

The Inevitable: Devolution in Zimbabwe's Constitution making process.

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Abstract

That the writing of the New Constitution for Zimbabwe beginning 2009 was premised on contentious grounds is not in doubt. The political environment to which the Constitution was written was tense and divisive with devolution being one of the most contentious issues. Devolution threatened the timely conclusion of the constitution making process as the Movement for Democratic Change (MDC) and Zimbabwe National Union Patriotic Front (Zanu-PF) differed on the scope and depth of the multi-level government structure. Two political parties, two different ideologies, it was clear that the constitution making process was a showdown, a clear and classic ideological warfare. The devolution debate in the constitution making process was premised on two issues: number of tiers and arguments for and against devolution in general. The debate generated competing and conflicting interests among political parties, civil society organisations, business, citizens, media and international development organizations. Political players and the media informed and misinformed citizens about forms of devolution and resultant potential benefits to the country.

Fostering peace, democracy and development are the main aims of writing new constitutions. I argue that to achieve the three objectives of peace, democracy and development a multi-level government structure was imperative in the Zimbabwean constitution making process. The multi-level government structure was topical and hotly contested in the Constitution making process. The paper outlines that the devolution debate arguments were premised on peace, democracy and development on both the affirmative and negative. Devolution was also confused to federalism; with Zanu-PF arguing that it leads to regional instability that threatens cohesion and peace in the state. Those on the affirmative argued that a devolved government structure is essential in dealing with the violence and conflict that swamped the country since the turn of the millennium. Development arguments were advanced on the basis of the incapacity of the state to provide tailor made development interventions at the very local level. Arguments in support of democracy advanced through devolution were premised on transparency, and accountability between devolved government structures and citizens. A multi-level government structure finally adopted has three spheres (central government, provincial government and local government). Subsequently, I argue that six implications are imminent that are intergovernmental affairs coordination, meeting public expectations, public service considerations, accountability incentives, financial considerations, and collaboration and competition.

Introduction

“We fought for devolution and it is now a cardinal principle of the new Constitution and we are committed to making sure it works for the people” (MDC, 2013¹).

That the writing of the New Constitution for Zimbabwe beginning 2009 was premised on contentious grounds is not in doubt. The formation of the MDC in 1999 was premised on the breakdown of norms of governance, human rights and the consequential need to write a new and progressive Constitution. Ultimately, it was Zanu-PF strategy to make sure that the Constitution making process is either delayed or diluted – which it eventually achieved. Be that as it may be, the Zimbabwean constitutional reform² provided a window of hope for most citizens by outlining a new governance charter. The New Constitution gives the parameters on which the state is run. Devolution was one of the sticking issues between political competitors. Despite this, it was very clear that the majority of Zimbabweans across the political divide were in favour of devolution. What was also clear is that, Zanu-PF was opposed to devolution.

Devolution generated immense debate in Zimbabwe’s constitution making process. The questions that generated much desire include: *What is devolution? What are the fundamentals of devolution? Why devolution threatened the smooth conclusion of the New Constitution? Why devolution in the first instance? What benefits does it offer to the generality of Zimbabweans? Why were the Inclusive Government (IG) parties agreed on decentralisation as a principle and not devolution?* The main pro and anti-devolution arguments were premised on peace, democracy and development. This paper flags out the devolution debate and what Zimbabwe’s New Constitution carries on the subject matter.

Concepts and Definitions

Devolution, deconcentration, delegation, and privatization are the four main types of decentralisation (Rondinelli and Cheema, 1983³). *Deconcentration* is when sub national units within line ministries are given administrative and managerial responsibility. This is sometimes called field administration or local administration or integrated local administration (Ibid). In Zimbabwe, deconcentration is practiced through ministries like Ministries of health, education, home affairs, local government etc. In this *deconcentrated model*, people’s participation is minimized to the implementation of centrally planned policies alone. *Delegation* is the transfer of managerial responsibilities by the centre to public enterprises and other semi – autonomous government agencies to operate public utilities and services. In the Zimbabwean context, delegation manifests in public utilities like Zimbabwe Electricity Supply Authority (ZESA), Zimbabwe National Road Administration (ZINARA), Posts and Telecommunications Regulatory Authority (POTRAZ), Zimbabwe National Water Authority (ZINWA) and others. *Privatization* is the transfer of responsibilities and functions from government to non-state actors e.g. NGOs, private associations, community associations etc. Examples of privatization include the formation of Dairiboard Zimbabwe Limited (DZL) from Dairiboard Marketing Board (DMB) and the disbanding of the Cotton Marketing Board to Cottco. Finally, *devolution* refers to a situation where central government transfers administrative and financial decision making authority to local governments that have clear

¹ Movement for Democratic Change, 2013. *Election Manifesto 2013: A New Zimbabwe-The Time is Now*. Harare: Movement for Democratic Change, Information and Publicity Department.

² Started in 2009 and completed the new Constitution in March 2013.

³ Rondinelli, A. D. and Cheema, G. S. (eds). 1983. *Decentralization and Development: Policy Implementation in Developing Countries*. California: Sage Publications and United Nations Centre for Regional Development.

and legally recognised jurisdictions within which they provide public services to constituents they are accountable to (Yilmaz et al., 2008⁴).

The purpose of devolution is to create and strengthen independent levels of government that are mandated to deliver certain functions. Devolution involves the “transfer from centre to locality of decision making powers and associated resources” (Elcock and Minogue, 2001: 101⁵). These two definitions underscore the essence of local government exercising political, administrative and fiscal power and responsibilities. This shows the most complete form of decentralisation as both functions and resources are transferred. Central government relinquishes certain functions and the created spheres of government take over the delivery and management of previous central government functions. The purest form of devolution contains attributes explained in Table I and is rare in the African context.

Table I: Fundamentals of Devolution

| Attribute | Manifestation |
|--|---|
| Local units of government | Autonomous, independent, and clearly perceived as separate levels of government over which central authorities exercise little or no <i>direct</i> control. |
| Local governments | Clear and legally recognized geographical boundaries within which they exercise authority and perform public functions. |
| Local governments | Corporate status and the power to secure resources to perform their functions |
| Citizen perception of local governments | "Develop local governments as institutions" providing services that satisfy citizen needs and institutions of citizen influence. |
| Centre-local relations | Reciprocal, mutually beneficial, and coordinate relationships |

Source: Adapted from Rondinelli and Cheema, 1983: 22.⁶

Devolution attributes explained in Table I are clear and unambiguous in theory. However, in practice, devolution takes various forms with central government portraying some degree of control and influence in local government units.

