1million as the monthly take-home salary (see diagram 3.3). In fact, some employees get a net salary of less than half a million per month. Besides, some officers indicated that they also receive their salaries “very late”, sometimes by “weeks”.

The salaries that most immigration officers get may not be adequate to sustain immigration staff and their dependants considering the prevailing cost of living. For instance, releasing the findings of its monthly basic needs basket for a family of six, the Jesuit Centre for Theological Reflection (JCTR) stated that the average cost of food in Lusaka was recorded at K569, 000 for the month of January, 2007. This represented an increase of K26, 500 from the average cost of K542, 500 recorded in December, 2006 (*Post* Newspaper; 2nd February, 2008, p6). Costs for other essential needs were put at an average of K1, 835,300 from K1, 636, 900 that was recorded previously. Clearly, these figures denote an upward trend of prices which certainly goes beyond the income of most Immigration officers who on average, according to this investigation, have about five (5) children and dependants each to look after, and have an average monthly income ranging from about K 900, 000 to K 1, 300, 000 as indicated earlier and also shown in diagram 3.3 below.

Diagram 3.3



Besides such low salaries, the immigration employees generally complained of the lack of such important incentives as loans to enable them meet several needs. However, a few allowances are provided to some officers as elaborated below. The Deputy Chief Immigration Officer for Administration stated that all officers are entitled to a monthly breakfast mealie-meal subsidy of two 25 kg bags for married officers each, and one bag for single ones. He also stated that a rural hardship allowance is paid to officers in remote locations while ‘operations’ and ‘retention’ allowances are paid to some officers. Housing allowances are also “paid” to registry and other support staff in the institution. Besides that, he said that the Department provides accommodation and transport to almost all its officers country-wide. To substantiate that, 30 immigration officials of the 67 interviewed indicated that they received “commuted overtime allowance”. Two (2) officers said they received a monthly “subsistence allowance”. Only one (1) stated that he/she received “rural hardship allowance”. Another two (2) said they do get “operations allowances”. Seven (7) said they get some mealie meal monthly, while two (2) others said they received a monthly “retention allowance”. Only one stated that he/she gets “housing allowance”. It is important to underline the fact that most of these allowances are of negligible value, sometimes about K20, 000 per month only (Immigration Officer’s pay slip, February, 2008).

With regards to accommodation, 42 immigration officers interviewed said the Department provided them with accommodation. Twenty-two (22) other staff said they were not provided with accommodation, while 3 said they were accommodating themselves. Out of those “provided with accommodation”, 12 said they paid part of the rental charges for the houses they lived in from

“their own pockets”. As for transport to and from the place of work, 30 officers (mostly from Lusaka International Airport and Chirundu) said the Department provided it while 28 (mostly based at Headquarters and Kasumbalesa) said transport was not provided. Seven (7) officers said they used their own transport to go for work.

