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LOCAL GOVERNMENT INSTITUTIONS AND ELECTIONS

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The Local Government Working Paper Series disseminates policy and legal analyses to improve local governance on the African Continent. The papers are short, preliminary studies intending to provide a brief look at relevant and timely topics. For additional information, please contact Prof. Jaap de Visser at jdevisser@uwc.ac.za or visit the Local Government Project website at <http://www.communitylawcentre.org.za/communitylawcentre.org.za/clc-projects/local-government/>

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1. Local Government Institutions

1.0 Introduction

Although definitions of local government abound in the literature and in statutes a number of commonalities do emerge including but not limited to the fact that local government:-

- **is a decentralized level of government.**
- **is a democratically established.**
- **is established to provide services.**
- **is a legal entity with defined powers.**
- **is territorial in nature.**
- **has jurisdiction over a particular area within the limits set by national legislation.**
- **is largely self financing in many countries.**

According to the Government of Zimbabwe (2004) local government is the creation of participatory and democratically elected structures that can identify with the needs of the people at grassroots level and ensure the translation of those needs into actual provision and maintenance of essential services and infrastructure on a sustainable basis. Local government is viewed as, “the establishment of a lower sphere of governance for the purpose of executing functions that central government is too far removed to carry out effectively” (GOZ 2004).

Vosloo, Kotze and Jeppe (1974) define local government as a, “decentralized, representative institution with general and specific powers, devolved upon it and delegated to it by central or regional government in respect of a restricted geographical area within a nation or state and in the exercise of which it is locally responsible and may to a certain degree act autonomously.”

Meyer (1999) defines local government as, “local democratic units, within a democratic system, which are subordinate members of the government vested with prescribed, controlled governmental powers and sources of income to render specific local services and to control and regulate the geographic, social and economic development of defined local areas.”

The raison d’etre for the establishment of local government by many governments, Zimbabwe included is:-

- **provision of services at affordable cost to local communities in a more responsive and efficient manner.**

- **promotion of public participation in government as a means of enabling and encouraging people to exercise their rights and responsibilities as citizens. (Government of Zimbabwe (1999)).**
- **To regulate the conduct of individuals and organizations in areas under their jurisdiction (Government of Zimbabwe 1999).**

Local government, being the level closest to the people is able to better articulate and respond to local needs. It is also better placed to harness both local knowledge and effort in the execution of its mandates. The competencies assigned to local government are not only local in nature but have a direct bearing on the day to day lives of local communities.

“The extent to which any Local Government is able to provide services is highly related to the efficiency with which the political and administrative mechanisms are put in place (Ikhide 1999). Similarly, the government of Zimbabwe has put into place the necessary legal framework and institutional arrangements to operationalise a Local Government System.

1.1 Institutions of Local Government

1.1.1 Legal Framework

In many countries, Local Government is enshrined in the constitution. South Africa, Ghana and Uganda among others have taken this bold step. This however is not yet the case in Zimbabwe. Local Government in Zimbabwe is established through Acts of Parliament. The relevant statutes establishing local government are:

- **Urban Councils Act Chapter 29.15**
- **Rural District Councils Act Chapter 29.13**
- **Provincials Councils and Administration Act Chapter 29.11**
- **Traditional Leaders Act Chapter 29.17**

It is pertinent to note though that Sections 111 (1) of the Constitution provides for the appointment of Chiefs:-

“There shall be Chiefs to preside over the tribes’ people of Zimbabwe...who shall be appointed by the President”.

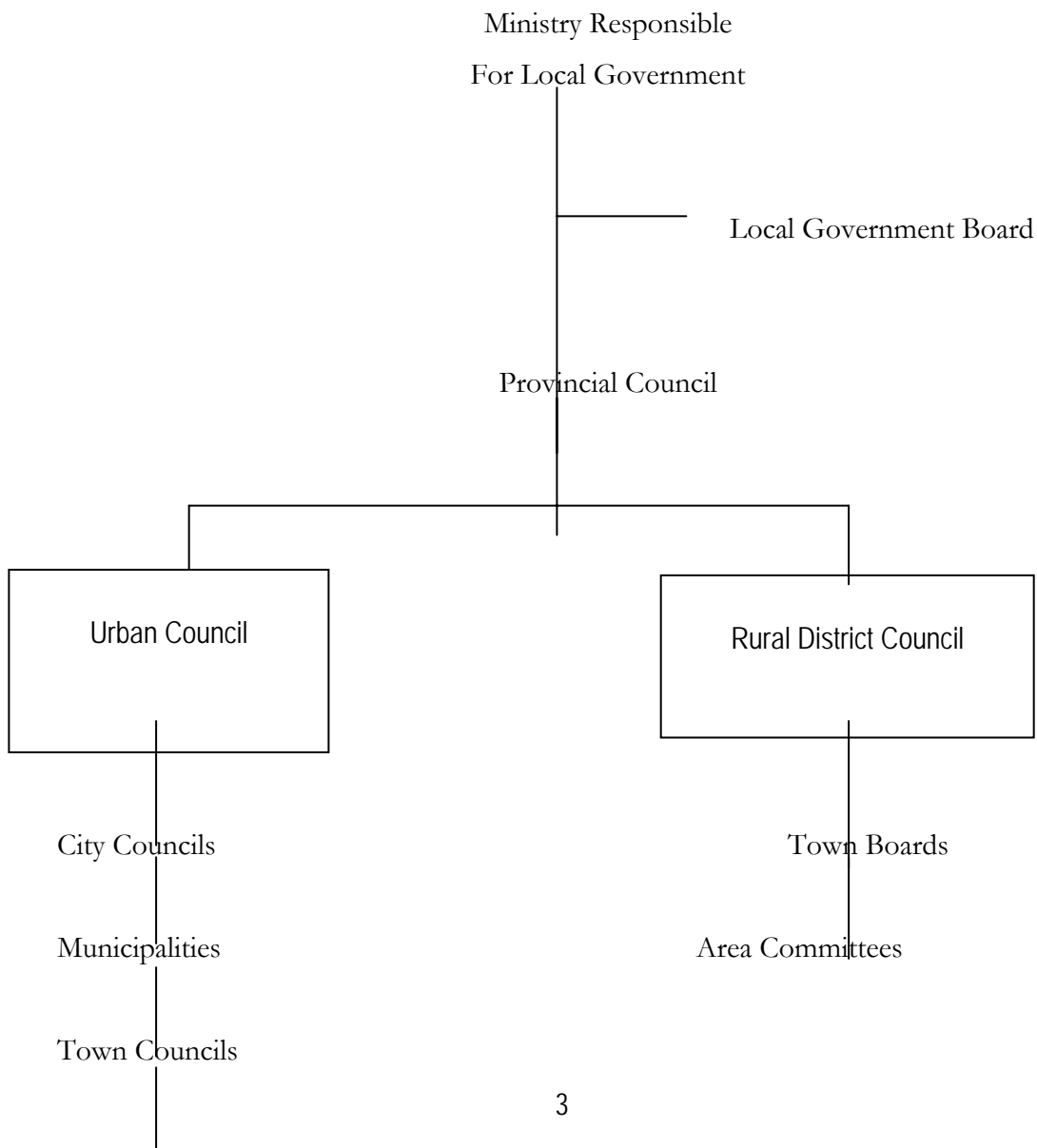
111 (2): “There shall be a Council of Chiefs which shall consist of such number of Chief elected by the Chiefs from each of the various areas of communal land...”

Section 111 A provides for the appointment of Provincial, District and Regional governors.

“For the better administration of Zimbabwe, an Act of Parliament may provide for the appointment by the President of governors for any area within Zimbabwe”.

Whilst local government is not in the constitution, the institution of Chieftainship and the office of Governor which both have a strong bearing on Local Governance are provided for. This provides a case for revisiting the present constitutional arrangements at sub national level.

1.1.2 Institutional Arrangements



Local Boards

(a) **Urban Councils**

Sections 4 to 14 of the Urban Councils Act Chapter 29.15 provide for the establishment and upgrading of urban councils. Section 4 is especially relevant. “Whenever the President considers it desirable, he may, subject to this Act, by proclamation in the Gazette...

- a) Establish a municipal council or town council.
- b) Divide the council area into any number of wards.

Section 14 (1) states that “A growth point, unincorporated urban area, local board or council may apply to the Minister in the form and manner prescribed for a change of its status. This section allows local boards to be upgraded to town councils, town councils to municipalities and municipalities to city councils. Currently there are thirty urban councils in Zimbabwe.

(b) **Rural District Councils**

Section 8 of the Rural District Councils Act Chapter 29.13 provides for the establishment of Rural District Councils by the President in the same manner as urban councils. Rural District Council boundaries coincide with boundaries of administrative districts minus urban council land and land under national parks. There are 60 Rural District Councils in Zimbabwe.

(c) **Provincial Councils**

The Provincial Councils and Administration Act Chapter 29.11 provides for the establishment of Provincial Councils in the 10 Provinces of Zimbabwe.

