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A critical analysis of decentralization in Zimbabwe: focus on the position and role of a Provincial Governor.

Key words – Zimbabwe local government, provincial governor, decentralization, devolution, autonomy, local accountability, representative democracy, local empowerment, provinces, reforms.

Declaration

I hereby declare that this is my own work, and I have properly acknowledged all the sources which I have used by means of references. I further testify that it has not been submitted for other degree or to any other institution of higher learning.

Tinashe Carlton Chigwata 25th of November 2010.

Signed.....



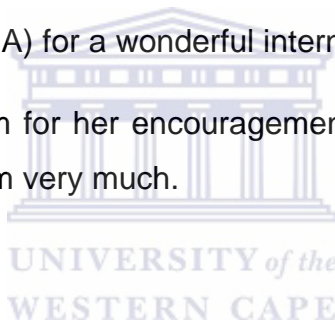
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List of abbreviations

MLRUD	Ministry of Local Government, Rural and Urban Development
Minister	Minister of Local Government, Rural and Urban Development
MDC-T	Movement for Democratic Change-Tsvangirai
MDC-M	Movement for Democratic Change-Mutambara
PA	Provincial Administrator
PC	Provincial Council
PG	Provincial Governor
PMDDs	Prime Minister's Directives on Decentralization and Development of 1984 and 1985
PDC	Provincial Development Committee
RDC	Rural District Council
RC	Rural Council
UC	Urban Council
ZANU-PF	Zimbabwe African National Union-Patriotic Front
ZAPU	Zimbabwe African People's Union

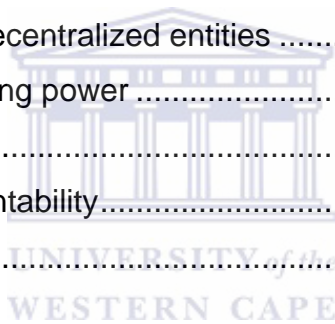


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CHAPTER 1: Introduction

Provincial governors constituted an important part of the decentralization package unveiled in Zimbabwe in 1984 and 1985. The President appoints provincial governors among other duties, to coordinate development planning and implementation at the provincial level. This paper seeks to examine the appointment and role of a provincial governor and in that way establish the extent to which such appointment and role hinder or enhance representative and participatory democracy, accountability, devolution and empowerment, as ideals of decentralization. This contribution examines provincial governance in Zimbabwe as part of the local government system.

1.1. Background to the study

Central governments around the world are decentralizing fiscal, political, and administrative responsibilities to lower-level governments and to the private sector.¹ Since independence, Zimbabwe has embarked on a process of decentralization through legislative and institutional initiatives in a bid to strengthen and democratize local government,² as well as to improve service delivery. Among other institutional changes, the position and role of a provincial governor (PG) was established by the Prime Minister's Directives on Decentralization and Development of 1984 and 1985 (PMDDs). These directives were given legal status in 1985 and became the Provincial Councils and Administration Act.³

PGs are classified as political heads of provincial governments and provide leadership to the provinces thereof. Besides the PGs, the PMDDs also created other structures at the provincial level and these include; Provincial Councils (PC), Provincial Development Committees (PDC) and other sub-committees of the PDC. The provincial administrator (PA) also undertakes a very important role in provincial governance. Each province has a PA who is responsible for coordinating the activities of central government ministries

¹ Litvack *et al* (1998: v).

²The meaning attached to local government in this paper encompasses sub-regional governments and local authorities (municipalities). The ten administrative provinces of Zimbabwe are therefore being classified as local governments.

³ Provincial Councils and Administration Act [Chapter 29:11]. Legislation in Zimbabwe is identified and categorized by way of chapters.

and agencies at the provincial level to ensure coordinated development planning and implementation.

Zimbabwe is experiencing massive service delivery problems and democratization challenges.⁴ Some of the problems and challenges have to do with the nature of decentralized provincial governance which was created by PMDDs and related decentralization policies. It is against this backdrop, among other reasons, that Zimbabwe recently embarked on a process of reviewing the Constitution. Of particular relevance to this paper is the proposed constitutionalization of decentralized entities to provide local government as a distinct sphere of government; so as to address central-local functional overlaps, deal away with the subservient nature of local governments and to strengthen local democracy.

In his Speech at a Local government policy workshop in Harare, the Minister of Local Government Dr I.M.C Chombo motivated for a local government reform process which seeks to create a responsive, robust, democratic, participatory and constitutionalized local government system.⁵ The constitutional-review process currently underway provides such a platform to discuss the future of local government. The area of provincial governance, particularly the appointment and role of a PG, has received a lot of attention in this constitutional-review process which begun in September 2008. At the point of writing (October 2010), the constitutional review process is in the consultation stage, with public consultation processes currently being conducted in all ten provinces.

1.2. Statement of the problem

Decentralization involves the transfer of power and resources from the centre to sub-national units or local units, which exercise those powers and functions with a significant degree of autonomy. Through decentralization communities are empowered to elect representatives, influence decision-making and participate in development. The creation of provincial governments in Zimbabwe formed part of the decentralization efforts which saw the creation of other lower level structures such as village development committees. The question is to what extent can provinces act as effective and

⁴ Chatiza (2010: 8) and RTI and Institute for a Democratic Alternative in Zimbabwe (2010: 46-53).

⁵ De Visser *et al* (2010: ix-xii).

meaningful decentralized institutions who can respond to the needs of the people at the provincial level? Are they mouth pieces of the centre? This requires an anatomy of the provincial governance system.

The appointment process of PGs, as well as the competing position of the PA also raises a number of important questions which this study seeks to answer. For example, has the position of PG added value to the local government system? What, if at all, are the costs related to the overlap of roles between the PG and the PA? What is the state of representative democracy considering the sole appointment of PGs by the President? Therefore this study seeks to examine the contentious role and position of a PG against the decentralization ideals of representative democracy, local accountability and empowerment.

Politics is part of every society which permeates all aspects of human life. Political party politics in Zimbabwe since independence has always played a part in policy formulation and implementation. The magnitude at which party politics can play a part in the appointment of PGs, PAs and in the general supervision of local authorities cannot be underestimated easily and undoubtedly impacts on decentralization. The question is, to what extent has party politics played a role in determining and influencing decentralization processes?

1.3. Focus and Objective of the Study

This study while located in the broader decentralization project in Zimbabwe is focused on provincial governance within the local government system. Firstly, the study is going to focus on how the position and role of a PG in the local government structure impacts on the adequate devolution of power to local units. Secondly, it seeks to explore the roles of these PGs taking into account their appointment and their accountability to the President. Of importance to this study is the need to show how the appointment of these PGs might significantly affect the discharge of their duties. The impact on local empowerment, bottom-up or grassroots decision-making and local accountability caused by the appointment of these PGs by the President will also be explored. An evaluation of the extent to which the centre dispersed power, resources and authority to

provincial governments deserves equal attention. Lastly the study aims to suggest ways in which these tensions can be addressed.

1.4. Significance of the Study

The study is aimed at providing insight into the debate on constitutionalizing decentralized entities in Zimbabwe, an issue which is central to the current review of the Constitution. A strong motivation for this study is also the fact that there is not much literature or research dealing with this particular area of governance. This study seeks to explore this neglected area which is crucial to decentralization and local governance and in so-doing foster debate and reflection during the on-going constitutional-review process. Lastly, the study will also engage with emerging issues as the review of the Constitution progresses.

1.5. Literature Review

Decentralization is a broad concept that often takes a specific form depending with the context where it is applied. There are, however certain aspects of decentralization that are considered to be standard, irrespective of where they are applied. Rondinelli therefore defines it 'as the transfer of responsibility for planning, management and resource raising and allocation from the central government and its agencies to:

- (a) field units of central government ministries or agencies,
- (b) subordinate units or levels of government,
- (c) semi-autonomous public authorities or corporations,
- (d) area-wide, regional or functional authorities, or
- (e) non-governmental private or voluntary organizations'.⁶

Litvack *et al* view decentralization, as the assignment of fiscal, political and administrative responsibilities to lower levels of government.⁷ Zimbabwe after independence, like many developing countries, adopted decentralization to promote

⁶ Rondinelli (1981: a).

⁷ Litvack *et al* (1998: 4). Decentralization is occurring worldwide for different reasons, at different paces, and through different means.

development and further democracy. Decentralization, according to Mawhood 'suggests the hope of cracking open the blockages of an inert central bureaucracy, curing managerial constipation, giving more direct access for the people to the government and the government to the people, stimulating the whole nation to participate in national development.'⁸ It is premised on the belief that, people at the grassroots, who understand the particularities of their immediate locality, should have real control over how state policies affecting them are formulated and implemented.⁹

Decentralization, according to the Government of Zimbabwe, is aimed at 'promoting democracy, to increase efficiency and effective service delivery, and to reduce the role of central government in local services provision and management'.¹⁰ However there seems to be a wide gap between the stated aims of decentralization in Zimbabwe and the legislative and institutional frameworks. Steytler and De Visser,¹¹ argue that, one of the objects of local government is 'to provide democratic and accountable government for local communities'. The provincial governance system does not allow local people to elect their own leaders as a way of promoting a democratic and accountable government.

Zimbabwe has always been characterized by the accountability of local governments to the central government rather than to the people. For example, Joseph Msika, a former Minister of Local Government, argued that '...in Zimbabwe, local government entails the division of functions and responsibilities between central and local government. He added that '...the final accountability of local councils remains with the central government, which created local government at the first place...local does not mean extend the concept of sovereign self-rule for local authorities.'¹² Chatiza argues that, there is confusion in Zimbabwe around the concepts of 'local affairs and locally elected decision makers, on one hand, and the division of functions between central and local government, as well as the transfer of functions inherent in the decentralization debate,

⁸ Mawhood (1993: 1).

⁹ Manor (1999: 54).

¹⁰ Government of Zimbabwe (2002).

¹¹ Steytler and De Visser (2009: 1-23).

¹² Msika (1992: 104).

on the other.’ He further argues that, the current local government is not only unintentional but also undemocratic’.¹³

The position and role of a PG have been viewed with suspicion by many because of the said alignment of these governors to President Robert Mugabe’s ZANU-PF political party. Makumbe, for example, believes that the introduction of the position of a PG was an unnecessary move and a strategy for maximizing political control by ZANU-PF.¹⁴ The Zimbabwe Institute argues that, ‘the introduction of PGs in Harare and Bulawayo is a move designed to neutralize the unwanted presence of the opposition MDC political party that controls the two cities having overwhelmingly won local councils elections’.¹⁵ While the media has attempted to canvass this issue, there is little academic literature on the specific topic. The suspicion about the role and position of a PG therefore warrants a critical, academic analysis, which, this study seeks to achieve.

