

THE EVOLUTION OF DECENTRALISATION POLICY IN DEVELOPING COUNTRIES:

A policy analysis of devolution in Zimbabwe

NYAMADZAWO SIBANDA

212516702

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Declaration

I, Nyamadzawo Sibanda, declare that:

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Dedication
To My Family

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Abstract

The COPAC-driven constitution-making process in Zimbabwe was largely focused on revamping local governance and ensuring a return to democracy. The attempts were mainly focused on checking the power of the executive in a bid to institutionalise separation of powers by empowering the legislative and judicial arms of the state. However the most critical power-sharing objective was the reform of intergovernmental balance of power between the central government and subnational government structures; the provincial, urban and rural local authorities. This was captured in the ideology of devolution of power, which was set as fundamental principle of good governance repealing the erstwhile centralised system of government. The hope was that this shift of preference will be enshrined in the 2013 Constitution. However this study notes that this public optimism has not been sufficiently met in the new constitution, which is officially dubbed ‘Constitution of Zimbabwe Amendment (No. 20) Act, 2013’. The study argues that the provisions for devolution in the 2013 Constitution are inconsequential and betray a lack of political will by the central government to devolve authority and resources to local governments. The extensive reliance on impending Acts of Parliament to clarify and give effect to devolution, such as the administrative, political and fiscal competencies of different tiers of government, creates a weak framework for decentralisation which is tantamount to the continuation of the existing status quo, in which subnational governments are de facto deconcentrated appendages of central government. Notwithstanding this major setback in the aspirations of devolution in Zimbabwe, this study recommends that extensive civil society engagement with the central government which has been evidenced over the last couple of years can still reclaim the reforms initially agreed to by the ruling elite during the negotiations thereby ensuring the institutionalisation of devolution in Zimbabwe.

Acronyms and Abbreviations

ARDCZ	Association of Rural District Councils of Zimbabwe
AU	African Union
COPAC	Constitutional Parliamentary Select Committee
GPA	Global Political Agreement
IFIs	International Financial Institutions
MDC-N	Movement for Democratic Change-Ncube
MDC-T	Movement for Democratic Change-Tsvangirai
Minister	Minister of Local Government, Rural and Urban Development
MLRUD	Ministry of Local Government, Rural and Urban Development
PA	Provincial Administrator
PC	Provincial Council
PDC	Provincial Development Committee
PG	Provincial Governor
RDC (Act)	Rural District Council (Act)
SADC	Southern African Development Community
UC (Act)	Urban Council (Act)
UCAZ	Urban Councils Association of Zimbabwe
UNDP	United Nations Development Programme
ZANU-PF	Zimbabwe African National Union-Patriotic Front
ZILGA	Zimbabwe Local Government Association

“There is nothing more difficult to execute, nor more dubious of success, nor more dangerous to administer than to introduce a new order of things, for he who introduces it has all those who profit from the old as his enemies, and he has only lukewarm allies in all those who might profit from the new.”

- Machiavelli 1513, *The Prince* -

CHAPTER 1: INTRODUCTION

1.1 Background to the study

Despite the persistent universal inclination of those in power to hold on to it at all costs, there has always been a parallel counterintuitive realisation that power is better managed when shared (Pfeffer, 1992). Different political organisations have been, at the wake of this realisation, bent towards diffusing power within different levels of human organisations. This has equally influenced politics and business, where semi-autonomous sub-units of organisations have been created in a bid to enhance management and increase productivity (Grindle, 2007). Decentralisation (referring here to the transfer of authority, responsibility and resources from the center to lower levels of administration) has been instrumental in this regard (Cheema & Rondinelli, 2007:1). In its various forms, decentralisation has offered the opportunity to distribute power in political and economic organisations, as a means of enhancing effectiveness and efficiency in management and production (Wekwete, 2007).

However, in operation, many have realised that decentralisation, even in its best form, is not the panacea of all development challenges. There are downsides to it. Nevertheless, the advocates of decentralisation have been reluctant in discarding the child with the bath water. They have argued that decentralisation is most effective in its rigorous form – devolution (Rodriguez-Pose & Gill, 2002). In devolution, proponents have argued, ‘decentralisation encompasses not only the transfer of responsibility within government levels but also the sharing of authority and resources for shaping public policy’ and enhancing local governance (Cheema & Rondinelli, 2007:6). Devolution has thus been accredited for revitalizing local governance by creating an autonomous political subdivision, which has the authority and responsibility to execute local affairs, steer socio-economic development and promote citizen participation (De Visser, 2001; Bussuyt, 2007).

However, ceding power from central authority to sub-national units or from the state to non-state actors has been a daunting challenge for weak states in developing countries (Olowu & Wunsch, 2004). As such most of the decentralisation projects have been initiated and undertaken with external compulsion. While central governments around the world have been transferring governing authority and revitalizing their local governance, Africa and the rest of the developing world has been recentralizing it and starving off subnational

governments (Reddy, 1999; Olowu & Wunsch, 2004). Those that have embarked on decentralisation have done so half-heartedly with modest positive results (Olowu & Wunsch, 2004:48-50). According to many scholars in the field, the erstwhile attempts of decentralisation were aimed at only distributing administrative responsibilities to different levels of government. However, recent attempts, even in this region, have seen most countries emphasizing on devolving powers and resources to semi-autonomous local governments (Cheema & Rondinelli, 2007:7). The rationale for the change in attitude has been observed by Cheema (2007:170) as he notes that:

The devolution of powers and resources to local governments is essential to promote sustainable decentralisation in developing countries. Local governments with decision-making powers and ability to raise resources through their own mechanisms are able to play a catalytic role in the development process. Furthermore, citizens are more likely to actively participate in the local political process where local government is perceived to be sufficiently autonomous in making political decisions affecting them. This improves the overall quality of democratic process.

This new wave of decentralisation has, understandably gathered more currency in the past two decades since it is perceived as ancillary to democratisation. However, in many African countries these positive prospects of the new wave of decentralisation are yet to be realised. (Bossuyt *et al* 2007:7).

Since its independence, in 1980, Zimbabwe like many other African countries, has espoused several decentralisation programmes. The first call had come from an unlikely source –Ian Douglas Smith (the last Prime Minister of Rhodesia) – who, in his retreat, opined:

In any case, the desirability of decentralisation of government in a country where there are so many different peoples, tribes with different languages, even nations, is so obvious that it would be difficult to credit that any intelligent assessment could oppose the concept, unless, of course, the intention is to concentrate power in the hands of a dictator (Smith, 2001:353).

As such, the ZANU-PF government has declared a number of programmes that created subnational structures of community engagement and participation in decision-making, as well as attempted to empower local government structures (Roe, 1995; Ministry of Local Government, 2004). Notwithstanding these public declarations, Brett (2005:98) notes that ZANU-PF's "socialist" ideology blocked any introduction of pro-growth reforms. Instead of ceding power to urban and rural district councils, the central government and the ruling party

used decentralisation to entrench its grip on power by enhancing its stranglehold over the local communities and national resources (Makumbe, 1998:287). Shrouded in this nominal decentralisation has been severe centralisation that has resulted the unbridled authority of central government, the expansive authority of traditional leadership, which forms parallel structures of rural administration, the multiplication of local bodies staffed with central government appointees with more power than democratic local government councils, and the progressive weakening of local governments (Makumbe, 1999 and 2010; Chatiza, 2010).

As a result, members of civil society and opposition parties advocated for intensification of decentralisation as an ameliorative move against the effects of previous efforts, which they conceive as half-hearted attempts by a government bent towards centralization and creation of a one-party state (Sachikonye *et al*, 2007:5). To curb this tendency, the proponents of local government reform in Zimbabwe advocated for devolution with the hope of giving sub-national governments more authority and resources (Chatiza, 2010; Mushamba, 2010). In a devolved government system, they argued, local government will have legal status that it lacked in the erstwhile centralized system. This is seen as invaluable to elevate the status of local government *vis-a-vis* central government, and hence protect it from the latter's arbitrary interference (Madhekeni & Zhou, 2012).

The opportunity for reform came in 2008 from the Global Political Agreement (GPA) which, among other things, mandated the review of the national Constitution. Even though local government reform has been part of the political debate as far back as 1997 (with the formation of the National Constitution Assembly (NCA)), the 2009 constitution-making process intensified the deliberations and neared the solution. Devolution appeared as a major aspect of the deliberations, in which it was posited as an alternative to the incumbent centralized system.

This study therefore, in cognizance of this complex background, attempts to provide a critical policy analysis of Zimbabwe's haphazard implementation of decentralisation – and questions to what extent the new Constitution of Zimbabwe (2013) protects and enables the principles of devolved local governance.

1.2 Research problems and objectives

This study's aim is twofold. It aims to delineate the history of decentralisation in Zimbabwe. According to the literature, a number of decentralisation initiatives have been implemented since independence with mixed results. Secondly, the study aims to examine the constitutional review process which began in 2010 and initiated discussions around the formalization of decentralisation. The notion of devolving authority to provinces and local governments was mooted, resulting in it being adopted in Zimbabwe's 2013 Constitution.

The objectives of this study are therefore:

- ❖ *To delineate the evolution of decentralisation policies and practices in Zimbabwe.*
- ❖ *To identify the rationale for the devolution of power as mooted during the constitutional review process.*
- ❖ *To determine the regulatory framework for decentralisation as enshrined in the 2013 Constitution of Zimbabwe.*
- ❖ *To identify the proposed structures, systems and processes that will give effect to devolved local government.*

1.3 Significance of the study

The study is aimed at locating the debate of devolution in Zimbabwe, within the regional and global political reform processes. In as much as there is extensive literature on the theory of decentralisation in general and devolution in particular, the study attempts to contribute on the practice of these reforms, particularly within a context of developing countries. As such, the study could also have an impact on implementation management of decentralisation reforms in developing countries. Acknowledging that devolution is a highly contentious issue, especially in Zimbabwe, the study attempts to foster informed deliberations by clarifying some of the theoretical considerations of the concept. Since there is still task for legislature to formulate different policy frameworks that will aid the implementation of devolution of power in Zimbabwe, the study can contribute as a resource to policy formulation. Finally, by tracing the evolution of decentralisation reforms in Zimbabwe, the study aims to explicate the possible reasons of failure in previous attempts and as such, through recommendation, improve the implementation of the current attempt.

1.4 Research methodology

This is a qualitative desktop study based on an interpretivist paradigm. The interpretivist paradigm is based on the argument that meaning, truth or knowledge is created in the process of social interactions, in which social actors attempt to make sense of their world (Babbie & Mouton, 2001). It argues that any value ascribed to any data is in its interpretation, which will always be a function of different intervening worldviews (May, 1993:7). Using this paradigm, the study takes seriously the contextual nuances in which the deliberations on devolution are made in Zimbabwe. The analysis of the historical and political processes was conducted with the aim of unlocking the processes, beliefs and frames underpinning different local government statutes and policies in Zimbabwe.

The study is based on the primary and secondary sources on decentralisation and local government in Zimbabwe, dating back to colonial times. Primary documents were relied upon in order to understand the 2013 constitution-making process. The materials included documents such as: the COPAC drafting instruments; National Statistical Reports; Kariba Draft; Constitutional drafts; as well as the 2013 Constitution of Zimbabwe. The media, both online and published, was also used extensively to capture different views and perspectives on devolution as voiced by different political parties and civil society organisations. Also indispensable to this study were the number of extensive academic commentaries and analyses on the constitution-making process and their expectations of the 2013 Constitution.

The focus of this research project was to analyse how decentralisation has been put into practice in Zimbabwe. However, because of the sensitivity and political volatility in Zimbabwe, any study on political reform would be complex. It was impossible to conduct interviews or fieldwork. As a result, this study was a desktop study. Other limitations included access to documents. For example, little documentation was available on the actual constitution-making processes. A point to note, for example, is the fact that the gazetted 2013 Constitution was only available online in September, even though it was assented to on the 22nd of May. This study is also in cognisance of the fact that most literature on the subject had been constructed within specific contextual and ideological settings, which may have compromised their objectivity in describing the developments therein.

1.5 Structure of the dissertation

This dissertation is divided into five chapters. Chapter 1 gives a synopsis of the research topic, by stating the research problem, the research methodology and the structure of the dissertation. Chapter 2 presents a literature review on decentralisation, the devolution of power as well as on local governance. It distinguishes between major concepts such as devolution, deconcentration, and delegation as well as fiscal, administrative and political decentralisation. The literature review provides a conceptual framework for the study.

Chapter 3 provides a brief background of decentralisation in Zimbabwe. Through the review, key policy documents pertaining to local government prior to the introduction of the 2013 Constitution, it is shown that the system of local government has been shaped by a long history of colonisation as well as the policies adopted post -independence.

Chapter 4 presents the findings of my policy analysis of the 2013 Constitution of Zimbabwe. This is done in order to determine whether the Constitution does in fact provide for the devolution of power as defined in the literature. Chapter 5 draws deductive conclusions from the analysis presented in Chapter 4, and identifies the prospects for devolving authority in Zimbabwe. It also concludes the study by reflecting back on the literature on decentralisation and devolution and assesses the extent to which the new legislative framework of Zimbabwe provides for it.

CHAPTER 2: CONCEPTUALISING DECENTRALISATION

2.1 Introduction

Cheema and Rondinelli (2007:1) maintain that the ‘concept of decentralization has changed rapidly over the past quarter of a century.’ This chapter will conceptualise decentralisation by exploring its different dimensions and objectives. It will also trace the transformation and evolution of the concepts and practices of decentralisation in developing countries. As such, special emphasis will be put on devolution and its implications on local governance, as indicative of a new wave of decentralisation.

2.2 Decentralisation: the ‘new’ good governance mantra

Decentralisation has acquired a *de rigueur* position in academic scholarship, especially where issues of contemporary governance and development are concerned (White, 2011:1). As such, it has also acquired diverse conceptualisation. As Bossuyt *et al* (2007:14) points out, in an attempt to pin down its meaning ‘one risks getting lost in a jungle of expressions and terms.’ As a system of political organisation, decentralisation is often embarked on for the positive prospects with which it is associated (Bardhan, 2002:185). It is associated with a repertoire of attributes that bears the label of good governance; democracy, political participation, accountability, responsiveness and administrative and fiscal efficiency as well as economic development (Falletti, 2004:5). As Bossuyt *et al* (2007:8) maintain, decentralisation has become the new development mantra – being perceived as panacea ameliorating a wide range of challenges.

Litvack *et al* (1998:1) argues that in developing countries decentralisation is justified by the need to promote multiparty democracy; the need for transition from command to market economy; the need to improve delivery of local services to large populations in the centralised countries; the need for a resolution to the challenges of ethnic and geographical diversity; as well as the plain and simple reality that central governments have often failed to live up to their promises. As such, decentralisation has been a landmark institutional reform in these countries, even if its results have been modest at best (Cheema, 2007:172).

Empirical evidence from places where decentralisation has been implemented raises caution to optimistic policy advocates (Rondinelli *et al*, 1983; Smith, 1985; Forje, 2006; White, 2011). Hyden (2007:212) argues that the process of decentralisation is often messy and

complex, rather than uniform and straightforward. In addition its results are seen as a mixed bag of positives and negatives (Falleti, 2004:5). According to Rondinelli (1986:4) besides the positive ‘good governance’ and development prospects, decentralisation:

- *Can create nuclei of political opposition to central government policies and programs*
- *Can lead to greater inequity in the distribution of resources and services if decentralized units are not concerned about equitable distribution--centre often has more flexibility to redistribute*
- *Programs and services can be “captured” by economic and political elite at local level who appropriate benefits to themselves*
- *For some functions central governments have advantages of expertise resources and economies of scale to deliver routine services more effectively*
- *Lack of financial resources and management skills at local level may lead to inefficient or ineffective service delivery*
- *Local officials or organisations may be hesitant or reluctant to take initiative in performing decentralized functions*
- *Local beneficiaries may not be organised strongly enough to participate effectively or protect their interests in planning and decision-making.*

As such most specialists on governance tend to give a cautionary prescription on decentralisation (Rodriguez-Pose & Gill, 2002:36). They argue that decentralisation should not be looked at as the cure of all political and economic ailments (Forje, 2006). Different contexts proffer different ingredients for the success or failure of decentralisation (Cheema & Rondinelli, 2007:9). However, Tendler (1997:175) observes that these cautionary statements have nevertheless not had any noticeable impact in dissuading the global enthusiasm for decentralisation.

2.3 Defining decentralisation

Consensus and clarity are conspicuous by their absence in the decentralisation debate. With its application in different contexts and eras, decentralisation has acquired different conceptualisations – meaning different things to different people (Yuliani, 2004:1). As such it has become challenging to standardise it (Reddy, 1999:16). However, proponents of decentralisation have acknowledged core elements that form the crux of what decentralisation entails. They contend that decentralisation deals, among other things, with the ‘nature of intergovernmental relations’ (White, 2011:3) and/or ‘institutional restructuring’ (Litvack *et al*, 1998:4). Rondinelli *et al* (1983:12), argue that ‘ultimately decentralisation is an ideological principle, associated with objectives of self-reliance, democratic decision-making,

popular participation in government and accountability of public officials to citizens.’ Therefore, according to Rondinelli *et al* (1983:13) decentralization involves:

A transfer of responsibility for planning, management and resource raising and allocation from the central government and its agencies to, either: field units of central government ministries or agencies; subordinate units or levels of government; semi-autonomous public authorities or corporations; area-wide, regional or functional authorities, or; non-governmental, private or voluntary, organizations.

As such Rondinelli *et al*’s definition of decentralization includes transferring power to public organisations and structures as well as to private enterprises. The latter is normally referred to as *privatization*. In corroboration Fallei (2010:34) defines decentralisation as ‘*a set of policy reforms aimed at transferring responsibilities, resources, or authority from higher to lower levels of government.*’ Fallei’s definition conceptualises decentralisation as a *process* of intergovernmental reforms and not a once-off act.