Sherwood (1968⁷) argues that, devolution as a concept entails that "local governments discharge obligations as part of a national political system and not as dependent elements of a central hierarchy. The concept of devolution is non-hierarchical in the sense that it posits a number of governments having a coordinate, systems relationship with one another on an independent, reciprocating basis." In a devolved government structure, the interaction between central and local government pivots on reciprocity and interdependence. Each government level treats another with respect and trust co-existing in a national governance system working towards common national development goals. An important element of devolution is discretionary authority which limits central government to maintain a supervisory role so as to ensure that local government is operating within national policies (Elcock and Minogue, 2001⁸).

⁴ Serdar Yilmaz, Yakup Beris, and Rodrigo Serrano-Berthet, 2008. *Local Government Discretion and Accountability: A Diagnostic Framework for Local Governance*. Social Development Working Papers. Local Governance & Accountability Series Paper No. 113 / July 2008. Washington DC : World Bank.

⁵ Elcock, H and Minogue, M. 2001. *Local Government: Management or Politics?* In McCourt, W. and Minogue, M. 2001. *The Internationalization of Public Management: Reinventing the Third World State*. Cheltenham: Edward Edgar Publishing Limited.

⁶ Rondinelli, A, D. and Cheema, G, S. (eds). 1983. *Decentralization and Development: Policy Implementation in Developing Countries*. California: Sage Publications and United Nations Centre for Regional Development.

⁷ Sherwood, F.P. 1968. *Devolution as a problem of organization strategy*. Comparative Administrative Group, American Society for Public Administration, 1968.

⁸ Elcock, H and Minogue, M. 2001. *Local Government: Management or Politics?* In McCourt, W. and Minogue, M. 2001. *The Internationalization of Public Management: Reinventing the Third World State*. Cheltenham: Edward Edgar Publishing Limited.

From the above conceptual analysis, it is clear that reasons in favour of devolution are many. First, it reduces the number of tasks performed by central government leaving the centre to concentrate on the few tasks it can efficiently and effectively deliver. The provision of basic services and governance is not only a government function but a shared responsibility between central and local governments. Thus central government performs tasks it has comparative advantage over (tasks it performs using the least resources with maximum output). Second, devolution leads to distinct administrative spheres that are central government, local government and local communities. These spheres are critical for accountability, transparency and planning in national development. Third, the role of government in the provision of basic services can best be done by institutions closer to the people i.e. local governments. Central government is usually loaded with more responsibilities thus jeopardizing its attention to the provision of the key human development services. Access to education, health and sanitation are key ingredients for poverty reduction. It therefore implies that local governments due to their proximity to the population are in a better position to effectively and efficiently provide these basic services addressing the real needs and priorities of the poor. World Bank studies (2004⁹) in Indonesia, Pakistan and Philippines point to an increase in the delivery of basic services after local government assumed service provision functions from central government. This form of decentralisation recognizes that central government is too detached from local communities' needs and demands, hence the necessity for local governments to provide local communities with public services.

The role of the state in service delivery and the development process has been a subject of concern for more than five decades now. In both theory and practice, there seems to be no agreement as to the role distinction between central and local government. The failure of centralized planning systems heralded the concept of decentralisation in the 70s and 80s especially in developing countries. There was a wide consensus of the need to 'roll back the state to the frontiers of development planning'; in simpler terms reducing the role of the state in public service provision and development processes. The World Bank in its report '*Sub Saharan Africa – From crisis to sustainable growth*¹⁰' argues that decentralisation concerns the division of roles and responsibilities between central authority, local government and local communities with a view to reduce the number of tasks performed by central government and to decentralize the provision of public services. The debate about decentralisation, brings to the fore the centrality of local governments in any state.

In ensuing paragraphs, I proffer a brief overview of decentralisation in Zimbabwe.

Decentralization in Zimbabwe

Zimbabwe inherited a dichotomous and tripartite local government framework comprised of urban councils, 'white' rural councils and 'black' rural local authorities fragmented along racial lines (Masundu-Nyamayaro, 2008¹¹). The 1988 Rural District Councils Act eliminated fragmentation in rural local government through amalgamating 'white' rural councils and 'black' rural local authorities into rural district councils (RDCs). Local government reforms became vehicles of pursuing the twin objectives of socio-economic development and the reduction of colonial disparities.

⁹ Sherwood, F.P. 1968. *Devolution as a problem of organization strategy*. Comparative Administrative Group, American Society for Public Administration, 1968.

¹⁰ World Bank. 1989. '*Sub Saharan Africa – From crisis to sustainable growth*'. Washington DC: The World Bank.

¹¹ Masundu-Nyamayaro, O. 2008. The case for modernization of local planning authority frameworks in Southern and Eastern Africa: A radical initiative for Zimbabwe. *Habitat International* 32 (2008) 15-27.

Decentralization in Zimbabwe expended much rhetoric leading to a number of practical challenges as the government showed more romanticism than realism. As Rondinelli and Nellis, point out most decentralization policies are undertaken for primarily political reasons; and how the policy works out in practice will depend on similar struggles (Conyers, 1986¹²). Ultimately; the Government of Zimbabwe achieved political as compared to development planning benefits in the decentralization program.

The Prime Minister's Directive (1984 and 1985¹³) outlined the new local government structures and introduced development committees at village, ward, district, provincial, and national levels with the aim of fostering bottom-up development planning. The newly created development committees' roles were information supply, implementation, delegated and independent planning, and policy making and review (Gasper, 1991¹⁴). Development priorities were identified and formulated at village level, channelled through the ward, district, and provincial levels to the national level. The basic foundation was that contents of the national development plan should be development priorities discussed and agreed upon at the village and ward level.

In practice, development planning agencies suffered time and budgetary constraints, lack of skilled personnel and central government interference in local decision making. Consequently, created development planning agencies became insignificant and fruitless. By the end of the first decade of decentralisation, it was clear that the process had failed to yield anticipated results as Brand (1991¹⁵) likened the process to "centrally created decentralization". It is evident that central government was not committed to the letter and spirit of making local government a distinct sphere. Gasper (1991:41¹⁶) point out that:

Decentralization can never simply be instituted by a set of legal or administrative decrees. It required many measures of information dissemination, demonstration, incentives, training, discussion, mobilization, and on-going informal coordination.

In the 1990s, the objective of the government's decentralization programme shifted to promoting democracy and the focus of attention turned to elected local authorities (Conyers, 2003¹⁷). Local governments play a pivotal role in the promotion of local participation and local level democracy. To that effect, it became necessary to democratize local governments in the post-1990 period. An

¹² Conyers, D. 1986. 'The Management and Implementation of Decentralized Development Administration', in *Commonwealth Secretariat*, 14-15.

