

REPORT

THE STATE OF CORRUPTION, SERVICE DELIVERY AND MAL-ADMINISTRATION AT GOKWE TOWN COUNCIL



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ACKNOWLEDGEMENTS

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This report is a product of consultations with residents, ratepayers and other stakeholders who have an interest in the work of the Gokwe Town Council (GTC). More to the point individuals and entities consulted are directly affected by the state of service delivery and corruption in the town. To this end, this report is devoted to all these individuals and entities who have decided to speak out. In order to collect data, ACT-SA's research team carried out personal interviews and conducted focus group discussions. After the compilation of the report, ACT-SA was instructed to forward this report to the following authorities for appropriate action:

- 1) The Zimbabwe Anti-Corruption Commission (ZACC); 5 Golda Avenue, Strathaven, Harare, Telephone: (024) 2307065 / 66 / 67 2307090, E-mail: zimbabweanticorruption@gmail.com
- 2) The Zimbabwe Republic Police (ZRP); Cnr 7th Street and J. Chinamano Avenue, Harare, Tel: (0242) 700171, E-mail: feedback@zrp.gov.zw
- 3) Hon. Larry Mavima, the Minister of State for Provincial Affairs, 10th Street, Government Complex, 2nd Floor, Gweru.
- 4) The DCIO Gokwe South, c/o ZRP, Kwekwe Central Police Station, Kwekwe;
- 5) The Ministry of Local Government, Public Works and National Housing (MoLPWNH); Cnr Leopold Takawira and Herbert Chitepo, Bag 7755 Causeway, Harare 263 242 - 756521, 71, E-mail: communications@mlg.gov.zw
- 6) The Office of the President and Cabinet (OPC); Corner Samora Machel Ave and Sam Nujoma, Harare, Zimbabwe. E-mail: info@opc.gov.zw, Tel: +263 24 2707091/7
- 7) The Office of the Auditor General, 5th Floor, Burroughs House Cnr Fourth Street / George Silundika Avenue, P. O. Box CY 143 Causeway, Harare: E-mail: ocag@auditgen.gov.zw; Telephone: 263 242 793611/3-4/762817/8/20-23
- 8) The Procurement Regulatory Authority of Zimbabwe (PRAZ), Old Reserve Bank Building 76 Samora Machel Ave P.O. Box CY408 Causeway Harare: Zimbabwe, Email: feedback@praz.org.zw
- 9) The Provincial Administrator, 10th Street, Government Complex, 2nd Floor, Gweru.
- 10) Urban Councils Association of Zimbabwe (UCAZ), 30 Samora Machel Ave, Insurance House First Floor, Harare Zimbabwe, E-mail: ucaz@ucaz.org
- 11) Gokwe Town Council Councillors, Civic Centre, Gokwe.

It would be a remiss, if the ACT-SA research team is not acknowledgement. Data collection, analysis and the compilation this report was made by Mr. Obert Chinhamo and Cde. Munyaradzi Bidi with support from members of the Gokwe Anti-Corruption Monitoring Voluntary Action Group, the Gokwe Town Residents Association and the Gokwe Town Business Community.

The views expressed herein are not necessarily the views of ACT-SA but are the views of residents, ratepayers and other stakeholders who are affected by the activities of the Gokwe Town Council. The role of ACT-SA has only been confined to putting these views on paper for and on behalf of the different stakeholders who were consulted.

EXECUTIVE SUMMARY

This report is a product of consultations made by the Anti-Corruption Trust of Southern Africa (ACT-SA) targeting residents, ratepayers and other special interest groups within the jurisdiction of the Gokwe Town Council (GTC) who decried poor service delivery, mal-administration and corruption within the rank and file of the local authority. In addition, some of the acts of corruption appear to have been facilitated by individuals at the Head-Office of the Ministry of Local Government, Public Works and National Housing.

The exercise was important considering that local authorities play a crucial role in service delivery and the broader development agenda in Zimbabwe. In this quest, local authorities serve as an important stakeholder in the provision of essential services to residents and other stakeholders. This important role is executed by councillors and council staff, who have a collective responsibility of ensuring the effective delivery of services to the satisfaction of residents, ratepayers and other special interest groups within their council's jurisdiction. However, corruption and mal-administration are undeniably among the greatest challenges affecting the performance of local authorities in Zimbabwe.

The epidemic nature of corruption and its manifestations in local authorities, such as Gokwe, are attributed to a number of shortcomings which include but not limited to the existence of political patronage, moral decadence, lack of monitoring, and lack of political-will among others. In other settings local authority management take advantage of councillors (politicians)'s lack of skills in certain areas to enrich themselves as is the case of Gokwe.

Considering the ever-deteriorating state of service delivery in Gokwe, ACT-SA was invited to a discussion on a plethora of allegations of corruption obtaining at Gokwe Town Council. There is every reason to suspect that developments in Gokwe serve as a microcosm of what could be obtaining in other local authorities country-wide, as has already been confirmed at Tongogara Rural District Council. It is important to mention at the outset that devolution efforts will be seriously undermined if corruption remains unchecked.

Consultations made confirmed that service delivery at the GTC is seriously beset by corruption, which the local authority has for a long time been trying to hide by refusing to carry out an independent forensic audit. Apart from the recruitment of the Town Secretary being controversial with allegations that she was imposed by high profile individuals, who criminally abused their duties as public officers, allegations of corruption, violation of tender regulations, mismanagement and behaviour bent on self-enrichment are rife. Consultations undertaken by ACT-SA made the following findings:

1. It is alleged that the current Town Secretary (Melania Mandeya) was offered the position of Town Secretary regardless of having come fourth in the interviews, and not having the required qualifications. Before the interviews, the Panel was allegedly coached by the then Council Chairperson to give more marks to Melania Mandeya. Furthermore, the incumbent did not apply for the post during the first round of applications and the post had to be re-advertised to accommodate her application. It is alleged that Erica Johns who is the Human Resources Director based at the Head-quarters of the Ministry of Local Government, Public Works and National Housing drove to Gokwe to make sure that Melania Mandeya's application was part of the applicants. Protests from authorities at the local and provincial levels did not bear any fruits until she was offered the position.
2. It is alleged that the Town Secretary (Melania Mandeya) received a salary and allowances for December 2014, when she only started work on the 5th of January 2015. ACT-SA has evidence of the payment thereof. It is alleged that the Acting Town Secretary and the Internal Auditor at the

time refused to authorise the payment but she ended up being paid under suspicious circumstances.

