



THE IMPACT OF THE GOVERNMENT'S DECENTRALISATION EFFORTS IN ZIMBABWE: ANALYSIS OF CHAPTER 14 SECTION 264 OF THE CONSTITUTION

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Abstract- Decentralisation has been a critical issue on the Government of Zimbabwe's agenda since attaining independence in the early 1980s. In a unitary state devolution or decentralisation of power stimulates the improvement of effectiveness and efficiency in governance as well as in the delivery of public services, but it can be drawn from this article that there are concerns over the government's implementation efforts apart from the government's several structural reforms, little or no effective power has been decentralised. This article describes Zimbabwe's various decentralisation efforts and effects including fiscal decentralisation, sectoral decentralisation, local political and institutional structures and local economic development and poverty reduction. The paper will also analyse the constitutional provisions stipulated in Chapter 14 Section 264 of the Constitution as well as the dynamics involved in its implementation. A number of conclusions can be drawn from this experience. Firstly, decentralisation is part of a wider process of national political and economic change and cannot be planned independently; moreover, decentralisation for the wrong reasons can be worse than no decentralisation at all and, if the political environment is not right, the problems of decentralisation can be exacerbated by external funding agencies. Secondly, decentralisation must be accompanied by capacity building, and the capacity of local institutions depends to a significant extent on the individuals involved. Thirdly, decentralisation must be seen as a learning process; consequently, despite the relatively little effective decentralisation to date, those involved have learnt valuable lessons.

Index Terms- Decentralisation, Devolution, Local Governance, Section 264 of the Constitution

1. INTRODUCTION

The new constitution of Zimbabwe, which came into effect in 2013, provides for decentralisation of local governance, with the intention of engendering good governance. A constitution is a set of fundamental principles and established precedents according to which a state or organisation is governed. The Government of Zimbabwe defines local government as the creation of participatory and democratically elected structures that can identify with the needs of the people at ordinary level and ensure the translation of those needs into actual provision and maintenance of essential services and infrastructure on a sustainable basis. This article is explicitly focusing on Section 264 of Chapter 14 of the Constitution, which directly addresses the critical, but provocative issue of devolution. Section 264 clearly states that the purposes of devolution of governmental powers and responsibilities to provincial, metropolitan councils and local authorities are to accord powers of local governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions that affect them in accordance to paragraph 1a and ; to promote democratic, transparent, effective, accountable and coherent government; foster and preserve the peace, the indivisibility and national unity of Zimbabwe; to recognise the right of communities to govern their own affairs and to advance their development; to ensure the equitable distribution of

local and national resources; and to transfer resources and powers from the national government so as to establish a firm financial base for each provincial, metropolitan council or local authority. In summary, the main objective of devolution, as set out in the Constitution, is to enhance good governance as well as to empower local communities politically and economically by enhancing their participation in decision-making and promoting the equitable sharing of national and local economic resources. However, apparently there has been dithering and hesitation by the government in implementing these provisions of the Constitution, which then explains the success and the failures of the Zimbabwean decentralisation experience.

Defining Decentralisation- A relatively far-reaching definition of decentralisation is essential to cover the full range of organisational phenomena regarded as decentralisation. According to Rondinelli (1981) it is the transfer of powers to planning, making of decisions and managing of public functions from a higher level of government to any individual, organisation or agency at a lower level to allow governance whilst safeguarding against the abuse of funds and power. However, its main constraint is that it limits attention to territorial, as opposed to functional, decentralisation, thus excluding the transfer of authority from central to peripheral organisations at the same level (for example, from a government department to a parastatal agency). Parsons (1961) considers decentralization as the sharing of a portion of the state's power by the ruling group with other autonomous groups within the jurisdiction of the state. Decentralization (or devolution) involves a shift in how power is held and legitimated. It is linked to a broad process of democratization which then facilitates development. It can be viewed that decentralisation refers the transfer of decision-making power from the higher levels of the same government offices, usually involving smaller offices outside the national capital (Manor, 1999) e.g. the Ministry of Lands, Agriculture and Rural Resettlement has its central office in the capital, Harare, it has transferred decision making power to its Agricultural and Rural Extension (AGRITEX) branch which has also shifted responsibilities to provincial and district officers and administrators across the country.

