

Constitutionalisation and Implementation of Devolution in Zimbabwe

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Abstract- In a unitary state devolution or decentralisation of power engenders the improvement of effectiveness and efficiency in governance as well as in the delivery of public services. Decentralisation entails the reduction of bureaucracy and the broadening of democratic space. It entails empowering stakeholders and communities to actively and effectively participate in decision-making on issues that affect them. As such it is widely courted as a means of enhancing good governance, which also fosters economic development general improvement in the living conditions and standards of communities'. In Zimbabwe, the debate on devolution has been intense and contentious, spanning the country's nearly four decades of independence from British colonial rule. The current Zimbabwean constitution, which came into being 2013 provides for devolution of powers of government from central government to provincial, metropolitan and local authorities. Prior to this constitution, devolution was just a creature of statutes and power was predominantly centralised. The focus of this paper is to analyse the constitutional provisions as well as the dynamics attendant to its implementation. Lamentably, in spite of the constitutionalisation of devolution, it is yet to be implemented, more than five years after the establishment of the constitution, owing mainly to lack of political will, political conflict and weaknesses in the constitutional provisions themselves.

Index Terms- devolution, decentralisation, governance, constitution, constitutionalisation

I. 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. This paper is specifically focused on Section 264 of Chapter 14 of the Constitution, which directly addressed the crucial, but controversial issue of devolution. Section 264 clearly states that the objectives 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; 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 sum, 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. This paper, thus, interprets Section 264 and examines how the dynamics on the ground have tended to negate the intention set out in this section, while also discussing how devolution can enhance good governance, if properly and wholeheartedly implemented by the government. Finally, the paper discusses how the delays in aligning the various pieces of local government legislation with the Constitution has hindered efficiency, effectiveness and accountability in local governance.

II. CONCEPTUAL ANALYSIS

Perhaps, it is appropriate to start by attempting a definition of decentralisation, since it is closely related to devolution to the extent that some authors use the two terms interchangeably. According to UNDP (1999), decentralisation denotes the restructuring or reorganization of authority to create a system of co-responsibility between institutions of governance at the central, regional and local levels in accordance with the principle of subsidiarity, with the aim of increasing the overall effectiveness and quality of the governance system, whilst increasing the capacities and authority of sub-national levels. Decentralization, thus, contributes to elements of good governance, like increasing people's participation in social, economic and political decision-making and enhancing government transparency, accountability and responsiveness. UNDP (1999) suggests that devolution is just one of the forms decentralisation, the other forms being delegation and deconcentration.

Delegation denotes the transfer of government administrative or decision-making authority for carefully defined tasks to institutions and organizations that are under the indirect control of government or are semi-independent (UNDP, 1999).

On the other hand, deconcentration refers to a type of decentralisation involving limited transfer of authority (1999). Under this system, authority is transferred for specific decision-making and management functions to various levels under the same jurisdictional power of central government. Fatile and

Ejalonibu (2015) point out that deconcentration is the weakest form of decentralisation, which seeks to enable central government to retain full control of planning, expenditure and service delivery, while realising greater effectiveness and efficiency.

As Nhede (2013) notes, devolution has been defined in various ways across states and time and the concept has evolved the years. He further observes that the concept is closely related to decentralisation and the two terms are often confused although they are distinct, pointing out that devolution as a form of decentralisation by which authority or power to formulate policies in selected areas of public policy is conferred to elected sub-national government levels. For him, a distinctive quality of devolution is its capacity to ensure equitable resource distribution. Similarly, UNDP (1999) points out that devolution denotes the transfer of authority to autonomous lower level units, such as provincial, district that are legally constituted as separate governance entities. By means of devolution, the central government surrenders certain functions or creates new components of government that are beyond its direct control.

Porter (2001), as cited in Mwikali and Wafula (2015), defines devolution as the transfer of political, administrative and fiscal management powers from central government to subnational authorities, such as state, regional and local. For Forje (2006), devolution or decentralisation entails the transfer of authority or responsibility for decision-making from central to peripheral units within an institution or organisation. He further submits that it is a mechanism intended to boost participation of recipients of public services in matters affecting their well-being, contending that devolution is embedded in the belief that efficiency in service delivery can be improved by the elimination or reduction of bureaucracy and by radical reductions in the number of intervening impediments to in service delivery.

