

The nexus between Ministerial Interventionism and the performance of Metropolitan Councils in Zimbabwe

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AJoGPL
ISSN: 2789-2298

Vol 1. Issue 2.
pp. 44-52, Dec 2021
<https://ajogpl.kab.ac.ug>

Abstract

This article adopts a heuristic approach to analysing the mixed governance system in Metropolitan Councils in Zimbabwe. While section 5 of the Constitution of Zimbabwe, 2013, espouses a tier system of governance that has central government, metropolitan councils and local authorities, it also allows the Minister to intervene in the affairs of a Metropolitan Council. In this milieu, interventionism and interference bear significantly on how Metropolitan Councils such as Harare and Bulawayo run their affairs. The purpose of this article is to demonstrate that interventionism-interference dichotomy is in most case explained by the fact that the responsible minister belongs to a political party in government, whose party may have few councilors in the Metropolitan Council. Through a qualitative methodology, this study argues that the heuristic model permits for logical analysis of the policy interventions that emanate from the mixed government system of administering Metropolitan Councils. The paper finds that ministerial interventions or central-local government relations hugely affect the performance of Metropolitan Councils. The article recommends that the normative framework entrenched in the Constitution be embossed and that proper reviews of dismissals of Council employees be made lest aspersions be cast on how the mixed government system is weaponised against party rivals.

Key words: Local council performance, Legislative performance, Public administration

Introduction

After independence in 1980, the government of Zimbabwe established a multi-tier government. It emphasized on the formation of the national, provincial and local levels of government in a bid to provide the “grassroots” levels of society with political, social and economic development. The approach was following the African Charter on Decentralization which emphasized on the need for African states to decentralize powers to lower tiers of government. Local authorities were an important aspect of government as they necessitated local debates and paved way for local development. Local authorities were run by elected councilors who the citizens voted to represent their needs as a locality (Machingauta 2010). Historically, the relations between the central government and its local authorities were unproblematic under the dominance of a single dominant political party, the Zimbabwe African National Union- Patriotic Front (ZANU-PF).

ZANU PF was later challenged by the opposition party, the Movement for Democratic Change (MDC) which emerged in the late 1990s and ushered in the colour of multiparty democracy in Zimbabwe. The united MDC won the elections in most urban councils in the year 2000. The governance structure in cities such as Harare City Council has largely been politically altered since 2000, mostly with the MDC dominating council. Hostile relations were evident between the years 2000 to date in terms of the way the central government supervision was administered. Mayor Mudzuri of the MDC party was fired and replaced by Mayor Makwavarara who was a sympathiser of the ZANU-PF party. Central government interventions through ministerial directives were seen through the firing of legally elected councilors by the Minister of Local Government, National Housing and Urban Development (Mukaro 2006). Mukaro (ibid) notes that the MDC national executive resolved to withdraw MDC councilors when Minister Chombo rendered the council ineffective by firing Harare's first elected executive mayor Mudzuri. Similarly, Minister Kasukuwere's cancelation of urban water debts was seen as politically advantageous but had a crippling effect to the council's finances (ibid). The lack of constitutional limitations to curtail the powers of the ministers' power under the Lancaster House Constitution of 1979 and under the 2013 Constitution to this day motivated this research. Against this background Harare Metropolitan should be allowed to appoint an executive mayor who can oversee its mandates efficiently without seemingly patronized ministerial interference.

Statement of the Problem

Ideally, the separation between central government and other tiers of government should lead to effective decision-making in the lower tiers of government. The form of government that is established by the Constitution should also stimulate local development since the Constitution establishes the normative framework that promotes horizontal accountability between or among state institutions. In reality however, the need for ministerial interventions on Council is a matter of great debate and controversy especially where the Minister comes from the ruling party and the local authority or Metropolitan Council is run by opposition councilors. Specifically, the minister may largely be seen to be intervening to interfere with local council autonomy. For the effective performance of the Harare City Council the powers of the minister should be properly curtailed in the existing legislation including the Constitution. This is because the stellar performance of the council and its autonomy can only be achievable with central governments impartial influence.