II. INTERPRETATION OF CHAPTER 14 SECTION 264

Focus in this paper is given to devolution as one of the key fundamental founding values of the Constitution (Sec 3(2)). It is the statutory delegation of powers from the central government of a sovereign state to govern at a subnational level, such as a regional or local level. It is a form of administrative decentralisation. Decentralisation is a public management strategy, but devolution is a political decision with managerial consequences. Decentralisation is often decided top-down and is a strategy for increasing the head-offices' capacity to achieve proposed objectives, but devolution is usually a response to demands for more local or regional autonomy to which government officials in the central government reluctantly accede (Luiz Carlos Bresser-Pereira, 2004).

The section defines the principles of good governance. Section 264(2) explains the objectives of devolution of governmental powers and responsibilities to provincial and metropolitan councils and local authorities. These are to:

- a) give powers of local governance to the people and enhance their participation in the exercise of the powers of the state and in making decisions affecting them;
- b) promote democratic, effective, transparent, accountable and coherent government in Zimbabwe as a whole;

- c) preserve and foster the peace, national unity and indivisibility of Zimbabwe;
- d) recognise the right of communities to manage their own affairs and to further their development;
- e) Ensure the equitable sharing of local and national resources; and
- f) transfer responsibilities and resources from the national government in order to establish a sound financial base for each provincial and metropolitan council and local authority (Constitution of Zimbabwe 2013).

The above objectives guide the process of devolution of governmental powers and responsibilities. The objective in Section 264 is to 'give powers of local governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them' encompasses why devolution of power is necessary. Section 264 clearly envisages the devolution of powers that are relevant to democracy, development and peace to the lower tiers of government. It is also clear that the central government remains in control of what is devolved. While maintaining the unitary nature of the republic, devolution must allow for communities to manage their own affairs, the sharing of local and national resources and the transfer of responsibilities and resources from national government to create sound financial bases for lower levels of government.

In accordance with the above devolution constitutional vision, political power, policy making decisions, resource raising and distribution, as well as administrative and governance responsibilities are meant to be devolved through three tiers of government. These include: (1) the national government; (2) provincial and metropolitan councils; and (3) local authorities (which include urban councils and rural councils). The national government is composed of national Ministers who constitute the Cabinet (the executive arm of government). These Cabinet Ministers are directly elected Members of the National Assembly (MPs), Senators or non-constituency Ministers appointed by the President in terms of the Constitution. The second tier of government – provincial and metropolitan councils – is composed of directly elected and proportional representation public representatives elected using constitutional provisions contained in Chapter 14 (Section 268) (for provincial councils) and Chapter 14 (Section 269) (for metropolitan councils) (Constitution of Zimbabwe, 2013). The third tier of government is that of the local authorities. These are the grassroots level urban councils and rural councils.

Rationale-Section 264(2) (b) of the Constitution requires provincial, metropolitan and local authorities to promote democratic government in Zimbabwe. This implies that all tiers of government should uphold both representative and participatory democracy. The Constitution recognises the importance of citizen participation in political processes that affect the citizens. The Preamble of Chapter 14 of the Constitution, requires devolution of power and responsibilities to lower tiers of government to promote democratic participation in government by 'all' citizens and communities of Zimbabwe. Further, the Preamble stresses the need for devolution to promote the 'participation of local communities in the determination of development priorities within their areas.' The Constitution stresses that the purpose of devolution is for local people to participate in making decisions that affect them, and that should be made possible by the engagement of citizens with local authorities

This Section provides for the transference of power and responsibilities from central government to local government, with the superseding aim of engendering good governance, democratic participation of communities and accountability. According to Chakaipa and Chakunda (2016), the Zimbabwean government constitutionalised local government. It, therefore means that the

sector does not to operate in a delegated capacity that is largely dependent on central government as was the case under previous institutional arrangements, where the local government mandate, though enshrined in law, was vulnerable to variation and continued threat of re-assignment by central government. The Section largely provides for good governance characterised by participation of the citizenry in decision-making, devolution of power and responsibility from central government to local levels, democracy, transparency, accountability, peace and unity, promotion of rights of communities, and development of communities, anchored on equitable sharing of national and local resources. The provisions in this section, thus provide an important bedrock for good governance premised on democracy, popular participation, economic empowerment and equitable distribution of resources. It also provides for effective coordination of activities at both the national and local level.