1.6. Methodology

This is a desk-based study focusing on reviewing relevant legislation, policy directives, and literature on decentralization in Zimbabwe. The current constitutional review papers and positions of the on-going Constitution-making process in Zimbabwe are also useful for the study. Personal observations are also critical to this contribution.

1.7. The Structure of the Study

Chapter one will give a general background and outline of the study. Chapter two focuses on the concept of decentralization, defining it and providing the rationale behind the concept. The chapter examines the pre and post-colonial local government history in a bid to understand the changing policy intent of decentralization in Zimbabwe. Lastly, the chapter sums up with an analysis of the current local government structure focusing on relevant legislation.

Chapter three provides the legal and institutional framework of provincial governance in Zimbabwe. The ‘mother’ legislation which is going to be analyzed is the Provincial

¹³ Chatiza (2010: 8). He states that ‘central government vacillates between a devolution thrust (administering local affairs by locally elected officials) and a delegation one (performing tasks transferred from, assigned by, the centre)’.

¹⁴ Makumbe (1998: 32).

¹⁵ Zimbabwe Institute (2005: 9).

Councils and Administration Act¹⁶ and also relevant Constitutional provisions. Chapter four assesses the legal and institutional framework of provincial governance in Zimbabwe. Chapter five provides a conclusion and recommendations towards the democratization and constitutionalization of decentralized local government system of Zimbabwe.

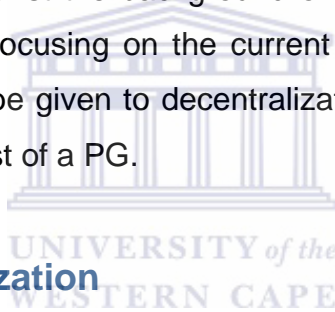


¹⁶ Provincial Council and Administration Act.

CHAPTER 2: Decentralization in the Zimbabwean context

1. Introduction

Decentralization has widely been accepted as a key feature of public sector reform programme and is associated with democratization, development and good governance. At the international level this is manifested in the United Nations Guidelines on Decentralization and the Strengthening of Local Authorities and the requirements of institutions like the International Monetary Fund and the World Bank.¹⁷ At the regional level, most African countries have adopted some form of decentralized government. A properly designed decentralization programme has the potential of reaping a number of benefits. In this chapter, the policy intent of decentralization in Zimbabwe will be explored against the background of both pre and post-colonial local government initiatives. Finally focusing on the current decentralized local government structure, attention is going to be given to decentralization at the provincial level which has seen the creation of the post of a PG.



2. Overview of Decentralization

2.1. Definition of Decentralization

Decentralization has a number of facets which take different forms in different context and as such, it has been described as an 'ambiguous concept'.¹⁸ To this end, a number of definitions and meanings have been ascribed to decentralization by academics and politicians alike. According to Mawhood, decentralization 'occurs when national government shares some of its power with other groups, particularly those that are either geographically dispersed, or are responsible for specific functions, or are given jurisdiction over specified physical locations'.¹⁹

¹⁷ Bosire (2010: 23).

¹⁸ De Visser (2005: 13). The World Bank (2000: 108) defines decentralization as '...the transfer of political, fiscal and administrative powers to sub national units of government.'

¹⁹ Mawhood (1993: 4).

The key elements to note in decentralization are power, authority and responsibilities which are diffused intentionally to peripheral units from the centre to achieve predetermined objectives. Decentralization processes in developing countries, particularly in Africa, have aimed to promote good governance, improve service delivery, to promote peace and as a democratization initiative, among other goals. Litvack *et al* define decentralization as ‘the assignment of fiscal, political, and administrative responsibilities to lower levels of government’.²⁰ The shift in responsibility between tiers of government is underpinned by several fiscal, political and administrative instruments. These instruments give rise to fiscal decentralization, political decentralization and administrative decentralization. They define the extent to which intergovernmental relations is deconcentrated, delegated or devolved.²¹

2.2. Forms of decentralization

Decentralization can be categorized into four main forms namely deconcentration, devolution, delegation and privatization. It is important to note that countries which have implemented decentralization have adopted two or more forms of decentralization and the result is often a mixture of these forms of decentralization.

2.2.1. Deconcentration

Manor views deconcentration as a form of decentralization which ‘disperses agents of higher levels of government into lower level arenas. The agents remain accountable only to persons higher up in the system. The central government is not giving up any authority but simply relocating its officers at different levels or points in the national territory.’²² In other words, it is a power relationship within the same organization.²³ Deconcentration is the transfer of power, authority and resources within the organization and the recipients of such authority remain largely accountable to the centre, although they may have a significant degree of discretion. Manor further states that ‘deconcentration enables central authority to penetrate more effectively into those

²⁰ Litvack *et al* (1998: 4).

²¹ Litvack *et al* (1998: 6).

²² Manor (1999: 5).

²³ Hyden (1983: 85). The World Bank in its 2003 Report regards deconcentration as the weakest form of decentralization. It is mostly prevalent in unitary states where central government passes some of the responsibilities to the regions, provinces and districts.

arenas without increasing the influence of organized interests at those levels'. In practice deconcentration 'tends to constitute centralization, since it enhances the leverage of those at the apex of the system'.²⁴ Deconcentration is the most frequently used form of decentralization in developing countries as it guarantees central control and direct accountability to the centre.

2.2.2. Devolution

Devolution, according to Rondinelli *et al*, 'is the creation or strengthening-financially or legally of sub-national units of government, the activities of which are substantially outside the direct control of the central government'.²⁵ This form of decentralization results in the permanent or semi-permanent placement of power to local units usually through legislative and constitutional recognition. It is an 'inter-organizational transfer of power from the centre to institutions that are outside the general command structure of the centre'.²⁶ The recipients of such powers, usually local governments, exercise these powers with a significant degree of autonomy although the centre still maintains supervisory powers. The local units are accountable to their constituencies instead of the central government as is the case with deconcentration.

2.2.3. Delegation

Delegation is the third form of decentralization commonly used in developing countries. The World Bank views this form of decentralization as more extensive than the concentration of power in central government.²⁷ According to Rondinelli *et al*, delegation 'transfers managerial responsibility for specifically defined functions to organizations that are outside the regular bureaucratic structure and that are only indirectly controlled by the central government'.²⁸ The recipients of such managerial responsibility include public corporations, regional development agencies and parastatals. As is the case with devolution, public corporations under delegation exercise their powers and duties with a significant degree of autonomy. However the centre remains ultimately responsible for the provision of goods and services given to these public bodies.

²⁴ Manor (1999: 5).

²⁵ Rondinelli *et al* (1984: 19).

²⁶ Hyden (1983: 85).

²⁷ World Bank (2003: 4).

²⁸ Rondinelli *et al* (1984: 15).

2.2.4. Privatization

Manor views privatization as a form of decentralization that 'transfers power from one bureaucratic machinery to another or one that transfers power between two colossal entities'. He further argues that, 'privatization cannot be regarded as authentic decentralization as it does not devolve decision-making powers to the people'.²⁹ Under privatization, central government retains indirect control over the activities of such bodies which are outside its bureaucracy. Power and authority is transferred to professional groups, trade associations, political parties and cooperatives. Goods and services which these organizations provide tend to be provided under market conditions.

In this paper emphasis and focus is given to devolution, delegation and deconcentration as the main forms of decentralization. Privatization is not given attention because it does not disperse real decision-making powers to the people.

2.3. Why decentralize?

It is important to note that, decentralization is not a panacea to the problem of poor governance or under-development in third world countries. A decentralization programme in country A can not reap the same benefits in country B. Its success largely depends on the conditions prevailing in a particular country and the manner in which a decentralization programme is designed.

Decentralization is not an end in itself, the ultimate objective(s) being, efficient service delivery, political stability, sustainable development and good governance. If properly designed, decentralization through devolution is likely to reap more benefits than other forms of decentralization because it has a great potential to promote local accountability, participatory development, representative democracy and good governance. This section will examine some of the benefits or values of a sound decentralization programme.

²⁹ Manor (1999: 4).

Lele³⁰ argues that decentralization 'allows local leaders to locate services and facilities more effectively within their communities'. He states that 'decentralization enables the integration of isolated or lagging areas into regional economics, and enables the monitoring and evaluation of the implementation of development projects more effectively than can be done by central government'. Hence decentralization has a great potential to promote national development by creating a conducive environment for policy formulation and implementation which is a prerequisite for economic development.

Decentralization processes give decision-making power to the local level and can potentially create a responsive administration at that level. The public administration, whose programmes and personnel serve the needs and represent the interests of local communities, is sensitized to the views and needs of these communities.³¹ Interaction between various stakeholders, and their effective influence on administrative decisions, is also a manifestation of a responsive and responsible public service. Thus, decentralized administrative systems bring government in close contact with local communities, improving stakeholders' positive perception of government, and government's response to policy problems.

Riruako argues that decentralization can improve the quality of decision-making in central government and enable improved information flows from the field administration to the central government. He further states that, decentralization has the potential to motivate field personnel by increasing their participation in decision-making through delegated authority and responsibility.³²

Decentralization can yield improved democracy at grassroots level or 'give[s] power to the people' by giving power and opportunities to the local people to elect local leaders.³³ It is expected to further democracy and improve governance by increasing opportunities for citizens to participate and hold their leaders accountable for their actions and omissions. Smith sums up as follows '...decentralization is said to strengthen

³⁰ Lele (1975).

³¹ De Visser (2005: 24).

³² Riruako (2007: 31).

³³ For more information on the link between decentralization and democracy see Crook and Manor (1991: 24).

accountability, political skills and national integration...it promotes liberty, equality and welfare.'³⁴

Decentralization processes have not always yielded the above discussed benefits particularly in Africa. An in-depth discussion on the successes and failures of decentralization initiatives in Africa is beyond the scope of this paper, nevertheless. In some countries decentralization processes have reaped reasonable benefits, while in others, the results have been disastrous. It is argued that decentralization can increase social and regional disparities, harbor corruption and cause macro-economic destabilization.³⁵ Contrary to such claims, it can be safely argued that, the above mentioned disadvantages of decentralization are not permanently attached or associated with decentralization, but are a result of improperly or half-baked decentralization policies.³⁶ The next section discusses the aim and policy intent of decentralization in Zimbabwe.

3. Policy intent of decentralization in Zimbabwe

3.1. History of local government in Zimbabwe

In 1891 the Salisbury Sanitary Board was established as the first local government unit under the colonial government of the British South Africa Company.³⁷ This marked the emergence of a local government system in Zimbabwe. Government in Zimbabwe was primarily based on the principle of 'separate development' of races, notably whites and blacks, with the former benefiting more than the latter. To serve the purpose of 'separate development', local government was similarly divided on the basis of race. Urban Councils, in various forms, were elected by the whites, enjoyed sound autonomy, and provided reasonable services to the white community. Rural Councils which were formed in the 1960s out of the 'road committees' were elected by the whites to

³⁴ Smith (1985: 4-5).