Literature Review

Various scholars and researchers have written on the implications of ministerial interventions in both urban and rural local authorities. Ministerial interventions were described as central government tools for meddling in local issues (Gumbo 2008). This mechanism was blamed by Jonga (2009) as having traded good governance for political advantages thereby thwarting local freedom, commitment and initiative within councilors, and ultimately disturbing local level performance as seen in 2006, the Zimbabwe National Water Authority (ZINWA) overtook the providence and sewer services as directed by the minister (ibid). Zimbabwean central government-local council relations have been deemed as centralization veiled in decentralization (Nyikadzino and Nhema 2015).

Chigwata (2014) notes that in the old Lancaster constitution, was difficult to establish when it was “*necessary*” or “*desirable*” to suspend a councilor by the president or minister. The Constitution advocates for the establishment of an independent tribunal to handle the firing of the mayors so as to curb unlawful hiring and firing of legally elected officials (ibid). This was seen in the Machetu case the minister suspended Machetu and other councilors on the basis of misconduct, and when the high court exonerated these councilors from the charges and ordered their reinstatement however, the minister still went on to dismiss the said councilors.

Literature shows that ministerial interventions affect the freedom of local discretion on the part of local authorities. Machingauta (2010) notes that the supervisory powers of the minister present a good example of an imbalanced relationship which exists between supervision and local government discretion in Zimbabwe’s multilevel system of government. This leads to the provision of poor goods and services to citizens as was the situation in Chitungwiza in 2005 after the commission set by Minister Chombo was taking money out of the already financially suffering council than solving the problem of incompetent councilors (ibid).

The study also found from literature that ministerial interventions had positive implications as they held councilors accountable for malpractices. Acting mayor Makwarara was labelled in the Gazette (2006) as the ‘most spoilt woman in Zimbabwe’ after misusing council funds for personal use such as DSTV payments according to Pindula (2006).

From a heuristic perspective, Sharma (1995) notes that the Minister of Local, Lands and Housing has the authority to nominate some members in the local authorities which are district councils, town councils as well as in the city councils. Sharma (ibid) further argues that statutory responsibilities of Council in Botswana like those in the Harare City council include primary education, primary health care, roads and rural water supply. Furthermore, the councilors were responsible for social and community development, municipal abattoirs, markets, parks and licensing and it was alluded to as the focal point in central government planning (ibid).

Abidoye (2015) notes that local government relations are usually characterized by reluctant cooperation and competition between levels and arms of government. While Abidoye’s arguments were made with reference to federal and state governments and how they affected revenue allocation and jurisdictional powers between federal and the state government, the same arguments bear significantly to the tier system of governance in Zimbabwe that was alluded to above. Abidoye (ibid) shows that the illegal removal of local government officials elected by the citizens is not unique to the micro environment of Harare Metropolitan Council but is rather a country-specific problem. In Nigeria, about 10 local government chairmen were suspended from the office in Nigeria which in turn led to the suing of 36 governors and their state assemblies (ibid).

Chigwata (2014) notes that ministerial interventions have a stifling effect in terms of local autonomy as far as law-making powers are concerned. He argues that the central government in its supervisory mandate should not encroach into the role of law-making nature which allows councilors to exercise their functions through enabling Acts of Parliament. The same position is aptly captured by the European Committee

on Relationships between the Central and Local authorities (2007), which found that European nations give autonomy to their local authorities. The report reviewed that the dismissal of councilors was only taken into consideration of extreme circumstances (ibid). In the case of Spain for instance, the senate has to approve the dismissal of individuals, thus the decision unlike in the case of Zimbabwe does not lie in the hands of a single person (ibid). In the Netherlands, dismissal of councilors is considered after clear investigations as well as second chances were not strange to offenders (ibid). From the above scholarly work, it was evident that there was no study that focused directly on the minister's play in the HCC.