(d) **Traditional Leaders**

The Traditional Leaders Act Chapter 29.17 provides for the establishment of structures of traditional leaders, i.e chiefs, headmen and village heads. Traditional structures are especially relevant at sub district level as they merge with structures of the Rural District Council and underpin rural local governance.

(e) Civil Society Organisations

It should also be highlighted that although not captured in legislation, Civil Society Organisations play an important role in Local Governance. The Government of Zimbabwe “Vision of Local Government Paper (1999) defines Local Governance as “a variety of institutions and processes government and non government which collectively determine the way political and administrative decisions are made and implemented within a locality”. This definition acknowledges the role Civil Society Organisation such as Non Governmental organizations have in local governance.

Shoki (2009) defines Civil Society Organisations as, “a range of organized groupings that occupy the public space between the state and individual citizens.” Although such organizations have their shortcomings, they have played positive roles in development, advocacy issues on democracy and governance, capacity building, civic education, human rights, policy and legislative changes among their many functions. They are important partners of local government through provision of technical expertise, and financial resources. Many induction programmes for new councilors after the March 2008 elections in Zimbabwe were resourced by Non Governmental Organisations.

In many urban areas, Resident and Rate Payers Associations are recognized as important players in urban governance. Such groups have pressured elected officials to improve on service delivery by pointing out services slippages and resources wastage. They have advocated for transparency accountability and probity in the operations of local government. Residence and Ratepayers Association in Zimbabwe now have an umbrella organization Zimbabwe United Residents Association. It should also be noted that such groups can also distract council from more pressing issues as they are capable of not only blowing issues out of proportion using the media, but can stage disruptive demonstrations at Town Houses. On a positive note, many councils now actively engage them in participatory budgeting. This not only brings them on board, but also enhances ownership, improves on transparency and resources utilization and increases the budget yield.

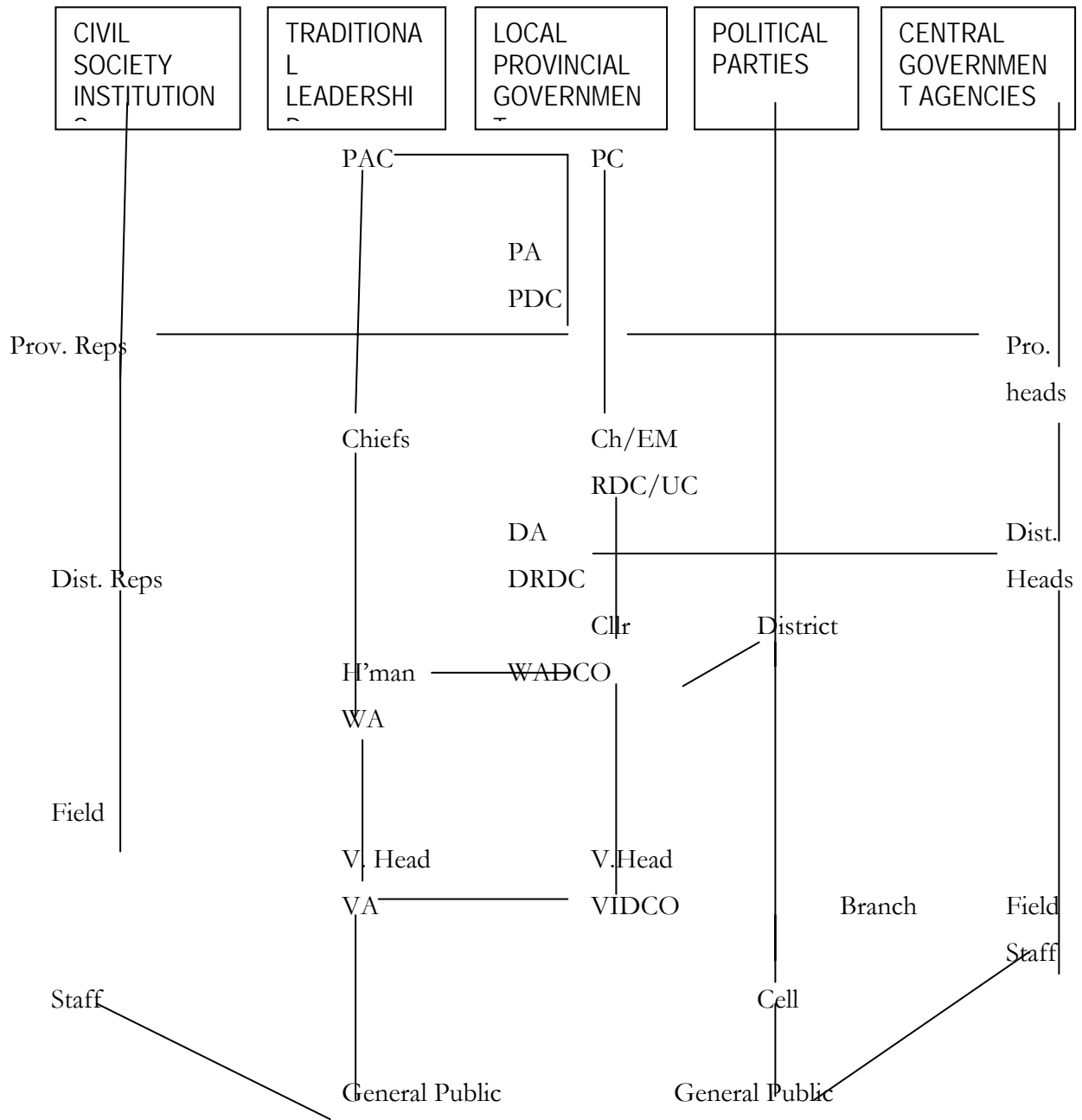
(f) Ministry Responsible for local Government

At the apex of the Local Government system is the ministry charged by the Executive with the Local Government function. It is the ministry which has been assigned the various statutes which establish and operationalise local government in Zimbabwe. The ministry is finally accountable to the Nation, Parliament and the Executive for the efficient operation of local government.

(g) **Parliamentary Portfolio Committee on Local Government**

Reforms which have taken place in Parliament in recent years brought on stream portfolio committees to perform some shadow role on ministries of government. Members of Parliament discuss with members of the executive and their officials and the public issues to do with the performance of ministries. Such deliberations help to bring to the attention of ministries, public concerns about the ministries performance. The platform also allows the ministries to articulate the challenges they are facing. This is especially useful when the Appropriation Bill is brought before Parliament and members have better insight as to why a Ministry is requesting for increased subventions to meet its mandate. Members of the Portfolio Committees can seek explanation from Ministries if work allocated funds by Parliament is not carried out. This enhances efficiency and effectiveness of sector ministries. With the normalization of the political environment, the relevance and effectiveness of Portfolio Committees will become more apparent and visible. The Portfolio Committee on Local Government should not only play a shadow role but be a catalyst for revitalizing local government.

Structure of Local Governance in Zimbabwe



KEY

| Institutions | | Chairpersons | |
|---------------------|----------------------------------|---------------------|--------------------------|
| PAC | Provincial Assembly of Chiefs | PG | Provincial Governor |
| PC | Provincial Councilor | PA | Provincial Administrator |
| PDC | Provincial Development Committee | CH | Council Chairperson |
| RDC | Rural District Council | EM | Executive Mayor |

| | | | |
|------|-----------------------------------|--------|------------------------|
| UC | Urban Council | DA | District Administrator |
| RDDC | Rural District Dev'ment Committee | Cllr | Councilor |
| WA | Ward Assembly | H'man | Headman |
| VA | Village Assembly | V.Head | Village Head |

2.0 Types of Local Government

2.1 Urban Local Government

a) A brief history

Urban local government in Zimbabwe dates back to the time of colonization in 1890. The coming in of white settlers saw the sprouting of urban centres in various parts of the country. In 1891 a Board of Management was established to run the emerging town of Salisbury. The board of management was composed of four elected members and three members appointed by the British South Africa Company. The board of management was succeeded by a Sanitary Board in 1892. The Town Management Ordinance of 1894 gave legal effect to Sanitary Boards which were set up in all the main towns. The Municipal ordinance of 1897 granted Municipal status to Salisbury and Bulawayo with wholly elected councils.

The urban local government which was developing excluded Africans in urban governance. Successive pieces of legislation continued to deny Africans a say in cities and towns. Some attempt to include the growing African urban population in urban local government was made through the setting up of Advisory Boards. As this name suggests, these could only advise white officers on the concerns of Africans in townships.

Post 1980 period saw significant changes take place with the attainment of independence. Townships become part of the urban councils and Africans could now vote and be voted in as councilors and mayors. The Urban Councils Act Chapter 214 was repealed in 1995 and replaced by Urban Councils Act Chapter 29:15, which ushered in executive mayors elected by the whole town. Executive mayors required some academic qualifications and were fulltime. In came also the executive committee composed chairpersons of standing committees to assist the mayor carry out his functions. A significant change was the clear definition of Town Clerk as Chief Executive and accountable for the administration of the municipal councils. Urban Councils Act Chapter 214 had not been very specific regards the role of Town Clerk as it also talked of a Principal Officer over and above the Town Clerk.

