The Dynamics of Devolution in Zimbabwe
A briefing paper on local democracy
About the research for this paper

The research on which this briefing is based was commissioned by ActionAid International Zimbabwe. Members of the research team were Shingirayi Mushamba, Leopold Bhoroma, Dr Innocent Chirisa and Alouis Munyaradzi Chaumba. The report, *A Research Report on the Dynamics of Devolution and the Impact on Youth Participation in Local Government in Zimbabwe*, was written by the consultants and submitted in May 2014. It has been shortened and edited by ActionAid Denmark and transformed into this briefing paper.

The study area was made up of two regions and two teams: Team One, covering Bindura, Makoni, Nyanga, and Team Two covering Masvingo, Bulawayo, Lupane and Gweru. The research was qualitative, with significant information gathered from selected key informants and youth groups. The research teams interviewed public officials in the Ministry of Local Government, the Ministry of Youth, Indigenisation and Economic Empowerment, and the Ministry of Women, Gender and Community Development (specifically, directors and senior officers). Teams also interviewed provincial administrators, district administrators, council officials (particularly chief executive officers, town clerks, town secretaries, directors and officers) and civil society organisations – notably directors and senior programme officers.

**Abbreviations and acronyms**

AAIIZ  ActionAid International Zimbabwe  
AADK  ActionAid Denmark  
COPAC  Parliamentary Action Committee on the Constitution  
CSO  Civil Society Organisations  
NGOs  Non-Governmental Organisations  
ZANU PF  Zimbabwe African National Union Patriotic Front  
ZimAsset  Zimbabwe Agenda for Sustainable Social and Economic Transformation
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Foreword by ActionAid Denmark

It is my pleasure to introduce this analysis of the condition and potentials of local democracy in Zimbabwe. In March 2013 Zimbabwe approved a new and progressive constitution full of democratic promises and half a year later ZANU-PF won a landslide victory and regained absolute majority after five years with the Government of National Unity. Where will this new context take Zimbabwean democracy?

ActionAid Denmark has supported civil society in Zimbabwe for more than 20 years. Together with our local partners, we believe that the new constitution offers a political opening and potential increased influence for civil society and citizens’ at the local level. The question is whether this opening is already narrowing down considerably with the reestablishment of ZANU-PF as sovereign power holder. The paper at hand displays how ZANU-PF shows little intention ensuring the devolution of power to local levels as prescribed by the constitution.

Denmark has for long supported Zimbabwe’s democratization process through direct support to civil society and in ActionAid Denmark we have given our support to governance and accountability work in particular. At this moment it is now paramount that we demonstrate our firm support to Zimbabwe’s civil society to exercise pressure on the Government to ensure the implementation of the new constitution. Civil society is needed both in its traditional role as watch dogs, but also potentially to a much larger extent than earlier as collaborative partners to the Government.

At this important moment in the democratic development of Zimbabwe, ActionAid Denmark recommends, among others, the Danish Government to:

- Increase development assistance to Zimbabwe, including to the government, but with strict earmarking and monitoring
- Revise the present Zimbabwe Policy according to contextual changes, and include devolution as a strategic focus area,
- Take lead in the donor community to put pressure on Zimbabwe to implement its new constitution,
- Further strengthen focus on Good Governance, Democracy and Human Rights with special focus on supporting citizens to demand accountability,

This briefing paper is the latest in a series of reports and papers on the political situation in Zimbabwe. The paper is published by ActionAid Denmark and solely represents the opinion of this organisation. The paper describes the functions and powers of the new devolved political structures, as enshrined in the constitution, and analyses the contradictions between those functions and the political situation on the ground. The paper then looks at the challenges facing local government in the process of implementing local democracy and involving citizens in decision-making. Finally, based on the findings of the research teams, we put forward recommendations for the government of Zimbabwe, for civil society organisations, and for the Danish government.

Frans Mikael Jansen
Introduction

The state has a paramount role to play in reducing poverty and ensuring an equitable distribution of resources and services. Fulfilling this role requires the state to respond to people’s needs and govern in a manner which respects all citizens equitably. Such good governance rarely happens through government action alone, but rather when there is a robust dialogue between civil society and the state.

This type of dialogue is dependent on the existence of a certain amount of democratic space. Democratic decentralisation, understood as the channelling of central government power to lower levels of government, is vital for the creation of this space. It can secure the involvement of people in political structures and decision-making processes at the local level on issues that directly affect their communities. Due attention must be given to the structuring and managing of these ‘invited spaces’ where local government and citizens engage as citizens’ experience of how these spaces function can determine the extent to which decentralisation is seen as being successful and meaningful from the perspective of people living in poverty.

Decentralisation in Zimbabwe has been marked by a series of legislative enactments, directives and pronouncements, creating structures and procedures to facilitate the devolution of responsibility and power to lower levels of government. Under the Prime Minister’s 1984 Directive, further entrenched in 1996 through the Thirteen Principles of Decentralisation adopted by Cabinet, the government has accepted decentralisation as a governance system. But although there has been a gradual progress on devolution, not much has been done to further enshrine the 13 principles into a coherent policy to guide the devolution process throughout the whole of government. Furthermore, not much has happened by way of legislation to enact and implement decentralisation.

