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Abbreviations

ICAC Independent Commission Against Corruption (NSW)

Leadership, ethics and disciplinary codes: the Zimbabwe case

This paper examines the applicability of some principles on good governance and corruption to Zimbabwe. The focus is on codes of conduct for ministers of parliament and public and private sector officials. The argument is that a comprehensive code of ethics is necessary to make public and private institutions in Zimbabwe free from corruption and more efficient service providers. It begins with a historical analysis of leadership and governance in the pre-colonial and colonial period. The current situation is then examined and recommendations made for the creation and implementation of codes of conduct.¹

Pre-colonial Zimbabwe

In Zimbabwe there is an old saying that 'a big baboon should fold its tail if the young ones are to respect it'. One interpretation of this saying is that anyone in a position of authority should lead by example if they are to win the respect of their followers. Our forefathers believed that good leaders led by example. Prior to the coming of the Europeans, Zimbabwe was divided into small territories or kingdoms ruled by a chief who belonged to a specific family with its own particular spirit totem.

Chiefs ruled their kingdoms on all matters, including spiritual issues. When it came to spiritual issues, however, chiefs deferred to the authority of spirit mediums. Each family had its own spirit medium but some mediums were concerned with the overall wellbeing of the kingdom. Indeed some mediums were concerned with the whole of what we now know as Zimbabwe, Mozambique, Malawi, Botswana, South Africa, Tanzania and Zambia. Spirit mediums performed important political roles in mediating disputes between kingdoms.

Another old saying in Zimbabwe is 'a prince is a servant outside his father's palace or kingdom'. The power of chiefs was linked to the support of their own community and they had no authority in other kingdoms. Moreover, chiefs and spirit mediums were answerable to their hom society. Ordinary citizens had a right to appeal against the ruling of a chief or sub-chief. They could call for advice from alternative spirit mediums if they were not happy with the rulings of the presiding medium.

The position of chief was partly achieved on the basis of merit. A candidate needed courage, wisdom, fairness and other requisite moral values. There were certain crimes which disqualified any individual from becoming a chief. Committing incest, for example, would not only disqualify an individual from chiefly status but his descendants as well. Our ancestors had great expectations of their leaders.

A chief ruled with the help of several teams of advisers chosen by him from all over the kingdom. An inner circle of advisers was usually chosen from his own totem or family. But in the case of both sets of advisers, merit was the basis for selection and not

the closeness of the relationship. The appointee had to possess relevant expertise.

Chiefs recognised the importance that appointees contribute to the quality of his leadership to help him maintain the support of his followers. Falling out of favour with his subjects brought dishonour to his family and totem. In cases of extreme moral bankruptcy, the public could call on spirit mediums to sanction leaders. Spirit mediums had the power to stop not only leaders themselves but their descendents from ever becoming chiefs again. Chiefs were very careful not to dishonour their family. They constantly worked to win the support of their people and spirit mediums. Political and religious aspects of society were closely intertwined.

Colonial and post-colonial period

European colonialism did not appreciate the complexity of African social formations. The political system in many African societies was based on a form of theocracy. These theocracies contained democratic elements such as provision for various advisory committees. The inseparability of political and religious matters was difficult for the new colonial masters to accept. Colonisers were actively antagonistic toward traditional religious practice. It is no surprise that it was one of the most prominent national spirit mediums, Nehanda, who directed the Mashona and Matebele rebellions which were fought over six years between 1894 and 1900.²

The new masters actively encouraged Christian churches to convert the pagans of Zimbabwe. The locals believed in only one god, with spirit mediums being seen as messengers of this one god. European missionaries were largely successful in undermining the traditional political and religious system to the extent where it is now effectively lost to the current generation.

The new political masters quickly and actively used the political system to enact laws that protected their interests. An example of this is the Land Apportionment Act which condemned Africans to live in almost barren tribal trust lands with soil that was of such poor quality that farmers were dependent on fertilisers to produce crops. In the case of the Water Rights Act, Africans were stopped from using rivers passing their lands for irrigation. Successive colonial governments did not generally rule for the benefit of the African majority.