¹³ As enunciated in three government documents that is a) 'The Provincial Governors and Local Authorities in Zimbabwe: A Statement of Policy and directive by the Prime Minister' released in 1984, b) 'The Provincial Councils and Administration Act, 1985', c) 'Structure of Village Development Committees and Extension Services' released in 1985.

¹⁴ Gasper, D. 1991. Decentralization of planning and administration in Zimbabwe; International perspectives and 1980s experiences. In : Helmsing, H. J., Gasper D.R., Mutizwa-Mangiza N.D., and Brand C.M. (eds). *Limits to Decentralization in Zimbabwe: Essays on the Decentralization of Government and Planning in the 1980s*. The Hague: Institute of Social Sciences, pp.7 - 37.

¹⁵ Brand, C. M. 1991. Will decentralization enhance local participation? In: Helmsing, H. J., Gasper D.R., Mutizwa-Mangiza N.D., and Brand C.M. (eds). *Limits to Decentralization in Zimbabwe: Essays on the Decentralization of Government and Planning in the 1980s*. The Hague: Institute of Social Sciences, pp. 79 - 103.

¹⁶ Gasper, D. 1991. Decentralization of planning and administration in Zimbabwe; International perspectives and 1980s experiences. Helmsing, H. J., Gasper D.R., Mutizwa-Mangiza N.D., and Brand C.M. (eds). *Limits to Decentralization in Zimbabwe: Essays on the Decentralization of Government and Planning in the 1980s*. The Hague: Institute of Social Sciences, pp.7 - 37.

¹⁷ Conyers, D. 2003. Decentralization in Zimbabwe: A Local Perspective. *Public Administration and Development* 23, 115-124 (2003).

important vehicle used in the democratization process is elections (Laakso, 1999¹⁸) which started in 1993 in rural district councils and 1995 in urban councils. The introduction of local government elections was a landmark development as citizens became active agents of deciding who runs the local level.

The introduction of a directly elected executive mayor in 1995 marked a major change in urban governance. The move was aimed at strengthening representational democracy as urban residents were given a chance to elect the political and administrative head of urban councils. Despite this development, the Zimbabwe Institute (2005: 17¹⁹) argues that:

The Executive Mayor is a poor hybrid of the traditional British style Mayor and the American Strong Mayor.... Unlike the American strong Mayors who are executives with appointing and dismissing powers and veto powers, the Zimbabwe Executive Mayor is accountable to full council. In real terms, the Executive Mayor gained no executive authority. Attempts by Executive Mayors to assume executive functions have often led to clashes between the Mayor and Town Clerks.

The executive mayoral position was a problem in cases where the mayor was not from the ruling party (Zanu-PF). Such mayors were castigated by central government as pursuing parallel policies. The Executive mayoral system resulted in a tug of war between the Mayor and Town Clerk. Overlapping and duplication of roles and responsibilities were major conflict causes and triggers.

Post-2000 era exposed the intensity of the outcome of political decentralization as the MDC controlled urban councils. Central government reacted by heavily interfering in local government, defeating the whole purpose of decentralization. Despite all these efforts, a strong belief in centralized planning, manpower, technical and financial inadequacies and a lack of political will hindered the whole notion of an efficient and effective decentralisation programme. Government's attempts can be likened to re/centralization, a phenomenon that led to the inevitability of devolution in the constitution making process.

Zimbabwe's Constitution making process

Article VI of the Global Political Agreement provides for a people-driven, inclusive and democratic Constitution making process. The GPA was signed on the 15th September 2008 by the two MDC formations and Zanu-PF heralding the consummation of the Inclusive Government (IG) in February 2009. Article 6.1 of the GPA mandates the Select Committee of Parliament (COPAC), composed of three co-chairs of the IG political parties to steer the Constitution making process. COPAC spearheaded public hearings and consultations, drafting of the Constitution, two All Stakeholders Conferences, and Referendum that voted for the New Constitution on March 16, 2013.

Two political parties, two different ideologies, it was clear that the constitution making process was a showdown, a clear and classic ideological warfare. Zanu-PF regime is premised on destructive party accumulation, 'authoritarian nationalist disengagement away from the dominant international norms of political and economic accountability'; with the MDC 'constructed through a language of liberal constitutionalism, human rights advocacy and post nationalist aspirations' with a sound economic

¹⁸ Laakso, L. 1999. *Voting Without Choosing: State Making and Elections in Zimbabwe*. Helsinki: Department of Political Science, University of Helsinki.

¹⁹ Zimbabwe Institute. 2005. *Local Government: Policy Review*. Cape Town.

vision (Raftopoulos, 2010²⁰). The constitution making process was a battlefield for two opposing parties.

The MDC fought hard and drove the constitution-making process (MDC, 2013²¹). Even when the Select Committee of Parliament represented a position in which the MDC compromised on the process in order to try to gain as much as possible from the content (Raftopoulos, 2010²²). One of MDC's foundational triggers was to usher in a people driven and democratic constitution as Morgan Tsvangirai points out:

You will recall that one of our founding objectives was to change the Lancaster House Constitution and replace it with a new, people-driven and democratic constitution. This year marked a historic moment when the people of Zimbabwe overwhelmingly voted for a new constitution²³.

Thus, the MDC tried through hook and crook to see to it that a New Constitution was written for Zimbabwe. On the other hand, Zanu-PF was the beneficiary enjoying from the Lancaster House Constitution and therefore tried everything to frustrate the constitution making process.

The political environment to which the Constitution was written was tense and divisive. Competition between the MDC and Zanu-PF was defined by the privatisation of politics, patronage, and violence (Kriger, 2012²⁴). This competition spilled into COPAC, and the Co-Chairpersons were always in conflict. Furthermore, COPAC outreach meetings were also seized with MDC-Zanu-PF supporter rivalry. Parallel government structures existed and in many cases were more powerful than legitimate government structures. These informal and parallel government structures instigated at the behest of Zanu-PF worked twenty-four seven to sabotage the constitution making process. Even Zanu-PF's 2013 election manifesto leaves out devolution in its list of 'goals of the people' the party defended during the COPAC constitution making process (Zanu-PF, 2013: 67-73²⁵). Not surprising, the 108 page Zanu-PF Manifesto does not even mention the word 'devolution' which shows the party's total disregard of devolution. A big contrast, as the MDC-Tsvangirai Manifesto takes pride on devolution: "*We fought for devolution and it is now a cardinal principle of the new Constitution and we are committed to making sure it works for the people*" (MDC, 2013:6²⁶). This behaviour was not unusual, as the successful completion of a progressive Constitution would be interpreted as an MDC score and a big knock out for Zanu-PF. The MDC-Ncube 2013 harmonised elections manifesto mentions the word 'devolution' more often than any other manifesto. The manifesto runs under the banner '*Actions for Devolution, Devolution is the new revolution*' (MDC, 2013²⁷).