The new Act also brought in the Audit Committee in Section 97 and the Municipal Procurement Board in terms of section 210.

The Act was amended in 2008 removing the office of Executive Mayor and the Executive Committee. The Executive Mayor has been replaced by a part time mayor with reduced powers and functions. Perks like mayoral mansions and domestic workers are gone and so too is the day to day monitoring of Council business. Although many current mayors continue to operate in an almost executive fashion, the law does not assign them the powers they want to cling on to. The position of Town Clerk seems to have emerged stronger as he/she has retained all functions specified in Section 136. These include being responsible for:

- **The proper administration of the council and**
- **Managing the operations and property of the council and**
- **Supervising and controlling the activities of the employees of the council in the course of their employment.**

On the other hand, the functions of the Mayor in terms of Section 104 is to, “preside over all meetings of council at which he/she is present and in the event of an equality of any votes on any matter before council, he or she shall.....in addition to a deliberative vote, have a Casting Vote.”

Any other functions the mayor now performs arise out of the civic office he occupies. The amended Act also allows for the election into the office of Mayor of any resident the councilors may deem fit, even if the person is not a councilor, Section 103 refers.

b) **Organisation of Urban Councils**

Urban councils in Zimbabwe are hierarchically organized, based mainly on size and functions. At the lowest level are Local Boards which are four in all. The next level are town councils which are 10. Local Boards have Chairpersons and secretaries as heads of the policy making body and management respectively. There are nine municipalities and seven city councils at the highest level. Municipalities and City Councils have Mayors, and Town Clerks. Municipalities also own land within their boundaries whereas Local Boards and Town Councils do not. The land owning councils can dispose of land to prospective developers and generate revenue.

Hierarchy of Urban Councils in Zimbabwe

| <u>Level 1</u> | <u>Level 11</u> | <u>Level 111</u> | <u>Level IV</u> | <u>Total</u> |
|----------------------|------------------------------|-----------------------------|----------------------------|--------------|
| <u>Cities</u> | <u>Municipalities</u> | <u>Town Councils</u> | <u>Local Boards</u> | |
| Harare | Redcliff | Chiredzi | Ruwa | |
| Bulawayo | Chegutu | Norton | Chirundu | |
| Gweru | Chitungwiza | Shurugwi | Epworth | |
| Masvingo | Victoria Falls | Zvishavane | Hwange | |
| Kadoma | Chinhoyi | Gokwe | | |
| Kwekwe | Gwanda | Beitbridge | | |
| Mutare | Marondera | Rusape | | |
| | Bindura | Karoi | | |
| | | Chipinge | | |
| <u>7</u> | <u>2</u> | <u>10</u> | <u>4</u> | <u>30</u> |

c) **Powers of Council**

Section 198 Second Schedule outlines the powers of urban councils. Councils have 54 functions covering an array of activities. These range from the core business of council which is service provision, to issues to do with allowances, mementos, orchestras and bands. Unlike their rural counterparts urban councils perform most of their functions because they command more resources, human and financial. The economic challenges facing Zimbabwe today have however resulted into poor service provision. The cholera outbreak which claimed 4300 lives bears testimony to these economic challenges and their manifestations.

d) **Committees of Urban Councils**

To better transact their business, councils have committees provided for in sections 96 and 97 of the Act. Urban Councils will have the following standing committees.

- **Finance Committee – responsible for regulating the financial affairs of Council.**
- **Health and Housing Committee responsible for health and housing matters.**

- **Environmental management committee responsible for environmental matters.**

The Act allows council to have as many committees as they deem fit.

Section 97 provides for appointment of an Audit committee which shall:

- **Inquire into and report upon the manner in which council finances, assets and human resources are being used.**
- **Ascertain whether the funds and assets of council are applied for the purpose intended etc**

Section 210 provides for the appointment of a Municipal Procurement Board composed of not less than five members and not more than seven members responsible for arranging tenders and for making recommendations to the council with regards to acceptance of tenders and the procurement of goods, materials and services.

- **Committee deliberations culminate in recommendations to council where binding resolutions are made.**

The committee system allows all councilors to participate in decisions of their council since all councilors are members of one or more committees of council. Given the smaller numbers in committees every councilor gets an opportunity to participate unlike full council where some councilor may feel intimidated by numbers in full council which is also open to the public and the media.

e) **Appointment of a Caretaker**

One of the most contentious issues in urban governance in Zimbabwe has been the appointment of one or more persons as commissioner by the Minister after elected councilors have been suspended or dismissed. The Act allowed the Minister to reappoint the commissioners if the Minister was “satisfied that after the termination of a commission appointed,...there will be no councilors for the council area.”

This provision gave the Minister discretionary power to perpetuate the continued existence of a commission.

- The 2008 amendment to the Act now provides for the appointment of not more than three persons as caretakers to carry out functions of councils if there are no elected councilors or the councilors have been suspended or are unable to exercise their functions. .

The caretaker shall terminate his or her office as soon as there are councilors elected for the area or ninety days after the date of appointment. The Act now requires the Zimbabwe Electoral Commission to cause an election to be held before the termination of office by the caretaker.

f) **Departments of Council**

Aligned to committees of council, most urban councils have the following departments:

- Treasury/Finance
- Health
- Engineering Services
- Housing and Community Services
- Chamber Secretary
- Human Resources
- Internal Audit (usually a section under the Town Clerk)

Urban councils generally have professional qualified staff including engineers, doctors, lawyers and accountants. The brain drain of recent years due to adverse macro-economic conditions has considerably depleted the ranks of this professional cadreship.

Heads of council departments need to work harmoniously with chairpersons of relevant committees. The head of departments needs to properly brief the chairperson on the committee's agenda and reports to be tabled before the meeting. Such prior preparation helps the chairperson to manage the meeting and achieve the desired results.

The Town Clerk/Secretary as Chief advisor of council attends all committees and full council meetings to ensure that policies passed are consistent with legal requirements and help council to achieve its goals especially with limited resources.

The Urban Councils Act specifically provides for the office of Chamber Secretary in sections 133 and 137. The Chamber Secretary's department provides secretarial and legal services to council. This department is in charge of preparing and distributing council and committee agenda and minutes. Since council minutes become legal documents when passed they need to be meticulously prepared. The chamber secretary in terms of Section 137 (2) acts as Town Clerk in the absence of the Town Clerk.

Internal Audit section is important in ensuring that council resources are utilized for the intended purpose and that value for money is being realized. Reporting to the Town Clerk, the Internal Auditor has a free hand in monitoring operations of all council departments.

Engineering services department in many councils is the largest in terms of both staff compliment and financial resources allocation. Functions like planning, roads, water and sewer, street lighting, plant and equipment maintenance are carried out in this department.

A poorly functioning engineering department results in poor service provision by council. Finance department is responsible for collection and disbursement of finances to council departments. This department has to produce bills timeously, monitor collections and plug any leakages for council to carry out its core business. The necessary control measures have to be in place including timeous production of financial statements and annual audits. Many councils fail to access money from windows which may be available because their books of accounts and audits are not up to date. Many failed to access funds availed by the Reserve Bank. Health departments in councils have suffered serious brain drain with doctors and nurses leaving for greener pastures. Councils have to start rebuilding this essential service.

The housing function is no longer prominent in council as the housing stock under council has dwindled. Councils are more into servicing of stands through provision of on site and off site services. Individuals and the private sector are more involved in actual construction. As resources become available, councils need to start providing social housing as not all citizens can afford to build their own houses. Flats and low cost core houses provide shelter to those who may be unable to secure accommodation from the market. In the absence of adequate stocks of affordable social accommodation people resort to slums and squatter camps, a feature of many developing countries.

g) **Planning Authority Status**

Section 10 of the Regional Town and Country Planning Act Chapter 29.12 accords Urban and rural District Councils planning authority status. Urban councils prepare Master Plans and Local Plans for their areas. Urban councils approve building plans and in terms of Part V of the Act control development in their areas.