Notwithstanding the virtues of the provisions of this section, it is weak in its articulation of the obligation of the state to ensure that devolution is implemented, as it does not prescribe a timeframe within which the state should implement devolution. In addition, the fact that this section of the constitution obliges the state to devolve power to provincial and local levels “whenever appropriate” (Section 264.1) weakens its decentralized constitutional power and ensures that the state indeed executes the obligation. The term “appropriate” is vague in this context as what is deemed appropriate can be subjective or debatable and can, therefore, be contestable. Owing to the vagueness of the term, the government can avoid devolution to further its own political interests by simply arguing that devolution is not “appropriate” in a given situation.

Moreover, Section 264 states that governmental powers and responsibilities must be devolved to provincial and metropolitan councils and local authorities, which are competent to carry out those responsibilities efficiently and effectively. The decision to devolve power and responsibility to a local authority is conditioned on the relevant authority’s competence to carry out the responsibilities efficiently and effectively. Again, whether a local authority is competent or incompetent can also be subjective as the section does not stipulate any yardstick that can be used to determine competence or lack thereof. This clause can also be used by the government as a pretext for not implementing devolution in order to deny citizens and political parties democratic space. The section, thus, has fundamental loopholes as it does not sufficiently oblige the state to devolve power to local levels of government.

111.IMPLIMENTATION

Fiscal Decentralisation- Fiscal matters, have proved to be a crucial tumbling block in Zimbabwe’s decentralisation efforts. The tendency has been to decentralise functions without adequate financial resources. For example, development planning was decentralised in the 1980s, but the allocation of development funds remained centralised. Consequently, the main impact of decentralisation was frustration at a sub-national level. Similarly, since the early 1990s, there has been considerable discussion about decentralising a number of central services to local authorities, and again a main obstacle has been failure to agree on how to finance them. Local authorities have insufficient own revenues and, because of the central government’s financial problems, it has been reluctant to give them additional revenue powers or to guarantee sufficient transfers to enable them to perform their functions.

Sectoral Decentralisation- There has been a great deal of talk about sectoral decentralisation in Zimbabwe but very little actual decentralisation of meaningful powers has taken place. Despite attempts by the MLG, the little sectoral decentralisation that has occurred has been on a piecemeal

basis and without adequate financial resources. The main sectors where there has been some decentralisation are primary education, rural water supplies, social welfare/poverty alleviation and wildlife management. There has also been prolonged discussion of decentralisation within the health sector but this has not occurred to date.

Largely, events on the ground have not conformed to Section of 264 of Chapter 14 of the Constitution in Zimbabwe, which provides for devolution, since the government has taken long to implement that section of the constitution. Muchadenyika (2013) and Chatiza (2014), raised skepticism on the progress that devolution has been promoted in the 2013 local government constitutionalisation, very little has been done in terms of implementation of devolution. Juma, Rotich and Mulongo (2014) submit that the prevailing system of a highly centralised state in Zimbabwe has encouraged corruption, autocracy, inefficiency, and exclusion of communities from full participation in their governance. They further argue that claims by the former president of Zimbabwe, Robert Mugabe that devolution is divisive were misleading and false. Manifestly, the Government Zimbabwe has shown unwillingness to implement devolution as it could dilute its power in the face of strong opposition in the form opposition parties, which has been relentlessly posturing as a party poised to take over control since its formation in 1999. Thus, the government is likely to capitalise on the vagueness of the constitutional provisions for devolution to delay its implementation for as long as it can.