³⁵ See Litvack *et al* (1998: 8-9). The stringent conditions for successful decentralization have recently been emphasized with respect to developing countries (Prud'homme, 1995; Tanzi 1996). In particular, it has been argued that not only can decentralization fail to improve local service delivery, it may risk national destabilization. Argentina in the 1980s is a commonly cited example.

³⁶ De Visser (2004: 33).

³⁷ Vosloo *et al* (1974: 184).

represent and serve white settler areas and enjoyed a fair degree of autonomy. In contrast, Native Councils for black Africans covered the communal African farming areas and were subjected to central control.³⁸ Following is a brief discussion of Urban Councils, African Advisory Boards, Rural Councils, African Councils and Regional Authorities.

3.1.1. Urban Councils (UCs) and African Advisory Boards (AABs)

Urban Councils (UCs) were created for white settler areas which were mostly located in areas of fertile soils and good climatic conditions, which were conducive to agricultural activities.³⁹ A sizeable number of UCs were also established to serve the white community which resided in mining regions. Africans were allowed to stay in urban areas only if they were employed in industries, factories and commerce or if they were domestic workers for the urban white community.

Decentralization was applied separately, with sound devolution in UCs, which allowed such councils to raise revenue, make by-laws, provide infrastructure and amenities, among other duties. The relevant legislation which made these councils more autonomous was the Urban Councils Act of 1973. The urban local government which developed excluded Africans from urban governance, with the first local government institutions (African Advisory Boards) for Africans established 39 years after the 1891 Salisbury Sanitary Board.⁴⁰ African Advisory Boards (AABs) on the other hand, were created between 1940 and 1970 by UCs to cater for the needs of African-urban-dwellers but lacked significant powers as they only served as advisors to the UCs on issues relating to Africans in townships.⁴¹ Colonial period urban local government therefore evolved along the twin-city concept which separated African from European

³⁸ Stewart *et al* (1994: 4). Native Councils were later changed to African Councils by the Native Councils Act of 1937.

³⁹ Makumbe (1998: 19).

⁴⁰ Chakaipa (2010: 35). The Salisbury Sanitary Board was the first local government unit in colonial Zimbabwe which was established for the white settler community in Salisbury.

⁴¹ See Vosloo *et al* (1974: 191-200) for a detailed discussion on colonial urban local government which created AABs as mere advisors of UCs.

residential areas.⁴² Service provision was also based on this twin-city concept with white areas receiving better and quality services than African areas

3.1.2. Rural Councils (RCs)

Road Committees which traditionally existed in most large scale commercial farming and mining areas, catered for the interests of white commercial farmers in rural areas. They were created in the 1930s and according to Vosloo *et al* the purpose of these elected bodies was to, 'construct and maintain roads outside UC areas, other than gazette main roads, which were the direct responsibility of the Government'.⁴³ The Rural Councils Act (1966) transformed the Road Committees into RCs which were devolved bodies, with the authority to levy property taxes, rates and services charges on their council area members, as well as on residents, and business enterprises located at urban centres within their areas. They were democratically elected although they lacked representation for the black farm laborers who resided in these areas. In terms of autonomy and functions, they performed the same functions as that of UCs with an equal degree of autonomy.⁴⁴

3.1.3. African councils and Regional Authorities

Unlike in urban areas and in large scale farming areas, local government in African areas evolved rather slowly with the first local government unit, the Native Boards, only established in the 1930s. Native Boards were mainly consultative and responsible for the management of communal lands which were highly fragmented.⁴⁵ The Native Boards were headed by Native Commissioners (now district) who were appointed by the central government, with chiefs and headmen being *ex-officio* members. In 1937, the Native Boards were transformed into Native Councils which were not given any powers to raise local revenues and were subjected to centrally imposed rules. As a result they were entirely dependent on central government grants, donations and fees. It is submitted that the Native Boards or their successors, Native Councils and African (District Councils) be categorized as deconcentrated units of the centre given the fact

⁴² Makumbe (1998: 19).

⁴³ Vosloo *et al* (1974: 187).

⁴⁴ See Vosloo *et al* (1974: 191-200) for a detailed discussion on Rural Councils.

⁴⁵ RTI and Institute for a Democratic Alternative for Zimbabwe (2010: 18).

that they were classified only as local or area administration rather than local government. This claim is supported by the central appointment and accountability of district commissioners who led these councils.

Soon after the unilateral declaration of independence in 1965 by the Rhodesian government under the leadership of Ian Smith, a number of pieces of legislation were passed to get support from traditional leaders. Under the Tribal Trust Lands act (1967) and the African Law and Tribal Courts Act (1967) land allocation powers were restored to traditional leaders and the powers to try civil and some criminal cases among Africans, was also conferred on traditional leaders. The introduction of these pieces of legislation was also meant to counter the emerging black nationalism against the white colonial government. By giving powers to the chiefs, the white regime was divested of developmental responsibilities in African areas. Makumbe describes how this process of withdrawing from involvement in African areas was consolidated by a provincialization policy, which resulted in the creation of regional authorities under the Regional Authorities Act of 1973.⁴⁶

In terms of the Regional Authorities Act, the Regional Authorities were responsible for all 'administrative activities' such as the collection of taxes and provision of services in African areas. However, basic services were not provided comparably with the UCs and RCs in white areas because of the lack of meaningful resource raising and allocating powers. Local government therefore served no purpose in African areas mainly because of the reason that, it failed to provide vital services. As a result of the racist character of local government, the colonial local government system was hated by many Africans. The colonial regime successfully alienated the majority of Africans, not only from their traditional leaders, but also from the institution and practice of local government as they were made to understand it.

UCs and RCs (serving white areas) enjoyed devolved authority ranging from the ability to raise revenue, making by-laws and were therefore, soundly autonomous. On the

⁴⁶ Makumbe (1998: 21). Traditional leaders as members of the Regional Councils, as well as agents of the centre, implemented the most oppressive laws of the centre. The Native Land Husbandry Act of 1951 took away land from the blacks created large numbers of landless people.

other hand, African Councils formed largely deconcentrated units of the centre, lacking powers to raise revenue. They were furthermore not representative of the communities which they served. Traditional leaders as *ex officio* members of these African Councils were used by the white regime as effective mouth pieces of the centre, even arguably, as extensions of the centre. Chatiza⁴⁷ sums up the stark contrast between these institutions as,

'...local government institutions in African areas were not autonomous, did not pursue local interests, lacked local legitimacy and resources compared to those in European areas.'

3.2. The emergence of post colonial local government (structural and legislative reforms)

As noted above colonial local government was used as a tool to further the exploitation and marginalization of the majority of Africans for the benefit of the white minority. Local government was racist, exploitative and subservient in character. It was not only logical but also justified for the ZANU PF-led government to immediately after independence (1980) introduce reforms to correct the racially based model of governance. The government, without wasting much time, in 1980 declared its intention to promote decentralization and participation. In practice this has taken three forms⁴⁸. Firstly, this saw the creation of new ministries and the deconcentration of others. Secondly, a series of legislative enactments and directives have sought to democratize and strengthen local government. Thirdly, a participatory organizational structure was established to permit local participation in development. This section is therefore going to focus on the second and third forms as these directly connect with decentralization.

3.2.1. District Councils Act 1980

The District Councils Act of 1980 (amended in 1981 and 1982) revived local government after the period of guerilla insurgency (1970-1979), consolidated the previously fragmented authorities from over 220 to 55, and democratized the system of local government.⁴⁹ The Act targeted the communal lands and further required district

⁴⁷ Chatiza (2010: 2).

⁴⁸ Stewart *et al* (1994: 4).

⁴⁹ Stewart *et al* (1994: 5).

councils to be composed predominantly of elected members, with chiefs and headmen serving as *ex officio* members.

3.2.2. Urban Council Reforms (1980)

The Urban Councils Act (1973)⁵⁰ was amended to accommodate the democratization of the local government system by removing racial discrimination pertaining to representation and tenure in urban areas.⁵¹ The twin-city system was abandoned with former African Townships incorporated into UCs under a single tax-base. While achieving integration, the 1980 Urban Councils Act Amendments had the negative effect of significantly eroding the autonomy of UCs by increasing both administrative and political control and oversight by the central government.⁵² Although the viability of UCs was improved, the amendments had a double-edged impact since they tightened central government control over UCs, a situation which still currently persists.

3.2.3. Rural District Councils Act (1988)⁵³

The colonial government had created two separate local government institutions in rural areas, namely RCs (for whites) and African or District Councils (for blacks and formerly Native Councils). The 1988 Rural District Councils Act amalgamated the RCs and District Councils into 55 Rural District Councils (RDCs).⁵⁴ The amalgamation was a mechanism of doing away with the colonial legacy of separate development based on race in Zimbabwe's rural areas. The deracialization of rural local government also meant equitable distribution of public services and resources across the rural population.

3.2.4. Traditional Leadership Act (2002)⁵⁵

Traditional leaders have had a role in rural local governance before colonization. Successive governments after colonization have aligned rural local government with

⁵⁰ Urban Councils Act 1973 [Chapter 214].

⁵¹ Wekwete (1988: 20).

⁵² Makumbe (1998: 25).

⁵³ Rural District Councils Act [Chapter 29:13].

⁵⁴ Stewart *et al* (1994: 6).

⁵⁵ Traditional Leadership Act [Chapter 29:17].

traditional leaders, namely chiefs, headmen and village heads.⁵⁶ Unlike local government, the institution of Traditional Leadership is recognized in the Constitution. The 2002 Traditional Leadership Act recognized Traditional leadership as an important institution of rural governance by restoring powers to allocate rural land and to try civil and criminal cases in rural areas, among other local governance obligations.⁵⁷ The Act further permitted chiefs to be *ex-officio* members of councils.

4. The current local government structure

4.1. Introduction

The section above briefly provided the context within which the legislative and institutional reforms to deracialize and democratize local government were carried out in post-independent Zimbabwe. This section examines the current local government structure which is, in many ways, an end-product of the above discussed reforms. The main structures which characterize the current structure include the Ministry of Local Government, a provincial layer, a district layer and local authorities.

4.2. Ministry of Local Government (MLRUD)

The MLRUD is the 'mother' Ministry responsible for administering all local government legislation. The Ministry is charged with coordinating policy formulation, implementation and evaluation in the local government sector. Furthermore, the Ministry is mandated to lead the development and management of the sector, representing its interests at national and district levels in relation to other government institutions.⁵⁸ Under local government legislation the Minister has various powers and obligations. For instance, under the Urban Councils Act,⁵⁹ the Minister can dissolve an elected council and replace it with an Administrator or a Commission. The Minister is empowered to

⁵⁶ Chakaipa (2010: 48).

⁵⁷ S 5 Traditional Leaders Act [Chapter 29:17].

⁵⁸ Chatiza (2010: 14).

