

Devolution of power and effective governance

The Zimbabwean constitutional debate

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ABSTRACT

During the constitutional outreach programme conducted by the Government of Zimbabwe to determine people's views on what should be included in the new Constitution of Zimbabwe, the issue of the devolution of power came out very strongly, prompting a heated debate on the subject. This article discusses the prospects of the devolution of power in Zimbabwe. The merits and demerits of devolution have been scrutinised while views from both proponents and anti-proponents of devolution have been analysed and contextualised. While proponents of devolution view it as a panacea for inefficiency and poor public service delivery, its critics believe that devolution is a threat to unity and it is not ideal for Zimbabwe. Relevant literature, views from political parties, civil society and ordinary citizens on devolution were also considered. A brief comparison with the Kenyan case was made to draw lessons from the Kenyan experience. The findings of the research reflect that most provinces were in favour of devolution. With public participation being one of the pillars of democracy and good governance, the people's views and contributions must be considered in order to promote democracy.

INTRODUCTION

The debate on the devolution of power was a hot and contentious one throughout the drafting of the new Constitution to an extent that it almost derailed the conclusion of the constitution making process. The debate became highly politicised such that none of the political parties in the inclusive Government was willing to compromise its position on the devolution of power. Unfortunately the concept of devolution became a controversial issue when the people of Zimbabwe had already expressed their desire for it during a constitutional outreach programme conducted by a Constitutional Parliamentary Select Committee (COPAC). The outreach programme was introduced to gather the people's views on what should be included in the country's new Constitution.



Of the ten provinces of Zimbabwe, six provinces indicated that they wanted devolution of power included in the country's new Constitution. One wonders why there was intense debate on devolution when the citizenry had already expressed their preferences. A democratic society must take the views of its people seriously because ultimately they are the consumers of the public goods and services offered. Proponents of devolution argue that devolution improves public service delivery and it enhances good governance through accountability and transparency.

Those against the devolution of power argue that it has the potential to divide the people. This has given rise to serious misgivings and scepticism among those against devolution. Their fear is that devolution would eventually destroy the fabric that unites the Zimbabwean people. This article assesses the merits of the arguments for and against devolution in order to ascertain its relevance to Zimbabwe. Data from which recommendations and conclusions were drawn was collected through the perusal of documents. Newspaper articles also provided further insights into the suitability of devolution to the Zimbabwean situation.

DEVOLUTION THEORY

The meaning of devolution has been the focal point in the Zimbabwe constitutional debate. Available literature points to the fact that devolution has been defined in many ways with its meaning varying across states and time. "The concept of devolution has evolved over time and in the process has undergone changes in terminology and meaning" (Jacobs and Chavhunduka 2003:2). In their paper presented at the 2012 International Conference on Public Administration, Mukonza and Chakauya (2012:101) define devolution as "a form of decentralisation through which authority to formulate policies in selected areas of public policy is conferred to elected sub-national levels of government."

Devolution ensures equitable distribution of resources hence the assumption that if adopted it will enable local residents to make relevant and accurate decisions regarding priorities for their own areas. Chigwenya (2010:2) defines devolution as the transfer of administrative and political powers from central government to lower tiers. The lower tiers become semi-autonomous, but they have decision-making powers. According to Onyango, Cheluget, Akello, Okari and Keraro (2012:705), devolution makes democracy stronger by giving people more say in matters relating to their local areas. It allows local authorities to exercise discretionary powers when making decisions on matters that affect local communities. In simple terms devolution of power is perceived as the transfer of authority for decision making from central to local government (Mukonza and Chakauya 2012:101). Nyanjom (2011) in *Constitution Working Paper*, Number 4, describes devolution as one among several forms of decentralisation, which is a characteristic of all governments globally while decentralisation as a governance tool, is based on the principle of subsidiarity which assigns specific functions hitherto conducted by central government to the lowest feasible sub-centres. According to Jacobs and Chavhunduka (2003:3), "compared to deconcentration and delegation, devolution can provide for better problem-solving capacity, which takes into account local knowledge and conditions."