Hierarchy and Matrix of Plans in Zimbabwe

| TYPE OF PLAN | TERRITORY COVERED | KEY ATTRIBUTION | TIME SPAN | RESPONSIBILITIES FOR PREPARATION | RESPONSIBILITIES FOR PREPARATION |
|--------------------------|--|---------------------------|-------------------------------------|----------------------------------|---|
| Regional Plan | Natural; Economic, metropolitan regions | Is long term in nature | Range; 10-15 or even 25 years | Regional Planning council | President on the recommendation of the minister responsible |
| Master Plan | Local Authority Boundary + any land that may be incorporated during the planning period | Is long term in nature | Between 10 to 15 years | Local Authority | -Municipalities -Local Board and Towns – Minister through Director and Department of Physical Planning |
| Local Plans | Suburb areas, specific developments zones, neighbourhoods | Medium term | Medium in 5 years | Local Authority | -Municipalities --Local Board and Towns – Minister through Director and Department of Physical Planning |
| (i) Local Development | Is a local plan Has more detail guides development in an area | Medium term | 5 years | Local Authority | |

| | | | | | |
|-----------------------------|---|---|--------------------------------|--------------------------------------|-----------------|
| (ii)Local Subject | Addresses specific issues | Medium term | 5 years | Local Authority | |
| Town Planning Schemes | Not prepared under the new RTCP Act, inherited from the previous planning regime, replaced local plans – are historical | Were long term | Some still applicable to today | Local Authority | |
| Strategic Plans | Institutional | Medium term 3 to 5 years institution and services focused | | Local Authority | Local Authority |
| National Environmental Plan | National | Medium to long term | | Minister for Environment and Tourism | |
| Local Environmental Actions | Local Authority | Short and medium term and long term | | Local Authority | |

(Source IDAZIM 2008)

h) **Licensing Authority Status**

Local authorities are licensing authorities in terms of the Shop Licenses Act Chapter 14.17 and can fix and collect shop licence fees within their areas of jurisdiction. They also collect vehicle licences fees in term of the Vehicle Registration and Licensing Act Chapter 13.14

i) **Local Government Board**

The Local Government Board is an important institution in urban local government management. The Board is established in terms of Section 116 of the Urban Councils Act. It is composed of seven members appointed by the Minister responsible for Local Government from the following categories.

- **One member is appointed from a list not less than three names submitted by the Urban Councils Association.**
- **One member is chosen from a list of not less than three names submitted by Town Clerks.**
- **One from a list of not less than three submitted by the Municipal workers union.**
- **One shall be a member of the Public Service Commission chosen from a list (of not less than three) submitted by the Minister responsible for the Public Service**
- **Two shall be appointed for their experience in public administration and will have been employed for not less that five years in a local authority or the Public Service.**
- **The Minister will appoint a chairman and vice chairman. Members hold office for up to four years.**

The Local Government Board is independent of the Ministry and its functions are outlined in Section 123 of the Act. The functions include:

- **Provision of guidance for the general organization and control of the employees in the service of council.**
- **Ensure good general administration of council staff.**
- **Make model conditions of service for council staff.**
- **Make model regulations stipulating the qualification and appointment procedures for senior officials of council.**
- **Approve the appointment and discharge of senior officials.**
- **Conduct inquiries into the affairs and procedures of council**

Although the Urban Councils Act empowers the Local Government to make urban local government efficient and effective, its efficacy has been compromised by under resourcing in both human and material terms. Section 127 provides for the funding of the Board from money appropriated by Parliament. The financial resources so allocated have been insufficient for the Board to carry out its mandate. Over the years, the board has been short staffed making it difficult for the Board to be effective.

The only prominent role the Board has played is the approval of the appointment and dismissal of senior staff of council.

Yet properly resourced and managed the Local Government Board can indeed make a difference in Urban Governance. It is for that reason that Zimbabwe Local Government Association submission's to the constitution making process envisaged the establishment of a Local Government Commission on similar lines with the current board.

i) Urban Development Corporation (UDCORP)

Established in terms of the Urban Development Corporation Act Chapter 29:16; UDCORP was created to provide technical and professional services to councils. Areas of focus include Auditing, Planning, Financial Support Services, Engineering Services and Surveying Services. From inception, UDCORP has not made the desired impact. The major area it has provided service to council is auditing. Limited planning of new housing estates has also been carried out. "Sections 134 of the Rural District Councils Act and Section 304 (4 and 4b) of the Urban Councils Act provide for the audit function by UDCORP.

UDCORP was meant to be decentralized to all provinces but now has only two operational offices in Harare and Gweru focusing on audit services. It is common knowledge that many councils audits are lagging behind by two or three years, an indication of poor financial management. Councils fail to pay private auditing firms the fees required and have had to rely on UDCORP for this service. In the absence of final accounts and up to date audited accounts Councils have missed out on funding which is available from time to time whose prerequisite is audited accounts. UDCORP itself is short staffed making the task harder. In the southern part of the country covered by the Gweru office only Zvishavane, Redcliff, Gokwe and Plumtree have audited accounts for 2008. (Bulawayo has always used private audit firms). UDCORP is thus worth supporting, retooling and resuscitating countrywide. The UDCORP Board which has not been fully constituted and functional for some time needs to become operational.

j) Local Government Associations

Local Government Associations have been a feature of both rural and urban governance for many years. The Urban Councils Association of Zimbabwe (UCAZ) traces its origins from the Local Government Association of Southern Rhodesia formed in 1923. Pre 1993 Rural Councils had their own association and so did District Councils formed in 1980/81. These two later merged after amalgamation of rural and district councils to form the Association of Rural District Councils (ARDC).

Recently there have been efforts to form an umbrella organization, the Zimbabwe Local Government Association (ZILGA). ZILGA has been beset with challenges from the onset with some councils like Bulawayo opting out. The important point to note is that these are voluntary member organizations. Councils apply for membership and then pay annual subscriptions. The associations can also seek funding from development partners to carryout programmes in their Strategic Business Plans.

One of the lasting evidence of such assistance is the construction of Local Government House in Harare by the Association of Rural District Councils. The imposing block of offices has made a difference to the association's revenue base through letting out of office space. Functionally however local government associations are set up to bring together councils to approach local government issues from a common point. Their main functions are to:-

- Lobby government, legislators and relevant organizations on local governance issues.
- Research in challenging and key policy areas.
- Promote good management and organizational practices
- Initiate programmes in such areas as capacity building, gender mainstreaming, civic education, community participation etc.
- Facilitate the development of partnership, networking and international cooperation (twining arrangements etc)
- Represent members in national, regional and international local government fora.

UCAZ as an organization has gone further to promote cooperation and collaboration between council staff and councilors. Each sub committee of UCAZ is supported technically by a staff forum. UCAZ has five subcommittees namely.

- Management, manpower and legal. This sub committee focuses on the management and administration of councils. It is supported technical by the Town Clerk's forum.
- The Finance sub committee dealing with matters related to council finance, investment, taxation etc with support from The Treasurers Forum.
- Technical Services Subcommittee dealing with water, sewerage, roads etc works with the Engineers Forum.
- Health and Housing Subcommittee get technical support from relevant technical people in councils.

UCAZ in particular has been active in the production of papers on topical issues, the ZINWA takeover of water being a case in point. Whilst the formation of one association of local government in Zimbabwe would be in keeping with trends elsewhere in the region (SADC) and beyond, it should be approached in a transparent non partisan manner.

k) Municipal Development Partnership for Eastern and Southern Africa (MDP)

MDP is a regional organization headquartered in Harare, Zimbabwe. MDP has over the years played a key role in capacitating urban councils in key areas of their operations. Through production of researched papers and workshops MDP has assisted councils in such areas as:-

- Participatory budgeting
- Assessment of service delivery levels
- Decentralization
- Urban agriculture among others.

Best practices have been disseminated to councils through newsletters, publications and teleconferencing. Being located in Harare, urban councils in Zimbabwe have benefited from locally conducted research and many local government practitioners have participated in activities of the Municipal Development Partnership.

I) Tertiary Institutions

- Tertiary institutions in Zimbabwe have partnered with local government in human resources development for many years. Domboshawa Institute of Manpower Development has been involved with the training of council staff from the period before independence when they were training council secretaries and treasurers for African Councils. In association with the University of Zimbabwe, Domboshawa now offers a diploma in Local Government Administration. The diploma course draws participants from both urban and Rural District Councils. Domboshawa has since 2006 been offering a diploma in Community Development in association with Midlands State University.
- Zimbabwe Institute for Public Administration and Management ZIPAM has been running short courses for both elected and appointed officials. They have also launched a Masters Degree in Public Administration with National University of Science and Technology. The University of Zimbabwe continues to offer Bachelors degree in Politics and Administration and a Masters degree in Public Administration. Africa University also has local governance related degree programmes.
- Midlands State University launched a Bachelor's degree in Local Governance Studies. This degree programme has been further reconfigured to accommodate those already in Local Governance related employment through a Block release programme.

Efforts by tertiary institutions are geared towards creating the critical mass required for an effective and efficient local government system. Research in local governance is also carried out providing insights into local governance challenges and homegrown solutions to such challenges.

3.0 Rural Local Government

a) A Brief History

Local Government in some form existed in rural areas of Zimbabwe before colonization, centered on traditional leadership. As presently defined however, rural, local government can be traced to the Native Boards set up in the 1920s. These were succeeded in 1927 by Native Councils set up through Native Councils Act. Native councils had both elected councilors and traditional leaders. The position of chiefs in particular was further consolidated in 1957 through the African

Councils Act with Chiefs as Vice President and the District commissioner as President for all African Councils in his district. The Chiefs and African Councils were further empowered especially as African nationalism took root as a counter balance to the emerging threat of nationalism. Chiefs were encouraged and enticed to have Councils in their areas and such councils were named after the chief. By 1980 there were 241 African councils. Many of these ceased to function or relocated to urban area as the war of liberation intensified. The 241 African councils were amalgamated into 55 District Councils through the District Councils Act of 1980.

