

*Review*

# Central government interference in local affairs of the urban councils in Zimbabwe

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The paper discusses issues of democracy and good governance in Zimbabwe's urban areas. The point of departure is that there is too much interference from central government through the Ministry of Local Government in local affairs. This interference has caused dispute and conflicts between the centre and local institutions. The conflicts have resulted in dysfunctioning of urban councils. The data were collected through documentary reviews. It was concluded that the Minister of Local Government was interfering in urban councils through some of these methods: dismissals of councilors and mayors, appointing councilors of special interest, appointments of governors and District Administrators, opposing urban councils' decisions and supporting mafia/gangs to sabotage specific projects initiated by opposition councilors and mayors. The major argument presented as solution was the change of the current Urban Councils Act so that the powers of the Minister are reduced.

**Key words:** Urban councils act, governance, good governance, urban council, district administrator, minister, local government, Zimbabwe, Interference.

## INTRODUCTION

This article discusses a number of issues that makes the Minister of Local Government a liability in the administration of local governments. He is basically a political bandit because whatever he does in the Ministry is meant to benefit ZANU-PF and never the urban or rural communities. The Ministry of Local Government has been used over a long period of time by ZANU-PF political prostitutes to fight influential progressive parties like the Movement for Democratic Change.

A political bandit like Chombo is a person who even if he/she knows very well that whatever he/she is doing is wrong but for the sake of politics, support of his/her party or for the sake of acquiring naked power, he/she will adopt and implement the wrong policies or strategies that sacrifice the will of the people. The philosophy, ideology or approach is adopted by politicians who believe that the ordinary man and women do not have power and they cannot defend their interests against state security institutions. It is an approach based on the belief that force will be used by the state under the ruling party against descending voices. It is also an approach that is entertained by politicians who are deceiving and who

believe in pseudo democracy. This democracy is based on lying about democratic governance and it uses force, oppression and other systems of violence to suppress freedoms like that of speech, association, justice and rule of law. The political setup in addition, violates all principles of human rights.

Where politicians become bandits, they formulate policies that enrich themselves, their families and friends. In Zimbabwe, policies like the indigenization, economic empowerment, land and many others fit the banditry policies. The ordinary (povo) are not benefiting from any of such policies. The povo is used to support the policies but the politicians who have political power and support of the security sectors corruptly and aggressively or hawkishly grab the benefits.

The failure of ZANU-PF to garner support in urban areas has often left the ZANU-PF Governments housed especially in Harare by MDC urban councils. It is like ruling a country without a capital city. This scenario has haunted ZANU-PF politicians now for years. However, the Minister of Local Government, Ignatius Chombo, was chosen as strategic to harass and dismiss the MDC

urban councils and replace them with Commissions and special interests councillors. The political banditry also arises because the Minister's approach is tantamount to subverting legally elected urban councils and replacing them with hand-picked councillors and commissioners. These commissioners and special councillors are putting ZANU-PF into power by back door. Thus the Minister is unilaterally usurping the power of the voters and urban councils.

The shameful acts of the Minister and his political bandit ideas have left the urban councils in total conflict with the mother ministry. The conflicts are multi-dimensional and some of them are subsequently discussed. The discussion centers on how the media has depicted Chombo's conflicts with local governments.

## RESEARCH METHODS AND OBJECTIVES

It is an analytical desk research. The data were gathered through review of documents particularly the newspapers' reports. The objectives are to analyse the authority and power of the Minister of Local Government in Zimbabwe, to scrutinize the relationships between the Ministry and local governments and the impact of such a relationship on service provision.

## CRITICAL QUESTIONS ABOUT ZIMBABWE URBAN AREAS

In the Herald (9 March 2012), Michael Chideme wrote an interesting article concerning Zimbabweans' dreams about the municipalities they want. It is this article that will form the basis of debate in this project. The vision of Zimbabweans have been spoilt and urinated on (like Napoleon urinating on Snowball's plans in the book „Animal Farm“). The government has managed to dampen the spirits of many informed citizens. Central government has dragged the once robust and financially stable organizations into bankruptcy and bad governance. The future of urban councils in Zimbabwe is vague.

In the article "Why wait for intervention", Chideme narrates that many questions have been asked for some time on who really calls the shots at Town House. Is it Mayor Muchadeyi Masunda, the Local Government, the Rural and Urban Development Minister (Ignatius Chombo), or the residents of Harare?