Cascon-Pereira, Valverde and Ryan (2006:130) observe that even though the concept of devolution seems to be fairly straight-forward, there are instances of confusion between

decentralisation and devolution. The limits of the two concepts are often blurred hence the need for a common and shared meaning of devolution becomes paramount. The distinction between decentralisation and devolution is that the former refers to changes in departmental structures while the latter refers to changes in the allocation of authority (Kinnie 1990). It is therefore important to note that although devolution tends to be preceded or given at the same time as decentralisation, decentralisation does not always result in the devolution of responsibilities to local authorities (Cascon-Pereira *et al.* 2006:131). Mufaro Pasipanodya defines devolution as “the transfer of power to sub-national units, provinces and local authorities, so as to give them autonomous discretionary decision-making power within their geographical areas of jurisdiction” (*The Chronicle* 23 July 2012). The Zimbabwean Minister of Local Government, Public Works and National Housing, Dr Ignatius Chombo concurs that there are blurred limits between decentralisation and devolution which often confuse people. He pointed out that “While devolution refers to the statutory granting of powers from central government of a sovereign state to sub-national levels, decentralisation is the transfer of power from central to lower levels in a political, administrative and territorial hierarchy” (*The Chronicle* 7 March 2012).

BACKGROUND TO THE DEBATE

A brief historical background of Zimbabwe is necessary in order to have an appreciation of why the constitutional debate on devolution had to emerge now, several years after the attainment of independence. The debate was prompted by the rewriting of the national Constitution which the people expected to contain all the tenets of a democratic society. Formerly a British colony, Zimbabwe became independent on 18 April 1980. From 1980 to the present Zimbabwe has been using the Lancaster House Constitution (a product of the 1979 Lancaster House Agreement). In order to end the protracted liberation war, the British government invited the warring parties to the negotiation table to discuss ceasefire and the holding of national general elections. A new Constitution was drafted but it was a concessionary document meant to accommodate the divergent views of the warring parties. This is the Constitution that the country has been using since then. Thus it is not a surprise that the Constitution has been amended for a record 19 times in order for it to address emerging demands, cope with current trends and the expansion of the prevailing democratic values which should be enshrined in a national Constitution. The incorporation of more democratic values and norms made more amendments inevitable.

The formation of an inclusive Government in February 2009 made the drafting of a new Constitution to replace the 1979 heavily amended Constitution become more important and urgent than before. The 2008 harmonised general elections failed to produce a clear winner as stipulated in the Constitution. A run-off between the two leading candidates again failed to produce a legitimate presidential winner. The only acceptable solution to the leadership crisis was power-sharing pending the holding of new, free, fair and credible elections. The idea was mooted by the Southern African Development Community (SADC) and had the blessings of the African Union (AU). What is important to note is that power-sharing was only a temporary arrangement with a specific timeframe. The roadmap leading to the holding of the general elections included *inter alia* the writing of a people driven Constitution. It is



against this background that COPAC conducted the constitutional outreach programme to compile a list of values and norms the people of Zimbabwe wanted included in the new and democratic Constitution. It was however, alleged that some people were being coached on what to say at the public meetings. Minister Chombo noted that the constitution making process had stimulated debate on devolution but to some extent the debate had become debased, distorted, misleading and deeply polarising (*The Chronicle* 7 March 2012). It can be argued that despite these allegations the people of Zimbabwe had an input on the new Constitution and more importantly an attempt to discard their views impinges on democracy. The decision to adopt devolution and have it enshrined in the country's Constitution must be informed by the views of the people gathered during the country-wide constitutional outreach programme and a thorough analysis of the merits and demerits of devolution. People know what hinders effective public service delivery and what constitutes effective governance.

RATIONALE FOR DEVOLUTION

The Lancaster House Constitution has been in operation long enough to detect the weaknesses inherent in this concessionary document. It was evident that it was not democratic enough to allow full public participation in their areas of interest. Proponents of devolution assert that devolution is a democratic and accountable exercise of power which involves *inter alia* decentralising administrative state organs for the good of all communities. What was enshrined in the 1979 Lancaster House Constitution was a centralised approach to development. Local communities had no direct say on issues that affect them hence development in some areas lagged behind. Decisions coming from central government were not cascaded to local authorities in time due to bureaucratic red tape. At times such decisions were hardly in line with regional priorities. Devolution recognises the right and potential of local communities to self-management. It fosters local development and national unity through acceptance of diversity. It promotes equitable distribution of resources at the same time ensuring that there are stringent checks and balances.

Unequal regional development in Zimbabwe unfortunately took a political dimension in which some regions claimed that they were being deliberately overshadowed by other regions on tribal grounds; a development that could have been avoided if there was devolution of power. One of the objectives of devolution is to protect and promote the democratic rights and interests of the minority and marginalised members of the community. Local authorities could initiate unique development plans relevant to their regions taking into account their unique challenges, opportunities and regional priorities. It can therefore be argued that devolution stimulates socio-economic development.

