

Citizen Participation in Zimbabwe's local governance:
Reflecting on state of play and some suggestions

A Discussion Paper

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INTRODUCTION

This paper was developed as a contribution to a joint learning process for the Government of Zimbabwe's local government sector supported by the Embassy of Switzerland. Views expressed in the paper draw on the author's insights and input from two workshops¹ organized under the initiative. The insights shared acknowledge Zimbabwe's rich history of colonial and post-colonial governance reforms. Conceptually, citizen participation is defined in this paper as 'the taking of meaningful and voluntary action in development spaces, structures and processes' (Chatiza 2008:2), which 'can be direct, through local organizations, stakeholder institutions or through elected, appointed and/or traditional, religious and other categories of representatives' (Ibid). Meaningful and voluntary actions of citizens require facilitation by local governance institutions through citizen engagement (CE). Local Authorities or Councils are critical in this regard and their CE functions include:

- i) **Informing** citizens of developments in or actions taken by Council;
- ii) **Gathering** citizens' views before making, as they make and after making decisions, during and after implementing policy or programmatic decisions including but not limited to Council Budgets; and
- iii) **Seeking** citizens' material, financial, technical or other support for and working with them on agreed actions (Chatiza K, 2016).

It is therefore important to observe that citizen participation is not automatic. Both citizens and local governance institutions have a role to play in developing and sustaining it. The institutional environment within which the two interact is framed both locally and nationally, formally and informally. As such, the nature and performance of Zimbabwe's historical and contemporary democratic credentials have a strong bearing on citizen participation.

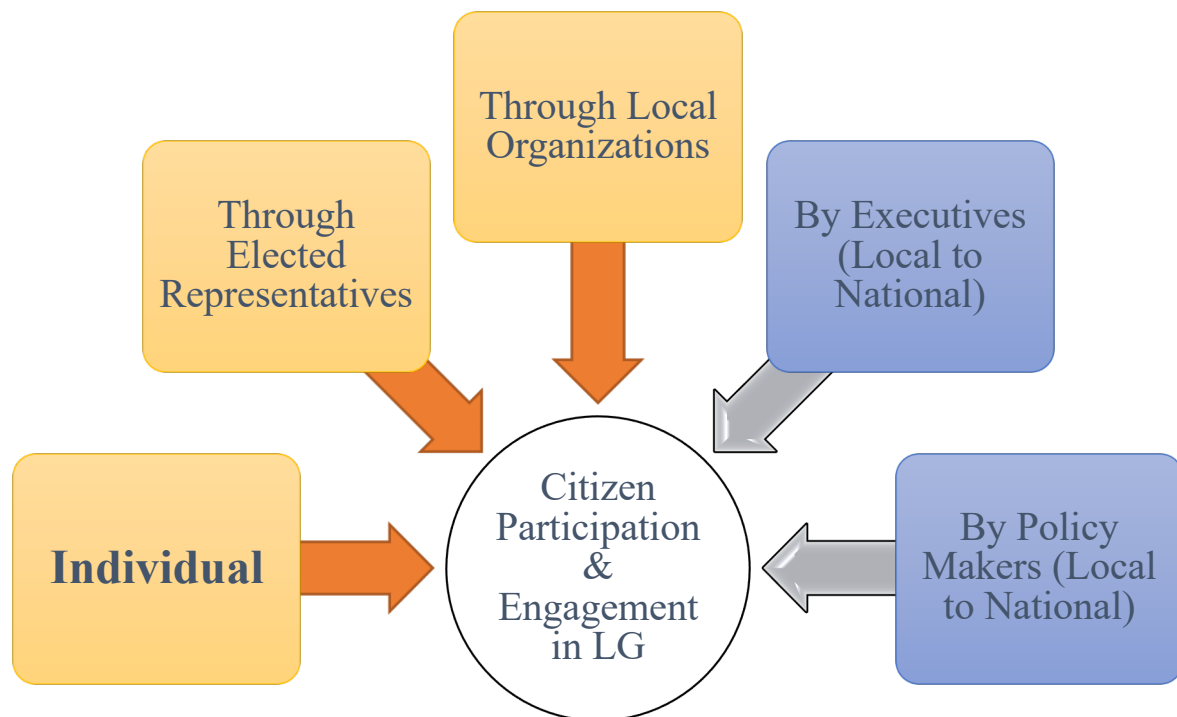
Since independence in 1980 Zimbabwe embarked on local and national governance reforms constructed as being in pursuit of democracy given the country's colonial history of race-based separate development. In local government, these reforms were framed as decentralization. Critical policy instruments over the period include the setting up of one Ministry responsible for local government (rural and urban) from previously separate institutions, the Prime Minister's Directive of 1984 on state structures for citizen participation, development planning and implementation coordination, the one-city concept, amalgamation of rural (former white) and district (communal area) Councils, the national Rural District Councils Capacity Building Programme (RDCCBP) and, among others, the 13 principles of decentralization (Chatiza 2010).