3. It is alleged that tenders are sometimes awarded to family members, friends and compatriots. For instance, the tender for the supply curtains for the Town House was awarded to a relative, whilst in May 2019, the tender for catering services of a benchmarking exercise was awarded to someone linked to some high profile individuals. The person contracted to render catering services used part of the money to pay for a stand allocated to the Acting District Administrator (Mr. Stewart Gwafirinda) in the Kambasha area. The relationship between the person who supplied catering services and the Acting District Administrator should be a subject of investigations.
4. On or about 2011/2, the local authority paid US\$23,000 for a brand-new Nissan NP300, which has never been delivered to date. In the process, the local authority suffered financial loss to the tune of US\$23,000;
5. The local authority allegedly bought a Chevrolet vehicle for the Town Secretary for US\$58,000 when there were other bidders who had charged much less. For instance, there was a bidder who had charged US\$51,000. Considering financial constraints besetting the local authority, it would have saved US\$8,000.
6. On the 23rd of May 2013, a resolution was made to procure a Toyota D4D vehicle from Croco Motors. The resolution was proposed by Cllr. D. Masvisvi and seconded by Cllr. O. Tangwara. However, the local authority ended up buying a second-hand and accident damaged vehicle which was more expensive than a brand new one considering the repairs made before it was deployed for use.
7. Gokwe is one of the towns in which the former Minister of State for Provincial Affairs and Senator for Gokwe, **Jason Machaya** was accused of abusing his office when he allegedly acquired stands for himself. It was further alleged that the Town Secretary (Melania Mandeya) owns more than one stand in the Kambasha low density suburb (Stands Number 155 and 156). This was said to be in contravention of council policies.
8. Senior managers at the local authority violate internal policies with impunity. For instance, one of the managers gave a council Foton vehicle to his/her child and was involved in an accident. Councillors requested for an accident report, which they refused to provide. As a result of the accident, service delivery was affected.
9. Local authority by-laws are not enforced uniformly. All those perceived as critical of the local authority pay more penalties than others. The research team was given receipts showing convincingly that residents paid different penalties for the same offences such as trading without licences and lack of medical certificates.
10. There is lack of transparency in the administration of grants from donors. For instance, a donation of US\$8,000 from the Department of Parks and Wildlife as well as money donated by Zinara. Efforts by Councillors to get accountability of the same was thwarted. Similarly, the local authority allegedly paid US\$23,000 towards a Volvo fire fighting vehicle which was donated by one Mr. Lobels.
11. Councillors discovered that the local authority had a US Dollar Nostro Bank Account, which was opened secretly. This was said to be a secret account because it was not sanctioned by the policy-makers (Councillors). It is not clear on who the signatories are and how much was deposited and withdrawn from the account.

The research therefore concluded that there exist serious corruption and mal-administration threats within the rank and file of Gokwe Town Council which calls for further investigation and action by relevant authorities. In keeping with the above, giving a blind eye to the above allegations will be detrimental to development and hence the urgent need for a forensic audit of the local authority. In order to satisfy the legitimate expectations of the Gokwe Town broader constituency, the following recommendations are made:

1. Forensic audit of the Gokwe Town Council. The research team learnt that a recommendation for a forensic audit for the period 2015 to 2019 was proposed by Cllr. T. Mukowora and seconded by

- Cllr. D. Taruvinga. However, the Town Council management has been resisting since then. To this end, a comprehensive forensic audit is recommended for the period 2015 to 2019.
2. An investigation into corruption in the recruitment of the Town Secretary. It is important to identify the high-profile individuals who were behind the imposition of the current Town Secretary and charge them for criminal abuse of duty as public officers.
 3. If it is true that the Town Secretary received a salary and allowance for the month of December 2014, when she started work on the 5th of January 2015, she should refund the local authority.
 4. An investigation of tenders for the supply of curtains to the Town House as well as catering services for the May 2019 benchmarking exercise.
 5. An investigation into the payment of US\$23,000 for a Nissan NP300 vehicle which was never delivered since on or about 2011 to date.
 6. An investigation into the allocation of stands in the town since the case of the former Midlands Provincial Affairs Minister and Senator for Gokwe, Jason Machaya, could be one among several others in which there was abuse of duty by public officers. Revelations that the Town Clerk and the acting District Administrator own stands in violation of Council by-laws serve as cues.
 7. Action to avert lack of uniformity in penalties for same offences. It is clear that there is lack of uniformity in the enforcement of the local authority by-laws. Several receipts have been availed as the evidence thereof. Having said this, the local authority is recommended to put its house in order.
 8. The prevalence of corruption at Gokwe Town Council should be considered as the litmus test on the capacity of the existing ethics architecture to fight corruption in local authorities around the country.
 9. Local authorities should conduct ethics training programs for employees and elected officials to raise ethics consciousness and to build skills capable of identifying and resolving ethical dilemmas.
 10. Local Government should urgently consider the establishment and introduction of an Internal Anti-corruption policy framework for local authorities.
 11. Relevant authorities should invite the following officials to answer specific questions based on the findings of this research
 - i. **The Human Resource Director (Erica Johns) of the Ministry of Local Government, Public Works and National Housing should answer the following questions:**
 - The allegation that she facilitated the recruitment of Melania Mandeya as the Town Secretary, especially that she demanded that the post be re-advertised and that she was going to alert Melania Mandeya to apply.
 - ii. **The former Chairperson of the Gokwe Town Council (E. Senga) should answer the following allegations levelled against her:**
 - The allegation that she coached the panel to score more marks for Melania Mandeya;
 - The allegation that she rushed to offer employment to Melania Mandeya before approval by the Local Government Board.
 - iii. **The Town Secretary's Office should answer the following allegations:**
 - Allegations that the Town Secretary was paid a salary and allowances for December 2014 when she only started work on the 5th of January 2015.
 - Allegation that she awarded a tender for curtaining the Town house to a relative she was staying with and also that the tender was awarded in violation of tender procedures;
 - Allegation that she recruited relatives at the Town Council, referring to the case of one Tatenda Nyika and the person who provided curtains to the Town house, among others.
 - Allegation that the local authority diverted money from Zinara and ended up paying for road work services that should have been paid from Zinara donation with stands;
 - That there was financial loss in the acquisition of the Town Secretary's Chevrolet vehicle Registration Number AEF 2600.
 - That the price of the Mazda BT50 may have been inflated thereby causing financial loss to the local authority;