The equitable sharing of local and national resources has not been realized. The sorry state of underdevelopment in resource-rich communities became the rallying point for devolution in Zimbabwe. The mineral resources are the main concern by most communities in Zimbabwe. Apart from mineral resources like gold, platinum, diamonds, iron ore, coal or asbestos to mention just a few, communities are also endowed with wildlife, woodlands, water, and sand. Huge profits are realised for instance from hunting concessions and timber logging as examples. The control and benefits from exploitation of such resources should be enjoyed at local level, provincial level and nationally by creating a predetermined ratio of sharing whatever revenue in taxes is received from such activities. Binga's natural resource base provides considerable potential for local economic development, but it is difficult to target it to benefit local people. This is partly because the activities with greatest potential, such as commercial fishing and tourism, require capital, entrepreneurship and technical skills, and thus tend to be dominated by 'outsider' Zimbabweans (both white and black) from other parts of the country. Most indigenous Tonga people remain dependent on small-scale agriculture for which the natural resource base is (due to low and erratic rainfall, poor soils and predatory wild animals) not really suited. Attempts to target development at the local population are also hampered by lack of local control. For example, large parts of the district, including some of the best agricultural areas, are designated as national parks, safari areas and forest reserves, which are managed by central agencies and are not accessible to the local population. The only real powers administered locally are related to land allocation within parts of the district designated as communal and general state land. These powers do enable the council to have some control over the location and form of development, to give priority to enterprises that benefit local people and to raise some additional revenue.

Citizen participation has long been recognised as one of the main components of good governance (Section 264.2a). This is especially true at the local level where it is assumed that increased engagement will create direct routes of accountability with local authorities, thereby improving local public service delivery and generating better local-level policies to tackle poverty. In spite

of this, governance weaknesses at the local level mean citizens in the country have few opportunities to participate in designing the public policies that impact their daily lives. To generate such opportunities, the government has created local citizen participation bodies – local councils – as a mechanism to enable citizen participation in development programmes and policies at the municipal level. However, across the 55+ districts, the country face challenges in promoting effective participation through these local bodies and in ensuring sufficient local political will to guarantee they function well. According to Mapuva J (2015), the government is appositely perceived as being reluctant or unwilling to implement devolution. Further, scholars like Mapuva J (2015) contend that the slow pace at which the implementation of devolution has taken place is attributable to lack of political will to implement the constitutional provision on devolution, culminating in court challenges by people of the western region of Matabeleland.

Sipepa Nkomo, a fickle and capricious opposition politician who recently resigned from active politics, also challenged the government in the Constitutional Court in 2015, claiming that the implementation of the constitutional provision on devolution was overdue and should be activated forthwith (Mapuva, 2015). In his court papers, Sipepa Nkomo, lamented the delay and a lack of political will to implement the provisions of the constitution on devolution (Mapuva, 2015). The lawsuits show that the events on the ground revealed perceived noncompliance with the provisions of the constitution as regards devolution. However, the fact that in both cases the demand for devolution was made by politicians implies that the issue could have been politicised and developed secessionist connotations, which are manifestly against the spirit and letter of Section 264, which seeks to foster and preserve the national unity, peace and indivisibility of Zimbabwe. The secessionist agenda, which Paul Siwela clearly verbalises is contrary to the constitutional ideal of fostering the national unity and indivisibility of Zimbabwe. In this vein, Sibanda (2013) aptly points out that in most cases, the debates on devolution reawakened and accentuated the subdued ethnic conflicts between various sections of the society. Similarly, Nhede (2013) notes that opponents of devolution of power contend that it is potentially divisive, expressing fear that it could ultimately destroy the fabric uniting the people of Zimbabwe. Additionally, the fact that the clamour for devolution incidentally came from Matabeleland shows that it had trappings of tribalism, besides the apparent political connotations. Of course, this can be interpreted as indicating that the region is lagging behind others in the country in terms of development, as has been alleged in many political and academic fora. However, it is patently evident that there are many other regions of the country, which are underdeveloped, but have not demanded devolution. This clearly shows that the demand for devolution is in a way a manifestation of ethnic or tribal dynamics, besides being a legitimate demand for good governance and empowerment of communities. The lawsuits pertaining to the non-implementation of devolution, which could indicate that there is noncompliance with the Constitution by the government, are also very debatable from a legal point of view, considering that Section 264 states that “whenever appropriate”, governmental powers and responsibilities should be devolved to provincial, metropolitan councils and local authorities, which are competent to execute those responsibilities efficiently and effectively. The government can, therefore, plausibly argue that it is currently not “appropriate” to devolve power and responsibility to Matabeleland or any other region, for that matter. From this perspective, the argument that devolution has been delayed, thus, falls away. Alternatively, the government could also argue that the local authorities in question are not competent to carry out the duties and responsibilities attendant to devolution, since Section 264 states that governmental responsibilities and powers must be devolved to provincial and metropolitan councils and local authorities, which are competent to execute those responsibilities