²⁰ Raftopoulos, B. 2010. The Global Political Agreement as a 'Passive Revolution': Notes on Contemporary Politics in Zimbabwe. *The Round Table* Vol. 99, No. 411, 705–718, December 2010.

²¹ Movement for Democratic Change, 2013. *Election Manifesto 2013: A New Zimbabwe-The Time is Now*. Harare: Movement for Democratic Change, Information and Publicity Department.

²² Raftopoulos, B. 2010. The Global Political Agreement as a 'Passive Revolution': Notes on Contemporary Politics in Zimbabwe. *The Round Table* Vol. 99, No. 411, 705–718, December 2010.

²³ Message from the President Morgan Tsvangirai. Movement for Democratic Change, 2013. *Election Manifesto 2013: A New Zimbabwe-The Time is Now*. Harare: Movement for Democratic Change, Information and Publicity Department.

²⁴ Kriger, N. 2012. ZANU PF politics under Zimbabwe's 'Power-Sharing' Government, *Journal of Contemporary African Studies*, 30:1, 11-26.

²⁵ Zanu-PF, 2013. *Taking Back the Economy, Indigenise, Empower, Develop and Create Employment*. 2013 Election Manifesto.

²⁶ Movement for Democratic Change, 2013. *Election Manifesto 2013: A New Zimbabwe-The Time is Now*. Harare: Movement for Democratic Change, Information and Publicity Department.

²⁷ Movement for Democratic Change (Ncube Faction), 2013. *Harmonised Election Manifesto: Actions for Devolution – Devolution is the new revolution!*

The documentary aired by First Television titled 'Part of the Solution' on the 25th July 2013 summarised the contestations during the constitution making process²⁸. The National Constitution Assembly chairman argued that the COPAC outreach process was stage managed by Zanu-PF allowing only 4 or 5 of its supporters to speak one or two word responses. Zanu-PF COPAC co-chairperson was of the view that his political party mobilised people during the COPAC outreach process like it did during the liberation struggle. However, Zanu-PF's approach was premised on intimidation and suppression of individual thought and expression. Violence and torture were the defining features of the constitution making process. MDC Manicaland spokesperson and Member of Parliament for Mbare explained how their party supporters were killed and their houses were set on fire during the Constitution making process. Human rights lawyers were hamstrung as selective application and abuse of the law resulted in violence victims being incarcerated at the expense of perpetrators.

The drafting of the constitution followed a protracted and highly contested process (ZESN, 2013²⁹). The time frame for the constitution making process took longer than the expected showing more of conflict and disagreement as opposed to consensus. Table 1 shows the timeframe taken by the constitution making process compared to the planned time frame. Due to deep and entrenched opposing views about the contents of the constitution; the process took nearly 48 months to complete instead of the planned 18 months.

Table 1: Constitution making process compared to the planned time frame.

| Aspect | 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 1 st 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 2 nd All Stakeholders Conference | Draft Constitution (17 January 2013), 2 nd 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 Ministry of Constitutional and Parliamentary Affairs (2009: 6-7³⁰) and ZESN, 2013.

Zanu-PF was anti-devolution and this is shown by a raft of changes the party made to the COPAC draft of July 17, 2012 as shown on table 2.

²⁸ First Television, 25 July 2013. *Part of the Solution*.

²⁹ ZESN, 2013. *Zimbabwe Constitution Referendum Report and Implications for the Next Elections – Advance Copy, 16 March 2013*. Harare: Zimbabwe Support Election Network.

³⁰ Ministry of Constitutional and Parliamentary Affairs, 2009. *Global Political Agreement*, 15 September 2008.

Table 2: Zanu-PF's anti-devolution position during the Constitution making process

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

Adapted from COPAC Draft Constitution of Zimbabwe, 17 July 2012; The Draft Constitution of Zimbabwe 18 July 2012 incorporating approved Zanu-PF Amendments³¹ and Herald 30 August, 2012³².

Table 2 shows the devolution struggle that characterised the Constitution making process. Zanu-PF saw devolution as threat to its hold on power and had a strong belief in centralisation. This was in contrast to the push in favour of devolution by the MDC, to which the party has reiterated its devolution stance by outlining its vision for local government as “to promote devolved local governance that is democratic, sustainable and delivers quality services equitably” (MDC, 2013: 185)³³.

Despite the Zanu-PF's highest decision making body's (politburo) rejection of devolution as shown in Table 2, most of its supporters favoured devolution as shown in Table 3 below.

Table 3: Devolution of power by party affiliation.

| | Strongly agree and agree | Neither agree or disagree | Strongly disagree and disagree | Don't know |
|-------------------|--------------------------|---------------------------|--------------------------------|------------|
| MDC-T | 67 | 7 | 19 | 7 |
| Zanu-PF | 55 | 7 | 26 | 12 |
| Others | 77 | 13 | 9 | 2 |
| Would not vote | 71 | 9 | 11 | 9 |
| Refused to answer | 59 | 8 | 22 | 12 |
| Do not know | 54 | 10 | 26 | 10 |

Source: Afrobarometer, 2012³⁴.

The Afrobarometer (2012³⁵) survey reveals that 66% of Zimbabweans are in favour of devolution. This statistic can be interpreted as an unwavering support for a devolved system of government by Zimbabwean citizens.

The Constitutional Parliamentary Select Committee (COPAC) points out to devolution where in a unitary system, political and administrative power is shared between a national government and lower level spheres of the state, for example, provinces and local authorities. Thus, devolution is

³¹ As distributed by Veritas.

³² Herald, 30 August 2012. Zanu-PF-approved amendments to Copac Draft Constitution.

³³ MDC, 2013. *Agenda for Real Transformation: 2013 Policy Handbook*. Harare: Movement for Democratic Change.

³⁴ Afrobarometer, 2012, 'Summary of Results,' Harare: Mass Public Opinion Institute.

³⁵ Ibid.

when authority, responsibility, human and financial resources are transferred from central governments to regional and / or local governments.

COPAC statistical findings (Table 4) on devolution raise some questions.

Table 4: COPAC systems of Government preferences for 1950 Wards

| Concept | Response | National Frequency | National frequency (%) |
|----------------------|----------|--------------------|------------------------|
| System of Government | Unitary | 1386 | 71,08% |
| | Devolved | 1138 | 58,36% |
| | Federal | 34 | 1,74% |

Source: COPAC, 2012: 33³⁶.