- That a Toyota D4D was acquired in violation of a council resolution thereby causing financial loss to the local authority;
- That the Town Secretary allegedly gave herself two stands (Numbers 155 and 156) in the Kambasha area in violation of council policies;
- That the Toyota D4D was disposed of, in violation of council policies.
- That the Nostro Account Number 01721387410218 was opened without council approval and there is no accountability on how much money has been deposited and withdrawn from the account.
- That there are two transport policies that are causing confusion at the local authority.
- That there is lack of uniformity in the enforcement of policies for the local authority such as penalties for operating without licences and/or medical certificates;
- Allegation that she had a number of outstanding issues with her former employer.

iv. **The Director of Finance at the Gokwe Town Council should answer the following allegations:**

- Allegation that he gave the local authority Foton Vehicle to his child to drive in violation of the council policies;
- Allegation that he confirmed that the NP300 was delivered but had problems with the keys though it was never seen in Gokwe.

v. **The Acting District Administrator- Mr. Stewart Gwatirinda:**

- Explanation on why Irene Maheya who rendered catering services to the Gokwe Town Council paid \$4,000 for his stand in the Kambasha area;
- Explain the relationship between him and Irene Maheya.

12. A number of stakeholders interviewed suspect a corrupt relationship between Timber King (Pvt) Ltd t/a Big Valley Marketing and the Gokwe Town Council. There are allegations that the company has largely been given several tenders, including the supply of the NP300 which was never delivered. It was also involved in the supply of several other motor vehicles for the local authority. Questions were raised on why it was the only company chosen regardless of its alleged poor performance.

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1. INTRODUCTION AND BACKGROUND INFORMATION

The report encapsulates concerns against the Gokwe Town Council (GTC) raised by residents, ratepayers and other concerned stakeholders in Gokwe. Among other concerns raised include: alleged criminal abuse of office, procurement irregularities, mal-administration, unjust personal enrichment through amassing residential and commercial stands and reprisals against human rights defenders. These allegations are not new, since anyone following developments at the local authority is likely to be struck by previous concerns, which were never addressed since the perpetrators enjoyed impunity and protection from high profile politicians. In keeping with the above, the Anti-Corruption Trust of Southern Africa (ACT-SA) was invited by concerned residents who convened a meeting on the 20th of August 2019 to discuss these concerns and hence this report. For the sake of service delivery, ACT-SA intends to use the report for evidence-based advocacy.

2. METHODOLOGIES USED

The report mostly relied on primary sources of data collected through personal interviews as well as focus group discussions. Furthermore, secondary sources of data were also reviewed to substantiate the allegations made.

3. NATURE OF COMPLAINTS AGAINST THE GOKWE TOWN COUNCIL

The following allegations have been levelled against the Gokwe Town Council:

a. CRIMINAL ABUSE OF DUTY IN THE RECRUITMENT PROCESSES

i. Criminal abuse of duty in the recruitment of the Town Secretary.

Residents, ratepayers, and other stakeholders including councillors allege that the Town Secretary was recruited through a corruption ridden recruitment process. It is alleged that the Town Secretary was imposed by high profile individuals in the rank and file of the Ministry of Local Government, Public Works and National Housing. More to the point, it is alleged that Ms. Erica Johns, the Human Resources Director at the Ministry of Local Government, Public Works and National Housing physically drove to Gokwe and informed the local authority that her ministry already had a candidate earmarked for the position and no one else. The interviews were only carried out as a formality since the person ear-marked for the position was already available. It is alleged that the current Town Secretary was recruited regardless of the fact that she had come fourth in interviews that had been carried out as reflected in a summary of ratings signed by a Panel of five dated 11 February 2014 (Refer to Table 1 for the ratings thereof). A total of 8 candidates were interviewed but only three were recommended for appointment, excluding the current Town Secretary. Despite official protests from councillors and other stakeholders, the Town Secretary was eventually employed and she is the Town Secretary to date.

Table 1: Summary of Ratings

Candidate Name	Panel					Total Scores	%	Position
	Cllr. Taruvinga	Mr. V. Chiromo	Cllr. Mapfuruse	Mr. A. Gusha	Cllr Nyamukasa			
Loud Ramakpola	80	83	85	80	81	409	81.8	1
Shingirayi Tigere	76	80	81	76	81	394	78.8	2
Victor Kondo	63	75	76	72	77	363	72.6	3
Melania Mandeya	67	66	71	72	70	346	69.2	4
Stephen Chimbindi	61	72	61	64	59	317	63.4	5
Samson Chateuka	48	59	56	52	59	274	54.8	6
Sailas Velani	65	57	45	58	47	272	54.4	7
Plaxidiah Chirongoma	37	58	40	56	17	208	41.6	8

Source: Gokwe Town Council Summary of ratings dated 11 February 2014

Box 1 below summaries the allegations thereof, vis-à-vis the recruitment of the Town Secretary:

Box 1: Abuse of Office in the Recruitment of Melania Mandeya

1. After the resignation of the former Town Secretary Mr. Tapiwa Marongwe following a plethora of allegations against him, the vacant position was advertised in the media.
2. The post was advertised and applications for the post were received. However, after the closing date, a Ms. Erica Johns from the Ministry of Local Government, Public Works and National Housing instructed the Town Council to re-advertise since an application from a person whom they wanted to give the post had not submitted her application. Ms. Johns allegedly told the Gokwe Town Council that she was going to ask the preferred candidate to apply. Remarks from Ms. Erica Johns made inferences that there was someone whom the Ministry preferred.
3. The Town Council had no choice but to re-advertise as instructed.
4. Eight candidates applied, including the current Town Secretary whom Erica Johns wanted to give the post;
5. The current secretary was not shortlisted at first since her ZOU Bachelors in Guidance and Counselling was not relevant to the post of Town Secretary. However, the Local authority had no choice but to shortlist her.
6. Before the interviews, Mrs.E. Senga (the then Chairperson of the Gokwe Town Council) coached the Panel to ensure that the current Secretary wins since there was an instruction from Ministry of Local Government.
7. Nevertheless, the current Town Secretary came fourth and was not recommended for the post.
8. The following three candidates were recommended for appointment.