Prior to the promulgation in 2013 of a new Constitution, local government in Zimbabwe was a creature of statute, operating in a delegated capacity and largely dependent on central government. Local government functions, while defined in law, were open to central government variation and re-assignment to other national agencies. Pre- and post-independence policy and structural developments have sustained centre-local relations that undermine the emergence of strong and devolved local governance.

In the 1980s, associations of local authorities began to advocate for the ‘constitutionalisation’ of local government. A long and arduous process beginning in 1999 led to a referendum in 2000, at which point the draft Constitution was rejected. However, civil society groups’ and political parties re-initiated the process after a successful advocacy campaign in the post-2008 Government of National Unity (GNU) era. The government set up the Parliamentary Constitution-making Committee (COPAC), with a mandate to produce a new Constitution. Through a series of debates and consultations, as well as a referendum in March 2013, the COPAC process culminated in the adoption of the 2013 Constitution, within which devolution is a key component and civic participation a cherished principle.

Section 264 of the 2013 Constitution lays a firm basis for a devolved system of local governance. Now, dissolving local governments requires a Constitutional rather than legislative amendment or policy directive. Furthermore, the constitutionalisation of local government guarantees the sharing of Zimbabwe’s national resources with its provincial and local authorities.

Despite its enshrinement in Zimbabwe’s new Constitution, devolution has not yet been implemented and the intentions of the present government do not seem to point in that direction.
The constitutionalisation of devolution

The Constitution of Zimbabwe resonates with the core ideals of devolution. To facilitate devolution, the Constitution organizes government at three levels namely, national, provincial and local. Government at the provincial level is made up of provincial and metropolitan councils whereas at local level it is made up of local authorities, comprising urban and rural district councils. The Constitution requires devolution of power to provincial and metropolitan councils and local authorities. There is thus a measure of recognition of the status of provincial and metropolitan councils and local authorities in the Constitution. At a minimum, this means that the national government may not modify the general status of provincial and metropolitan councils and local authorities as tiers of government without amending the Constitution.

Section 264 of the Constitution deals with the devolution of power to provincial and local structures. It states that government powers and responsibilities must be devolved wherever appropriate to those authorities that are capable of exercising them. This echoes section 3(2)(l) of the Constitution, which makes it clear that devolution of government power is one of the values upon which the Constitution is founded.

Section 264(2) of the Constitution outlines the objectives of the devolution of government powers and responsibilities to provincial and metropolitan councils and local authorities. These are:

- to give powers of local governance to the people by enhancing their participation in the exercise of the powers of the state and in making the decisions that affect them
- to promote democratic, effective, transparent, accountable and coherent government
- to preserve and foster the peace, national unity and the indivisibility of the Republic
- to recognise the right of communities to manage their own affairs and to further their development
- to ensure the equitable sharing of local and national resources
- to transfer responsibilities and resources from the national government to create sound financial bases for provincial and metropolitan councils and local authorities.

Section 265 sets out general principles of local government, of which the most important are:

- Local authorities must ensure good governance, must not exceed their functions, must cooperate with one another, and must ensure the fair and equitable representation of people in their areas.
- All members of local authorities must be elected by registered voters within their areas.
- An Act of Parliament must facilitate coordination between central government, provincial councils and local authorities.

Functions and powers of provincial authorities

The Constitution provides for a completely new layer of governance between national government and local government. For the first time in the history of provincial governance in Zimbabwe, ten members of each provincial council will be elected under a system of proportional representation.

The new Constitution abolished the office of provincial governor, which was a presidential appointment and thus part of national government. Now, provincial and metropolitan councils will have elected chairs – and the councils will have more powers and some independence from central government. As set out in Section 268 of
the Constitution, all members of the national Parliament are now also members of the provincial or metropolitan council in which their constituency is based.

For the first time, the metropolitan provinces of Harare and Bulawayo will have a provincial structure, although this will differ in several ways from the structure of the eight non-metropolitan provinces. As set out in the Constitution, the eight provincial and two metropolitan councils have responsibility for social and economic development in their areas, including:

- planning and implementing social and economic development activities
- coordinating and implementing government programmes
- planning and implementing measures for the conservation, improvement and management of natural resources
- promoting tourism and developing facilities for that purpose
- monitoring and evaluating the use of resources.

On the positive side, the inclusion of members of Parliament in provincial and metropolitan councils is expected to ensure better coherence in the formulation and implementation of national and provincial policies. Members of Parliament (including some ministers) are now required not only to interact meaningfully with local people but also to debate local issues. As such, provincial councils have the potential to become a more accessible governance and decision-making space than was the case previously, providing a forum driven by evidence-based accountability linking political manifestos with local implementation.
However, on the negative side, the provincial council is, by design, a congested structure with too many players. The country is experiencing serious economic challenges and cannot afford to adequately resource such a huge administrative structure. Moreover, power and political dynamics stemming from the composition of provincial councils could compromise local decision-making. The question becomes: who will have a louder voice in provincial council deliberations? Will the chair of the provincial council be able to control the ministers who sit in the council? Given that most members of provincial councils also have national responsibilities that demand much of their attention will they have enough time for local issues?