Similarly, Chatiza and Sithole (2016) characterise devolution as a form of decentralisation concerned with the legal transfer of decision-making and implementing powers as well as resources to legally constituted and popularly elected local governments. In the same vein, Abbiate and Federeco (2018) note that devolution explicitly seeks to achieve the objectives generally attributed to decentralization, that is, strengthening democracy, promoting state-building and the accommodation of diverse cultures and fostering equitable distribution of resources.

A common thread linking the various conception of devolution is that it involves the transfer of power or authority from central government to provincial or local levels of government. Additionally, devolution is perceived in the various definitions as fostering equitable distribution of resources as well as the participation of communities in decision-making pertinent to issues affecting them. As such, it is invariably perceived as an instrument for promoting good democratic governance and economic development. It is, thus, usually courted as very desirable in African countries like Zimbabwe, which are blighted by democratic governance and developmental deficits.

III. INTERPRETATION CHAPTER 14 SECTION 264 OF THE CONSTITUTION OF ZIMBABWE

Chapter 14 Section 264 of the Constitution of Zimbabwe provides for the devolution of power and responsibilities from

central government to local government, with the overriding aim of engendering good governance, democratic participation of communities and accountability.

As Chakaipa and Chakunda (2016) note, the 2013 Constitution of Zimbabwe grants local government constitutional status. It, thus, provides for the sector 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. Section 264 broadly 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 compels the state to devolve power to provincial and local levels “whenever appropriate” dilutes the power of the constitution to ensure that the state indeed executes the obligation. The term “appropriate” is vague in this context as what is deemed appropriate can be subjective or controversial 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. The government may find it expedient to avoid devolution in order to limit democratic space, thereby enhancing and perpetuating its political hegemony. This is highly likely in a tightly contested and polarised political agora like the one currently obtaining in Zimbabwe. In fact, during the constitution-making process, which was spearheaded by the two major political parties in government then, Zimbabwe African National Union (ZANU PF) and Movement for Democratic Change (MDC), ZANU PF made it clear that it was opposed to devolution (Muchadenyika, 2013; Sibanda, 2013; Muchadenyika 2015), ostensibly because it undermined its stranglehold on power. ActionAid (2014) notes that in spite of the enshrinement of devolution in the constitution of Zimbabwe, it has not been implemented and the government does not seem to be intent on doing so. The ruling ZANU PF government is thus, unlikely to implement in the absence of clear obligatory clause in the constitution. The existing constitutional provisions makes it extremely difficult for citizens, civil society and political parties to hold the government to account in terms of implementing devolution, as they do not clearly oblige the government to do so. This could explain why there is a prolonged delay in implementing devolution in spite of its constitutionalisation.

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.

IV. HOW IMPLEMENTATION OF SECTION 264 CAN IMPROVE LOCAL 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. Mapuva (2015a) 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 (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 (2015b), he 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 (2015a) 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) appositely 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.

V. DELAYS IN ALIGNING PIECES OF LEGISLATION TO THE CONSTITUTION

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.

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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. He, nonetheless, submits that lack of political will to expedite the alignment, reconciliation and harmonisation of existing local government legislation to the Constitution is hampering progress in the implementation of devolution.

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 view is also expressed by Jonga (2014), who observes that despite adopting devolution, central government is still dominating local government. 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, Bandaiko (2018) 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 hold government to account on issues affecting its well-being.