The accumulation of lessons from colonial and post-colonial reforms reflects serious governance deficits across all levels (Chatiza 2010; Matyszack 2010; CCMT 2015; ICG 2011, 2014). In this paper an argument is presented that citizens' taking of meaningful and voluntary action in development spaces, structures and processes has been weak. Similarly local governance institutions' engagement of citizens (informing, seeking views and

¹Two one-and-half day workshops were held in February 2016 (the first in Gweru on the 1st and 2nd and the second in Mutare on the 4th and 5th) at which the paper was presented and participants provided feedback and suggestions

mobilizing citizens' practical support towards agreed actions) has been inadequate. Currently, participation is shallow and non-transformative. It is held back by capacity and accountability deficits amongst many local authorities, the endurance of parent-child inter-governmental relations, central government's inclination towards retaining a deconcentrated governance structure, institutional overlaps and parallels in terms of local governance responsibilities. The paper elaborates these issues highlighting achievements and challenges. It discusses the Constitutional provisions for participation before offering a broad reflection on measures to address current challenges. The paper acknowledges that citizen participation is through multiple media and platforms (see figure below). Inadequate facilitation of participation partly arises from state institutions' refusal to recognize (and at times deliberate frustration of) such diversity.

Figure 1: Participation avenues and 'facilitators'

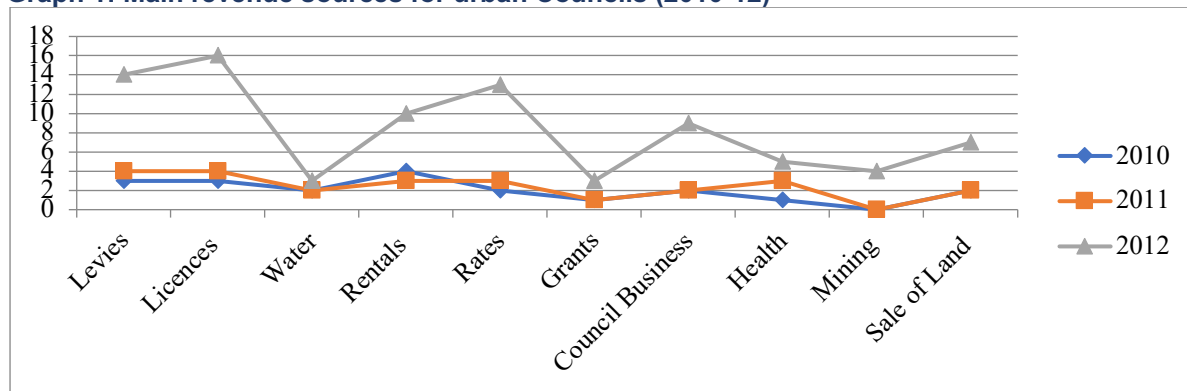


AN ANALYSIS OF THE ACHIEVEMENTS AND CHALLENGES

Local governance participation is through elections, planning and budgeting sessions, consultative forums, public hearings, litigation, activities of civil society organizations and formal structures of local government institutions (Chikerema 2013; CCMT 2015; Chatiza 2008; 2012). The quality of participation has however not been systematically measured. This challenge notwithstanding, there are some achievements to note. These include citizen sustenance of Council operations, policy reforms, creating society-driven institutions, different participation spaces and making the local government electoral field competitive.