Decentralisation can further be simplified into *types* – which deal with the substance of the transfer; and *forms* – which deal with the procedure or the extents of the transfer. Litvack *et al* (1998:4), call these the ‘what’ and the ‘how’ of decentralisation, respectively.

2.4 Types of decentralisation

Different types of decentralisation capture the substance of the authority and/or responsibility transferred from higher levels of government to lower ones (Litvack *et al*, 1998). These are political (political decentralisation); administrative (administrative decentralisation), and/or; fiscal (fiscal decentralisation) dimensions.

According to Kauzya (2007:76), *political decentralisation* entails ‘transferring power of selecting political leadership and representatives from central government to local government.’ It is also regarded as the transfer of authority for making ‘socio-politico-economic decisions from the central government to local governments’, which also includes organisations, procedures and institutions for allowing freedom of association and participation of civil society organisations and citizens in public decision-making (Cheema & Rondinelli, 2007:7). It provides for the transfer of power to elect local representatives responsible for making policies and establishment of local democracy (Bossuyt *et al*, 2007:15).

Bossuyt *et al* (2007:15) argues that political decentralisation ‘is often perceived as the only true mode of decentralising government, bringing with it such benefits as local democracy, participation in local affairs and accountability of local officeholders.’ It is therefore maintained that political decentralisation precedes other types, in such a way that it creates the space at sub-national level for effective administrative and fiscal decentralisation. According to Bossuyt *et al* (2007:16) *administrative decentralisation* entails:

A transfer of decision-making authority, resources and responsibilities for the delivery of a select number of public services, or functions, from the central government to other (non-elected) levels of government, agencies or field offices of central government line agencies.

Administrative decentralisation is sometimes referred to as *functional* or *bureaucratic* decentralisation, since it is perceived to be part of civil service reform that aims at alleviating national operational challenges by reallocating administrative responsibilities to sub-national offices (Bossuyt *et al*, 2007). Litvack *et al* (1998) and White (2011) contend that this is the narrowest dimension of decentralisation since it retains the control of central government.

On the other hand *fiscal decentralisation* is concerned with ‘who sets and collect what taxes, who undertakes which expenditure, and how vertical imbalances are rectified’ (Litvack *et al*, 1998:6). Bossuyt *et al* (2007:18) argue that this dimension of decentralisation ‘transfers two things to local governments, (1) funds, and (2) revenue-generating and spending powers.’ As such fiscal decentralisation transfers the resources and financial authority that enables sub-national structures to effectively carry out their functions and provide services. Falletti (2010:35) argues that fiscal decentralisation should not be confused with funded administrative decentralisation – ‘revenue transferred from the centre to meet the costs of the administration and the delivery of decentralised social services.’ According to Falletti (2010:37) therefore, fiscal decentralisation:

Increases the revenues and fiscal authority of subnational government in three varying institutional forms: through an increase in the percentage of intergovernmental transfers not tied to administrative decentralisation; the creation of new subnational taxes, and/or; the delegation of tax authority previously in the hands of national governments to subnational governments.

The separation of these dimensions enables description of the concept of decentralisation, but might not do justice to the practice of decentralisation. Smoke (2007:131) argues that each

type is intimately bound to others in a policy reform since ‘subnational governments with weak political accountability and institutional capacity are unlikely to use resources well.’ Hence it is important that they be looked at as mutually reinforcing dimensions of decentralisation. According to Falleti (2010) decentralisation is complete when all three types have somehow been implemented. Local governments with decision-making powers and discretion to raise and use resources can claim to be empowered (Cheema, 2007:170). Therefore unless there is an integrated implementation procedure, any attempt at decentralisation results in ‘phoney decentralisation.’

2.5 Forms of decentralisation

There is no consensus in the literature on the tag given to these three aspects of decentralisation: deconcentration, delegation and devolution. However, in majority of cases these are referred to as the forms of decentralisation. According to Cheema and Rondinelli (2007:3) these are modes or extents gauging the transfer of responsibility, authority and resources, from the centre to local levels of administration. If arranged by their relative extension, deconcentration is regarded as the least extended, followed by delegation and devolution being lauded for being the most extensive form (White, 2011), and sometimes the ‘ideal form of decentralisation’ (Turner & Hume, 1997:159).

Deconcentration is sometimes associated with administrative decentralisation, in the sense that it seeks to shift administrative responsibilities from the central ministries and departments to regional and local administrative levels (Cheema and Rondinelli, 2007:3). In essence deconcentration is viewed, as the ‘dilution’ of central administrative burden by ‘establishing field offices of national departments and transferring some authority for decision-making to regional field staff’ (Cheema and Rondinelli, 2007:3). Bossuyt *et al* (2007:17) maintain that this form of ‘public administration reform’ has three objectives: (i) to improve administrative efficiency, (ii) to enhance service delivery and (iii) to ensure adequate central government representation and supervision at provincial and local levels.’ Ahmad and Talib (2011:60) posit that in actual fact, with deconcentration ‘strong centralising tendencies co-exist.’ As such, deconcentration has been viewed as means of entrenching central control by effectively ensuring that local officers remain accountable to the central officials. It is usually referred to as the ‘narrower’ form of decentralisation, aimed primarily at enabling

functionality for the central administration and its agencies (Heager 1974 cited in Ahmad & Talib, 2011:60).

Through *delegation* ‘national governments transfer management authority for specific functions to semi-autonomous or parastatals organisations and state enterprises, regional planning and area development agencies, and multi- and single-purpose public authorities’ (Cheema & Rondinelli, 2007:3). It is considered a somewhat extended form of decentralisation compared to deconcentration, since according to Bossuyt *et al* (2007:17) it ‘redistributes authority and responsibility to local units that are not always necessarily branches or local offices of the delegating authority.’ However, delegation still falls short of the ideal since the bulk of accountability is still to the delegating central unit (Bossuyt *et al*, 2007; White, 2011).

Devolution is regarded as the ‘fullest’ form of decentralisation: decentralisation *par excellence* (White, 2011:2). This seeming positive evaluation enjoyed by devolution rests on its ideal objective: ‘to strengthen local governments by granting them the authority, responsibility, and resources to provide services and infrastructure, and formulate and implement local policies’ (Cheema & Rondinelli, 2007:3). Bossuyt *et al* (2007:15) gives a comprehensive definition of devolution:

An arrangement or a process in public administration in which distinct bodies are created by law, separate from the central administration, and in which local representatives –either elected or appointed by the population – are accountable to the local population and given power to decide on a variable range of public matters and gain access to resources which can be utilised at their discretion.

As such, through devolution substantial authority is transferred to local structures that are legislatively distinct and autonomous from the central government. As a result, local government officials are accountable, first and foremost to the local electorate (Manor 1995, cited in Ahmad & Talib, 2011:60).

2.6 Challenges of decentralisation

Notwithstanding the many theoretical and empirical advantages of decentralisation, many scholars in the field acknowledge challenges and disadvantages associated with the implementation of these ‘long haul policy reforms’ (Brinkerhoff & Crosby, 2002:22). As such Smith (1985:191) contends that it is unwise to take a ‘romantic view on decentralisation

and fail to recognise that it is not an absolute good in its own right'. Besides, according to Brynard (2000:164) a general positive outlook on decentralisation is further constrained by the fact that there is still lack of evidence-based causal theory with predictive and prescriptive powers in the implementation of decentralisation reforms. Bossuyt *et al* (2007:9) argues that evidence relating decentralisation to other variables like poverty reduction, efficiency, corruption, development and democracy, is still fragmentary, to warrant an overall optimistic picture.

The lack of 'intimate knowledge of local government structures and processes as well as a nuanced understanding of the decentralisation process' has made the implementation of decentralisation to be incremental at best and experimental at worst (Litvack *et al*, 1998:6). Therefore, apart from its increasing positive import, several obstructions are associated with the implementation of decentralisation policy. These include, among others: lack of political will; insufficient financial resources and skills; waste, confusion and redundancy; citizen apathy; elite capture and secessionist inclination. These will be discussed below.

(i) Lack of political will

Makumbe (1998:287) contends that 'although decentralisation is easily conceivable as crucial for the effective administration and management of local affairs and development activities, it is basically a political decision aiming as serving political goals.' Incumbent governments and opposition parties alike embark on decentralisation not primarily for its ideological prospects but as a political tool to their political goals. According to Brinkerhoff & Crosby (2002:6) decentralisation processes are as much political as they are technical. Above anything else, decentralisation reforms aim at shifting power bases and resources from the political actors in a zero-sum fashion, and as such they are highly contentious. Falleti (2010:16) contends that since politics creates policy as much as policy creates politics, every policy has its own political constituency which will defend its trajectory and resist any alternative or contrary initiative. Decentralisation, as a new initiative tends to infringe the interest of a political constituency that benefits from the erstwhile centralised policy trajectory, and hence it is bound to be resisted.

The national government politicians and senior civil servants are likely to be one such constituency that resist the implementation of decentralisation policy as a threat to their hold on power and resources. As succinctly put by Diamond (1999:139) 'if central state leaders

judge the price of decentralisation to be a loss of their power and control, they may resist it anyway.’ In corroboration Turner and Hulme (1997:172) observe that when it comes to decentralisation ‘national politicians are reluctant to cede power and central bureaucracies resist the delegation of responsibilities.’ This is further evidenced by the fact that in most developing countries there are no effective frameworks for the implementation of these reforms, regardless of decentralisation being official national policy (Bossuyt *et al*, 2007:9). If national politicians and administrators stall the process, decentralisation has little chance of survival. Any chance of implementing of decentralisation therefore relies on the ability to convince the political officials that it is a non-zero-sum game.

(ii) *Insufficient financial resources and skills*

According to Olowu and Wunsch (2004) the important determinant of the success of decentralisation is the availability of financial resources. A substantial amount of financial resources is required for the establishment and management of new structures at local level. With regards to developing countries, Turner and Hulme (1997:172) observe that ‘when responsibilities are transferred there is rarely a corresponding transfer of financial resources.’ Brinkerhoff and Crosby (2002:27) notes that most developing countries attempt to implement policy reforms with donor funding, which is neither sufficient nor sustainable, given that most of the donations are stifled with conditionalities. Thus decentralisation often has a stillbirth from lack of financial resources. Central governments are either reluctant to cede resources or they are deliberately ambiguous in allocating adequate tax base and formulating a clear system of intergovernmental transfers (Bossuyt *et al*, 2007; Bekker, 1988; Jones & Stewart, 1985).

This results in local government structures which are highly dependent on central government for resources. According to Diamond (1999:141), the undesirable situation in the context of decentralisation is that all revenue of subnational governments comes from the central government. However, this does not entail that local government should necessarily be totally fiscally independent; which in most contexts is nearly impossible (Bekker, 1988:27). However, without adequate own-generated financial resources and amenities, sub-national structures will be unable to attract competent civil servants or to afford the infrastructure necessary to run a sub-national government (Diamond, 1999:141). Fjeldstad & Heggstad (2012:1) further contends that the challenge to financial autonomy of subnational

governments, in developing countries, if further compounded by the absence of a substantial tax base and sound revenue system. In most of these countries only a few urban local authorities have real potential for financial freedom, the majority, of which are rural municipalities rely of central government grants (Marumahoko & Fessha, 2011).

In as much as the challenge of insufficient financial resources is daunting, the lack of capacity to manage these scarce resources is equally crippling. Brinkerhoff and Crosby (2002:27) argue that ‘to implement a new policy, human, technical, material and financial resources must be allocated to the effort.’ The capacity to raise, manage and account for the finances often poses additional challenge in developing countries (Diamond, 1999; Brinkerhoff & Crosby, 2002). Lack of human resources at the local government level may result in mismanagement of the little financial resources transferred or generated from a usually thin tax base (Turner & Hulme, 1997:172). As such, due to a lack of either financial resources, technical expertise or the apathy of national officials to cede power, the requisite capacity building exercise for local government is either never or poorly executed, with consequent poor implementation of decentralisation.

(iii) Waste, confusion and redundancy

Through its different forms, decentralisation re-allocates administrative functions and responsibility for service provision across levels of government. Since most of the re-allocated functions are the initial domain of central government, a clear demarcation is required to avoid duplication of responsibility and services, which leads to confusion and redundancy. Diamond (1999:136-137) argues that decentralisation may create waste, confusion and redundancy in a number of ways. Firstly, decentralisation creates an extra level of administration at the local level, with requisite expenses in training and running costs. Secondly, failure to specify the divisions of responsibilities between different levels of government leads to duplication of effort and poor implementation of policies, with some services completely neglected by all levels. This creates confusion, ‘leaving citizens lost in a labyrinth of redundant bureaucratic mazes’ in search of service delivery (Diamond, 1999:137). Thirdly, political decentralisation empowers the elected local representatives to make local legislation. This, if not properly managed, can lead to the creation ‘of layer upon layer of new laws and procedures’ with consequent confusion to the citizens (Diamond, 1999:136).

(iv) *Citizen apathy*

Citizen apathy is cited as another challenge to effective decentralisation, particularly in former communist and authoritarian countries (Brinkerhoff & Crosby, 2002). Diamond (1999:143), argues that the new found opportunity to influence decision and policy as a result of decentralisation is often not seized enthusiastically in post-authoritarian countries, as a result of a lack of social capital between government and its citizens. Citizens are weary of nominal decentralisation and participatory exercises in which their contribution has not always been taken seriously by the government. Overcoming this despondency and apathy is therefore a prerequisite to the realisation of positive prospects of decentralisation (Brinkerhoff & Crosby, 2002:26). This requires that the policy managers use a language that is palatable to the citizens, which most of the time is a constraint since the advocates of decentralisation are either nongovernmental organisations, opposition parties, or other interests groups that are neither in government nor understand how to play the political game (Brinkerhoff & Crosby, 2002:27).

(v) *Intensification of secessionist tendencies*

In most developing countries citizens have strong regional and ethnic identities, which have a tendency of determining most political decisions and contests (Olowu & Wunsch, 2004). Decentralisation, by increasing political, administrative and fiscal autonomy of the local level, has potential of accentuating these ethnic identities. As a result, the groups that feel alienated can easily mobilise for secession, which in turn weakens political stability and unity within a country (Diamond, 1999:134). Critiques contend that ‘devolution might undermine national cohesion and fan the embers of secession which are usually real considerations in societies in which ethnic and community loyalties are quite strong relative to national cohesion’ (Olowu & Wunsch, 2004:58). Thanks to post independence government who often rekindled these identities and widened ethnic and regional fissures in a bid to divide and rule; this has become real than imagined threat in Africa.

(vi) *Elite capture*

Local autonomy can encourage the creation of niches for authoritarian figures to consolidate their fiefdoms without reprimand from the centre (Diamond, 1999:136). This has high incidences in countries that were formerly authoritarian, since the democratic dispensation would have created a lot of losers among those who were beneficiary of the former system

(Brinkerhoff & Crosby, 2002). These will then resist the reforms by taking advantage of the devolved system, to consolidate their power. These political and economic elites created by the former dispensation can then capture local government structures, holding the apathetic citizens hostage. In such circumstances ceding power and resources to sub-national governments is tantamount to fuelling the corruption and authoritarianism (Diamond, 1999:133). In these situations the local communities are strategically excluded by the bureaucratic, traditional and economic local elites, who have substantial political clout to dissuade democratic decentralisation (Olowu & Wunsch, 2004:65).

However, Diamond (1999:137) argues that it is not an inevitable reality that decentralisation fosters corruption and waste of resources, entrenches authoritarian enclaves and permit discrimination and ethnic-regional inequalities. A bulwark against these pitfalls rests on proper implementation and ownership of the reforms. The answer therefore, is neither centralisation nor recentralisation, but empowerment and capacity building. Civic education, proper capacity building at the local government and substantial political will at the national level, ensures sufficient implementation of decentralisation. Another solution rests on the balance between devolution and central oversight: national government has the function, and must also have the capacity, to monitor the activities of the local government, punishing mismanagement and illegality (Diamond, 1999:138).

2.7 The evolution of decentralisation policy in developing countries

Many authors argue that decentralisation is not new; it has been in place for some time as a mechanism of public sector reform and democratisation (Bossuyt *et al*, 2007:6). Heymans and Totemeyer (1988:v) contend that ‘lower-tier authorities have historically been established as instruments for administrative deconcentration.’ This observation has been supported by many who have done research on the implementation of decentralisation in developing countries (Rondinelli *et al*, 1983; Smith, 1985). Turner and Hulme (1997:159) argue that in Africa specifically, deconcentration has always been the preferred form of decentralisation since it accommodates national unity, political stability and has the tendency ‘to strengthen the incumbent regime’s legitimacy or to serve the self-interest of political elites.’

Olowu (1995:1) argues that, after long periods of colonialism most African governments were reluctant to cede power, let alone to empower local structures that lacked fiscal and

administrative capacities. As such, deconcentration came as a politically desirable mode of relieving pressure from central government without relinquishing power and authority. Accordingly, central governments preferred to transfer authority to field administrators, who were accountable to central government, rather than to autonomous local governments (Turner & Hulme, 1997:161).

In studying decentralisation policies in Latin America, Falleti (2010) found that territorial interests, more than partisan interests account for the types of decentralisation reforms adopted, and that these ultimately determine the intergovernmental balance of power (Falleti, 2000:16-17). As such, in most countries administrative decentralisation and deconcentration are implemented first since the national political elites dominate the decentralisation debates. Falleti (2004:6) argues that ‘the main goal of the president is to cut the national expenditures through the downward transfer of responsibilities’ and not to lose power and money. The incumbent government or party will therefore resist and/or delay the transfer of power to local authorities as long as it takes. As such, political decentralisation and devolution tends to be highly contested terrain (Turner & Hulme, 1998; Forje, 2007).

Falleti (2004:3) argues that even though there is a positive correlation between decentralisation and democratisation, the two need not be coalesced, since decentralization reforms may also take place in non-democratic contexts. Olowu & Wunsch (2004) further observe that in some developing countries decentralisation policies were initiated in authoritarian and semi-democratic regimes. In as much as democratic contexts are generally enabling, decentralisation can also aid the entrenchment of authoritarianism (Olowu & Wunsch, 2004:43). Nonetheless there is still no conclusive, incontrovertible evidence that supports the position that democratisation is a prerequisite for decentralisation, or its consequent for that matter (Bossuyt *et al*, 2007; White, 2011).