Candidate Name	Panel						Total Scores	%	Position
	Cllr. Taruvinga	Mr. V. Chiromo	Cllr. Mapfuruse	Mr. A. Gusha	Cllr Nyamukasa				
Loud Ramakpola	80	83	85	80	81	409	81.8	1	
Shingirayi Tigere	76	80	81	76	81	394	78.8	2	
Victor Kondo	63	75	76	72	77	363	72.6	3	

9. Loud Ramakpola was offered the position but did not last longer for he was not the preferred candidate. To frustrate him, Loud Ramakpola was allegedly denied a council vehicle, telephone allowance and other conditions of service which forced him to resign within four months
10. After the resignation of Loud Ramakpola, it was common cause that the vacant post was supposed to be re-advertised or taking the second-best candidate from the list of three named above. The decision to take the second-best candidate was made. However, a candidate that came fourth (Melania Mandeya) was appointed without the approval of the local government board;
11. On the 21st of October 2014, the then Chairperson of the Town Council, Mrs. E. Senga abused her office and offered Melania Mandeya, the post starting from 1 December 2014 without the approval of the Local Government Board.¹
12. On the 13th of November 2014, the Town Council received a notification from the Office of the Provincial Administrator advising it to wait for approval from the Local Government Board or the parent ministry before offering employment to any candidate yet the town council had already offered Ms. Melania Mandeya;²
13. On the 17th of November 2014, the Council Chairperson was notified by the Acting District Administrator to cancel the offer of employment to Ms. Melania Mandeya;³
14. On the 18th of November 2014, the then Chairperson of the Local Government Board advised the Chairperson of the town council to put the appointment on hold.⁴ Through another minute dated 21 November 2014, one Pisirai Kwenda, being the Chairperson of the Local Government Board advised that Melania Mandeya be urgently advised that her appointment had been put on hold.⁵
15. On the 24th of November 2014, Ms. Melania Mandeya was notified by the then Town Council Chairperson that the offer had been put on hold.⁶
16. After the expiry of the probationary period, Councillors and other stakeholders such as the Member of Parliament refused to confirm employment to her but again the support from the Head-quarters of the Ministry of Local Government made it difficult to terminate her employment

The recruitment of the Town Secretary did not only violate national policies but Article 19 of The African Charter on Values and Principles of Public Service and Administration which recommends that the recruitment of public service agents should be based on the principle of merit, equality and non-discrimination.⁷

¹ Letter to Ms. Melania Mandeya from the Chairperson of the Gokwe Town Council dated 21 October 2014

² Letter from Mrs. C. Chitiyo dated 13 November 2014

³ Letter to the Chairperson dated 17 November 2014

⁴ Letter to the Chairperson of the Gokwe Town Council dated 18 November 2014

⁵ Letter dated 21 November 2014

⁶ Letter dated 24 November 2014

⁷ Article 19 (2), AFRICAN CHARTER ON VALUES AND PRINCIPLES OF PUBLIC SERVICE AND ADMINISTRATION

The same Article further encourages State Parties to ‘adopt procedures for selection and recruitment into the public service and administration that are based on principles of competition, merit, equity and transparency’.⁸

Best practices further recommend that public service employees be recruited, appointed and promoted on the basis of their competence and professional skills and in accordance with transparent and objective procedures that guarantee equal opportunities for all.⁹

It is thus clear that there were several officials who showed favour to the Town Secretary and disfavour to other candidates who had been recommended for the post. That said, these individuals should be investigated and charged of Criminal abuse of duty as public officers under Section 174 of the Criminal Law (Codification and Reform) Act, Chapter 9:23.

Box 2: Section 174 of the Criminal Law (Codification and Reform) Act, Chapter 9:23

174 Criminal abuse of duty as public officer

(1) If a public officer, in the exercise of his or her functions as such, intentionally—

- (a) does anything that is contrary to or inconsistent with his or her duty as a public officer; or*
- (b) omits to do anything which it is his or her duty as a public officer to do;*

for the purpose of showing favour or disfavour to any person, he or she shall be guilty of criminal abuse of duty as a public officer and liable to a fine not exceeding level thirteen or imprisonment for period not exceeding fifteen years or both.

(2) If it is proved, in any prosecution for criminal abuse of duty as a public officer that a public officer, in breach of his or her duty as such, did or omitted to do anything to the favour or prejudice of any person, it shall be presumed, unless the contrary is proved, that he or she did or omitted to do the thing for the purpose of showing favour or disfavour, as the case may be, to that person.

(3) For the avoidance of doubt it is declared that the crime of criminal abuse of duty as a public officer is not committed by a public officer who does or omits to do anything in the exercise of his or her functions as such for the purpose of favouring any person on the grounds of race or gender, if the act or omission arises from the implementation by the public officer of any Government policy aimed at the advancement of persons who have been historically disadvantaged by discriminatory laws or practices.

Furthermore, a focus group discussion held on the 20th of August 2019 decreed that the Town Secretary was hired without first carrying out reference checks.

Participants to the said focus group discussion recommended an investigation and appropriate action against the following public officials:

- Erica Johns from the Ministry of Local Government, Public Works and National Housing for imposing the current Town Secretary;
- Ms. E. Senga, the former Chairperson of the Gokwe Town Council who allegedly coached the interview to score high marks for the candidate whom she preferred;
- Ms. E. Senga should also be investigated for offering employment to the current Town Secretary before approval.

⁸ Ibid, section 4

⁹ Article 15, *Charter for the Public Service in Africa, Third Pan-African Conference of the Ministers of Civil Service*; Windhoek Namibia, 5 February 2001

b. FINANCIAL LOSS TO THE LOCAL AUTHORITY

i. Payment of a salary and allowances for 1 month not served

It is alleged that Melania Mandeya only assumed office of Town Secretary on the 5th of January 2015, yet she demanded and was paid a salary and allowances for the period of December 2014. She was allegedly paid despite protests from the then District Administrator and Acting Town Secretary Ms. Rosemary Chingwe and the Internal Auditor (Tavaziva Mavengere) who had refused to approve and process the payment. At the end, Melania Mandeya was allegedly paid for December 2014.

