

# Parliamentary Oversight Assessment for Zimbabwe (2018-2022)

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# TABLE OF CONTENTS

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<b>List of Acronyms .....</b>	<b>5</b>
<b>Preface.....</b>	<b>8</b>
<b>Executive Summary.....</b>	<b>9</b>
Oversight as A Priority .....	13
Oversight Powers and Tools of Parliament.....	19
Oversight opportunities for opposition and/or minority MPs.....	26
Financial Oversight.....	30
Post Legislative Scrutiny .....	33
Relations with Other Actors to Conduct Oversight ..	37
The Research Process and Limitations.....	46

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<b>References .....</b>	<b>48</b>
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# LIST OF ACRONYMS

CF	Consolidated Fund	OECD	Organisation for Economic Cooperation and Development
COVID-19	Coronavirus disease of 2019	PAC	Public Accounts Committee
CSRO	Committee on Standing Rules and Orders	PCU	Parliamentary Programmes Coordination Unit
CZI	Confederation of Zimbabwe Industries	PDM	Public Debt Management
FGDs	focus group discussions	PFM	Public Finance Management
GAC	Government Assurances Committee	PLC	Parliamentary Legal Committee
KIIs	Key informant interviews	PLS	post-legislative scrutiny
IDEA	International Institute for Democracy and Electoral Assistance	PMOs	parliamentary monitoring organisations
ICTs	Information Communication Technology	PoZ	Parliament of Zimbabwe
ISP	Institutional Strategic Plan	POTRAZ	Postal and Regulatory Authority of Zimbabwe
LCC	Liaison Coordination Committee	PRC	Parliamentary Reform Committee
LDC	Law Development Commission	SIs	Statutory Instruments
M&E	Monitoring and Evaluation	TI Z	Transparency International Zimbabwe
MoFED	Ministry of Finance and Economic Development	ToC	Theory of Change
MPs	Members of Parliament	SAPST	Southern African Parliamentary Support Trust
NPRC	National Peace and Reconciliation Commission	SOs	Standing Orders
		SWOT	Strengths, Weaknesses, Opportunities and Threats

ZACC	Zimbabwe Anti-Corruption Commission
ZEC	Zimbabwe Electoral Commission
ZEPARI	Zimbabwe Economic Policy Analysis and Research Institute
ZGC	Zimbabwe Gender Commission
ZIMCODD	Zimbabwe Coalition on Debt and Development
ZRHC	Zimbabwe Human Rights Commission



# PREFACE

Transparency International identifies parliamentary oversight as an area of intervention to enhance accountability by oversight institutions. With this in mind, Transparency International Zimbabwe (TI Z) is motivated to contribute towards a multi-country analysis of the state of parliamentary oversight.

The oversight powers of Parliament are enshrined in the Zimbabwean constitution, and citizens and their organised formations are more familiar with this role in the areas of financial management of public funds, through the national budget outreach processes. Over and above the constitution there are several statutes elaborating parliament’s oversight role on specific areas, such as the Public Debt Management Act, and related subordinate regulations. The Privileges, Immunities and Powers of Parliament Act and the National Assembly Standing Orders guide the oversight process and guarantee MPs freedom of speech and debate in parliamentary proceedings, protecting them from impeachment or questioning in any court or place outside Parliament.

Whilst the regulatory framework for the oversight process exists, civil society is alive to the fact that there is room for improvement by reviewing it so that it evolves to meet global best practices and delivers on citizens’ expectations for transparency and accountability from their duty bearers. This is the spirit in which we publish this report, which is testimony of our commitment to supporting the work of Parliament in several specific areas, which include but are not limited to:

- Technical assistance through research and training in areas to be identified jointly

- information exchange on sector-specific best practices on preventing and combatting corruption to develop a common understanding of corruption

This report reveals the challenges and opportunities with the status quo with parliamentary oversight in Zimbabwe, such as resource constraints, political interference, and technical capacity limitations. It also explores opportunities for strengthening oversight mechanisms, such as enhancing transparency, accountability, and more inclusive citizen public participation, which offer potential solutions to these challenges. Viewed together with the experiences and recommendations from different countries, we hope that this report will spur the institution to implement reforms to strengthen its oversight role in specific areas.

In publishing this report, we are grateful for the opportunity to work with the African Parliamentarians’ Network against Corruption (APNAC) and look forward to implementing more mutually beneficial activities.



**Tafadzwa Chikumbu**  
**TI Z Executive Director.**

# EXECUTIVE SUMMARY

## Country: Zimbabwe

### Assessment period: 2018-2022

This assessment gauges the strength of oversight of the 9th Parliament of Zimbabwe during its tenure. Parliamentary oversight, which is one of the three main functions of Parliament apart from representation and law-making, is defined as the means by which parliament and parliamentarians, on behalf of the people, hold the government to account. The assessment was based on secondary research, Key informant interviews (KIIs) and a focus group discussion (FGD). It assessed the legal framework, practice and impact of oversight across six pillars:

- i. Oversight as a priority for Parliament
- ii. Oversight powers and tools for Parliament, which looks at various mechanisms such as access to information, summons, oral and written questions, committees of enquiry, vote of no confidence, impeachment, and approval in appointment or dismissal of independent institutions' members.
- iii. Oversight opportunities for opposition and independent MPs
- iv. Financial oversight
- v. Post-legislative scrutiny

- vi. Relationship with other actors to conduct oversight.

To gather and analyse data for the assessment, the researchers used a tool developed by Transparency International. It uses a system of scores for each of the aforementioned pillars, where '1' is the score for non-existent capacity in a particular indicator, and '5' represents very strong capacity.

**Table 1 Scores**

1 = non-existent
2 = weak
3 = basic
4 = strong
5 = very strong



According to the assessment findings, there is a generally strong legal framework for parliamentary oversight. Most pillars, except for provisions on post-legislative scrutiny were found to be strong. The legal framework for oversight is mainly provided in the constitution of Zimbabwe, and by various pieces of legislation such as the National Assembly Standing Orders (SOs), the Privileges, Immunities and Powers of Parliament Act, and the Public Finance Management Act [Chapter 22:19] to name a few. This is complemented by a policy framework which includes the Parliament 2018-2023 Institutional Strategic Plan (ISP). The legal and policy framework makes available to MPs tools such as questions, summons and sanctions for non-attendance by members of the Executive and other officials.

However, the practice and impact of oversight by Parliament is a mixed bag, with most findings indicating weak to basic oversight practices. This could be attributed to various challenges identified in the assessment. For instance, there is the politicisation of oversight as MPs are under threat from constitutional provisions on possible recall by political parties for failing to toe party positions. The whipping system has also led to Parliamentarians losing independence from the Executive and political parties when conducting oversight activities. In addition, there is recalcitrance by the Executive to implement committee recommendations – coupled with a lack of structured mechanisms to follow up with the Executive on the same. Opposition and independent MPs are also not afforded adequate opportunities to influence oversight, with some of the related challenges intensified by political polarisation, leading to fatigue among MPs to rigorously probe the Executive. Parliament is also weak in mainstreaming gender in its oversight despite a clear institutional gender policy that supports this goal. Many of these deficiencies are acknowledged in the institution's ISP as needing redress.

In its external relations, Parliament successfully engages with other oversight bodies. It also proactively consults interest groups when conducting oversight and is open to added support from non-state actors, with partnerships sealed in memorandums of understanding (MoUs). An open-door approach is complemented by regular updates through various communication mediums of its ongoing oversight activities. Despite these successes, some challenges with external engagements exist concerning limited resources for Parliament to carry out its own extensive outreach, beyond conducting physical public hearings on specific issues. In comparison to organised civil society, the general public cannot confidently engage with Parliament, illustrating the need for civic education on the institution's role. Whilst the institution is open to everyone with the necessary requirements at entry points, the facilities in the old Parliament building reportedly provided challenges for easy participation of specific groups such as people with disabilities (PWDs) and pregnant women. Some stakeholders perceive that Parliament's external engagements on oversight largely depend on the proactive efforts of pressure groups. They however recognise the individual initiative of some MPs' interest in specific issues as driving oversight.

To address the major gaps identified, the assessment promotes a range of best practices and reforms to be undertaken. For example, Parliament should prioritise oversight as one of its main functions, including annual reviews and skills development tailored to enhance capacity in oversight. MPs should be able to conduct oversight effectiveness without fear of losing office i.e., by reviewing the usefulness of the whipping system and amending provisions on the power of recall. They should ensure there are follow-up mechanisms on committee recommendations and mainstream gender in oversight. They should also improve financial oversight by

Parliament in line with international standards, for instance, through the submission of the budget three months before the start of the financial year. Lastly, they should establish measures to guarantee post-legislative scrutiny.

Based on this assessment, it is plausible to assert that the strength of parliamentary oversight in Zimbabwe is basic, needing the adoption of several reforms or the application of best practices to complement measures already identified and promoted in the ISP.

## Country Context

Zimbabwe is governed as a Presidential Republic. Under this system, the President, who is directly elected by the public, serves as both the Head of State and the Executive.<sup>1</sup> The Parliament is bicameral, consisting of a 270-member National Assembly, and an 80-member Senate. It holds legislative and rule-making power,<sup>2</sup> as well as playing the oversight role of scrutinising “the policies and activities of the Executive, to hold the Executive to account for its actions.”<sup>3</sup>

The Parliament under assessment (the Ninth since Independence) was elected in synchronised parliamentary and presidential elections held on 30 July 2018 to elect members of both houses of Parliament. This election followed a military-led intervention

in November 2017 to remove former President Robert Mugabe who had been in power since independence in 1980, replacing him with incumbent Emmerson Mnangagwa. The political situation over the last 2 to 3 decades has been characterised by severe crackdowns by the ruling Zimbabwe African National Union Patriotic Front (ZANU-PF) on the political opposition, critical media, and other sources of dissent, amid factional divisions within ZANU-PF's own ranks.<sup>4</sup> After an initial period of improvement following Robert Mugabe's removal, ZANU-PF intensified its enforcement measures again to consolidate authority.<sup>5</sup> The Global State of Democracy Index for 2021 placed Zimbabwe in the category of countries described as ‘authoritarian’.<sup>6</sup> On the other hand, the 2021 Mo Ibrahim Index of African Governance scored Zimbabwe 48.1 out of 100.0 in Overall Governance.<sup>7</sup> Noteworthy areas from the Mo Ibrahim Index related to the role of Parliament show that Zimbabwe scored lower than the African average in the areas of Inclusion and Equality; Rights, and Accountability<sup>8</sup>

<sup>1</sup> [https://www.worldatlas.com/articles/what-type-of-government-does-zimbabwe-have.html accessed 1/5/2023]

<sup>2</sup> https://www.worldatlas.com/articles/what-type-of-government-does-zimbabwe-have.html

<sup>3</sup> Austin Zvoma Presentation on The Role and Function of Parliament and Mandate of Committees of Parliament' LCC/Front Bench Retreat, Wild Gees Lodge, Harare 22 March 2010

<sup>4</sup> Freedom House, Zimbabwe Profile on 'Freedom in the World 2022' on [https://freedomhouse.org/country/zimbabwe/freedom-world/2022 accessed 1/5/2023]

<sup>5</sup> Ibid.

International Institute for Democracy and Electoral Assistance (IDEA) 'The Global State of Democracy Indices' [https://www.idea.int/gsod-indices/democracy-indices accessed 4/5/2023]

Mo Ibrahim Foundation 'Ibrahim Index of African Governance - IIAG', [https://iiag.online/data.html?meas=GOVERNANCE-\_1&loc=ZW&view=table&subview=score&range1from=2012&range1to=2021&range2from=2017&range2to=2021&showLowest=true&showHighest=true&showHighlights=true&showFullContext=false&showAAT=false accessed 1/5/2023]

Ibid.



## THE FINDINGS

## OVERSIGHT AS A PRIORITY

### KEY FINDINGS

The first pillar of the the assessment focused on **whether oversight is a priority for the Parliament of Zimbabwe (hereafter PoZ) based on legal framework and practice**. Firstly, for oversight to be a priority, there is a need for clearly established legal provisions that stipulate oversight as a main function of Parliament which the assessment found to be basic. This is because the 2013 constitution in its Section 119 on the Role of Parliament does not explicitly cite oversight as one of the main functions of parliament. The constitution tends to focus on the legislative role of parliament, more than on oversight i.e. in Part 6 on Legislative and other Powers. The only explicit references to the oversight powers of Parliament are in relation to specific issues i.e., oversight over the security services in section 207 (2) and section 299 on Parliamentary oversight of State revenues and expenditure.<sup>9</sup> On the other hand PoZ's National Assembly Standing Orders (SOs) do focus on the oversight role of parliament but do not clearly articulate it as a main function of Parliament beyond enabling citizens to petition parliament as part of that role.<sup>10</sup> Furthermore, as will be shown in the rest of this assessment, various pieces of subsidiary legislation expressly outline the oversight functions of parliament in specific areas.