Table 4 shows results responses from Zimbabweans during the COPAC outreach process pertaining to systems of government. It remains unclear as to what COPAC meant as the difference between unitary and devolved systems of government as this was not explained in COPAC working documents. Using Table 4 Statistics, Zanu-PF stated that most Zimbabweans rejected devolution of power as “it was divisive and inappropriate for a unitary state such as Zimbabwe” (Share, 2012³⁷).

Devolution: Main arguments in the constitution making process.

The devolution debate in the constitution making process was premised on two issues: number of tiers and arguments for and against devolution in general. First, I discuss the devolution tier debate in the ensuing paragraphs. The COPAC process proposed a three tier system; that is central government, provincial assembly, and local governments (COPAC, 2012³⁸ and 2013³⁹). The three-tier system similar to South Africa and Australia was also supported by Zimbabwe Human Rights NGO Forum (Human Rights Forum, 2012⁴⁰). Arguments against a three tier-system were premised on three main points. First, a 3 tier system has weaknesses in locating the political legitimacy and practical development benefits of having a provincial assembly. Second, well-functioning provincial assemblies require a vast geographical region to draw financial and material resources for sustenance. Third, provincial assemblies are costly to run considering the necessary superstructure and infrastructure required in supporting provincial governments. In a nutshell, the future of provincial governments was seen as an expense to the tax payer as it results in the appointment of extra government officials in addition to existing provincial ministry officials.

Contrary to COPAC’s 3 tier system a two tier system composed of central and local governments was proposed and advocated for by a number of organisations. Democratic Councils Forum (DemCoF) after making consultations with mayors and chairpersons of urban and rural councils proposed a two tier system composed of national government and local authorities. Local authorities were categorised as Provincial Councils and District Councils. A total of 13 Provincial councils that is; 5 cities of Harare, Bulawayo, Gweru, Mutare and Kwekwe and 8 Zimbabwean provinces would form the devolved local government. The proposal was premised on democracy,

³⁶ COPAC, 2012. *National Statistical Report Version 1: Second All Stakeholders Conference October 2012*. Harare: Constitution Select Committee.

³⁷ Share, F. 2013. ‘Devolution of power rejected,’ The Herald, viewed 17 January 2013. Available at: http://www.herald.co.zw/index.php?option=com_content&view=article&id=41525:devolution---of---power---rejected&catid=37:top---stories&Itemid=130#.UULx89HNAXw.

³⁸ COPAC, 2012. *Constitution Of Zimbabwe* (Draft : 17 July 2012)

³⁹ COPAC, 2013. *Constitution Of Zimbabwe* (Final Draft : January 2013)

⁴⁰ Zimbabwe Human Rights NGO Forum, May 2012. *Devolution of Power: Human Rights Bulletin Number 73 English*. Harare: Human Rights Forum.

equity, devolution and mutually reinforcing centre-local relations. DemCoF's position was also guided by results of the consultation process which required that the relationship between Central Government and Local Authorities must be clearly defined and respected.

The position of the Local Governance Trust (LGT) advocated for a two tier system of government consisting of only Central Government and Local Government. This proposition was premised on the devolution of power from central government directly to local governments without a provincial tier. In LGT's view; for the size of Zimbabwe a provincial tier 'is not needful and is in all appearance a middle-man of sorts who is an unnecessary inclusion in the tax paradigm' (LGT, 2012: 2⁴¹). The LGT's argument was very clear; 'Devolution YES but NO to overburdening the tax payer'. The debate in support of a two tier-system was a structured one. I will look at these arguments by attending to the following questions: *Why a 2 tier system? What to devolve and what not to devolve? How to devolve (form of devolution)?*

Local self-government was the form of devolution proposed. Local self-government "denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population" (European Charter of Local Self Government, Part I, Art. 3). The work of Shabbir Cheema and Dennis Rondinelli (1983⁴²) presents that changing local conditions i.e. local needs and responsiveness are better managed at local government level rather than regional and / or national level. Democratically elected local authorities are better able to respond to local needs and priorities as there is a possibility of re-election based on achievements attained whilst in office.

What to devolve to local government level? Functions like land allocation, land use planning and control, education, public health, tendering, public works, development planning and management, environmental planning, local economic development, integrated development planning and regional development and public transport should form the core of local government functions. The next logical question is *what functions should not be devolved?* Central government should concentrate on services / issues that are inter - agency and inter - jurisdictional like foreign affairs, public service (civil service), defence, home affairs, national infrastructure projects, national economic development, mining, and energy and power development.

How this form of devolution happens in practice and what requirements are needed to achieve it? This requires a number of policy and legislative changes. Chief among them being taxation system reforms and changes to embrace the one in which local authorities are seen and established as legal corporate bodies with powers to raise revenue and incur expenditures. Allocation of a considerable budget to local authorities from the national fiscus matches functions with resources. Budget allocations avoid overloading local government with functions without the requisite finance to perform mandated tasks.

A two tier-system would then imply investing in a long and tedious process of local authority strengthening. The strengthening process is gradual and piecemeal with the ultimate objective of making local authorities able to take on board more and more tasks. Local governments' empowerment in terms of managerial, financial and technical resources is key to performing devolved functions.

⁴¹ Local Governance Trust. 2012. *Devolution and the Constitutional Debate- A Position Paper offering an Alternative View*.

⁴² Rondinelli, A. D. and Cheema, G. S. (eds). 1983. *Decentralization and Development: Policy Implementation in Developing Countries*. California: Sage Publications and United Nations Centre for Regional Development.

Second, in subsequent paragraphs, I discuss the arguments put forward for and against devolution in general. Remaking the state and fostering development, broadening participation and democracy, and voice to the people and stability were the three major arguments in the devolution debate.

Remaking of the state and fostering development

Devolution is part of the reforms aimed at building a strong and effective developmental state. The Zimbabwean government has a long record of failure in performing basic functions. The country's state institutions are weak in terms of designing and implementing sound policies (UNDP, 2008⁴³). Devolution is not therefore an attempt to dismantle the state but to match roles to the capacity of the state. By sharing functions between central and devolved governments, the ultimate aim is towards improving service delivery and socio-economic development. Pemberton and Lloyd (2008:437⁴⁴) argue that in a 'congested state', devolution can serve as 'a policy and institutional decongestant'. Decongesting the state is achieved through Community Planning as a tool for effective local delivery of public policy and managing development interventions.

Across the whole world, strong and effective states have shared transparency, accountability, efficiency and effectiveness as common denominators (Green, 2013⁴⁵). These four fundamentals have led other states to record high levels of development. In pursuit of a strong development agenda, Zimbabwe needs institutions closer to the people. This has three advantages; better adaptation of government activities to local conditions, increased transparency and accountability, and better financial management.