Moreover, the government’s appointment of State Ministers for Provincial Affairs is clearly indicative of a preference for the old order, in which the provincial tier of government simply coordinated national government programmes.

Based on information gathered at national level and from the regions covered by the research study, it is apparent that there is as yet no visible movement towards establishing the constitutionally prescribed provincial structures. Until now, no significant steps have been taken to solve the abovementioned dilemmas or making the provincial tier a well-functioning part of a devolved governance structure.

**Functions and powers of local authorities**

There are two types of local authority in Zimbabwe: urban councils and rural district councils. Local authorities are governed by the Urban Councils Act, the Rural District Councils Act and the Regional, Town and Country Planning Act. The three Acts form the principal legislative basis for the implementation of local government policy in Zimbabwe and establish the relationship between local authorities and central government. The Acts provide for:

- the determination and establishment of councils
- qualifications for election to councils
- management committees of councils
- appointment of officials
- the powers, duties, functions, rights and obligations of councils and financial matters.

The powers and functions of local authorities as specified in the legislation are divided into two broad types: those which local authorities must undertake and those which they may undertake. It should be noted that because of the doctrine of ultra vires, local authorities are not allowed to perform functions not specifically mentioned in the legislation. The range of functions that local authorities may undertake is quite comprehensive.

The Urban Councils Act and Rural District Council Act together provide a long list of permissible functions and of matters on which local authorities may enact their own by-laws. These include:

- democratic representation of the service expectations of the local community
- to govern defined areas with gazetted boundaries
- powers to make a budget
- powers to borrow money for capital developments
- provision of services and facilities that support production and expansion of private enterprise
- issue trading licences and regulate trading activities within their areas of jurisdiction
- provision of safe water, roads and efficient telecommunication services in the local area
- provision and promotion of health, housing, education and recreational services to the local community
- regulation of private activities that affect community welfare and the health, safety and welfare of local people
• provision of facilities that support human resources development, improve productivity and uplift the standards of living of local people
• promotion of infrastructure development
• enforcing proper development planning and coordination within their areas of jurisdiction in terms of the Regional Town and Country Planning Act
• enforcing the preservation and conservation of the environment
• promotion and facilitation of economic development and creation of employment
• prevention and management of disasters, both natural and man-made
• enforcing proper corporate governance in council
• promoting general community development, charity work among disadvantaged local people, and promoting social cohesion and general morality.

In practice, however, the ability of local authorities to execute these functions is limited because:
• their powers to execute functions are subject to the provisions of other national legislation
• many functions are already performed wholly or in part by central government. The designation of a function as a local government function does not in itself mean that central government must withdraw from its functions or transfer responsibility for it to local authorities
• some functions can only be undertaken with the approval of, or subject to conditions imposed by, the Minister responsible for local government. Section 7 and 8 of the Act confers upon the Minister the authority – in consultation with a council and by statutory instrument – to vest or divest the administration, control and management of a local government area to a council. This provision is, in practice, regarded as limiting the power of local authorities to run local affairs in the manner they see fit
• many functions require financial and human resources and local authorities may be restricted due to lack of the necessary resources.
Contradictions between political intention and political reality

To understand the functions, powers and limitations of local authorities, it has to be appreciated that local government in Zimbabwe is premised upon the principle of delegation. While local authorities are accountable to local communities, central government – as the creator of local authorities – is accountable for the aggregate performance of local authorities. Thus, local authorities should not be misconstrued as autonomous centres of power. Although the aims of local government are to create participatory and democratically elected structures that identify need and ensure provision of services, local government has not ever been an independent sphere of the larger central governmental structure. Additionally, a complex matrix of legal systems and frameworks has played a role in reducing provincial and local governments to agents of the central government.

The arguments put forward by the local government sector during the push for the constitutionalisation of devolution were based on the fact that the diffused nature of local government and its place at the bottom of government hierarchy meant it was weak in terms of power and authority. Because local authorities were established through Acts of Parliament, they were perceived as inferior, weak and subordinate structures of governance. In situations where central government assumes a superior status and makes regulations, public servants have powers to change and set aside decisions made by local authorities with wanton abandon. Politicians have also exploited these administrative loopholes to further their own aims in local decision-making.

Unfortunately, members of the public are unaware of these power dynamics and tend to blame local authorities when things go wrong. Although there have been amendments to the local government Acts, the facts on the ground indicate that in terms of devolution, the amendments have eroded local authorities’ autonomy by increasing administrative and political controls and oversight by central government.