⁵⁹ S 114 Urban Councils Act [Chapter 29:15]. The role of the Minister in supervising local government has been viewed with suspicion by many. The minister over the past decade has used his supervisory power to dismiss elected councils. Some argue that the interventions by the Minister are politically motivated designed to achieve political goals. However RTI and Institute for Democratic Alternative in Zimbabwe (2010: 24) highlight that, Zimbabwean local government system is based on a delegator-delegatee relationship, with the centre being the delegator of powers and functions to UCs and RDCs. As such, the interventions by the Minister are lawful. The local government system gives Minister unfettered powers to intervene.

reverse, suspend, and rescind any decision or resolution of councils.⁶⁰ Chakaipa summarizes the roles of the Ministry besides the administration of local government legislation and these include, but not limited to, facilitation, advice, monitoring, oversight, directing, promoting and capacity building.⁶¹

4.3. The Provincial Level

Zimbabwe has ten administrative provinces namely, Harare, Bulawayo, Manicaland, Mashonaland central, Mashonaland East, Mashonaland West, Masvingo, Matebeleland North Matebeleland South and Midlands. Each province is lead by a provincial governor (PG). The Constitution does not provide for the names of the provinces and the President is empowered to declare, alter, name or rename and abolish a province.⁶². Largely provincial demarcation is based on ethnic lines; with the *Shona* and associated tribes occupying Mashonaland, Manicaland, Masvingo, Harare provinces and some parts of Midlands province; while the *Ndebele* tribe occupies Matebeleland provinces and some parts of Midlands province.

The naming and demarcation of provinces after ethnic groups has its roots in the colonial policy of 'divide and rule', where African tribal groups were divided on ethnic lines to weaken them and to promote the policy of 'separate development'. Harare and Bulawayo provinces are wholly made up of UCs, while Mashonaland Central, East and West; Midlands; Matebeleland North and South; Masvingo; and Manicaland are comprised of a combination of UCs and RDCs. Harare and Bulawayo Metropolitan provinces did not have PGs until 2004. Executive Mayors were considered satisfactory to the leadership role of the two cities, due to the fact that, Harare and Bulawayo provinces are wholly urban. The reason why PGs were introduced in Harare and Bulawayo at a later stage than in other provinces requires further interrogation. The Provincial Council and Administration Act is the prime act which governs provincial administration.

⁶⁰ S 314 Urban Councils Act [Chapter 29:15].

⁶¹ Chakaipa (2010: 33). To this end, the Ministry has deconcentrated offices at the provincial and district levels to provide assistance to low-level local authorities, especially Rural District Councils.

⁶² S 3 Provincial Councils and Administration Act.

4.4. The District Level

At the district level, the main actor is the District Administrator (DA), who represents the central government. Among other duties, the DA is responsible for coordinating the activities of government and non-government actors. In addition the DA chairs the District Development Committee (DDC), the planning and technical arm of the district, which also constitutes the deconcentrated authority of the central government. Its membership includes:

- the DA,
- central government officials from various ministries and agencies,
- representatives from the PC, and,
- representatives from the District Council.⁶³

The main functions of the District Development Committee are to plan, implement and co-ordinate development activities at this level. The DDC also supports the District Council. The District Council is made up of representatives (councilors) from various wards within the district.⁶⁴



4.5. Local authorities

Local governments in all forms and sizes are referred to as 'local authorities', a name which covers both UCs and Rural District Councils (RDCs). Currently there are 60 RDCs and [32] UCs whose combined jurisdiction covers the whole of Zimbabwe, excluding wildlife areas and game reserves, national parks, and military and mining areas.⁶⁵ The urban category is comprised of cities, municipalities, towns and local boards, which are hierarchically organized, based mainly on size and functions.⁶⁶ In both rural and urban local authorities, councils are divided into wards, which in rural local authorities are further divided into village assemblies. Planning and policy formulation ideally starts at the village and ward levels. Traditional leaders have the power and duty to allocate land and to try civil and criminal cases, among other duties,

⁶³ Makumbe (1998: 31).

⁶⁴ Makumbe (1998: 31).

⁶⁵ Mashumba (2010: 102).

⁶⁶ S 4 Urban Councils Act.

in the same jurisdiction with RDCs.⁶⁷ Chiefs and headmen in Zimbabwe are an important component of rural local governance.

Decentralization in colonial Zimbabwe created racist local government units which served and provided basic services to the white minority at the expense of the majority black Africans. In an effort to transform local government at independence new structures were created, some were reformed and the position of a PG was part of that effort. Primary to the duties of a PG is the responsibility to coordinate development planning at provincial level. The next chapter focuses on provincial governance focusing on the role PGs, PAs, PCs and PDCs. Local authorities are not the central focus in this paper although reference is made to them in situations where they interact with the provincial government. Provincial governments are discussed as part of the overall local government system.



⁶⁷ S 5 Traditional Leaders Act.

CHAPTER 3: Legal and institutional framework of provincial governance in Zimbabwe

1. Introduction

This chapter focuses on provincial governance in Zimbabwe. As described in chapters 1 and 2, provinces are decentralized entities created by the Provincial Councils and Administration Act. The chapter describes the roles of Provincial Governors, Provincial Councils, Provincial Development Committees and Provincial Administrators. In describing these institutions and individuals, their various powers and composition will be provided. The chapter firstly provides a brief discussion on the Prime Minister's Directives on Decentralization and Development of 1984 and 1985 as the foundation of decentralization in post independence Zimbabwe.

2. The Prime Minister's Directives on Decentralization and Development of 1984 and 1985 (PMDDs)

The PMDDs constituted a central part towards the creation of provincial governments. According to Chatiza the directives guided the establishment of grass-roots participation structures and provided a framework for coordination of government institutions' participation in rural development.⁶⁸ These directives provided for the establishment of a hierarchy of representative bodies at the village, ward, district and provincial levels. In 1985 the directives were codified into law and became the Provincial Councils and Administration Act. The following coordinative and consultative structures were created by the directives: Village Development Committees (VIDCOs), Ward Development Committees (WADCOs), District Development Committees (DDCOs), Provincial Councils (PCs) and Provincial Development Committees (PDCs) and Provincial Governors (PGs).The intergovernmental hierarchy of committees created by the

⁶⁸ Chatiza (2010: 4).

PMDDs was mandated to take charge of local planning and development as a mechanism to facilitate popular participation.⁶⁹

2.1. Provincial Governors (PG)

2.1.1. Appointment of PGs

Local government does not enjoy constitutional recognition unlike PGs, district and regional governors, and traditional leaders.⁷⁰ Section 111A(1) of the Constitution states that 'for the better administration of Zimbabwe, an Act of Parliament may provide for the appointment by the President of governors for any areas within Zimbabwe'. The relevant Act of Parliament is the Provincial Councils and Administration Act which makes the President the sole appointer of the PGs for the ten provinces.⁷¹ The office of a PG is a public office but does not form part of the public service.⁷² Anyone who is considered a citizen of Zimbabwe may be appointed as a PG provided that he/she is qualified for election or appointment as a Member of Parliament.⁷³ The term of office of a PG shall be such period, not exceeding two years as the President may determine on his/her appointment.⁷⁴

2.1.2. Powers of PGs

PGs are *ex officio* members of Parliament by virtue of holding a provincial governor's post. They sit in Parliament to represent their provinces. Section 47(1) of the Constitution⁷⁵ states that

'... provincial governors shall have the right to sit and speak in both the Senate and the House of Assembly but shall vote in the House of which he is a member.'

PGs are members of the Senate and their tenure of office as Senator runs concurrently with that of the term of governor, terminating when they vacate the governor's office.

⁶⁹ Conyers (2003: 116).

⁷⁰ S 111 Constitution recognizes the traditional house of chiefs, while 111A recognizes the provincial, district and regional governors.

⁷¹ S 4(1) Provincial Council and Administration Act.

⁷² S 111A(3) Provincial Council and Administration Act.

⁷³ S 5 Provincial Council Administration Act.

⁷⁴ S 6 Provincial Council Administration Act.

⁷⁵ S 47(1) Constitution.

A PG is the political head of the province who provides the political leadership to the province. The PG represents the province in various national occasions and performs various ceremonial functions.⁷⁶ To add to this role, the PG is the resident minister of the province and as such has a cabinet rank.

2.1.3. Functions of PGs

Section 10(a) of the Provincial Councils and Administration Act, provides that the PG shall chair the PC established for the province. The membership of the PC is largely of local government elected representatives. The PG preside all meetings of a PC at which he is present and in his absence, the PA of the province presides.⁷⁷ Although PGs chair the PCs, they may not direct them as to what decisions to make apart from those relating to the conducting of meetings.⁷⁸ The PG decides the time and place of the joint meetings of the PC and the PDC.⁷⁹

The PG must foster and promote the activities of the various ministries and organs of central government in implementing development plans prepared by the PC established for the province.⁸⁰ All central government activities at the provincial level are coordinated by the PG and PA. The PG facilitates cordial relations between the various stakeholders participating in development at the provincial level. The facilitation of cordial relations between stakeholders is enhanced by the PG's 'right of access to all central government agencies and to all political parties operating at the provincial level'.⁸¹ The PG also coordinates the activities the private sector and civil society as important stakeholders in provincial development planning and implementation.

The PG is also responsible for advising and supporting development partners in the province to ensure coordinated implementation of development programs.⁸² The PG as the provincial head is charged with the general supervision and coordination of local

⁷⁶ Makumbe (1998: 32).

⁷⁷ S 19(1) Provincial Councils and Administration Act.

⁷⁸ Makumbe (1998: 32).

⁷⁹ S 30 Provincial Councils and Administration Act.

⁸⁰ S 10(b) Provincial Councils and Administration Act.

⁸¹ Makumbe (1998: 31). The PG is expected to have close working relationships with the PAs and other provincial heads of ministries, who however, do not report directly to them, but are expected to inform them of developments in the province.

⁸² S 10(b) Provincial Councils and Administration Act.

authorities in his/her provinces in development planning and implementation.⁸³ The PG may also perform any other functions within or on behalf of his province that may be conferred upon him by any legislation. To sum up, a PG has ‘political, consultative, developmental and coordinative’ responsibilities.⁸⁴ The primary task⁸⁵ of PGs is to ensure ‘the co-ordinated development of their respective provinces’.

2.2. Provincial Councils (PCs)

2.2.1. Composition and status of the PC

The PC is the main decision-making body at the provincial level. Membership of the council is comprised of:

- the PG of the province,
- the mayor or chairman together with one other councilor from each municipal council in the province,
- one chief appointed by each provincial assembly of chiefs in the area which lies wholly or partly within the province, and;
- three persons appointed by the President.⁸⁶

Practice also reveals that, senior members of the Zimbabwe Republic Police, Central intelligence Organization and the Zimbabwe National Army attend full meetings of the PCs although they are not members of the council. The PC is largely made up of councilors who are indirectly elected to represent their constituencies at the provincial level. In this paper, these councilors are referred to as provincial councilors in order to distinguish between councilors at municipal level and those at provincial level.