Refer to a letter dated 24 November 2014 signed by the then Council Chairperson who had offered her the post but informing her that the offer had been put on hold.¹⁰ In the event that the incumbent Town Secretary unjustly enriched herself, it would be prudent for her to refund the salary and allowances paid for December 2014.

The research team received confirmation that Ms. Mandeya was paid US\$2,597 through a transfer made on the 19th of January 2015 through her ZB Account Number 4558567128200. In addition to the salary, the Town Secretary was paid US\$326 for diesel for a period that covered December 2014. Refer to Voucher Number RATV095.

Application for Real Time Gross Settlement (RTGS)
(Please complete in duplicate in capital letters)

No. AAB 589082
Date 19/01/15

Amount to be transferred via the Zimbabwe Electronic Transfer Settlement System (ZETSS)

2597
Two thousand five hundred and ninety seven only

Account Name
MELANIA MANDEYA
PAG 0041 Gabor

Account Number
4558567128200
DEC 2014 SALARY

Beneficiary Name
MAFARA TOWN COUNCIL - PAGES

Beneficiary Account No.
0172113674110110

Amount paid \$
Charges \$
Total Debt \$
ZETSS ACC. NO 25000080

FLEXICUBE AUTHORIZATION

The local authority suffered financial loss since it had also paid the Acting Town Secretary Ms. Rosemary Chingwe the sum of US\$706 approved through Voucher No. 017 for the same month of December 2014 through her ZB Account Number 4564398570200

c. CORRUPTION IN PROCUREMENT PROCESSES

It is alleged that the procurement function has largely been used as a 'cash cow' by the management, staff, family members, friends and compatriots. In all these cases, the local authority may have suffered financial loss, with no scrutiny and action against all those responsible.

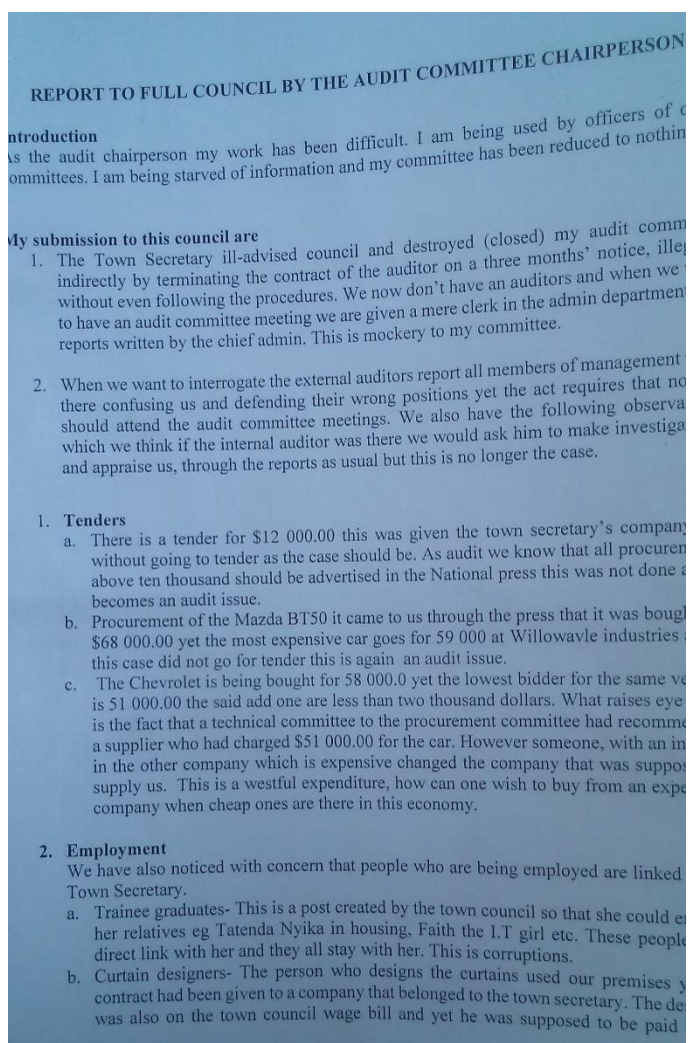
There appears to be wanton and deliberate deviation and disregard of standard procurement procedures with no justification thereby creating a high risk of collusion, insider-bidding cartels and creating opportunities for favouritism and nepotism.

¹⁰ Letter to Ms. M. Mandeya dated 24 November 2014

The Chairperson of the Audit Committee has been consistently raising serious issues against the conduct of the local authority but no action was taken. One of the reports shown hereunder shows a number of concerns that include:

- Deliberate efforts to weaken the audit function of the local authority by terminating the contract of the Internal Auditor;
- Interference with the councillors' efforts to interface with external auditors;
- Violation of tender procedures. For instance, the awarding of a tender for US\$12,000 that did not go for tender;
- Tender procedure violations in the procurement of the Mazda BT50 and possibility of the price having been inflated;
- Issues in the procurement of the Town Secretary's Chevrolet vehicle;
- Nepotism in recruitment of staff and interns.

Refer to the report by the Chairperson of the Audit Committee for more information.



These allegations will be elaborated later in this report.

A focus group discussion conducted in Gokwe on the 20th of August 2019 made the following findings:

i. Procurement of Curtains for the Town House

A relative of the Town Secretary was given a tender to supply curtains for the Town House at a cost of \$12,000 without following tender procedures. The person given the tender to supply the curtains was staying at the same house with the Town Secretary and is believed to be a relative. This allegedly violated tender regulations which stipulate the need to advertise when the sum of \$10,000 is exceeded. The participants to a focus group discussion queried on why the tender was given to a relative as well as why procurement procedures were not followed.