Outside the legal framework, oversight is included in the strategic objectives or goals of the Parliament 2018-2023 Institutional Strategic Plan (ISP). This document includes oversight in the PoZ strategic objectives, as well as Key Result Area (KRA) # 1 on "Effective oversight on all institutions and agencies of the State and government at every level". Furthermore, the ISP includes "effective analysis, scrutiny and approval of the National Budget" as KRA # 4. The theory of change (ToC) of the ISP also includes improved oversight capability as one of its intended outcomes.<sup>11</sup>

It is also possible to assess oversight as a priority for Parliament by looking at *actual practice* (the de facto position) and the related impact. This can be assessed by **the extent to which Parliament has established oversight as one of its main activities**. According to MPs at an FGD held in Harare on 17 August 2022, there is training for groups of MPs, as all the committees carried out induction at the beginning of the 9<sup>th</sup> Parliament's tenure. However, they stressed that whilst there is capacity building in place for portfolio committees, there is none tailored for *individual* MPs, suggesting that they perceived a gap in terms of their continuous professional development. They explained that individual MPs need to be capacitated so that they deliver fully on the idea of holding the Executive to account, mainly because of Section 129 (k) of the constitution and the whipping system inherited at independence from the colonial era Parliamentary system.<sup>12</sup> In principle, oversight skills may be strengthened through

<sup>9</sup> Government of Zimbabwe (2018) 'Zimbabwe Constitution. p.79 and 107

<sup>10</sup> Parliament of Zimbabwe's National Assembly Standing Orders 2020

<sup>11</sup> Ibid. p.12

<sup>12</sup> FGD at Cresta Oasis Hotel, Harare, with APNAC MPs in Harare on 17 August 2022

training courses, encouraging parliamentarians to prioritise oversight in addition to their legislative and representational responsibilities.<sup>13</sup>

MPs' skills can be strengthened through tailor-made training courses, which will encourage parliamentarians to prioritise their oversight responsibilities.



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### Case Study

An example of capacity building for portfolio committees which was highlighted in the FGD is an induction seminar for MPs which took place between 24 and 25 September 2018, after they were sworn in.<sup>14</sup> Participants said the meeting was basically an induction course which was limited to the basic functions and procedures of Parliament. In addition, one respondent asserted that the workshop did not add much value as in retrospect, many MPs have not been actively tracking proceedings in Parliament. The respondent added that there was further training in the last half of the Parliament's tenure, aimed at enhancing MPs' capacity in committee work but this was probably 'too late' for meaningful impact considering that incumbents were already in election campaign mode. However, in the respondent's view, the imminent high turnover of up to 60% of MPs from the 9<sup>th</sup> Parliament (due to changes at the party level) would in the short to medium term justify thorough orientation on the issue of oversight for a high number of new MPs.<sup>15</sup>

To further explore the extent to which oversight is a priority for individual MPs, section 129 (k) of the constitution on Tenure of seat of Member of Parliament deals with the power of recall of political parties by stipulating that the seat of an MP becomes vacant "if the Member has ceased to belong to the political party of which he or she was a member when elected to Parliament and the political party concerned, by written notice to the Speaker or the President of the Senate, as the case may be, has declared that the Member has ceased to belong to it".<sup>16</sup> The whipping system on the other hand, "is practised when passing or amending laws or debating a motion where MPs are "whipped" or instructed by their political parties to follow a certain line of debate... failure to toe the political party line results in the said party recalling the MP from Parliament, yet one would have been elected by the people."<sup>17</sup> The dual challenge of Section 129 (k) and the whipping system undermines MPs' independence by making them reluctant to go against political party lines and effectively participate in debates is particularly acknowledged as

<sup>13</sup> Inter-Parliamentary Union (IPU) and the United Nations Development Programme (UNDP) (2017) 'Global Parliamentary Report 2017' Publisher: UNDP p.37

<sup>14</sup> See comments by Hon. Nyashanu in the Hansard Parliament of Zimbabwe Thursday, 27th September 2018 p.12

<sup>15</sup> Structured interview with MP 15 May 2023

<sup>16</sup> Government of Zimbabwe (2018) 'Constitution of Zimbabwe' As amended up to 31st December 2018 Published by Veritas p.54

<sup>17</sup> Lulu Brenda Harris (2019) 'Whipping system emasculating Parliament?' Centre for Innovation and Technology (CITE) [<https://cite.org.zw/whipping-system-emasculating-Parliament/> accessed 11/5/2023]

a problem in Parliament's ISP.<sup>18</sup> In this view, the PoZ 2018-2023 ISP included the whipping system as one of the institution's threats in its SWOT (strengths, weaknesses, opportunities, and threats) analysis.<sup>19</sup> Closely linked to this, the literature reveals that Part (b) of Section 109 of the constitution on 'Vote of no confidence in Government' obliges the President to dissolve Parliament and, within ninety days, call a general election.<sup>20</sup> In theory, this has a chilling effect on Parliament's ability to independently play its oversight role on the Executive arm of government if incumbents feel their tenure is threatened. As a result of all these factors, it is argued that parliamentarians tend not to prioritise their oversight role in practice, as a way to preserve their positions.

On **whether parliament had reviewed its capacity within the preceding 5 years**, the assessment found that the aforementioned ISP document included a SWOT analysis of the institution which highlighted prevailing capacity challenges such as limited facilities (e.g. constrained office space, outdated ICT infrastructure and interpretation equipment); inadequate programme funding; limited facilities for greater participation of people with disabilities (PWDs) and low levels of Information Communication Technology (ICT) literacy among other issues - as well as strategies to address these deficiencies. Linked to this, the organisation also has a Monitoring and Evaluation (M&E) Division under the Parliamentary Programmes Coordination Unit (PCU) which among other things develops the institutional M&E framework for Parliament's Development Partner and government-funded projects in accordance with the ISP.<sup>21</sup> This means PoZ does have a systematic framework for reviewing its capacity in general. However, where the topic of oversight specifically is concerned, the assessment could not find evidence of an institutional annual review or report on parliamentary oversight, which can allow parliamentarians to take stock of what they achieved in the previous year, and what needs to improve in this area.

The **percentage of MPs in the lower house who actively asked questions or probed the government on any matter** was also used as an indicator of oversight in action. However, the FGD found it difficult to express a clear percentage, with some citing constraints presented by Section 129 (k) as a reason for limitations in probing the government. Similarly, Parliamentary staff present were also unable to express a clear percentage on this question, so a definitive score was not possible. The assessment puts this down to a lack of collated and analysed data on oversight activities accessible to the FGD participants.

Other factors may also have contributed to the difficulty in FGD participants not expressing clear positions on the attainment of milestones in oversight. First, the ISP includes a milestone for integrating the PCU (and by implication its component parts like the M&E Division) into the parliament structure, as well as the development and implementation of a parliament-wide M&E system.<sup>22</sup> This might imply that the M&E Division was mainly a mechanism for tracking the implementation of specific issues, and

<sup>18</sup> Parliament of Zimbabwe (2019). Institutional Strategic Plan for 2018-2023 (Parliament of Zimbabwe: Harare) pages 5, 33, 37 and 38  
<sup>19</sup> Parliament of Zimbabwe (2019). Institutional Strategic Plan for 2018-2023 (Parliament of Zimbabwe: Harare) p.7

<sup>20</sup> Ibid. p.45

<sup>21</sup> PoZ web page on Vision of the Parliamentary Programmes Coordination Unit (PCU) [<https://partzim.gov.zw/parliamentary-program-coordination-unit-pcu/> accessed 6/6/2023]

<sup>22</sup> Parliament of Zimbabwe (2019). Institutional Strategic Plan for 2018-2023 (Parliament of Zimbabwe: Harare) P.26

was yet to be fully adapted to measuring the impacts of oversight and providing MPs with regular updates on the same.<sup>23</sup> In this case, it would have been focused on tracking implementation for Development partners and government-funded projects, as highlighted in the preceding paragraph. Second, whilst the Parliament website states that the M&E division is tasked with producing quarterly, termly and annual progress reports, the extent to which these focus on oversight was not clear during the assessment. To its credit, PoZ included some measures related to oversight in its ISP, but these cover only a few areas focused on the *demand* side of oversight, namely MPs' contributions during enquiries, their contributions during debates and in the House and Committees,<sup>24</sup> and counting the number of budget performance reports from committees.<sup>25</sup>

The assessment also analysed **the extent to which Parliament continued exercising its oversight role during national crises in the preceding 5 years** which was scored as basic in view of the nature and impacts of the various crises in which the country had gone through, each which merited a different operational approach to continued oversight activities. For example, MPs in the FGD highlighted that the Social Welfare and Infrastructure committees were '*on the ground*' and afterwards in the House of Assembly' playing their oversight role when Cyclone Idai struck in March 2019.<sup>26</sup> In contrast to this sentiment, one MP described the two or so years of COVID-19 lockdowns as 'lost years' in the tenure of the 9<sup>th</sup> Parliament, because the initial lockdown directives tended to 'deactivate' Parliament as it was viewed as a 'non-essential' service despite its constitutional mandate. In the respondent's view, Parliament could therefore not carry out thorough scrutiny of COVID-19 expenditures and activities during this time, only managing to continue sessions virtually after almost a year's hiatus.<sup>27</sup>

Regarding the assessment of Parliamentary oversight's influence on the transparency and accountability of the Executive during the preceding five years, the FGD seemed to suggest that there might be room for improvement in Parliament's oversight effectiveness. They cited challenges such as some ministers not attending parliamentary sessions when summoned, being reluctant to respond to questions, self-censorship by MPs due to Section 129 (k) and the whipping system; leading to fatigue among MPs to rigorously probe the Executive arm of government.<sup>28</sup>

### Areas and Opportunities for Improvement

Considering the preceding issues **a key area for improvement which presents an opportunity for action is the weakened or ineffective oversight role MPs currently play on the Executive mainly due to the combined effects of section 129 (k) of the Constitution, and the whipping**

<sup>23</sup> The current mission of the PCU summarised on the PoZ website would suggest that it focuses mainly on the management of, and M&E reporting for Parliament's projects, in particular those funded by the government and development partners; in addition to coordinating CSO support.

<sup>24</sup> Ibid. p15

<sup>25</sup> Ibid. p.23

<sup>26</sup> FGD at Cresta Oasis Hotel, Harare, with APNAC MPs in Harare on 17 August 2022

<sup>27</sup> (MP interview 1, 2023)

<sup>28</sup> Ibid.

**system.** One school of thought from the literature asserts that a central weakness of the power of recall in Zimbabwe is the lack of legislative guidance for the process, which has left the relevant provisions in the constitution open to interpretations by the Speaker and President of the Senate, as well as judges in the courts of law.<sup>29</sup> In this regard, a review of specific court cases linked to this issue in the literature, suggests that “the Speaker and the President of the Senate, as well as the courts, have taken a position that tilts in favour of political parties. Affected MPs are [therefore] always on the losing end”<sup>30</sup> (brackets ours).

Another perspective says that the whipping system “belongs to [a] time when class identities [in the United Kingdom where it originates from] were stronger, and two parties took the vast majority of the votes”<sup>31</sup> (brackets ours). To use this logic about binary class or other societal differences in Zimbabwe’s context, the whipping system is a colonial-era instrument where a segment of the population (albeit a demographic minority, exercising the political power of a majority) deliberately excluded the majority from the governance matrix on the basis of race. However, in the jurisdictions where it is practised, some critics now assert that it is redundant in an increasingly complex political world, where debates do not *‘neatly divide between two poles.’*<sup>32</sup> In other words, MPs in the present day need to take into account multiple, concurrent and complex historical, social, economic and political dynamics making demands on them, over and above the party line. The whipping system may therefore no longer be in sync with the needs of today where the priority of elected officials should primarily be to serve their constituents. If reviewed, therefore, it offers opportunities for improving the quality of Parliamentary democracy in Zimbabwe.