Section 12 of the Provincial Councils and Administration Act states that ‘a PC shall be a body corporate with perpetual succession and shall, in its own name, be capable of suing and being sued and generally of doing, suffering and performing all such things

⁸³ S 10(c) Provincial Councils and Administration Act.

⁸⁴ Zimbabwe Government (1984: 2).

⁸⁵ Zimbabwe Government (1984: 2).

⁸⁶ S 14(1) Provincial Councils and Administration Act.

as, it may do, suffer and perform in terms of any relevant legislation'.⁸⁷ Therefore, a PC has a separate form of legal existence.

2.2.2. Powers of the PC

The combined leadership of all local authorities in the province, brought together in the PC, is expected to steer the development of the province.⁸⁸ PCs can be said to be the political organs at the provincial level, analogous to the Cabinet at the central government level.⁸⁹ The Minister, by notice in the Gazette, may also authorize a PC(s) to carry out an act which is incidental or conducive to the exercise of its functions.⁹⁰ In cases of alteration or abolition of a province, the PC(s) concerned must be consulted if such action is going to affect its/their province(s).⁹¹

2.2.3. Functions of the PC

The PC is responsible for formulating short-term and long term policies of the province.⁹² The Council consolidates development plans from all the districts in the province into a single provincial plan. The plan ideally is supposed to be aligned with central government plans through various ministries and government agencies. In the planning process the PC considers various plans from all local authorities in the province. As described above, development planning starts at the village and ward levels to the district and provincial levels. The PC finalizes the provincial plan before it is sent to the National Planning Commission for inclusion in the national plan.

The PC is tasked with the formulation of annual development plans and other plans for the province.⁹³ It is responsible for reviewing and evaluating the implementation of development plans and policies within the province.⁹⁴ Lastly, the PC is charged with the

⁸⁷ S 12 Provincial Councils and Administration Act.

⁸⁸ S 13(a) Provincial Councils and Administration Act.

⁸⁹ Zimbabwe Institute (2005: 12).

⁹⁰ S 35(1) Provincial Councils and Administration Act.

⁹¹ S 3 Provincial Council and Administration Act.

⁹² S 13 Provincial Councils and Administration Act.

⁹³ S 13(c) Provincial Councils and Administration Act.

⁹⁴ S 13(d) Provincial Councils and Administration Act.

promotion of development in the province⁹⁵ and it may exercise any other functions that may be conferred upon it in terms of any legislation.⁹⁶

2.3. Provincial Administrators (PAs)

During colonial times provincial structures were headed by Provincial Commissioners, who were senior civil servants within the Ministry of Internal Affairs.⁹⁷ In post-independence times, the equivalent of the Provincial Commissioner is a PA, who is also a senior civil servant under the Ministry of Local Government (MLRUD). The PA coordinates central government activities at the provincial. The PA chairs the PDC.⁹⁸

2.4. Provincial Development Committees (PDCs)

2.4.1. Composition and status of the PDCs

As mentioned above, the PC approves development plans formulated by the Provincial Development Committee (PDC). The PDC constitutes part of the deconcentrated authority of the central government at the provincial level and it is chaired by the PA.⁹⁹ It is the technical arm of the PC composed mainly of civil servants (provincial heads of central government agencies) at the provincial level.¹⁰⁰ Practice reveals that, members of civil society and the private sector also attend the meetings of the PDC.

2.4.2. Functions of the PDC

The PDC makes recommendations to the PC as to what matters should be included in the annual development plan and other long-term plans of the province.¹⁰¹ It assists the PC in preparing the annual development and other long-term plans for the province. When instructed by the PC, the PDC investigates the implementation of annual development plans and any other provincial plans. The main functions of the PDC are

⁹⁵ S 13(a) Provincial Councils and Administration Act.

⁹⁶ S 13 (e) Provincial Councils and Administration Act.

⁹⁷ Makumbe (1998: 31).

⁹⁸ S 27 Provincial Councils and Administration Act.

⁹⁹ Makumbe (1998: 31).

¹⁰⁰ Chatiza (2010: 15).

¹⁰¹ S 28 Provincial Councils Administration Act. The main function of the PDC is to consolidate plans from Urban Councils and Rural District Councils into a single provincial development plan. Chakaipa (2010: 35) states that, 'ideally the provincial development plan informs development progress by sector ministries, local authorities and government agencies'. However, Zimbabwe is not operating on the ideal as central government dominates and excludes local plans.

therefore, to plan, implement and coordinate development activities in the province.¹⁰² Provincial planning between the PC and PDC occurs at a joint meeting of the two bodies as provided for by section 30 of the Provincial Councils and Administration Act.

As seen above, all the structures which were created by the PMDDs and related decentralization laws are responsible for development planning and implementation. Their functions are mainly coordinative rather than resource allocative in nature. The next chapter assesses the extent to which real power, authority and resources were dispersed from the centre to provincial governments. Has the position of a PG been beneficial? Are the PGs undertaking their mandate in terms of the decentralization policy and laws? What kind of provincial governance structure is likely to reap the most benefits for poor Zimbabweans? Chapter 4 focuses on some of these questions.



¹⁰² Makumbe (1998: 31).

CHAPTER 4: An assessment of decentralization at the provincial level.

1. Introduction

Drawing on best-practice principles and the ‘international dialogue on decentralization’ the United Nations Guidelines on Decentralization outlines the key elements needed to promote good governance and democracy at the local level.¹⁰³ The Guidelines emphasize in particular that, representative and participatory democracy, empowerment of citizens, local accountability of officials, acknowledgement of decentralized units in the Constitution and financial autonomy, are an integral part of any decentralization programme.¹⁰⁴ This chapter analyses the decentralization project in Zimbabwe focusing on the provincial level. The chapter evaluates the decentralized provincial government system against international ideals of decentralization namely: accountability, local democracy and participatory development, as discussed in chapter 1 and 2.

2. Problems identified with the provincial government system

The legislative and institutional reforms implemented after independence to restructure local government in Zimbabwe were directed at deracializing local government, improving services to communities and deepening democracy. The system of decentralized local government has, however, been unable to yield these results. Zimbabwe is facing huge basic service backlogs, participation in development by the ordinary people remains a dream and, on the whole, the decentralized local government system is unresponsive.¹⁰⁵ One of the fundamental faults of this system can be linked to the current structure of Provincial Government in Zimbabwe.

2.1. Role confusion

The PC is the main decision-making body at the provincial level, charged with development planning. It is suggested though that, it has been rendered ineffective as a

¹⁰³ United Nations Guidelines on Decentralization and the strengthening of local authorities (2007: 1).

¹⁰⁴ United Nations Guidelines on Decentralization and the strengthening of local authorities (2007: 2-10).

¹⁰⁵ Muchada (2010: 1-2).

decentralized units because of the considerable confusion about the role of provincial councilors. The interviews conducted by Mellors and Conyers with provincial councilors reveal that, provincial councilors are not fully aware of the potential role of the PC.¹⁰⁶ As a result, councilors simply rubberstamp the recommendations from the PDC. To further exacerbate the problem, provincial councilors are not committed to provincial matters.¹⁰⁷ They devote their time and effort to their UCs and RDCs rather than to the province, so as to satisfy the electorate in their respective wards.

The Zimbabwe Institute states that, the 'introduction of PGs has complicated the running and management of urban local authorities especially Harare and Bulawayo as there does not appear to be a legal framework governing their existence and operation in an entirely urban context'.¹⁰⁸ They are not provided for in the Urban Councils Act which regulates urban governance but they are provided for in the Constitution and the Provincial Councils and Administration Act. The confusion and complication arises from the unclear and unspecified division of labor between the Mayor and the PG, the former representing and speaking for his or her electorate, the latter representing the President and speaking for him or her.¹⁰⁹ Moyo argues that, local authorities are rendered 'toothless' by PGs who are ZANU-PF appointees.¹¹⁰ This point towards undue interference by PGs in the activities of local authorities, which significantly affects their ability to provide services. The result has been confusion, hostility, resource wastage and poor service delivery which affect the ordinary citizens.

2.2. Lack of coherent planning

The PDC must consider development plans from various districts in the province when making recommendations to the PC as to what matters should be included in the provincial plan.¹¹¹ The PMDDs created a hierarchy of structures from the village unit to the provincial level and as such, requires that, development planning starts at the village

¹⁰⁶ Mellors and Conyers (1989) as cited by Stewart *et al* (1994: 4-7).

¹⁰⁷ Mellors and Conyers (1989) as cited by Stewart *et al* (1994: 4-7).

¹⁰⁸ Zimbabwe Institute (2005: 17).

¹⁰⁹ Zimbabwe Institute (2005: 17).

¹¹⁰ Moyo (2008: 26).

¹¹¹ S 28(9) Provincial Councils and Administration Act.

and ward levels up to the district and provincial levels.¹¹² It is important to note that, at a grassroots level, such systematic planning from the village level to the provincial level does not happen. Practice reveals that, development plans from the grassroots level are usually disregarded by PDCs when consolidating plans from the district. PDCs give priority to development plans of various ministries and agencies of the central government over local development plans.

There is a lack of alignment between the provincial plan(s) and those of local authorities especially in respect of the cities and big towns. The formulation of policies in Zimbabwe requires that provincial plans should encompass all the relevant plans from all local authorities in the province. The PG must facilitate the exchange of ideas between the planning arm of the province (PDC) and local authorities to avoid the formulation of contradictory plans. This coherent planning hardly ever take place in practice especially with the big cities such as Harare and Bulawayo. The leadership of these cities prefers to plan and implement programmes without the assistance of the PG's office. This problem is not only a Zimbabwean one as most developing countries face similar challenges. For instance Padarath is of the view that provincial governments in South Africa are doing little to align their Provincial Growth and Development Strategy with Municipal Integrated Development plans.¹¹³ This significantly compromise the process of intergovernmental planning for effective and efficient service delivery.

There is considerable disillusionment amongst provincial officials in the development planning system, given the evidence that provincial plans are not being used (fully) in the annual national budgeting process.¹¹⁴ The Mashonaland East PDC complained in its 1991/2 Annual Development Plan about the lack of respect for the provincial plan by the respective sector ministries who 'always seem to have not only their own projects but also different priorities'.¹¹⁵ It is suggested that, such scenarios in development

¹¹² For more information on participatory structures from the village level to the provincial level, see the PMDDs (1984-85).

¹¹³ Padarath (2006: 1-11). The integrated development planning engagement process aims to contribute towards the harmonization and alignment of planning, priority setting, resource allocation and implementation across the three spheres of government in South Africa.

¹¹⁴ Government of Zimbabwe (1991).