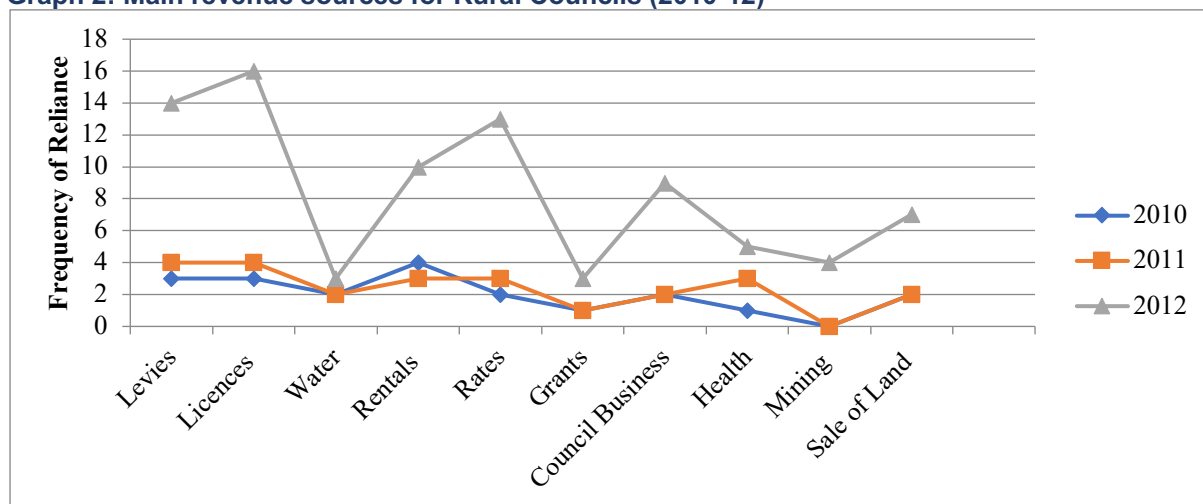
Zimbabwe's Councils depend almost exclusively on locally generated or raised revenue. Central Government grants have been minimal and unpredictable even for previously localized streams e.g. road user fees and vehicle licensing (Chatiza et al 2013a).

Graph 1: Main revenue sources for urban Councils (2010-12)



Source: Chatiza et al (2013a:25)

Graph 2: Main revenue sources for Rural Councils (2010-12)



Source: Chatiza et al (2013a:28)

Challenges experienced with salary payments and actual service delivery reflect failure to optimize revenue collection (Government of Zimbabwe 2014) due to rising poverty and citizens' inability to meet their obligations. The debt write off directive by central government on the eve of the 2013 general elections exacerbated citizens' negative attitudes towards paying for Council services.

Another achievement of citizen participation was seen in efforts towards retention and growth of local government. Civil society has continuously agitated for sector reforms, resisted efforts at demobilizing elected Councils in Harare and was instrumental to the reversal of the government takeover of urban water and sanitation (CHRA 2002, 2007; BPRA 2013). Citizen efforts led to local government Constitutionalization to entrench democracy and protect local institutions from central subjugation. Associations of local governments (Urban Councils Association of Zimbabwe, UCAZ, Association of Rural

District Councils of Zimbabwe, ARDCZ, and though briefly, the Elected Councillors Association of Zimbabwe, ECAZ) have also been instrumental in terms of local government strengthening. Efforts at amalgamatingUCAZ and ARDCZ into the Zimbabwe Local Government Association (ZILGA), while outstanding since 2006 reflect a national acceptance of the value of one forum from a participation perspective. ZILGA is expected to support sector research, development and capacity development.