### Recommendations

- The Constitution and SOs must be amended to clearly articulate oversight as one of Parliament’s objectives.
- The PoZ M&E Department should regularly prepare (and publish) annual reviews on the institution themed on oversight to help MPs (and indeed citizens who voted them in) to take stock of what they achieved on oversight in the previous year, and what needs to improve i.e., following the example of the South African Parliament, which publishes an annual review report with a specific section assessing the performance of parliament in oversight (see Figure 1 below). These reviews must include more comprehensive measures specific to oversight to track the achievement of objectives already captured in the current ISP document, in particular, Objective 1.1: “Hold all institutions and agencies of the state and government at every level accountable to Parliament.” which is under KRA # 1, and Objective 4.1 “Approve and monitor the national budget.” Under KRA # 4.<sup>33</sup> More specifically, these measures must adopt additional indicators focusing on the *supply* side of oversight (i.e., the degree of

<sup>29</sup> Alex Magaisa May 2, 2020 BSR: Critical analysis of the law of Parliamentary recall [<https://bigsr.africa/bsr-critical-analysis-of-the-law-of-Parliamentary-recall-d38/> accessed on 4/3/2023]

<sup>30</sup> Magaisa, A., (May 2, 2020) ‘BSR: Critical analysis of the law of Parliamentary recall’ [<https://bigsr.africa/bsr-critical-analysis-of-the-law-of-Parliamentary-recall-d38/> accessed on 4/3/2023]

<sup>31</sup> James Graham and Julian Baggini (14 September 2016) ‘The Duel: Should party whips be abolished?’ [<https://www.prospectmagazine.co.uk/regulars/43304/the-duel-should-party-whips-be-abolished> accessed 11/5/2023]

<sup>32</sup> Parliament of Zimbabwe (2019). Institutional Strategic Plan (ISP) for 2018-2023 (Parliament of Zimbabwe: Harare) pages 15, and 22-23.

<sup>33</sup> Parliament of Zimbabwe (2019). ISP pages 15-16



*responsiveness* by the Executive to parliamentary oversight) rather than merely the demands made on the Executive by MPs.

- In addition to the oversight review, PoZ needs to conduct capacity building for individual MPs so they can deliver on the idea of holding the Executive arm of government to account. Indeed, the theory of change in the PoZ 2018-2023 ISP recognises that strengthening Parliamentarians' individual capacity will lead to improvements in its oversight capabilities among other things.<sup>34</sup>
- Parliament must also adopt the necessary innovations such as leveraging ICTs to ensure the business of Parliament continues remotely where physical meetings are not possible due to public emergencies.

Additional M&E indicators can be introduced, focusing on the *supply* side of oversight (i.e., the degree of *responsiveness* by the Executive to parliamentary oversight)



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<sup>34</sup> Parliament of Zimbabwe (2019). ISP (Parliament of Zimbabwe: Harare) p.12

Figure 1 Example of a Parliamentary Annual Report on Oversight Performance



Images: Parliament of the Republic of South Africa (2023)

## OVERSIGHT POWERS AND TOOLS OF PARLIAMENT

### KEY FINDINGS

Zimbabwe’s Parliament has strong powers and tools to oversee government activities and ensure there are checks and balances against the Executive. The framework provides tools such as questions to the Executive (and other oversight institutions) by MPs; the obligation by specific members of the Executive to attend and answer questions; powers to summon individuals to give evidence or be examined, sanctions on individuals for failure to attend, and punishments and penalties by law for perjury before parliament.

From the outset, it's important to highlight that oral and written questions are treated the same. This is because the SOs only refer to 'questions' without distinguishing their format. The SOs only differentiate how questions to which oral answers are required must be indicated upon submission to the Clerk in Parliament in section 68 (1).<sup>35</sup> Briefly, section 140. (3) of the Constitution stipulates that the President may attend Parliament to answer questions on any issue as may be provided in the SOs.<sup>36</sup> Accordingly, the SOs state in 68. (2) that "Questions may be put to the Vice President or Minister relating to public affairs with which the Vice President or Minister is officially connected, or to proceedings in the House or any matter of administration for which the Vice-President or Minister is responsible."<sup>37</sup> Furthermore, "every Vice President and Minister must attend Parliament and Parliamentary committees to answer questions concerning matters for which he or she is collectively or individually responsible" in section 27. (1) of the SOs entitled 'Government to respond to Committee reports'.<sup>38</sup>

The obligation to respond to the questions in 27. (1) is supported by 68 (10) of the SOs which states that the President may attend Parliament to answer questions on any issue as provided for in section 140 (3) of the Constitution at the request of Parliament. Furthermore, the SOs in Section 177 (3) under 'Presidential Addresses and Messages to Parliament', say the President must answer questions on any issue at least once a year through arrangements made by the Speaker and President of the Senate.<sup>39</sup> Lastly, in 68 (7) of the SOs MPs are entitled to receive up to four oral replies to their questions by any one Minister on any one day other than questions by private notice - which also implies obligation.<sup>40</sup> However, both the constitution and the SOs are silent on the specific period within which oral and written questions must be responded to.

The assessment also **evaluated Parliament's powers to summon ministers and other government officials in chambers (interpellations) on national matters, as well as summons by committees to government representatives.** Section 26 (a) to (b) of the SOs gives a select committee the power to summon any person (except the President) to appear before it to give evidence on oath or affirmation.<sup>41</sup> Part IV of the Privileges, Immunities and Powers of Parliament Act (also included as Appendix C of the SOs) lays out this in greater detail. Briefly, it explains the process of how Parliament or a committee may (subject to specific exceptions) order by way of a summons any person attending before it to give evidence or be examined upon oath or solemn affirmation or declaration.<sup>42</sup>

There are strong provisions on sanctions for failure to attend implied in 120 (2) of the SOs which specifies that "Any Vice President, Minister or Member who wilfully disobeys any lawful order of the House or violate any provisions of these SOs shall be charged with contempt of Parliament and the

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<sup>35</sup> Parliament of Zimbabwe's National Assembly Standing Orders (Parliament of Zimbabwe: Harare) p.45

<sup>36</sup> Government of Zimbabwe (2018) 'Zimbabwe Constitution'. p150

<sup>37</sup> Parliament of Zimbabwe's National Assembly Standing Orders. p45

<sup>38</sup> Parliament of Zimbabwe's National Assembly Standing Orders p17

<sup>39</sup> Ibid. p96

<sup>40</sup> Ibid. p46

<sup>41</sup> Ibid. p16

<sup>42</sup> Privileges, Immunities and Powers of Parliament Act [Cap 2:08] p4-5

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provisions of the Privileges, Immunities and Powers of Parliament Act shall apply."<sup>43</sup> Further strong sanctions are also included in section 19 of this Act which stipulates that anyone wilfully and corruptly giving before Parliament or a committee false responses to questions put to him/her shall be guilty of an offence and liable to the punishments and penalties prescribed by law for perjury.<sup>44</sup>

As regards practice and impact, there is a basic capacity for Parliament and its committees to **summoning members of the Executive in chambers to provide information on a particular matter**. As the paragraphs below in this section will show, senior members of the Executive negatively impact this oversight capacity through non-attendance or resorting to delegated authority when Parliament summons them to provide information. Closely linked to this, the practice of Parliament to censure ministers or other officials for their misconduct is basic. Notwithstanding several actual recorded instances of censure noted in the literature however,<sup>45</sup> participants in the FGD asserted that the SOs were 'weak' in terms of punitive measures after instances of misconduct by members of the Executive have been noted, hence the impact of the motion(s) of censure is questionable.<sup>46</sup> In contrast, over the past 5 years, Parliament practised using the vote of no confidence or impeachment strongly, given the example of Tuesday, 21st November 2017 when the National Assembly met to discuss a motion for the removal of former President Robert Mugabe from office in terms of Section 97 of the 2013 Constitution.<sup>47</sup>

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<sup>43</sup> Parliament of Zimbabwe's National Assembly Standing Orders (2020) p70

<sup>44</sup> Privileges, Immunities and Powers of Parliament Act [Cap 2:08] p8

<sup>45</sup> In the Hansard of Wednesday, 19th October 2022 (p.57-58) Hon. Miswa refers to the censure of members of the Cabinet and Deputy Ministers who were not coming to Parliament. Also include the case study on the discussion on the purchase of Fire Tenders from Belarus in the Hansard of 14th July 2022 above.

<sup>46</sup> FGD at Cresta Oasis Hotel, Harare, with APNAC MPs in Harare on 17 August 2022

<sup>47</sup> Parliament of Zimbabwe (2022) 'The Hansard, Tuesday, 21st November 2017' Harare: Parliament of Zimbabwe

### Case Studies

There are several examples of the challenges linked to using oral questions and summoning members of the Executive to respond to questions in parliament.

The first is the procurement of fire tenders from Belarus.<sup>48</sup> The Hansard of Thursday, 14<sup>th</sup> July 2022 captured discussions on this procurement, where the Deputy Minister of Local Government and Public Works was in attendance to respond to questions, instead of the senior, incumbent Minister.<sup>49</sup> MPs raised concern that the fire tenders were purchased without competitive bidding, contrary to stipulations in public procurement legislation, in a manner which saddled the country with contingent liabilities without Parliamentary approval; whilst the money used to purchase them came from devolution funds which should only be spent by local authorities and provincial, not central government.<sup>50</sup> Nonetheless, no action was taken to consider reservations from MPs thereby suggesting that summoning members of the Executive by Parliament currently does not improve transparency and accountability of government on these matters.

The second relates to the Public Accounts Committee (PAC) being tasked to examine a special audit report on the financial management and utilization of public resources in combating COVID-19 in the country as part of its oversight function over the Executive arm of government. The PAC observed that the Ministries cited in the report could not provide ready answers to the Committee's probing questions. "Equally disturbing is the fact that despite the Ministry officials' undertakings to submit the required information within mutually agreed timeframes, this was not complied with leaving the Committee with no option but to finalise its Report without the information sought."<sup>51</sup> So, whilst a Parliamentary committee did summon government officials to provide information during their investigations, there was a lack of response from the Executive arm of government and no follow-up actions were initiated – thereby limiting the impact of oversight.<sup>52</sup>

On the other hand, ad hoc committees play a crucial role in parliamentary proceedings. They provide a focused approach to addressing specific issues, ensuring that all aspects are thoroughly examined and considered. An example of an ad hoc committee established during the 9<sup>th</sup> Parliament to analyse the Zimbabwe Electoral Commission (ZEC) 2022 Delimitation Exercise is a testament to this critical function being played in the period under review.

<sup>48</sup> Ibid.

<sup>49</sup> On the day, Hon. Mahlangu and Hon. Banda and Hon. Zwizwai p.87-88 all raised concerns that the incumbent minister was always unavailable and that it was high time he came to directly answer to the concerns of the house.p.69 and p.80.

<sup>50</sup> Ibid. p 48-98

<sup>51</sup> Public Accounts Committee (PAC) of the Parliament of Zimbabwe (2022) Report on the COVID-19 pandemic financial management and utilisation of public resources in the country's provinces by MDAs. Fourth session – ninth Parliament p.3

<sup>52</sup> Public Accounts Committee (PAC) of the Parliament of Zimbabwe (2022) Report on the COVID-19 pandemic financial management and utilisation of public resources in the country's provinces by MDAs. Fourth session – ninth Parliament

Parliament has basic **involvement in the appointment of members of independent institutions such as the judiciary, independent commissions and the supreme audit institution**. Parliament interviews candidates for these institutions, and though their recommendations are usually considered, they do not have a final decision on the appointment. In addition to the above, Parliament plays no role in the dismissal of members of these institutions. In such circumstances, given this complexity, it may be somewhat nuanced to assert that Parliament has made significant strides in improving impartiality and fairness in any appointment and dismissals of members of these institutions in the 5 years preceding the assessment. In the FGD MPs asserted that the list of candidates shortlisted by Parliament is further vetted in terms of security, political affiliation and other considerations so the legislators' list is not independent even though commissioners must ultimately report to Parliament. Furthermore, there is no set threshold for the size of the shortlist sent to the President, which in theory further weakens Parliament's role in the appointment of members of independent commissions and related institutions.<sup>53</sup>

The assessment finds **the practice of Parliament in tracking and following up on the Government's responses to its oversight activities** is basic. Citing examples, the MPs' FGD asserted that there is now fatigue among MPs because Ministers did not actively respond to committee reports and recommendations, despite numerous follow-ups.<sup>54</sup> This lack of government response to oversight activities is a concern, and there is a need for a more systematic approach to ensure that the Executive accounts to Parliament for its actions in line with its constitutional role. FGD participants said that many issues of priority to Parliament die a natural death when members of the Executive ignore committees. To complicate matters the lack of a central tracking mechanism to follow up on oversight actions, results in MPs sometimes raising issues in the House which have previously been tabled or even resolved.<sup>55</sup>

Parliament also showed basic **capacity in mainstreaming gender in its oversight activities**. Here mainstreaming speaks to integrating gender analysis across all committees and Parliamentary work by assessing the implications of planned policy action and existing legislation and programmes for people of different genders. The assessment found that currently, the mandate for mainstreaming gender is mostly with portfolio committees that deal with gender instead of finding it across all the other portfolios. One CSO asserted that the Committee on Women's Affairs is the one actually credited with addressing gender issues albeit as a standalone structure which makes it difficult to mainstream gender throughout the oversight process.<sup>56</sup> Furthermore, it was asserted that MPs require more sensitisation to fully grasp the concept of gender mainstreaming. They attribute the lack of gender mainstreaming partly to the whipping system which they say limits MPs' ability to mainstream it whilst playing an effective oversight role.<sup>57</sup> Indeed, during the FGD some participants tended to conflate the representation of women in Parliament with gender mainstreaming. For them, it seemed sufficient to

<sup>53</sup> FGD at Cresta Oasis Hotel, Harare, with APNAC MPs in Harare on 17 August 2022

<sup>54</sup> Examples given of issues ignored by members of the Executive included follow-ups with the Minister of Agriculture committed to providing drilling rigs to specific constituencies to address a water crisis due to contamination of water sources, and the request to another Minister to address the traffic safety infrastructure on the stretch of road between Harare Showgrounds and Snake Park in Harare. FGD at Cresta Oasis Hotel, Harare, with APNAC MPs in Harare on 17 August 2022.