It is evident that there is lack of transparency and integrity in tender processes. Tender procedures might have been flouted. There is a further possibility of conflict of interest. As a measure of promoting professionalism within the public service, the African Charter on Values and Principles of Public Service and Administration discourages incompatibilities and conflict of interest. Article 11 (3) dissuades public servant agents from making decisions in situations in which they have vested interests and that they should not engage in transactions or hold financial, commercial or material interest incompatible with their duties and responsibilities. It is further advised that public service employees ... 'declare any financial and commercial interests they might have or any profit-making activities they may be engaged in, either directly or through family members, if such interests or activities are likely to give rise to conflicts of interest'.¹¹The 'curtains tender' case points that council operates an opaque tender system without considering selection methods such as quality and cost-based selection, least-cost selection or other selection methods as espoused in legal and policy

¹¹ Article 24, *Charter for the Public Service in Africa*

frameworks. Possible risk is real that the Council might have been exposed to possible financial prejudice due to the existence of conflict of interest and the resultant failure to follow basic procurement procedures.

In this case, the Town Secretary must explain why the tender was not advertised, subject to competitive bidding and why someone believed to be a relative was contracted to provide the curtains to the local authority.

ii. Catering services for benchmarking survey

In May 2019, the tender to offer catering services to delegates who attended the benchmarking exercise was given to one Irene Maheya. The amount which she charged for the services thereof, has been kept under the carpet and hidden from some Councillors within the same local authority. What has only been exposed is a letter dated 1 July 2019 signed by one Irene Maheya instructing the Gokwe Town Council to deduct \$4,000 from the amount charged for the catering services to pay a stand offered to Mr. Stewart Gwatirinda (Acting District Administrator) in the Kambasha area. The mention of the name of the District Administrator raises concerns. The Town Secretary then instructed the Finance Department to action as requested. The awarding of such tenders seem to only target high profile individuals, friends, relatives and compatriots which smacks of favouritism. **The letter from Irene Maheya instructing the Town Council to pay for a stand allocated to the District Administrator does not only raise suspicion but exposes the rot in the town. With involvement of the Acting District Administrator,** there is a possibility that high profile and influential individuals might connive to unfairly benefit from Council coffers and that without tender transparency, Council risks being financially prejudiced. The involvement of the Acting District Administrator should be investigated.

iii. Procurement of a Chevrolet for the Town Secretary

The tender to supply a Chevrolet vehicle (Registration Number AEF 2600) for the Town Secretary in 2016 was highly controversial. Among the bidders for the same had offered to supply it for \$51,000 yet the local authority settled on someone who offered to supply it for \$58,000. In the process, the local authority suffered financial loss of \$7,000 which could have been saved and channelled towards service delivery. Due to such skewed preferences and lack of financial discipline, Council suffered irreparable loss.

iv. Procurement of a Nissan NP300 for the local authority

On or about 2011, the local authority paid a total of \$23,000 for the purchase of a Nissan NP300 to Timber King (Pvt) Ltd t/as Big Valley Marketing. This car was meant for use by the Director Finance. However, the vehicle is believed not to have been delivered to date leaving concerned residents with questions on what happened and concerns on the huge financial loss suffered since the amount of money paid has not been recovered at the time of writing the research findings. Queries were raised as to whether Big Valley Marketing is a bona fide entity legally registered to undertake business operations. Non-delivery of services or goods paid for poses serious financial losses to local authorities. It is alleged the Director of Finance, a Mr. Nyoni confirmed at a meeting held at the DA's office that the vehicle had problems with keys but it is not clear how a brand-new vehicle can have such problems.

v. Procurement of a Mazda BT50

Stakeholders interviewed raised issues with the way the vehicle was procurement. It is alleged that it was bought for US\$68,000 at Willowvale Motors yet the most expensive vehicle at the same supplier was going for US\$59,000. The Chairperson of the Audit Committee raised issues with the procurement thereof, but all the efforts of the Committee were thwarted. It is alleged that some individuals may have enriched themselves by inflating the price and hence an investigation into the matter.

vi. Procurement of a Toyota D4D

On the 23rd of May 2013 being part of the 63rd meeting of the Gokwe Town Council full council meeting, a resolution was made to procure the vehicle from Croco Motors. The resolution was proposed by Cllr. D. Masvisvi and seconded by Cllr. O. Tangwara. However, the local authority did not adhere to the council resolution but ended up acquiring a second hand and accident damaged vehicle. The intention was to spend US\$38,000 on a new motor vehicle but the local authority allegedly bought the vehicle from one Mr. David Michael Catchington for US\$18,000 and allegedly spent US\$34,000 in repairs, which means that the vehicle was finally bought for US\$52,000. The vehicle was acquired under unclear circumstances and other informants indicated that Timber King (Pvt) Ltd t/as Big Valley Marketing was also part of the deal.

vii. Nepotism in recruitment processes

It is alleged that the Town Secretary has been recruiting her relatives. The following are shining examples:

- The person who designed curtains for the Town house was staying with the Town Secretary at her residence;
- Figure 1 above states that the Town Secretary recruited Tatenda Nyika who was staying with her at her residence;

d. ALLEGED CRIMINAL ABUSE OF DUTY IN THE ALLOCATION OF STANDS

Gokwe is one of the towns in which the former Provincial Governor Josia Machaya was being charged for criminal abuse of office. Focus group discussions with concerned residents on the 20th of August 2019, made the following findings:

i. Stands allocated to the Town Secretary.

It is alleged that the Town Secretary of the local authority has enriched herself through residential stands in the low-density suburb of Kambasha. For instance, she owns Stand Numbers 155 and 156 in violation of local authority policies. Refer to Account Number 30.0156.00 for more information about this issue. The local authority passed a resolution prohibiting ownership of two adjacent stands in the same location which she has flagrantly violated regardless of having full knowledge of the inappropriateness of the same. The complainants have equated the behaviour of the Town Secretary to abuse of office.

e. VIOLATION OF THE LOCAL AUTHORITY'S INTERNAL POLICIES

i. Road Traffic Accident involving a Foton Vehicle

A Foton vehicle allocated to the Director of Finance was involved in an accident allegedly being driven by his/her child. In order to cover up for the breach of the local authority policies governing authorised drivers of such vehicle, the police report was kept as a top secret. To date, the matter remains covered under the carpet. As a result of the accident, the local authority suffered loss when the vehicle was not available. The Town Secretary was expected to (in the event that unethical conduct and negligence was evident) institute relevant sanctions against the Finance Director in line with the regulations governing the use of Council vehicles. However, no action was taken. Without proper and adequate supervision, Council suffered financial loss as Council property is converted to personal use. In the above case, Council could have been deprived of fuel which is a scarce resource.