When a state fails for too long, state reconfiguration is key. Central government has been the prime mover and shaker of development for 33 years. The results of this arrangement need no mention – unemployment, poor public service provision, lawlessness, increasing poverty, dilapidated infrastructure, and corruption in government corridors (Barclay, 2010⁴⁶). This necessitated time to rethink and change, moving from a 'one central government' doing everything to 'several local governments' performing devolved functions. This approach is premised on the assumption of matching functions with capacity and effective delivery of services to the citizens.

Necessity is the mother of invention. Zimbabwe has been subjected to a crisis for so long largely because of an intransigent authoritarian and anti-developmental Zanu-PF central government (Bracking, 2005⁴⁷). The central government has too much power and delivers virtually nothing. Too much powers conferred to the President in the Lancaster House Constitution is at the heart of Zimbabwe's constitutional crisis and this was imperative to be addressed during the Constitution-making process (Lenington, 2012⁴⁸). Resultantly, devolution became a non-negotiable theme in the Constitution as a remedy to a centralised state.

Local development projects require large amounts of resources as well as proper management. Over the last three decades we have seen local infrastructure projects failing due to either inefficient

⁴³ UNDP. 2008. *Comprehensive Economic Recovery in Zimbabwe: A Discussion Document*. Harare: UNDP Zimbabwe.

⁴⁴ Pemberton, S and Lloyd, G. 2008. Devolution, Community Planning and Institutional Decongestion?, *Local Government Studies*, 34:4, 437-451.

⁴⁵ Green, D. 2013. *From Poverty to Power: How Active Citizens and Effective States Can Change the World. Second Edition*. Johannesburg: Jacana Media, Practical Action Publishing and Oxfam International.

⁴⁶ Barclay, P. 2010. *Zimbabwe: Years of Hope and Despair*. London: Bloomsbury.

⁴⁷ Bracking, S. 2005. Development Denied: Autocratic Militarism in Post-Election Zimbabwe. *Review of African Political Economy*, Vol. 32, No. 104/105, Oiling the Wheels of Imperialism (Jun. - Sep., 2005), pp. 341-357.

⁴⁸ Lenington, G. 2012. Reflections on the Significance of the Constitution. In Masunungure, E.V and Shumba, J.M. (eds). 2012. *Zimbabwe: Mired in Transition*. Harare: IDAZIM and Weaver Press.

utilisation of resources or limited resources from the treasury. Local resource mobilisation is an important artefact of devolution. In this regard, local projects do not only rely on central government funds but also get resources from local sources.

Local development initiatives normally lack adequate funding and resources from the centre. This has often resulted in programmes and projects being dumped before completion negatively affecting local beneficiaries. Thus devolution results in local resource mobilization by local institutions which are noble in terms of accountability to the local population. Local infrastructure rehabilitation and better service provision can translate into immediate results of local resource mobilisation. Consequently, local socio-economic and human development can be facilitated by local self-governments.

Advocates of devolution arguments were also premised on financial management. Central government programmes directed at the centre suffer from lack of transparency and accountability largely due to administration distances and bureaucracy. If these programmes are directed at local level, chances are high that accountability and transparency will increase as local people are able to question progress on programmes and activities (Martinussen, 1997⁴⁹). Central government seems too detached from the needs and demands of the local people while local governments are in sync with local realities. Planning at a devolved tier is more development oriented as compared to planning for political survival at central government level.

Broadening Participation and democracy

Transfer of power and authority to local institutions is critical in fostering people participation in the formulation and implementation of development plans, and the overall development work. Democracy has been under severe threat in Zimbabwe as the 'liberators have become the oppressors' (MacLean, 2002⁵⁰). Devolution was therefore seen as a vehicle to liberate and democratise both the state and the development process. Following this argument, development plans speak well to local development needs and priorities reducing the incidence of white elephants.

The GPA points out constitutional reform as one of the fundamental milestones of the inclusive government. The GPA identifies the New Constitution as a way of deepening democratic values and principles and active citizenship. The principle of subsidiarity that is; state organs at the very local level are better able to manage and deliver services as compared to higher levels of government would form a key feature of the New Constitution. Devolution is a vehicle for democratization (Kersting, 2010⁵¹). Democratization is achieved through active citizens using their rights to improve the quality of life or civic life through involvement in formal economy or formal politics, or collective action to make people's voice heard than before (Green, 2013⁵²). In principle, devolution is viewed as a way of reducing a democratic deficit in a state (Ashworth et al., 2001⁵³).

Three constitutional drafts (Kariba Draft, the Law Society of Zimbabwe Model Constitution, and COPAC draft) sought to implement devolution as a vehicle 'to enhance participation and accountability by increasing local government in decision making at national, provincial and local

⁴⁹ Martinussen, J. 1997. *Society, State and Market: A Guide to Competing Theories of Development*. London: Zed Books Ltd.

⁵⁰ MacLean, J.S. 2002. Mugabe at war: the political economy of conflict in Zimbabwe. *Third World Quarterly*, Vol 23, No 3, pp 513–528, 2002.

⁵¹ Kersting, N. 2010. (ed). *Constitution in Transition: Academic Inputs for a New Constitution*. Harare: Freidrich-Ebert-Stiftung.

⁵² Green, D. 2013. *From Poverty to Power: How Active Citizens and Effective States Can Change the World. Second Edition*. Johannesburg: Jacana Media, Practical Action Publishing and Oxfam International.

⁵³ Ashworth, E. R., Boyne, A. G, and Walker, M. R. 2001. Reducing the Democratic Deficit? Devolution and the Accountability of Public Organisations in Wales. *Public Policy and Administration* 2001 16: 1.

levels' (Sims, 2013⁵⁴). Government programs perform better when they make use of potential users and local social capital. Why is this so? Implementation is easy; chances of program sustainability are high as well as enhanced feedback to government agencies. Devolution entails development programs implemented and managed at the very local level, where development is needed most. Local dynamics and not the centre dictate the pace of development programming in a devolved state.

Devolution brings with it constructive popular participation in decision making, plan formulation and development work. Participation by the local people has brought immense benefits in housing projects in Port Elizabeth, South Africa; forest management in Gujarat state, India; water borne sanitation systems in Recife, Brazil among others (Muchadenyika, 2012⁵⁵). Zimbabwe does not need to look abroad for working examples of participatory development at work – the Zimbabwe Homeless People's Federation; a Community Based Organisation offers a very close and practical approach. The federation has transformed thousands of lives using people's participation as an anchor of housing development.

The representation of marginalized groups was topical in the devolution debate. Devolution increases incidences of participatory planning in the implementation of development programmes. In this way, marginalized groups, women and youth can actively and meaningfully participate, decide and lobby for their interests. For example, India and Pakistan reserves seats for women and marginalized groups in devolved local governments (Yilmaz et al, 2008⁵⁶).