<sup>55</sup> FGD at Cresta Oasis Hotel, Harare, with APNAC MPs in Harare on 17 August 2022

<sup>56</sup> CSO interview 1, 2022

<sup>57</sup> CSO interview 1, 2022

have women represented in Parliament, with a specially dedicated committee themed on women's issues as evidence of gender mainstreaming in Parliamentary oversight.

The challenge with MPs fully understanding gender mainstreaming stands in stark contrast to the existence of an institutional gender policy which speaks in great detail not only about mainstreaming of gender at the institutional level, but the incorporation of gender in Parliament's legislative, oversight and representative roles.<sup>58</sup> Notwithstanding this observation, CSOs engaged in the assessment acknowledged instances where Parliament's oversight activities have influenced the mainstreaming of gender in government policies. Examples given include the production of a gender budget statement by the Ministry of Finance and Economic Development (MoFED) in which the Ministry highlighted that the 2022 Budget Estimates provide for ZWL\$592.8 billion to be directed towards the financing of gender-sensitive programmes and projects across all sectors, representing 65% of the total Budget.<sup>59</sup>

In the FGD MPs claimed that they keep some Ministers 'on their toes' using oral questions and summoning members of the Executive. However, they were doubtful that the summoning of Executive members improved the transparency and accountability of government on matters of interest to them for several reasons. Participants in the FGD highlighted instances where high-profile cases of concern have been raised in Parliament only for the oversight process to be hamstrung when it is highlighted that the very same topics are before the courts of law and therefore cannot be discussed. Furthermore, they said some senior ministers send their deputies to make a token appearance in Parliament to answer questions. Ultimately, in their view, the government pushes through its plans notwithstanding reservations expressed by MPs on various issues such as procurement malpractices and poor financial management to name a few.

Asked whether special (ad hoc or select) committees established in the past five years improved the quality of oversight, participants in the FGD expressed scepticism. In their view, these committees are indeed important for prioritisation and alignment on questions put to the Executive. However, they said these committees need significant capacity building to deliver on the idea of holding the Executive to account, and there are several reasons for this. Firstly, there is the aforementioned challenge imposed by section 129 (k) of the constitution which results in some members of these committees watering down questions put to the Executive. Secondly, participants said that the pressures of the whipping system reduce their ability to investigate or study a particular issue or problem if political party interests take precedence. Lastly, existing Chief Whips were imposed by political parties rather than picked by legislators themselves. Hence, MPs in the FGD perceived that the Executive indirectly impacts oversight by playing a controlling role in the creation of, and function of special committees and caucuses by determining their chairing and membership.

Some FGD participants also asserted that the Business of the House Committee which organises sessions and manages the conduct of the daily sittings of Parliament is used to suppress important issues emerging on the order paper. Without providing examples, they also highlighted the startling challenge of some committee clerks using their administrative role to 'constrain' the oversight process. Perhaps the most important point, given the levels of political polarisation in Zimbabwe is their assertion made in the FGD that ad hoc special committees can be used as instruments, targeted at

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<sup>58</sup> Parliament of Zimbabwe "Institutional Gender Policy. Integrating Gender Perspectives in Parliament of Zimbabwe" (n/d) p.13

<sup>59</sup> CSO interview 2, 2022

political opponents, to destabilise and instil fear in them.<sup>60</sup> This polarisation is certainly acknowledged as one of the threats in PoZ's SWOT analysis.<sup>61</sup>

The assessment could not get detailed M&E information on **whether summoning government officials to Parliamentary committees improved the quality of the information received by these committees**. There were no comments on practice on issues such as lifting by the Parliament of immunity, of past or present elected officials suspected of wrongdoing. There was no response to the question of whether there are legal mechanisms that ensure Parliamentarians do not abuse their oversight powers and requirements for them to act with integrity and in the best interest of the public. Also, none, on the question on the extent to which Parliamentarians have been held accountable for their conduct while engaging in Parliamentary work.

### **Areas and Opportunities for Improvement**

Whilst the foregoing shows that there exists on paper formal powers and tools for Parliament to carry out its oversight role (e.g., questions, summons, sanctions for failure to attend and setting up select committees), there are multiple, complex factors that limit practice and impact of oversight requiring consensus among competing political interests to address them. These are linked to specific constitutional provisions (in particular the power of political parties to recall elected MPs), the role of the Executive in the creation and function of committees and extreme polarisation to name a few. Unresolved, they threaten to reverse the gains of the reform process which began when the Parliamentary Reform Committee (PRC) was appointed in 1997 at Parliament's own behest, to re-examine its functions and address the perceptions by stakeholders that it had become a mere rubber-stamping institution.<sup>62</sup>

As regards the impact of recalls on representative democracy, it is "argued that direct democracy acts as a useful discipline on the behaviour of elected representatives, ensuring that they fully consider the likely views of voters when making decisions on their behalf" (Ellis, 2005). This, in theory, would include elected representatives' decisions as they perform their oversight role. In practice, this type of recall would operate "where the electorate in an area... [removes] an elected representative before the end of their term by signing a recall petition"<sup>63</sup> under certain conditions as has been the case in the United Kingdom from 2015 with the introduction of the Recall of MPs Act.<sup>64</sup> The conditions or reasons for recall can include the issue of *incompetence* of the individual MP, in particular his/her inability or reluctance to participate in oversight activities. Closely linked to this, Ethiopia's constitution states that citizens may recall

<sup>60</sup> FGD at Cresta Oasis Hotel, Harare, with APNAC MPs in Harare on 17 August 2022

<sup>61</sup> Parliament of Zimbabwe (2019). ISP (Parliament of Zimbabwe: Harare) p.7

<sup>62</sup> Parliament of Zimbabwe (1999). 'Strengthening Parliamentary Democracy in Zimbabwe. Final Report of the Parliamentary Reform Committee Volume II: Implementation Proposals and Summary of Evidence. Harare: Parliament of Zimbabwe

<sup>63</sup> Neil Johnston and Richard Kelly, (2023) 'Recall Elections'. London: House of Commons Library p.5

<sup>64</sup> Legislation.gov.uk (2022) Recall of MPs Act 2015 [<https://www.legislation.gov.uk/ukpga/2015/25/body/2016-03-04?view=plain> accessed 11/5/2023]



any one of their representatives whenever they lose confidence in him/her and that the particulars should be determined by law.<sup>65</sup>

Overall, there is an opportunity to deepen preceding reform processes for the institution to optimally play its oversight role in the country's governance matrix. A clear opportunity to address these concerns with Parliament's oversight role lies in the full implementation of strategies in its 2018-2023 ISP. This is because one of the key concerns acknowledged within that strategic document as needing urgent redress, is the *state of oversight* captured as a KRA as highlighted above. In addition to this, there is a need to introduce a systematic approach to following up on oversight. It is also important to review Parliament's current approach to gender mainstreaming, since it is evident to observers that the institution has somehow '*compartmentalised*' it, with the result that Parliamentarians may struggle to fully apply it in their oversight activities.

### Recommendations

In view of the preceding considerations, Parliament may,

- Create a formal role for parliamentary monitoring organisations (PMOs) in tracking the Executive's actions in response to committee reports and implementation of their recommendations to complement the capacity of MPs and the PoZ Secretariat.
- Parliament must launch a plan of action for deeper and applied understanding among MPs, of gender mainstreaming in the oversight process. The training must demonstrate how gender analysis fits into every process of Parliament, using practical examples.<sup>66</sup>
- Amend Section 129 (k) of the Constitution in favour of establishing the right of voters to recall MPs, as well as introduce enabling legislation to guide the content and process of this recall. This will tilt the power of recall in favour of the electorate through direct democracy, rather than political parties for improved oversight over the Executive.
- Review the whipping system to ensure MPs conduct oversight independently.

## OVERSIGHT OPPORTUNITIES FOR OPPOSITION AND/OR MINORITY MPS

### KEY FINDINGS

The **extent to which opposition, independent or minority parties in Parliament can participate fully in oversight of the government** is an essential indicator of the overall quality of oversight.

<sup>65</sup> Virginia Beramendi, Andrew Ellis, Bruno Kaufmann, Miriam Kornblith, Larry LeDuc, Paddy McGuire, Theo Shiller, Palle Svensson (2008). 'Direct Democracy: The International IDEA Handbook' International Institute for Democracy and Electoral Assistance: Stockholm p.111

<sup>66</sup> FGD at Cresta Oasis Hotel, Harare, with APNAC MPs in Harare on 17 August 2022

According to the assessment findings, there are weak legal provisions giving **special powers for opposition or independent MPs to exercise oversight over the Executive**. On the other hand, the legal framework has strong relevant provisions for **the independence of Parliament from influence by the Executive** - which theoretically protects opposition and independent MPs from Executive influence, captured in the constitution under the observance of the principle of separation of powers in section 3 (1) (e) under Founding Values and Principles.

As regards practice, MPs in the FGD affirmed that opposition and independent MPs had been given opportunities to ask written or oral questions. On **whether MPs were able to attach a minority or dissenting report to a committee report**, section 25 (5) of the SOs states, "It must not be competent for a select committee to submit a minority report."<sup>67</sup> In other words, if a committee is tasked with investigating a matter, the subsequent report ought to reflect the collective findings and opinions of the majority of the committee members. In response to this question, the FGD clarified that committee reports are normally the product of consensus within committees. This implies that the committee continues debate on an issue to reach the consensus necessary to produce and submit a single report carrying the views of the majority. In this regard, the assessment finds Parliament to have a weak framework, and practice on the issue of minority or dissenting reports.

#### Case study

To critically examine the availability of opportunities given to opposition MPs to ask oral or written questions, the case study in the preceding section on Oversight Powers and tools of Parliament can also be used. Briefly, the Hansard of Thursday, 14th July 2022 records an opposition MP being expelled from the House of Assembly by the Temporary Speaker who ruled him out of order after he insisted on getting more satisfactory responses from the Deputy Minister of Local Government and Public Works on the purchase of fire tenders from Belarus.<sup>68</sup> It can be argued from the tense proceedings of that sitting, that debate on this issue could have likely been restricted to avoid deeper oversight, to ascertain whether the purchase fell in line with public procurement legislation, guarantee Parliament a role in guaranteeing possible debt emerging from it; as well as usage of funds earmarked for devolution without the requisite Act of Parliament and requisite provincial structures established first.<sup>69</sup>

Opposition and independent MPs were given basic chances to call for a vote or move a motion by the Speaker of Parliament. The MPs FGD insisted that the opportunities to call for a vote or move a motion by the Speaker are accorded equally to all MPs without bias, across the political party divide. In contrast, in the KIIs, an MP claimed that the opposition has indeed moved a number of motions, but the ones mostly entertained are those which are considered not 'politically hot' in the judgement of the Speaker of the House. The respondent asserted that the role of Speaker is currently perceived by the opposition

<sup>67</sup> Parliament of Zimbabwe's National Assembly Standing Orders (2020) p.170

<sup>68</sup> Parliament of Zimbabwe (2022) 'The Hansard, Thursday, 14th July 2022'. Harare: Parliament of Zimbabwe p.90

<sup>69</sup> Ibid. p.54-55 and p.90

MPs as playing a 'gatekeeping' role, blocking motions and votes of no confidence in favour of his/her party.<sup>70</sup>

There are basic legal measures that provide immunity for MPs with respect to their freedom of expression during proceedings in Parliament. The SOs include the concept of "matter of privilege" which means legal immunity which MPs enjoy from civil and criminal liability for actions done or statements made during their Parliamentary duties.<sup>71</sup> This is bolstered by the Privileges, Immunities and Powers of Parliament Act which guarantees MPs freedom of speech and debate in proceedings in or before Parliament or any committee, protecting them from impeachment or questioning in any court or place outside Parliament.<sup>72</sup> However, there are no clear provisions to remedy violations of immunity which implies that there is no practical action taken when the immunity of opposition/independent MP is threatened. As regards practice, In the KIIs, the assessment found that whilst MPs do enjoy immunity with respect to freedom of expression in plenary or committees there was a risk of them falling victim to judicial harassment, a practice which was referred to as '*lawfare*'.<sup>73</sup>

On other relevant matters, the closest the legal framework comes, to **according the opposition explicit powers to chair a parliamentary committee** is section 16 (2) of the SOs which guarantees the Chief Whip of the main opposition party in the National Assembly the role of Vice Chairperson of the Liaison and Coordination Committee.<sup>74</sup> In practice, Parliament had very few permanent or special Parliamentary committees which had been chaired by opposition or independent MPs In the 12 months preceding the assessment. Participants in the FGD said the PAC is chaired by the opposition according to custom and recommendation, whilst for other committees it is done on the basis of consensus, with the issue of proportional representation also to consider.<sup>75</sup>

Parliament had very few permanent or special Parliamentary committees which had been chaired by opposition or independent MPs In the 12 months preceding the assessment.