Chideme alleges that the reasons for the questions are somehow justified as the city management only explodes into action when Minister Chombo demands action. Councillors have been crying for this and that to be implemented without success. In other words, the employees deride the calibre of the councillors, whom they hardly respect. Residents alike have complained but have not received a shadow of what they should receive in terms of service delivery. It appears the city has been privatised and information about developments is

regarded top "secret". But again is this a healthy and sustainable situation? Is this the Harare we want? Is this the type of management we want? Why should we have a management that requires ministerial push to do its job? Does the challenge lie with the Local Government Board that approves the employment of all senior managers? Is it that the board is manned by incompetent people who appoint equally incompetent managers? The Local Government Board was put in place to ensure that local authorities, especially the smaller ones do not end up with inappropriate managers.

Questions are further asked by Chideme that, Why is it that the board approves for appointment second or third-rate candidate for each post? Whose interests is the board serving? This study's view is that Minister Chombo should not be calling for these meetings to enforce that action on service delivery is taken. The Minister's job should actually be very light. Whoever is Minister of Local Government should actually meet local authorities such as Harare to give compliments and not to read the Riot Act.

What has become apparent during these ministerial meetings is that there is a lot of lying and name dropping as excuses by some top managers not to do certain things. Councillors have been made to believe that Minister Chombo is all out to get them out of office, as confirmed by Clerk Panganayi Charumbira, at a recent meeting.

He expressed relief that Minister Chombo was fatherly and was willing to work with the MDC-T councillors confirming that he had been misinformed. Clerk Peter Moyo complained that attempts to meet the minister were being blocked.

Ever since Minister Chombo met with the Harare management led by Town Clerk, Dr. Tendai Mahachi, and councillors led by Mayor Masunda, there has been a remarkable improvement in service delivery. Dr. Mahachi spoke with renewed vigour in front of the Minister and promised to invest up to US\$350 million in service delivery this year alone.

He had spent the previous two weeks holed in planning meetings at the behest of Minister Chombo. Had the Minister not prodded him to act what would have been the situation?

In addition, Chideme continues to attack the states that why did he require the minister to ask for a work plan in the first place? In a normal set up, the Town Clerk should have drawn a comprehensive and well-researched consultative document to share with the Government. Instead of reporting in the past tense what is happening is that the majority of directors were reporting in future tense.

The issue is that the departments of urban councils must perform to satisfy the clients. It is not the duty of the Minister to chase employees and councillors to provide needed services. Commitment to one's work has a good motivating effect.

## CHOMBO'S INTERVENTIONS IN SERVICE PROVISION

Residence of Harare and other suburbs in different towns and cities of Zimbabwe have complained about despicable service provisions. It seems the administrations led by MDC and ZANU-PF Parties have failed to redeem people from problems associated with poor services. Urbanites have complained about the following poorly provided services:

- Clean water supply shortages.
- Garbage collection.
- Sewerage bursts and maintenance.
- Water drainage blockages.
- Congestion of the urban centers by people and vehicles, etc.
- Pro-ZANU-PF militia/gangs like Chipangano in Harare.
- Poor housing provision.
- Mashrooming of squatter camps.
- Potholes.
- Lack of drugs and sometimes qualified personnel in clinics and hospitals.
- Lack of maintenance of street lighting, etc.

Many Harare residents believe the problems services provision are coming from the leadership of the Minister of Local Government (Chombo). The Daily News Paper (10 April 2013) boldly explains, "Chombo the root of Harare's woes, that is why nobody will be voting for Chombo during the coming elections!" A resident in the same paper commented about the Mayor's (Masunda) salary which is unbelievably too high for an institution that is under performing like the City of Harare and indicates, "how can Masunda get \$15,000 salary a month when we don't have water? Also all councillors must forgo their salaries „kuti tizive kuti havasi maSharki" so that we do not view them as Sharks." Moderate urbanites are apportioning the blame on the minister and all the councillors.

Residents accuse the councillors of widespread corruption. However, the MDC Party alleges to be dealing effectively with all corrupt councillors and criminal activities that have been identified. Party politicking between ZANU-PF and MDC have created a situation where firing of corrupt councillors is difficult. The two parties blame each other for administrative problems in the municipalities. In some instances, the MDC Party fires its corrupt councillors and the Minister of Local Government want to benefit from ZANU-PF by refusing to dismiss them. He will protect them using his powers granted by the Urban Councils' Act.