Large scale commercial farms, mines and small urban centres were under Roads Councils and were transformed into rural councils through the 1966 Rural Councils Act. These were under European control. The Prime Minister's directive of 1984 brought on stream village and ward development committees to streamline and focus bottom up planning and development. Rural Councils and District Councils were amalgamated through the Rural District Councils Act of 1988, but the new Rural District Councils only became operational in 1993. Challenges identified at amalgamation led to the Rural District Councils Capacity Building programme aimed at developing the capacity of Rural District Councils to plan, manage and implement their own development. The programme was largely donor driven and was affected by the withdrawal of donor support from 2003 onwards.

3.1 Organisation of Rural Local Government

a) Committees of Council

- Rural District Councils are established in terms of Section 8 of the Rural District Councils Act 29.13. The Act also provides for the appointment of committees of Council.
- Of special note is a provision which allows for the establishment of committees to manage urban land under the Rural District council.

Section 56 (1) provides for the appointment of an **area committee** to exercise any functions of the Council within an area of urban land within the council area. Such a committee shall consist of

- **Councilor representing each ward which falls wholly or partly within the urban land.**
- **Members of village development committee or neighborhood development committee in that area.**

- **Not more than two co-opted members in the area for each ward.**

Section 57 of the Act provides for the appointment of a **Town Board** for each town area of the Council composed of councilors for the town wards and such number of persons not exceeding one fewer than the ward councilors. The town board has no power to impose levies, special rates, rents or charges. The Town Board is first and foremost a committee of the Rural District Council which can assume Town Council and Local Board status when it has grown in size. Gokwe and Beitbridge have now graduated to Town Council status from Area committee and Town Board respectively.

Other committees of the Rural District Council

Roads Committee

The roads committee was incorporated into council to allay fears of largescale farmers and miners who at amalgamation were worried about the road network. Section 58 (3) states that a roads committee shall have such powers relating to the construction and maintenance of roads.

Ward Development Committee

Section 59 provides for the establishment of a ward development committee in each ward consisting of:

- Councilor for the ward
- Chairman and secretary of every village development committee

Rural District Development Committee

Section 60 provides for the appointment of a Rural District Development committee consisting of

- District administrator as chairman
- Chairman of every council committee
- Chief executive officer of Council and other senior officials of council
- Senior officers of security ministries
- District heads of ministries
- Such other persons representing other organizations and interest as the minister on the recommendation of the district administrator may permit.

Although the RDDC brings the critical mass available in the district to the disposal of council to assist in planning and implementation of projects, councils have not been comfortable especially with the chairmanship. This is a committee of council chaired by a civil servant and dominated by civil servants. Councils wishes and aspirations may not always carry the day in such an arrangement because:-

- **Line ministry staff take instructions from their line superiors and are not subject to sanction by councilors.**
- **This committee in many areas has not produced the expected output due to non attendance by key personnel who delegate attendance to juniors who have little or nothing to contribute.**
- **The plans prepared have been more towards ministries funding requirements and the Public Sector Investment Programme and completely ignore Councils own resources. In the process, because of the limited national cake, many projects included in such plans have not been implemented. This has created frustration at village and ward levels who forward their plans to the Rural District Development committee. Sub district planning ends up as an exercise in futility.**

The Act also provides for the appointment of a Finance Committee and a Natural resources conservation committee among other committees of council.

a) Staff of the Rural District Council

Councils appoint their own staff. The appointment the Chief Executive officer in terms of Section 66 (1) specifically requires the approval of the Minister. This is where Rural District Council have advocated for a Local Government Board type of institution to deal with senior staff of council as happens in urban councils. The Minister may also appoint a Chief Executive from the ranks of Public Service in terms of section 66 (2) if the office of Chief Executive Officer is vacant for any reason. It should be noted that District Administrators were Chief Executive Officers of council until 1993. Such officers do not always work in the best interest of council as accountability for such an officer lies elsewhere.

Section 134 (1) specifies that the accounts of council shall be audited by a person appointed by the Urban Development Corporation. This also removes the power of council to act in areas within their responsibility.

b) Powers of the Rural District

The Act allocates sixty four powers to RDC in terms of section 71 First Schedule. The powers range from acquisition, maintenance, development and disposal of property to statues. Powers of RDC largely reflect the areas of operations of deconcentrated offices of national government and because of resources constraints, council have normally taken a back seat and allowed sector ministries to operate as they see fit. The reluctance by sector ministries to lend support and embrace the decentralisation drive has some of its roots in this arrangement. Protection of turf and perception of becoming redundant has stalled decentralization in Zimbabwe. The current resources limitation has largely removed decentralization from the national agenda.

(c) The Rural District Councils Act Chapter 29.13 and the Traditional Leaders Act Chapter 29.17

- The Rural District Councils Act provides for elected and appointed councilors whereas the Traditional Leaders deals with traditional leaders whose office is through customs, tradition and is inherited. The two pieces of legislation have structures up to village level with village development committees formed under regulations in terms of Section 159 and Ward Development committee established in terms of Section 58 of the Rural District Councils Act.

Village assemblies are established in terms of Section 14 and ward assemblies in terms of section 18 of the Traditional Leaders Act.

- Given the challenges emanating from role conflict at grassroots level particularly over the allocation of communal land, the Traditional Leaders Act has attempted to harmonise the two institutions.
- The village head now chairs both the village development committee and the village assembly. The headman chairs the ward assembly. Village heads as Chairpersons of the village development committees are members of the ward development chaired

by the councilor. The elected councilor is a member of the ward assembly. Chiefs in a district are ex-officio members of the Rural District Council. Chiefs are also represented in the Provincial Council.

- Issues of land allocation require participation of traditional leaders and council guided by the Communal Lands Act Chapter 20.04
- A bone of contention currently in many areas is jurisdiction over resettlement areas not just between councilors and chiefs but amongst chiefs themselves. Old boundaries are being reclaimed in order to have influence in resettlement areas.
- For councilors in particular, the remuneration and perks awarded to chiefs are considered disproportionate to the functions chiefs perform compared to councilors. Many rural wards are vast and require resources if they are to be adequately serviced. Councilors have found it difficult to adequately perform their tasks because of resources limitations. Chiefs on the other hand have been able to access vehicles at affordable rates and have much higher monthly allowances.

(d) Other Stakeholders in Rural Local Government

Civil Society Organisations

- Civil Society Organisations have played a key role in rural areas for many years. Many schools and hospitals in rural Zimbabwe were set up by missionaries.
- Non Governmental Organisations continue to play an important role in rural livelihoods ranging from water and sanitation, food aid and more recently in HIV/AIDS and poverty alleviation.
- A lot of financial resources have been mobilized for humanitarian support programmes and have been channeled to needy areas.
- Civil Society has also used traditional leaders as entry points into rural areas on the understanding of their role as community leaders of repute.
- Some organizations have however not always conformed to the letter and spirit of their mission resulting in conflict with the authorities.

(e) Community Areas Management Programme for Indigenous Resources (CAMPFIRE)

- The Parks and Wildlife Act Chapter 20:14 accords Appropriate Authority status to Rural District Councils. Councils thus have power to conserve and dispose of wild animals in their area. The CAMPFIRE Association was formed to promote community based natural resources management. It operates with the support of Parks and Wildlife Management Authority and brings together 56 Rural District Councils with appropriate authority status. The focus is on sustainable utilization of wildlife resources and preserving of cultural heritage. CAMPFIRE has diversified to include the management of other natural resources based activities such as eco tourism, beekeeping, timber and crafts by local communities.
- Communities in resource rich areas like Guruve, Hwange and Binga have generated significant revenue to improve their livelihoods. Primary and Secondary schools have been constructed, water points drilled, agricultural inputs and tractors procured, among other benefits. RDCs have directly benefited from wildlife proceeds and timber logging.
- CAMPFIRE programmes in RDCs have had their fair share of challenges ranging from allocation of safari areas and quotas, timber logging and failure to respond to problem animals and compensate affected families.
- On the whole however CAMPFIRE as a programme has generated interest among communities to manage their natural resources and brought much need revenue to Rural District Councils.

In 2006 Mbire District (Guruve) generated ZW\$64.5 million distributed as follows:

| | |
|------------------------|------------------|
| Rural District Council | ZW\$32,6 million |
| Communities | ZW\$29,4 million |
| CAMPFIRE Association | ZW\$2,3 million |
| Masoka Ward | ZW\$17,6 million |

(SOURCE CAMPFIRE 2000)

Communities in Mbire were encouraged to have their own bank accounts into which money was paid directly by Safari Operators. Such approaches improve revenue sharing and distribution

challenges (CAMPFIRE 2006). For 2009 it is anticipated that about US3 million will be realized from CAMPFIRE related programmes in Rural District Councils (Campfire Press Statement 2009)

4.0 **Provincial Councils**

The Provincial Councils and Administration Act Chapter 29:11 sets up Provincial Councils in Zimbabwe.