effectively and efficiently. With this argument in mind, the argument that the implementation has been delayed also becomes untenable. From another perspective, these clauses can be taken as a weakness in the Constitution, which can be exploited by the government to rationalise and defend its apparent unwillingness to implement devolution. Mapuva J (2015) observes that devolution of governmental powers and responsibilities seems to rest in the hands of central government, which can consider a region “appropriate”. He further argues that Matabeleland may be found to be “inappropriate” for devolution, in view of the fact that the Mthwakazi quasi-political party has mixed up its political.

1V. IMPROVEMENT IN GOOD GOVERNANCE

The objectives spelt out in Section 264 are quite noble and worth pursuing. If they are achieved their sum total would be realisation of good and effective local governance, which accords citizens and local communities economic and political power, through equitable sharing of national and local economic resources as well as participation in decision-making relative to matters that directly affect their well-being. Inevitably, the implementation of Section 264 of Chapter 14 brings with it the need for institutional reforms at the different tiers of government in order to create institutions that are fit for purpose and aligned with the aspiration of the country’s Constitution. Government policy documents, including the Transitional Stabilisation Programme (TSP) and national budgets have identified devolution as a key pillar to achieving Vision 2030. This will be achieved through empowering of communities to manage their own affairs, through transfer of some governmental authority and responsibilities to Provincial and Metropolitan Councils and Local Authorities (Government of Zimbabwe (2018). Thus, Section 264 is not viewed as an end in itself but a means to an end which enables sustainable and equitable development of Zimbabwe (Zinyama and Chimanikire, 2019).

Mapuva J (2015) notes that, under a devolved system, it is expected that certain aspects of political, administrative and fiscal management powers will be transferred and shared between the central government and the newly constitutionally established provincial/metropolitan. Sharing of aspects of political, administrative and fiscal powers empowers local authorities and, by extension, local communities politically and economically, which is one of the fundamental goals of good governance. In the same vein, Mnyasenga and Mushi (2015) asserts that administrative decentralization of social and economic development, as an antidote to the shortcomings of a centralised system, is an essential condition for social and economic development as well as effective and efficient service delivery.

Conyers (2003) posits that poverty reduction and local economic development are the major objectives of decentralisation in Zimbabwe, adding that decentralisation has been considered as a means of promoting rural development, mainly through enhancement service delivery. It can be argued that the Constitution of Zimbabwe provides all the necessary ingredients for a vibrant local governance system in the country through a devolved system of governance. If properly implemented, devolution has the potential to foster good governance, characterised by democracy, accountability and enhanced participation of citizens in matters and affairs which concern them. Mapuva J (2010) observes that through devolution and decentralisation, central government is able to hand down executive powers to local authorities, thereby bringing decision-making processes to the doorstep of the grassroots people. This view is also buttressed by Jonga (2014) who avers that devolution is important because it gives subnational institutions some form of autonomy in policy formulation and implementation. However, like Mapuva J (2015), argues that despite