Most government directed infrastructure programs suffer premature death (World Bank, 2011⁵⁷) due to corruption in public infrastructure entities (MEPIP, 2011⁵⁸). Dysfunctional boreholes, unused gardens, collapsing fowl runs, deteriorating pig sties, are manifestations due to failure by initiators to embrace local participation. Citizens have witnessed central government projects, to say the least only working for a 'day' when top government officials commission the projects. Therefore, devolution is a strategy that fosters local ownership of development projects. Once local people have a sense of ownership to the project, they fight for the project survival and success.

A new thrust to policy making, which includes all concerned actors, is common in devolved structures. Civil society, business, communities, and state institutions can interact at the very local level making decisions in line with local conditions. Why would someone sitting in an office along Samora Machel⁵⁹ make decisions that have an impact to a villager in Buhera, Binga, Dande? It defies logic, and therefore development decisions should be made at local structures, if they are local in nature.

⁵⁴ Sims, M. B. March 2013. *Conceptualising Local Government: Local Perceptions on Devolution and Participation in Zimbabwe*. Idasa.

⁵⁵ Muchadenyika, D. 2012. *Devolution: Bringing Government closer to the people*. Daily News 23 September, 2012. Available at: <http://www.dailynews.co.zw/articles/2012/09/23/devolution-bringing-govt-closer-to-the-people>

⁵⁶ Yilmaz, S., Beris, Y and Serrano-Berthet, R. 2008. *Local Government Discretion and Accountability: A Diagnostic Framework for Local Governance*. Social Development Papers Local Governance & Accountability Series Paper No. 113 / July 2008. The World Bank: Social Development.

⁵⁷ World Bank, 2011. *Zimbabwe Multi-Sector Mission in Support to Planning and Implementation of the 2012 Capital Budget*. Harare September 26 to October 21, 2011. Poverty Reduction and Economic Management (AFTPI). November 10, 2011.

⁵⁸ Ministry of Economic Planning and Investment Promotion, 2011. *Zimbabwe: Medium Term Plan (2011-15)*. Harare: Printflow.

⁵⁹ Street in Harare, Zimbabwe.

Voice to the people and stability

Zanu-PF's patriotic rhetoric has been used to consolidate its power and extend its access to resources (Kriger, 2006⁶⁰) and driving the majority of Zimbabweans into abject poverty. National resources are privatised by Zanu-PF and its supporters. Moreover, power and resources are accessed through violent and primitive accumulation (Moore, 2012⁶¹). Mired in poverty and with little or no access to both state economic, natural and political resources, devolution became a tool of empowerment. Linking empowerment and devolution leads to what David Miliband coined Double Devolution. He argued that for a stronger framework of opportunities and responsibilities beyond the Town Hall for people to express their rights and the empowerment of local government and local people to find their own solutions (Jordan, 2007⁶²).

Zimbabwe's policy making process is elitist, side-lining the majority of citizens who enjoy and / or suffer the policy outcomes. The country has been captured under the 'discourse and destructive party accumulation project of Zanu-PF' (Raftopoulos, 2010⁶³). Devolution brings public debate about policy making to the people. People debate and decide on the course of action to take. Public confidence and trust in the state increase. The incidence of violence and instability declines. Citizen charters in Malaysia and client surveys in Nicaragua, India and Tanzania have shown options for tapping the previously untapped voices of the people (Nelson, 2007⁶⁴).

Organising the voice of locals through community organisations is essential for building a critical mass of community voice and sustained peace. Genuine organisations representing communities on policy making bodies is an important first step in articulating citizen interests in public policy making. If citizen participation is thwarted and their interests are not articulated in national policy making processes, resentment and civil unrest take effect (Green, 2013⁶⁵). Devolved government units work closely with formal and informal organisations representing the people. This approach integrates the society and fosters peace and stability. Devolved governments create opportunities for devolved governments to devise governance arrangements tailor-made to respond to individual economic and social issues.

Devolution: Main provisions in the Constitution and their Implications.

The Constitution of Zimbabwe recognises and entrenches three tiers of government that is national, provincial and local government. Chapter 14 of the New Constitution provides for Provincial and Local Government. The vision of provincial and local government as outlined in the New Constitution is to preserve national unity, prevent disunity and secessionism; and promote democratic citizen and community participation in government, equitable national resource allocation; and participation of local communities in determination of development priorities

⁶⁰ Kriger, N. 2006. From Patriotic Memories to 'Patriotic History' in Zimbabwe, 1990 – 2005. *Third World Quarterly*, Vol. 27, No. 6, pp 1151 – 1169, 2006.

⁶¹ Moore, D. 2012. Progress, power, and violent accumulation in Zimbabwe, *Journal of Contemporary African Studies*, 30:1, 1-9.

⁶² Jordan, G. 2007. Policy Without Learning: Double Devolution and Abuse of the Deliberative Idea. *Public Policy and Administration* 2007 22: 48.

⁶³ Raftopoulos, B. 2010. The Global Political Agreement as a "passive revolution": Notes on contemporary politics in Zimbabwe. *The Round Table* 99: 705-18.

⁶⁴ Nelson, J. 2007. *Building Linkages for Competitive and Responsible Entrepreneurship: Innovative partnerships to foster small enterprise promote economic growth and reduce poverty in developing countries*. United Nations Industrial Development Organisation (UNIDO) and the Fellows of Harvard College.

⁶⁵ Green, D. 2013. *From Poverty to Power: How Active Citizens and Effective States Can Change the World. Second Edition*. Johannesburg: Jacana Media, Practical Action Publishing and Oxfam International.

(Constitution of Zimbabwe, 2013⁶⁶). Provincial and local government is pursued through devolution of power and responsibilities to lower tiers of government.

The general principles of provincial and local government as outlined in Section 265 of the New Constitution include:

- Ensuring good governance through effectiveness, transparency, accountability and institutional coherence of provincial and local governments,
- Cooperation between tiers of government,
- Avoiding performing functions that encroach in other tiers of government,
- Public welfare security,
- Preservation of peace, national unity, and indivisibility of Zimbabwe,
- Fair and equitable representation of people,
- Co-ordination mechanism between central governments, provincial and metropolitan councils and local authorities to be outlined in an Act of Parliament.

The devolved structures include 8 provincial councils, 2 Metropolitan councils and Urban and rural local authorities. Section 270 of the New Constitution outlines the functions of provincial and metropolitan councils with socio-economic development as the key function. Other functions include:

- Socio-economic development planning and implementation,
- Government programs coordination and implementation,
- Natural resources planning and management,
- Tourism promotion and development,
- Provincial resources Monitoring and Evaluation.

