

Local government in Zimbabwe at the crossroads

A PERSPECTIVE

At independence in 1980, Zimbabwe inherited a racially divided system of local government that was highly centralised. The current legal and administrative structures of local government in Zimbabwe are a product of both the colonial history and the post-colonial reconstruction of the relations between central government and local authorities.

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Over the years a series of legislative enactments, directives and pronouncements has created structures and procedures facilitating the devolution of responsibility and power to lower levels of government. Gradual progress towards the devolution of power has accompanied a substantial deconcentration of government activity, though with severe constraints on the extent of devolution.

However, the legal reforms have not been accompanied by the necessary political will. The central government seems to regard local authorities as competitors whose operations must be tightly controlled. In spite of the improved legal instruments, the entire local government system in Zimbabwe is under severe strain from political interference that is negatively affecting its functioning and the implementation of development programmes and efficient service delivery.

Political interference

The state of local governance in Zimbabwe is premised on the fact that there should be a symbiotic relationship between the central government and local authorities. In theory, the local government system in Zimbabwe aims at strengthening local democracy and service delivery. This should ideally be done within the framework of the Rural District Councils Act and the Urban Councils Act. However, since their promulgation and subsequent amendment, these Acts have been found to be deficient and in some cases restrictive in the way they have been applied.

In practice, the local government system is abused by the central government for political expediency. The centralised single-party structure dominated by Zanu-PF tends to disregard local decisions because most urban councils are controlled by opposition Movement for Democratic Change (MDC) representatives. Some local authorities, such as those of Harare, Chitungwiza and Mutare, have had their elected officials suspended, apparently on the grounds that they belong to the opposition party, while others have not received support from central government for the sole reason that the mayor is a member of the opposition.

The Ministry of Local Government, Public Works and National Housing has continued to disregard the elected officials of the opposition right across the country. These local authorities are also rendered toothless by provincial governors who are Zanu-PF political appointees. These governors were imposed as a way of bypassing opposition mayors when it came to decision-making. The central government designed a series of measures calculated to reduce the autonomy of the opposition-dominated urban councils through legislation, deprivation of resources and direct ministerial interference. This was done for political expediency in order to undermine their power and credibility. Such interference by the central government is anathema to the principle of decentralisation and citizens' participation in local governance. It includes the central government taking decisions without consulting either the local authorities or the residents affected.

A glaring example of this was 'Operation Murambatsvina' in May 2005. The government described it as a programme to enforce by-laws to stop all forms of alleged "illegal activities in areas such as vending, illegal structures, and illegal cultivation" in urban areas. It affected mostly residential structures that had sprouted up because of the urban authorities' inability to tackle the housing backlog. At the behest of the cabinet, thousands of residents around the country found themselves with no place they could call home. It is conservatively estimated that between 650 000 and 700 000 people were affected directly and 1.2 million indirectly.

The houses that were built to accommodate those displaced by the 'clean-up' operation fell far below minimum standards, with no ablution facilities, water supply or electricity connections.

Such arbitrary interventions undermine local self-governance and local democracy.

Service delivery

Apart from their concern for the way in which the facilities of urban authorities are managed, residents are also interested in the state of their roads and drains, the quality of their water and the removal of garbage from their doorsteps, and equally in how the assets of their cities are managed. The provision of services has deteriorated drastically over the past few years. The unstable economic environment has seen basic services that residents used to take for granted crumbling with each passing year. In addition to the ever escalating cost of living, political instability and social decay, residents have had to grapple with living in less than favorable conditions as the ability of local authorities to sustain a reasonable level of efficiency steadily declines.

Besides revenue generated from service charges, financial support comes in the form of grants from central government. What constitutes 'approved expenditure' is determined by central ministerial regulations and circulars. Residents in the urban areas have long expressed suspicion about how those in office utilise public funds. With the ever growing piles of refuse in residential areas and city centres, residents feel that they are not getting value for money. Grass-cutting has been sporadic, roads are pothole-ridden, and traffic lights do not work.

This situation is not surprising, given the structural deficiencies inherent in the system. An analysis of local government, undertaken in 1999 as part of the Fiscal Decentralisation Study, revealed many tensions in the system, and summarised them as follows:

- weak financial, budgeting and planning instruments;
- poor staff salaries and conditions of service, result in positions being unfilled or occupied by people of poor calibre;
- inappropriate controls and delays caused by the ministry responsible for local government (for example in the approval of tariffs, borrowing powers and budgets);
- lack of financial support for local government by the central government, especially in relation to unfunded mandates;
- weak systems for debt recovery ;
- lack of trust between councils and staff; and
- lack of trust between public and councils.