According to media reports six out of the ten provinces expressed support for the devolution of power proving wrong those who had thought that only provinces from Matabeleland were in favour of devolution. The outcome of the COPAC organised public hearings proved that devolution was not a regional issue but a national concern. It resonates well with most of the provinces of Zimbabwe. Regrettably those against devolution quickly dismissed it as a secessionist ploy by the people of Matabeleland to break away from central government. The people of Zimbabwe wanted power transferred from central government

to local authorities. To them devolution of power improves the overall performance of provincial and local authorities. The platform provided by the COPAC led constitutional public hearings came at the right time.

Devolution of power entails *inter alia* democracy and accountability. Thus with devolution local communities would actively participate in agenda setting and decision-making. Local communities would make decisions on issues that affect them. Such participation and prioritisation of developmental activities would go a long way in promoting social and economic development. Devolution of power underscores the need for transparency in governance matters. It cultivates a sense of ownership among the local people, enhances active public participation and promotes unparalleled commitment to localised developmental issues. Centralised governance is bureaucratic and has limitations when it comes to efficiency, accountability and transparency hence the people of Zimbabwe across the different provinces advocated for the transfer of power, authority and responsibilities to local authorities. According to Mitchinson (2003:241), central government needs to “resist the temptation to over-supervise, and intervene only sparingly.” Local people have their priorities peculiar to their own people and they alone know what their needs are at any given time. Put differently, devolution gives powers of self-governance to local people and enhances their participation in the functions of the state. Devolution improves access by local communities to local government functions. According to Kettl (2000:495), not all problems require the attention of central government. “Some problems, like welfare reform, are better suited to devolved systems.” Thus the rationale for devolution is to promote good and responsive governance through empowering each community to identify and administer its own needs and developmental projects.

ARGUMENTS FOR AND AGAINST DEVOLUTION

The debate on the devolution of power revolved mainly around the merits and demerits of devolving power to local communities. It is important to note at this juncture that devolution of power is not entirely a new phenomenon to governance issues in Africa or even beyond. Many countries adopted either partial or full devolution of power in order to improve governance and promote economic growth. Similarly intense debate on devolution is not unique to Zimbabwe. In Kenya there were heated debates before devolution found its way into Kenya’s new Constitution. In the United Kingdom the situation was the same; the debate on the importance and relevance of devolution still rages on. Ironically it is through such intense national debates that the merits and demerits of devolution are scrutinised and contextualised in order to glean its relevance to efficiency, effectiveness and democratic governance.

In Zimbabwe the debate lost objectivity because it became politicised to the extent that proponents of devolution dwelt more on the advantages of devolution while ignoring the demerits of devolving power. Conversely, those against devolution only concentrated on the demerits of devolution without acknowledging its positive contribution to good and effective governance. Regrettably COPAC was split along political lines. Crossing the political divide was not possible. Devolution of power became one of the sticking points which almost crippled the constitution making process. What emerged from the debate was that there



was no shared meaning of devolution as people often confused the term with terms such as *decentralisation*, *decongestion*, *deconcentration* and *delegation*. As already alluded to in this article, devolution of power has its merits and demerits. Some of the major advantages and disadvantages of devolving power have been discussed in the ensuing sections of this article. Nevertheless, it is important to note that the decision to implement devolution of power must be informed by a critical analysis of both merits and demerits of devolution as they apply to a particular country.

Arguments for devolution

Ardent proponents of devolution argue that devolution of power curbs corruption and inefficiency. The fact that resources are distributed to local communities makes it easier for them to manage them in an accountable and transparent manner. Any form of abuse of resources can easily be traced and exposed. In line with the prudent use of public resources strong local institutions have the potential to accelerate economic growth which in turn promotes national development. Morgan (2006:193) asserts that those people who are pro-devolution believe that it carries an *economic dividend*. Service delivery is set to improve if decision-making powers are transferred to the local authorities which are closer to the people. Local authorities are easily accessible and they know the development priorities of their communities. Soon after the implementation of the *Devolution of Power Plan in Bahawalpur in Pakistan*, the district government has given high priority to developmental activities. Various developmental programmes have been introduced in the district of Bahawalpur (Musarrat 2008:2).

Devolution of power enhances public participation in decision-making. The notion of self-governance propels local communities to strive for excellence in their work because devolution of power provides them a greater say on issues of governance. Being active members in the compilation of the developmental agenda make them masters of their own destiny and responsible for their actions; whether good or bad. Devolution, according to Morgan (2000:194), "helps to create conditions for a more accountable and more effective system of governance."