Threats to the autonomy of local authorities come through direct interference in council affairs by either central government or the Minister. Currently, interference by the latter is more prevalent. Both the Urban Councils Act and the Rural District Councils Act note several instances where the Minister and/or the President can intervene in the day-to-day running of local authorities. Given this degree of ministerial intervention, it is doubtful whether meaningful devolution can be realised. In terms of the two Acts, councils have been given a mandate to run their affairs independently, subject only to public and national interest. While it is recognised that ministerial intervention may be necessary to ensure that procedures are complied with or that decisions are in the public interest, too much reference to the Minister for approval may result in interference and thus render non-realisable the gains that were expected. It is clear from current practice that council decisions not favourable to the Minister may not get his or her approval. In the current situation where some councils (mostly urban and some rural in Matebeleland region) are dominated by councillors from a political party different from that of the Minister (ie, Zimbabwe African National Unity Patriotic Front – ZANU PF), ministerial powers have been used to curtail dissent to the Minister’s preferences. Generally, the ZANU PF government seems to be afraid of the emergence of a strong opposition movement and is trying to contain opposition in rural and urban councils by centralising power with the President and in Cabinet and central government agencies.

The prevailing situation in local government administration is one where decisions are made at the centre and dictated to councils. This set up has created serious problems in municipal governance. The situation in the City of Harare is a case in point, where the council’s operations are constantly directed from the Minister’s office, in many instances in express disregard of the provisions of the Urban Councils Act.

Councils in rural areas are often dominated by ZANU PF councillors, which creates a problem as central government, through its line ministries, is better resourced than rural district councils and can employ many more staff. The closest rural district councils are to communities is through ward councillors but wards are large,
and councillors consult their respective communities based on their ability to mobilise own resources to carry out consultations. Some rural district councils have sub-offices for road maintenance and revenue collection, whereas central government is represented through several sector ministries in wards and villages, sometimes by more than one officer at ward level. For instance, the Ministry of Youth has officers even at village level, and the same applies to the Ministry of Women Affairs. The Ministry of Agriculture similarly has officers who are ward based (extension workers), and its Livestock and Veterinary Department has staff in villages. The Ministry of Local Government, Public Works and National Housing has village heads on its payroll. This is a clear indication that staff and resources are not being decentralised to elected local authorities.

It is important to note that in September 2014, the Ministry of Local Government, Urban and Rural Development presented a draft Bill on local authorities at a series of consultative workshops organised with the assistance of the United Nations Development Programme (UNDP). The Bill is designed to align the Ministry’s legislation on local government with the new Constitution and is the first government initiative in this direction. Selected interest groups, including civil society organisations, were invited to discuss the Bill. The Bill is an amalgamation of the Urban Councils Act and the Rural District Councils Act. Like those two Acts, the Bill covers the establishment of local authorities, their membership and staff, their powers, including power to make by-laws, and the powers of the Minister to control their activities. Many of the Bill’s provisions have been taken word for word from one or other of the two Acts.²
Devolution in the political landscape

Taking up the issue of devolution in Zimbabwe is not only a question of discussing a governance system that is now entrenched in the Constitution. Sometimes the concept of devolution becomes part of a regional or partisan political contest. Officials in central and local government do not openly discuss devolution, as it is considered a sensitive and political matter.3

From a regional perspective, devolution presents an opportunity to correct historical injustices and entrench equity in the distribution of resources and other national development policies. Issues of devolution have been very prominent in Matabeleland, because of the perceived neglect by central government since independence in 1980, and in Manicaland because of the discovery of diamonds and various forestry and agricultural resources. In Matabeleland, for example, the Matabeleland Civic Society Forum Declaration, adopted on 21 July 2012 at the Devolution Conference in Bulawayo and known as the ‘Bulawayo Declaration’, demanded that the following be included in the new Constitution:

- popularly elected governors with clear executive powers
- popularly elected provincial legislatures (that are exclusively elected for their provinces)
- clear legislative and administrative jurisdiction on provincial governments
- devolution of administration power including the public service
- powers to collect and use the revenue in their areas of jurisdiction
- power to formulate laws and policies on natural resource use for the benefit of local communities
- powers to enforce their laws within their jurisdiction.

Moreover, during the Constitution development process, views on devolution and issues related to it tended to follow party lines – eg, the idea of devolution has not traditionally been supported by ZANU PF. Differences in perspectives on devolution still pervade debates that should be focused on implementation.
Local government service delivery versus resources

A revenue-sharing mechanism between central government and provincial and local government is pivotal to successful devolution. In order to discharge their mandate, local government structures must have adequate and unfettered powers to mobilise financial resources. If the centre retains control of all financial resources, devolved structures will remain subordinate and unable to make strategic decisions responsive to local needs.

Under the current arrangements, provincial and local authorities do not have a budgetary allocation in their own right as they are sub-structures of the Ministry of Local Government, Public Works and National Housing.

Although the Constitution stipulates that at least 5% of national revenue be allocated to local government, it does not make clear how that is to be done. For example, is the 5% allocation to be taken from gross revenue or calculated after national interest and debt payment subtracted. Moreover, concerns are raised as to why only 5% of the revenue should be allocated to local government when local government is the government closest to the people and provides the bulk of services. It is also not clear how the 5% grant will be shared between provincial authorities and local authorities. Finally, local government actors are sceptical of the sincerity of central government in abiding by the constitutional provision because provincial and local authorities are yet to benefit from the 5% grant specified in the 2014 budget.