In the "Daily News (Wednesday, 10 April 2013)", Fungai Kwaramba quoted Prime Minister Morgan Tsvangirai stating, "HARARE - Water woes, potholed roads and uncollected refuse in the bustling city of Harare can be traced to Local Government Minister, Ignatius

Chombo."

In the "Herald (26 March 2012)", the Minister warned that some local authorities were going to lose their planning responsibilities if they continue disregarding a directive to stop dividing playing fields and planned public open spaces into residential stands.

The paper explains that Chitungwiza Municipality was featuring prominently with councillors accused of subdividing soccer grounds into residential stands without Government authority. The minister states, "I am concerned with the unilateral conversion of open spaces into alternative use without the express authority of my Ministry. I reiterate that these open spaces are an important feature of urban planning".

Michael Chideme in the "Herald (18 July 2012)" discusses the intended demolition of Mbare hostels because they are too old, over populated and the Harare City Council was unable to collect the normal rates from the tenants and some of whom are benefiting by getting super profits from subletting their rooms. The Minister claims that some owners are getting as much as US\$200 as rent but the council only get US\$5. The Minister therefore rejected the idea of Mayor Masunda to refurbish the hostel of Matapi, Mbare, Shawasha, Nenyere and Matererini and revert to be used by single occupants. Currently, there is no strong rejection or prevention of married people to occupy them. Masunda believes his strategy would reduce housing shortages. The paper states, "More than 56,000 people, mostly the poor, live in the apartments, implying that if they are reserved for singles, only 5,697 people would be accommodated."

Masunda states, "We need to revert to these flats being reserved for single persons. All married people should be taken out and find better accommodation. There is no way one can bring up children in that set-up. . . demolition of the hostels should only be an option when the right time comes, adding that there was no need to resort to extreme measures."

The Minister vehemently opposed the strategy. He claims, "The hostels would be demolished. They cannot be there forever. Upgrading the hostels is abnormal because they were built abnormally. We need to civilise that place."

The councils have also clashed with the Ministry over illegal Car Sales. The Herald (24 November, 2012) portrays the minister viewing the mushrooming of car sales in any part of urban areas as a result of poor planning and lack of control by urban council authorities. However, the councils' administrators are blaming political and informal agreements where the car dealers are conniving with politicians.

The paper quoted the Mayor of Harare claiming, "In a normal situation an application by anyone for land should go through various standing committees like land development, education, health and housing. All these things fall under the jurisdiction of the director of housing.

Any land unaccounted for belongs to the city, but the

proliferation of illegal structures you see is a result of people who work in collusion with some functionaries in our district offices. If you ask them where they got the permission to set up those structures, they will show you letters from the district offices . . . people had been „cutting corners“ for long and illegal car sales should go. We are the designate town planning authority and we know what should be where and why.”

The same paper discusses a directive from the Minister which requires all councils to buy water chemicals from registered dealer after Harare was sold poison by a contracted company. The Minister also contends, “There are underhand dealings as some companies disqualified for failure to meet set criteria or technical specifications were awarded tenders or contracts. Council is awarding a single tender on a single product to multiple suppliers who have different prices.”

Michael Chideme in the „Herald (29 March 2012)” reported the conflict of the Harare City Council and the Ministry of Local Government over the activities of vendors. The council complains of dirty from garbage and congestion caused by street vendors. During the time of Operation, Murambatsvina (Prevention of Dirty) perpetrated by the government, the vendors, street kids, vagabonds, homeless, prostitutes, etc., were arrested and some were marooned at designated farms around the city that were confiscated from Whites. However, the groups have resurfaced. The Ministry because of political plot is saying there is no law banning vending and Murambatsvina dealt only with specific vending points. Chombo also argues that the municipality police could not be given arresting powers because it was the duty of the Zimbabwe Republic Police (ZRP). However, it is correct to say besides political gimmicks, the Minister should know that council by-laws could allow the municipality police to arrest persons over specified claims. It is possible then that the national police force can agree or coordinate with municipal police on conduct of duties. The division of duties could bring efficiency and effectiveness in the prevention of crimes in the urban areas. This conflict has left the urban councils unsure of their powers over law enforcement in areas under their jurisdictions. The conflict thus has a direct impact on service provision. However, it should be noted that the Minister’s strategy is to keep everything confused so that he has opportunities to intervene in local affairs and to blame the MDC led administrations over poor service delivery.