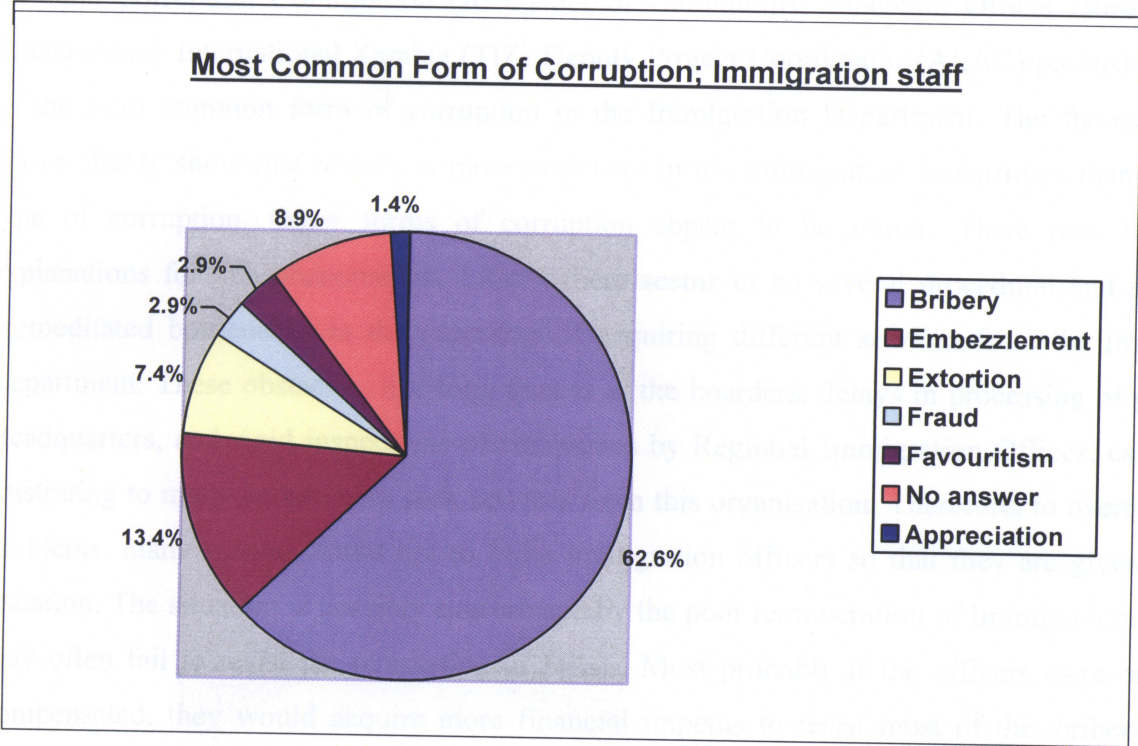
Apart from the issues discussed above, the working environment for many immigration stations lacks modern office artifacts and therefore, in some way creates rigidities and inefficiency which can possibly lead to corruption. For instance, the institution still lacks most necessary modern office artifacts. Save for Immigration headquarters and Lusaka International airport, for instance, the other immigration offices covered by this investigation are totally still not computerized. Office furniture is in deplorable condition. Uniforms for officers, interalia, are equally in a state not conducive for officers who are the first Zambian officials to attend to, and welcome all the people entering the country.

It is possibly as a result of poor salaries and conditions of service that many corruption cases recorded in the Immigration Department involve officers soliciting for, or obtaining money before they can render a service to their clients. This is a form of petty corruption as defined in chapter 1. As explained in the following examples, the majority of cases involve petty corruption, with the offenders being middle or low-level officers soliciting for bribes. In one such instance, an Immigration Officer from Lusaka Regional Immigration Office was, in 2006, apprehended by fellow officers from Headquarters after soliciting for K 3million from a Lebanese national running a company at the former Engineering Services Company (ESCO) complex in Lusaka (Immigration Headquarters Registry Records, 2008). This was after the complainant tipped Immigration Headquarters about the persistent advances from the officer, and a trap was subsequently arranged for the apprehension. The officer had purported that the money was to facilitate the approval of an application for a permit. This female officer was later charged for that incident (Officer’s File, Immigration Headquarters, 2008). In addition to that case, on the 9th February, 2005 and 15th February, 2005 respectively, the ACC arrested and jointly charged an Assistant Immigration Officer based at Lusaka Regional Immigration Office and a Registry Officer based at Headquarters for “obtaining money by false pretences with an intention to defraud a named foreigner by pretending that the money was meant for the foreigner’s work permit when in fact not” (Immigration Headquarters Registry, 2008). In another case, an immigration officer appeared before a Lusaka Subordinate Court on the 21st November, 1995, charged by the Anti-Corruption Commission (ACC) for corrupt practices by a public officer (Anti-Corruption Commission, 2007).

Particulars of this case were that “between the 1st March, 1995 and 30th April, 1995, in Lusaka, the named officer corruptly solicited and received K 50, 000 cash as gratification from Mr. Mohmad Taraf and Idah Chungu as an inducement or reward for issuing visa letter no. IMGHQ/ 101/ 07/ 17 dated 18th April, 1995 in the name of Hussein Abadryldin, a Lebanese national, so as to facilitate entry to Zambia from Zaire without authority.” Also according to the ACC Complaints register (2002), on the 25th October, 2002, a concerned member of the public reported that two named Immigration Officers based on the Copperbelt solicited for K 10million and K 4million in order to close investigations over a case involving Mr. Moses Katumbi.