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<sup>70</sup> (MP interview 1, 2023)

<sup>71</sup> Parliament of Zimbabwe's National Assembly Standing Orders (2020) p.48

<sup>72</sup> Privileges, Immunities and Powers of Parliament Act [Cap 2:08] p.3

<sup>73</sup> (MP interview 1, 2023)

<sup>74</sup> The closest the legal framework comes to this is section 16 (2) of the Standing Rules which guarantees the Chief Whip of the main opposition party in the National Assembly the role of Vice Chairperson of the Liaison and Coordination Committee. SOs p.12

<sup>75</sup> The PAC is constituted in terms of clause 17 of the SOs, which provides that "There must be a Committee on Public Accounts, for the examination of the sums granted by Parliament to meet the public expenditure and of such other accounts laid before Parliament as the committee may think fit." (Parliament of Zimbabwe, p12). Experts consulted said that its membership ranges between 5 to 25 MPs depending on the size of Parliament. However, a balance is maintained between the ruling party and the opposition. Custom and recommendation is for the committee to be chaired by the opposition to enhance the oversight mandate of the Committee. Members are, however, expected to have a general understanding of Accounting Auditing and Finance.

The assessment also found that in the preceding 12 months Parliament was subject to political party positions influenced by the Executive arm of government. This was attributed extensively in the MPs FGD to the whipping system, which they cited is a major binding constraint for Parliament to demonstrate its independence from the Executive or party positions. Testimony of this tension is the assertion made in the KIIs that the Executive arm of government has leveraged primary elections at party level as a tool to exert psychological pressure on MPs, ensuring that few of them will confidently play their oversight role in future.<sup>76</sup> On **whether opportunities for opposition and independent MPs had increased openness and accountability of the Executive in the preceding 12 months** the MPs FGD simply reasserted the view that the system of Parliament does on paper not deprive anyone of a role for oversight, insisting that there is equity in the roles of MPs from all parties.<sup>77</sup>

Overall, it was difficult to get responses to several key questions from FGD participants, on other specific issues linked to opposition MPs and oversight, testimony of the sensitivity of the subject to all respondents. This included the topic of their immunity or freedom of expression in plenary or committees, and the role of opposition and ruling parties in holding the Executive accountable.

### **Areas and Opportunities for Improvement**

The political nature of oversight is most obviously demonstrated in the opportunities afforded (or not) to the opposition or independent Parliamentarians to wield oversight tools. In this regard, the preceding section demonstrates the prevailing challenges in opposition, independent or minority parties in Parliament optimally exercising oversight on the Executive arm of government. The main reason for this is that there are no explicit special powers accorded to the opposition to exercise oversight. This is compounded by the whipping system, *and* the practice of committees to produce their reports through consensus without acknowledging dissenting internal views.

Furthermore, assuming the theoretical existence of a situation where there are more than two political parties in the House, the whipping system also impacts individual MPs from the opposition who might find it difficult to express dissenting positions when making or debating motions, where their parties have made trade-offs with other political parties with bigger numbers than theirs. Likewise, individual MPs from the governing party in theory are also not able to accord opposition/minority MPs opportunities for optimal oversight if the latter happens to align with or share their views/positions on specific policy issues. Lastly, there are no clear remedies if immunity is violated. The role of the opposition and independent MPs in oversight activities is clearly an area for improvement, and Parliament may need to review the related constitutional, legislative and regulatory frameworks with a view to strengthening parliamentary oversight in general.

<sup>76</sup> (MP interview 1, 2023)

<sup>77</sup> FGD at Cresta Oasis Hotel, Harare, with APNAC MPs in Harare on 17 August 2022

### Recommendations

Parliament can review the SOs and provisions of the Privileges, Immunities and Powers of Parliament Act to:

- Introduce legal measures to effectively guarantee a proportionate distribution of committee leadership to ensure representation from opposition parties<sup>78</sup>
- Introduce explicit provisions to allow committees to attach minority or dissenting reports from within their ranks to ensure the cross-partisan quality of committee reports that counter official majority positions or express dissenting views.<sup>79</sup>
- Establish special powers for opposition or independent MPs to initiate a committee of inquiry under certain conditions or on specific issues.

Allowing parliamentary committees to attach minority or dissenting reports from within their ranks will guarantee the cross-partisan quality of their reports.



## FINANCIAL OVERSIGHT

### KEY FINDINGS

Through financial oversight, legislators ensure that the nation's priorities are adequately reflected in financial planning and activities by the government.

According to the findings, there are strong legal provisions for Parliament to approve the budget prepared by the Executive. In this regard, Section 305 (4) of the Constitution gives Parliament the power to approve the estimates of expenditure for a financial year and pass an Appropriation Bill authorising money to be issued from the Consolidated Fund (CF) to meet approved expenditures and appropriate money to the presented estimates.<sup>80</sup> There is significant leeway on the timing of this approval process in 305 (2) of the constitution whereby the annual budget for the forthcoming financial year can be laid before PoZ "on a day on which the Assembly sits before or not later than thirty days **after the start of**

<sup>78</sup> National Democratic Institute 2007: 25 in Jorum Duri, Fabiano Angelico, Christiano Ferri and Jena-Patrick Villeneuve (2022). 'Overview of Parliamentary Oversight Tools and Mechanisms'. Berlin: Transparency International

<sup>79</sup> UNDP & IPU. 2017. Global Parliamentary Report 2017. Parliamentary oversight: Parliament's power to hold government to account, Duri, J., Angelico, F., Ferri C., and Villeneuve, J.P., (2022). 'Overview of Parliamentary Oversight Tools and Mechanisms'. Berlin: Transparency International

<sup>80</sup> Government of Zimbabwe (2018) 'Constitution of Zimbabwe. p.109

**each financial year.”**<sup>81</sup> This provision is mirrored in Section 28 of the PFM Act on Submission to Parliament of annual estimates of revenue and expenditure. However, at the time of the assessment, the **authority of Parliament to amend the proposed budget** was non-existent in the legal framework.

Furthermore, the existing framework has basic provisions ensuring that the Executive legally seeks approval from the Legislature for spending *excess revenue* (that is, amounts higher than originally anticipated) that may become available during the budget execution period. Section 306 (1) to (2) of the Constitution provides for specific circumstances under which the President may authorise stated thresholds of expenditure to meet priorities which were unforeseen or whose extent was unforeseen and for which no provision has been made under any other law in advance of appropriation. The caveat is that the money must be withdrawn in line with an Act of Parliament.<sup>82</sup> Furthermore, in section 307 the Minister responsible for Finance will have to introduce a Bill into the National Assembly requesting condonation of the unauthorised expenditure, in circumstances where it is found that more money has been expended on a purpose than was appropriated to it - or that money was expended on a purpose for which no money was appropriated.<sup>83</sup>

#### Case study

- An example of Parliament sitting to approve the estimates of expenditure for a financial year and pass an Appropriation Bill is the 2020 National Budget speech read on November 14, 2019.<sup>84</sup>
- An example of the Executive seeking approval from the Legislature for spending excess revenue in line with legislation is the Financial Adjustment Bill 2022, which was introduced to condone expenditure incurred by the Minister (MoFED) for the years 2019 and 2020.<sup>85</sup>

As regards public debt, there are strong constitutional provisions that require MPs to approve public debt arrangements, and they are aligned with national legislation – the Public Debt Management (PDM) Act [Chapter 22:21]. An agreement which is not an international treaty but imposes fiscal obligations on Zimbabwe does not bind Zimbabwe *until it has been approved by Parliament* in line with Section 327 (3)(b) of the constitution. The Public Debt Management Act lays out in greater detail the responsibilities of Parliament on public borrowing. Section 11 on 'Borrowing powers and limits' gives the National Assembly powers to fix limits on borrowing subject to these limits not exceeding thresholds set out in the Constitution. The legal framework also includes strong provisions requiring Parliament to scrutinise expenditure and revenue as well as fiscal policies, medium-term fiscal forecasts, and medium-term priorities. In terms of the implementation of medium-term fiscal forecasts and priorities being captured

<sup>81</sup> Government of Zimbabwe (2010) Public Finance Management Act [Chapter 22:19] Gazetted on 2 April 2010 [General Notice 64/2010] p.23

<sup>82</sup> Government of Zimbabwe (2018). 'Constitution of Zimbabwe'. p.109 to p.110.

<sup>83</sup> Ibid. p.110

<sup>84</sup> Ministry of Finance and Economic Development (2020) The 2020 National Budget Speech. "Gearing for Higher Productivity, Growth and Job Creation" Presented to the Parliament of Zimbabwe on November 14, 2019, By the Hon. Prof. Mthuli Ncube Minister of Finance & Economic Development

<sup>85</sup> Ministry of Finance and Economic Development Financial Adjustments Bill 2022

in the legal framework, only the PFM (General) Regulations, 2019 (SI 135 of 2019) stipulates that the Budget Strategy Paper (BSP) by the Minister must contain, "medium-term fiscal forecasts setting out actual, estimated and projected values of the following fiscal variables for no less than the previous two years, the current year, and the next three years."<sup>86</sup>

As regards practice and impact, the Minister produces a BSP as "part of the annual budget preparatory process, issued to enhance understanding among stakeholders of the broader macro-fiscal issues that will guide prioritisation of budget allocations."<sup>87</sup> The document is the basis for discussions with legislators as they carry out their oversight of the national budget. The MPs FGD also said the budget proposal is always received on time ahead of the financial year. However, the COVID-19 period specifically presented challenges of time allocated to debate issues.<sup>88</sup>

### **Areas and Opportunities for Improvement**

Notwithstanding the FGD's assertion that the budget proposal is always received on time ahead of the financial year, there is a possible challenge with Section 28 of the PFM Act on the submission to Parliament of annual estimates of revenue and expenditure. This regards the significant leeway described above, whereby the annual budget for the forthcoming financial year can be laid before Parliament at least 30 days after the start of the forthcoming financial year. International best practice noted from the literature recommends that the legislature and the public must be given adequate time to scrutinise and approve the annual budget, with approval proposed before the start of the fiscal year, and a threshold of three months being the most optimal.<sup>89</sup> This would suggest that past budgets, like the one submitted in November 2019 for passing in December of the same year, was not in line with international best practice.

Furthermore, as highlighted above, the authority of Parliament to amend the proposed budget is non-existent in the legal framework. However, as the IPU & UNDP (2017) observed, whilst only a few parliaments have the power to set budgets, many more are still able to amend or reject them, whilst others exercise no power at all. Presently, the oversight of parliament in the budget is limited to monitoring expenditure to ensure all revenue is accounted for, to ensure that it is properly incurred, and falls within set limits and conditions on appropriation. However, this does not give additional oversight power to them to ensure that the budget meets their objectives.

Lastly a further area of improvement based on the experiences of the disruptions to Parliamentary business imposed by the COVID-19 pandemic is the need to guarantee continuity of oversight activities during times of crisis. This will ensure that financial oversight will be guaranteed continuously. In this regard, there are opportunities to review the specific

<sup>86</sup> Ministry of Finance and Economic Development Statutory Instrument 135 of 2019 p. 1000

<sup>87</sup> Ministry of Finance and Economic Development 2022 Budget Strategy Paper, p.5

<sup>88</sup> FGD at Cresta Oasis Hotel, Harare, with APNAC MPs in Harare on 17 August 2022

<sup>89</sup> See The IMF's Code on Fiscal Transparency echoed by the Organization for Economic Cooperation and Development (OECD) Best Practices for Budget Transparency in Duri, J., Angelico, F., Ferri, C., and Villeneuve, J.P., (2022). 'Overview of Parliamentary Oversight Tools and Mechanisms'. Berlin: Transparency International.

constitutional requirements and related refinements to existing PFM legislation and regulations.