In an article titled: „Zimbabwe: Auditor-General Censures Chombo”, (Herald, 22 June 2012), Clemance Chideme alleges that the Comptroller and Auditor General (C&AG), Mildred Chiri rapped the decision by Local Government Minister, Ignatius Chombo, to pay out huge allowances to investigating committees, which saw some individuals in the probe teams taking home more than US\$50,000 each.

The paper states that since the Movement for

Democratic Change (MDC-T) secured dominion of the majority of the country’s local authorities from ZANU-PF during the 2008 general elections, the Local Government Minister has appointed a number of committees to probe alleged corruption by councillors aligned to Prime Minister Morgan Tsvangirai’s party.

But in a report, Chiri said the State was losing a lot of financial resources through the exorbitant allowances paid to the investigating teams, adding that the payments should be probed (of particular interest is the Chitungwiza City Council). The government’s top auditor said the amounts involved were well above the amounts laid down by government.

The paper quoted Chari as saying, “The amount paid varied between US\$5,000 paid to interpreters to US\$52,720 paid to some chairperson of committees. The fees paid were in all cases far in excess of those authorised by the Treasury circular on fees payable to members of boards and committees.”

The paper said 25 members of committees that were set up to investigate allegations of irregularities in Harare, Rusape and Redcliff were paid amounts totalling US\$394,621. The amounts translate to nearly US\$15,784 per individual. Media reports indicated that Chitungwiza municipality workers threatened to go on strike after a five member investigating committee appointed by Chombo received huge payouts when employees were not receiving salaries. Manicaland Provincial Administrator, Fungai Mbetsa, who led the team was said to be receiving US\$26,525 in salaries and allowances per month while his deputy received US\$14,500. Committee members received US\$13,500 each. However, Mbetsa claimed he was being paid US\$16,000 per month, in addition to US\$2,000 for his accommodation at a local hotel. Chari further expresses, “An investigation must be carried out to establish how the allowances were determined given that they were just paid as cash without indicating the breakdown.”

In the „Herald (22 June 2012)”, Clemence Manyukwe argues that the Chitungwiza City Council investigations unearthed rampant corruption nearly two years after the minister had rejected calls by the MDC-T to fire the councillors in a move that would have stopped the continued plunder of the council resources and possible huge pay-outs to the probe team.

Chiri added that the Local Government Ministry had written off loans for the purchase of 161 vehicles to traditional leaders under the Traditional Leaders Vehicle Loan Scheme without Treasury’s approval. The auditor recommended that beneficiaries should repay the loans so as to facilitate the continuity of the revolving fund for the benefit of other traditional leaders. The top auditor said the Local Government Ministry had deliberately violated procurement procedures as prescribed in the Procurement Act and statutory instrument number 171 of 2002 through a number of purchases done for items exceeding US\$500,000.

In the „Herald (21 June 2012)“, a reporter, Daniel Nemukuyu, described a plot by Chombo and Munamoto Mutevedzi trying to overturn a decision of the High Court to reinstate councillors Silas Machetu, Maxwell Katsande, Paul Gorekore and Johnson Zaranyika who had been dismissed by the Harare City Council disciplinary committee.

The paper alleges that Katsande, Gorekore and Machetu were found guilty of receiving stands outside their wards in breach of a council resolution while Zaranyika was found guilty of failing to assist a family that was facing eviction in his ward. Zaranyika's wife actually moved into the disputed house after the same family had been evicted.

Another naked blatant use of power by Chombo was the provision of Mall Permit as reported by Tererai Karimakwenda in the „Financial Gazette of 8 August 2012“. The Minister of Local Government and Urban Development, Ignatius Chombo, approved a planning permit for the controversial Mall of Zimbabwe built in Borrowdale, by invoking a special law that allows him to bypass the Council. Chombo used a section of the Regional, Town and Country Planning Act which strips Council of the authority to approve projects, saying the \$100 million Mall is of „national importance“ because it is linked to funding for the construction of Airport Road.

The Harare Council had delayed issuing a permit to Augur Investments, the company building the Mall, because the land involved is alleged to have been included in shoddy real estate deals that were under investigation. There are also objections from environmentalists because the land under consideration is a wetland, and an environmental assessment study needed to be done before any construction begins.

The „allAfrica.COM“ on 13 August 2012 reported through Alex Bell that Local Government Minister, Ignatius Chombo, overturned a Harare City Council decision to rename three roads in the City, in what is being described as a „political play“. A full Council meeting reportedly approved the changes, which include Enterprise Road being named for the late General Solomon Mujuru. According to the Council, Enterprise Road was picked to be renamed after Mujuru because it is near the KG VI army barracks.