In October 2013, the national government formally announced its economic blueprint: Zimbabwe Agenda for Sustainable Social Economic Transformation (known as ‘ZimAsset’). The plan covers the period 2013 to 2018 but does not include devolution as espoused in the Constitution. Under the Public Administration, Governance and Performance Management sub-cluster of ZimAsset, there is no mention of devolution or the establishment of provincial structures. Instead, the cluster focuses on building the capacity of the civil service and on performance management as the driver for improving public administration and service delivery.

Financial challenges for local government

Provincial and local authorities in Zimbabwe have come under increasing financial pressures during the last eight years, mainly because of dwindling revenue bases. Authorities face growing demand for services as a result of continuing rapid population growth, but their capacity to deliver services, as well as to undertake the necessary infrastructure development, is severely constrained by shortage of financial resources. To compound the problem, many local authorities have a massive backlog of new infrastructure requirements and also need to allocate resources for the maintenance, renovation and replacement of older, deteriorating equipment and infrastructure.

The most worrying aspect of this challenge is that the accelerated demand for services is occurring against the background of a failure to retain critical technical competencies and to plan, mobilise, finance and effect meaningful investments in strategic infrastructure and maintain existing facilities. This is due to the ‘skills flight’, which has seen qualified and experienced personnel leaving the public sector due to poor remuneration and conditions of service. This has resulted in the further deterioration of service provision by all urban and rural local authorities.
The main sources of income for local authorities are service charges (mainly in the urban areas – e.g., water charges), rates on property and land, and various fees and levies. The Urban Councils Act and the Rural District Councils Act empower councils to enact by-laws that allow authorities to raise revenue through various “charges made for any services, amenities or facilities provided by council” and the “fixing and imposition of a supplementary charge” on immovable property in its area to “cover the expenses incurred by the council in the administration of the area concerned” and to impose fines and penalties for any breach of council by-laws. Section 96 of the Rural District Councils Act provides for the imposition of a “land development levy” on owners of rural land or on owners of “mining locations situated on rural land within the council area”, or on “licensed dealers who carry on the business on rural land within the council area”, as well as the imposition of a “development levy upon all persons who … are heads of household within any communal or resettlement ward of the council”. The development levy is commonly referred to as the ‘Unit Tax’.4

However, during the recent years of the economic crises, the ability of citizens to pay service charges, rates and fees has been undermined. At the same time, in an attempt to restore viability, local authorities’ tariff threshold has tended to rise incrementally. This has led to a huge gap between income and expenditure, of local authorities, which in turn has led to deteriorating service provision and highly indebted local authorities.

Moreover, individual citizens have built up huge debts to local authorities and service providers. This situation led to an intervention that is an example of central government dominance in local government affairs. In the run-up to the 2013 election, a directive from central government instructed local authorities to write off citizens’ outstanding debts. For local authorities, this not only had serious implications for their financial position and ability to provide services but also cultivated a culture of non-payment. Awaiting another such directive, most citizens now feel no obligation to pay service charges, rates and fees.

In short, local authorities are in the difficult situation of seeing reduced revenue at the same time as an increased demand for services. It could be argued that local authorities have become dumping institutions for unfunded mandates.

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Main challenges in local authority financing

- Poor revenue collection mechanisms: The reasons for poor revenue collection differ between authorities. However, there are some common elements, the most important being the absence of effectively enforced penalty measures for non-payment or unduly delayed payment.
- Rising poverty levels: Poverty is growing as a result of the country’s declining economic performance and its growing marginalisation from the global economy.
- Unfunded mandates: Local authority functions are not accompanied by adequate and appropriate resources to provide the services related to those functions – e.g., health, education, roads and firefighting services. Central government grants do not meet the costs of such services.
- Adverse macro-economic environment: Local authorities continue to be affected by the high cost of borrowing capital on the open market, making it difficult for them to replace and repair antiquated machinery, leading to poor service delivery.
- Dwindling public sector investment programmes: Local authorities have little access to instruments in which funding can be borrowed from government for capital projects.
- Payment of debts owed by government departments: Local authorities are owed huge sums of money by various government departments.
Local government and citizen participation

The objective of decentralisation of power to local government and its strengthening through Constitutionalisation is to create a government that is close to the people and responsible for addressing their day-to-day needs and requirements. The Constitution stresses that the purpose of devolution is for local people to participate in making decisions that affect them, and that should be made possible by the engagement of citizens with local authorities.

An important aspect of the relationship between local authorities and their citizens is service delivery. In some areas, citizens have become despondent and are disengaging due to lack of or low quality of public services from local government. In other areas, citizens are mobilising to demand better services or to provide services themselves.