As a result of the accident to which there was no accountability whatsoever, the Director of Finance has long since been given another brand new Foton Registration Number AEF5494. If the vehicle had not been involved in an accident, a lot of money used to purchase another new motor vehicle would have been saved.

ii. Disposal of motor vehicles

It is alleged that the local authority sold Toyota D4D single cab motor vehicle Registration Number ADA4371 without following proper procedures. The local authority had passed a resolution that the

price of such motor vehicles to staff should be at the market value and not at the book value. This was disregarded.

iii. Presence of a Nostro Account

It is alleged that the Town Council has a Nostro Account Number 01721387410218, which was not known by the Councillors. It is not clear on who opened it, using which resolution, the signatories thereof and the amount of money in it. Best practice recommends that bank accounts should be sanctioned by council/board resolutions. There is potential risk that off-the-books operations might be conducted without full council knowledge. Such are irregularities which can be unearthed by an alert internal audit function or by a forensic audit.

iv. Missing and unreported receipt books

It was reported that two receipt books went missing yet there was no report made to the police and efforts to ensure that the public is sensitized to take note of the serial numbers in the event that the books get into circulation. Receipt books and other related revenue collection instruments are security items which Council should guard jealously. Due to the loss of these documents, Council continue to suffer serious prejudice and deprivation of revenue as these receipt books can be used by 'rogue' individuals to extort money from ratepayers. The risk of being financially crippled by loss of revenue constraints leads to poor liquidity which ultimately affects service delivery.

v. Two Internal Transport Policies for the local authority

It is alleged that the local authority has two internal transport policies. The alternate use thereof, is determined by individuals after considering how they benefit from the use thereof.

f. LACK OF TRANSPARENCY IN THE ADMINISTRATION OF DONOR FUNDS

The local authority was accused of lack of transparency in the administration of donations. Information on the expenditure thereof is kept as 'top secret'. The following examples were given:

i. Possible mismanagement of a donation from the National Parks and Wildlife

It was reported that the local authority received a donation of US\$8,000 from the Department of National Parks and Wildlife. However, there is no accountability to date on how the money was used. Despite demands for accountability from councillors, the management has refused and/or neglected to do so.

ii. Zinara donations

It is alleged that Zinara made a donation to the local authority for gravelling of some roads. The assumption was that money from Zinara would be used to pay a service provider known as Mr. Godfrey Nuwana. However, it is alleged that the money was diverted elsewhere and the same Nuwana was given three stands (stand numbers 10760, 10759 and 10758) in place of Zinara's financial donation. The scandal surfaced when the local authority was challenged in court by one Mr. Jona Madhuyu who was claiming 'the right of first refusal' interest in the same stands. To this end, the local authority should explain the circumstances that led to the payment of the contractor with stands when Zinara had given it money for the same purpose.

iii. Donation of a fire fighter vehicle

The local authority received a donation of a Volvo fire fighter Registration Number AAE8004 from one Mr. Lobels. However, regardless of the vehicle having been donated, the local authority claims to have paid \$22,000. Stakeholders interviewed by ACT-SA claimed not to know how the US\$22,000 came about.

Lack of transparency in handling of donations leads to bad reputation and donor fatigue. Council stands to be prejudiced as there is risk that donations might not be properly disclosed, might be converted to personal use or materially misstated.

g. LACK OF UNIFORMITY IN THE ENFORCEMENT OF COUNCIL BY-LAWS

The local authority's by-laws are not enforced uniformly. The business community, mostly affected, challenged the local authority to show that it treats all residents equally when they violate a rule or policy. A number of observations were made as shown below.

i. Different Penalties for trading without a licence.

The Table below shows that penalties for operating without licences are not uniformly enforced. For instance, on the 7th of August 2019, two different individuals paid different amounts for the same offence.¹² One of the business persons paid \$70 for trading without a licence¹³, while others paid \$10 for the same offence. If not corrected or regulated, the irregularities in the penalty system might be used as a punitive tool for settling personal vendettas meant to 'fix' those ratepayers who are perceived as critical of Council. There appears that there are no reviews of receipt books. Without reviews, errors and/fraud may remain undetected for a long period.

Table 2: Penalties for Trading without Licences

<i>Ref</i>	<i>Date of payment of the fine</i>	<i>Offence</i>	<i>Amount in \$</i>	<i>Receipt Number</i>
1	7 August 2019	Trading without a licence	10	3668000
2	7 August 2019	Trading without a licence	20	3672004
3	13 August 2019	Trading without a licence	70	3672015
4	11 April 2019	Trading without a licence / permit	10	3666461
5	5 June 2019	Trading without a licence / permit	10	3666575

ii. Different Penalties for trading without Medical Certificates.

Similarly, there are different penalties for the same offence of operating without medical certificates. Refer to Table 3 for more information.

Table 3: Penalties for trading without a Medical Certificate

<i>Ref</i>	<i>Date of payment of the fine</i>	<i>Offence</i>	<i>Amount in \$</i>	<i>Receipt Number</i>
1	10 July 2019	Trading without a Medical Certificate	10	3669301
2	14 August 2019	Trading without a Medical Certificate	20	3672011
3	14 August 2019	Trading without a Medical Certificate	30	3672008

4. CONCLUSION AND RECOMMENDATIONS

One of the reasons behind the formation of Councils is to facilitate the equitable allocation of national resources and as representatives of the people, they should promote exemplary leadership in creating value based and corruption free societies. The *Charter for the Public Service in Africa* recommends that a 'public service employee's conduct shall be deemed to be appropriate when he/she behaves in a manner that enhances public confidence and boosts the image of the public service'. Article 23 of the Charter further seeks to promote integrity and moral rectitude by imploring public service employees to refrain from any activity that is inconsistent with ethics, and morality, such as misappropriation of public funds, favouritism, nepotism, discrimination, influence-peddling, or administrative indiscretion. In Gokwe Town Council it is evident that the fundamental values of a public service employee based on public service rooted in professionalism and ethics are not observed. Serious challenges concerning the scope and thoroughness of regulation of procurement frameworks are perennially inherent, posing risks that Gokwe Town Council is being grossly prejudiced financially. The developments taking place at Gokwe Town Council calls for attention. The local authority suffered financial loss due to mismanagement, abuse of office, corruption and negligence and hence the need for a **forensic audit**. The authority has not been subjected to an audit as from 2015 to date, which means that it remains prone and vulnerable to individuals seeking to enrich themselves at the expense of service delivery. Without periodic audits,

¹² Refer to Receipt Numbers 3668000 and 3672004

¹³ Refer to Receipt Number 3672015

there is risk that financial prejudices will occur for a long time without detection and that Council will continue to operate without financial advice necessary for safeguarding rate payers' resources. Audits enhance accountability.