The Council also planned to rename Rotten Row after the late Chief Justice Enoch Dumbutshena and Churchill Road after the late Professor Walter Kamba. Dumbutshena and Kamba's families had agreed to the changes. Belle maintains that Chombo reversed the council resolution, insisting that he was not consulted. Chombo said the resolution to change the street names was null and void.

Observers have said the drama boils down to politics, with Chombo clearly trying to override a decision made by a majority of MDC-T council. One observer told SW Radio Africa that the MDC-T was likely to gain political favour by making these road name changes, and chombo

is trying to prevent the party from gaining any more popularity.

### **INTERVENTION IN LOCAL GOVERNMENTS' AFFAIRS USING SPECIAL INTEREST COUNCILLORS**

In an article entitled, „Chombo threatens to „fire“ Bulawayo Town Clerk“, the Bulawayo 24 News (17 January 2013) reported that the Government ordered the Bulawayo City Council to immediately swear in the appointed special interest councillor or risk having the Town Clerk, Mr Middleton Nyoni, dismissed. The Minister of Local Government, Rural and Urban Development had appointed Fidelis Fengu, as a special interest councillor representing people living with disabilities in terms of Section 4A of the Urban Councils Act (Chapter 29: 15). However, procedurally the Bulawayo City Council's Chamber Secretary, Mrs Sikhangele, felt that the council had to first pass a resolution authorising her to allow Mr Fengu to assume duty. It also indicates abuse of power by the Minister because he appointed Fengu without collaborating with the councillors.

There is no democratic decision making in urban areas of Zimbabwe because the Minister could still override any decisions made by full council. The Minister could also use loopholes in the Urban Councils Act to manipulate situations like in this example where he is appointing special interest councillors sympathetic to ZANU-PF to change the balance of power surreptitiously. Chombo venomously uttered, „Council was being „silly“ and he would not tolerate its insensitivity towards people living with disabilities“ (Bulawayo 24 News, 17 January 2013).

The Bulawayo City Council was arguing that Chombo had exceeded his quota for special interest councillors in the city were unfounded. The Urban Councils Acts stipulate that the Minister can only appoint special interest councillors, not exceeding a quarter of sitting councillors and in the case of Bulawayo they were not supposed to exceed seven. It seemed that the number of special interest councillors appointed by Fengu, the Minister, totalled eight. In the Newspaper mentioned above, the Minister states, „I also agree that in Bulawayo, where there are 29 council wards, I can only appoint seven. Turning to the eight special interest councillors that I allegedly appointed to the city in 2008, ask them who swore in the said councillors. An appointee has to be sworn in to be officially recognised. Since those were not sworn in, it is like they were never appointed.“ Councillors felt there was a hidden motive behind Dr. Chombo's appointment because it was senseless for the Minister to appoint a special interest councillor to the city when there were only a few months before the sitting councillors' tenure ends. In 2008, a Bulawayo resident, Billy Ncube had to take Chombo to court after he appointed the eight special interest councillors. This indicates the long battle over special interest councillors between Central Government and the City of Bulawayo.

Ncube challenged the criteria the Minister used in selecting the councillors and argued that Chombo did not have the jurisdiction to make the appointments.

The aspect of political banditry that was focusing on usurping the power of urban councils led Chombo to gazette Section 4A of the Urban Councils Act (Chapter 29:15) that was eventually used to weaken the position or authority of Mayors and Town Clerks about the appointment of special interest councillors. According to the Act, special interest councillors are expected to participate in the issues of the local authority they have been appointed to, perform the same functions and be entitled to the same benefits in every respect as an elected councillor. However, special interest councillors do not have voting rights at council meetings.

The Newsday (11 February 2013) indicates that the issue of special interest councillors is exacerbated by the fact that the Prime Minister (Tsvangirai) had on 19 September 2012 wrote to Chombo advising him to consider people with disabilities when making appointments of special interest councillors. MDC-T insiders said they suspected that Chombo wanted to use the letter to justify the appointment of his suspected ally Fengu and create an impression that the directive had come from the MDC-T leader. The use of a good intention policy or management tool for bad intentions is also a demonstration of the aspect of political banditry common in the behaviours of many ZANU-PF politicians.