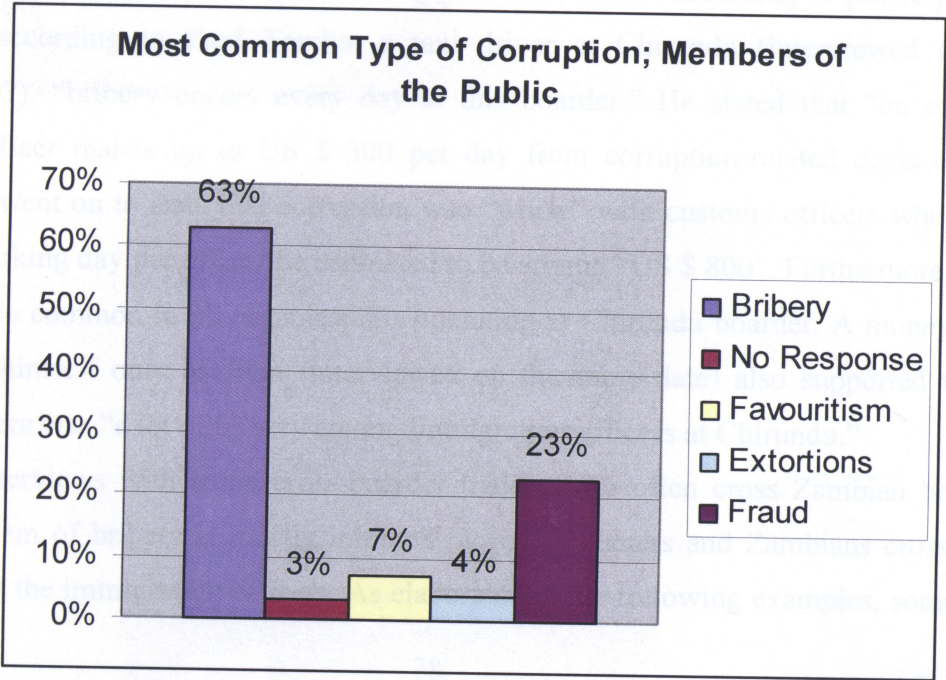
It is also perhaps due to poor remuneration of staff that bribery is seen as the most common form of corruption in the Immigration Department. Most of the bribery cases reported in the Immigration Department seem to involve lower-level officers, mostly immigration Assistants, Assistant Immigration Officers, a few Immigration Officers and registry staff. These are the people who interact most with members of the public both at the borders and internal offices, and therefore exposed to petty corruption. Out of all examples of recorded cases used in this paper, only one incident involved a Senior Immigration Officer and none above that tier. From that premise, it may be said that cases of grand corruption in the institution seem to be minimal. Out of the 67 immigration officials interviewed for this research, 62.68 % stated that the most frequent form of corruption in the Department was “bribery”. 7.46 % thought that it was “extortion” while 2.98 % said it was “fraud”. 13% suggested that the dominant type of corruption was “embezzlement of state revenue”. Only 2.98 % stated that it was “favouritism” while 8.95 % opted to give no answers. One officer was of the view that it was (what he termed) “appreciation”. This question was asked with optional answers provided (See illustration in diagram 3.4 below).

Diagram 3.4



From the 100 members of the public, 63% indicated that “bribery” was the most frequent type of corruption in the Immigration Department. 7% stated that it was “extortion” while 4% were of the view that it was “favouritism”. Only 3% thought it was “fraud”. The remaining 23% did not give answers (See diagram 3.5).