That said the following recommendations are made:

a. An investigation into corruption in the recruitment of the Town Secretary

The recruitment of Melania Mandeya exposed the rot in the recruitment processes, especially impositions by high profile individuals. Unqualified candidates end up being recruited because of favouritism at the expense of service delivery. There were other candidates who scored better but were disregarded because of the fact that they are not as connected as the candidate who ended up being offered the post. It is thus prudent to find out how Melania Mandeya ended up being recruited regardless of the protests from several offices as reflected in this report.

b. Investigation to facilitate prosecution for criminal abuse of office

All allegations of criminal abuse of duty as public officers should be investigated. If the investigations are positive the accused persons should be prosecuted and where possible imprisoned.

c. Relevant authorities should invite the following officials to answer specific questions based on the findings of this research

i. The Human Resource Director (Erica Johns) of the Ministry of Local Government, Public Works and National Housing should answer the following questions:

- The allegation that she facilitated the recruitment of Melania Mandeya as the Town Secretary, especially that she demanded that the post be re-advertised and that she was going to alert Melania Mandeya to apply.

ii. The former Chairperson of the Gokwe Town Council (E. Senga) should answer the following allegations levelled against her:

- The allegation that she coached the panel to score more marks for Melania Mandeya;
- The allegation that she rushed to offer employment to Melania Mandeya before approval by the Local Government Board.

iii. The Town Secretary should answer the following allegations against her:

- Allegations that the Town Secretary was paid a salary and allowances for December 2014 when she only started work on the 5th of January 2015;
- Allegation that she awarded a tender for curtaining the Town house to a relative she was staying with and also that the tender was awarded in violation of tender procedures;
- Allegation that she recruited relatives at the Town Council, referring to the case of Tatenda Nyika and the person who provided curtains to the Town house, among others.
- Allegation that the local authority diverted money from Zinara and ended up paying for road work services that should have been paid from Zinara donation with stands;
- That there was financial loss in the acquisition of the Town Secretary's Chevrolet vehicle Registration Number AEF2600;
- That the price of the Mazda BT50 may have been inflated thereby causing financial loss to the local authority;
- That a Toyota D4D was acquired in violation of a council resolution thereby causing financial loss to the local authority;
- That the Town Secretary allegedly gave herself two stands (Numbers 155 and 156) in the Kambasha area in violation of council policies;
- That the Toyota D4D was disposed of, in violation of council policies;
- That the Nostro Account Number 01721387410218 was opened **without** council approval and there is no accountability on how much money has been deposited and withdrawn from the account.
- That there are two transport policies that are causing confusion at the local authority;

- That there is lack of uniformity in the enforcement of policies for the local authority such as penalties for operating without licences and medical certificates;
- Allegation that she had a number of outstanding issues with her former employer.

iv. The Director of Finance at the Gokwe Town Council should answer the following allegations:

- Allegation that he gave the local authority Foton Vehicle to his child to drive in violation of the council policies;
- Allegation that he confirmed that the NP300 was delivered but had problems with the keys though it was never seen in Gokwe.

v. The Acting District Administrator- Mr. Stewart Gwatirinda

- Explanation on why Irene Maheya who rendered catering services to the Gokwe Town Council paid \$4,000 for his stand in the Kambasha area;
- Explain the relationship between him and Irene Maheya.

d. Action to avert lack of uniformity in penalties for certain offences

It has become crystal clear that there is lack of uniformity in the enforcement of the local authority by-laws. Several receipts have been availed as the evidence thereof. Having said this, the local authority is required to put its house in order.

e. Delivery of vehicles paid for but not delivered

The local authority suffered financial loss to the tune of US\$23,000 when it paid for a Nissan NP300 vehicle which was never delivered since on or about 2011 to date. To this end, the whereabouts of the vehicle should be ascertained and the vehicle be delivered accordingly.

f. Investigations into the allocation of stands

The case of the former governor involving corruption in the allocation of stands could be serving as a tip of the iceberg, with more corruption having been perpetrated by officials at the local authority and hence the urgent need for investigations or commissioning a land audit.

g. Full and Unbiased use of the Audit Function

It is further recommended that the Audit Committee be accorded the opportunity to perform its functions without hindrance or interference. An Internal Auditor should also be allowed to perform his/her duties as per the dictates of the profession. Continuous monitoring should be carried out as preventive measure. Since corruption is highly insidious and usually occurs under the cover of secrecy, which implies that corruption can evade detection - rigorous internal audits should be carried out as such audits prevent dishonesty and abuses by instilling fear of detection and also enhance financial accountability by providing expert opinions. Audits can intercept irregular payments before they are made. They also help check upon compliance and wasteful judgements made by officials.

h. Forensic Audit of the Gokwe Town Council

The assessment team learnt that a recommendation for a forensic audit for the period 2015 to 2019 was proposed by Cllr. T. Mukowora and seconded by Cllr. D. Taruvinga. However, the Town Council management has been resisting since then. To this end, a comprehensive forensic audit is recommended for the period 2015 to 2019.

i. Investigate the relationship between Timber King (Pvt) Ltd t/as Big Valley Marketing and the local authority

A number of stakeholders interviewed suspect a corrupt relationship between Timber King (Pvt) Ltd t/as Big Valley Marketing and the Gokwe Town Council. There are allegations that the company has largely been given several tenders, including the supply of the NP300 which was never delivered. It was also involved in the supply of several other motor vehicles for the local authority. Questions were raised on why it was the only company chosen regardless of its alleged poor performance.