

# Decentralising Local Government in Zimbabwe: Prospects and Impediments

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**Abstract** - In an effort to ensure democracy, good local governance and citizen participation, chapter 14, section 264 of the Constitution of Zimbabwe Amendment (No.20) Act 2013 provides for devolution of government powers and responsibilities to provincial and metropolitan councils and local authorities. To facilitate devolution, the Constitution organizes government at three levels namely, national, provincial and local. However, contrary to the provisions of section 264 of the constitution the government has not given powers of local governance to the people to enhance their participation in making decisions affecting them. This paper discusses the objectives of the devolution of governmental powers and responsibilities, the prospects of improving good local governance through devolution and impediments to the implementation of devolution.

**Index Terms:** devolution, decentralization, governance, local authority, Zimbabwe.

## I. INTRODUCTION

Section 264 of the Constitution of Zimbabwe Amendment provides for devolution of government powers and responsibilities to provincial and metropolitan councils and local authorities with a view to promoting good governance and democratic participation of citizens in matters that affect their well-being. In this regard, devolution, if it's properly implemented could yield significant dividends. However, it is increasing becoming apparent that the implementation of devolution is being impeded by a myriad of challenges, including lack of political will, political polarisation and contestations and delays in aligning a plethora of pieces of local government legislation to the constitution.

## II. UNPACKING THE KEY CONCEPTS

**Decentralization** is defined by the Centre for Democracy and Governance (2000) and Mapuva (2015) as a process of transferring power to popularly elected local governments. Transferring power means providing local governments with greater political authority, increased financial resources and more administrative responsibilities.

Decentralisation is a broad and contested concept. Mapuva (2015) defines it as the transfer of responsibility for planning, management and resource raising and allocation from central government and its agencies to field units of central government ministries or agencies, subordinate units or levels of government, semi-autonomous public authorities, area-wide, regional or functional authorities, or nongovernmental, private or voluntary organizations. He noted that at the heart of decentralisation is the transfer of authority and responsibility for public functions from the central government to provincial units of the same department or other local government units linked to the central office.

Muchadenyika (2015) identifies four types of decentralisation, namely, deconcentration, delegation, privatisation and devolution. These will be defined one by one to ensure conceptual clarity in this paper. According to Muchadenyika (2015) **deconcentration** denotes giving sub-national units within line ministries administrative and managerial responsibility, a practice known as local administration, integrated local administration or field administration.

**Delegation** refers to the transfer of responsibilities by the central government to public enterprises and semi-autonomous government agencies to operate public services and utilities (Muchadenyika, 2015).

**Privatisation** denotes the transfer of functions and responsibilities from government to non-state actors, for example, non-governmental organisations (NGOs), private associations and community associations (Muchadenyika, 2015).

Muchadenyika (2015) asserts that **devolution** is a situation where central government transfers executive, legislative, administrative and financial decision-making power to local governments that have distinct and legally recognised jurisdictions in which they provide services to constituents to whom they are accountable. He further submits that the main aim of devolution is to create and strengthen independent layers of government that are authorised to perform clearly defined functions. As such, devolution involves the transfer from central government to local authorities of decision-making powers and attendant resources.

Devolved territories have the power to make legislation relevant to the area (UNECA, 2005). White (2011), cited in Sibanda (2013), posits that devolution is the fullest form of

decentralisation and is decentralisation par excellence, which aims to strengthen local government by granting it the authority and responsibility to formulate and implement local policies, and resources for services and infrastructure development. Likewise, Muchadenyika (2015) asserts that devolution is the most complete form of decentralisation of local government, which functions well as it ensures the transfer of resources from central to local government and ensures that central government relinquishes certain functions and devolved spheres of government assume the delivery and management of functions of central government at local level. Similarly, Chigwata (2018) characterises devolution as the most extensive form of decentralisation, which diffuses substantial governmental power, authority, responsibility and resources to subnational or local entities.