Colonial governments saw education as a way of controlling natives. By making them teachers, clerks in industry and commerce, administrators and public servants as well as theologians to spread the new word of God, Africans could be kept satisfied but still marginal to government power. Africans did not, in the main, acquire the appropriate practical skills in the area of public administration. Those of the élite who were fortunate enough to get employment in the public sector were employed because they complied with colonial wishes. They did not promote the interests of their communities.

At independence Zimbabwe lacked the necessary skills needed to run an efficient public administration system. The existing system lacked moral and ethical values. The

new government was largely composed of soldiers who did not have backgrounds in public administration and did not possess the skills to manage a reasonably well-established economy.

A case for leadership, ethics and disciplinary codes

Existing set-up

Existing guidelines on leadership, ethics and discipline in Zimbabwe are not comprehensive enough. The ruling party has talked of putting in place a leadership code which includes an important provision requiring government leaders and civil servants to publicly declare their assets. However, the code has never been implemented because of a lack of agreement on a definition for a leader. Moreover, it appears that current leadership is not committed to the resolution of this disagreement. Another inadequacy of the code as it currently stands is that it does not propose sanctions for those found to have used their positions to accumulate personal wealth.

There is a dispute between members of parliament and the private sector about the constitutional rights of each group when it comes to property ownership. Some politicians felt that it was not fair that they should be forced to declare their assets when private sector officials escaped such scrutiny. Some members of parliament clearly see little distinction between public and private resources.

There have been few attempts to generate codes for the public and private sectors. The Public Service Commission of Zimbabwe has a dress code and a very limited disciplinary code and there is nothing in the way of a culture of business ethics to inform the actions of the private sector. The private sector openly corrupts many members of the public sector without any disciplinary action being taken against them. There is a Prevention of Corruption Act but this is proving very difficult to implement. Our experiences in this area have been similar to those of the Independent Commission Against Corruption in New South Wales—we also have difficulty prosecuting offenders because of a lack of evidence that is admissible in a court of law.

Suggested set-up

A number of issues have been raised about the proposed leadership code in Zimbabwe. It is clear that the debate so far has not been as wide as it should have been; it has been primarily confined to the leadership of the ruling party. A leadership code has the potential to infringe an individual's constitutional rights in the area of property ownership so a wider consultation process is needed.

Parliamentarians

Zimbabwe has a one-chamber parliament that has a Standing Committee on Parliamentary Rules and Privileges. This Committee sets all the rules and regulations that govern the conduct of parliamentary business. I propose that this Committee be upgraded into an independent commission attached to parliament. Its members would be appointed for a

fixed term of office, along the lines of the the Nolans Commission established by the British parliament. I would suggest a term of six years for each commissioner but one-third of the commission's members should be rotated every two years. I would also propose that this Commission be constituted of nine members made up as follows.

- Three members to be drawn from retired judges, former staff members of the Ministry of Justice, Legal and Parliamentary Affairs, or former members of parliament (in the case of former staff members, candidates need to be at the level of Deputy Secretary/Director).
- Three members should be appointed from among community leaders such as chiefs and headmen (and other civic groups). This would facilitate the process of making the Zimbabwe Parliament a people's institution.
- The last three members should be appointed from business leaders and local non-governmental organisations. Again this is aimed at making this institution a people's parliament.

The members of the commission should be appointed by the president. Ratification of appointments or removal from the commission must require the support of at least three-quarters of the members of the full house.

The functions of this Commission would be to review all standing rules of parliament in line with Nolan's eight principles on the conduct of public officials and to discipline any member who breaches the rules. The Commission would assist in ensuring that members of parliament are indeed leading by example as was required of them before colonisation. It would also ensure that members of the public have another avenue of appeal when they are unhappy with the behaviour or performance of their representatives in parliament. This would strengthen checks and balances and make the parliamentary system more open. This body could also pressure members of parliament to better perform their role of educating people at the grass-roots level on their rights and obligations under parliamentary democracy.

Funding for the Commission should be decided by votes in parliament. The law establishing the Commission should contain clauses that prevent the executive or parliament from holding the Commission at ransom by starving it of financial resources. The Commission should put in place a program to educate new members of the need for integrity as well as to make them aware of how they could easily put themselves in compromising situations. The commission should act as a focal point for the development of national leadership ethics and disciplinary codes for the public sector to ensure consistency across both institutions.