Success is also seen in the rising number of Residents Associations (Chatiza et al 2013b; Musekiwa and Chatiza 2015). Two associations existed before independence but 14 new ones had been established by 2013 (Musekiwa and Chatiza 2015) with still more being formed. The country now has as many Associations as there are Councils. Major centres (Harare, Bulawayo, Mutare and Gweru) have more than one each. The Residents Associations have structures for citizen participation, document good practices and produce policy briefs (CHRA 2014, BPRA 2013, 2015). Beyond Residents Associations, other civil society organizations providing space for citizen participation include community-based organizations involved in direct service delivery, associations of business persons, churches, traditional authorities and non-governmental development organizations (NGDOs).

Further, there is a growing range of citizen participation mechanisms used by Councils. A recent study of 17 Councils by CLGF (Chatiza, 2016) has shown at least 18 clusters of organized stakeholders that Councils engage. These include organizations of women, young people, farmers and business associations including of informal traders, traditional institutions, state-owned enterprises, religious groupings and platforms of priests/church leaders, groupings of tenants/lodgers, NGOs, special groups (elderly, vulnerable children etc) and, among others, artisanal miners. Individual Councils studied maintain databases of these different groups (Ibid).

The different groups interact with Councils through unique platforms in both rural and urban areas. There are group-based and Council-determined variations in the structures and processes of engagement. What is critical though is the growing flexibility by Councils and at times innovations by communities in setting up mechanisms through which they organize to engage Councils. The study highlights two interdependent drivers that have influenced citizen participation and engagement. One is the financial pressure Councils face in part due to rates/service charge defaulters. Traditional top down approaches like water disconnection appear to have run their course with some citizens successfully challenging such Council actions in the courts (see Farai Mushoriwa versus City of Harare²). Engagement has been considered an alternative with some Councils offering discounts on outstanding bills to boost inflows. The second factor is growing demands for quality services by residents. Below is part of an ever increasing mosaic of citizen engagement tools that are being using.

²HH 195-14, HC 4266/13 <http://www.zimlil.org/files/zm/judgment/HH%20195-14.pdf> (15/02/2016)

Table 1: Citizen participation tools and platforms in Zimbabwe

Voluntary Community Groups	CBP	Issue-Based Task	Departmental Stakeholder Databases
	with 10-30% plough back	Forces & Project Fora	Community- Minuted Meetings
Customer Care Manuals		CALL CENTRES	Complaints Registers
Community Involvement in Client Charters, Strategic & Master Plan Development	Social Media & Bulk SMS' Electronic & Manual Stakeholder Databases	City Planning Forums Council-wide	Health Clubs Suggestion Boxes
	Council-Organized	Local Project Tours	Town/Community Hall Meetings
			Gender Action Committees
			Council Newsletters
VIDCO's & WADCO's	Business Platforms Empowered District/Sub Offices		Mayor's Feedback Sessions
	Print & Electronic Messaging or Advertisements	(TV) Media	
	Ward Information Centres	Quarterly Ward Planning & Review Meetings	

Source: Chatiza (2016)