adopting the decentralisation policy, the Zimbabwean government has retained dominance of local government and this is a challenge it has failed to overcome. Jonga (2014) argues that lack of effective and efficient institutional structures and political commitment hampers implementation of decentralisation policies and reforms. Mapuva J (2015) argues that proponents of devolution see “good governance” as encompassed in devolution, which they claim yields improved public accountability, environmental sustainability and the empowerment of the poor and vulnerable groups. Likewise, Nhede (2013) observes that proponents of devolution submit that it enhances public service delivery and it improves good governance through enhanced accountability and transparency. Kurebwa (2015) points out that there has been a massive demand for devolution of powers in Zimbabwe, as a mechanism for promoting popular participation in local governance, but while the New Constitution of Zimbabwe entrenches the principle of devolution of powers from the national to the provincial and local governments as a fundamental value, it does not devolve the powers. He further contends that without providing for the powers to be devolved, the essence of devolution of powers is undermined. Besides, the constitution does not clearly outline the exact conditions under which devolution should take place. It simply states that the government must devolve powers and responsibilities to local and provincial levels “whenever appropriate”. This leaves everything to the discretion of the government and as a result there has been perennial delays in implementation, since Section 264 does not provide any mechanism for ensuring that the government implements devolution.

Implementation of devolution policy in Zimbabwe is also seen as a means to deepen democracy through empowering citizens to participate in the design and implementation of local development initiatives. The preamble of Chapter 14 of the Constitution highlights that devolution of power and responsibility to lower tiers of government must preserve national unity; ensure democratic participation in government by all citizens and communities of Zimbabwe; and must ensure equitable allocation of national resources and the participation of local communities in the determination of development priorities within their areas. Chigwata (2019) also observed that devolution should be seen as a necessary vehicle for doing away with the over centralised system of government, deepening democracy, promoting locally driven development, improving the delivery of public services, and promoting national integration and peace while recognising diversity. Adoption of the concept of devolution by government is in itself an acknowledgement of the shortcomings of a centralised system of government that undermines development outcomes, breeds inefficiencies, slows decision making process and overstretches capacity of officials at the centre to deal with local development issues. Thus, devolving powers to capacitated lower tiers of government is expected to speed up decision making processes to achieve better development outcomes. Delegation of decision making on the provision of most basic services to Provincial and Local Authority levels is further expected to improve citizenry participation in setting development agendas as well as improve on transparency and accountability. Devolution will further enhance ownership of local development initiatives, especially where local development plans are derived from broader stakeholder consultations based on a bottom up approach. It was observed from stakeholder consultations that devolved areas should not be given unfunded mandates. A key success factor for devolution is for devolved mandates to be accompanied by adequate budgetary provisioning from the Central Government. Devolving of greater fiscal responsibilities to lower tiers of government will assist them to grow their local economies as they are compelled to design and manage their own budgets as well as set their own development priorities. As noted earlier Government through the 2019 and 2020 fiscal budgets has allocated funds for devolution in line with Section 301(1) (d) of the Constitution. Government has

also directed that these funds will be used for infrastructure development in water, health, education and roads within the local areas. This notwithstanding, national projects will inevitably remain under the purview of the central government.

V. LEGISLATURE

Delays in the alignment of various pieces of local government legislation have engendered delays in the implementation of devolution. As a result, the government is stuck with the centralised approach to local government, which is generally discredited as it does not empower local communities through the equitable sharing of national and local resources and effective participation in decision-making in matters affecting them. This has the net effect of hindering efficiency, effectiveness and accountability in local governance as participation and resource sharing are key to effective governance, since they ensure buy-in of programmes by local communities.

Participation also accords a voice and power to local communities on issues affecting their well-being. Devolution also fosters accountability of the government to the citizenry, which is a crucial ingredient and tenet of good democratic governance. As Mapuva (2015a) points out, the Constitution alludes to some of the pieces of legislation which include, among others, an act of parliament to facilitate the coordination between central government, provincial/metropolitan councils and local authorities an act of parliament to establish and provide for the functions of provincial/metropolitan councils and an act of parliament to establish and confer powers and functions upon local authorities. The Rural District and Urban Councils Acts that requires alignment to the Constitution to provide them with greater autonomy as enshrined by the Constitution. The process of realigning the Rural District and Urban Councils Acts to the Constitution provides an opportunity for thorough review of these Acts to ensure that all areas of potential conflicts are clarified and harmonised.