### III. BACKGROUND TO LOCAL GOVERNMENT DECENTRALISATION IN ZIMBABWE

As Muzenda and Chirisa (2018) note, in Zimbabwe, local governments has been through several phases of reform since the country gained independence from Britain in 1980. Muchadenyika (2015) asserts that Zimbabwe inherited from the British colonial regime a dichotomous local government framework consisting of urban councils, 'white' rural councils and 'black' rural local authorities, divided along racial lines. The Prime Minister's Directive of 1984, indicated the government's desire to decentralise with a view of addressing colonial imbalances and fostering rural development. Subsequently, the 1988 Rural District Councils Act eliminated fragmentation of the colonial era by combining 'white' rural councils and 'black' rural local authorities into rural district councils. During this period, local government reforms became tools for boosting socioeconomic development as well as reducing inherited colonial imbalances. As Masvaure (2016) observes, by the late 1980s the Zimbabwe government had also introduced universal suffrage voting in local government elections, which removed the requirement for voters to own property in the council where they vote. However, Masvaure (2016) posits that although the government professed a desire to decentralise power, local government remained subservient to the central state, with local elected representatives operating in fear of contradicting the minister responsible for local government. Furthermore, he submits that decentralisation in Zimbabwe was introduced at a time when the ruling party, ZANU PF had relative political hegemony and the approach was to partly decentralise administrative duties to local government, while the central government retained overall supervisory control.

The decentralisation drive gained impetus with the formation of a strong opposition political party in 1999, the Movement for Democratic Change (MDC). During this period ZANU PF considerably lost its dominance in local government, particularly in urban areas, here it virtually lost all parliamentary and local government elections to the MDC. Faced with this grim political reality it tended backtrack on its earlier commitment to decentralise in frantic efforts to retain its increasingly insecure grip on power. As Muchadenyika puts it, ZANU-PF considered devolution as a threat to its clutch on power and left it out in its 2013 election manifesto. On the

other hand, its political nemesis, the MDC characterised it as cardinal principle, whose inclusion in the constitution it fought very hard for and vowed to ensure it works for the people of Zimbabwe. Muzenda and Chirisa (2018), thus appositely remark that the constitutionalisation of local government and introduction of devolution was a result of the 2008-2013 Government of National Unity (GNU) and as a precondition for holding of 2013 elections. As such, its development and implementation was not founded on real political will but was a political compromise of the parties in the GNU, that is, ZANUPF and two formations of the Movement for Democratic Change (MDC).

### IV. OBJECTIVES OF DEVOLUTION IN ZIMBABWE

Section 264 of the Constitution provides for the devolution of power to provincial and local structures. It states that government powers and responsibilities must be devolved wherever appropriate to those authorities that are capable of exercising them. This echoes section 3(2) (1) of the Constitution, which states that devolution of government power is one of the values upon which the Constitution is founded. Chapter 14, Section 264(2) of the Constitution outlines the objectives of the devolution of government powers and responsibilities to provincial and metropolitan councils and local authorities. These can be paraphrased as follows:

- To accord powers of local governance to citizens by enhancing their participation in the exercise of the powers of the state and in making decisions on issues affecting them.
- To promote transparent, democratic, effective, accountable and coherent government
- To foster and preserve the peace, national unity and indivisibility of the country.
- To recognise the right of societies to manage their own affairs and to promote their development/.
- To ensure equitable sharing of national and local resources.
- To transfer powers, responsibilities and resources from national government to create sound financial bases for provincial and metropolitan councils and local authorities.

Section 265 sets out general principles of local government, of which the most important are enunciated as follows:

- Ensuring good governance and ensuring that local authorities do not exceed their functions. Rather, they must cooperate with one another, and must ensure the fair and equitable representation of people in their areas of jurisdiction.
- Ensuring that all members of local authorities are elected by registered voters within their areas.

- An act of parliament should facilitate coordination between central government, local authorities and provincial councils. The Constitution provides for a completely outlined layer of governance between national and local government.
- Abolition of the office of provincial governor, who was a presidential appointee and thus part of national government. Under the new arrangement, provincial and metropolitan councils are to have elected chairs, with councils having more powers and considerable independence from central government.