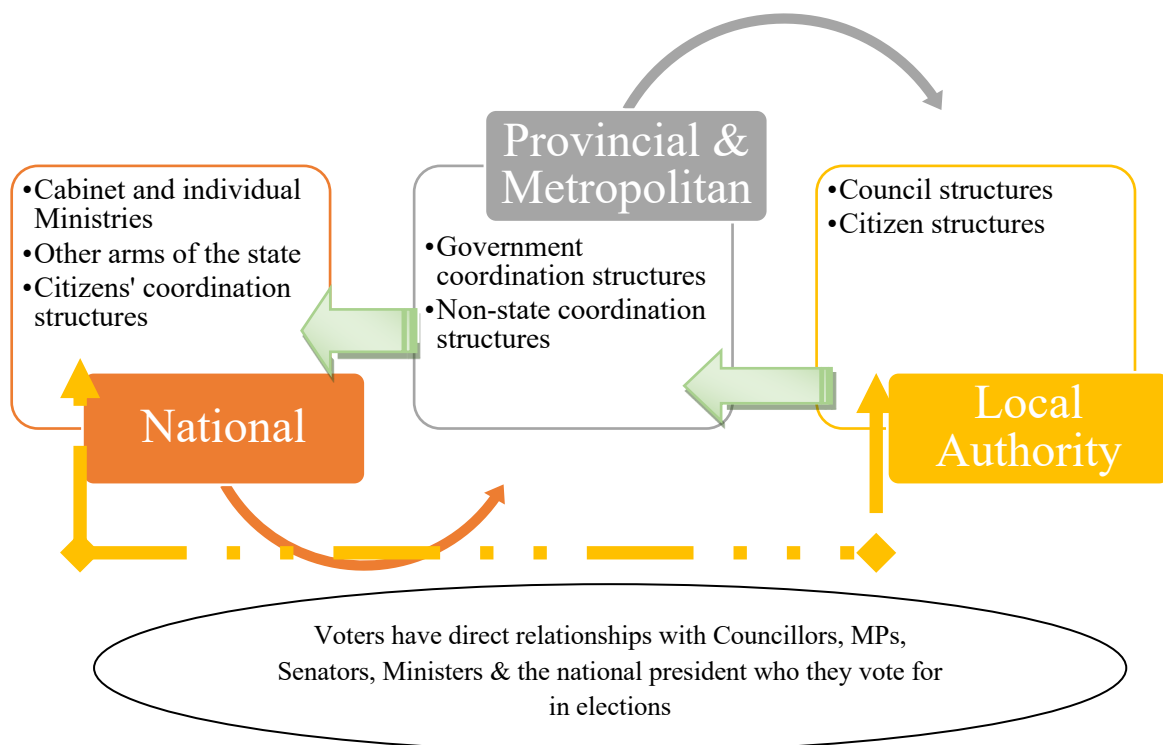
Participation has however remained shallow and non-transformative (Chatiza 2010) especially in planning and budgeting. Challenges include capacity and accountability deficits amongst many Councils (Government of Zimbabwe 2014), endurance of parent-child inter-governmental relations, central government's inclination towards retaining a deconcentrated governance structure (Chatiza and Chakaipa 2014) despite Constitutional provisions for devolution, institutional overlaps and parallels in terms of responsibilities and power regarding local governance (CCMT 2015), an overly politicized environment and state-civil society relations of tension and suspicion.

Some local authorities consistently fail to account for their actions, have outstanding audits running into years and do not have effective forums for dialoguing with residents. This affects relations of collaboration between Councils and citizens. On the other hand national government has retained an approach of treating local authorities as an extension of the national Executive. Strategic decisions are made that have a bearing on local operations without consulting Councils individually or as a collective. The takeover of water in 2005 by the Zimbabwe National Water Authority (ZINWA), vehicle licensing by the Zimbabwe National Road Authority (ZINARA) and collection of land levies by the Ministry responsible for lands are clear examples of how national government has undermined Councils.

By assigning functions and revenue sources traditionally meant for local authorities to national parastatals and Ministries the national government has exhibited centralization tendencies that undermine the functions of local authorities. Critically, such actions remove decisions (e.g. on use of vehicle licensing revenue) from the local to national level thus reducing prospects for citizen participation. Equally, water, land and mineral sector governance (including revenues therefrom) have been removed from local authority level decision making frustrating citizen participation.

The Figure below shows the three tiers/spheres of government. Where ‘in-sphere’ and ‘cross-sphere’ roles and relations are clear and relevant organizations (both state and citizen) have adequate capacity including resources, inter-governmental cooperation enhances performance. The examples cited above of national organizations encroaching into local authority revenue sources and actual functions disrupt such relations. Further, voters/citizens tend to then engage national government directly and vice versa. This disrupts ‘in-sphere’ coherence and overall application of the principle of subsidiarity. The absence of a fully developed Provincial and Metropolitan sphere as defined in the Constitution of Zimbabwe (2013) is yet another gap stifling consolidation of participatory and devolved governance.