Section 276 outlines the functions of Local Authorities, though not as elaborate as the Constitution provides for an Act of Parliament to establish powers of local authorities. Local authority powers shall include:

- Making by-laws and other regulations for effective local authority administration
- Taxation and revenue raising powers.

Functions assigned to local governments are not stated in entirety in the New Constitution. The COPAC constitution failed to incorporate substantive provisions to specify how the devolution process will work, what structures are to be set up, or how the provincial councils will work (Zimbabwe Lawyers for Human Rights, 2013⁶⁷). Thus devolution to local authorities is not yet a done deal as an Act of Parliament will determine the scope and depth of devolution. Constitutional provisions provide a promising and starting point. How the new government will deal with devolution by enacting an Act of Parliament is still speculative. This largely depends on the composition of the 7th parliament and government.

In the ensuing paragraphs, I discuss the implications of the devolution provisions in the Constitution. These are:

⁶⁶ Government of Zimbabwe. 2013. *Constitution of Zimbabwe*. Harare: Government Printers.

⁶⁷ Zimbabwe Lawyers for Human Rights. 2013. 'An Analysis of the COPAC Final Draft Constitution of 1 February 2013,' SW Radio Africa, Harare. Available at: <http://www.swradioafrica.com/Documents/ZLHR%20Analysis%20of%20COPAC%20Draft%20Constitution%20Feb%202013%20Final.pdf>.

i. *Intergovernmental Affairs Coordination*

The New Constitution of Zimbabwe recognises local authorities (rural and urban), provincial and metropolitan Councils, Parliament (National Assembly and Senate), and central government (executive, Ministries, Government departments etc.). Inevitably, there has to be a coordination mechanism between these state institutions. Thus, government has to decide the nature and location of a specialist agency aimed at facilitating interactions and relations as well as allowing feedback between the mentioned institutions. In executive dominated, Westminster-style parliamentary federations, intergovernmental relations tend to be coordinated by agencies located near the centre of government (Horgan, 2003⁶⁸). The location of the specialist coordination agency is critical so as to reduce friction between different government tiers.

ii. *Meeting Public Expectations*

Frustration with practical problems of devolution may result in calls for recentralisation (Devas and Delay, 2006⁶⁹), necessitating the importance of managing public expectations. It is clear that Zimbabwean citizens have been made to believe that devolution will solve most of the problems facing the country. Thus, there seems to be a crisis of hopes and expectations of what devolution will bring. It becomes critical that devolved tiers manage public expectations and deliver on what they are constitutionally mandated. There are limits to devolution, which should be understood within the realm of public expectations.

iii. *Public Service Considerations*

It is clear that the New Zimbabwean Constitution provides three tiers of government that is central, provincial and local. Following this argument, the question of public service comes into consideration. Does it mean that Zimbabwe is going to have a 'unified' civil service or a disaggregated one (one for central government and one for provincial governments). At least, it is clear that local government will maintain their status in terms of workforce.

iv. *Accountability Incentives*

Devolution requires having incentives that make institutions accountable since there will be different tiers responsible for the provision of various services. An example is making sure that local governments are responsible and accountable to local communities in the provision of basic services i.e. roads, water etc. A mechanism to reprimand each tier if it fails to deliver an appropriate mandate should be in place. One way of promoting accountability is through fostering political accountability in which the electorate has the power to recall failed governments. Engaging in transparent and participatory budgeting processes provides a critical link between communities and governments.

v. *Financial Considerations*

The distribution of funding resources to provincial and local governments is imperative. Shifting the tax base to provincial and local governments (sharing) may be a problem resulting in insufficient funding to devolved governments. Inter-governmental transfers from central to local governments are an important issue for a devolved system to practically work. The share of intergovernmental

⁶⁸ Horgan, W.G. 2003. Devolution and Intergovernmental Relations: The Emergence of Intergovernmental Affairs Agencies. *Public Policy and Administration* 2003 18: 12.

⁶⁹ Devas, N and Delay, S. 2006. Local democracy and the challenges of decentralising the state: An international perspective, *Local Government Studies*, 32:5, 677-695.

transfers in the total revenue of local governments is quite large in countries like Cambodia (100%), Thailand (34%), Indonesia and Philippines (70-80%), and Vietnam (50%) (World Bank, 2005⁷⁰). This form of devolution therefore requires proper intergovernmental transfers or shared taxation mechanism to match decentralisation of functions with finances. Moreover, if lower level structures are staffed by poorly trained and incompetent personnel, the chances of devolution and democratisation failing are high.

vi. *Collaboration and Competition*

Another implication revolves around sharing responsibilities across governments. Sharing fosters competition and comparison, with the better of the two receiving public support. This, if not well managed may lead to instability and intolerance between government tiers in the eyes of citizens.

Conclusion

Devolution is no magic wand to solve all the problems Zimbabwe is confronted with. Rather, it gives a promising starting point when rebuilding a 'collapsed state'. If not carefully planned and executed, it can cause more problems to the nation. To achieve desired outcomes, devolution has to be carefully and thoroughly designed and implemented. In simple terms, there remains unfinished business of devolution. Outside Western Europe, devolution has brought significant developmental gains in India, China and Latin America. In the Zimbabwean case; policy makers should be on the lookout for three setbacks which can occur in the name of devolution. These are; rising inequality, macroeconomic instability and the risk of local capture. The gap between regions may widen and marginalisation according to ethnic origin can spark civil unrest. If devolved governments lack fiscal discipline, government may be forced to bail out. This bailing out may make the government lose grip on the national macroeconomic policy. Local governments may also be captured by local elites with political power. Local elites may pursue their selfish interests at the expense of the ordinary citizens.

The dangers of devolution show the importance of central government in the success of any devolution strategy. The matrix lies on finding a formula to share responsibilities between central government and other tiers of government. The romanticisation of devolution programs for political gain by central government remains a major hindering factor. Politicians view devolution as a threat to their hold on power and thus a program that should be thwarted at all cost.

This paper has argued that devolution is an epitome of achieving people's participation, peace and democracy in the development process leading to more decision making powers transferred to local authorities and provincial governments closer to local communities. Devolution is no magic wand, as there are limits to it. The limits vary from practical implementation to coordination of various development programmes at different tiers of government. A devolved structure with two versus a three tier system dominated the devolution debate. A three tier system finally found its way in the Constitution. The devolution debate was hotly contested, and citizens themselves were not clear on what form of devolution they want but they were clear that devolution was inevitable.

⁷⁰ World Bank. 2005. *East Asia Decentralizes: Making Local Government Work*. World Bank: Washington, DC.

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