The Harare Residents Trust (2016) submits that the Ministry of Local Government needs to conduct a comprehensive audit of the local government legislation, without attempting to hurry the process just to respond to a situation. It further contends that the laws that have to be aligned are the Urban Councils Act (Chapter 29.15), the Rural District Councils Act (Chapter 29.13), and the Provincial Councils Administration Act (Chapter 29.), among others, which are directly impacting on local government in Zimbabwe and need to be brought under the Constitution, as the supreme law of the land. Delays in the alignment of the various pieces of legislation with the Constitution have clearly hampered the implementation of devolution, although it is constitutionally provided for. Lack of political will is hindering timeous alignment of these pieces of legislation. This has hampered good governance at the local level, with negative implications for efficiency, effectiveness, transparency and accountability, since the current setup makes it difficult for the citizenry to hold the government to account. Jonga (2014) asserts that lack of efficient and effective institutional structures and political commitment is hampering complete decentralisation of policies and reforms and concludes that Zimbabwe has not been part of the good news as far as efforts to enhance the capacity of local government is concerned. Apparently, the government does not see the immediate political benefits of devolution. However, Muchadenyika (2015) rightly contends that it is question of political will rather than an issue of availability of financial resources. Jonga (2014) aptly notes that Zimbabwe has a very clear decentralisation policy aimed at empowering local authorities and local communities, but due to a number of reasons, which include, inter alia, resistance from public servants, lack of political will,

limited resources and challenged capacities of sub-district structures, it has not been possible to make significant progress in implementing the policy. In the same vein, Wekwete (2016) notes that the biggest challenge since the constitution came into being in 2013, is lack of the political will needed to craft all the necessary legislation to make the new local government system work. He points out that this challenge has come about because the pressure of the power sharing under the GNU, which created the constitution has receded, leaving the ruling party to take its time in implementing the various chapters of the new constitution, including Chapter 14 Section 264. The situation has been aggravated by the fact that Section 264 does not sufficiently compel the government to implement devolution. The impact of the delay in the implementation of devolution has been far-reaching. Non-implementation of devolution undermines realisation of the constitutionally enshrined ideals of transparency, accountability, popular participation in decision-making and equitable distribution of national resources. This means the citizenry is denied its constitutional entitlement to good governance, participation and empowerment through equitable sharing of national and local resources, besides being denied the right to hold the government accountable on issues affecting its well-being

CONCLUSION

The constitutionalisation of devolution by the Government of Zimbabwe was a bold and crucial step towards improving local governance. Devolution of power creates vital opportunities for enhancing efficiency in governance and in the delivery of public services. Chapter 14 Section 264 of the Constitution provides for good democratic governance at the local level through the system of devolution of powers and responsibilities. The system enhances participation of the citizenry in matters germane to their wellbeing. It also provides for economic empowerment of local communities through equitable sharing of national and local resources. In addition, it enhances coordination of central and local government in a manner that fosters the unity and indivisibility of the nation. Sadly, in spite of its strikingly apparent virtues, devolution has not been effectively implemented mainly due to lack of political will. Continued blatant violations of human rights and the ruthless and atrocious military crackdown on unarmed civilian demonstrators and the temporary shutting down of the internet that the country has witnessed lately, clearly attest to the government's unwillingness to open up democratic space. Reluctance to implement devolution and enhance good governance is poignantly starkly consistent with the government's patently demonstrated undemocratic and oppressive tendencies. The other weakness in the section is that it states that the government should effect devolution where the local authority is "competent" to effectively implement it. Competence in this context is also not clearly defined, thus, rendering it a subjective and contestable term, which the government can take advantage of to delay or avoid devolution altogether. The way forward could be amending the constitution to strengthen it so that it adequately compels the government to implement devolution. However, currently this is a Herculean undertaking considering that the ruling party, which is apparently reluctant or unwilling to implement devolution, has the majority in parliament. Notwithstanding this drawback, there is need for opposition political parties and civic organisations and communities to step up pressure on the government to implement devolution in tandem with the constitutional provisions.