Olowu and Wunsch (2004) argue that the end of the 20th century has seen a lot of changes with regards to decentralisation in developing countries in general and Africa in particular. Rodriguez-Pose and Gill (2002:2) have also noted a ‘*global tendency towards devolution of authority and resources from nation-states to regions and localities.*’ This has been true in several countries in Latin America, Asia (led by India), Eastern Europe, as well as a number of countries in Africa (Falleti, 2010; Olowu & Wunsch, 2004). According to Bossuyt *et al* (2007:7) this ‘new wave’ of decentralisation has the ultimate objective of revitalising local

democracy and enabling effective local governance. Regardless of the fact that most developing countries have been ‘persuaded’ towards this new trajectory, there is an increasing incidence in the move towards devolved government systems in the 21st century (White, 2011:1).

Since its inception in the 1990s, the new wave is reputable to be qualitatively different from the old episodes, even in developing countries (Bossuyt et al, 2007:7). It is linked to democratisation and local government development. According to Bossuyt et al (2007:6) ‘the new strategies of decentralisation tend to favour the devolution of power and resources to elected local governments.’ However, as Turner and Hulme (1997:173) observed, the implementation of the new reforms should ‘proceed incrementally, learning from existing policies but continuing the emphasis on decentralisation’. It should not be a volte face that disregards all lessons learnt from the previous attempts.

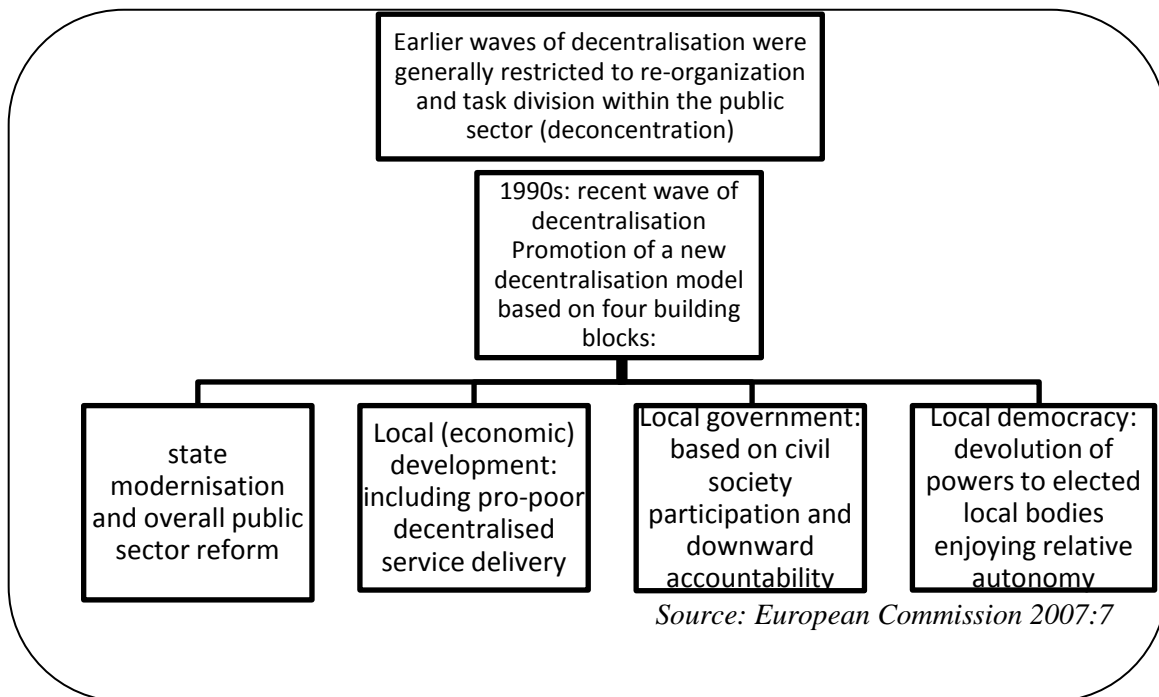
2.8 Rationale for devolution

As argued above, the previous attempts at decentralisation were either implemented by authoritarian regimes in a bid to entrench their grip on power and citizens, especially the rural population. In such areas the local authorities that were created as a result of decentralisation had neither democratic legitimacy nor genuine power for local decision-making and self-governance (Bossuyt *et al*, 2007:6).

Bossuyt *et al* (2007) argue that recent decentralisation attempts are implemented within the context of *democratisation*; hence the emphasis on devolution of power and resources to democratically elected local governments. These should be viewed as a distinct state actors, with their own identity, legitimacy and clear roles in the governance and development processes (Bossuyt *et al*, 2007:6). The purpose of this emphasis is to promote local governance in which participation, transparency and accountability are seen as principal values. The aim is to take decentralisation beyond the traditional vertical dimension, to embrace the horizontal processes aimed at enhancing participatory management of local affairs, with civil society and local communities playing integral roles (Cheema, 2007:171). In this context, devolution lowers the barriers of communication between the government and the people, making it easy for the community to foster transparency, responsiveness and horizontal accountability.

As such, due to this ‘new’ emphasis, decentralisation is no longer reduced to public sector reform and subsidiarity – it has broadened to incorporate substantive aspects of participation, collaboration, local economic development and local democracy (Bossuyt *et al*, 2007:6-7). This shift is depicted in Figure 2.1 below:

Figure 2.1: The 'new' Wave of Decentralisation



Devolution is *sine qua non* to local democracy. With local elections the government has the chance to reflect and respect the diversity of the nation. Minority groups (politically, religiously, educationally and ethnically), have a chance to garner enough votes and support at the local level than at the national level (Diamond, 1999:129). As such this dispels feelings for secession and alienation among the population since the minority groups - even though they might not have a chance to be represented nationally, feel that there is a safeguard against the abuse of their rights and interests at the local level (Cheema, 2007:171). Diamond (1999:129) also contends that the local elections protects minority groups from a more professionalised political activity at the national level, and ensures that at the local level ‘even people of ordinary occupation and education have a chance of being elected into office.’

This is also linked to the new *local economic development* paradigm, which calls upon the participation in (re)activation of the local economy (Bossuyt *et al*, 2007:7). This perspective envisions a role for non-state actors in governance with local government playing as a catalyst for collaborative engagement of different local actors. As such devolution, if successfully implemented, creates a pro-active system of governance in which social and economic synergies are effectively tapped from different local actors by allowing a broad-based input into governance (Olowu, 2009:101). Besides, devolution provides a platform for inter-governmental competition at the local level, in which each jurisdiction aims at providing the best services for its citizens, leading to overall economic development (Bossuyt *et al*, 2007).

Also integral to the new wave of decentralisation is the broader *re-conceptualisation of the state*. Bossuyt *et al* (2007:7) argues that the question is not simply that of subsidiarity - 'who is best placed to provide which service' – but of how to improve the state-society relations in line with the conceptualisations of the state in the 21st century. The state in the 21st century is the manager of governance and not the administrator; it steers rather rows government operation. As such, the state has to allow the involvement of other non-state actors (such as business and civil society) in in the implementation of public policies (Brinkerhoff & Crosby, 2002).

According to Bossuyt *et al* (2007:7) this is most pertinent in failed or fragile states - those who lack effective state institutions and replete with pervasive patrimonial management of authority. In these regions, Bossuyt *et al* (2007:7) contends, the 'overall rethinking of the state concept, its institutional foundations and underlying values and operations will enhance access of services while building state systems and capacities.' This contributes to political stability of the state since most pressure otherwise intended for adversarial actions in a centralised state, is dissipated in a devolved government system, with local stakeholders (political parties, local communities and civil society organisations) focusing their attention and energies on local governance and development (Olowu, 2009:124).

Above everything else the new wave is focused on developing and empowering local governance (Olowu & Wunsch, 2004; Bossuyt *et al*, 2007). In fact, Olowu and Wunsch (2004:5) argue that the ultimate goal of devolution is effective local governance, since, unlike other forms of decentralisation, devolution is the only form that transfers real authority for

financial, administrative and political management. Devolution is therefore seen as the only form that actually creates local government, and enhances local governance, unlike other forms that re-affirms central authority (Reddy, 1999). Turner and Hulme (1997:160), argue that devolution ensures five main features of local government:

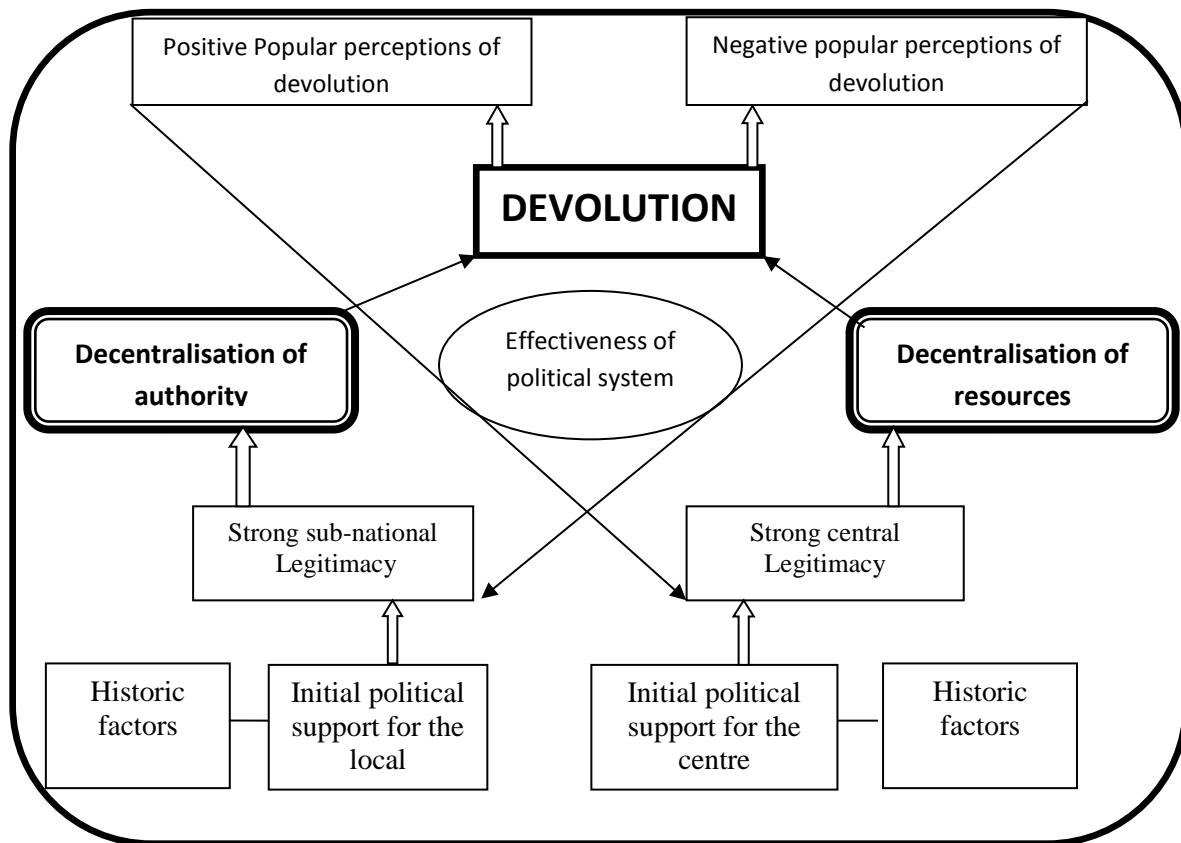
1. *constitutional separation from central government and responsibility for a range of specific local services;*
2. *own treasury, budget and accounts along with substantial authority to raise its own revenue and determine its own expenditure;*
3. *own competent staff, with discretion to hire, fire and promote;*
4. *majority-elected council, deciding local policy and determining internal procedures, and;*
5. *central government serving purely an external role, as adviser and inspector.*

Bossuyt *et al* (2007:15) maintains that ‘devolution exists *only* if local entities have substantial authority to hire, fire, tax, contract, expend, invest, plan, set priorities and deliver services.’ As such, in a devolved system, local government have clear and legally recognised geographic boundaries over which they exercise authority and within which they perform public functions (Olowu and Wunsch, 2004). Devolution is, therefore seen as ‘the creation or strengthening - financially or legally - of sub-national units of government’ (Rondinelli *et al*, 1983:24). Unless successful devolution has been implemented, it would seem that ‘local government’ is neither local nor government, since it just implements centrally determined policies with no substantial autonomy and discretionary decision-making authority (Bekker, 1988:25).

Olowu and Wunsch (2004) accentuate the relationship between devolution and local governance by arguing that the legal enactment of devolution does not automatically leads to effective local governance. Governments that promulgate decentralisation policy without institutional reforms, capacity building and allowing fledgling local governments time to mature, are likely not to be successful in strengthening local government structures and enhancing local governance (Olowu & Wunsch, 2004:27). Any government interested in institutionalising devolution for effective local governance has to manage the intervening and contextual variables between ‘the legal and procedural reforms undertaken at the centre, and the implementation of devolution and local governance at the periphery’ (Olowu & Wunsch, 2004:237).

However devolution is a long and complex process of institutional reform (Turner & Hulme, 1997). The achievement of its ultimate goal, local governance, is contingent upon many factors. Some of these are captured in Figure 2.2 below:

Figure 2.2: The Complexity of Devolution



Source: Rodriguez-Pose & Gill, (2007:7)

As can be deduced from the diagram, devolution is predicated upon two forces, the decentralisation of authority and the decentralisation of resources. These two form the bedrock of devolution and local governance.

2.9 Conclusion

This chapter has shown that decentralisation policies have increased in the global political arena since the middle of the 20th century, and continue to intensify in the 21st century. Regardless of moderate results, decentralisation is still regarded as the mantra of good governance and development. The advocacy of decentralisation is still in its heydays, with

most proponents advocating for devolution and the revitalisation of sub-national governance as means to achieve both democratisation and efficient public management.

This chapter has conceptualised decentralisation by discussing different types and forms of decentralisation. It has also argued that the implementation of decentralisation in developing countries has undergone several phases, from the initial preference of deconcentration and administrative efficiency to devolution and revitalisation of local governance. This shift has been indicated by a new wave of decentralisation which was instigated in the 1990s, and located decentralisation within a democratic context and a as means to participatory governance and local economic development. However, the success of devolution is contingent on a proper sequencing of the reforms, as well as strategic management of the implementation process.

The next chapter contextualises decentralisation in Zimbabwe. This will be done by tracing its development during the colonial administration as well as the reforms made by the post-colonial government, which have resulted in the current forms of decentralisation in Zimbabwe.

CHAPTER 3: THE EVOLUTION OF DECENTRALISATION POLICY IN ZIMBABWE

3.1 Introduction

This chapter will show that the current status of local government in Zimbabwe is a function of colonial legacy and post-independent institutional reform. The development of local government has fluctuated between different forms of decentralisation. From vibrant devolved structures in parts of Zimbabwe that evolved during the colonial era, to local government units that became progressively weakened during the post-independence period, through a series of recentralisation efforts. In this chapter, this evolution of local government through different decentralisation programmes will be analysed. Particular emphasis will be placed on different decentralisation policies that have been implemented since colonial times. This will be done in a bid to understand the current status of decentralisation and local government in Zimbabwe. These developments will be assessed within a broader context of decentralisation dynamics in Africa.

3.2 Decentralisation dynamics in Africa

Distinct from the rest of the world and developing countries, studies have argued that decentralisation policy in Africa has developed on distinctly identifiable lines. Olowu and Wunsch (2004) have documented the empirical evidence of selected countries in Africa, identifying similarities and what they have characterised as a four-phase evolution of decentralisation policy. These have also been corroborated by Reddy (1995; 1999) and Pasteur (1999). Olowu and Wunsch (2004) argue that decentralisation in Africa can be traced back to its colonial foundations in which, despite the discriminatory overtones, strong foundations of local governance were laid. The four stages of decentralisation identified include: (i) the colonial period; (ii) post-independence honeymoon period; (iii) externally motivated decentralisation, and; (iv) devolution of authority and resources.

(i) The colonial period

This phase can be divided into two: the early and late colonial period. Olowu and Wunsch (2004) contend that the early colonial period was basically characterised by a dual system of government; with separate institutions for Europeans and the ‘natives’. In the European areas more liberal structures of local governance were developed, while in African areas indirect rule prevailed. Indirect rule was basically administration by a few colonial officials with the

usage of what was understood to be the indigenous leadership (Reddy, 1999:11). Where indigenous institutions did not exist, they were created and imposed on the local communities (Baxter, 2010). In this system, traditional leadership was transformed from being accountable to local communities to being accountable to the colonial masters (Olowu & Wunsch, 2004). This nascent local administration comprised of a native court system, a colonial local tax and a treasury, all supervised by the colonial official – the District Commissioner (DC) (Reddy, 1999:11). In essence, under indirect rule, deconcentration was the dominant form of decentralisation, while structures that were controlled by the European officials had a more devolved system of governance.

The late colonial period was marked by the end of the Second World War, in which the development throughout Africa tended to allow more local participation and discretion in local affairs (Olowu, 1995). Most colonial powers began to consider decolonisation and self-governance of the colonies (Olowu & Wunsch, 2004:31). In British Africa, these developments were further accelerated by the declaration of the Secretary of State for the Colonies, Lord Creech-Jones, in 1947, in which he argued for genuine efforts to democratise all local government councils, making them local, democratic and efficient (Reddy, 1999; Olowu & Wunsch, 2004).

However these policy proposals were not implemented fully since the ‘winds of change’ that called for an independent Africa changed the focus from local governance to national politics (Olowu, 1995:35). Reddy (1999:19) contends that even though in many countries independence arrived before these devolutionary trends had been institutionalised, distinct local structures had emerged in colonial Africa. These features included: a tradition of elected councils; a local tax system; service provision (health, education, roads, and sanitation) and; community development activities (Olowu & Wunsch, 2004:32). As such, Olowu and Wunsch (2004) describe this late colonial period as the golden age for local government in Africa.