The „Bulawayo 24 News Agency“ on 22 March 2013 reported the unhappiness of the communities over Chombo’s appointment of special interest councillors. The special interest councillors have become hot potato because the councillors have become one of the tools of darkness or banditry ZANU-PF has found handy in its crusade to annihilate the political goals or strengths of opposition political parties.

Chareka (22 March 2013) reported on the appointment of Gatsha Mazithulela as a special interest councillor.

The reporter states, “Special interest councillors represent the interests of minority groups, or bring special skills or knowledge that would be lacking among councillors. They are strategically selected after the minister analyses areas of expertise which the council lacks. Gatsha Mazithulela and Siphiwe Ncube were sworn in as special interest councillors at the Bulawayo City Council by Town Clerk Middleton Nyoni on February 25 in what other local councillors described as a „secret event“, as they were neither notified nor invited”.

The same News Agency on 28 February 2013 reports on the Bulawayo residents dragging Chombo to court. Alick Gumede filed an urgent High Court chamber application seeking to block Local Government minister Ignatius Chombo’s appointment of two special interest councillors.

In two letters dated February 22, 2013 (Bulawayo 24 News) addressed to Mayor Thaba Moyo, Chombo had advised Bulawayo City Council of the appointment of

Siphiwe Ncube and Gacha Mazitulela as special interest councillors. “By notice of this letter, I have the pleasure to appoint Gacha Mazitulela and Siphiwe Ncube as special interest councillors for Bulawayo City Council in terms of section 4A of the Urban Councils Act Chapter 29:15,” reads part of Chombo’s letter. Gumede’s lawyer, Job Sibanda, filed the application at the Bulawayo High Court arguing “such appointments were grossly irregular as to defy common sense in that the life of council to which they have been appointed comes to an end in the next month or so”. “Such appointment shall not benefit council, but shall only drain the financial resources of the council to which applicant is a contributor by virtue of him being a ratepayer,” reads part of the application.

In his founding affidavit, Gumede of Pelandaba and a member of the Bulawayo Progressive Residents’ Association (BPRA) said Chombo “may not act as a law unto himself without consequences or without being called upon to account”. He said the minister can also not “act irrationally when he exercises such powers because the results of his actions have serious consequences for ratepayers like me”.

The court case came barely a month after another resident Jack Matshazi blocked Chombo from causing the swearing in of Fedelis Fengu as a special interest councillor representing people with disabilities. Bulawayo High Court Judge, Justice Lawrence Kamocha, on January 21 granted an interim order interdicting council from swearing in Fengu. Chombo was yet to respond to the lawsuit by yesterday.

The Financial Gazette (23 March 2012) reporter Ray Ndlovu claims Bulawayo Progressive Residents Association (BPRA) accuses Chombo of using excessive powers conferred upon him by the Urban Councils Act to dissolve local authorities run by ZANU-PF’s rivals while replacing them with ZANU-PF aligned functionaries.

The paper states, “We see any investigation instituted by the Local Government, Rural and Urban Development Ministry as the practice of double standards following the refusal by Chombo to be investigated following allegations that he owns vast properties across the country in November 2010. Until Chombo is investigated to ascertain how he acquired his (alleged) vast wealth, BPRA believes that he does not have the moral standing to investigate local authorities or any other entities”.

Edwin Ndlovu, the Bulawayo spokesperson for the Welshman Ncube-led Movement for Democratic Change party says, “While they may be few corrupt councillors in BCC, the truth is that it is the best run city council in Zimbabwe. Even Chombo himself recently praised BCC for that, so why the change of heart now? Chombo’s investigations are just a political gimmick before elections and a waste of taxpayer’s money”.

Methuseli Moyo, the ZAPU spokesperson had this to say about the probe team: “Chombo likes meddling into the affairs of local authorities and one tends to suspect that he has a political motive for that. It is questionable

that the five-member investigation team does not have any representative from Matabeleland and we can only hope that the people of the region would not be victimised through the probe”.

Again as noted in the case of Chitungwiza, the allowance or the expenses of the probe teams are milking dry the budget of the already desperate urban councils. In the case of Bulawayo, the probe team was booked at a top city hotel with over US\$3,000 spent inside three days in accommodation, meals and communication expenses.