These are some of the underlying problems that have led to a deteriorating operating environment for local authorities, which translates into poor delivery of essential services to residents. Of particular interest is the fact that residents, as the beneficiaries of these services, are not involved in the process of making decisions on things that directly affect them.

Local democracy

Residents' associations offer political but non-partisan community mobilisation strategies. This is because they serve as the only all-encompassing bodies that harmonise the views and interests of residents from different backgrounds.

The fight for control of the local authorities by the contesting political parties in Zimbabwe has emasculated the local authorities' capacity to promote local democracy, with divisions also manifesting themselves among residents. In this polarised environment, the associations have resolved to make sure that elected officials not only represent the needs of their party members, but serve and develop the whole community. In addition, the associations have been lobbying for residents to



'City House,' the office of the Mayor of Harare in the CBD of Harare, Zimbabwe

become involved in issues such as formulating council budgets. One of the major challenges that residents face is the failure of the local authorities to consult them on issues of importance such as budgeting. Residents have not been given an opportunity to participate effectively in decision-making and in the administration of their communities.

Every local authority produces an annual budget which naturally should have the input of the local community. Budgeting procedure should be made as public and as transparent as possible. The law in Zimbabwe makes it mandatory for local authorities to post notices announcing budgeting sessions that the general public may attend. For reasons known only to the local authorities, these notices are seldom put up, or are posted in areas where they are not easily noticed. Because local authorities fail to make such important decisions public, residents become very uncooperative and social development is retarded. By not going through the necessary consultative procedures, local authorities risk implementing programmes that residents feel are not top priority.

Residents' associations provide a platform for residents to participate in community development in a way that takes into account their rights and interests. It is thus clear that the local government system has failed to fully integrate residents and

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Elections

On 29 March 2008, Zimbabwe held harmonised elections for the first time, in which local government, parliamentary (House of Assembly and Senate) and presidential elections were held simultaneously. Seven political parties contested the elections, but it became apparent that the real contest was between the then ruling party Zanu PF and the MDC under Morgan Tsvangirai. The other significant player was the MDC group led by Arthur Mutambara.

The pattern that emerged from this election was more complex than in previous ones. Whereas in the past the MDC had been seen as a largely urban party and Zanu PF a rural one, the 2008 elections revealed that the MDC (Tsvangirai) had made significant inroads into Zanu PF's rural stronghold. This profoundly shocked the former ruling party, leading to the current impasse, in which Zanu PF is challenging the results in 23 constituencies, basing its challenge on the premise that it could not have lost those seats legitimately. It is clear that Zanu PF lost the election and are finding it difficult to accept that fact.

Councillors have been elected who have little working knowledge of local authority functions and issues. This election was never about policies; it was about the personalities of the presidential candidates. Very little attention was given to qualitative selection when candidates were chosen for election to the various wards across the country.

The challenge is to set up capacity building initiatives to bring the new councillors up to scratch. On the other hand, given the current impasse regarding the release of the results of the presidential poll, the opposition finds itself in the same position it was in before the elections. If the status quo remains, then the clash between the central government and the opposition-controlled local authorities is set to continue to the detriment of the development of local communities. The only solution is policy reform to guarantee a clear and distinct separation and devolution of powers. This recognises the fact that the same would be expected of any new government.

Reforms

With a new political dispensation in the offing, it is evident that reforms will be necessary to correct the shortcomings and discrepancies in current local government legislation and practice. The following areas require urgent attention, as they are keys to allowing local authorities to perform efficiently and effectively.

- There should be a separation of powers between the ministry, as represented by the minister, and the local authorities. Their distinct roles should be clearly stated in the Act, where the minister should be identified as a custodian and a facilitator and the local authorities defined as the implementers of policy.
- Local authorities should be given more control over finances and revenue collection.
- A local government modernisation agency should be established with the responsibility of coordinating programmes that aim to raise the standard of council operations and services. Local authorities should be provided with policy guidelines and financial ceilings so that their inputs into the overall national budgeting process can be more realistic and effective.
- A decentralisation policy should be crafted so that more services (such as car registration, the issuing of business and vehicle licenses and the approval of plans) that are currently concentrated at the centre are deliberately cascaded down to local authorities.
- Residents' associations should be formally incorporated into the local government decision-making process, ensuring that no decision is taken without consultation with and the approval of all the parties.
- The reformed Act governing the operations of local authorities should conceive of the central government as a magnanimous entity, not one that seeks to destroy where it should build. Legislation should be designed to capacitate and facilitate the smooth functioning of local authorities as they carry out their mandate to serve residents through the efficient provision of services. The facilitative role of central government should be enshrined in the Act and the independence of local authorities kept sacrosanct.

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