(ii) The Post-independence “honeymoon” period

One of the first changes that post-colonial states instituted in Africa was reforming local government structures in line with adopted socialist ideologies (Hyden, 2007:213). These reforms emphasised central-planning, nation-building and political centralisation. As such, authority was taken away from the fledgling local government institutions (Botha *et al*,

1993). Since most post-colonial leaders were either military leaders or embraced different socialist ideologies and had one-party state inclinations, most of the reforms were to maintain central control (Olowu & Wunsch, 2004:33). However, these reforms were described as decentralisation; but as Kincaid noted it was a matter of ‘the decentralization tortoise versus the centralization hare’ (Tannenwald, 1998:2). As such these decentralisation frameworks never received complementary statutory reforms to increase authority, power and resources of local governments.

The resultant structures could best be described as field administration, since they were neither government nor local (Olowu & Wunsch, 2004:34). Reddy (1999:12) reiterates the same point by arguing that during the first decade of post-independence, there was a preoccupation with ‘central penetration of localities’ tremendously reducing local autonomy and creating deconcentrated field administrations aided by a chain of village, ward, district and regional developmental committees.

(iii) Externally motivated decentralisation

The fall of communism (in 1989) and the failure of central planning and subsequent economic crises exposed the fledgling states to International Financial Institutions (IFIs). Through the Structural Adjustment Programs (SAPs) (1980-1995), the IFIs advocated for a set of ‘good policies’ (macroeconomic policies of liberal markets) and ‘good institutions’ (democratic institutions)’ (Haynes, 2008:32-33). This call to reform was underwritten by neoliberalism: a policy trajectory that emphasised decentralisation, liberalism and capitalism. As such, many African states had to transfer a lot their central administrative functions to local administrative structures. Even though many decentralisation strategies were drafted, few were actually implemented. Most of what was implemented could best be described as unfunded administrative decentralisation, or simply deconcentration (Olowu & Wunsch, 2004:35). As it could be anticipated, the results of these attempts were largely disastrous. For one, local government lacked human and financial capacity and the national government did not see it as their business to build this capacity. Many central governments took the poor results as their cue to recentralise, and most gladly did.

(iv) Devolution of authority and resources

Since early 1990s, most countries began considering re-establishing effective local governance (Olowu & Wunsch, 2004:38). This involved devolving authority and resources to

semi-autonomous sub-national governments and local communities (Reddy, 1999:12-13). This policy shift has progressed to present days, and is predicated on forces of democratisation, good governance and public sector reform (Pasteur, 1999:32). Olowu and Wunsch (2004:38) have called this ‘the fourth wave of decentralisation reforms’ in Africa. They contend that, for the first time since the late colonial period, there is a possibility of creating local government units that are genuinely participatory and accountable to local community (Olowu & Wunsch, 2004:39). However, the success of this devolutionary trend in Africa is contingent on how different states deal with distinct confounding factors that either enable or constrain decentralisation and local government development (King & Stoker 1996).

3.2.1 Confounding factors for decentralisation in Africa

To start with, states in Africa are often saddled with severe scarcity of resources needed to deliver services and steer socio-economic development. Olowu and Wunsch (2004:13) contend that this severe shortage of resources (including financial, human capital and political legitimacy) stifles local governments in Africa. This is further exacerbated by the fact that in Africa, the state is a hegemonic institutional landmark - the sole provider of public services, at the exclusion of other non-state actors (Brinkerhoff & Crosby, 2002). This form of defunct public administration is inconsistent with the economic status of most African countries, and makes long-haul reforms like decentralisation inconceivable (Cheema & Rondinelli, 2007:3-4). In addition poverty, unemployment, ethnic and religious tensions, and currency crisis are signature challenges in most African states, and a particular challenge in building local governance (Olowu & Wunsch, 2004:14).

Secondly, most African states are politically and socially fragile. Liberal political regimes, that can engender harmonious co-existence of diverse groups have neither been enacted nor consolidated. In this context, patrimonialism reigns and politics is practiced to ensure familial survival and/or tribal dominance (Olowu & Wunsch, 2004:13). Any attempt to share power is countered by many beneficiaries of the centralised system. This *policy ratchet effect* usually erodes the ability to establish the institutional framework for effective local governance and decentralisation (Olowu & Wunsch, 2004:268). Even though local governments are enfranchised *de jure*, they are *de facto* subservient to centralised planning and administration. Most of the ‘formalistic democratic and good governance institutions are only invoked to

capture rents than pursue public policy’ (Olowu & Wunsch, 2004:16). As such, behind the façade of democracy and good governance, there is always a resurgence of the predatory state (Diamond, 1980).

Lastly, nearly as ubiquitous as other preceding variables, if not more, is the question of indigenous systems of governance or traditional leadership in Africa. These systems predate official local government structures, or any other modern form of administration in Africa. However, in most regions these were reformed during the colonial period to make them accountable to the colonial national government. They were given absolute authority over the native population – executive, judiciary and legislative (Olowu & Wunsch, 2004:20). They, in effect, became the ‘clenched fist’ with which colonial authorities beat the natives into submission (Makumbe, 1999:277). Their loyalty rested with the colonial administration to which they received their emoluments and were ultimately accountable, on several occasions, at the expense of their subordinates. As seen by Firmin-Sellars 1999 in Olowu and Wunsch (2004:30):

Traditional leaders were in many instances illiterate, ultraconservative, and widely regarded as the minions of white rulers, and often abused their authority to acquire personal wealth and favours at the expense of their subjects.

At independence different African states dealt with these systems in diverse ways. These ranged from outright abolition (as was the case of Tanzania); incorporating them into local government structures (as in Zimbabwe); subordinating them to formally elected local governments (as in Botswana and Nigeria), or; allowing them a free reign at the local level (as in Swaziland and Lesotho). But whatever position was eventually taken, ‘traditional leaders have become a major policy and/or constitutional issue in Africa’ (Olowu & Wunsch, 2004:21). Pasteur (1999:52-53) summarises their position in post-colonial states:

- 1. Traditional leadership plays a role beyond customary and traditional affairs and its significance in contemporary African governance and political life is expanding.*
- 2. Traditional leaders are not necessary politically neutral; they have been drawn to align with political parties*
- 3. Traditional leadership have a potential role to play in administration of rural affairs, particularly issues of land and other rural resources.*

Those countries that have retained traditional leadership have given them statutory recognition (such as in national Constitution or Acts of Parliament), national representation

(such as House of Chiefs, Senate or National Assembly), inclusion into local government councils and local development committees, training, stipends and logistical support (Pasteur, 1999:54). Ironically, the traditional leaders have managed to benefit from both the colonial and post-colonial administration, by simply aligning themselves with the reigning side. Nevertheless, the success of decentralisation and effective democratic local governance in Africa, especially in rural areas, is contingent upon a non-populist resolution of the question of traditional leadership - especially the determination of their place in local administration.

To some extent the evolution of decentralisation and local government in Zimbabwe was not different from most African countries. Of-course there were ancillary idiosyncratic confounding factors that constrained decentralisation and local government development, as the following section will reveal.

3.3 The colonial foundations of decentralisation in Zimbabwe: 1890-1979

It can be argued that since pre-colonial times, centralised administration has been a part of what is now known as Zimbabwe. However, central authority was disintegrated at times leaving behind disparate chiefdoms and clan groups dotted all over the territory - but generally there was always a succession of central authorities. From the Mutapa States, through the Great Zimbabwe to the Ndebele State, the territory was organised in a centralised hierarchy of political authorities. Notwithstanding several romantic views of the pre-colonial era, genuine local self-rule and autonomy (even though these could be identified in atomised areas) was generally unknown in pre-colonial Zimbabwe. The king's word was law to all who lived under his jurisdiction.

The ushering of colonialism in 1890, to a large extent was just a part of a series of institutionalised succession of centralised administration. The difference was largely in form and hardly in substance. The local administration that was introduced was a bit more intrusive than the used-to pre-colonial chiefdoms. Unlike the pre-colonial kingdoms that exercised their reach of subordinates through tribute-paying, the colonial administration introduced a form of everyday interference with all their subordinates, through legislation and different forms of regulatory activity. Apart from urban areas where local autonomy and self-rule was practiced by the European administrators, African areas were largely under indirect rule, by the office of the Native Commissioner (Baxter, 2010).

As soon as the ‘natives’ were ‘decisively’ defeated they were segregated to reserves, the first of which were the Gwai and Shanghai ‘reserves’ in 1894, under the Matabeleland Order in Council (Baxter, 2010:173). This marked the beginning of local administration in Black rural areas (Chatiza, 2010:4) – in which through the Village Management Act of 1898, rudimentary administrative structures were set up to manage the reserves. In this system the two (only) provinces – Mashonaland and Matabeleland – were subdivided into sub-districts headed by chiefs selected by the Governor ‘according to what was understood to be the local custom. After such aggrandizement these traditional leaders became salaried administrative assistants of the Native Commissioner (Baxter, 2010:175). These rudimentary (Native) councils had no taxing powers; they relied on fees and grants from central government. A thin tax base was only introduced in 1943, by mandating the taxation of all adult male residents (Jordan, 1984:10).

These conditions were further improved with enactment of the African Councils Act in 1957. The African Councils now were an elected body, with traditional leaders only as *ex officio* members. The District Commissioner (DC) still held a lot of sway as the president, even though the day-to-day activities of the Council were administered by an elected chairperson (Jordan, 1984:10). The constitution, function and powers of African councils were granted by means of a warrant, issued in terms of the Act – adjusted from place to place depending on the context (Passmore, 1966:11). Under the Act the Council could ‘make by-laws, set penalties, annual and special rates, discharge of obligations to pay rates by communal service, borrow, invest, audit, including budgeting and accounting activities – as long as the responsible Minister approved (Passmore, 1966:3). The number of African Councils was drastically increased in 1965 to enhance the implementation of the 1962 Community Development policy (Jordan, 1984:11). However, lack of financial viability and excessive central control impeded the effectiveness of these rudimentary local structures.

The extent of authority was different in urban and commercial farming areas run the Europeans. In these areas, urban and rural councils were comprised of elected officials with substantial power to make policy, collect and expend taxes, as well as steer local economic development (Jordan, 1984:8). Urban areas were administered by the Urban Councils instituted by the Urban Councils Act of 1973, which collated disparate preceding laws and structures into a single legislation for all the urban areas. As such the urban councils included city councils, municipal councils, town councils and local areas board, depending on their

powers and resources (Passmore, 1966:3). Under the Urban Councils Act, the central government excluded black townships from municipalities and placed them as separate local government areas under councils elected by whites (Jordan, 1984:9). Thus even though local government structures in all other areas were budding as a distinct sphere of government with substantial powers, where Africans were concerned those rights were to be delayed until the dying days of colonial administration.

The Europeans who resided in commercial farming areas also managed their own affairs, under the Rural Councils Act of 1966 (Passmore, 1966:10). The rural councils were a collation of road councils and conservation committees, and were mandated with administering the development of the rural European areas (Jordan, 1984). These too were self-governing with responsibilities ranging from regional planning, conservation of natural resources and road construction and maintenance (Jordan, 1984:14). Rural Councils had popularly elected members to whom a substantial amount of authority was devolved. The unit tax – a fixed amount payable per unit of land or per unit of labour employed, was the main revenue of these rural councils (Jordan, 1984:15). Urban properties that were within the jurisdiction of the rural councils were also liable to be levied (Jordan, 1984:15). This supplemented the grants from national government and increased the autonomy of these local authorities. The rural councils were under the Ministry of Local Government and Town Planning, and together with urban councils, enjoyed substantial resources and discretionary authority to manage their own affairs.

In summary, colonial local government was fragmented into three structures: urban, white rural and black rural councils. These were formed through Acts of Parliament, with powers granted in accordance with either the constitutive or functional Acts (Jordan, 1984:17). Before 1980, the white urban areas and white-owned commercial farming areas enjoyed ‘strong and effective’ local governance (Botha *et al*, 1992:19). They had a widely elected council, with most of their local communities highly franchised. They had largely open mandates from the central government and could, through by-laws and policies, determine their administrative activities. Fiscally, they also had devolved powers to raise and expend revenue on self-determined projects (Jordan, 1984; Botha *et al*, 1992).

On the other hand, the Africans in both rural and urban areas did not enjoy such franchise and administrative liberty. Most of the members in the Native councils were chiefs, nominated by

the governor. The omnipresent authority of the Native (and later District) Commissioner constrained their administrative activities and consigned most of their activities and responsibilities to running errands for the central government, and keep the native population in check. Chiefly, Native (and later African) Councils relied on fees and grants from central government (Jordan, 1984:10). For whatever resource was generated by the thin tax base of poor black rural communities, the expenditure autonomy rested with the DC. The majority of the local population were excluded from the electoral processes since they could not meet either the economic or educational thresholds (Baxter, 2010). As such, compared to their European-run counterparts, African councils were mere field offices for the central colonial government, with deconcentrated authority. For them, the prospects of independence meant autonomy and self-determination.

3.4 Decentralisation policy in post-colonial Zimbabwe: 1980 - 2000

As noted above, at independence the new government inherited a disparate and racially divided local government system (Jordan, 1984; Makumbe, 1999; Muchandenyika, 2013). Local government in both urban and rural areas were separated between black and white and had different authority and resources. Urban and white rural councils had more fiscal powers than African councils, who relied on central government transfers (Coutinho, 2010; Marumahoko & Fessha, 2011). In essence ‘local government institutions in African areas were not autonomous, did not pursue local interests, and lacked local legitimacy and resources compared to those in European areas’ (Chatiza, 2010:4). As such, the Mugabe administration had mandate to engender a series of local government reforms to ensure effective and equitable local governance and development.

Notwithstanding racial discrimination, Zimbabwe, like many Anglophone African countries, inherited a ‘fairly well-decentralised governance system’ (Olowu, 2009:117). However, two decades into independence, from this robust system of local governance, especially in urban areas, Zimbabwe had transformed itself into a highly centralised, *de facto* one-party state. In a global context in which many countries make frantic efforts to reinvigorate their local governance systems, Zimbabwe, alongside other African countries, has been part of the bad news; progressively decapitating the resilient institutions of local governance (Olowu, 2009:101).

Notwithstanding 18 constitutional amendments that occurred before the Global Political Agreement (GPA) of 2008, servicing the centralisation of power to the executive and the presidency; there are four stages that have influenced the extent decentralisation in post-independence period. These include: (i) early post-independence period; (ii) 1984-5 Prime Minister's Directive on decentralisation and development; (iii) Amalgamation of rural local government, and; (iv) formation of the Movement for Democratic Change.

3.4.1 The early post-independence period

The early years of independence saw a lot of cautious institutional reforms in Zimbabwe. Through the District Councils Act in 1980, the new government, aimed at developing the administration of the communal areas. According to Botha *et al* (1992:24-25) this was necessary for three reasons: (i) to revive the almost defunct rural local government structures which were targeted by the war of liberation; (ii) to make good of the pre-independence campaign promises to the electorate, most of whom resided in these areas, and; (iii) since the rural councils were protected by many institutional compromises that the government had made to the white colonial government during the Lancaster House Conference, they were out of bounds. In addition, there were several other transformative measures undertaken by the government in 1980. According to Chatiza (2010:5) these include:

- *Bringing 3 local government structures(urban, rural and district councils) and their legislation under a single Ministry of Local Government;*
- *Tribal Trust Lands were re-named Communal Lands*
- *242 African councils were consolidated into 55 District councils*
- *The franchise was modified to accommodate universal adult suffrage*
- *One-city concept – the unification of townships and suburbs into a unified city in urban areas.*

The District Councils Act provided for elected local councils and curtailed the usage of appointed chiefs in rural local government (Botha *et al*, 1992; Makumbe, 1999). However, apart from the political decentralisation which was extended to black rural areas through universal suffrage, there were no immediate fiscal and administrative changes for the fledgling district councils. They continued to be implementing agents of centrally-determined development policies and to receive almost 90% of their revenue from central government (Makumbe, 1999). The adoption of a socialist ideology and the inclinations towards a one-party state by ZANU-PF in the early 1980's further exacerbated the situation by side-lining

any decentralisation and development priorities of the fledgling rural local structures (Botha *et al*, 1992:24). Apart from that, the Office of the District Commissioner was retained, albeit under a new name of District Administrator (DA), to oversee the activities of the district councils and ensure the alignment of local government programs with central government policies. As a central government appointee, the DA has since been instrumental in ensuring central government control of the district councils, as much as the DC was under the colonial administration.

3.4.3 The Prime Minister's directive on decentralisation and development

A series of legislation initiated by the Prime Minister between 1984 and 1985 were aimed at creating structures of popular participation and decision-making at local and provincial government levels. These were backed by the 1985 Provincial Councils and Administration Act, which instituted provincial government as an administrative division of the country, alongside national and local government. These changes were in line with the government's concerns with rural development priorities, and were put to aid the alignment, implementation and coordination of national development priorities (Jordan, 1984; Botha *et al*, 1992; Roe, 1995; Makumbe, 1999).

As such, the Prime Minister's directives created grassroots technical and representative structures in communal areas, from the village to the provincial level. Ideally these structures were to enable local participation in development planning and decision-making. Needs identified at the villages were to be collated by the ward and forwarded to the District Development Committee (DDC), then to the Provincial Development Committee (PDC) until, through the Ministry of Local Government, reach the national planning machinery (Makumbe, 1999). This was the initial decentralisation strategy in Zimbabwe, which was aimed at a bottom-up development planning (Matyszak, 2011).