VI. EVENTS ON THE GROUND

Generally, events on the ground have not been in tandem with Section of 264 of Chapter 14 of the Constitution in Zimbabwe, which provides for devolution, since the government has taken time to implement that section of the constitution. The so called "New Constitution", which was adopted in 2013, is now five years old, but very little has been done in terms of implementation of devolution. It would appear the former president of Zimbabwe, Robert Mugabe, during whose tenure of office the constitution was introduced, was reluctant to devolve power to local levels as his major preoccupation was apparently to cling to power at all costs. In this regard, 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 of the MDC, which has been relentlessly posturing as a party poised to take over power 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 fact that Paul Siwela, a member of a Matabeleland based pseudo-political outfit known as Mthwakhazi, lodged a the Constitutional Court challenge in 2014, demanding the implementation of devolution (Mapuva, 2015b), attests to the fact that the government is appositely perceived as being reluctant or unwilling to implement devolution. Scholars like Mapuva (2015b) 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. Wekwete (2016) also points out that 2013 Constitution was a product of a compromise between the Inclusive Government's two parties, ZANU PF and the MDC, arguing that while the constitution was a major triumph in terms of asserting democratic values, it was not hailed as a political triumph by either of the political parties and was largely seen as a means to an end, because it was a primary condition for holding elections in 2013. Since the constitution was taken as a means to an end, after the elections were held in 2013, the impetus to implement was lost. This was also exacerbated by the departure of the MDC from the government after the dissolution of the Government of National Unity (GNU). It would have been easier for the MDC as the opposition party to push for devolution within government. It is, therefore, clear that the departure of the MDC from government may be one of the events which undermined the disposition of the government to comply with the dictates and provisions of Section 264.

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, 2015b). 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, 2015b). 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 (2015b) 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

ambitions with devolution. It is clear that the constitution is feeble in this regard, and as such, it is vulnerable to manipulation by the government, as it does not accord citizens the legal power to demand devolution. Implementation of devolution is, therefore, at the entire discretion of the government, which may find it not politically expedient to devolve power to provincial and local levels. The government is most likely to be concerned with consolidation of its own power and perpetuation of its rule rather than democratic governance, which often gives more political space to political opponents, especially, opposition political parties. The government is, thus, most likely to continue postponing devolution as it is likely to undermine the political advantages it is currently enjoying vis-à-vis its major political opponent, the MDC. The tragedy is that the constitution-making process was driven by political parties, which may not have had the interests of the citizens at heart. No wonder why the Constitution does not hold the government to account on devolution, with profound adverse implications for democracy and good governance, as the citizens would have to rely on the government’s magnanimity, which of course the latter invariably lacks. Poignantly, even lawsuits by the citizens will not get the job done because the Constitution does not clearly compel the government to devolve powers and responsibilities to local level. Lawsuits in this situation are an exercise in futility as they yield nothing, apart from, perhaps, giving the litigants a semblance of political visibility and relevance.

Presenting the 2018 national budget, Patrick Chinamsa, the then Finance Minister, urged parliament to scrap devolution, contending that it was a burden to the fiscus. He argued that the funding of provincial and metropolitan structures, as set out in Chapter 14 of the Constitution, was not sustainable and political parties represented in parliament should consider amending the Constitution to lessen the burden on the fiscus. This aptly dramatizes the government’s reluctance to implement devolution. It starkly demonstrates lack of political will and shows how the government has generally failed to comply with the dictates and provisions of Section 264.

With the coming of a “new government”, under President Emmerson Mnangagwa, which has ushered in what it claims to be “a new dispensation”, whose main thrust is ostensibly to “open” Zimbabwe to business and to strengthen democracy and good governance, hopes of seeing the implementation of devolution were rekindled. However, after several months of President Mnangagwa’s rule, very little has been done in terms of taking tangible steps towards implementation of devolution. On the 4th of August 2018 President Emmerson Mnangagwa appointed 10-member provincial councils in eight of the country’s provinces. However, his sincerity in implementing devolution is still to be seen. The appointments need to be followed by concrete steps to devolve power and responsibilities to the councils.

VII. 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 well-being. 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 acute political polarisation and mutual mistrust characterising the relationship between the ruling party, ZANU PF and opposition parties is also militating against the implementation of devolution. Tragically, the end result is the continued preponderance of a centralised system by an increasingly repressive and insecure predatory state in spite of the constitutionalisation of devolution.

Moreover, inherent weaknesses in the constitutional provisions make it easy for the government to avoid or delay implementing devolution in pursuance of its narrow and selfish political ends. For instance, Chapter 14 Section 264 does not compel the government to devolve power or responsibilities, leaving everything to the discretion of government, by stating that government must devolve power to provincial and local levels whenever "appropriate". Needless to say, what is appropriate can be subjective and debatable, so this section of the constitution is feeble and inadequate. 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.

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