Figure 2: In-sphere and Cross-sphere coherence and interface



Other challenges arise from the emerging economic model of informality in terms of regulating economic activities, urban land and housing development, rural land tenure and broader institutional relations. The current social and political infrastructure seems ill-adapted to effective local governance. In urban areas informality was promoted as part of a ZANU PF strategy to destabilize (undermine) opposition-controlled Councils. Land and trading places were allocated on partisan lines creating semi-parallel structures that disrespected formal local authority procedures. Taming the informality post-2013 elections where ZANU PF regained sole control of state machinery has not been easy. Some of the beneficiaries of the informal processes have suffered repeated violations of their rights and lack security of tenure. For instance, local authorities face challenges in regularizing land and housing developments in cases where previous land owners were not compensated and planning procedures were not followed. In such circumstances participation is challenged because Councils have contested if not tentative legitimacy. Some socio-political groups resist

engagement and destabilize efforts at organizing citizens to participate in Council processes fearing loss of control over populations and resources.

Recent experiences suggest a growing interest in participation through mixed avenues. It is fair to assert that contests amongst political parties for the control of local government eroded the institutional clout of many local institutions. The legitimacy of councillors, traditional leaders and other civil society organizations as vehicles for citizen participation is contested at many levels. Some are considered partisan and are thus not seen as representative of untainted citizen interests. Others are seen as tools for mobilizing members for their (perceived or actual) political parties. Clearly, the route of representative democracy (elected Councillors) has been tested to the limit. Similarly, the role of the local government executive has been too muted while myriad gate-keepers derailed meaningful and voluntary citizen participation. This is the basis upon which our reflection of shallow and non-transformative participation is made. We also note that the motivation to participate exists despite the many frustrations. The spirit of the Constitution of Zimbabwe 2013 embodies such enthusiasm amongst Zimbabweans to participate in national and local governance. This (constitutional framework for citizen participation) is discussed below.

CONSTITUTIONAL FRAMEWORK FOR CITIZEN PARTICIPATION

The Constitution of Zimbabwe 2013 has clear provisions for participation from the preamble through other more substantive sections. It is premised on the need to entrench democracy, good, transparent and accountable governance and it recognizes the dignity, worth and equality of all human beings (Government of Zimbabwe 2013). The good governance principles specifically refer to a multi-party and democratic political system, adequate representation of the electorate and respect of the people as the sources of the mandate to govern. By defining provincial and local authorities as a tier of government in section 5 c) the Constitution assigns Councils the responsibility to represent and manage the affairs of the people. The principle of ‘the power to govern on own initiative’ established in Sections 274 to 276 empowers Councils more than the previous Constitution. Section 13:2 directly provides for citizen participation. The state is obligated to ‘involve the people in the formulation and implementation of development plans and programmes that affect them’.

In Sections 17 and 20 to 22 the Constitution obligates the state to ensure citizen participation. Specific groups that are often considered hard to reach are cited. Their mention in the Constitution elevates them in terms of participation at two levels. One is the state’s responsibility to go out of its way to reach them even if for fear of violating the Constitution. The other is that the groups have the Constitutional right to organize themselves for purposes of participation. These provisions thus go beyond representation to direct participation. These civic platforms are created to pursue citizens’ freedom to associate and assemble (section 58), demonstrate and petition (section 59) and taking direct part in their development (section 13). Further, Section 62.1 provides the ‘...right of access to any information held by the State...in so far as the information is required in the interests of public accountability’. Other important provisions are in sections 67:1 a), c) and d), 68:1, 194:1 c), d), e), f) and h), 196:b and 266:1-4 which provide for the following:

- i) The right to free, fair and regular elections, participation in peaceful political activity in gatherings or groups or in any other manner ‘...to influence, challenge or support the policies of the government’;
- ii) The ‘right to administrative conduct that is lawful, prompt, efficient, reasonable, proportionate, impartial and...fair’;
- iii) The provision on developmental public administration, impartially and equitably provided services, public participation in policy making, accountability of public institutions to Parliament and the people;
- iv) The right to provision (by public institutions) of timely, accessible and accurate information based on a service not ruling ethic; and
- v) Provision for the requirement for non-partisanship amongst government officials; (Government of Zimbabwe 2013);