In practice, however, the role of these grassroots committees appear to have been that of receiving information and directives from above (i.e., from central government and from ZANU-PF party officials) rather than acting as a channel for bottom-up planning and decision-making (Zimbabwe Institute, 2005:10). Makumbe (1999:289) argues that this was not to be a genuine democratic empowerment, since 'it only ensured the compliance of the local people with central government policies, rules and regulations, much to the benefit of

the ruling party.’ As such, despite the elaborate declarations on decentralisation, in practice centralisation just became further entrenched. Even though village development committees (VIDCOs) and ward development committees (WADCOs) were popularly elected, Matyszak (2011) and Makumbe (1999) observe that there were several appointed members. Members of the youth and women’s league of ZANU-PF in each village and ward were imposed on these structures to ensure that the ruling party ideologies penetrated these structures (Muchandenyika, 2013:6). As such, these structures did not lead to any real people-driven decisions.

Makumbe (1999:288) notes that real decisions at local level were made by the central government structures at the sub-national level such as the District Development Committee (DDC) and the Provincial Development Committee (PDC). The elected councils just rubber-stamped their decisions. Decentralisation efforts were supply-driven from the Prime Minister to local communities, with little or no local input; neither did the local communities participate in the budgeting nor know of the available financial allocations for their development plans. As such, the resultant development plans were unrealistic and too ambitious (Makumbe, 1998:292). Ultimately, these attempts amounted to nothing other than entrench state penetration down to the village level without any complementary meaningful citizen empowerment. Therefore, during this era, despite the nominal determination and declaration of decentralisation, politically, administratively and fiscally, the government was highly centralised with only minimal powers deconcentrated to DCCs and PDCs.

3.3.1 The amalgamation of rural local government

As indicated above, at independence the rural local government was racially and administratively divided. It was only in 1988 that the Rural District Council Act was enacted, bringing the two rural local government structures together. The 1988 Act had two objectives: (i) to use local government structures as means of redressing colonial disparities, and; (ii) to steer socio-economic development (Muchandenyika, 2013:5). Up until then the rural councils were governing the small country towns and large-scale commercial farms, while district councils administered communal areas. The rural councils, due to their rich tax base and highly devolved powers, had more capacity than the district councils that struggled both financially and in human resources. The amalgamation therefore, offered an opportunity

to redress these colonially-orchestrated disparities. It aimed at deracialising and capacitating the rural local government (Roe, 1995).

The other hope of amalgamation was to strengthen the financial base of local government, by spreading the rich resources of the rural councils to former district council areas. However, in practice the Act retained the colonial land tenure and socio-economic distinctions (Botha *et al*, 1992:32). The tax base of the rural district councils (RDCs) was not unified, and little redistribution occurred with commercial farmers retaining their financial resources and communal areas limping along in abject poverty (Roe, 1995). As such, with the amalgamation of highly devolved and financially sound white rural councils, and impoverished district councils came further impoverished and deconcentrated RDCs. The franchise was also kept the same, with rate-paying white farmers voting in commercial wards, while black farm workers in the same area had no right to vote (Makumbe 1998:286).

With amalgamation also came a strong central oversight on the functions and running of the RDCs, and henceforth the RDCs remained an appendage of central government with no meaningful decentralised functions (Zimbabwe Institute, 2005:9). The decentralisation rhetoric was only romanticism than realism (Muchandenyika, 2013:5). A big blow to political decentralisation was the introduction of non-elected councillors, appointed by the Minister of Local Government. The non-elected councillors were to be appointed at the discretion of the Minister to represent 'special interests' (Matyszak, 2011). Even though these were meant not to exceed 25% of the elected councillors, they gave too much discretion to the Minister in the internal affairs of the councils (Botha *et al*, 1992:33).

This *proviso* came with a number of others that gave the Minister a lot of authority in intervening in the composition and the operations of the RDCs. On top of the fact that RDCs relied heavily on central government grants, their borrowing and spending powers were closely monitored by the Minister (Jonga & Chirisa 2009; Marumahoko & Fessha, 2011). The Zimbabwe Institute (2005:5) notes that in the RDC there were about 250 instances in which the Minister is allowed to intervene. The RDC Act therefore created a local government that was politically disempowered with a lot of central government appointees who were not accountable to the electorates as they were forced to impress the central government in order to keep their jobs (Matyszak, 2011).

3.4.4 The formation of the Movement for Democratic Change (MDC)

The formation of the MDC out of the Zimbabwe Congress of Trade Union (ZCTU), as a genuine opposition to the ZANU-PF's unbridled reign since independence, changed the dynamics of local governance and decentralisation in Zimbabwe. With imminent threat to its dominance in local government structures, the ZANU-PF government revised its decentralisation project, at least *de facto*. The central government, through the Minister of local government, reacted by increasing its hold over the local government, particularly urban councils in which the MDC had the strongest hold (Muchandenyika, 2013:7). In 2008 the executive Mayoral position was abolished in urban councils, thereby constraining the executive powers of the mayor and leaving them at loggerheads with the Town Clerks, who were central government employees appointed by the Local Government Board (Jonga & Chirisa, 2009:117). Eventually a strong culture of centralisation hindered effective and vibrant local governance in Zimbabwe, regardless of several decentralisation declarations (Sachikonye, 2009).

The traditional leaders, who were almost done away with at independence, were reinstated and empowered. These offered parallel non-democratic structures in rural areas and were mobilised to check the authority of the MDC-led representative structures in rural districts (Makumbe, 1999:290). Above all, the central government made sure that it controlled the Ministry of Local Government so as to use ministerial interventions and other measures to frustrate local government units, along with the MDC that controlled them (Muchandenyika, 2013:8).

3.5 Local government in Zimbabwe: 2000-2012

The overall status of local government in post-colonial Zimbabwe has been shaped by the preceding four developments. The local government system is a legislative rather than a constitutional institution. Since colonial times, local government in Zimbabwe has been shaped through Acts of Parliament and had no direct constitutional provisions, save for bits and pieces that were given constitutional provisions at the convenience of the government of the day. As such, local government was never constitutionally recognised as a sphere of government, but an extension of central government. The central government determined the birth, development and death of local government (Zimbabwe Institute, 2005:4). The local government units are located in the Ministry of Local Government, Rural and Urban

Development (MLGRUD). According to MLGRUD, local government in Zimbabwe consists of provincial government, urban local government, rural local government and the traditional leadership.

3.5.1 Provincial government

The provincial government is instituted by the Provincial Council and Administrative Act [Chapter 29:11] (henceforth PCA Act). Since its inception, the evolution of this administrative level has resulted in ten provinces; with two metropolitan and eight non-metropolitan provinces. Almost entirely by colonial accident, Harare and Bulawayo have developed, dialectically, as the two major cities and metropolitan provinces. However, the provinces are only administrative divisions since their structures are not directly elected by the public, but partly appointed and partly collated for purposes of overseeing the administration of the provinces, and coordination of the districts. As such, no real significant powers have been devolved to provincial governments (Zimbabwe Institute, 2005:4). Under current legislation, it is the exclusive preserve of the President of Zimbabwe to establish and alter or abolish provinces (PCA Act, Section 3.a-d).

The Provincial Governor (PG) is the head of the provincial government, which is constituted by two bodies: the provincial council (PC) and the provincial development committee (PDC). The PG is the provincial chairperson of the PC and has the overall responsibility *'to co-ordinate the preparation of development plans for his province and to promote the implementation of such plans by other Ministries, authorities, agencies or persons'* (PCA Act, Section 10.c). On the other hand the PDC is the technical body of the province comprising all the heads of government departments within the province; the executive staff in local government structures; representatives of business; labour and civil society within the province; the army; the police and the presidency (Zimbabwe Institute, 2005:12). The PDC is charged with the preparation of the provincial development plan, under the watchful eye of the PC.

3.5.2 Urban local government

Urban local government currently consists of 30 urban councils, which are a collation of city councils, municipal councils, town councils and local boards. The prime legislation of the urban local government is the Urban Councils Act of 1997 [Chapter 29:15] (henceforth UC

Act). These have substantial political, fiscal and administrative authority. Urban councils are categorised according to a hierarchy of status, structure and capacity (Zimbabwe Institute, 2005:8). Their high level of development can largely be regarded a vestige of colonial administration. Until 2008 the city and municipal councils were headed by popularly elected executive mayors, while town councils and local boards had a chairperson appointed by the Minister (UC Act, Section 38 and 39). According to section 228 of the UC Act, urban councils have legislative authority to make and amend by-laws with regards any aspect, process and property under their jurisdiction.

The urban council has authority over the administration of any immovable property within its jurisdiction (section 149-156); construction of side-walks (section 157-167); sewerage and drainage (section 168-182); water (section 183-188), and; transport services (section 189-197). Urban councils finance most of their activities from locally generated revenue, in the form of rates, fees, fines, land lease and sales, plan approval and development fees, revenue-generating projects, licence fees, rentals, and proceeds from investments (Coutinho, 2010:73). A certain amount has also to come from central government, international financial institutions and organisations (Coutinho, 2010:82).

Section 116 of the UC Act makes provision for the establishment of the Local Government Board. The Board is appointed by the Minister of Local Government and consists of seven members, each chosen from (a) Zimbabwe Urban Councils Association; (b) town clerks; (c) Municipal Workers Union; (d) Public Service Commission. The remaining (e) two will be appointed for the ability and experience in public administration. The Board is charged with the co-ordination of administrative employees of the urban councils. As such, they are in-charge of appointing the administrative staff of urban councils, such as the Town Clerks. In addition, section 123 (2) of UC Act mandates the Board to conduct any inquiry into mismanagement and disciplinary issues in the council, by investigating both the administrative staff and the elected councillors (Sachikonye *et al*, 2007:87).

3.5.3 Rural local government

Rural local government is instituted by the Rural District Act of 1988 [Chapter 29.13] and currently consists of 60 rural districts. Each district is administered by a rural district council, which comprises of:

- *One elected councillor from each ward in the district*
- *25% of appointed councillors*
- *The chairperson of the rural district council*
- *The CEO of the council*
- *The District Administrator*

The number of wards in a district, and districts in a province are determined by the President in consultation with the Minister of Local Government (RDC Act, sections 6 and 7). In addition to the councillors popularly elected in each ward during general election, the Minister has discretion of appointing non-elective councillors to the rural district council to operate in terms laid down by him/her (RDC Act, section 31). Apart from the elected officials of the council, the Minister has the duty to appoint all the other officials and top civil servants including the District Administrator, who co-ordinates the development activities of the district.

In as much as the council has powers to make and amend by-laws (RDC Act, sections 71 and 88), all by-laws have to be approved by the Minister (section 90.1) who also has the right to direct the council to rescind or alter any resolution made by a sitting council (section 52.3). The Minister has, at his/her discretion, the authority to demand that resolutions on any matter deliberated on by the council be submitted to him/her for approval (section 53.1-2). The long and short term policies which can be made by a council are also liable to ministerial approvals.

Financially, the RDCs receive a greater part of their revenue from central government transfers (approximately 85%) and raise the remainder from rates of rateable property, development and special levies, and unit tax (Matyszak, 2011; RDC Act, sections 96, 97, 98 and 108). However, the Minister has substantial control over the financial powers of a council and must approve their special rates, budgets and all the borrowings (RDC Act, section 124).

3.5.4 Traditional leadership

Traditional leaders make the fourth strand of local administration in Zimbabwe. Notwithstanding the withdrawal of several administrative and judicial powers of chiefs in early post-colonial days; the current status of the traditional leaders in Zimbabwe is perceptibly appreciating (Botha *et al*, 1992; Makumbe, 1999; Makumbe, 2010). The

traditional leaders are appointed individuals who occupy a hierarchical order from village heads, headmen to chiefs. The chiefs are constitutionally recognised and are appointed by the President in accordance with prevailing customary principles of succession (Constitution of Zimbabwe 1980, section 111). The headmen and village heads are appointed by the Ministry in charge of local government, according to the Traditional Leaders Act of 1998 (section 8). Their disciplining procedure and/or removal are meted by the same authority. Otherwise the chief, together with his subordinates, the headmen and village heads, are subordinate to the Ministry of Local Government (Madhekeni & Zhou, 2012:25).

The traditional leaders are charged with *promoting and upholding cultural values among members of the community under their jurisdiction, particularly the preservation of the extended family and the promotion of traditional family life* (Traditional Leaders Act, section 5.1b). There are presently about 270 chiefs, 400 headmen and 24 000 village heads in Zimbabwe (Matyszak, 2011). The chiefs have representation at provincial and national levels. Chiefs are also entitled to a non-taxable allowance (Traditional Leaders Act, section 4.3), and from time to time receive logistical support from the government (Matyszak, 2011).

3.6 A general analysis of decentralisation in post-colonial Zimbabwe

The current governance situation in Zimbabwe betrays any semblance of nominal decentralisation. The senior members of the district and provincial government ‘hold office at the pleasure of the Minister’ and central government, hence the ‘political and administrative independence of the councils is severely compromised’ (Matyszak, 2011:9). Besides, the gradual re-instatement of traditional leaders’ authority in rural areas further created bifurcated structures of rural local administration. As government appointees, chiefs and headmen create bulwark against multi-partyism at local level, by blocking opposition political parties infiltrating in their areas (Matyszak, 2011). In essence, the current status of local government in Zimbabwe has distinct subservient role to central government, both *de jure* and *de facto*.

Firstly, the 1980 Constitution of Zimbabwe does not recognise local government as a separate sphere. It only gives recognition to traditional leadership who are recognised as custodians of customary systems and leaders of ‘tribespeople’. Other local government units are seen as an extension of central government with no capacity and statutory right of making autonomous decisions and actions (Marumahoko & Fessha, 2011). This leaves local government

vulnerable to central control and manipulation (Chatiza, 2010; Madhekeni & Zhou 2012). This is contrary to what other former Anglophone African and Asian colonies who have since given constitutional status to their local governments. These examples include, but are not limited to: India, China, Indonesia, Philippines, South Korea, Brazil, Colombia, Bolivia, Uganda, Chad, Kenya, Rwanda, Nigeria and South Africa (Olowu, 2009:101).

The fact that, in Zimbabwe, local government had no protection from arbitrary central interference meant that it could not engender good governance allowed by the ingenuity of local officials and the opportunities and resources of different local contexts. As such, local councils have become associated with poor governance, insufficient service delivery, infrastructural dilapidation and lack of capacity to steer socio-economic development and local democracy (Bland, 2010:5-7).

Secondly, the legislative and institutional framework is biased towards the central government. The central government has the power to: nominate significant figures in local government administration; depose of elected councillors and mayors; veto locally made by-laws, and make by-laws on behalf of local councils. Madhekeni and Zhou (2012:20) contend that through the legal framework the Minister of Local Government has unlimited authority and discretion and ‘can easily manipulate, whip, politicise and jettison [local authorities] while still remaining *intra vires*.’ In spite of the apparent local democratic structures and nominal democratic processes and decentralisation, Zimbabwe illustrates a polity that has not qualitatively transformed from repressive colonial administration to post-colonial democratic dispensation. According to Sachikonye *et al* (2007:xvi);

ZANU-PF-led government failed to break with the tradition of nationalist authoritarianism and violence, as well as with the methods and techniques of colonial settler oppression by failing to demilitarise its political mobilisation strategies and management of state institutions. The new government readily inherited the resilient colonial and security-oriented structures left by the retreating settler state, with serious implications for democracy, human rights and human security.

It has always been difficult, within such a repressive context, to implement policies such as decentralisation which are somehow counterintuitive to this centralisation trajectory. As such, the formation of the MDC, since it posed a threat to the ZANU-PF’s hold on power, crystallised a political culture marred with intolerance towards difference (Sachikonye *et al*, 2007:xvii).

Thirdly, the administrative functions performed by local government are ‘mandatory’ functions determined by the central government. The few ‘permissive’ functions allowed to be determined by LGUs are still constrained by the *proviso* of ministerial approval (Marumahoko & Fessha, 2011). According to Sachikonye *et al* (2007:xviii);

In theory the structures of local governance appear to be democratic but in practice the central government continues to play a dominant role in determining what happens at the local level.

Fourthly, LGUs depend on central government for their finances or financial approval. In general, their sources of revenue are not making LGUs self-sustaining. Marumahoko and Fessha (2011) have found that: there is an ever-widening revenue-expenditure gap; the intergovernmental fiscal transfers have no statutorily recognised formula, and; there is an increase in ‘tied’/conditional grants versus ‘block’/unconditional grants. As such the central government uses tied grants and its wage-service bill – a formula that mandates LGUs to structure their expenditures of salaries and service to a certain ratio (currently 30/70) – to influence and constrain expenditure autonomy and priorities of LGUs (Marumahoko & Fessha, 2011:52). This is further exacerbated by the fact that under the current system, local governance is only limited to government structures; the inclusion of other governing organs (private, civic, community) into the local governance architecture is restricted (Olowu, 2009:102).

As such one can argue that since 1980 Zimbabwe has been a highly centralised state where sub-national government units have had insignificant authority. The two main forms of decentralisation that have been in operation have been deconcentration and delegation. According to Muchandenyika (2013:6) deconcentrated authority is vested in government ministries, such as the Ministries of Health, Education, Home Affairs, Local Government and the like. These are given administrative and managerial responsibility of public affairs on behalf of the central government. On the other hand delegated authority is placed upon public enterprises and parastatals like the Zimbabwe Electricity Supply Authority (ZESA); the Zimbabwe National Road Administration (ZINARA); the Posts and Telecommunications Regulatory Authority (POTRAZ); the Zimbabwe National Water Authority (ZINWA) and others. In this system of decentralisation, the role of local communities, civil society and business is minimal (Muchandenyika, 2013:3). Most of the decentralisation efforts promulgated up to date were means of consolidating political power for ZANU-PF and

maintaining a stranglehold on the local communities. As far as invigorating local governance, it is clear that the central government was never committed to the letter and spirit of decentralisation (Muchandenyika, 2013:6).