¹¹⁵ Stewart *et al* (1994: 3-3).

planning undermine decentralization. This contribution is of the view that 'PDC concept' does not work since the national government does not consider provincial plans when allocating funds through the planning and budgeting processes.

2.3. Administrative dominance

The formulation of the provincial plan is a responsibility of the PDC and PC, with the PDC making recommendations to the latter. The exchange of ideas between the PC and PDC occurs at a joint meeting provided for by section 30 of the Provincial Councils and Administration Act. Practice reveals that, central government officials from the PDC tend to dominate these joint meetings because of their technical competence and superior resources. The effectiveness of the PDCs as a technical arm of the PC is also greatly compromised by the fact that many of the PDCs sub-committees demonstrate apathy and a lack of direction or initiative when it comes to provincial planning. Their allegiance goes to the central government ministries and agencies rather than to the province.

The rationale behind the PC is to strengthen local democracy. It is suggested that, the dominance of appointed officials, have effectively excluded provincial councilors and the local communities they represent from influencing decision-making at the provincial level. Some justify the dominance of appointed officials by arguing that elected officials lack the necessary skills to plan and budget, so it is meaningless to give them substantive authority to make decisions and allocate resources.¹¹⁶ However, no effort has been made to capacitate elected officials. It is submitted that, the important way in which to 'grow' capacity, and educate elected officials is to decentralize power and allow them to make critical decisions. The necessary skills will emerge over time through a process of trial and error. Such a scenario is preferred because provincial councilors are indirectly accountable to the local people and they must be the ones making the decisions rather than appointed officials who are accountable to the central government.

The lack of commitment by provincial councilors towards provincial matters, as explained above, allows appointed officials (PGs and PAs) to dominate the planning

¹¹⁶ Stewart *et al* (1994: 3-3).

process and provincial governance. Ideally, the PC as a semi-democratic, locally-accountable body must have the responsibility to initiate discussion or act to improve the planning system at the provincial level.

2.4. The off-setting of decentralization initiatives by party politics

Provincial governments and local authorities must work together to ensure coordinated service delivery. The relationship between the Minister and PGs on one hand, and local authorities, on the other hand, has not been pleasant especially in the context of opposition-led councils.¹¹⁷ The Minister and PGs are accused by many of undermining the autonomy of opposition led councils and ensuring that these councils do not operate efficiently and effectively.¹¹⁸ This is against the background that all PGs which were appointed since the position was created were appointed along ZANU-PF party structures. As a result of their political party background, it is alleged that, PGs interfere with the activities of opposition led councils to settle political goals.¹¹⁹

To further exacerbate confusion and enmity between urban local authorities and PGs, the leadership of the two, especially in urban areas, comes from two antagonistic political parties. Most urban local authorities are run by the MDC-led councils while PGs are appointed along ZANU-PF political-party structures. These two political parties have been fighting for power and dominance since the formation of the MDC and they subscribe to different philosophies and approaches towards urban governance. As a result of the conflict between the two, sour relations persist between UCs and the provincial leadership in most provinces and the battle for political supremacy penetrates

¹¹⁷ The appointment of one or more persons as commissioners by the Minister after the suspension or dismissal of elected councils is a cause for concern for many. It is alleged that, the Minister of Local Government and PGs are interfering into the activities of local authorities not motivated by the need to ensure effective and efficient service delivery, but rather by the aim of destabilizing opposition-run local authorities. For example, a study carried out by RTI International and the Institute for a Democratic Alternative for Zimbabwe (2010: 24) revealed that, the 'MLRUD is reluctant to assist councils which are dominated by MDC and at worst, the Ministry co-opt them to ensure that they do not succeed'.

¹¹⁸ Zimbabwe Institute (2005: 9). To support the politically motivated interferences in MDC-run local authorities, the study carried by RTI International and the Institute for a Democratic Alternative for Zimbabwe (2010: 24) also revealed that, in 2005, councils in Harare and Mutare were dismissed, resulting in MDC losing control of the two cities.¹¹⁸ Harare Mayor Engineer Mudzuri was dismissed in 2004 together with his MDC-dominated council, and replaced by the Makwarara Commission. The same can be said for Mayor Kuguradza of Mutare, Mayor Shoko of Chitungwiza and in all cases, instances of mismanagement were cited.

¹¹⁹ See Zimbabwe Institute (2005: 17).

every corner of service delivery. To further augment this problem, local authorities in Zimbabwe are viewed with suspicion by the central government as evidenced by the central government constant and questionable intervention into local government affairs.¹²⁰ The role of the PG in this context has failed to produce benefits because of the lack of meaningful engagement and complete lack of trust between the PG's office and local authorities. This status quo requires major reforms to enable local government to deliver on its mandate.

3. Fault lines of the decentralized provincial governance system.

The provincial governance system seems not to function well to enable coordinated service delivery. The question is, are provincial governments necessary in Zimbabwe? What are the causes behind the malfunctioning of the provincial governance system? Provincial governments lack revenue raising powers, real functional authority and the decentralization model follows party structures. This questions the extent to which Zimbabwe has meaningfully decentralized. This section discusses the deficiencies of the decentralization project in Zimbabwe.

3.1. Assessment of PCs

Provincial governments are decentralized bodies that lack the character typical of a devolved government. Mawhood identifies attributes of a genuinely devolved government. According to him a decentralized local body should have:

- its own budget i.e. balanced estimates of revenue and expenditure.
- a separate legal existence, that is corporate status, often with a common seal, power to sue and to be sued,
- the authority to allocate substantial resource, i.e. power to decide over expenditure and vary revenues,
- a range of different functions, and

¹²⁰ Machingauta (2010: 145-150).

- a system whereby decisions are made by representatives of the local people, i.e. the policy-making body must really be representative of the people.¹²¹

Furthermore, Rondinelli *et al*¹²² argue that, decentralization requires the allocation of sufficient resources to sub-national units and local government to enable these units to effectively and efficiently deliver on their mandate.

The role of the PC is that of a provincial planning body only and not that of an effective decentralized unit equipped to take decisions related to implementation. The Council is heavily criticized because it lacks resource allocation powers and does not have a budget of its own.¹²³ It depends on central government for its functioning. Provincial plans have little or arguably no connection with the actual budgeting and implementation of government projects and programs. For instance, Stewart observes that, planning at the provincial level is done on the basis of the calendar year, whereas budgeting at the national level is an entirely separate process which follows the fiscal year.¹²⁴

As discussed above, the PC which the PG chairs does not have any resource allocation powers. It is suggested that, the decentralization efforts directed at the provincial level can be classified as deconcentration rather than devolution due to the absence of real power to allocate resources and to make decisions. The World Bank regards deconcentration as the weaker form of decentralization because accountability remains with the centre and the centre determines what sub-national units should do or not do.¹²⁵

Decentralization laws portray PCs as independent decision-making bodies as they are given a separate legal existence.¹²⁶ However, although PCs are capable of suing or being sued, there is no evidence to suggest that PCs have ever sued or have ever been sued. This can be explained with reference to the absence of real functional authority at

¹²¹ Mawhood (1993: 9).

¹²² Rondinelli *et al* (1984: 5).

¹²³ Chakaipa (2010: 35).

¹²⁴ Stewart *et al* (1994: 3-3).

¹²⁵ World Bank (2003: 4).

¹²⁶ S 12 Provincial Councils and Administration Act.

the provincial level. Giving PCs a separate legal existence but without giving them meaningful functions weakens the decentralization project. Therefore, it is submitted that, PCs are ineffective decentralized units because they lack real functional authority and resource allocative powers.

3.2. An assessment of PGs

3.1.1. The role of a PG

As explained in chapter 3, PGs are responsible for coordinating central government activities at the provincial level. The PG is charged only with coordinated development planning and implementation, and does not have executive power. The political role of a PG can not be equated to that of a Premier in neighboring South Africa. The Premier in South Africa exercises executive powers, which include the power to allocate resources, and he or she heads a decentralized provincial government which has its own provincial legislature and cabinet.¹²⁷ PGs in Zimbabwe do not have any executive powers neither do they have the power to allocate resources. Their operational budget is wholly financed by the national government and they depend on the central government for their supporting staff. Some analysts are of the view that Zimbabwe does not need PGs because they do not have real functional authority.¹²⁸ They argue that, 'PGs earn a salary every month and have an office where they spend the whole day twiddling their thumbs because they have nothing worthwhile to do'.¹²⁹

Because their functions can largely be classified as coordinative and not resource allocative, certain scholars argue that PGs need not be elected officials.¹³⁰ However this argument does not hold water because it defeats the purpose of decentralization, which

¹²⁷ See Chapter 6, of the Constitution of the Republic of South Africa, Act 108 of 1996.

¹²⁸ 'Who really needs governors' available at <http://www.thezimbabwean.co.uk/index.php?option=com-content&view=article&id=33981:who-really-needs-governors&catid=64&Itemid=33> (accessed on the 12th of November 2010).

¹²⁹ See 'Who really needs governors' available at <http://www.thezimbabwean.co.uk/index.php?option=com-content&view=article&id=33981:who-really-needs-governors&catid=64&Itemid=33> (accessed on the 12th of November 2010).

¹³⁰ Zhangata (2010: 1-2) is of the view that, making the position of PGs an elected one would mean that Zimbabwe more or less is adopting a South African decentralization Model, where Premiers are elected officials. According to him Zimbabwe is small in size as compared to South Africa and this defies the whole notion of electing PGs. This claim is justifiable to a certain extent given the fact that Zimbabwe can be equated to a Province in South Africa due to its comparable size with Provinces such as Eastern and Northern Cape.

among other things, is to empower local people to elect their own representatives. Furthermore, locally elected representatives are better placed to represent local people in governance as opposed to a centrally appointed representative.¹³¹ Provinces will remain mere apparatus of the centre as long as the central governmental government continues to appoint the powerful positions of a PG and PA.

To further undermine decentralization, the role of the PG is more visible in political party (ZANU-PF) activities than in the promotion of meaningful decentralization.¹³² Makumbe notes that 'the local government structure which resulted from the PMDDs and related legislation was deliberately patterned along the ZANU-PF political-party structure of the liberation war struggle period'.¹³³ During the war of liberation the provincial leadership was responsible (along ZANU-PF party structures) for mobilizing masses against the colonial regime. Although Zimbabwe is in the post-independence era nothing really significant has changed as the PGs' office continues to coordinate ZANU-PF political-party activities in the province.¹³⁴ Certain PGs have even been at the forefront of castigating opposition political parties at rallies and in the media.¹³⁵ The introduction of PGs in Harare and Bulawayo is viewed by some scholars, as a move designed to neutralize the unwanted presence of the opposition MDC political-party which controls the two cities.¹³⁶ As a result of their prominent political-party role, it is suggested that, PGs have done little to spearhead local development and empowerment of local communities on a non-partisan basis.