Methodology

The study used the qualitative research approach to get the data needed to understand the study. Qualitative research according to Pope and Mays (1995) method is development of concepts which helps understand social phenomena in natural (rather than experimental) setting, giving due emphasis to the meaning, experimental and views of the participation.

Research Design

The study used the case study research design where it collected and analyzed data from the Harare city council to try and observe its performance and the interference of ministers over a period of time such that a conclusion could be reached.

Research Instruments

The study deployed explorative and evaluative research instruments to analyze and examine the implications of ministerial interventions in the performance of the council. It relied mostly on the use of desk-top research the study was reliant on secondary sources that are books, council reports, journals, e-journals and available literature on the matter were being explored. The study also focused on key informant interviews in the form of semi-structured interviews. According to USAID (1996), key informant interviews are qualitative in-depth interviews with people who are well informed on a particular topic. As a result, key informants on the subject that is the implications of ministerial interventions in the HCC and their known effects. Such informants could be council workers or even residents in Harare.

Data Analysis

The data collected through documentary research, interviews was analyzed and presented through the data analysis stage. Data analysis according to Leedy (1980) was the range of processes and procedures whereby the researcher moves the data collected into some form of explanation, understandable or interpretation of the people and situations which were being investigated.

Target Population

In this study, the target population constituted of councilors, the citizens affected with the performance of the councilors and the minister and all informants were from the Harare metropolitan.

Sampling procedures

The researcher employed non-probability sampling techniques of snowballing and purposive sampling. Purposive sampling was used because the researcher based it on the characteristic of councilors. The study focused on the heterogeneous purposive sampling that selected a range of cases reported on the handling

of council affairs. This was helpful in providing insight into the study. Snowballing sampling was also used to get information on this study that is an interviewee led the researcher to another source of information to broaden the study.

Findings and Analysis

Major Findings

The major themes that rose were the roles of ministerial directives, dwindling citizen participation, shortcomings of available statutes, ministerial interventions and centre-local relations. The main issues raised by these findings is that the overbearing and over brooding nature of the minister's presence in local affairs has lost its true meaning because of lack of restraint on the minister's power.

Ministerial directives and their impact on the Harare city council.

The research found that ministerial interventions came in the form of administrative and financial forms that eventually had the same effect that is to cripple local authorities in their endeavors to carry out their duties. The amount of time the Minister of local government (MLG) spends meddling in local affairs could be termed as suffocating instead of rearing growth to local affairs. Nyikadzino and Nhema (2015:1) argue that the minister who was supposed to play a strategic role in policy formulation and implementation is involved in the day to day running of municipality leaving little room for councilors and residents to determine their own destiny. Through laws such as the SI (229) of 2018, the president gave the Minister of Local Government unfettered power to determine how various local government affairs are administered. According to an informant interviewed by Nyikadzino and Nhema (2015:7), the major problems of directives were that they were not followed by funding to see them through. An example given was Operation Murambatsvina of 2005 that was followed by operation Garikai, where the funds to demolish and relocate the people were not well accounted for (Chigwata 2014:370). In 2013 then Minister Chombo fired councilor Xavier Vengesai on the basis of misconduct and ordered the council to foot the ten thousand dollar bill incurred by the investigators despite the fact that Council could not afford to do so (Ncube 2013).

Ministerial interventions and their impact to the performance of Harare City council.

An intervention by definition according to Machingauta (2010:144) is supposed to be the next step taken when other supervision mechanisms have failed to fulfill statutory obligations or have failed to bring about the desired outcome. On the surface, the Minister represents the central government when it involves himself with the running of local affairs through the minister in charge of local affairs. While ministerial interventions have sometimes produced positive results such as the exposure of corrupt councilors in Gweru who were fired over dishonesty scandals, Chadenge (2017) notes that such suspensions have been considered to be acts of patronage in the absence of evidence to connect key officials such as mayors. The suspension of Gweru councilors for instance included the mayor of Gweru and in an interview MDC-T spokesperson Munyaradzi Mutandavari described this move by Kasukuwere as a political move by Zanu-PF against the MDC as most suspended councilors belonged to the opposition party.