According to its proponents, devolution encourages putting in place checks and balances. The different administrative tiers have a vested interest in the activities of other tiers of government. It has also been argued that devolution of power is a positive step towards democracy. Devolution makes a democracy stronger by giving communities more say in local matters. It allows local communities to make their own decisions on matters that affect them directly (Onyango *et al.* 2012:705). Excessive central government control which has sometimes stalled developmental initiatives can be diluted by transferring some of the powers to local authorities. Bureaucratic procedures will also be reduced through the devolution of powers hence decisions can be made within the shortest possible time. The discretionary powers that will be invested in local authorities would result in a reduction of the consultative process and as a result important decisions can be made expeditiously.

Devolution of power makes local communities the major beneficiaries of their own decisions and resources. It allows local authorities to design and deliver policies that are attuned to their own needs rather than the requirements of central government (Morgan 2006:193-4). Zimbabwe's Communal Areas Management Programme for Indigenous

Resources (CAMPFIRE) has been regarded as one of Africa's most successful contemporary conservation initiatives. It has permitted residents of the surrounding communal lands to share the benefits generated by wild life utilisation on those lands (Murombedzi 1999:287). Employment opportunities will also be created for the local people. Only scarce skills would have to be sourced from outside. It is important to note that for national development to take place first there has to be local development. It is therefore important to promote local development so that it cascades to national development. Government services which are concentrated in Harare, the capital city of Zimbabwe have to spread across the country to other towns and cities to enable local communities to easily access them. For these reasons proponents of devolution argue that devolution of power is feasible and is the panacea for lack of development and poor public service delivery by local authorities.

Arguments against devolution

Anti-devolution proponents argue that devolution of power divides the people along tribal lines given that Zimbabwe's provinces are made up of homogenous societies. According to media reports President Mugabe believes devolution of power divides the country thereby causing disunity among the people of Zimbabwe. Dr Chombo concurs with the President's observations that devolution of power increases ethnic and civil strife. He argues that "loosening central control triggers an inevitable sequence of ever-greater demands for autonomy, ratcheting up the centrifugal pressures of the State" (*The Chronicle* 7 March 2012). If not properly managed devolution of power may encourage regionalism and tribalism which will be an erosion of the benefits of the 1987 Unity Agreement between ZANU PF and PF ZAPU. The signing of the unity accord by ZANU PF and PF ZAPU saw the merging of the two political parties into one political party: ZANU PF.

Those against devolution argue that the centralisation of authority is ideal for Zimbabwe because not all regions have sufficient natural resources to sustain developmental initiatives. Thus with centralised authority it does not matter whether a region is endowed with natural resources or not; all regions will get something through equitable distribution of the scarce resources. Centralised authority, unlike devolution of power, promotes a national outlook anchored on unity and oneness. Resources from across the regions are pooled together and allocated according to needs. Mufaro Pasipanodya, argues that if devolution is to occur in Zimbabwe, it would bring serious effects since the country is united in terms of interdependence in natural resources (*The Chronicle* 23 July 2012). Given the challenge of unequal natural resources it can be argued that devolution of power perpetuates inequality. Regional inequality is a potential source of conflict. Only central government can fairly distribute the scarce resources for the betterment of the entire country. From this premise it can be concluded that devolution does not foster national development. Instead it promotes individualistic tendencies at the expense of national cohesion. Regrettably regions endowed with natural resources may want to retain the resources for their exclusive use. Any attempts by central government to harmonise and rationalise the natural resources will not only be resisted but will also be viewed as interference. Thus devolution of power poses a serious threat to unity and nationhood because it has the potential to tear apart national cohesion.

Central government has the expertise and experience of decision-making such that it can effectively manage national resources. On the one hand local authorities may not have the

requisite skills and competencies required in decision-making, curbing abuse and combating corruption in local authority institutions while on the other hand the transferred powers may tempt local authorities to break away from central government. Under such scenarios central authority may ultimately be lost and the relevancy of central government also wanes. In the event that local communities are given full powers to manage their affairs, central government eventually becomes ineffective and as a result may fail to hold the country together.

Zimbabwe, according to the anti-devolution proponents is only a small unitary State which cannot afford the luxury of an additional administrative tier. The small population of Zimbabwe which is characterised by high unemployment levels has a bearing on the country's tax base. The costs involved in creating new administrative structures at both provincial and local levels would be an unnecessary burden on the already burdened tax payers. Morgan (2006:194) argues that there are equally compelling reasons to think that devolution carries economic costs rather than benefits. The current state of affairs in Zimbabwe does not support devolution of power. Dr Chombo points out that the current high levels of unemployment, political polarisation and poverty may expose the country to external forces opposed to policies that benefit Zimbabweans such as indigenous and economic empowerment and the land reform (*The Chronicle* 7 March 2012). In short anti-devolution proponents argue that devolution of power is not good for Zimbabwe. Instead central government should continue with decentralising its functions without devolving power to enable it to keep the country united.