#### Recommendations

- Amend the Constitution and the PFM Act to require the Executive to submit a proposal to parliament for scrutiny and approval no less than three months prior to the start of the fiscal year, in line with international best practices.
- Section 299 of the Constitution should be amended to give PoZ legal powers to amend the budget or use their power of approval of the budget to encourage amendments if the budget does not meet their objectives.<sup>90</sup>

International best practice recommends that the legislature and the public must be given adequate time to scrutinise and approve the annual budget.



## POST LEGISLATIVE SCRUTINY

### KEY FINDINGS

An additional element of parliamentary oversight is the ongoing monitoring of laws that have been passed (post-legislative scrutiny, PLS). The objective of this analysis is for Parliament to **determine whether a law has been implemented as intended, has contributed to better regulation, as well as to identify any areas for improvement** such as acting to prevent any potential adverse effects of new legislation and drawing any lessons from the successes and failures of existing ones.<sup>91</sup> Regarding the de jure position, the PoZ SOs in section 29 (2) (d) endow the Parliamentary Legal Committee (PLC) with the power to *review existing law* and interact with the Law Development Commission (LDC) for its development with one CSO going further to assert that the SOs impliedly clothe *all* Portfolio Committees with the same power.<sup>92</sup> An observation is that though the PLC is given the power to conduct PLS in terms of 29 (2) (d), the SOs are then quiet on *how* to conduct PLS, and mainly focus on the review of Bills and Statutory Instruments.<sup>93</sup>

Linked to the idea of specifying how PLS should be conducted, the assessment also sought to ascertain whether there are any **provisions setting out Parliamentary powers for requesting information from the government specifically on legislation to assess its implementation against intended objectives, and impacts (positive and adverse) and identify areas of improvement** which could not

<sup>90</sup> UNDP & IPU. 2017. Global Parliamentary Report 2017. Parliamentary oversight: Parliament's power to hold government to account.

<sup>91</sup> See Franklin De Vrieze 2017. Post-Legislative Scrutiny: Guide for Parliaments. Westminster Foundation for Democracy.

<sup>92</sup> CSO interview 2, 2022. Also, see p.18 of the SOs

<sup>93</sup> Government of Zimbabwe (2018) 'Constitution of Zimbabwe' P.65



be found. Furthermore, notwithstanding the inclusion of PLS in the SOs, the assessment observes that the ISP excludes an agenda for post-legislative analysis, be it in its SWOT, problem analysis or strategy, raising concerns about the active implementation of the principle. Given the foregoing, the assessment finds that post-legislative scrutiny is basic.

**Table 2 Legal Power to Perform Oversight in Zimbabwe**

Strength of Legal Powers	Measure of Strength
1. Oral Questions	Very Strong
2. Written Questions	Very Strong
3. Summons	Very Strong
4. Special Ad Hoc Committees	Very Strong
5. Censure	Very Strong
6. Votes of No Confidence Or Impeachment	Very Strong
7. Approval Of Appointments To Independent Institutions	Strong
8. Post-Legislative Scrutiny	Basic

  

Values/Measures				
Not at all	Weak	Basic	Strong	Very Strong

As regards practice, the assessment found that there is a basic practice for PoZ (or its committees) to engage with external stakeholders to assess the impact of laws. Researchers and Committee Clerks receive induction through capacity building with external partners. The purpose of this programme is to, "equip Parliamentary staff with the relevant skills to be able to analyse legislation effectively and provide Portfolio Committees with appropriate advice on how best to interpret and analyse legislation [because] Legislators often wish to understand the impact their actions will have, or simply which actions are needed." (SUNY/ZIM: n/d., p.1) (brackets ours). In this regard, CSOs engaged through KIs said a lot of work is done to engage with external stakeholders at the bill stage. Indeed, it was relatively easy in the assessment to find several analyses by external stakeholders in Parliament, of bills in the form of petitions or position papers tabled in the consultative outreach by committees.

However, CSOs consulted said it is rare to note instances of *proactive PLS* by the Parliament itself, observing that currently this analysis mainly happens at the behest of external stakeholders as part of their technical assistance mandate or advocacy activities. In their view, the post-legislative analysis also tends to be taken up by individual MPs depending on their level of interest in an issue.<sup>94</sup> As a testimony of this, one CSO affirmed receiving regular requests from individual MPs to analyse bills and existing legislation. Furthermore, the request for technical assistance by Parliament on Legislative analysis (pre- and post-legislative) is built into some donor-supported programmes, so that the support comes with

<sup>94</sup> CSO interview 1, 2022

expertise or capacity on legislative analysis.<sup>95</sup> Interested stakeholders routinely request to appear before Committees of Parliament, to discuss the adverse impact of passed laws.<sup>96</sup> Regarding the impact, one CSO asserted that most of these meetings have not resulted in much change because MPs are forced to make decisions based on party positions as a result of the whipping system.<sup>97</sup>

Post-legislative scrutiny mainly occurs as an initiative of external stakeholders as part of their technical assistance or parliamentary advocacy work.



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### Case Study

An example of proactive PLS activities by Parliament, is the signing of MoUs with autonomous economic policy analysis and research think tank, the Zimbabwe Economic Policy Analysis and Research Institute (ZEPARI) to receive assistance with, among other things, analysis of existing legislation and training of parliamentarians on wide-ranging topics such as Mining, the Energy Sector and Gender to name a few. Over and above the assistance it gets through the existing MoU, PoZ also floats open tenders for PLS supported by donors.<sup>98</sup>

Several examples of independent external analyses of the outcomes or impacts of existing legislation were found in the assessment. The Annual Economic and Business Outlook Reports by the Confederation of Zimbabwe Industries (CZI) for the years 2022 and 2023 include a section analysing the fiscal and monetary policy implications on businesses' economic prospects. This report has been published since 2020 to support dialogue in symposiums to analyse the existing fiscal and monetary policies and how they impact the business operating environment.<sup>99</sup> Similarly, the Zimbabwean Chapter of the Media Institute of Southern Africa (MISA) in 2021, produced an analysis of the Data Protection Act of Zimbabwe. Without repeating all the key points from this specific analysis, MISA Zimbabwe observed among other things that the Act "potentially criminalises digital activism in Zimbabwe. Ordinary citizens in Zimbabwe cannot campaign, or demonstrate and petition online, in line with their constitutional rights, without running the risk of being charged with inciting violence."<sup>100</sup> Hence in this instance, an independent institution clearly expressed the possible adverse effects of existing Data Protection legislation which MPs can utilise.

<sup>95</sup> National expert interview 8/6/2023.

<sup>96</sup> CSO interview 3, 2022

<sup>97</sup> CSO interview 3, 2022

<sup>98</sup> Expert interview 1, 2023

<sup>99</sup> See the Confederation of Zimbabwe Industries (CZI) 2022 and 2023 CZI Annual Economic and Business Outlook 2022.

<sup>100</sup> MISA Zimbabwe (6 Dec 2021) Analysis of the Data Protection Act [<https://zimbabwe.misa.org/2021/12/06/analysis-of-the-data-protection-act/> accessed 12/6/2023]

Overall, no example was obtained of Parliament itself tracking and assessing the implementation of laws; recording and publishing reports on post-legislative scrutiny; or further action by the Parliament or Executive arm of government (e.g., amendment or annulment of laws) to address unintended or negative outcomes following its own post-legislative scrutiny meaning that those specific aspects are weak. Hence overall the post-legislative scrutiny is weak, isolated in the framework only to the example of the PLC and driven mainly by external stakeholders rather than being an existing element of Parliament's current oversight role.

Parliament's Gender Policy echoes the SOs by encouraging the strengthening of partnerships with relevant technical partners for programming on gender mainstreaming. This would by implication include carrying out 'reviews of government policies and programmes through a gender lens cited in the same policy'.<sup>101</sup> It was however not clear at the time of writing whether the engagement of external stakeholders to assess the impact of passed laws specifically on gender mainstreaming had in practice taken place.

### **Areas and opportunities for improvement**

It is essential to enhance the legal foundation supporting post-legislative scrutiny to ensure a robust and comprehensive review process. While the SO's role in enabling the PLC to analyse existing legislation is commendable, additional measures are necessary to fortify the overall effectiveness of this procedure. Furthermore, in practice, the internal capacity for legislative analysis exists in Parliament mainly as part of the legislative process, where a few MPs take the initiative individually to engage externally with interest groups, to better understand the impact of proposed legislation. Assessing the impact of passed laws is therefore mainly driven by external stakeholders, limiting PoZ's oversight, and this is an important area of possible improvement.

Over and above engaging with pressure groups and think tanks, Parliament must leverage the existence of academia. An opportunity exists in the form the 'Education 5.0' mantra, which has elements of (i) teaching (ii) research (iii) community service (iv) innovation and (v) industrialisation by academic institutions to help solve national problems.<sup>102</sup> Indeed, Education 5.0 can be primed for academia to assist Parliament with PLS on an ongoing basis, for developmental purposes.

<sup>101</sup> Parliament of Zimbabwe (n/d) 'Institutional Gender Policy. Integrating Gender Perspectives in Parliament of Zimbabwe. Harare: Parliament of Zimbabwe

<sup>102</sup> Ministry of Higher and Tertiary Education, Innovation Science and Technology Development (2023) Education 5.0 – towards problem-solving and value creation [<http://www.mhtestd.gov.zw/?p=3501> accessed 12/6/2023]

### Recommendations

- Parliament must review the Constitution and SOs to include clearer, comprehensive provisions on post-legislative scrutiny by Parliament.<sup>103</sup> In this regard, PoZ should have a mandate to:
  - o "Require government ministries to regularly report on the implementation of passed laws
  - o ...outsource or commission research on implementation to external independent institutions, either public (such as the auditor general, human rights commission, etc.) or external organisations such as academic institutions
  - o ... conduct its own investigations on the implementation of the laws such as through public hearings and in-house research by Parliamentary staff " (De Vrieze, 2017, in Duri et al 2022 p.22) such as those from the PoZ Research Unit or M&E Divisions.

This can be done by amending Section 152(3) of the Constitution to mandate all portfolio committees (not just the PLC) to review passed laws, rather than merely assessing the impact of bills and SIs through one committee. Over and above this constitutional amendment, an appropriate way to do this given the possible resource constraints of PoZ reviewing all laws in the short to medium term, would be to implement this gradually by piloting PLS on a limited set of laws within two years, then upscale using lessons learned to the rest of the institution (De Vrieze, 2017, in Duri et al 2022).

- Parliament is also encouraged to sign MoUs with academic institutions to receive additional capacity to carry out PLS, in the spirit of Education 5.0.

## RELATIONS WITH OTHER ACTORS TO CONDUCT OVERSIGHT

### RELATIONS WITH OTHER STATE ACTORS

The assessment found strong provisions requiring other oversight institutions in the country to report regularly to Parliament. In this regard, Section 235 (1) of the Constitution requires independent commissions to be accountable to Parliament in the performance of their functions, as well as ensuring their independence.<sup>104</sup> The Constitution also specifies requirements to submit reports to Parliament (through the appropriate ministers), of the Zimbabwe Electoral Commission (ZEC) (Section 241); the Zimbabwe Human Rights Commission (ZHRC) (Section 244); the Zimbabwe Gender Commission (ZGC) (Section 247); the Zimbabwe Media Commission (ZMC) (Section 250); the National Peace and

<sup>103</sup> Commonwealth Parliamentary Association (CPA) (2018) Recommended Benchmarks for Democratic Legislatures' London: CPA in Jorum Duri, Fabiano Angelico, Christiano Ferri and Jena-Patrick Villeneuve (2022). 'Overview of Parliamentary Oversight Tools and Mechanisms' . Berlin: Transparency International

<sup>104</sup> Government of Zimbabwe (2018) 'Constitution of Zimbabwe ' p.85

Reconciliation Commission (NPRC) (Section 250) and Zimbabwe Anti-Corruption Commission (ZACC) (Section 257).<sup>105</sup> Furthermore, the Audit Office Act 12/2009 ensures that the Auditor General, through the appropriate minister, lays before Parliament reports [presented to the same minister] within seven days.<sup>106</sup>

Legal provisions requiring other oversight institutions in the country to report regularly to Parliament are strong.