Composition of Provincial Councils

- Provincial Governor or Resident Minister as Chairperson.
- Mayors and one councilor from each municipal and city council in that province.
- Chairperson and one councilor from Town Councils, Local Boards and Rural District Councils in that Province.
- Representative from the Provincial Assembly of Chiefs.

- The Provincial Councils gets technical and secretarial support from the Ministry responsible for Local Government in its day to day operations.
- The Provincial Council is underpinned by the Provincial Development Committee in its coordination and development function.

The Provincial Development Committee is composed of:

- The Provincial Administrator as Chairperson.
- Heads of line Ministries in the Province including security ministers.
- District Administrators in the Province.
- Town Clerks, Town Secretaries and Local Board Secretaries in the Province.
- Chief Executive Officers of Rural District Councils.
- Captains of Commerce and Industries.

- Heads of parastatals in the Province.
- Heads of Civil Society Organisations in the Province.

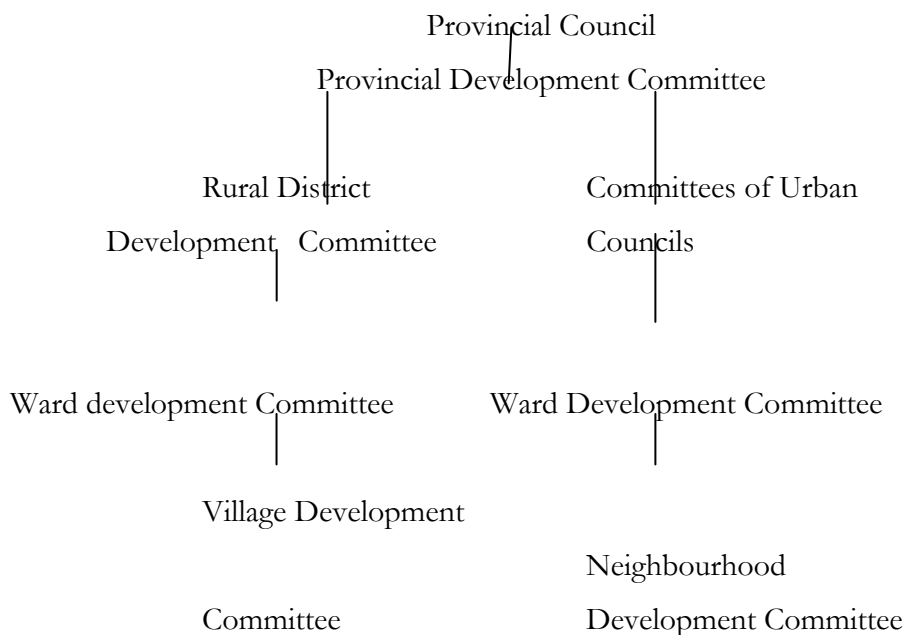
The Provincial Development Committee consolidate plans from Rural District Councils and Urban Councils into the Provincial Development Plan. The Plan is deliberated on at a joint meeting of the Provincial Council and PDC chaired by the Provincial Governor.

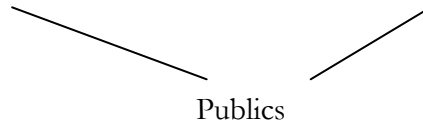
Ideally the plan should inform development programmes by sector ministries and local authorities in that Province for the short and medium terms as a coordinated document capturing all players in that Province. National ministries should draw their plans for sector funding from Provincial plans. This is not always the case since ministries focus more on Head Office plans ignoring provincial inputs.

Because of lack of sanction at subnational level, officials from sector ministries tend to underplay the importance of planning activities in subcommittees of PDC resulting in substandard submissions. The Provincial Council has no budget of its own such that the documents produced are likely to gather dust in ministries headquarters without implementation.

For the Provincial Councils to become operationally effective some funding needs to be channeled to them. The elaborate planning process developed since 1984 has largely come to a halt a because of this shortcoming.

PROVINCIAL DEVELOPMENT PLANNING





5.0 The Ministry Responsible for Local Government

“The ultimate control by central government over local authorities is through the law of the country, but government is also able to control the actions of council by negotiation, by instruction, by direction and by policy declaration” (Craythorne 1993). In Zimbabwe, the Urban Councils Act vests powers in the Minister to give directions on matter of policy and to reverse, suspend or rescind resolutions of council in terms of Section 303 and 314 respectively. Section 154 of the Rural District Councils Act allows the Minister to investigate a council and Section 155 of the same Act allows the minister to direct certain actions in council.

The Minister approves high density tariffs and charges in urban areas and together with the Finance Minister approves borrowing powers. The Minister can also cause the suspension of councilors and even their dismissal. The powers of the Minister therefore, have far reaching implications on the operation of Council. Late submission of tariffs and charges by council or late approval of submitted tariffs by the Minister can play havoc with a council budget as collections can not be effected before approval. Late approval of borrowing powers can make money more expensive or inadequate for what it was initially targeted for.

The relationship between central government and local government thus needs to be grounded on professionalism, role clarity, transparency and integrity, all hallmarks of good corporate governance. Mistrust and negative perceptions of responsibilities tend to undermine sound centre-local relations. The mission statement of the Ministry responsible for Local Government in Zimbabwe is:

“To provide sound local governance and the sustainable management of the built environment through the provision of requisite planning and technical services in order to enhance socio economic development in Zimbabwe.”

It needs to be recognized that the Minister is finally accountable to the Nation, Parliament and the Executive for the local government function, just like the Minister for Finance, Education, Health, Agriculture etc. Given the accountability role, the Ministry of necessity has to monitor what happens in the local government arena. At the sametime local government needs the space and

resources to carry out its functions to the satisfaction of local communities. The centre and local level need to work together to satisfy their respective constituencies recognizing that in the end it is the local inhabitants in Mudzi , Lupane or Chibi who should have a better quality of life.

The ministry also has within its offices at national, provincial and district levels certain competencies which may be scarce or unavailable in local government. Physical Planning and Civil Protection competencies are not available in RDCs who have to rely on the centre. Lobbying for legislative changes may be driven by local government but the preparation of enabling instruments is with the ministry. The deconcentrated offices of the Ministry at Provincial and district levels provide interface, facilitation and coordination of local government with central ministries.

Over and above administering legislation on local government the ministry plays a number of roles including but not limited to

- Facilitation
- Advisory
- Monitoring
- Oversight
- Directing
- Promotion
- Capacity Building

The current efforts by Central Government on Results Based Management need to cascade to local government with the Ministry taking a lead role. Given the current state of infrastructure and service provision challenges the Ministry should lobby vigorously for funds to redress the situation. The Ministry should support local government in its quest for constitutionalisation. The Ministry should revive the stalled decentralization programme.

5.0 Elections in Local Government

Elections in Local Government have been held regularly since the 1890s for urban areas and the 1920s for rural areas. Various reforms have taken place in the management of elections since then. In the past local governments would run their own elections guided by their enabling legislations. The management of all elections is now under the Zimbabwe Electoral Commission set up in terms of Section 61 of the constitution. Elections for local government are now conducted in

terms of the Electoral Act Chapter 2.13. While in the past national and local elections were held separately, there were harmonized for the first time in March 2008 elections.

- Local government elections are ward based and for the March 2008 elections, the Commission demarcated 1958 wards in both urban and rural areas attracting 3431 candidates. Out of these, 411 candidates stood unopposed after the sitting of nomination courts.

Results by Political Party 2008 Election

| Political Party | Seat won Unopposed | Seats Won in Contested Wards | Total |
|------------------------------|---------------------------|-------------------------------------|--------------|
| MDC | 13 | 152 | 165 |
| MDC – T | 11 | 764 | 775 |
| Independent | - | 3 | 3 |
| UPP | - | 1 | 1 |
| ZANU PF | 389 | 612 | 1001 |
| Total Seats contested | 413 | 1532 | 1945 |
| No elections | | | 13 |
| GRAND TOTAL | | | 1958 |

(ZEC 2008)

The ZANU (PF) has tended to dominate in rural areas with MDC T and MDC taking most urban seats.

- The 1995 Urban Councils Act Chapter 29.15 brought in Executive Mayors in a bid to provide focus and accountability in Municipal governance. The Executive Mayor was brought into have a full time leader elected by the whole town at Town House/Civic Centre. Section 64 outlined his/her main functions as;
- The supervision and coordination of the affairs of the council concerned and the development of the council area.
- Through the town clerk, controlling the activities of the employees of the council concerned.

The mayor would also be responsible for presiding over council meetings among other functions. Executive Mayors were also well resourced with ministerial type vehicles, mansions, good pay package and domestic servants.

- Amendments to legislation in 2008 removed this office and reintroduced the part-time ceremonial mayor. The cost of running the Executive Mayoral office has been cited as one of the reasons for their removal, coupled with poor performance by some. What ever reasons are cited for revisiting legislation, merits and demerits of this office will always emerge. Questions will be asked as to whether Zimbabwe has moved forward or backwards in municipal governance.