These developments are summarised in Table 3.1 below:

Table 3.1: The analysis of decentralisation in post-colonial Zimbabwe

PHASE		EARLY 1980S	1990 - 2000	2000 -2012
General Status of Local Government		<i>No Constitutional provision; Racially and institutionally divided rural local government. Urban councils slow to reform local electoral systems</i>	<i>Deracialised and amalgamated rural local government. Nominal decentralisation. Re-instatement of Traditional Leadership.</i>	<i>Most Rural district Councils are disenfranchised fiscally and administratively. Central Government has more autonomy over LGUs.</i>
TYPES OF DECENTRALISATION	Administrative	-Urban Councils (UCs) – retains administrative autonomy. -District councils - in charge of maintenance functions. Most administrative functions performed by central sector ministries, i.e. education, health, public works, environment and tourism, youth development, rural resources and water development and housing. Rural councils have autonomy in the administrative functions of roads and small towns in their area.	-UCs executes most of their duties with relative autonomy. -RDCs capacity shackled by sector ministries in service provision. -Traditional leadership forms a major part of the delivery system in rural areas.	-UCs in charge of about 54 formal local functions. However there is an expansive list of unfunded mandates each year due to rapid rural-urban migration. -RDC in charge of 64 official local functions. Most functions performed by sector ministries. The DA has substantial autonomy in administrative functions of the RDCs. -The traditional leadership forms a service delivery system in rural areas.

Table continued overhead

PHASE		EARLY 1980S	1990 - 2000	2000 -2012
General Status of Local Government		<i>No Constitutional provision; Racially and institutionally divided rural local government. Urban councils slow to reform local electoral systems</i>	<i>Deracialised and amalgamated rural local government. Nominal decentralisation. Re-instatement of Traditional Leadership.</i>	<i>Most Rural district Councils are disenfranchised fiscally and administratively. Central Government has more autonomy over LGUs.</i>
TYPES OF DECENTRALISATION	Fiscal	<ul style="list-style-type: none"> -Rural Councils has own tax base and autonomy at expenditure. -UCs raises 80% own revenue and autonomy at expenditure in alignment with central government policies. -District councils rely on central grants. Their expenditure and borrowing powers are vetoed by central government. 	<ul style="list-style-type: none"> -UCs still boasts substantial fiscal autonomy, collecting and expending their revenue. Only a small fraction of their revenue is from central government grants. -RDCs's fiscal autonomy and viability still in doubt. Most of the funded mandates going to sector ministries and their taxing and borrowing powers controlled by the Minister. 	<ul style="list-style-type: none"> -UC raises 80% of their revenue, and has substantial expenditure autonomy, <i>de jure</i>. However <i>de facto</i>, the Minister, through several fiscal provisions, constrains the revenue-raising and expenditure autonomy of the UCs: delay in approval of budgets, increase in conditional IG transfers, and red tape on borrowing powers. -RDCs raise only 15% of revenue, and receive 85% block and tied IG grants. Power to raise and expend highly constrained by central oversight.
	Political	<ul style="list-style-type: none"> -The introduction of universal adult suffrage and democratically elected Councils. Traditional leaders removed. -Devolution in Rural and Urban Councils. -Deconcentration in District Councils 	<ul style="list-style-type: none"> -Urban Councils still elect their councillors. However the Mayor still remains elected from the councils. -Largely appointed Development Committees dominate policy spaces in district and provincial levels. -Traditional leaders are re-integrated into rural local government and they monopolise sub-district policy spaces 	<ul style="list-style-type: none"> Elected councillors and mayors. However power to make by-laws is contingent on the veto power of the Minister. Executive mayoral position repealed in 2008. RDC - 25% appointed councillors. Minister has substantial power to depose an elected councillor, and to veto and/or make by-laws, at his own discretion. Parallel development committees and the District Administrator make most of the policies. Traditional leadership have substantial authority in local administration, skewing local democratic processes.

3.7 Calls for reform

The effects of centralisation in Zimbabwe led to an ever-increasing concern of a crisis in governance. From both within the country as well as in the broader international community several voices called for substantive reforms that would lead to a complete transformation of Zimbabwe from a nominal multi-party system to a vibrant democracy. With respect to local government, the concerns were comprehensive, starting from capacity building, fiscal vibrancy, public participation, enhanced public service delivery as well as local economic development.

In *Local Government Reform in Zimbabwe: A Policy Dialogue*, De Visser *et al* (2010), collated views and recommendations that indicated a chronic need for reform in the extant local government systems in Zimbabwe. These views by top academics and seasoned practitioners in the field of governance, ranged from renewal of sub-national fiscal systems, the consolidation of local democracy, the role of traditional leaders and central-local relations with respects to the powers of local government *vis-à-vis* central government supervision and oversight. According to Chatiza (2010:26) the constitutionalisation of local government will deal decisively with local government's subjugation to the form and political orientation of central government and enhance local governance by creating spaces for citizen participation. To Chakaipa (2010:68), constitutional recognition would provide the much-needed legislative reform to nurture the robust local government and guarantee capacity building, institutional strengthening and financial injection. Mushamba (2010:120) maintained that the constitutional status would consolidate the powers and legitimacy of local government given years of progressive weakening at the hands of central government.

Sachikonye *et al* (2007:5) contends that in order to enhance the prospects of local governance, the local government legislation ought to make comprehensive provisions for participatory democracy. This can be done through provision, at local level, of participatory decision-making structures with genuine autonomy and commensurate resources to undertake their mandate.

According to Bland (2010), in view of high levels of patronage and clientelism, violent and intolerant political culture, deplorable subnational financial and service delivery systems, extensive reforms have to be considered in Zimbabwe. According to him, any reforms that

are aimed at invigorating local governance in Zimbabwe have to be part of a broader consideration of the prospects of decentralisation. These, he argues, include the removal of restrictive oversight and excessive control mechanisms exercised by central government; development of a rational and formulaic system of intergovernmental fiscal transfers; the development of local participatory governance, as well as sustained capacity building reforms for elected and administrative staff (Bland, 2010:7). To a large extent this was a sum-up of the concerns and recommendations for reforming local governance in Zimbabwe.

3.8 Conclusion

This chapter provided a historical account of the implementation of decentralisation in Zimbabwe. It argued that the local government structures which were established during Zimbabwe's colonial era, exhibited a distinctive divergence between white local government structures and black local government structures with regards to their respective administrative, fiscal and political powers. This chapter has also shown that despite the different institutional and structural reforms since independence, the local government in Zimbabwe has emerged subservient to central government despite nominal decentralisation. Fiscally and administratively, local government depends on the central government, a situation which further nominalises their political autonomy.

The next chapter looks at the 2013 Constitution of Zimbabwe and considers the extent to which local government and devolution have been entrenched.

CHAPTER 4: A POLICY ANALYSIS OF DEVOLUTION IN THE 2013 CONSTITUTION OF ZIMBABWE

“Now that this bill is the law of our land, let’s hope we can get our government to carry it out.”
President J F Kennedy (1962)

4.1 Introduction

On the 22nd of May 2013, President Robert Mugabe signed the bill of the draft constitution into law, ending the long COPAC-headed constitution-making process. The new constitution replaces the 1979 Lancaster House Charter, which was the supreme law of the country since independence in 1980. The constitution-making process was a mandate of the Global Political Agreement, signed between ZANU-PF and the two MDC factions on the 15th of September 2008, as a SADC-facilitated political solution to the election impasse of the 2008 general elections. The process of reviewing the constitution, even though it took longer than anticipated, culminated in the 2013 Constitution of Zimbabwe. As a function of the contentious issues on governance, noted within the Global Political Agreement (GPA) one of the fundamental aspects of the constitution-making process was the principle of devolution, which was advocated as means to reforming centralised government as well as a prospective solution to creating sub-national government structures that would end centralised mismanagement.

While it is too early to conclude whether or not devolution has been successfully implemented in Zimbabwe, one can undertake an analysis of the new Constitution and examine to what extent the Constitution establishes systems, structures and processes that will promote the devolution of political, administrative and fiscal authority to sub-national units of government. This chapter will unpack the conceptualisation of devolution as it is reflected in the 2013 Constitution of Zimbabwe.

The chapter will commence by briefly contextualising the GPA, which is the legislative mandate of the 2013 Constitution. This will be done with the aim of tracing the possible causes of the motion towards a devolved government system in Zimbabwe. Secondly, an analysis of the deliberations by different stakeholders about the issue of devolution and local governance during the constitutional review process will follow. This section will describe different constructions and frames underwriting the principle of devolution as reflected in the 2013 Constitution.

4.2 The history of constitution-making in Zimbabwe

Constitution-making in Zimbabwe can be traced back to the Lancaster House Conference in December 1979 when the Patriotic Front, led by Robert Mugabe and Joshua Nkomo negotiated a ceasefire charter with the then government of Rhodesia-Zimbabwe, led by Ian Smith and Bishop Abel Muzorewa, in London (Dzinesa, 2012:2). Notwithstanding the heuristics of the 1979 Lancaster House Agreement, the resultant constitution (often referred to as the Lancaster Constitution) was the beginning of many problems: from the entrenched clauses that were meant to protect the white minority, to the centralised governance system that it provided – the 1979 Constitution was further manhandled by the post-colonial ZANU-PF government, through a series of amendments. Of note was the sixth amendment of 1987 which further concentrated power in the hands of the newly created Executive Presidency, eroding the autonomy and integrity of the legislature, the judiciary and other levels of government (Dzinesa, 2012:2). This and other such efforts by the central government, created the current situation in which any vestige of sub-national autonomy that existed at independence, was wiped away.

As such, calls for reform have been made by civil society and opposition parties for Zimbabweans to make their own, people-driven and incorruptible constitution. These calls grew louder as the ZANU-PF government made more and more amendments to the Constitution and usurping more and more power. By the late 1990s, the ZANU-PF government had gained control over all state functions, and did not condone citizen dissent. Reports of election rigging, intimidation and citizen abuse emerged. This history of election-related violence spurred citizen groups into action. Collaborative efforts between political opposition groups and civil society initiated a country-wide process towards a new democratic constitution which they regarded as central to creating an environment conducive not only for conducting peaceful, free and fair elections but for laying the foundations for a democratic society, free from violence, intimidation and political intolerance (Dzinesa, 2012:5).

Zembe and Masunda (2013:3) argue that constitution-making processes are common post-conflict activities which tend to follow extensive periods of suppression and/or intrastate conflicts. As such these processes aim at ushering in a new political order so that most of the previous or extant challenges will be redressed. Notable occasions are years following

protracted periods of political, economic and social hardships in Uganda (under the rule of Idi Amin and Milton Obote II), the Rwanda genocide (where almost 800,000 people died), apartheid South Africa and Kenya. It was the constitution-making process that enabled a change in rule in these countries (Kauzya, 2007:78). All these countries enshrined the sharing of power and resources as a guiding principle in their constitution. Decentralisation was seen as the best way of instilling national unity while severing negative experiences of the highly centralized, brutal and personalised erstwhile governance systems.

The call for constitutional review and devolution in Zimbabwe was therefore, co-extensive. On the one hand, Zimbabwe was a *de facto* centralised authoritarian state where ZANU-PF was unwilling to relinquish its grip on power and resources, and was using all state institutions to consolidate its position (Dzinesa, 2012:2). On the other hand, a mooted perception was acknowledged that Zimbabwe needed a democratic, people-driven constitution which will recognise the ethno-linguistic mix of country as well as institutionalise separation of power in governance. However, when the opportunity offered itself in 2008, what had been the grievances against the Lancaster Constitution in the 1980s had become negligible in 2009. The list of grievances had expanded to include extensive challenges of governance: violent and bloody electoral conflicts; alleged governmental illegitimacy; disappearance of fundamental human rights and the rule of law; economic collapse and financial liquidity crunch; endemic corruption; chronic unemployment; social disintegration; and international isolation (Zembe & Masunda, 2013:2). There was a general hope that a new constitution will usher in a new political dispensation that would solve these challenges.

Unlike in other countries in which constitution-making processes are tedious and novel, the existence of a plethora of completed constitutional drafts lightened the burden of the process in Zimbabwe. Even though the GPA formally acknowledged only the Kariba draft (2007), other drafts too framed the constitution-making process, especially with regards to devolution. Olowu (2009:118) notes that devolution was one of the “rallying points” of the 1999-2000 constitutional debates, which produced the Constitution Commission Draft in 2000. However, a coalition of civil society organised under the National Constitutional Assembly (NCA) mobilised against the Constitution Commission Draft. According to Dzinesa (2012:3-4) the NCA condemned the draft of being elite-driven, partisan, and repressive and further centralising power in the presidency by repealing private property

rights. As such, the Constitution Commission Draft was rejected in a referendum in February 2000.

Scanning different drafts since then shows that there is a repeated emphasis on devolution that spanned the whole decade. The NCA draft of 2000, which was an attempt to offer an antithesis of the rejected Constitution Commission Draft, presents elaborate provisions for devolution. It dedicates two chapters to sub-national government (Olowu, 2009:118). In their unequivocal move to depart from the status quo, the NCA believes its draft was a response to the call by “many Zimbabweans for the devolution of governmental powers to people in provinces and other levels” (Olowu, 2009:119). The Kariba Draft does not explicitly mention devolution, but makes provisions for provincial and local government as decentralised structures of central government.

These different constitutional drafts provide an indication that the people of Zimbabwe wanted a new system of government in Zimbabwe – one where power and authority would be devolved. Notwithstanding dissent, the majority of the drafts pushed for a system of government that broke away with the erstwhile centralised unitary system, with proposals ranging from federalism, quasi-federalism and devolution (Olowu, 2009:120). As such, devolution was seen as part of a necessary and inevitable reform to rebuilding a “collapsed state” into a developmental one (Muchandenyika, 2013:13).

4.3 The Global Political Agreement (GPA): towards a ‘New’ Constitution

The official constitution-making process in Zimbabwe commenced after an electoral impasse, post-election violence, and an externally brokered coalition government. The SADC-facilitated process culminated with the signing of the Global Political Agreement (GPA) which had a dual mandate: (i) to make provisions for the Government of National Unity (GNU) (article XX) and (ii) commence the constitution-making process (article VI). Apart from the two articles, the rest of the 25-article document summarises the rationale for a new constitution and the principle of devolution. It also summarises the common grievances of Zimbabweans as being: economic instability (Article III); discrimination and inequality in opportunity and development (article VII); lack of political and social freedom (article X and XI); partisanship of state security and traditional leaders (articles XIII and XIV); and the lack of the rule of law and constitutionalism (articles XI and XIX).

Article VI of the GPA, provides for ‘*a people-driven, inclusive and democratic constitution-making process.*’ In line with this task, the GPA mandated the formation of a Constitution Parliamentary Select Committee (COPAC), composed of members of Parliament of all involved parties (ZANU-PF and the two MDC factions). The 25-member COPAC was co-chaired by three members of the governing parties: Paul Mangwana (ZANU-PF), Douglas Mwonzora (MDC-T) and Edward Mkhosi (MCD-N). The 10-member Management Committee, the 8-member Steering Committee and a trio of drafters, staffed the whole constitution-making process (Dzinesa, 2012:2). These were given specific tasks with strict time-frames (almost none of which were met) to consult different stakeholders and produce a draft constitution, which was to be submitted for a referendum, and depending on the results, determine the future of the country and of the GNU. The timeframes given to COPAC are summarised in Table 4.1 below.

Table 4.1: Constitution-making process compared to the planned time frame.

Activity	Planned Time frame	Actual Time Frame
Set Up of Inclusive Government	-	February 2009
COPAC set up	Within 2 months of inclusive government inception	April 2009
1st All Stakeholders Conference	Within 3 months of COPAC appointment	July 2009
Completion of Public Consultation	No later than 4 months after 1st All Stakeholders Conference	June-October 2010
Draft Constitution	Tabled within 3 months of the completion of public consultation	17 July 2012
2nd All Stakeholders Conference	Within 3 months of the completion of public consultation	October 2012
Draft Constitution & Accompanying Report	Within 1 month of 2nd All Stakeholders Conference	Draft Constitution (17 January 2013), 2nd All Stakeholder’s Conference Report (October 2012)
Draft Constitution & Accompanying Report	Debated in Parliament within 1 month	February 2013
Referendum	Within 3 months of debate completion	16 March 2013
Gazetting	1 month of referendum date	22 May 2013

Source: Adapted from Muchandenyika, 2013:9

However, as shown in Table 4.1 above, the 18 month-deadline of the constitution-making process was not met. The process was concluded in January 2013 instead of the targeted October-December 2010. Even though the blame of the delay was shifted from one party to the other, according to COPAC, the delay caused enormous logistical, extensive stakeholder consultation, administrative and funding challenges (COPAC *a.* 2012:3) as well as disagreements over the status of the Kariba Draft (Dzinesa, 2012;6).

From the onset, the constitution-making process was marred with challenges and non-cooperation. Since their uneasy co-existence in the inclusive government, ZANU-PF and the MDC used the constitution-making process as a publicly-acclaimed battlefield (Dzinesa, 2012:6). Among other things, they irreconcilably differed on devolution; the necessity, scope and depth of the proposed multi-level government (Muchandenyika, 2013:2). The ripple effects of their dissension reverberated throughout the country, with scores of debates and arguments in the social media, the press, academic publications, civil society organisations, business, international community and the Zimbabweans in the diaspora (Dzinesa, 2012).

4.3.1 Deliberations on devolution

As the constitution-making process commenced, dissension on devolution marred the process from start to finish. This dissension had political, ethnic-regional and ideological dimensions. The political parties were divided on the conceptualisation and the need for devolution. Politically, devolution was viewed as a zero-sum game. The ZANU-PF considered itself as the prime loser and the MDC as the prime winner. This position was further strengthened by the fact that MDC controlled local government units (LGUs), whereas ZANU-PF's power was concentrated primarily in national government. It was therefore understandable that the ZANU-PF became overtly anti-devolution while the MDC became pro-devolution.