The practice of Parliament's engagement with other oversight bodies was found to be very strong. According to some stakeholders, Parliament's requests for other public oversight actors to appear before Committees have always been honoured. That is because Parliament, through its committees, has the power to summon any person to appear before it to give evidence on oath or affirmation and to produce any documents required by it. Failure to attend amounts to an offence of contempt of Parliament in terms of item 2 of the schedule to the Privileges, Immunities and Powers of Parliament Act.<sup>107</sup>

Nevertheless, CSOs consulted also expressed the perspective that while certain committees have excelled in engaging such institutions, others have room for enhancement in this regard. Examples given include the Committee on Defence, Home Affairs & Security Services which was perceived as being hesitant to actively engage with other state actors on issues related to human rights specifically, and committees dealing with local government issues which are perceived by CSOs as being 'dormant' due to their minimal engagement with them. Some stakeholders blamed the whipping system for the limited engagement of some committees with other oversight bodies.<sup>108</sup> However, other committees (e.g., the Women's Affairs Committee) enjoy relatively high cooperation with oversight actors, especially those that receive additional technical and financial support from CSOs. Other examples of CSO-sponsored engagements by Parliament with other oversight bodies include meetings facilitated to discuss reports released by the OAG from time to time e.g., breakfast meetings convened by the Southern African Parliamentary Support Trust (SAPST), TI Z and the Zimbabwe Coalition on Debt and Development (ZIMCODD) with MPs, where they bring experts to discuss the contents of reports by other oversight bodies.<sup>109</sup>

Linked to Parliament's relationship with other oversight bodies, participants in the MPs' FGD affirmed that Parliament intervenes to address threats to these institutions with more details given in the case study below.

<sup>105</sup> Ibid. p.93

<sup>106</sup> Government of Zimbabwe Audit Office Act 12/2009 Gazetted: 2nd April 2010. Date of Commencement: 1st April 2011 [Statutory Instrument 42 of 2010] Distributed by Veritas p.9

<sup>107</sup> CSO interview 2, 2022

<sup>108</sup> CSO interview 1, 2022

<sup>109</sup> CSO interview 2, 2022 and OpenParly 2022

## RELATIONS WITH NON-STATE ACTORS

There are strong **legal provisions for public involvement or engagement in Parliament's oversight processes**, including the accessibility of Parliament by citizens and the media. Section 141 of the Constitution on Public Access to and Involvement in Parliament directs the institution to facilitate “public involvement in its legislative and other processes and in the processes of its committees”.<sup>110</sup> The Section further requires Parliament to conduct its business transparently and hold its sittings, and those of its committees, in public.<sup>111</sup> There are clear provisions specifying procedures of how this is conducted, in terms of Part XVIII of the SOs on Public Access to and Involvement in Parliament and Petitions.<sup>112</sup> Section 149 of the Constitution also guarantees citizens the right to petition Parliament.<sup>113</sup> Section 195 of the SOs deals with how these petitions are to be presented and the expected actions from Parliament.<sup>114</sup> Appendix E to the SOs also sets out in greater detail issues to do with procedure, noting that no threshold is mentioned.<sup>115</sup>

In practice, Parliament has established working relations with non-state actors by signing MoUs with them for technical cooperation, as well as allowing MPs to take part in their activities. In this view, Parliament is not difficult to access.<sup>116</sup> Furthermore, the institution always promotes public awareness of its oversight activities. In this regard, Parliament proactively publishes information about opportunities to participate in its oversight activities in fulfilment of Section 141 of the constitution. CSOs engaged in the assessment affirmed that Parliament promotes its activities and programs using newspaper adverts, its social media platforms, the Parliamentary website (viewed by CSO respondents in the KIIs as being generally up to date) *and* press statements. They said Parliament is consistent in this regard, whether it is inviting interested stakeholders to appear before its committees within its precincts, or when conducting field visits. It also has MoUs with CSOs to help in publicising its programs and community mobilisation - with some CSOs even paying media platforms to livestream Parliamentary programmes.<sup>117</sup>

There are strong legal provisions for public involvement or engagement in Parliament's oversight processes, with Parliament proactively establishing working relations with non-state actors.



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<sup>110</sup> Government of Zimbabwe (2018) p.57 to 58

<sup>111</sup> CSO interview 4, 2022 and CSO interview 2, 2022

<sup>112</sup> Although not a legal instrument, further clarity on the public and media's involvement is expanded on by the 'Public Hearings Guidelines' published in October 2003 by the Departments of Research, Committees, Table Research and Journals and Public Relations - Parliament of Zimbabwe.

<sup>113</sup> Government of Zimbabwe (2018) 'Constitution of Zimbabwe' p.60

<sup>114</sup> Parliament of Zimbabwe's National Assembly Standing Orders (2020) p.105

<sup>115</sup> Ibid. p177

<sup>116</sup> CSO interview 3, 2022

<sup>117</sup> CSO interview 3, 2022 and CSO interview 1, 2022

The proactive efforts of Parliament to consult interest groups when it conducts oversight were affirmed by participants in the MPs' FGD. CSOs consulted said that PoZ invites people from the private sector to help scrutinise proposed budgets through Pre- and Post-Budget Seminars.<sup>118</sup> PoZ also makes it clear if some sessions are open or closed, and they update stakeholders via their electronic mailing list.<sup>119</sup> PoZ also routinely invites and accepts written and oral submissions from interested stakeholders including external experts through its committees. However, CSOs cautioned that these engagements are no guarantee that lawmakers will adopt external submissions.<sup>120</sup>

Notwithstanding the sentiment expressing proactive engagement by PoZ, as well as the significant resources spent to promote the institution, some participants in the MPs' FGD still perceived low levels of civic education on Parliament's role resulting in poor quality inputs. A possible reason, which they highlighted is the assertion that ordinary citizens lack the capacity to engage with Parliament, being 'fearful,' or lacking knowledge of their right to petition Parliament when compared to organised civil society.<sup>121</sup> They added that committees' physical engagements have depended largely on the availability of financial resources. In a planning environment characterised by limited public resources, this means that committees have inadequate opportunities of their own for extensive public outreach available beyond conducting physical public hearings on specific issues.<sup>122</sup>

Some stakeholders perceive poor quality inputs by citizens into public outreach processes, despite Parliament's proactive engagements and the significant resources spent to promote the institution.



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Related to the proactive efforts by Parliament to engage externally is the issue of **access by marginalized and vulnerable groups** which elicited mixed views. On one hand, some CSOs said that PoZ's premises are open to everyone with the required identification documents at the entry points. There is also the Speaker's Gallery which all genders are open to utilising to follow the proceedings of Parliament. In addition, the institution had invested in facilities such as an elevator and ramps to facilitate access for PWDs.<sup>123</sup> However other respondents still contended that the old Parliament building was not fitted for universal accessibility, whilst expressing no knowledge about the accessibility aspects of the new building in Mt. Hampden.<sup>124</sup> They added that the premises are inaccessible to specific groups e.g., pregnant women who could benefit from accessing functional elevators to go to the higher floors.<sup>125</sup> The challenges of universal access (particularly for PWDs) is also cited as a weakness of the

<sup>118</sup> CSO interview 3, 2022

<sup>119</sup> CSO interview 1, 2022

<sup>120</sup> CSO interview 2, 2022 and OpenParly 2022

<sup>121</sup> CSO interview 1, 2022

<sup>122</sup> FGD at Cresta Oasis Hotel, Harare, with APNAC MPs in Harare on 17 August 2022

<sup>123</sup> CSO interview 2, 2022 2022

<sup>124</sup> CSO interview 4, 2022

<sup>125</sup> CSO interview 1, 2022

institution in its ISP.<sup>126</sup> Given the foregoing considerations, the assessment determined that the institution's accessibility was basic because the intent in the legal framework was not fully matched by practice based on the aforementioned sentiments.

To further the debate of PoZ's external engagements, some stakeholders asserted that individual MPs' consultation with external parties depends on their level of interest in a particular issue. For example, some MPs have earned a reputation as gender champions. Such MPs tend to have an open-door policy and engage with interest groups whether the CSOs can provide them with the logistical and material support to participate in their activities or not, *and* even ask CSOs to write motions for them. On the other hand, they alleged that some MPs are only active where activities include per-diems. There is also the issue of limited capacity to comprehend and thereby eloquently advocate for specific reforms in Parliament.<sup>127</sup>

Linked to this was the issue of **whether MPs link Parliamentary oversight activities with the needs of their constituencies** which the assessment found to be basic. Stakeholders said that some MPs link Parliamentary oversight activities with the needs of their constituencies. However, they noted unevenness in this approach because political parties largely drive politics in Zimbabwe, resulting in some MPs becoming more beholden to their political parties than they are to their constituents. As a testimony of this, some respondents asserted that many MPs come from areas where children are still attending school under trees or using makeshift classrooms, but they never raise the issues when the budget is being debated or scrutinized in their committees. Furthermore, public health facilities around the country often lack essential drugs but the same MPs continuously pass budgets that are inadequate to address this deficiency.<sup>128</sup> They explained the tension between political party and constituency oversight interests as a consequence of the whipping system.<sup>129</sup>

The question of whether the relationship between Parliament and non-state actors has led to actual, improved oversight of the Executive, elicited mixed views from KIIs and FGDs. The MPs FGD asserted that significant capacity building from external actors had improved the quality of debate in the house. They cited ongoing programmes targeted by different constituencies run by organisations such as SAPST. They said CSOs generally help to alert MPs to address emerging oversight issues. As a result, in the tenure of the 9<sup>th</sup> Parliament, the PAC split itself to cover more ground in studying and responding to the OAG reports. This was echoed by stakeholders who asserted that there appears to be more scrutiny in recent times when portfolio committees such as the PAC and the Health and Childcare Committee are interrogating public entities on their utilisation of public funds after capacity-building workshops facilitated for committees by various non-state actors. There had previously been complaints that the committees were not completing their inquiries and were therefore not tabling reports to the house so that their recommendations can be acted upon by the relevant ministries.<sup>130</sup>

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<sup>126</sup> Parliament of Zimbabwe Institutional Strategic Plan page 7

<sup>127</sup> CSO interview 1, 2022

<sup>128</sup> CSO interview 3, 2022

<sup>129</sup> CSO interview 4, 2022 and CSO interview 2, 2022

<sup>130</sup> CSO interview 3, 2022



This contrasts with some respondents observing the lack of political will to implement some recommendations. This is because they perceive the Executive arm of government as acting selectively on Parliament's recommendations based on competing political party interests, denting the impact of oversight activities which build upon Parliament's interaction with other actors. In their view, this is also partly attributed to the absence of a Government Assurances Committee (GAC) in PoZ to scrutinize and monitor the assurances made by the government and update MPs on the progress made in fulfilling them.<sup>131</sup> Hence, while Portfolio Committees could follow up on the government implementation of their recommendations, they hardly do so.<sup>132</sup>

Stakeholders attribute the challenges of following up on the Government's progress in fulfilling their recommendations to the absence of a Government Assurances Committee (GAC) in Parliament.



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## KEY FINDINGS

It is clear that the legal framework strongly promotes engagements between Parliament and other oversight institutions, non-state actors and ordinary citizens. The legal framework also guarantees that Parliament's activities are proactively publicised through its platforms, complimented by the support of independent non-state actors.

However, the practice of engaging these stakeholders was found to be uneven across Parliament's committee system. The factors for this unevenness include the perceived political sensitivity of some thematic areas; the whipping system (causing a party-facing rather than constituency-facing '*posture*' or emphasis by MPs on oversight); dependence on the technical and financial support from CSOs (a relationship sometimes formalised in MoUs) as well as individual rather than institutional drive to engage in oversight. The accessibility of Parliament to vulnerable groups is also challenging to some segments due to the perceived lack of universal design of the old parliament building, exacerbated by ordinary citizens' lack of confidence, and knowledge of their rights concerning the institution. Whilst the interventions of CSOs have helped committees to carry out their oversight activities, the Executive was perceived as responding selectively to their recommendations based on competing political party interests. Physical outreach by POZ was also limited mainly to public hearings on bills due to resource constraints. Indeed, all these considerations may influence the perception by external stakeholders of uneven external engagement by Parliamentary committees.