The election of the current Mayor, Deputy Mayor, Chairpersons and Deputy Chairpersons of Town Councils is provided for as follows in Section 103 of the Urban Council Act.

At the first meeting of council after it has been established and there after at the first meeting held after a general election, the councilors present at that meeting shall, under the Chairmanship of the district administrator or in the case of Harare and Bulawayo municipal councils, the provincial administrator within whose province the municipal council lies elect:-

(a) In the case of a municipal council, one councilor or other person to be mayor and there after another councilor to deputy mayor.

(b) In the case of a town council, one councilor to be Chairperson and another councilor to be deputy chairperson.

The presumed term of office for both mayors and councilors is now five years, an increase from the previous four year term.

- The point to note is that mayors do not necessarily have to be elected councilors. Any person considered suitable by councilors can be elected mayor. Harare Mayor Masunda is a case in point.

Section 4A of the Act also provides for appointed councilors representing special interests who should not be more than 25% of the elected councilors. Appointed councilors can deliberate but have no vote at meetings.

The concept of appointed councilors may be new to urban governance but has been in existence in rural areas for many years. Big mining locations for example have been represented in Rural

Councils in the past. Shabanie Mine had a seat on Mberengwa Rural Council and Buchwa Mine on Mberengwa District Council in the Midlands Province.

While the Executive Mayor was required to have at least five ordinary levels including English and 2 Advanced level subject or a post ordinary level qualification completed after at least two years, the amendment does not call for academic qualifications for Mayors. There has never been any requirement for academic qualifications for councilors in Zimbabwe. The onus for coming up with credible candidates for public office at local and national levels lies with political parties. Mayor Masunda of Harare City Council recently bemoaned that democracy does not always produce the best.

To be elected as councilor all one needs is to be twenty one years of age and registered in the ward roll for which one is contesting.

The first meeting of council is also used to elect committee chairpersons and their deputies. The rest of the membership of committees is left to councilors to choose where they think they can make a better contribution or the committee they are more comfortable with. Appointed councilors also participate in committees of council.

The membership of the Provincial Council has been noted above. No elections take place at this level.

Representation of women in local government is still very low. There were only 53 elected women councilors out of 359 in urban councils in 2008.

In the Midlands Province the number of women councilors in selected Urban Councils is shown below:

| City Town | Total No. of Councilors | Women Councilors 2003 | Women Councilors 2008 |
|------------|-------------------------|-----------------------|-----------------------|
| Kwekwe | 14 | 1 | 4 |
| Shurugwi | 12 | 4 | 0 |
| Zvishavane | 10 | 0 | 0 |
| Gweru | 18 | 2 | 2 |

- Voter turn out for local government elections has also been generally low. The 2008 harmonised elections attracted a fair turn out, around 35% compared to 42,73% for the Presidential poll (ZEC 2008).
- Turn out in some towns in the Midlands Province for local government elections according to ZEC was as follows:

Redcliff 41%

Kwekwe 37%

Gweru 35%

Gokwe 48%

LOCAL GOVERNMENT OPERATIONAL CHALLENGES AND THE WAY FORWARD

Local Government, as the level closest to the people has a higher visibility than the more remote central government. Its performance has a direct bearing on the quality of life of local communities. Clinics without drugs, pot holed roads, erratic water supplies, burst sewer pipes, uncollected garbage, non functional street lights, immediately impact on the well being of inhabitants. This is the state of affairs in all the ninety local governments in Zimbabwe.

Yet for many years, the local government system in Zimbabwe and its performance was the envy of many countries, with Harare dubbed the “Sunshine City.” The Local Government system was robust largely self financing and functional.

In the late 1990s urban councils were being credit rated by international financial institutions to enable them to move to the stage where development finance could be secured from financial institutions instead of relying on ratepayers and central government. Lessons had been learnt from Urban 1 and urban 11 programmes co-funded by the World Bank and Government of Zimbabwe indicating the viability and sustainability of capital markets as a source of infrastructural development finance.

Capacity building efforts through the Rural District Council Capacity Building programme, pursuing, “a learning by doing approach,” were in full swing in the 1990s. Under this programme capacitating institutions, developing human resources and capital projects was being focused on.

The decentralization effort was riding on the back of this capacity building programme. Thirteen principles on decentralization were adopted by Government in 1996. Committees on decentralization were established from cabinet to provincial level backed by teams of technical facilitators.

Resources from international development partners and donor agencies were available to support these efforts. The drying up of financing from the international donor community saw a gradual decline in effort on all fronts after 2000.

The worsening macro economic climate characterized by hyperinflation, shortage of foreign currency, high interest rates, dwindling national fiscus and accompanying brain drain resulted in the further decline of local government’s capacity to deliver.

It is this decline of service provision capacity and decaying infrastructure which local government institutions need to tackle.

REVITALISING INTERNAL PROCESSES AND PROCEDURES

a) Financing

With the introduction of multiple currencies in 2009, local governments were able to prepare more realistic budgets covering the whole financial year. The major challenge though is that most councils over priced their services and residents are resisting paying. The transition from Zimbabwe dollars to other currencies was not accompanied by any studies on the cost of services in foreign currency especially within the region. Many councils had to revise their budget downwards. Up to the end of July 2009 City of Gweru had only collected US\$1 184 096 out of target of US\$5 771 234. The City Council has now resolved to reduce their budget by 50% and hope that residents will respond. This is the story throughout the country. With most people in formal employment earning not more than the US\$150 per month, council charges are a very low priority on their needs. Councils need to be more realistic and innovative in their 2010 budgets if inflows are to improve.

Urban Councils Association of Zimbabwe should liaise with sister associations in the region on charges in their respective countries in order to advise councils on more realistic pricing models. For many councils timeous billing for services remains a challenge. Their bills come late after residents have spent their meager resources on more pressing issues. Many council's revenue halls where payment are made are not user friendly. Residents stand in long queues for hours on end with one or two counters operational. Some give up and go home with their money, never to return as the money will be spent on other commitments.

This area calls for two simple management techniques, organisation and supervision. In Rural District Councils revenue inflows are even lower than their urban counterparts. It is a known fact that Rural Councils had their own road making equipment and healthy cash inflows. Their main source of revenue was land development levy or unit tax. The Rural District Councils Act provides in Section 96 and 97, third schedule, scales for land development levies. But for money to be collected efficiently there is need for

- Up to date registers of landowners and miners.
- Calculation of the units and the amount per unit.

The land reform programme has change landownership in commercial farming areas. Many Rural District Councils have not kept pace with the changes by way of updating their registers and

the units per new landowner. Many new farmers are not being billed by councils, resulting in diminished inflow in to council coffers.

It is imperative for councils, if they are to improve their revenue base, to liaise with officials in the Ministry of Lands to establish the new ownership and hectareage structure of new owners. This will enable them to update their registers and collect revenue. Roads in rural areas are in a deplorable state because of lack of maintenance. For commercial farmers and miners the only service they desire from council is a well maintained road to bringing in inputs and take out their produce to markets.

With improving inflows, councils should improve conditions of services especially in critical areas. Professional experienced personnel left council for greener pastures. With better conditions and also many contracts coming to an end in South Africa as construction for 2010 World Cup infrastructure nears completion, some can come back.

Councils have to start providing better services as this also makes people pay bills. People can not pay for erratic water supplies or refuse which is not being collected.

Although the urban councils Act stipulates that councils should have their final accounts for previous budgets within 120 days and audited accounts before the end of the year for the previous budgets many councils are lagging behind. Many are four or five years behind in their audits and final accounts. Now that councils are operating with more stable currencies, it is prudent to have interim audits before the end of 2009 for 2009 to see how they are performing. The final audit in 2010 for 2009 will not only be easier but they will have a clear picture of how they are performing. May be many councils can also have up to date audits for the first in years.

The improving national environment has brought with it positive signs of support to the country. Some inflows are being experienced making it possible for Treasury to disburse some funds to resuscitate collapsed services. Water and sanitation is one such area. Local governments are getting some assistance. Harare got about US17 million and Gweru got US93 000. These transfers have to be utilized and acquitted properly. Proper tender procedures have to be followed. The Municipal Procurement Board should be involved. It is very easy for the ugly head of corruption to appear. It seems Harare already has some case in the courts of law arising from this recent allocation of 17 million dollars. Officials should realize the suffering people are going through and operate professionally. Senior managers should ensure systems are In place and that they are being followed.

B) **Institutional capacity**

Local Government capacity to deliver requires harmonious co-existence, complementarity and trust between elected leadership and the staff of council. A major challenge experienced especially after general elections and the coming on board of new policymakers is the element of mistrust. Bruising battles which are time consuming and divisive normally occur. It is important therefore that induction programmes clarify the roles to be carried out since a lot of the challenges arise from the lack of appreciation and understanding as to who does what. It is not uncommon for senior officers to be accused of incompetence by councilors who may be barely three months in council. Senior staff have not made the situation any better by failing to implement resolutions of council.