With President Mugabe leading the anti-devolution campaign, accompanied by senior members of ZANU-PF, Ignatius Chombo (the Minister of Local Government) and Professor Jonathan Moyo, devolution was framed as a regional and divisive ideology, which was tantamount to federalism or secession. In his take on the issue President Mugabe retorted:

Zvekuti nyika idimburwe- dimburwe hatizvide, nokuti zvinoita kuti vanhu vasabatana. Izvo zvinoitwa kunyika dzakakura chete hazviite kuno kunyika diki seyedu. Takambova nazvo kudhara pachiri nemubatanidzwa we Federation uyo waisanganisira Southern

Rhodesia (Zimbabwe), Northern Rhodesia (Zambia) ne Nyasaland (Malawi) kuma1953 kusvika 1960, kwete ikozvino hazvighoni zve devolution izvi. Vamwe varikutotaura kuti Matabeleland idimburwe ive nyika yayo yoga hazviite.

(We don't want to divide the country into small pieces because [that] will cause disunity among our people. Those things are done in big countries not to a small country like ours. We once had this, under the Federation which included Southern Rhodesia (Zimbabwe), Northern Rhodesia (Zambia) and Nyasaland (Malawi). Some are talking about separating Matabeleland region to become a country that is impossible we don't want that." (Bulawayo 24 News: 5 March 2012).

This was accompanied by many such comments by top ZANU-PF officials, and a 29-page document that followed the release of the first constitutional draft. Among its many points of contention, ZANU-PF had devolution of power on top of the list, together with official status for all languages; a president accountable to parliament; the creation of independent commissions; provisions for equitable distribution of resources, and; the accountability of security organs of state (Moyo, 2012). These differences are depicted in a side-by-side schema with the COPAC provisions on the Table 4.2 below.

Table 4.2: ZANU-PF's Position on devolution in response to COPAC's First Draft

Section	COPAC's position based on Draft Constitution July 17, 2012.	Zanu-PF's position in response to COPAC Draft Constitution.
14.1	<i>Devolution</i> of governmental powers and responsibilities	<i>Decentralization</i> of governmental powers and responsibilities
14.1 (1)	'governmental powers and responsibilities must be <i>devolved to provincial and metropolitan councils and local authorities</i> '	'governmental powers and responsibilities must be <i>decentralized to provincial councils</i> and local authorities
14.1 (2)	The objectives of the <i>devolution</i> of governmental powers and responsibilities to <i>provincial and metropolitan councils</i> and local authorities are-	The objectives of the <i>decentralization</i> of governmental powers and responsibilities to <i>provincial councils</i> and local authorities are -
14.2 (1)	<i>Provincial and metropolitan councils</i> and local authorities must, within their <i>spheres</i> -	<i>Provincial councils</i> and local authorities must, within their spheres <i>of jurisdiction</i> -
14.2 (c)	exercise their functions in a manner that does not encroach on the geographical, functional or institutional integrity of another <i>tier</i> of government;	exercise their functions in a manner that does not encroach on the geographical, functional or institutional integrity of another <i>structure</i> of government;
14.5 (1)	There is a provincial council for each province, <i>except the metropolitan provinces</i> , consisting of -	There is a provincial council for <i>each province consisting</i> of -
Sec 5	Tiers of government.	Structures of government.

Source: Adopted from Muchandenyika (2013: 10)

ZANU-PF had a considerable following with some sections of the society arguing that, devolution was a divisive ideology which had no place in the political economy of Zimbabwe, following the lack of capacity of LGUs, political and economic crisis (Pasipanodya, 2012). These voices emphasised the need for central government's capacity to stabilise, distribute and allocate resources – a function which, as they argued, could not be realistically transferred to LGUs, without risking further regional inequalities (Pasipanodya 2012). Devolution, argued ZANU-PF, was unsuitable for Zimbabwe because it would undermine national unity by accentuating regional and tribal identities (Pasipanodya 2012:2).

On the other hand, both MDC formations stood firm in affirming the need and importance of devolution, not only for Matabeleland, but for the country as a whole. Lovemore Moyo (the Speaker of Parliament and MDC-T National Chairman) argued that while it was generally acknowledged that *'devolution of power is the answer and solution to problems currently bedevilling the Matabeleland region which include the deindustrialization of the city of Bulawayo and the marginalisation of the region'*, the positive spin-offs of devolution are intended for all marginalised regions in the country outside the capital (Southern Eye 2013/09/12). This was reiterated by Gordon Moyo (the Chairman of the Province of Bulawayo) who argued that due to a protracted centralised system, most regional and local government offices had been reduced to post offices of Harare (Mayisa, 2011). As such, Welshman Ncube (President of the MDC-N and one of the prominent proponent of devolution) argued that devolution gave all of Zimbabwe a chance to *'share the national cake equally'* (Ndou, 2012:16).

Devolution not only became the mantra for the MDC's constitution-making purposes but also was at the centre of their election campaign. They promised its full implementation should they win the July 2013 elections. Nhlanhla Dube (the MDC-N Spokesperson) explained that the concept of devolution could be best defined, implemented, and defended only by those who believe in it as an ideology. He then cautioned that:

Zanu-PF has already said they are going to amend the constitution [if they win the elections], as they do not want devolution, so obviously they won't implement something that they don't want. It is an ideological concept and it is not within their ideological framework just like they believe that they must not change a president in their political party (Bulawayo 24 News, 02 April 2013).

This devolved system of governance as an alternative to the incumbent centralised system was seen as advantageous for economic and administrative efficiency, accommodation of cultural and ethno-linguistic diversity, and the enhancement of a viable participatory democratic governance (Ncube, 2013:1). Ncube (2013:3) argued that such a system is the model of good governance that aims at entrenching the separation of powers, establishing checks and balances and promoting transparency and multiple avenues of accountability in governance. This was seen as a desirable shift given the protracted bitter experience with the centralised system in which all legislative and executive powers belonged to the central government and could be unceremoniously dolled to sub-national governments at the discretion of the central government.

Some argued that devolution was a good redistributive mechanism for the country since ‘*the disparities between the south and north of Zimbabwe were being exacerbated by unsound, tribalist spatial development policies which [had] resulted in decades of marginalisation*’ (Bulawayo 24 News, 15 June 2011). Public opinion acknowledged the need to rectify this skewed development picture through the adoption of devolution of power in the new constitution. Devolution, argued Muchandenyika (2013:13), ‘is not an attempt to dismantle the state but to match government roles to capacity’ in the wake of a centralised system which failed the country and its citizens for 33 years. Devolution offered a politically, economically and socially desirable alternative to the erstwhile system, even though other voices were mooted that if this situation was not rectified ‘*it was incumbent upon the marginalised regions to demand more than devolution of power*’ (Bulawayo 24 News, 08 March 2012).

Against those who argued that devolution in a small country like Zimbabwe will only mean “devolution of corruption and inefficiency” and limit or remove central oversight, counter-arguments pointed out that the *raison d’etre* of devolution was to curb the unbridled centralised mismanagement. Corruption and inefficiency in a well-implemented devolved governance system can be curtailed through inbuilt mechanisms to ensure transparency and good governance (Nkomo, 2012). Devolution does not necessarily wish away central government but offers checks and balances to its otherwise unwarranted encroachment to other levels of public administration. Through an effective system of intergovernmental fiscal sharing, devolution has potential to lead to equitable distribution of resources throughout different regions (Olowu, 2009:122).

The Human Rights Forum of Zimbabwe (2011), however, argued that the success of devolution in Zimbabwe will be based less on the strength of the arguments of both camps and more on their political will to constitutionalise and implement devolution. Of utmost importance, it contended, the central government has to be willing to cede power and financial resources to support the implementation of devolution. Associations of Zimbabweans in the diaspora, all too aware of the consequences of abuse of power in the hands of ZANU-PF, also supported the dispersion of power to different levels of government as means of creating a bulwark toward infringement of minority rights and as means of instigating socio-economic recovery.

In most cases, the deliberations on devolution rekindled and accentuated the suppressed and most often unacknowledged ethnic divisions and historical grievances between sections of the society. This was unavoidable since both sides of the discussions were propping their arguments based on the erstwhile situation in Zimbabwe: the socio-political and economic challenges. Ultimately, all the perceptions and deliberations by several stakeholders were primarily aimed at garnering votes from the electorates to influence the outcome of the referendum and the content of the 2013 Constitution (Muchandenyika, 2013:2).

Despite all the arguments different stakeholders could muster with regards to the merits and demerits of devolution in Zimbabwe, the Human Rights Forum (2011) argued that there were models of devolution in the continent from which Zimbabwe could learn. In fact, while many models were consulted during the constitution-making process, most of the input on devolution came from Kenya and South Africa (COPAC Drafting Instruments, 2012).

The similarity of the Kenyan situation to that of Zimbabwe possibly influenced this. According to Chitere *et al* (2006) Kenya inherited a vibrant local governance system from her Anglophone colonial past. Its post-colonial policies and reforms also bent towards a one-party state resulting in a systematic weakening of regional and local government structures and recentralisation of power. The remnant regional and local government structures were technically administrative offices which were staffed with centrally appointed officials and commissions after the strategic elimination of elected officials (Ndengwa *et al*, 2012:9).

After an electoral impasse in 2007, Kenya successfully undertook a constitution-making process where decentralisation became one of the fundamental governance reform proposals.

The Kenyan Constitution, which was enshrined in 2010 and implemented in 2013, guaranteed the configuration of a decentralised system of government. In so doing, Kenya officially ended the centralised administration initiated under the rule of Jomo Kenyatta and Arap Moi (Chitere *et al*, 2006:13). The rationales to share power and resources in Kenya were informed by a desire to break-up the concentration of central power; to recognise national diversity; to promote greater public participation; to protect the interests of the minority; and to promote equitable development and sharing of national resources (Chitere *et al*, 2006:14). The negative experiences of centralised rule, the rationale for and the principles of decentralisation laid down in the Kenyan constitution mirror the hopes and aspirations of the people of Zimbabwe.

The significance of the South African constitution was based more on principle than on the contextual similarities. First, the South African Constitution is lauded as the most progressive in the region, with extensive provisions of political and socio-economic rights. Coming from a *de facto* repressive period, Zimbabwe would have reason to expect some valuable lessons with regards to the Bill of Rights, co-operative governance and an effective system of decentralisation (Liebenberg, 2009). Of note is Chapter 7 of the Constitution which enshrines local government, supported by Chapter 3, which unpacks the principles of co-operative government, and Chapter 13, which focuses on financial authority. The fact that the South African system of government has been in place for some time offers a possibility for a tried and tested model for Zimbabwe.

4.3.2 Public opinion on devolution

The outreach program¹ of the constitution-making process revealed a lot regarding public motivation towards devolution in Zimbabwe. Despite some concerns that the program was marred with polarisation, political-party influence and ‘coaching’ of participants, as well as violence and intimidation, the views gathered showed a resounding support for devolution (Dzinesa, 2012:6). These sentiments were reflected in different statements: ‘the need to recognise the diversity of the people, tribes and languages’; ‘the need to uphold democratic principles, equality before the law’; ‘acknowledgement of post-independence internal conflicts and violence’, and ‘the need to have power-leaders who are accountable to the

¹ This was a public consultation process undergone by COPAC from June to October 2010, to collect people’s views of the new constitution. The process took 105 days instead of the budgeted 65days (COPAC, 2012).

people' (COPAC *a* 2012:17). In as much as these could be dismissed as not properly conceptualising devolution, they resonate with the hopes the people of Zimbabwe pinned on devolution (Olowu, 2009).

This proposition is further augmented by the emphasis on the separation of powers that the outreach program noted. There were a few people (5.38%) who showed support for the status quo of an omnipotent Executive President, compared with those who indicated the need to separate executive powers between the President, the Prime Minister and/or the Parliament. Generally, a sense of doing away with centralisation of powers in one office or person was reiterated throughout the process (COPAC *a* 2012:18). In line with that, explicit demands for a devolved system of governance in Zimbabwe were echoed by the majority (58.36%). Very high support was also captured on the need for elected provincial (83%) and local (93%) government structures. In view of the status quo of appointed Provincial Governors (14.92%), captured views indicated a departure from this in favour of both elected local councils (76%) and provincial governors (19.54%). Fiscal decentralisation to local and provincial governments was also highly recommended, with need for sub-national governments to have autonomy over their fiscal and budgeting processes (COPAC *a* 2012:491).

Despite many complaints about the traditional leadership interfering with the elected rural district councils, the outreach process showed that there was still support for traditional leadership as a relevant institution in rural administration. However, there was concern over how these would be appointed and managed. A situation where traditional leaders operate in a partisan manner and as parallel structures of democratically elected local governments would have to be avoided. As such public opinion contended that traditional leaders were to be primarily engaged in the administration of customary matters, in an apolitical (42.67%) and non-partisan (28.15%) manner (COPAC *a* 2012:83).

The outreach programme also captured data that provided information that clarified the anecdotal assertions that devolution was a regional concern. As it can be extrapolated from Table 4.3 below, seven provinces had above average frequencies of a devolved system of government, and these included regions outside Matabeleland. The support of the status quo was also supported significantly by one province - Mashonaland Central. In fact, from the outreach results, a centralised system seems to be the one which is a regional preference, with

only Mashonaland provinces opposing devolution. Table 4.3 below indicates a general dissatisfaction with the centralised administration and support for a devolved system of government.

Table 4.3: Systems of government disaggregated by Province

Region	Systems of Governance				
	Devolved %	Unitary %	Elected Provincial Government %	Elected Provincial Governors %	Status Quo %
Harare	90.24	87.80	1.22	4.88	0.00
Mashonaland Central	33.19	94.40	48.28	2.26	58.19
Mashonaland East	26.32	89.04	34.65	13.16	3.95
Mashonaland West	38.53	88.74	36.36	20.35	16.45
Manicaland	71.92	76.54	67.69	8.85	20.77
Midlands	51.54	81.57	60.41	10.92	3.41
Masvingo	59.50	74.38	73.97	14.88	2.48
Bulawayo	93.10	10.34	79.31	0.00	3.45
Matabeleland North	90.43	13.83	82.45	38.30	1.60
Matabeleland South	108.48	24.24	68.48	54.55	12.73
National Frequency	58.36	71.08	56.36	19.54	14.21

Source: COPAC (2012). National Statistical Report, Version 1 & 2

Muchandenyika (2013:2) argues that devolution in Zimbabwe, as in many African countries, is not advocated for its ideological merits, but as a redistributive policy response to failed centralised administration. The need to limit the amount of power from the central government is predicated upon evidence of abuse and mismanagement. As such, devolution was imperative in according a solution to Zimbabwe's endemic problems of intrastate conflict, violence, inequality and despotism: in fact, in view of this background, devolution in Zimbabwe is inevitable given other lurking drastic policy proposals (Muchandenyika, 2013:2).

In cognisance of this background, and in order for the new constitution to really capture devolution as a viable alternative to the erstwhile centralised governance system, Olowu

(2009) points out that there are some critical points that must be provided for, namely:

1. *The status of local government and its protection from arbitrary central government encroachment by legislation or other actions;*
2. *Clear functional jurisdictions of different levels of government and their respective power to make intergovernmental and inter-organisational contracts as semi-autonomous agents;*
3. *Clear mechanisms of intergovernmental fiscal management and sharing;*
4. *Clear mechanisms for human resource management et all levels; and*
5. *Accountability arrangements for a multi-level government (Olowu, 2009:117).*

It is argued here that the extent of which the above aspects are provided for in the new constitution of Zimbabwe provides an indication of the extent to which devolution has been adopted as a new guiding principle in the Zimbabwean system of government. The section below will examine the new Constitution of Zimbabwe.

4.4 Provisions for devolution in the 2013 Constitution

The inclusion of chapter 14 in the 2013 Constitution is a tremendous improvement to the status of sub-national government in Zimbabwe, given the non-existence of such provisions in the previous constitution. Devolution is set one of the founding principles of good governance in Section 2 (2) (1). The 2013 Constitution recognises and guarantees three 'tiers' of government - national government, provincial and metropolitan councils and local authorities. This is a significant shift to the status quo, which was silent with regards to local government. According to Olowu (2009:124), a three-tiered system offers a strong bulwark and discourages the inevitable tendency towards recentralisation of powers and resources by central government. However, whether this gives protection against arbitrary changes to local authorities is yet to be seen.

The preamble on Chapter 14 of the 2013 Constitution, reiterates the rationale for devolving power and responsibilities in Zimbabwe:

Whereas it is desirable to ensure:

- a) *the democratic participation in government by all citizens and communities of Zimbabwe, and;*
- b) *the preservation of national unity in Zimbabwe and the prevention of all forms of disunity and secessionism;*
- c) *the equitable allocation of natural resources and the participation of local communities in the determination of development priorities within their areas; **there must be devolution** of power and responsibility to lower tiers of government in Zimbabwe.*

Notwithstanding this promising prognosis, the penultimate line has sown the seeds for ambiguity and expediency: *whenever appropriate, governmental powers and responsibilities must be devolved to provincial and metropolitan councils and local authorities which are competent to carry out these responsibilities effectively and efficiently* (Section 264.1). This duplicity at the onset of a promising policy reform, waters down the somehow well-crafted subsequent section on provincial and local government. From the authoritative ‘*there must be devolution*’ to a mild and expedient, ‘*whenever appropriate*’; it can be argued that the devolution project was given away. This is so since this section begs a lot of questions. To start with, who determines the ‘appropriateness’ of devolution if the Constitution leaves this open? The expectation was that the Constitution would have been conclusive on devolution following the explicit emphasis depicted during the constitution-making process.

The reference in the Constitution to the competence of subnational tiers of government as a prerequisite to devolution is unreasonable and illogical. Firstly, it is an unfair condition that gives a lot of discretion to whoever has to determine the competence of local governmental structures and their suitability for devolved powers. Secondly, if devolution is entrenched country-wide surely it has to be applied equally to all subnational tiers of government, and not be discretionarily dolled on those LGUs that are deemed to have capacity and be withheld from those without. Or at least, the criteria need to be specified, otherwise this sounds like an ‘opt-out clause’, which has the potential of frustrating and stalling the devolution process since existing empirical evidence in Zimbabwe suggests that most subnational government structures, particularly the Rural District Councils (RDCs), lack the capacity and requisite competence. This will then imply that devolution will not be extended to RDCs. The clause therefore contradicts the rationale behind devolution, in general, and particularly in the Zimbabwean context which aims at building the capacity of local government.