3.1.2. Lines of accountability for PGs and PAs

As stated in chapter 3, the President appoints PGs to head decentralized provincial governments. The sole appointment and determination of the tenure of office of PGs by the President means that PGs are accountable to the central government. PGs are arguably appointed to promote and protect the interests of the central government at the provincial level. Although the budget of provincial governments comes from the Ministry

¹³¹ Oluwu (2010: 105).

¹³² Zimbabwe Institute (2005: 9).

¹³³ Makumbe (1998: 40).

¹³⁴ Makumbe (1998: 40).

¹³⁵ Zimbabwe Institute (2005: 9).

¹³⁶ Zimbabwe Institute (2005: 9).

of Local Government, PGs do not report to the Minister, instead they report to the President. This is despite the fact that the Minister is responsible for administering local government legislation and ideally, PGs must report to him or her. However, PGs are expected to maintain good relations with the Minister. Instead of representing community needs, PGs represent central government at the provincial level by virtue of reporting to the centre primarily and not to local communities.

Provincial Administrators (PAs), just like PGs, are appointed by the central government through the Ministry of Local Government to undertake coordinative functions and largely to support PGs. There are no public consultation procedures in the appointment of these crucial positions. Decisions which PGs and PAs take have a huge impact on the lives of ordinary people in the province.

The lack of public scrutiny in the appointment process of both PGs and PAs is one of the major weaknesses in the current local government structure. As a result, the quality of local governance is greatly curtailed and the chances to deepen democracy are significantly compromised. Makumbe¹³⁷ argues that

'because they are representatives of the [central government] and not those of provincial citizens, [Provincial Governors] do not constitute what may be regarded as democratic leadership at the provincial level'.

The current decentralization model of Zimbabwe does not involve the devolution of substantial and meaningful decision-making powers to the PC. Stewart *et al* state that one of the reasons for maintaining central control over provinces is that the provinces are, 'large, powerful and ethnic...' and a potential threat to the unity of the nation state.¹³⁸ However, such centrifugal and centripetal forces can be balanced by a properly designed system of intergovernmental relations.

The appointment of PGs solely by the President is a burning issue in the current constitutional debates feeding into the constitutional-review process. There is no consensus among various stakeholders in the constitutional-review process on whether

¹³⁷ Makumbe (1998: 32).

¹³⁸ Stewart *et al* (1994: 3-17).

PGs should either remain appointed officials or be elected. For example, Muchata argues that a 'PG has a significant influence in provincial governance and the post need not be an appointed one'.¹³⁹ He argues that people should be allowed to elect PGs because the post of a governor has a direct impact on issues of development at the provincial level. Other commentators, however, are in favor of abolishing the position altogether.¹⁴⁰

3.1.3. Political-party based model of decentralization

In tracing the history of the appointment of PGs since the post was first created in 1985 it is clear that PGs were and continue to be exclusively appointed along party political lines. All PGs have been appointed from ZANU-PF political-party structures. Decentralization structures largely reflect the party structures of the ZANU-PF political-party since independence.¹⁴¹ It is evident that decentralization in Zimbabwe was designed to reflect the party organogram from the lowest decentralized unit, the Village Assembly. There is no evidence to date indicating membership or even substantive participation of members of opposition political parties in decentralized units such as Village Development Committees and Ward Development Committees.¹⁴²

At the point of writing (November 2010), the appointment of PGs in the Unity Government is a point of contention, with the President having solely appointed PGs without consulting the other parties that comprise the Unity Government. The President of the Senate was forced to adjourn the Senate on the 10th of November 2010 after Senators of the MDC-T political-party protested against the presence of Thokozile Mathuthu, David Karimanzira, Jason Machaya and Faber Chidarikire. The four were reappointed as PGs and *ex officio* members of the Senate by the President. The MDC-T Senators argued that the four were illegally and unconstitutionally appointed as PGs by President Mugabe after his failure to consult the Prime Minister on the appointment

¹³⁹ Muchata (2010: 2).

¹⁴⁰ See 'Who really needs governors' available at <<http://www.thezimbabwean.co.uk/index.php?option=com-content&view=article&id=33981:who-really-needs-governors&catid=64&Itemid=33>> [accessed on the 12th of November 2010]. The author of this article highlights that, during the heydays of ZANU-PF power, being appointed a governor was seen as a demotion as this post is considered to be politically unsound and redundant.

¹⁴¹ Makumbe (1998: 29-35).

¹⁴² Makumbe (1998: 29-35).

as stipulated in the Global Political Agreement.¹⁴³ Some scholars argue that, from inception, PGs were appointed to represent ZANU-PF at the provincial level; a claim that is supported by the partisan appointment of PGs. Makumbe for example, argues that, 'the creation of PGs was consistent with the creation of a single political-party system in Zimbabwe'.¹⁴⁴ He further contends that, 'apart from facilitating the provision of jobs to devout, but largely lackluster, ruling party adherents, the appointment of PGs served to increase ZANU-PF's political influence at the provincial and district levels, albeit, in a top-down way'.¹⁴⁵

3.2. Impact of the appointment of PGs by the centre on decentralization.

Decentralization, as previously mentioned, has the potential to further local accountability, empower local people and enhance democracy. This section evaluates the impact of the appointment of PGs by the President against decentralization ideals such as representative and participatory democracy, local empowerment and local accountability. It examines, to what extent the sole appointment by the President enhances or endangers decentralization and democratization¹⁴⁶ processes in Zimbabwe.

3.2.1. Representative democracy

Decentralization processes are often adopted with the intention that they will facilitate decision-making processes that reflect local needs and priorities.¹⁴⁷ Representative democracy seeks to ensure that local needs and priorities are represented and protected by directly elected local representatives. These needs and priorities as expressed by elected representatives should be reflected in governance policies and programmes. Regular, free and fair elections allow the local people to measure the performance of their representatives and ensure that they remain accountable to them.

¹⁴³ See 'MDC Protests cause shock Senate Adjournment until February 2011' available at <http://www.thezimbabwean.co.uk> (accessed on the 11th of November 2010).

¹⁴⁴ Makumbe (1998: 32).

¹⁴⁵ Makumbe (1998: 32).

¹⁴⁶ Democratization substantively refers to the accountability of leaders to the people. For a more detailed analysis of democratic decentralization see Ribot (2002).

¹⁴⁷ Devas and Grant (2003: 307).

It is through representative democracy in decentralized units that public representatives account to local communities and not to the central government.

As mentioned above, PGs are solely appointed by the President to lead the decentralized provincial governments. Local communities in the province therefore, have little or no scope to have their needs and priorities considered in policy-making because they do not have a platform to elect a provincial head who will promote and protect local interests *vis a vis* the interests of the centre. The appointment of PGs by the President means that they more or less serve the needs of the central government. The benefits of decentralization such as the provision of services according to local preferences, arguably, cannot be realized if decentralized units are created but the central government retains the authority to appoint the leadership of such units. For this reason academics and ordinary community members alike have called for meaningful devolution in the constitutional-review process. It is hoped that such devolution will reverse the history of over-centralization which has characterized governance in Zimbabwe.

3.2.2. Participatory democracy

In addition to electing representatives, local communities must be allowed to participate meaningfully in activities which impact on their lives. Participation includes, empowers citizens and [must] be an underlying principle in decision-making, implementation and follow-up at the local level.¹⁴⁸ In this regard, availability and accessibility of information supplemented by meaningful consultation is necessary to ensure that the needs of the poor are taken into account in designing and implementing development programmes. However, if local people are not afforded an opportunity to elect representatives, it is unlikely that participatory democracy including direct engagement in processes that impact communities will emerge. Representative and participatory democracy are key components which are lacking in the current decentralized system. If real change is to take place in Zimbabwe, this is a key impediment which the new Constitution must address. Any decentralization programme which disperses resources and responsibility

¹⁴⁸ United Nations Guidelines on Decentralization (2007: 2).

but which runs short of democratization is incomplete and is likely to be of little benefit to the local people.

3.2.3. Local accountability

A properly designed decentralization programme has the potential to enhance accountability. Accountability is defined by De Visser as 'the ability of citizens to take charge of their government by monitoring and reviewing its performance and reacting to under-performance'.¹⁴⁹ Local accountability therefore means, the ability of the local people to monitor, review and to react to the performance of sub-national and local governments. Representatives of the local people must account to the people for their decisions. It is submitted by Agrawal and Ribot that 'the effectiveness of decentralization hinges on ... accountability'.¹⁵⁰ They further argue that 'if powers are decentralized to actors who are not accountable to their constituencies, or who are accountable only to themselves or superior authorities within the structure of the government, then decentralization is not likely to accomplish its stated aims.' It is only when constituencies come to exercise accountability as a countervailing power that decentralization is likely to be effective.

It is naive to assume that PGs are accountable to the local people since they are appointed by the President. By virtue of their appointment, PGs are accountable to the central government. They report to the President and not to the local people despite taking decisions which have a significant impact on people's lives at the provincial level. It can be argued that Zimbabwe has achieved little as far as the promotion of local development is concerned because the centre continues to appoint the PGs and PAs, thereby weakening local governance. These two positions are undoubtedly crucial when it comes to provincial governance. This has resulted in the implementation of pro-central government policies which contains little or no reflection on local needs, preferences and priorities.

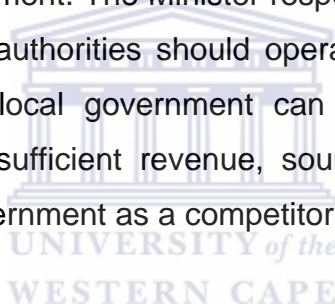
¹⁴⁹ De Visser (2005: 25). Accountability is an important principle of good governance which all decentralization processes must encompass and promote.

¹⁵⁰ Agrawal and Ribot (1999: 5). Accountability, defined as counter-power that is any power that balances or puts a check on the power of other power holders. Accountability is constituted by set of mechanisms and sanctions that can be used to assure policy outcomes are as consistent with local needs, aspirations and best public interest as policymakers can make them (see Ribot).

4. Lessons learnt from the current decentralization model

Local authorities in Zimbabwe should be devolved bodies which must enjoy a significant degree of autonomy to enable them to effectively and efficiently deliver services. The sour relations which exist between PGs and local authorities¹⁵¹ are a cause for concern which must receive adequate attention in the constitutional-review process. There is constant interference¹⁵² by central government, through the PGs and by the Minister of Local government, in the activities of local authorities. It is widely accepted that there is a need to supervise and monitor local government, but a balance should be struck between the need to monitor local government and the need for meaningful autonomy.¹⁵³

The central government over the years has viewed local government as a competitor and not as a partner in development. The Minister responsible for local government has dictated terms on which local authorities should operate.¹⁵⁴ Acknowledgement of the developmental role of which local government can play must be followed by an allocation of powers to raise sufficient revenue, sound autonomy and avoiding the conception of viewing local government as a competitor.