Some senior staff have not afforded elected officials the respect they deserve. The recent change from executive mayor to part time mayor saw many mayors relegated to the Mayor's Parlour as their office with Town Clerks taking over the former Executive Mayor's office. Some Town Clerks took a literary interpretation of the Act which allocates the Mayor the function of chairing meetings. Such a narrow interpretation ignores the fact that Mayors still have civic responsibilities, are leaders of council and receive visitors on behalf of council. Mayors also represent council locally, nationally and beyond.

The other challenge emerging is between councilors and Mayors. Not long after electing a mayor many councilors wanted them out. Such tendencies result in the organisation losing focus, splitting into camps and detracts from the core business of council. Training programmes of councilors and senior staff together should not just be confined to induction training but should be ongoing. With more and more interaction in the presence of outside facilitators, it is possible to overcome some of these challenges.

Disciplinary procedures in council should be guided by the law and facts devoid of other considerations. It is not in the interest of council to dismiss an official and then have the official cleared by the Local Government Board or the courts of any transgression. Cases abound of officers who have been dismissed by council against advice from the local Government Board who then win their cases in the High Court and have to be reinstated at great cost to council. The reinstatement of Engineer Zvobgo after many years was obviously at great cost to city of Harare. Such actions can have a detrimental effect on the smooth operation of council.

Resources permitting councils should fill key posts timeously. Many councils have senior positions vacant for long periods of time. This affects the smooth operation of council as acting incumbents may not take bold decisions when such decisions may be required. The driver of the

strategic vision of council in the department is the head of department hence the need to have substantive officials in place.

C) **Planning**

Elaborate planning systems exist in local Government. Strategic Plans, local plans, master plans, rolling plans, and annual plans are prepared meticulously. Many gather dust in drawers and shelves.

The link between Planning and Budgeting is weak especially in RDCs. The current planning system from its inception in the 1980s raised expectations as it is participatory and bottom up. The lack of funds to meet shopping list of needs from grassroots has dampened enthusiasm. It is important for councils to plan within the limits of available resources and not bank on the centre as the source of all development finance. Strategic Plans which are being prepared with elaborate visions and missions should be participatory and realistic. Many are crafted by a few technocrats and thus lack ownership and a shared vision making them inoperative from the start. Since development plans from villages and neighborhoods end up at Provincial Council, where a Province Development plan is consolidated, the planning process would become more meaningful if some funding was available for development at provincial level. Some form of equalisation grant to the Province would be a useful starting point with the Provincial Council focusing on marginalized and deprived communities. With some funding, the provincial council will become more relevant beyond the current coordination function.

d) **Centre – Local Relations**

The legislative and policy environment in which local government operates is largely set at national level. In that regard national politicians have a direct interest in what transpires at local level and would want to exert their influence and shape the outcomes (Mhlahlo 2007).

Reforms by successive governments in Zimbabwe particularly since 1980 give credence to this assertion. The interest stems mainly from the way government is arranged and the political process which results in the formation of national governments. Translation of political party ideologies and election promises into meaningful policies and programmes, creates this dichotomy. The situation is more precarious when the political party in control at national level is different from that at local level. The issues of control and autonomy then come to the fore. This has been the case in urban governance in Zimbabwe since 2000. “In Zimbabwe, the fact of different levels of government occupying common space has inevitably resulted in tension in the relationship in some urban councils” (Mhlahlo 2007).

Section 311 of the urban Councils Act empowers the minister to appoint investigators where he considers it desirable in the public interest to inquire into any matter which

- a) **relates to the good governance of a council area or local government area**
- b) **relates to the failure of council to undertake any function or provide any facilities for which it has power in terms of this Act.**

A generous interpretation of this provision has serious implications for local government. Yet at the end of the day, the performance of the local government function nationally has been assigned to a member of the Executive who is then accountable to Parliament, the Executive and the Nation. This is where the issue of role clarity and responsibilities at centre and local levels becomes fundamental.

Section 313 allows the Minister to give directions on matters of policy in writing. Council should respond to the minister giving its views on the proposal including financial and resources implications. Section 313(3) goes further to state that

“The council shall with due expedition comply with any direction given to it in terms of subsection (1)”

Section 314 empowers the Minister to reverse, suspend, rescind resolutions decisions etc of council – in writing and council shall comply.

Application of these provisions should be in the public interest. Misinterpretation of the Minister’s intentions can create tension. Reasons for such actions should be in the public domain. That some elected leadership at local level has not performed to expectations is common knowledge. Corrupt practices on allocation of stands, abuse of council property and authority are documented and have been in the courts. The current Chitungwiza Mayor is a case in point. Commissions to take over from errant councils date back to the mid 1980s in Gweru. Harare has had its fair share of commissions.

The net result of frosty centre-local relations is loss of focus on council’s core business. Tensions arising need to be handled constructively as polarization only makes the situation worse. Polarised relations have been known to permeate to council staff levels and this can adversely affect the relationship between sections of council staff and councilors compromising services provision. The centre – local relations need to be anchored on

- Role clarity
- Transparency
- Respect

- Integrity
- Accountability
- Sound judgement

e) **Legal Framework**

The prevailing situation in Zimbabwe presents an opportunity for a major facelift of local government as the country is currently in the process of coming up with a new constitution. Local Government is presently not constitutionalised. Zimbabwe Local Government Association has circulated a draft to councils for their input in the constitution making process.

Enshrining Local Government in the constitution defines and clarifies:

- **Principles of Local Governments including the principle of Decentralisation**
- **Objectives of Local Government**
- **Competences of Local Governments**
- **Funding of Local Governments**
- **Types of Local Governments and their levels**

Local Government presently does not get direct allocation of funding through the Appropriation Act. Whatever funds are destined for Local Government pass through sector ministries. The release of such funds depends on the efficiency of systems in ministries.

The present arrangement does not guarantee any allocation to local government. In some countries where local government is in the constitution, a certain percentage of National income is allocated to local government which means such allocation is assured, guaranteed and predictable. Local Government budgets thus become more realistic.

Changing constitutional provision requires two thirds of the members of Parliament to accede, unlike an Act of Parliament which requires a simple majority. This guarantees some degrees of stability in local government operations.

For this reason all stakeholders in Local Government need to give serious thought at this crucial time regards aspects to be included in the constitution.

The ZILGA draft has also included a section on qualifications for elected leaders. Democracy does not always produce the best, so there is need to at least have some minimum academic attainment for one to contribute meaningfully to council business. Four years secondary

education allows somebody to communicate, understand reports and contribute to council business. This is the provision in the ZILGA submission which, appears reasonable.

It is assumed age brings with it wisdom through various experiences encountered. The present 21 years for councilors appears to be on the youthful side. The ZILGA proposal is 30 years. This again seems reasonable.

In terms of Section 46 of the Rural District Act Councils full council meets at least once in three months. The business of council is through resolutions of full council after committees have made recommendations. A lot of work accumulates in three months and has to be kept in abeyance until council convenes. This militates against effectiveness of council. RDCs like their urban counterparts need to meet at least once a month because the present arrangements leaves the decision making in council to officials of council. The cost implications cited for quarterly meetings can be managed through more innovative approaches given that most RDCs headquarters have moved to urban centres with easier transport modes.

The representation of women in local government is low. Some countries have opted for a quota system. Zimbabwe may have to consider this route to ensure policies developed in councils are gender sensitive.

Urban councils meetings start after 4.30 pm and these meetings can go on late into the night. This works against women councilors who also have domestic chores to attend to. Legislation needs amending to accommodate aspiring women councilors.

Tariffs and charges for high density areas need ministerial approval whereas for the rest of town, council approves by resolution. This section of the Act which is paternalistic has outlived its usefulness. Any delays by either party results in delays in collections by council. The ministry for 2009 has asked councils to submit their "budget" by 30 November after consulting residents. Whilst the participatory aspect by residents is highly recommended, if the residents and council agree then the role of ministry in the process becomes academic. The approval has by default been extended to the approval of the whole urban council budget. This section should be repealed.

The Provincial Council in its current form has not achieved much. An equivalent predecessor the Provincial Authority had a budget and was involved with the education and health function in African councils. The Provincial Authority played a major role in reconstruction of war damaged infrastructure in the early 1980s. The Provincial council if resourced can play a role in development particularly in problem areas and under resourced Rural District Councils. Such financing should be in legislation.

The present local Government Board only deals with urban councils. An all embracing Local Government Board covering both urban and rural district council would completely remove council staff issues from the Ministry. This will allow the Ministry to focus on its core business of policy formulation. Such a body could be best established through the constitution. Over and above mandates given the present Board, the new board could also have the capacity building function for both council staff and elected officials. There are presently too many uncoordinated players indulging in training especially of councilors. Such a body will develop a standardized curriculum which addresses the needs of local government practitioners in Zimbabwe.

Conclusion

Zimbabwe has a generally robust local government system with institutions and structures in place. The system needs to be properly nurtured through the current challenges, through a combination of legislative reforms, capacity building, institutional strengthening and injection of financial resources. Strategies have to be put in place to regain lost ground and ensure quality services are delivered to communities.

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