Both residents and council officials involved in the research for this paper agree that service delivery has deteriorated significantly and that participation in local governance is directly related to service delivery levels. Although the current national economic situation stands out as a major reason for the decline in service delivery, residents and council officials cite different contributing factors. For citizens, lack of effective management, misuse of financial and material resources, corruption, high executive salaries, and lack of consultation and responsiveness on the part of local authorities are the main reasons why service delivery is declining. Local authorities point to the rising cost of services, failure by citizens to pay for services, aging infrastructure and central government interference as main reasons for not matching service delivery expectations. In any case, the issue of low quality or lack of services is a serious challenge to the relationship between citizens and local authorities.
Through their elected councillors, people are able to express their views, make inputs into the administration of their areas, and decide on the quantity and quality of the public services they receive. The Urban Councils Act and the Rural District Councils Act both require every councillor to consult or have meetings with citizens at least once a month to provide feedback on decisions made at council meetings and to listen to their views on local needs for presentation to council.

However, a challenge to the relationship between citizens and local authorities is the politicisation of civic issues. While the majority of councillors hold some form of consultative and feedback meetings with communities, the meetings tend to be organised along political party lines, which detracts those who are not inclined to the councillor's political party. Across most local authorities, political polarisation and partisanship is affecting participation and service delivery. Proposals and projects designed to improve service delivery can be stalled, not because they are not viable, but simply because they can prop up a particular candidate or political party. Generally, councillors lack capacity to effectively present issues as well as represent the citizens on matters affecting them, given that councillors often regard themselves as ‘the face of government’. Councillors, as political party subjects, are victims of party whips, and hence often distance themselves from issues that affect local communities.

The effectiveness of councillors as representatives of residents depends on the extent to which they are in control of council business. Ideally – and legally – councillors are the decision-makers on major council policies, programmes and projects. However, relations between councillors and council officials are unequal and tipped in favour of officials. In most cases, council officials are more educated, knowledgeable and experienced in local government matters than are the councillors. Such a relationship provides a fertile ground for councillors being intimidated by and subordinate to council officials, especially during deliberation in meetings of council business. Related to this is the fact that councillors are normally briefed on council business and procedures by council officials and for that reason remain reliant on those officials for capacity-building and support in articulating issues of concern to citizens. Furthermore, most councillors are materially dependent on council resources, which the officials control. Thus, councillors become apron-tied to the officials as they fear antagonising their benefactors. As a consequence, issues raised by residents that are unfavourable to council officials end up fizzling out. This is clearly a huge problem in relation to accountability and good local governance and an issue that could be taken up and addressed by local civil society organisations (CSOs).

**Participation by socially marginalised groups**

While in theory participation in local democracy is for all, effective participation by women is hindered by practical elements such as the timing and location of forums. This study found a dominant view that public space is for men and domestic space is for women.

Women who actively participate in governance issues are often stigmatised. Running for political office is difficult for women, who often have to rely on powerful male backers or sponsors in order to be elected. The critical issues at stake are women participation versus women attendance. Women's attendance in consultative meetings may be high in some cases but deliberations and discussions tend to be dominated by men. Interviews and focus groups conducted during the research bore witness to that trend. Women, despite attending in numbers, had to be constantly nudged to contribute. Most local authority managers confirmed that engaging women is more productive because they raise substantive service delivery issues. This is because when services fail women are the worst affected. Girls and women spend a lot of time looking for alternative sources of water, fuel and health facilities when public services are substandard or lacking. Pregnancy, childcare and lack of good
and accessible healthcare facilities are further challenges in women’s daily lives. The preoccupation with such issues makes women’s voices worth hearing and considering in decision-making. At the same time, obligations related to unpaid care take women away from civic participation and engagements. National and local CSOs have a crucial role to play in dealing with these challenges.

Another group that is marginalised in local decision-making is youth. No doubt, the political space for youth participation and decision-making is limited and difficult to navigate. Youth have to strive to be heard and listened to. Both the youth and other key informants of the research confirmed that during consultative meetings and other civic forums, young people are silenced simply because of their age and not the substance of their contribution. Youth is perceived as being too immature to make critical decisions. Existing platforms for civic participation are said by the youth to be ‘ghost platforms’ and their impact and influence is not felt at local level. General social attitudes and lack of parental support are major discouragements for youth participation. The relationship between local authorities and youth is characterised by a lack of understanding and cooperation paired with confrontation. Councils are regarded as not being proactive in engaging the youth. Councils are rhetorically open for youth participation and practically shut towards availing space for youth.
Major challenges for inclusion of youth in local governance

- Inadequate representation in decision-making bodies, hence the side-lining of youth issues.
- Political exploitation of the youth before and during election tending towards labelling of youth as perpetrators of violence.
- Lack of space and platforms to express their views and concerns on governance. Political polarisation leads to decision-makers or institutions viewing youth as a ‘political potato’ that is only there to help them. As a result, some authorities have suspended activities to engage with the youth for fear of being misinterpreted.
- The general view held by participants across all the study centres and confirmed by the youth themselves during focus group discussions is that youth participation and involvement in local governance is weak in both invited and created spaces.

The role of CSOs

CSOs have a role in promoting more direct and effective citizen’s participation in local governance by facilitating dialogue between authorities and citizens. Such a role should aim to turn provincial and local authorities into responsive and accountable institutions for sustainable development. Provincial and local authorities and CSOs could mutually benefit from partnerships and collaboration, as they could avoid unnecessary and at times retrogressive confrontation while at the same time furthering common agendas.