DEVOLUTION OF POWER IN OTHER COUNTRIES

Many countries in Africa and even Europe have adopted devolution in order to improve the governance of local communities at the same time promoting local developmental initiatives. However, what is devolved and how it is devolved vary considerably depending on individual countries (Cascon-Pereira *et al.* 2006:131). Hope (2000:520) points out that after they had gained independence, many African countries placed much emphasis on building nation-states which resulted in the emergence of highly centralised governments. This approach was generally centralised, bureaucratic and inflexible (Jacobs and Chavhunduka 2003:1). Consequently, the centralisation of authority impacted negatively on efficient public service delivery and good governance prompting the movement towards decentralisation and devolution of power.

According to Jeffery (2006:57), in England, too, there were echoes of devolution as a project of democratic participation. These echoes were however not uniformly resonant across England. Kettl (2000:492) points out that in the United States, the federal government manages most of its domestic programmes through partnerships. In Africa, Kenya, South Africa and Uganda are some of the countries that have introduced devolution as a governance tool and it has not been divisive. It is important though to note that the Kenyan and Zimbabwean experiences are quite similar. In Kenya just like in Zimbabwe, the new Constitution which embraced devolution of power was written under a power-sharing government. Both countries transited into independence with constitutions adopted after Lancaster House talks. Kenya's first attempt on devolution in 1963 was short-lived due to lack of support (Nyanjom 2011:9). In 2010 there was another heated debate before

devolution was finally considered the way to go. Political polarisation was rife just like in the Zimbabwe case. “While support for the 2010 draft Constitution was arguably partisan in certain respects, the fluidity of Kenyan political *camps* has meant that membership of the *camps* was not cast in stone” (*Ibid*). According to Onyango *et al.* (2012:704), optimism about the positive economic effects of devolution was a strong factor in the devolution debate and agitation for the constitutional change in Kenya. The people of Kenya believe that devolution of power to lower units of government enhances transparency and accountability.

RECOMMENDATIONS

If devolution has worked elsewhere in Africa and even beyond, then it should also work in Zimbabwe provided both central and local authorities are committed to the cause. The following recommendations are fundamental and key to the successful implementation of devolution:

- There is need for a sincere and genuine clarification of the meaning and boundaries of devolution. As it stands devolution means different things to different people. Government, civil society and other stakeholders must strive to produce a shared meaning of devolution. There is need for public awareness.
- Central government must avail both managerial and financial resources to local authorities to enable them to exercise the devolved functions competently. In the absence of adequate resources full implementation of devolution becomes problematic.
- Central government should roll out training programmes for administrative staff to enable them to perform the devolved functions in the same way and manner used when the functions were still under the authority of central government. The government must put in place capacity building programmes essential for developing not only competent but also committed staff.
- When the public has been given a platform to express their views on issues of governance, then government is expected to comply with their preferences ungrudgingly.
- Central government must demonstrate political commitment to the full implementation of devolution of power. Otherwise a half backed approach to implementation of devolution would be a recipe for disaster.

CONCLUSION

Despite heated debates on devolution of power, ultimately the views of the majority prevailed over the wishes of the minority. Political parties in the inclusive Government made compromises in order to create a win-win situation which saw the inclusion of some elements of devolution in the new Constitution. What remains to be seen is whether the Government will genuinely transfer power and responsibilities to local communities. Government support is required at the implementation stage. Adopting a policy is one facet and implementing it is another facet. Full implementation of the policy requires *inter alia* political commitment



from Government. The review of the available literature has shown that devolution of power is not only relevant, but also necessary for Zimbabwe. Some countries in the region of Zimbabwe's size have successfully implemented devolution. With the political will, central government can successfully transfer some powers, resources and responsibilities to local authorities. With the prevailing challenges it appears devolution of power is preferable. It is a positive development well supported by ordinary Zimbabweans. Just like in any democracy, the people of Zimbabwe have a right to be heard and to decide on how they should be governed. If devolution worked in some African countries then Zimbabwe should not be an exception. It should be noted that what matters most is the principle and not the size of the country. Thus it can be concluded that devolution of power is a step in the right direction. Liberation wars across the African continent were fought in order to promote democracy and good governance. The Constitution being the supreme law of the land, incoming governments have a constitutional obligation to abide by its provisions. Current and future generations must uphold the norms and values of public participation in local developmental issues. It should be noted that local development translates into national development thus community based development is essential for the achievement of national development.

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