Diagram 3.5



In addition to the views of immigration staff and members of the public as illustrated above, both the Anti-Corruption Commission (ACC) Senior Community Education Officer (Research) and Transparency International Zambia (TIZ) Deputy Project Coordinator (ALAC) pointed to bribery as the most common form of corruption in the Immigration Department. The figures outlined above clearly show that bribery is more dominant in the Immigration Department than any other type of corruption. Other forms of corruption appear to be minor. There may be various explanations for this phenomenon. Firstly, there seems to be several procedural and sometimes premeditated bottlenecks in the processes of acquiring different services from the Immigration Department. These obstacles, like long queues at the boarders, delays in processing of permits at Headquarters, and rigid inspections of companies by Regional Immigration Offices, can be very frustrating to many people who seek services from this organisation. Therefore, to overcome such problems, many people would opt to bribe immigration officers so that they are given efficient attention. The situation is possibly exacerbated by the poor remuneration of Immigration staff who may often fail to resist the temptation of bribes. Most probably if the officers were reasonably compensated, they would acquire more financial impetus to resist most of this bribery. As the situation stands, bribery in this organisation seems to be almost accepted as a norm both by the officers and their clients.

The instances of bribery cases discussed above involved junior officers from Immigration Headquarters and some Regional Offices. However, bribery seems to be more common at immigration border controls, even in other organisations, atleast according to public perception. For instance, according to Fred Tembo, a taxi driver at Chirundu (interviewed on the 5th December, 2007), “bribery occurs every day at this boarder.” He stated that “on average, an immigration officer makes up to US \$ 300 per day from corruption-related deals on duty at Chirundu.” He went on to state that corruption was “worse” with customs officers whose corrupt earnings per working day per officer he estimated to be around “US \$ 800”. Furthermore, he stated that corruption is common in all organisations operating at Chirundu boarder. A money changer, who identified himself only as John (interviewed on the same date) also supported this view, claiming that there was “a lot of bribery among immigration officers at Chirundu.”

From interviews with some cross-boarder traders who often cross *Zambian* borders, it seems the problem of bribery is mostly initiated by the foreigners and *Zambians* crossing these borders and not the immigration officers. As elaborated in the following examples, some of these

foreigners claimed that “it is normal” to give money to immigration officers even when one has no problem. One Congolese man (declined to give his name) (interviewed at Kasumbalesa on the 10th December, 2007) who imports used cars from South Africa to DR Congo via Zambia revealed the type of bribery he termed the “extra page” of a passport. He stated that to pass through the borders without any “trouble” from immigration officers, one had to include in one’s passport an “extra page”. This “extra page” of the passport, he clarified, actually refers to cash money note(s) meant for the immigration officers. He claimed that with this “trick”, one was almost assured of uninterrupted passage. He said he had always employed this “formula” when crossing borders, not only in Zambia but also in other countries in the region. For the local immigration officers who are arguably not well paid, such money may be received willingly.

There may be various reasons why these people opt to give these bribes. All these reasons are likely to have one common factor; the people offering such bribes are likely to be having a problem of one sort or another vis-à-vis their immigration status which they want to shield from the officers. One situation where this commonly happens, according to one immigration officer (interviewed at Chirundu on 5th December, 2007), is when “someone trying to leave the country has overstayed”. This means one has stayed in the country beyond the period authorized by immigration authorities. Others may resort to such practices when they intend to enter the country “without the necessary requirements like visas”. Whatever the circumstances, such persons would only use bribes in order to acquire services they are not eligible for.

Apart from the soliciting, offering and accepting of bribes, another dimension of corruption which seems to be common in the institution involves forgery and the issuance of fake documents to foreigners. There are recorded cases where immigration staff obtained money from foreigners in this way. This is also petty corruption which mainly involves low-level staff. For instance, according to Immigration Registry Records (2008), on the 4th February, 2001, Zambia Police arrested Bernard Mukuka, an Immigration Assistant based at headquarters and charged him with the offence of “making false documents”. This was after this officer had issued “fake visa facilitation letters” to some foreign nationals. The accused appeared before the Chikwa Principal Resident Magistrate Court on the 8th February, 2001. In another similar case, Mr. Mwansa Kaputa, an Assistant Clerical Officer at Immigration Headquarters was arrested by the Police in April, 2004 and charged with the offence of making false documents (Immigration Headquarters Registry, 2007). The officer was subsequently suspended from duty on the 13th May, 2004. This particular case was not concluded owing to the death of the accused. Although no conviction