## V. PROSPECTS OF GOOD GOVERNANCE VIA DEVOLUTION

Scholars of local governance like Mapuva (2015) and Jonga (2014) argue that when effective decentralization and democratic local governance advance in tandem, local governments and the communities they govern gain the authority, resources, and skills to make responsive choices and to act on them effectively and accountably. Enhancing the capacity of local governments to act accountably and effectively requires promotion of the desire and capacity of civil society organizations and individuals to take responsibility for their communities, participate in local priority-setting, assist in the implementation of decisions, and monitor their effectiveness. According to Mapuva (2015) decentralization engenders change in the operation of institutions and invariably occurs gradually.

Brand (1991) and Pasteur (1999) note that implementation of devolution has its merits and demerits, pointing out that it brings government to the doorstep of the people, thus enabling them to easily access the various public services. For instance, under a decentralised system, one does not have to go to the capital city to be issued with a passport. The person can obtain the passport from an office close to him or her. Decentralisation also minimizes tyrannical tendencies by the government. Citizen's active participation in the operations of the government at the local level, makes them politically wiser, thereby enabling them to check any political office holder from sliding into dictatorship. Furthermore, decentralisation gives room for taking initiative, thereby promoting the generation of local solutions to problems peculiar to certain localities.

In addition, decentralisation takes some burdens off the central government by allowing it to cede part of its responsibilities to the local authorities, besides enhancing the efficiency of central government. As the government entities at the local level take some of the burdens off the shoulders of the central government, it is able to devote more attention to more pressing national issues, thus, becoming more efficient.

Crucially, delays in the implementation of public policies are also reduced through decentralisation of governance. Unlike in a centralized government systems where policy alterations have first to be referred to the central government, under devolution, the people can vary the policy to suit local contexts as long as they do not completely deviate from the original policy. This ensures that policies are considerably adapted to local conditions, besides helping to reduce delays in the implementation of government programmes.

As Nhede (2013) posits, devolution also ensures equitable distribution of resources, besides enabling citizens to make accurate and relevant decisions regarding priorities for their own locales. As such, decentralisation is ideal in Zimbabwe where there is uneven distribution of national resources. For instance, there are allegations that some areas like Matabeleland are marginalised in terms of national development programmes. Nhede (2013) observes that unequal regional development in Zimbabwe took a political dimension where some regions claimed that they were being deliberately overshadowed by other regions on tribal bases. Such an unfortunate development could be reversed through comprehensive devolution of power resources and management.

Nhede (2013) also contends that devolution fosters local development and national unity through acceptance of diversity. Furthermore, effective participation of citizens in local governance is promoted through decentralisation, thus, residents have more say about how public land and resources are used, how resources, revenues are spent, and how related public programmes are delivered. Decentralisation, thus, engenders the promotion of democratic rights and interests of the minority and marginalised groups in communities (Nhede, 2013). Local decision making for infrastructural and economic development agendas is also fostered in a manner that allows local authorities to initiate development plans appropriate to their regions, taking into cognisance their distinctive opportunities, priorities and challenges. Decentralisation also makes government more responsible, facilitates participatory decision making and brings government closer to the governed, managing and accommodating social diversity, while balancing economic development in the entire country. In this regard, Chikerema (2013) posits that for the Zimbabwean system of government to function properly, citizens must actively participate in operations at all levels, especially in the local government system. He further asserts that local officials have both a stake and a responsibility in keeping citizens fully informed about local programmes and activities, giving them opportunities to play meaningful roles in determining and implementing public policy. In a similar vein, Muchadenyika (2015) posits that the transfer of authority and power to local institutions is vital in fostering the people's participation in the formulation and implementation of development plans and in the overall development process. In this regard, he submits that devolution can, thus, be taken as vehicle for liberating and democratising the state and the development process. This view is also corroborated by Moyo and Ncube (2014), who assert that democracy in Zimbabwe, can be enhanced as sub-governments mobilise local cooperation and consent in the implementation of national policies.