However, the government is generally hostile to CSO interventions. The relationship between government (both national and local) and CSOs changes from time to time – eg, election periods are characterised by general hostility and uneasy confrontation. ZANU PF politicians view most CSOs as competitors and as agents for regime change. While this assumption may not always be totally unfounded, it is generally a distorted picture. At local level, there are many issues where councillors and the broad spectrum of Zimbabwean CSOs could find common interests and room to converge.
Conclusion: devolution is frozen

From the research, it seems that the devolution provided for in Zimbabwe’s new Constitution is not yet being implemented, but that the ‘old’ administrative structures still dominate. Different stakeholders have revealed the difficulty of realising devolution and citizen participation without subsidiary legislation to implement the provisions of the Constitution. The legislative framework has a role to articulate, define and clarify the powers, functions, roles and relations among the various governance structures.

Therefore, it is a very positive development that the Ministry of Local Government, Urban and Rural Development took the step to present a draft Bill on local authorities in September 2014 with the purpose of aligning the governance of local authorities with the Constitution. Yet, the Bill has serious weaknesses. For instance, the Bill allows the Minister of Local Government to retain the excessive control that post currently exercises over the affairs of provincial and local authorities. Moreover, there is no provision in the Bill for cooperation and coordination between local authorities and provincial and metropolitan councils, as required by section 266 of the Constitution. Actually, provincial councils are not mentioned at all in the Bill. Also, there is no provision in the Bill for the equitable allocation of revenue between provincial and local tiers of government, which section 301 of the Constitution states must be provided for in an Act of Parliament.

The issue at stake is that the ZANU PF government currently has no agenda to implement devolution as provided for in the Constitution. Although there is talk of promulgating devolution-enabling legislation, there appears to be no urgency to do so. The government seems to fear the loss of power that would result from true devolution and that devolution might give political space to opposition and regional movements. The government’s plan for the period 2013 to 2018, Zimbabwe Agenda for Sustainable Social and Economic Transformation (ZimAsset), does not include devolution as espoused in the Constitution. Devolution is therefore a peripheral matter not supported or dealt with by the ZimAsset. Essentially, because devolution was an
idea not supported by ZANU PF during the Constitution development process, there is all the more reason for government to delay implementing some key provisions, lest the party is seen as scoring points for the opposition.

This lack of clarity and facilitating legislation also means that provincial and local authorities do not have the financial means to meet local service delivery needs and demands. Therefore, they cannot be accountable to their citizens and as such no true decentralisation and devolution can take place.

Moreover, there is the issue of political polarisation, which is relevant not only at national level but also at local level. Councillors are political party subjects and are sometimes loyal to their party to an extent that they distance themselves from issues that are important to local communities. One aspect of political polarisation is the antagonism that generally exists between ZANU PF and CSOs. This is a stumbling block for the potential positive synergies that could exist between the work of local governing bodies and local CSOs.

The role of CSOs is particularly relevant when it comes to the participation of women and youth in local governance. These groups are traditionally hard to engage and marginalised from local government decision-making. Yet many local CSOs are working with these groups and could contribute to furthering the participation in local governance of all groups in society.

Thus, the major finding of this research is that devolution as enshrined in the Constitution is frozen, leading to lack of participation in governance by local citizens. Apart from the abovementioned draft Bill, no significant steps have been taken to implement the provisions of the Constitution and other ministries have not begun to bring their legislation into line with the Constitution. Consequently, there is a gap between the provisions for participation and devolution in the Constitution and ZANU PF politics. But this gap also presents a political space that could be utilised by local politicians and civil society organisations to push for more influence. The Constitution still provides a window of opportunity to build trust and development from the grassroots.
Recommendations

To the Government of Zimbabwe
The government should speedily realign existing legislation so that it complies with the new Constitution, without compromising proper consultation with civil society and other actors in the process. Furthermore, in realigning the new legislation, priority legislation should be clearly outlined and a clear timeframe for realignment announced.

The government should follow the provisions of the Constitution related to devolution and allow urban and rural councils to be accountable to local citizens. The government could continue to play a supervisory role by developing a set of measurable targets and performance indicators. These would be used by government in determining the timing and nature of government intervention.

The government should adjust ZimAsset so that it can serve as a framework for service delivery where roles and responsibilities for central and local government respectively are clearly outlined. ZimAsset provides an opportunity for engagement and most stakeholders view it as a binding democratic commitment that outlines government development programmes for the next planning period.

The government should match transfer of responsibilities to provincial and local authorities with resources and redefine nationally owned and locally owned revenues to enable authorities to receive a fair share of taxes and other revenues. Government and provincial and local authorities should immediately work out a predictable formula for the distribution of the 5% of national revenue that is constitutionally provided for local government. Finally, the government should come up with a payment mechanism to ensure that local authorities are paid their share on time.
To Zimbabwean civil society organisations (CSOs)

CSOs should take advantage of the current situation where the new Constitution calls for revision of the legislative framework. CSOs can play a crucial role in enabling marginalised groups such as women and youth (and especially young women) to understand their constitutional rights and demand local accountability. CSOs have a significant role to play in supporting provincial and local authorities’ engagement with residents. CSOs could assist in developing the capacities of elected councillors where this is needed, and facilitate interaction with a broad spectrum of citizens (including women and youth).