5. Views of major political parties on the decentralization project in Zimbabwe

Major political parties (ZANU-PF, MDC-M, MDC-T, and ZAPU) in Zimbabwe claim to support decentralization in the current constitutional-review process. MDC-M and ZAPU are advocating for a more extreme type of devolution which will involve the country being subdivided into five provinces, each led by a premier.¹⁵⁵ Provincial governments will have power to raise resources, have their own legislatures and judiciary system. On the other hand ZANU-PF and MDC-T want to pursue their own versions of devolution

¹⁵¹ Moyo (2008: 26).

¹⁵² Machingauta (2010: 147).

¹⁵³ Machingauta (2010:142-149). The current legislation on local government grants unfettered power to the Minister of Local government. Machingauta (2010: 150) is of the view that the Minister's primary role be limited to policy formulation and supervision.

¹⁵⁴ Chakaipa (2010: 40) and Makumbe (1998: 34). See also Machingauta (2010: 145-149).

¹⁵⁵ See 'Where does MDC-T and ZANU PF Diverge.' Available at <<http://allafrica.com/stories/201003260698.html>> (accessed on the 9th of August 2010).

and deconcentration.¹⁵⁶ It is interesting to see how these different needs and priorities will be reconciled in trying to craft a Constitution which guarantees the autonomy of local government and democratic local governance at large. Moyo notes, however, that, there are clear indications from the on-going debate that some powerful people in the Inclusive Government are hostile to the notion of reducing central control and the devolution of power and resources to local levels.¹⁵⁷



¹⁵⁶ See 'Where does MDC-T and ZANU PF Diverge.' Available at <<http://allafrica.com/stories/201003260698.html>> (accessed on the 9th of August 2010).

¹⁵⁷ Moyo (2010: 2), 'Devolution and its benefits for Zim' Available at <<http://www.theindependent.co.zw/local/27083-devolution-and-its-benefits-for-zim.html>> (accessed on the 1st of July 2010).

CHAPTER 5: Conclusion and recommendations

1. An assessment

Zimbabwe was not left out of the wave of decentralization which swept developing countries in the 1980s. After attaining independence in 1980, Zimbabwe introduced various legislative and institutional reforms to correct the racist, biased and undemocratic decentralized units which favored whites and disregarded the majority black population. The decentralization project was introduced in 1984 by the Prime Minister's Directives on Decentralization and Development (PMDDs), and created various hierarchal participatory structures. Among other structures, the position of a provincial governor was introduced to coordinate development planning, implementation and evaluation, as well as other activities of various central government agencies at the provincial level. However, the extent to which power and authority was dispersed to the provinces by the PMDDs is questionable given the fact that central government retained the power to appoint the influential positions of provincial governors (PGs) and provincial administrators (PAs). In addition, the PMDDs did not disperse real functional and resource raising powers to provincial governments.

An evaluation of decentralization at the provincial level showed how the decentralization programme in Zimbabwe is running short of important requisites. Such shortfalls in the provincial governance system undermine the promise of decentralization expressed in 1980. To begin with, PGs are appointed by the President to lead provincial decentralized governments. The PGs and the PAs, who are accountable to the central government, chair the main decision-making bodies of the province, the PC and Provincial Development Committee (PDC) respectively. By virtue of their appointment, PGs represent, promote and extend central government control in the provinces. The appointment of PGs and PAs by the central government is a reflection of centralization tendencies which are undermining the decentralization programme. Local people in the province do not have the opportunity to elect their own leaders, who can account directly to them. This also hinders the emergence of local politics based on localized issues that are not dictated by the strong party politics played out at the national level

Secondly, decentralization at provincial level has largely been undermined by the ineffective role of the PCs. Provincial councilors lack knowledge and commitment to effectively represent the local people. From 1985 when PCs were established to the present, little has been done to strengthen PCs, as the centre prefers to strengthen central government institutions at the expense of local governments. The opportunity of the constitutional-review process is a good platform to search for ways to strengthen provincial governments.

Ideally, Provincial councilors must represent and protect the interests of their various constituencies at the provincial level. At present, the Zimbabwean system is operating very far from the ideal because of the divergent lines of accountability with the PG accountable to the President and Provincial councilors to the people. This makes it almost impossible for the proper reflection of local views in provincial development plans. The situation is made worse by the politicization of government work, where every corner of the policy-cycle is a battle ground for political supremacy between the dominant ZANU-PF and MDC political-parties.

Thirdly, the PC, which the PG chairs, does not have resource allocating powers and relies on central government for their operating budget and personnel. Assuming that, the PC is capable of drafting development plans which cater for the needs and preferences of the people in the province, the PC does not have the resources to implement such plans. After the consolidation of district plans by the PDC and subsequent approval by the PC, the provincial plan is sent to the National Planning Commission for inclusion in the national development plan. There is no evidence to suggest that provincial development plans are considered by the Commission or by the National Treasury when allocating funds.

The absence of resources to implement plans formulated by the PC has caused provincial plans to gather dust. The situation could have been different if provincial governments were allowed to raise revenue so as to enable them to implement their plans.¹⁵⁸ PGs have been of little or no assistance because they lead a government

¹⁵⁸ Meaningful fiscal decentralization largely determines, among other variables, the success of a decentralization programme.

which does not have resources and real functional authority. As a result provincial governments are had been rendered ineffective decentralized units and they merely act as agents of the centre.

Fourthly, PAs are largely responsible for coordinating the activities of central government agencies at the provincial level. PGs, on the other hand, are also charged with the same coordinative function. The result has been an unnecessary overlap of duties and functions which leads to duplication and resource wastage. Hence, Makumbe argues that, 'the creation of the post of PG was superfluous and unnecessarily costly to the Zimbabwean taxpayer'.¹⁵⁹ Besides performing a few ceremonial functions, there is little that a PG does which the PA is not mandated to do. This makes the position of PG unnecessary and only there to accommodate political party adherence.

Lastly, PGs play a general role in the supervision of local government, the 'unfettered' supervisory powers of the Minister of Local Government, notwithstanding. PGs are charged with the alignment of plans from Urban Councils (UCs) and Rural District Councils (RDCs) and the provincial development plan. As discussed in chapter 3 and four, the relationship between PGs and UCs over the past decade has not been fruitful. Most UCs are dominated and led by the MDC while PGs are appointed along ZANU-PF political-party structures. The result has been mistrust between PGs and UCs which disadvantage coordinated planning and service delivery. The Minister on the other hand, has used the supervisory powers over UCs and RDCs to dismiss and replace elected councils for so-called 'mismanagement'. At the end of the day ordinary citizens in the streets have been hit hard by the mistrust and enermity between the centre and local governments because at best service provision meet minimal standards and at worse, has been non-existent.¹⁶⁰ It is against these structural and legislative deficiencies of the Zimbabwean decentralization system that this paper recommends legislative and institutional reforms.

¹⁵⁹ Makumbe (1998: 32).

¹⁶⁰ RTI and Institute for Democratic Alternative in Zimbabwe (2010: 46-53).

2. Recommendations

2.1. Constitutionalization of decentralized entities

Provincial and local governments must receive constitutional recognition. The powers and functions of decentralized entities and also of the central government must be clearly spelt out in the Constitution for accountability purposes. The principle of subsidiarity can assist in the allocation of powers and functions among the three spheres of government. According to that principle, public responsibilities that can be exercised best at local level should be exercised by those elected authorities, which are closest to the citizens.¹⁶¹ It is crucially important to enshrine decentralization principles in the Constitution due to the fact that, ‘the subsequent lack of commitment and major weaknesses in the legislative and policy frameworks usually emanate from the lack of constitutional commitment’.¹⁶²

The constitutionalization of decentralization principles has been adopted in neighboring South Africa and Zimbabwe can follow a similar direction. However, this does not mean that Zimbabwe must adopt the South African decentralization model in its entirety. South Africa is facing enormous challenges in implementing its complex decentralization system as witnessed by massive service delivery protests.¹⁶³ This calls for proper analysis of the South African decentralization model so that Zimbabwe can learn from the important lessons played out in the South African context.

2.2. Meaningful resource raising power

Provincial and local governments must be given adequate resource-raising powers clearly stated in the Constitution to enable sustainable service delivery and the stimulation of development. Availability of resources at provincial level will enable implementation of provincial development plans. It must be noted that, effective decentralization and local autonomy require appropriate financial autonomy. The following taxing powers can be allocated to provincial governments: liquor licensing,

¹⁶¹ United Nations Guidelines on Decentralization (2007: 4).

¹⁶² Proceedings from the UNCDF Participatory Symposium on Decentralization and Local Governance in Africa held at the University of the Western Cape (2001: 14).

¹⁶³ For more information on service delivery challenges in South Africa, see the Report of the Ad Hoc Committee on Coordinated Oversight on Service Delivery (2010).

provincial road tax, tourism and animal licensing, among others. However, not all provinces have resource raising capacity, a situation which can constrain effective governance in poor provinces such as Matebeleland South and Masvingo. A system of intergovernmental transfers of financial resources from central government to provinces, depending on need, can address such disparities.

2.3. Clarification of roles

It is also recommended that the role of PGs in relation to UCs and RDCs must be clarified and legislated. Such a move will go a long way in preventing the unnecessary meddling into the affairs of elected councils by PGs. The need to limit the supervisory powers of the Minister over UCs and RDCs cannot go without mentioning. The supervisory powers, which are prone to political manipulation, allow the Minister to dismiss and replace elected councils with administrators or commissions. Elected councils are politically legitimate and this requires central government to respect them as they represent the wishes and interests of the electorate. This is not to say that, mismanagement and corruption must be allowed to flourish in local government. A balance must be struck between the need to maintain central, supervisory and corrective powers, on one hand, and local autonomy and democracy on the other.

2.4. Promotion of local accountability

Accountability concerns which exist at the provincial level have been raised in this paper. To solve that problem, it is suggested that PGs must be elected. Provincial councilors should elect a leader from amongst themselves to be a PG. This indirect election of PGs does not only address accountability concerns, but goes a long way in fostering representative democracy. Furthermore, it addresses the current debate and the contentious political consultation surrounding the appointment of PGs between the President and the Prime Minister in respect of who should appoint PGs.

On the whole, the constitutional-review process must ultimately come up with a decentralization model that promotes local accountability, empowerment and representative democracy. The model must be capable of enhancing participatory development and able to foster bottom-up decision-making. Such a model must compel decision makers to act and respond to the needs and preferences of the people,

especially the most vulnerable members of society (the poor, women and children). It is only a decentralized system which is democratic, one that promotes good governance and sustainable development that is likely to benefit poor Zimbabweans who live in areas such as Dotito, Chipinge and Gwanda, corners of Zimbabwe where the gains of democracy and decentralization are yet to be seen.¹⁶⁴



¹⁶⁴ Some of the remote areas in Zimbabwe where poverty is rife.

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