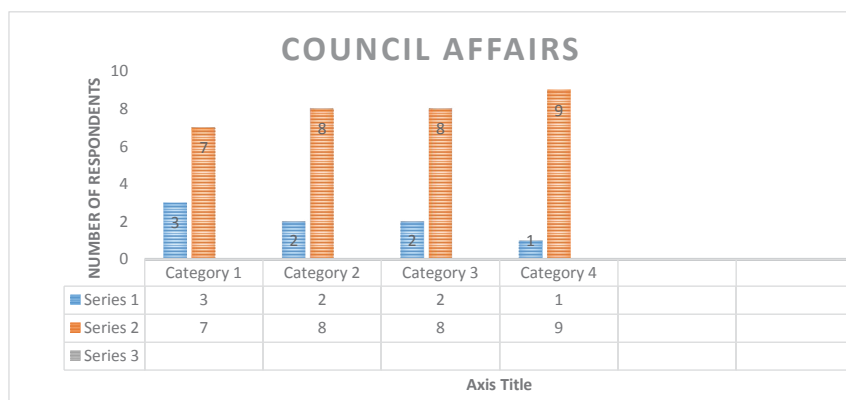
Thus the question that arises is whether ministerial intervention is in fact ministerial interference in Metropolitan Council affairs. As described by the Macmillan dictionary (2007), interference is the act of only getting involved or involving oneself, causing a disturbance.

Such is the criticism given to the minister’s office as being superimposed over the affairs of the local council. The Minister of Local Government’s role is seen to be more of interfering as such stipulations made by the office only stifled local autonomy. Madzivanyika (2011:35) notes that the Urban Councils Act stipulates that urban local authorities can not raise taxes, surcharges or borrow without the guidance of the minister in charge of local government. Recently minister July Moyo was sued by Harare residents for interfering in council affairs for issuing directives that did not benefit the council (Zimeye 2020). It is of great importance to note that the council is embedded with technocrats who are employed for the purpose of the day to day running of the council but, however, they have to await the permission of a politician who could be making judgments based on politics and not for the benefit of the people.

Table 2 Showing how council affairs are disturbed by interference.

The table illustrates the high levels of external influence the council in Harare faces with a percentage of 70% of the respondents agreeing that the levels of outside influence are higher than internal. Also the autonomy of council in category 2 is low with a 20% rate, the levels of citizen participation also staggering low at 20% and lastly in category 4 is the encouragement of initiative that respondents was discouraged by a 90% rate. Thus from the given information, it is clear that the respondents and the researcher agree that the intervention of the minister (central) government was negatively affecting council performance as shown above.

Table 2



Keys:

1. Levels of external influence
2. Autonomy of councilors in conducting their business
3. Local participation in the conduct of council affairs
4. Encouragement of initiative

Blue-Low Orange-High

The table illustrated the respondents and their take on the affairs of council in the Harare city council. Similarly, in Chitungwiza, which was once Harare’s dormitory town, the minister’s interference was seen in the way the minister could at any time ask for council minutes and documents as well as give directions on policy matters, as provided by the UCA Section (313) and (315). The problem extends to rural councils and Chigwata (2014) notes that in rural local authorities, the minister had the power to determine the circumstances which a resolution of the council could be altered single handedly thus this overpowers the mandate of council and as a result interferes autonomy at great length.

Center-local relations and how they affect the Harare city council.