The framing of Chapter 14 and use of the concepts of ‘people’, ‘communities’ and ‘citizens’ in the Constitution entrench multiple platforms for participation. The Constitution further recognizes that individual citizens have multiple identities, which need not detract from realization of rights. As such, a young or elderly woman who is part of a deprived community has many constitutional participation platforms. She also has the same rights as any other citizen in the country to shape her development. Implementation of the Constitutional provisions for citizen participation does not entirely depend on enactment of new local government legislation. This is because every public institution and citizen is bound by the Constitution. As such, the delays experienced in concluding new sector laws is an unsustainable argument for non-compliance with the Constitution at every level. If anything, the delays and non-compliance reflects serious capacity gaps amongst citizens and key state actors. This is not demeaning the value that enactment of new legislation (in local government and outside) but to argue that Constitutionalism does not entirely rest on enactment of laws but a society’s underlying social and political practices.

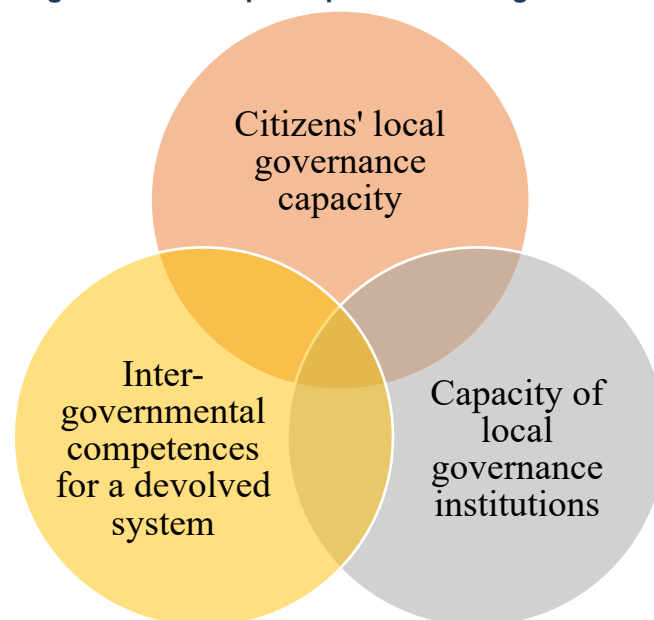
Critical areas that new local government legislation could do well to improve on from a participation perspective include i) clarifying inter-governmental relations in a devolved system with a clear allocation of tasks, responsibilities and resources, ii) setting up mutual accountability mechanisms between provincial-metropolitan and local authority tiers, iii) framing structures that allow direct interface with the citizens by both local government staff and policy makers, iv) making provincial and local government business more open, v) devolving and depoliticizing local government regulation as well as collaboration with civil society organizations, and vi) focusing on making local economies work i.e. institutional arrangements that place emphasis on livelihoods and economic viability more than on political power and control. Inter-governmental relations, conceptualized as in-sphere and cross-sphere coherence and interface was the subject of a separate paper developed at the same time and for the same purpose (Mbetu 2016³).

SUGGESTED MEASURES FOR ADDRESSING CHALLENGES

³Mbetu R (2016) Centre-Local Relations in Zimbabwe, Embassy of Switzerland and Government of Zimbabwe

Zimbabwe's development has been held back in recent years by misgovernance that has undermined sustainable political and economic recovery. People's participation has been locked in short-term cycles, over-focused on political power and frustrated by ZANU PF's hold on and use of the security sector to defend its hegemony (ICG 2011, 2014). Some of the means of holding on to power and administering public affairs have destabilized public institutions including local authorities. This experience which started in the late 1990s saw appropriation of key social, political and economic institutions or spaces including traditional leaders by unaccountable ruling elites. Competences of critical democratic institutions were eroded, citizens disengaged and local governance institutions became political 'football'. In essence the *capacity of local governance institutions* and *citizens' local governance capacity* have been lost. Rebuilding requires simultaneous focus on both for bottom-up political and economic recovery. The figure below illustrates this conceptualization of capacity, which is necessary moving forward.