However, devolution also has some disadvantages. The Center for Democracy and Governance (2000) outlines some of the disadvantages, including promotion of ethnicity, exclusion, compounding marginalization of minorities, inflating religious and cultural diversities, promotion of decentralised authoritarianism and secession, and unnecessary duplication of roles.

## VI. IMPEDIMENTS TO THE IMPLEMENTATION OF DECENTRALISATION

The much talked about devolution has remained on the lips of authorities for quite some time and some parts of the country are keen to see its implementation, while some are cynical. Notwithstanding its enshrinement in Zimbabwe's new Constitution, devolution has not been implemented and the intentions of the government seem not to point to its immediate implementation (Moyo, 2015). This view is also buttressed by ActionAid (2016) which cynically concludes that devolution as enshrined in the Constitution is frozen, leading to lack of participation in governance by local citizens. It further points out that no proper steps have been taken to implement the provisions of the Constitution as the government is clearly bent on retaining power through the perpetuation of a centralised system. Likewise, Chakunda (2018) asserts that the central-local government relationship resembles a typical parent-child relationship, defined by policy directives to sub-national governments, which have tended to compromise the autonomy and discretion of the local authorities or to contradict policy positions at sub-national level. He further points out that there is a clear trend of (re)centralisation of power where the central government is controlling functions that should ideally be performed by sub-national governments. Chakunda (2018) concludes that Zimbabwe represents a typical unitary state that is opposed to the ideas of decentralisation, especially devolution of power.

There are also constraints to the implementation of devolution, which can be divided into two categories, namely, formal resources (laws, rules and money) and informal resources (technical expertise, public opinion and the politics of political parties). Firstly, in terms of the formal resources (that is, law, rules and money), there is a devolution caveat in the Constitution which makes one question the substance, breadth and depth of Zimbabwe's devolution legal framework. The Constitution says that whenever appropriate, governmental powers and responsibilities should be devolved to provincial and metropolitan councils and local authorities which are competent to carry out those responsibilities effectively and efficiently (Jonga, 2014). The political message and implications of this caveat are apparent. Since the national government remains the supreme tier of government, it implies that the Constitution guarantees it power to determine whether a particular province has the appropriate competence to effectively and efficiently govern local affairs and institute locally appropriate socio-economic development interventions for the benefit of local citizens. This immense constitutional power accorded to national government over provincial and metropolitan councils and local authorities' entails that their initial constitution and survival are at the mercy of ruling national government, which retains the power and authority of oversight.

As observed by Chatiza (2008) and Abrahamsen (2006) spreading the powers of oversight and arbitration to various key players may have the advantage of ensuring that no super ministry or agency takes absolute control of the proposed sub-governments.

Studies by Ackerman (2004), Makumbe (1999) and Reddy (1999) revealed that the financing architecture of the devolved system of governance would have to be well thought-out. Charlick (2001),

Hammar (2003) and Moyo (2000) argued that a weak public expenditure allocation system or one that is not transparent, equitable and accountable may cripple the capacity of provincial councils to control the formulation and implementation policies in their localities. Hlatshwayo (1998) and Makumbe (2000) contend that for devolution to achieve territorial justice, allocation of public expenditure to sub-governments should be predicated on a needs based assessment by region and not by population. Since devolution does not imply discrimination or preferential treatment of regions, as may be the case in a targeted regional economic policy, reducing regional disparities in Zimbabwe may remain an elusive dream (CPIA, 2005). CPIA argues that this may engender the criticism that devolution is not working or may even exacerbate perceptions of favouritism, even where none exists. Positive discrimination of sub-governments through skewed allocation of public expenditure to underdeveloped regions like Matabeleland would prove problematic. Devolution is in a sense paradoxical and oxymoronic in that it could treat unequals as equal, thereby defeating the idea of equality or territorial justice (Moyo, 2015). This can be resolved by proceeding on the basis of the dictum that "it is people not places which are poor" and devising a transparent and equitable public expenditure allocation system across provincial governments for nationally derived policies (Moyo, 2015).