Centre-local relations were found in the study to be a catalyst to the performance of the council. Poor center-local relations affected the councils performance. Olowu (2003) argues that the major challenge facing decentralization in Africa is that national leaders fear that the transfer of power to local levels represents a zero-sum game in which local leaders (who might be politicians in a different party) gain power and resources at their expense. This augurs well with the view that, instead of local authorities being a 'tier' of government, they are merely forced to become extensions of the center (Diphoko and Gumede (2013:1). Diphoko and Gumede (ibid) argue that in Botswana, local authorities were under torturous control of the Central government which in turn compromised service delivery. In this milieu, Fjeldstat's (2001) argues that the central government often creates more problems rather than solutions. This research found without a doubt that the strained relations of the central government especially through the Minister emasculate the performance of the council. Mayor Manyenyeni was suspended by the Minister but the Minister failed to constitute a tribunal as contemplated by the Constitution. When the mayor was re-suspended on the same allegations, he successfully challenged the Minister's decision. The suspension of Mayors such as Gomba on allegations of corruption however created responses where opposition political parties appointed a replacement, Jacob Mafume. Similarly, while Council appointed James Mushore as town clerk, he got to be paid by Council although he was not allowed to perform his clerical duties. As such, central government should allow Metropolitan Councils to oil their operations by appointing candidates on merit as was done to Mushore.

Dwindling Citizen Participation and how it affects the performance of council.

This study found from documentary review that because of the unexplained firing of elected officials and the appointment of Central government favoured individuals most citizens felt as if the main mandate of the council to realize the affairs of their communities had been snatched from them. Nyikadzino and Nhema (2015) note that high ministerial intervention was stifling residents' participation in council affairs which they said disturbed consultation and creativity as council affairs were meant to benefit the councilors as well as the citizens. Most citizens generally were of the view that it was pointless if grass root concerns were ignored especially in cases where council affairs were being mishandled as was the case in the Chitungwiza council (Ndawana 2018). Further a series of problems arose from ministerial interventions which in the end seem like cat and mice games between council members for example Councilor Tendai Saimoni of the MDC-T in Chitungwiza was suspended by Minister Kasukuwere only to be exonerated of charges (Masaka 2016).

Shortcomings of Statutory framework guiding decentralisation and the role it plays in the performance of council.

The study discovered that the biggest shortfall in terms of a performing council stemmed from half-baked statutory Acts that governed affairs of local government autonomy. All available statutes do not have effective measures to promote decentralization. Decentralization in the form of delegation, de-concentration and devolution which is now constitutionally enshrined in chapter 14 of the Constitution has not been implemented and may remain a white elephant in this era of polarised politics.

Conclusion

From the foregoing analysis, this study notes that the minister's intervention represents the dangers of allowing executive excesses in the administration of Metropolitan Councils. The Harare Metropolitan Council has its executive mayors suspended in a manner that electrocuted the administration of council. Most of the dismissals created the impression that good governance was sacrificed at the altar of political expedience if regard is made to the political appointments or decisions such as holistic debt forgiveness that stifled council finances. The study also found that it is essential to adopt a continental cleansing approach to dealing with mixed governance problems as African countries discussed show how political interests are at the forefront of enfeebling the performance of lower tier council instead of embossing multi-level governance.

Recommendations

Alignment of statutes to the constitution

Laws such as the Urban Councils Act and Rural District Council Act which give the minister power to suspend councilors and mayors must be aligned with the Constitution which requires the setting up of tribunal to do so. It has been seen in the Minister's failure to prosecute suspended mayors such as former Harare Mayor Gabriel Manyenyeni that suspensions may be abused and alignment may go a long way in curbing the politicisation of suspensions.

Further alignment should also decisively deal with the granting of unfettered power to the Minister who is at large to ask for records and minutes of council and this takes away the autonomy and the free performance of the council.

Fiscal autonomy

The study recommends that Metropolitan Councils would be given the full autonomy to draft and propose their budget to the Minister of finance and be allowed to collect and set charges and surcharges of those services legally under their jurisdiction. This will alleviate bureaucratic challenges that short-circuit Metropolitan administration without the intervention of the minister.

- Council should be allowed to appoint key officials on merit as it had done in the James Mushore case.
- Council's executive mayors must also be dismissed or suspended after due process has been followed, including the gathering of enough evidence to sustain charges. Had this been followed in the Manyenyeni case, the Minister would not have resorted to after-the-fact decisions when he re-suspended Manyenyeni after failing to prosecute his case when he was initially suspended.

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