<sup>131</sup> Examples of government assurance committees in Africa include those in the Parliaments of Ghana and Zambia. See National Assembly of Zambia (2023) Profile of the Committee on Government Assurances [<https://www.parliament.gov.zm/node/32> accessed on 7/6/2023] and Parliament of Ghana (2023) Profile of the Government Assurance Committee [<https://www.parliament.gh/committees?com=9> accessed on 7/6/2023]

<sup>132</sup> CSO interview 2, 2022

Table 2 Public Participation and Engagement in Oversight Activities

Public participation and engagement in oversight activities	Measure of Strength
Parliament promotes public awareness of oversight activities	
Proactively publishes information about public participation in oversight activities	
Makes a proactive effort to consult interest groups (especially vulnerable groups) when conducting oversight activities	
Responds to public petitions	

Values/Measures				
Not at all	Weak	Basic	Strong	Very Strong

### Case Study

- As highlighted above, the MPs’ FGD asserted that Parliament defends the independence of other oversight institutions. As an example, they cited the controversy sparked by the composition of the Zimbabwe Electoral Commission (ZEC) when details emerged that one of the newly appointed ZEC commissioners is the daughter of a former Vice President (VP) and senior member of the governing party. However, they conceded that ultimately it was difficult for Parliament to stop the appointment because the issue of candidates related to prominent political figures was silent in the regulatory framework governing appointments.<sup>133</sup>
- An example of proactive engagement by Parliament given by CSOs consulted, are the public meetings by some committees, themed on child justice, national youth service, sexual harassment, and unpaid domestic work. However, they observed that whilst committees can make recommendations to responsible ministries as part of their oversight role, *there is little follow-up action or reforms are blocked “somewhere.”* For example, on the issue of a standalone law on sexual harassment the Ministry of Women Affairs, Gender and Community Development were asked to come up with principles for a bill, but the Cabinet said there were sufficient existing laws dealing with that issue, and subsequently recommended piecemeal amendments to these statutes instead, which takes longer.<sup>134</sup>

### Areas and Opportunities for Improvement

Notwithstanding the vast resources reportedly spent on Parliament’s current outreach, the MPs’ FGD perceived a situation of low civic education on the institution, resulting in sub-optimal, poor-quality inputs by ordinary citizens in the oversight process as highlighted above. Existing literature on the limited scope for citizen participation in national-level processes in contemporary Zimbabwe, *and* citizens' usage of the

<sup>133</sup> FGD at Cresta Oasis Hotel, Harare, with APNAC MPs in Harare on 17 August 2022 also see Chris Muronzi (1 August 2022) Zimbabwe electoral appointments spark controversy ahead of 2023 [https://www.aljazeera.com/features/2022/8/1/zimbabwe-electoral-appointments-spark-controversy-ahead-of-2023 Zimbabwe electoral appointments spark controversy ahead of 2023 accessed 7/6/2023]

<sup>134</sup> CSO interview 1, 2022

mass media and other communication platforms provided a useful lens to generate possible explanations for this.

As regards citizen participation in national processes, the majority (66%) of 2,445 citizens surveyed by the Sivio Institute in the country's 10 provinces in 2021 felt that there is limited scope for participation in national-level processes. A greater number (73%) felt there was very limited scope to make an input into the national budget.<sup>135</sup> This is concerning because in theory, the outreach opportunities or platforms created by Parliament for citizens' inputs in the legislative process are the same ones used for supporting the oversight process.

Regarding Parliament's choice of communication channels, the assessment asserts that the challenging economic environment, which impacts telecommunications service providers and consumers alike, may limit the accessibility of digital platforms for the majority of citizens, especially those in rural areas. As testimony, the Postal and Regulatory Authority of Zimbabwe (POTRAZ) 2018 Consumer Satisfaction Survey showed that *only* 34% of household consumers in Zimbabwe were using internet and data services in 2018, up from 29% recorded in 2015.<sup>136</sup> To further disaggregate this, only 22% of rural households used internet services in 2018 compared to 50% of urban.<sup>137</sup> In addition to low and uneven levels of internet diffusion, telecommunications service providers reported a plethora of challenges in their efforts to meet and exceed their customer expectations namely extensive load shedding on the national power grid (which shuts down base stations, thereby disconnecting subscribers); tariffs consistently behind inflation in a rapidly changing macro-economic environment (characterised by currency volatility and inflation, reduced consumer spending); foreign currency shortages, limited credit availability, high foreign currency debt and a skills shortage.<sup>138</sup> The high cost of computers and other gadgets also presents a barrier for consumers given the high levels of unemployment and strained incomes.<sup>139</sup>

To put the issue of internet diffusion impacting parliament's oversight engagements with the public in further perspective, one also needs to consider the consumption patterns of citizens where print and online newspapers are concerned. This considers PoZ's usage of notices and statements in the mass media highlighted above, and 2009 survey-based research by Chari provides valuable insights in this regard. Firstly, only a small minority (17%) of the 75 respondents engaged in that study subscribed to an online newspaper as opposed to 83% preferring printed copy, a reflection of the high cost of digital subscriptions.<sup>140</sup> Furthermore, their preference of online versus print editions of newspapers grew with correspondingly higher levels of education of the respondents. On the lower end of the scale, only 25% of respondents with secondary level education preferred online editions, versus 100% of respondents with doctorate level education, implying that digital mediums are an 'elite' channel of communication.<sup>141</sup> The

<sup>135</sup> Murisa, T. & Mususa, D. (2021). *Citizens and Official Government Processes in Zimbabwe*. Harare: Sivio Institute p.16

<sup>136</sup> Topline Research Solutions (2019) POTRAZ 2018 Consumer Satisfaction Survey Stakeholder Presentation (04 June 2019) slide 26

<sup>137</sup> Ibid.

<sup>138</sup> See Bell, P. (7 October 2020) 'Trouble for Telcos in Zimbabwe' [<https://blog.telegeography.com/trouble-for-telcos-in-zimbabwe> accessed 22/9/2023]; The Chronicle (May 18, 2023) 'Econet explains network challenges, apologises to customers' [<https://www.chronicle.co.zw/econet-explains-network-challenges-apologizes-to-customers/> accessed 22/9/2023]; Maphosa V. The Herald. 'Operators urged to fix connectivity issues' [<https://www.herald.co.zw/operators-urged-to-fix-connectivity-issues/#:~:text=%E2%80%9CConsumers%20often%20face%20challenges%20such,achieving%20a%20digitally%20inclusive%20Zimbabwe.accessed%205/12/2023>]; Econet Wireless (August 20, 2023) Chairman's Statement - Econet Wireless Zimbabwe – Annual Report 2023 released [[https://news.ewzinvestor.com/?news\\_id=131443&utm\\_source=news&utm\\_medium=irdp&utm\\_content=econet-wireless-zimbabwe-annual-report-2023-released](https://news.ewzinvestor.com/?news_id=131443&utm_source=news&utm_medium=irdp&utm_content=econet-wireless-zimbabwe-annual-report-2023-released) accessed 21/9/2023]

<sup>139</sup> Chari, T. (September 2009). Conference Paper. *The Future of the Printed Newspaper in the Context of The Internet in Africa: The Case of Zimbabwe*. University of Venda, School of Human and Social Sciences, South Africa [Accessed on ResearchGate on 20/9/2023] p.5

<sup>140</sup> Ibid. p.16

<sup>141</sup> Ibid. p.26

issue becomes more complex considering that more males (50% of surveyed respondents) preferred online newspaper editions versus only 31% of females,<sup>142</sup> which risks reinforcing existing gender inequalities in access to digital forms of information. Furthermore, among surveyed respondents, the majority (77%) cited slow response (download speeds) as the biggest constraint for them to consume newspapers online.<sup>143</sup> Additionally, whilst the majority of respondents (57%) preferred printed newspapers to digital, the high cost of print newspapers (US\$1 for dailies and US\$2 for weeklies) was also a major constraint for the majority of citizens who are struggling to afford the basics.<sup>144</sup>

Given the above, therefore, digital and print media will likely be accessible mainly to the segment of the population whose connectivity is not subject to technical challenges of uneven distribution or service disruptions, and who can afford to access information via digital platforms in a challenging economic environment for consumers. By concentrating on digital and print media therefore as opposed to physical outreach, PoZ may inadvertently create an ‘information Apartheid’ on its processes, limiting its outreach. Lastly, as this assessment has evidenced above, there is an opportunity for MPs to conduct oversight in a manner that responds mainly to *constituency* imperatives rather than political parties. All these areas present opportunities for improvement.

### Recommendations

- To address the limited scope for the participation of ordinary citizens in national-level processes highlighted above, PoZ can leverage the technical and financial capacity of development partners and CSOs, by launching frameworks/guidelines for a time-bound and measurable programme for non-state actors to enhance public participation in Parliamentary processes.
- The PoZ M&E Division should introduce tools to measure the quality of its committees’ public outreach on various engagements such as oversight, as well as its communication tools. This will enable PoZ to gauge the levels of inclusivity and impact in its outreach and inform its corporate communication strategy on an ongoing basis.
- To address concerns about the possible impact of the digital divide on PoZ’s engagements with ordinary citizens for conducting oversight:
  - o PoZ should tweak its existing digital communication mediums to be interactive to strengthen its oversight engagements (i.e., facilitating two-way communication with the public on a variety of issues). To guarantee this interactive engagement for all segments, the most basic technologies such as Interactive Voice Response (IVR)<sup>145</sup> and Unstructured Supplementary Service Data (USSD)<sup>146</sup> used to send text messages can be used to ensure citizens with the most basic communication tools such as the entry-level ‘mbudzi’ mobile handsets can also receive information from Parliament, as well as send information to committees carrying out outreach for oversight and other processes.
  - o PoZ should lobby for the POTRAZ Universal Services Fund to facilitate the spread of communication infrastructure to under-serviced areas and partner with it in training citizens in the usage of ICTs to feed into parliamentary outreach. This will optimise the opportunities presented through the use of digital communication mediums to strengthen outreach.

<sup>142</sup> Ibid. p.18

<sup>143</sup> p.21

<sup>144</sup> Ibid.p22

<sup>145</sup> According to TTEC (2023) IVR is “is an automated phone system technology that allows incoming callers to access information via a voice response system of pre-recorded messages without having to speak to an agent, as well as to utilize menu options via touch-tone keypad selection or speech recognition to have their call routed to specific departments or specialists.” [[https://www.ttec.com/glossary/interactive-voice-response#:~:text=Interactive%20Voice%20Response%20\(IVR\)%20is,speech%20recognition%20to%20have%20their](https://www.ttec.com/glossary/interactive-voice-response#:~:text=Interactive%20Voice%20Response%20(IVR)%20is,speech%20recognition%20to%20have%20their) accessed 22/9/2023]

<sup>146</sup> Linda Rosencrance USSD (Unstructured Supplementary Service Data) [<https://www.techtarget.com/searchnetworking/definition/USSD> accessed 22/9/2023]

- Noting the budgetary and logistical challenges noted with physical engagements at parliament as well as outreach, PoZ should
  - o invest in the adjustments necessary to guarantee universal access to its buildings
  - o serve those segments who cannot be easily reached through digital mediums by constructing constituency offices.

## THE RESEARCH PROCESS AND LIMITATIONS

Based on existing literature and tools, Transparency International developed comprehensive and universally relevant indicators for CSOs and other stakeholders such as parliamentary monitoring organisations and researchers to assess parliamentary oversight in any given country. Key resources used to develop the indicator questions included:

- the IPU/UNDP's Global Parliamentary Report 2017 titled "Parliamentary oversight: Parliament's power to hold government to account".
- the IPU's self-assessment toolkit on parliamentary oversight, which was developed in 2018.
- IPU's self-assessment toolkit for parliaments (2008), which assesses how parliament performs against widely accepted criteria for democratic parliaments.
- Baseline indicators to assess parliamentary performance developed by INTER PARES, a global parliamentary project being implemented by the International Institute for Democracy and Electoral Assistance (International IDEA).
- Hironori Yamamoto (2007) Tools for parliamentary oversight: A comparative study of 88 national parliaments.
- Open Budget Survey questions relevant to parliamentary oversight.
- Public Expenditure and Framework Assessment indicators relevant to parliamentary oversight

The assessment by the TI Z Secretariat included a review of relevant documents, such as the constitution, the standing orders of Parliament, relevant acts of Parliament and subordinate regulations, global best practices and existing research on the topic of Parliamentary oversight. This material was used on a rolling basis responding to specific questions in the instrument. With a structured questionnaire extracted from the assessment tool, the TI Z Secretariat also initiated a series of KIIs throughout August 2022 and also in June 2023, of CSOs and Thinktanks with demonstrated experience in monitoring Parliamentary activities as well as lobbying Parliament. TI Z also hosted an FGD with some MPs from APNAC and some portfolio clerks in August 2022 at the Cresta Oasis Hotel in Harare. A set of questions from the assessment tool, which were more relevant to them than other categories of respondents were used as the facilitation plan for this session. A structured questionnaire relating to opposition/minority parties was administered to fill in gaps from the FGD. No respondents were pressed to give answers for ethical reasons. The methodology of the assessment was clearly explained to them beforehand and pseudonyms assigned to their responses.

In terms of limitations, participants in the FGD were unable to provide responses involving proxies based on tiered percentages (e.g., asking respondents what proportion of parliamentarians - whether less than 25%; between 25% and 49%; or between 50% and 74% had actively asked questions or probed

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government on matters of public interest in the preceding 12 months). These types of questions were put to the PoZ M&E Division who were unable to respond for unspecified reasons. Lastly, while the study relied on respondents' self-reported experiences of limited accessibility in the old parliament building, it did not conduct on-site inspections to confirm the accessibility issues mentioned due to time and resource constraints, and the need for expert knowledge. TI Z therefore recommends further research for deeper understanding and addressing disability access issues linked to parliamentary oversight.

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#### **Additional Comments:**

TI Z has an existing memorandum of understanding (MoU) with PoZ through the local chapter of APNAC covering various areas of cooperation. This includes technical assistance through research and training, and information exchange on corruption and economic crimes among other things. This relationship can be the basis of advocacy on any recommendations from this assessment.

**Notes**

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