Figure 3: Conceptualizing Better citizen participation in local governance



Citizens' local governance capacity is about individual and collective knowledge of working with and appreciating Councils. Colonial and recent post-colonial relations between citizens and Councils have been of acrimony with proven and politicized narratives of corruption, non-delivery and irrelevance. One can assert that there is a generation of Zimbabweans unaware of why we need Councils, how they work, whether they can be efficient and their overall socio-economic worth (Chatiza 2010). These gaps need plugging with actionable knowledge through comprehensive capacity development of citizens as individuals, communities and other collectives. Understanding and making effective use of local government institutions is what we conceptualize as '*citizen's local governance capacity*' in this paper. It is critical for Council-citizen, citizen-government, citizen-traditional leader and other citizen-'multiple other' relations. For this to work local government institutions (individually and collectively both in-sphere and across spheres) require new competences to facilitate multiple and overlapping participation streams and platforms. Public institutions in Zimbabwe face the challenge of operating in an environment where they do not control all

the resources to steer development. Some existing control and command procedures need shifting, new structures need to be established and relations built. This range of competences (as roles, responsibilities, relational skills, attitudes and knowledge) alongside re-assertion of decision-making in local government areas by local authorities is important. Delivery of quality services, deliberately and continuously engaging citizens, peer reviewing, reducing bureaucracy, opening up Councils to the public, enhancing budget and financial management transparency are some of the areas where new competences are needed to rebuild Council images. These constitute what we have conceived as *capacity of local governance institutions*, which are anchored at Council but also include citizen structures and traditional institutions (in rural areas).

The third pillar is of improved and devolutionary inter-governmental competences. A whole of government approach is needed to reduce national government's encroachment into local government functions, revenue streams and overall governance. The Ministries responsible for local government working in collaboration with the Office of the President and Cabinet need new capacities for delivering and managing devolution. The *inter-governmental competences for a devolved system* are also critical at the level of Provincial-Metropolitan Councils and within local authorities. This is because some of the excuses used for centralizing power and resources relate to perceptions of inadequate capacity. As such, different government spheres need internal capacity to support other tiers as provided for in Section 265 of the Constitution (Government of Zimbabwe 2013).

Implementing the suggested framework, in a medium to long term view should ideally build on the notion of multiple and overlapping participation. In such a framework both direct and representative participation ought to have space. Decision or policy cycles should be closer to where actual delivery of services occurs. Further, system reforms should be driven from below. Local governance institutions need to be reconceptualized. Every Council should be able to work with a community without first receiving the community's portion of funds meant for an agreed activity while still making its own technical-financial contributions.

For such innovations to trigger rebuilding of Council-citizen mutual respect the professional (appointed) and political (elected) leaders of Council need to take an active interest in citizen engagement. Further, medium to long-term spatial and economic planning needs to be resuscitated to ensure that engagement balances locality and immediate issues on one hand and Council-wide and strategic interests on the other. Such an approach allows handling of some of the politicized issues like land tenure, compensation of dispossessed former white commercial farmers and local authority corruption. Local fiscal prudence is an important entry point for rebuilding citizen-Council trust in all this.

CONCLUSION

Citizen participation is both a *means* and an *end*. It enables building of equitable institutions (*means*) while is itself a desirable goal (*end*) to the extent that it is a right to be realized. Zimbabwe has serious deficits in both the *means* and *end* dimensions of citizen participation. Fortunately, the Constitution of Zimbabwe 2013 provides a sound framework for pursuing

citizen participation as *means* and *end*. Further, there are longstanding traditions of citizen participation in some local authority areas (Chatiza 2016, 2012). The growing range of civil society institutions also provides a corpus of tools and expertise on which to build.

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