Three objectives of devolution in Section 264 (2) appreciate the need to build capacity of sub-national structures through fiscal, political and administrative decentralisation:

- d) *To recognise the right of communities to manage their own affairs and to further their development;*
- e) *To ensure the equitable sharing of local and national resources; and*
- f) *To transfer responsibilities and resources from the national government in order to establish a sound financial base for each provincial and metropolitan council and local authority.*

In principle, lack of capacity should not hinder the devolution of power and authority. Time will tell whether such capacity building will take place or not. This is against the conventional wisdom which sees devolution as a policy that aims at empowering local governments, as succinctly put by Amartya Sen (cited in Hyden 2007:231) that autonomy is not (and should not be) a product of development, it is development.

Following Olowu's (2009:117) critical points of assessing the constitutional provisions of devolution, the 2013 Constitution is vague as far as devolution and the improving of the status of local government is concerned. Ncube (2013) contends that it was the advice of the technical team that the strand of devolution needed in Zimbabwe is 'constitutional devolution' – a system that has comprehensive constitutional provisions for all the tiers of government. I therefore wish to determine the extent to which constitutional devolution is provided for, through an assessment of administrative, fiscal and political devolution provisions.

4.4.1 Provisions for administrative decentralisation

The 2013 Constitution is not emphatic on the functions of subnational governments. Section 270(1) makes five broad constitutional provisions for provincial and metropolitan council's functions:

- a) *Planning and implementing social and economic development activities in its province;*
- b) *Co-ordinating and implementing governmental programmes in its province;*
- c) *Planning and implementing measures for the conservation, improvement and management of natural resources in its province;*
- d) *Promoting tourism in its province, and developing facilities for that purpose, and;*
- e) *Monitoring and evaluating the use of resources in its province.*

Otherwise the precision of the functions and several other (f)...*legislative functions may be conferred or imposed on it by or under an Act of Parliament.* However for local authorities, both rural and urban local councils, section 276 states that (2) *an Act of Parliament may confer functions for local authorities that includes (a) power to make by-laws, regulations or rules for the effective administration of the areas for which they have been established.*

This is all there is regarding constitutional provisions of sub-national government functions. There is no schedule in the 2013 Constitution guaranteeing the competences of different tiers

of government. Whether local governments can appoint, hire and fire administrative employees is not provided for in the 2013 Constitution. This seems to allow the continuation of the status quo in which issues of appointment, hiring and firing of public servants at subnational government was the sole preserve of the Minister of Local Government, and the central government-controlled Local Government Board in urban councils. It can be argued that the constitution is just a broad legal framework and should not be too prescriptive. However, given the track record of the Ministry of Local Government in relation to the administration of local government legislative and institutional frameworks, scepticism seems justified. Olowu (2009:125) contends that devolution entails having local administrative autonomy, local government units having constitutionally sanctioned power and authority to manage their own human resources. None of this is provided for in the 2013 Constitution of Zimbabwe.

4.4.2 Provisions for fiscal decentralisation

In terms of the devolution of fiscal authority, the 2013 Constitution also lacks clarity and precision. For example, there is no recognition of revenue-raising powers or budget and expenditure controls for provincial and local government. There is just an ambiguous clause in section 276 (2) stating that an Act of Parliament *may confer (b) a power to levy rates and taxes and generally to raise sufficient revenue for them to carry out their objects and responsibilities*. Apart from this there is no constitutionally guaranteed fiscal autonomy for the subnational government in the 2013 Constitution. This too seems to be an indication of the reluctance to completely break with the status quo of centralised budgeting and fiscal control. However section 301(2) provides for an Act of Parliament that makes provisions for a system of intergovernmental fiscal transfers, considering:

- a) *The national interest;*
- b) *Any provision that must be made in respect of the national debt and other national obligations;*
- c) *The needs and interests of the central government, determined by objective criteria;*
- d) *The need to provide basic services, including educational and health facilities, water, roads, social amenities and electricity to marginalised areas;*
- e) *The fiscal capacity and efficiency of provincial and metropolitan councils and local authorities;*
- f) *Developmental and other needs of provincial and metropolitan councils and local authorities; and*
- g) *Economic disparities within and between provinces.*

However, Section 301 (3) states that; *not less than five per cent of the national revenues raised in any financial year must be allocated to the provinces and local authorities as their share in that year.* Muchandenyika (2013:18-19) argues that inter-governmental transfers are an important aspect for a devolved system to practically work. He goes on to argue whether the not-less-than 5% provided for in the 2013 Constitution will be enough to sustain sub-national governance. This comes at the wake of ‘quite large amounts of transfers in countries like Cambodia (100%), Thailand (34%), Indonesia and Philippines (70-80%), and Vietnam (50%)’ (Muchandenyika 2013:19). However, the answers to these concerns will be determined by the implementation time-lag.

4.4.3 Provisions for political decentralisation

The Constitution maintains the principle of local democracy which was introduced in 1993 to enable local communities to elect their representatives (section 277). The position of an executive mayor, which was removed in 2008, is reinstated in the new constitution (section 270 (5)). The fact that there is no provision for non-elected or appointed councillors is a significant improvement from the status quo in which the Minister of Local Government had discretion of appointing 25% of the RDCs. However due to the tendency of the Ministry of Local Government to manipulate the constitutive legislation of local government, it stands to be seen whether the new Acts of Parliament will not be subjected to the same actions (Madhekeni & Zhou, 2012). This concern is more real given the fact that there was no real change in the Ministry after the July 2013 elections.

Chigwata and De Visser (2013) also contend that the fact that most provincial and metropolitan council members are indirectly elected betray an attempt to shift from their current status as appointed bodies. The other give-away clause is the lack of constitutional clarity on the processes of the removal of elected local officials like the chairperson, mayor and councillors. Despite this being a bone of contention between the Minister of Local Government and local authorities, the 2013 Constitution is not clear on the removal of elected local government officials from office. The only provision is made in section 278 (2) that states that ‘*an Act of Parliament must provide for the establishment of an independent tribunal to exercise the function of removing from office of mayors, chairpersons and councillors.*’ This clause shows a shift from the spirit of local autonomy which was indicated in the final draft (dated 31 July 2012) which stated of the same issue that ‘*... any such removal must be by resolution, passed by at least two-thirds of the total membership of the*

council concerned.' For the same reason stated above, the effectiveness of this will be determined by the implementation.

In addition, nowhere in the constitution has provision been made for horizontal accountability, even though section 88 (1) states that '*executive authority derives from the people of Zimbabwe and must be exercised in accordance with this Constitution.*' This clause may be farcical if 'the people' are not given the direct authority to hold the elected to account, for misconduct or incompetence. The people seem not to have any direct avenues through which they can enforce accountability and responsiveness through recall. This seems to be continuation of the current system in which local communities have no means of holding elected official accountable, or of protecting efficient ones from arbitrary ousting by the central government. Their participation was only limited to local elections which came after five years.

4.5 General considerations

In spite of the vagueness, the 2013 Constitution puts more emphasis on the functions and responsibilities of sub-national governments without providing clarity on the structures, systems and processes of allocating the resources and powers. This resonates with what Lowry (2007:276) calls the *coercive devolution model* of intergovernmental relations. According to Lowry (2007:276), in this model local governments are treated as regulatory agents of central government, expected to comply with regulatory and procedural requirements imposed on them by central government. This model is put in place, primarily, to enhance functional efficiency and alignment with national priorities and policies. However in the case of Zimbabwe, the rationale for devolution is *(a) to give powers of local governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them*' (section 264 (2)).

Olowu (2009:122-23) contends that devolved government does not exclusively aim for functional efficiency; it primarily aims at creating legitimate levels of government that genuinely govern and enhance local democracy and accountability. In such a system, local government is part of a national political system and not an appendage of central government – the concept of devolution is non-hierarchical in which different levels of government are interdependent and reciprocating rather than subservient (Muchandenyika, 2013:4). All levels

have to have certain levels of constitutionally sanctioned distinctiveness and autonomy, and most importantly, they should enjoy discretionary authority which offers each level protection from unwarranted interference by other levels (Olowu 2009).

As such, the 2013 Constitution falls short of providing for the creation of a genuine devolved governance system, since the only level whose functions and powers are clear is the central government. The provincial and local government rely too much for their functions and powers on Acts of Parliament, and given the precedents of the Zimbabwean central government, it may inevitably slide to what Ncube (2013) terms '*statutory or administrative transference*'. Devolution entails a constitutional transfer of power rather than statutory or administrative transference. It should be a measure achieved through the constitution and not through legislation (Magaisa, 2012).

According to the Drafting Documents of COPAC (2012), the technical team agreed that the 2013 Constitution will state that '*Zimbabwe is a unitary state guided by principles of devolution in governmental functions and responsibilities and provision of resources to all people in all appropriate levels*' (COPAC (c) 2012: 34). However, this consensus never made it into the 2013 Constitution, since section 1 of the 2013 Constitution states that '*Zimbabwe is a unitary, democratic and sovereign republic.*' It seems Dzinesa's (2012:7) concern that the constitution-making process would fall prey of partisan drafters 'smuggling' in points that do not mirror popular views but are part of a compromise to accommodate divergent political parties' interests, were proven right. This is also evident in section 3(2) (1), where in the Final Consolidated Draft (dated 18 July 2012) one of the principles of good governance is stated as '*the devolution of governmental power and functions*' but the same clause in the 2013 Constitution reads: '*the devolution and decentralisation of governmental powers and functions*'. This shows the endless inclination to dilute devolution in preference of the erstwhile delegation and deconcentration – which was the comprehension of decentralisation in Zimbabwe.

Another aspect of concern is the fact that in spite of the popular hope by Zimbabweans to make a new people-driven constitution for the country, the 2013 Constitution is dubbed 'Constitution of Zimbabwe Amendment (No. 20)'. This may mean the need for continuity or the refusal to break with the past (Zembe & Masunda 2013). This, together with other

misnomers in the 2013 Constitution cannot help the fear that there is a general lack of political commitment to entrench devolution in Zimbabwe.

The ZANU-PF electoral victory in the 31st July 2013 elections has been viewed with anxiety by many pro-devolutionists in Zimbabwe. This is understandable following the undisguised rejection of devolution by ZANU-PF and President Mugabe in the constitution-making process. What has not helped the situation is the fact that in announcing his new Cabinet, the President has appointed ten Ministers of State in charge of Provincial Affairs. This is in direct contravention of, not only the principle of devolution, but the 2013 Constitution that makes no provisions for such appointed provincial heads. This has been viewed as the first step in the frustration the devolution process, with impunity (Moyo, 2013).

Therefore, in as much as the 2013 Constitution refers to ‘devolution’, some key sections of the Constitution are ambiguous and authorise the central government to take key decisions regarding the powers and functions of sub-national units. As such, it would seem that the devolution of administrative, fiscal and political autonomy to provincial and local governments in Zimbabwe will and forever remain heavily dependent on the political will of central government.

CHAPTER 5: GENERAL CONCLUSION

5.1 Summary

This study's aim was twofold. It aimed, on the one hand, to examine the history of decentralisation in Zimbabwe, while on the other hand, analyse the constitution-making process and the subsequent 2013 Constitutional provisions with respect to decentralisation and the formalisation of devolution.

However, as Chapter 3 concluded, the evolution of decentralisation in Zimbabwe, like many other African countries, is marred with modest results at best and non-implementation at worst; the later instance being the norm than the exception. It was shown, for example, that the ZANU-PF government has a long history of supposed decentralisation policies, yet in reality it has done nothing but recentralise previously decentralised competences of local government, thereby ensuring a stranglehold over local communities. The sub-national government structures have always lacked political, administrative and fiscal capacity as well as legitimacy to govern over their jurisdictions.

As such, the call for reforms being heard in the 1990s by the Zimbabwean people centered largely around discussions on devolution. Calls were increasingly being made for the revitalisation of local governance, for the ceding of central authority and resources from central government to local government, the need to do away with the centralised system of governance. The rationale was that people believe that centralization had, among other things, exacerbated regional inequalities and alienated members of various ethnic-regional groups from government processes. As such, devolution was seen as the most politically, socially and economically desirable reform to acknowledge the ethno-linguistic mix of the country and ensure that all citizens of Zimbabwe participate in the management of their affairs and have a share of the national resources.

Chapter 4 indicated that the framework of intergovernmental relations provided for in the 2013 Constitution betrays the political will which was displayed during the constitution-making process to embrace devolution and depart from the erstwhile centralised governance system, as initially displayed during the constitution-making process by ZANU-PF. This study has shown that the legal framework provided for in the 2013 Constitution of Zimbabwe is weak and superficial. It heavily relies on impending Acts of Parliament to clarify crucial

aspects of devolution such as the functions pertaining to administrative and fiscal authority of subnational governments. The lack of identifiable autonomous structures to aid the new dispensation of intergovernmental balance of power, further betrays this non-commitment.

Therefore, despite extensive deliberations, and reference to progressive devolution models in the region, the brand of devolution in the 2013 Constitution of Zimbabwe is vague and uninformative. Most of the crucial matters of devolution that ought to be given a constitutional protection are left to the whims of the central government. As such, the overall picture implies the continuation of the status quo, under which local government is not an autonomous sphere in the system of government in Zimbabwe, but an appendage of central government.

5.2 Towards Devolution: Policy Recommendations

Even though it is a great contravention to architectural thinking and genetic theory that a strong structure can result from a weak plan, it is the argument and hope of this study that the devolutionary reform in Zimbabwe can still be salvaged. I contend that, despite working in a repressive environment, the contributions of civil society will help salvage the weak and disinterested constitutional provisions of devolution. I also recommend that the preconditions of effective local governance set in the theoretical framework of the study can inform the drafting and implementation of different Acts of Parliament that are aimed at giving substance to devolution, despite the constitutional let-down.

According to Brinkerhoff and Crosby (2002) the participation of a vibrant civil society is *sine quo non* to effective and efficient governance. It is a conventional observation and a descriptive truism that public policy and governance is not the preserve of a single individual or agency, but a cross-sectoral and interagency activity (Hupe & Hill 2002:166). The role of civil society in shaping and implementing public policy is therefore as invaluable as is for the public sector and business. This inter-organisational thrust is credited for its synergistic advantages. Different sectors bring their strategic advantages to the service of the public; with effect of pooling together resources and ensuring capacity and efficiency in public administration (Brinkerhoff 1999).

I therefore contend that civil society, conceived as associational life between the family and the state, has a great role to play in the realisation of devolution in Zimbabwe. I believe civil society has the incentive of seeing to the implementation of this policy reform, not because they were the major advocates of it, but because they occupy a strategic position. It is the role of civil society, by the blessing of their autonomy, to play watchdog to the state and advocate for policies that are of the common good. It is civil society in Zimbabwe that can ensure that Zimbabwe moves towards devolution. They can do this in three different ways. Firstly, through civic education civil society can offer local communities the disinterested facts on their role in a devolved system, as provided for in the 2013 Constitution. Secondly, through advocacy civil society can ensure the formulation of a strong devolution framework, in the Acts of Parliament. Thirdly, through partnerships civil society can co-operate with and complement the national and local government to implement devolution.

The principles put forward in the theoretical framework of this study can offer guidance for the design and implementation of devolution framework Zimbabwe. Olowu and Wunsch (2004) argue that the legislation of decentralisation, through constitutional provisions and legal acts is one but a single step towards effective local governance – but it is not the end. A conducive national and institutional context; effective intergovernmental system; effective local institutions; and time, form the other important ramps to the ladder towards effective local governance.

Even though the national and institutional contexts started off on the wrong footing due to party politics and poor constitutional provisions, civil society and the national associations of local governments (such as the Zimbabwe Local Government Association (ZILGA), Urban Councils Association of Zimbabwe (UCAZ), Association of Rural District Councils of Zimbabwe (ARDCZ)) together with the opposition parties can mobilise for the creation of enabling environments for the implementation and institutionalisation of devolution in Zimbabwe. This can also force the arm of the national legislature to formulate Acts that are conducive towards entrenching devolution.

While the 2013 Constitution provides for the need for co-ordination between different tiers of government, a strong intergovernmental system based on principles of genuine partnership and co-operation is needed. This system has to stipulate the jurisdictional boundaries of each tier with regards to functions and revenue sources. It also has to provide for oversight

mechanisms as well as checks and balances among the tiers. As such devolution has to be conceived as a non-zero sum game, in which co-operation matters more than competition. Most importantly, this framework has to provide for a clear and transparent mechanism of intergovernmental fiscal transfers. The formula of the fiscal transfers has to enshrine the general principles of devolution that see each tier as an independent, equal and important level of government.

The building of effective local institutions is pertinent at the backdrop of complaints of local government incapacity. This can be done by technical assistance in terms of training of elected and administrative staff, as well as setting up new and efficient systems to aid accountancy, budgeting and reporting at the local level. This can also be done through revamping the apathetic local communities to renew their interest local governance. Since the 2013 Constitution acknowledges the derivation of the executive authority from the citizenry, local communities should be given power to force horizontal accountability, through the power of recall. As such, the administrative and decision-making responsibilities of the local institutions should lie with the elected councillors and not with deconcentrated structures of central government appointees. Ultimately, a culture of checks and balances ought to be institutionalised at the local level, with the local assemblies being able to hold the executive accountable and also check the power of overbearing administrative staff, especially in urban areas in which Town Clerks have adversarial relationship with mayors and councils.

In closing, whether devolution becomes official government policy in Zimbabwe will depend largely on the commitment and implementation disposition of all stakeholders. The inclinations by central government to recentralise quickly should be checked and resisted. A change of a political system is not a once-off reform, something that by mere enactment in a legal document materialises unaided. Devolution is a long haul policy reform, it takes the weaning of endemic centralisation inclinations, destabilising the comfort zone of the local government to be financed and controlled by the centre, and the embrace of the responsibilities and new organisational culture to achieve its end. This takes time.

If devolution has its source in the people of Zimbabwe, it is also through their efforts that its implementation will be realised.

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