REFERENCES

1. Chakaipa, S. and Chakunda, V. (2016). *Local Government Institutions' Readiness to Live the Constitution*, Commonwealth Local Government Forum Southern Africa Region Programme. The Constitution of Zimbabwe 2013 as a basis for local government transformation: A Reflective Analysis.
2. Chatiza, K. and Sithole, A. (2016). *The Preparedness of National Institutions for Devolution in Zimbabwe with respect to Selected Services*, Commonwealth Local Government Forum Southern Africa Region Programme, The Constitution of Zimbabwe 2013 as a basis for local government transformation: A Reflective Analysis.
3. Conyers, D. (2003). *Decentralisation in Zimbabwe: A Local Perspective*. Public Administration and Development, Vol 23, pp. 115–124.
4. Harare Residents Trust (2016). *Position Paper on the New Local Government Amendment Bill*. <http://www.thezimbabwean.co/wp-content/uploads/2016/06/Local-Government-Amendment.pdf>. Accessed on 29 September 2018
5. Jonga, W. (2014). *Local Government System in Zimbabwe and Associated Challenges: Synthesis and Antithesis*. Archives of Business Research, Vol 2, No. 1, pp. 75-98
6. Juma, T.O., Rotich, J.K. and Mulongo, L.S, (2014) *Devolution and Governance Conflicts in Africa: Kenyan Scenario Public Policy and Administration Research*, Vol.4, No.6.
7. Kurebwa, J. (2015). *A Review of Rural Local Government System in Zimbabwe from 1980 to 2014*. Journal of Humanities and Social Science (IOSR-JHSS) Vol 20, No. 2, pp 94-108.
8. Mapuva, J. (2015b). *The Controversies of Devolution in Zimbabwe*, International Journal of Political Science and Development Vol. 3, No. 5, pp. 183-192.
9. Mnyasenga, T.R. and Mushi, E.G. (2015). *Administrative Legal Framework of Central-Local Government Relationship in Mainland Tanzania: Is it Tailored to Enhance Administrative Devolution and Local Autonomy?* International Review of Management and Business Research, Vol. 4, No.3, pp. 931-944.
10. Muchadenyika, D. (2013). *The Inevitable: Devolution in Zimbabwe's Constitution making process*. Paper to be presented at the Conference on Constitution Making in Africa, to be held on 6th September 2013 at the University of Western Cape, Cape Town, South Africa.
11. Muchadenyika, D. (2015). *The Inevitable: Devolution in Zimbabwe – From Constitution-Making to the Future*. In de Visser, J., Steytler, N., Powell, D. And Durojaye, E. (Eds) *Constitution-Building In Africa*. Community Law Centre, University of the Western Cape.
12. Nhede, N. T. (2013). *Devolution of Power and Effective Governance: The Zimbabwean constitutional debate* African Journal of Public Affairs Vol. 6, No. 4, pp.32-42.
13. Rondinelli, D. A., (1981), *"Government decentralization in comparative perspective: theory and practice in developing countries"*, International Review of Administrative Sciences, Vol. 47, pp. 136-145.
14. Sibanda, N. (2013). *The Evolution of Decentralisation Policy in Developing Countries: A policy analysis of devolution in Zimbabwe. A Dissertation Submitted in partial fulfilment of the requirement for the degree of Master of Social Science (Policy and Development Studies)*, in the School of Social Sciences in the College of Humanities at the University of KwaZulu-Natal.

15. UNDP (1999) *Decentralization: A Sampling of Definitions*. Working paper prepared in connection with the Joint UNDP-Government of Germany evaluation of the UNDP role in decentralization and local governance.
16. Wekwete, K. H. (2016). *Constitutionalism and Local Government in Zimbabwe, Commonwealth Local Government Forum Southern Africa Region Programme, The Constitution of Zimbabwe 2013 as a basis for local government transformation: A Reflective Analysis*.
17. Zimbabwe Government. (2013). *Constitution of Zimbabwe*.

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