Public sector workers

A major problem with the existing disciplinary code for public sector workers is that it is neither explained to officials when they join nor enforced. Some new members of staff do not even know that there are disciplinary and dress codes.

In my opinion, the whole area of management in the public sector needs to be looked at. Performance management approaches and corruption prevention techniques need to be incorporated along with mechanisms that promote the greater participation of workers. To produce the desired results from the economic reforms Zimbabwe is currently undertaking, there is a need for increased consultation among the stake holders. I propose that all public sector workers be treated as leaders regardless of their particular position. All such workers have status in Zimbabwe society

Public sector reforms that are not accompanied by the development of a comprehensive leadership code will be incomplete. I recommend the following procedures for establishing a leadership code.

- The Public Service Commission should request all ministries to submit proposals on the leadership codes by a specified date. The heads of ministries should approve these departmental leadership codes.
- In addition, a code of ethics for each respective section or department of a ministry should be developed and submitted to the Public Service Commission, approved by the head of the ministry.
- The last of the documents submitted to the Public Service Commission should be the sectional disciplinary code, approved by the head of the ministry.
- The Public Service Commission should go through the various documents lodged with the Commission with a view to suggesting modifications to either the sectional, departmental or ministerial codes in all three areas.
- Once the Commission has resolved any differences with ministries, it should submit copies of these documents or at least those that concern the overall ministry to the Commission on Parliamentary Rules and Privileges for moderation. This Parliamentary Commission should ensure that the various codes are consistent with the law as well as the various codes of parliament.

The other reason for submitting these documents to the Commission is to ensure transparency and enhance accountability, one of Nolan's principles of public ethics. We currently have a situation where a performance management policy has had no meaningful impact on improving productivity in the public service, despite its potential for doing so.. The reason has mainly been that the policy was adopted out of donor pressure and not because senior officials strongly felt a need for a change. Consequently, few people are committed to the policy. The implementation of the program has been subject to repeated delays.

Other issues that need to be dealt with include the administration of the code. Will it be implemented through committees or sub-committees put in place at the ministry and Public Service Commission level? There is a need for greater devolution of power, authority and responsibilities than is the case at the moment. There is also a need to ensure adequate checks and balances in the process of implementation of the resultant codes. The codes should be publicised throughout the public service. I propose that their contents

gradually be incorporated into the training modules of the whole civil service. The codes should be specific and practical and contain the requisite sanctions in the event of a breach. The implementation structure should not be too centralised, as is the current situation with performance management. The channels of appeal should be clearly laid out.

Private sector codes

In the case of the private sector the approach will need to be different. The institutionalisation of these codes should promote the development of a truly Zimbabwean business culture informed by current management principles. This view has been supported by prominent economists like Professor J. Stiglitz of the World Bank who has shown that the quality of a country's institutions determines the outcomes of that economy.³ A Zimbabwe business code of ethics needs to be consistent with the developments taking place in public service management.

Code of conduct have the potential to contribute to greater economic productivity by promoting more efficient resource utilisation. However, like public sector codes, wider consultation needs to take place in the formulation of these codes or standards.

Conclusion

Given the ever increasing competitive pressures created by globalisation, it is ever more imperative that governments put in place systems and rules to curb corruption. Corruption destabilises economies by causing the misallocation of scarce resources. We have to create open and efficient public and private institutions that can compete anywhere in the world. Codes of leadership, ethics and discipline are an important step in this process. There will always be truth in the age-old Shona saying, 'a big baboon should always fold its tail if it wants young ones to respect it'. We are all, at various times, young or old baboons.

The words of Professor J. Stiglitz (1998:18) makes an apt conclusion: '...capability is not destiny. States can improve their capabilities by reinvigorating their institutions. This means not only building administrative or technical capacity but instituting rules and norms that provide officials with incentives to act in the collective interest while restraining arbitrary action and corruption'.

Notes

¹ The position taken in this paper has been particularly influenced by the work of Moody-Stuart (1997).

² The description of the pre-colonial and post-colonial period is drawn from my own history education in high school and personal knowledge.

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