Political contestation and hegemonic tussles between the ruling ZANU PF and the opposition MDC are apparently hampering the implementation of decentralisation in local government. In this regard, Muchadenyika (2018) appositely notes that the year 2000 marked the intensity of the outcome of political decentralization as it saw the MDC controlling local government in urban areas, and in response central government started interfering in local government, thereby defeating the whole purpose of decentralization. Even during the process of drafting the 2013 constitution, which provided for the devolution of local government, the ruling party was evidently opposed to devolution and only acceded to it as a political compromise, while the opposition MDC relentlessly pushed for it. The ruling party is therefore likely to resist or delay the implementation of devolution. Given its current control of parliament through a 2 thirds majority, implementation is likely to be very slow or to be completely resisted.

Moreover, delays in the harmonisation of pieces of local government legislation to give effect to devolution implies that all the three tiers of government will experience financial strain, thus impeding the expeditious delivery of government services (Action AID, 2014). In spite of the provisions of section 264 of the constitution, the government has failed to confer powers of local governance to the citizens and enhance their participation in making decisions on matters affecting them. This scenario undermines the full implementation of devolution. The delayed alignment of various pieces of local government legislation is hindering efficiency, effectiveness and accountability in local governance. Particularly, capacity building to improve the technical expertise of staff in all provincial and metropolitan councils with regard has suffered

owing to lack of supporting legislation and budgetary allocations. Similarly, democratic institutions and mechanisms of political accountability at the level of sub-governments remain weak. Ackerman (2004) contends that where these institutions and mechanisms are weak, delivery of public services may be captured by elite groups in all three tiers of government, giving rise to decentralised authoritarianism and despotism. Failure to accord communities the right to manage their own affairs and to foster their development has perpetuated the marginalisation of communities, relegating them to unending poverty and penury. For instance, the looting of diamonds in Chiadzwa by the elite and the serious poverty levels prevailing in that province in spite of the God given wealth of diamonds has created mistrust between the Chiadzwa community and government.

In addition, both urban and rural councils have not been fully accountable to local citizens. Moreover, there is an enormous mismatch of powers and responsibilities of provincial and local authorities with resources, apart from lack of clearly defined nationally and locally owned resources to enable local authorities to get a fair share of fiscal allocations. Delays in aligning extant legislation with the constitution have hindered central government and provincial and local authorities in working out a predictable formula for the equitable distribution of 5% of national revenue that is constitutionally provided for local government. Besides, there is no payment mechanism to ensure that local authorities are paid their allocations on time.

The delay in aligning legislation has also encouraged some regions to take a tribal root against the spirit of devolution. This creates the need for continued central government supervision to ensure that the practice of devolution when implemented, does not mutate into geo-ethnic or linguistic, thus ensuring that all citizens, irrespective of linguistic and ethnic identities have equal opportunities to pursue economic endeavours in whatever region they chose. Failure to rein-in territorial provincial councils that may promote tribal xenophobia could undermine national unity. For this reason, as Chatiza (2008) contends, it is crucial that provincial or metropolitan based policies reflect the broader national economic and socio-political policies.

Additionally, lack of political will to align and harmonise the new constitutional provisions to existing local governance legislation has also presented challenges such as over-lapping and duplication of tasks, as well as confusion in the implementation of the provisions of the new constitution.

## VII. CONCLUSION

Zimbabwe has made several reforms intended to promote the decentralisation of local governance for a protracted period time, spanning both the colonial and post-independence eras. The enshrinement of provisions for devolution the constitution of 2013 was a watershed in the decentralisation process. As noted by Mapuva (2014), Zimbabwe, through the new Constitution, has established the constitutional basis for the functionality of a devolved system of governance, although the specifics are yet to be tested on the ground. However, it is manifestly clear from the foregoing discussion that the road to

implementation of devolution in Zimbabwe has been bumpy, hampered by several factors, including, inter alia, ambiguities and vagueness in the constitutional provisions for devolution, lack of political will, political contestations between the governing party, ZANU PF and the main opposition party, MDC, and delays in aligning the plethora of pieces of local government legislation to the constitution.

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