CSOs should work constructively with provincial and local authorities and choose carefully when to use a collaborative strategy as opposed to a confrontational strategy. Both activism and evidence-based advocacy are most likely needed, but striking the right balance is crucial. Not all CSOs need to take on both the collaborative role and the watchdog function.

In the light of ZANU PF’s resistance to devolution, CSOs should create coalitions and networks in order to put pressure on the current government to implement the devolution provisions spelled out in the new Constitution and push for local government reforms in alignment with the Constitution.

To the Danish government

With the Denmark-Zimbabwe Partnership Policy 2013-15, Denmark has provided support “to build democratic institutions and promote universal human rights, as well as economic inclusive growth, private sector development and improve livelihood”. Denmark has provided important support to the democratisation process, and this support should be reviewed in the light of the recent development in Zimbabwe in order to feed in to a new and updated policy from 2015.

In the 2013-15 Partnership Policy, the Danish Ministry of Foreign Affairs (MoFA) outlined three scenarios, namely:

1) a breakthrough situation with a referendum on the Constitution and free and fair elections leading to a democratically elected government

2) a status quo situation with continuation of the Government of National Unity (GNU) and long drawn-out preparations for elections

3) a setback situation with elections below international standards and widespread violence.

The referendum has now taken place, the Constitution has been approved and, although it can be argued that the elections in 2013 were not totally free and fair, they were relatively peaceful. The ZANU PF government seems to have been endorsed internationally as legitimate. The present situation is hence closest to scenario 1, even though it is also to some extent a setback to pre-GNU conditions, thus containing elements of scenario 3. In the MoFA policy, scenario 1 implies “Significant increase in development assistance, longer term focus, funds partly channelled through government”.

It is therefore recommended that the prescribed increase of Danish development assistance to Zimbabwe be effectuated. However, it is the position of AADK, that funding to and through the central government should only be considered, with very detailed earmarking on specific areas and under conditions related to democratic governance.
The MoFA is recommended to select devolution as a strategic focus area when the next partnership policy will be developed and if possible when the next phase of the democratization programme is designed. Special focus should be on strengthening local government and nurturing a functional local democracy, where citizens can hold their elected leaders and the administration accountable. A new democratic state in Zimbabwe should be built up from the bottom; it is far more likely that democracy will emerge from the local level rather than from the top. Furthermore, public services for people living in poverty will, if following the principle of devolution, be provided largely by provincial or local authorities in the future. Denmark has extensive value to add in the decentralisation field, and the potential benefit of a strategic relationship between Danida (responsible for Denmark’s development cooperation) and the NGOs that support accountability in governance is obvious. Based on the above, ActionAid Denmark recommends that:

1. Denmark increases the development assistance for Zimbabwe, including to the central government and be conditioned, and specifically earmarked to democratic reforms and closely monitored.

2. A revised policy for Zimbabwe includes support to decentralisation and devolution and puts pressure on the government of Zimbabwe to show adherence to the new constitutional provisions and to real change in power structures.

3. Denmark takes lead in the donor community, eg. through the Multi Donor Fund, to dialogue with and put pressure on the government of Zimbabwe in relation to the implementation of the new constitution in general and devolution in particular.

4. The third strategic focus area of the present Partnership Policy on ‘Good Governance, Democracy and Human Rights’ should be strengthened further. The engagement selected in the present Policy is too institution focused (Judiciary, Election Commission & JOMIC) and should be complemented by solid support, mainly through civil society, to build a democratic, accountable state. This will strengthen ‘people’s agency’ in terms of democratic values and practices, and also strengthen accountability between citizens and the state – i.e. devolved local government.

5. A Review should assess the results the other two strategic focus areas of the present MoFA policy, ‘Agriculture’ and ‘Infrastructure Rehabilitation’. In particular, the results of the credit facility for dealers and wholesalers in the agricultural value chain could be assessed. Based on the review the volume and prioritisation should be considered in close consultation with other actors in Zimbabwe.

6. Mechanisms for monitoring and policy dialogue should be established and ensure the involvement of all relevant actors from Zimbabwean society.

End notes:

1. These included the then National Constitutional Assembly (NCA), which became a political party in 2013.

2. Source: Constitution Watch 9/2014 (10 September 2014)

3. During the fieldwork, research instruments were shared with all government agencies. The only section of the research tools that attracted questioning was on the emotive issue of devolution, to such an extent that the researchers dropped that set of questions from open discussion, and instead sought key informant views on the matter ‘off the record’.

4. Source: De Visser, Local government reform in Zimbabwe, 2010

5. Source: Constitution Watch 9/2014 (10 September 2014)

ActionAid is a global movement of people working together to achieve greater human rights for all and defeat poverty. We believe people in poverty have the power within them to create change for themselves, their families and communities. ActionAid is a catalyst for that change.

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