## URBAN COUNCILS AND MINISTRY OF FINANCIAL CONFLICTS

Chombo has intervened in urban councils’ budget preparations. The Urban Councils’ Act gives the Minister excessive powers over urban councils’ financial management. The budgets do not become official until and unless the Minister approves them. Share (13 October, 2011) in allAfrica.com argues that Local Government, Rural and Urban Development Minister, Ignatius Chombo, has castigated the proposed 2012 Harare City Council budget because his opinion was that the council deliberately failed to focus on service delivery, but dwelt on self-enriching. Minister Chombo said the US\$272 million being proposed was a “thumb-sucked” figure as it did not relate to what residents and ratepayers were paying.

Share states, “He described the budget as „false” adding that the city fathers had to go back to the drawing board and incorporate residents’ input. Residents’ associations and some councillors have already criticised the budget saying it was more of a „salary budget” while others said it was a „cut and paste” document of the previous budget.”

The Minister’s argument was that about US\$112 million, which is 41% of the total budget, has been earmarked for salaries and allowances. This means council has again failed to comply with Government’s directive pegging remuneration at not more than 30% of revenue. Analysis indicates that such budgets that support more recurrent expenditures leave little money for capital projects. The assumption is that development is facilitated more by capital investments than recurrent activities. The Minister’s objections to the budget seem rational though MDC councillors would view it as political because the same budget draft was published and debated in council before approval. Thus failure by the Minister or Ministry to intervene or provide support or advice at the appropriate point could be taken as intentional and meant to cause paralysis or confusion in the governance systems of Harare City Council. The Minister’s intention could be taken to be to want to appear to the voters that the MDC councillors were ineffective, inefficient and lacking required knowledge and skills in financial management. The ultimate goal was

to discredit the MDC Party and then increase voters’ support of ZANU-PF.

On 27 March 2013, the „Bulawayo 24 News” reported on the conflict between Chombo and local governments over the use of debt collectors in councils financial management activities. “The Government will not allow local authorities to use the services of debt collectors to recover their debts from ratepayers”, the Minister of Local Government Rural and Urban Development, Ignatius Chombo, has said. The reason given by the Minister to reject the strategy was that it was inhumane. However, in his considerations, it seems Chombo did not remember that he was at that time also accusing the councils of ineffectiveness. Failure by urban councils to collect revenue as portrayed by budgets was a major cause for inability by the same councils to implement many projects on their plans. Many of the urban councils have suffered from financial inadequacy or bankruptcy.

“There is need for water users to pay for water they use. When you use water, you should pay for it and those who are failing to pay should use water sparingly. Those who are not able to pay should also approach their local authorities and make payments plans and genuinely make an effort to settle their debts. There are some ratepayers who have not approached the local authorities for payment plans and this has resulted in local authorities using debt collectors to recover their monies. I have a problem with that move since I have a problem with them. They are sent to collect for example \$42, but they will require \$172 from the ratepayer just to collect the \$42 owed to council. This is an inhuman way of collecting debt and local authorities should desist from using them, said Chombo.” It is not clear whether the Minister did not want culprits to pay a penalty. The easiest thing the Minister could have suggested was to state that central government was going to pay bills for the poor or those failing to pay city governments. It is pathetic for him to side with wrong doers in this case. This example indicates how Chombo is a big trickster. He at times defends the wrong person or he condemns councils for poor performance. The powers bestowed in him by the Act are too much and being use to abuse the institutions.

Chombo has been mentioned in many cases that can be regarded as corruption. Some of the cases involve the buying or ownership of councils’ land, houses or instructing use of councils’ funds in an irregular manner. The following case is an example of how politics can enslave or change someone into an irrational bandit.

Bulawayo 24 News on 01 February 2013 in an article, „Chombo bullies cops to release detained council officer”, Divine Dube explains that Local Government, Rural and Urban Development Minister, Ignatius Chombo, has been fingered in interfering with the cause of justice by telling police officers to (Tsholotsho Rural District Council Chief Executive Officer, Themba Moyo) release a fraud suspect. Moyo had been arrested for fraudulently withdraw-

wing council funds amounting to US\$15,000 alone at the bank. In terms of council procedure and rules, cash withdrawals can only be made when a withdrawal bank slip is signed by three signatories. Moyo had corrupted a bank teller who agreed to allow the illegal transaction. Despite the fact that Moyo had accepted the illegal withdrawal of council funds, Chombo is alleged to have phoned the station superiors and demanded the immediate release of Moyo on the grounds that he was wrongly arrested and detained.

The police had charged Moyo with two crimes that included fraud and abuse of authority. In defence of Moyo, it is claimed that Chombo demanded that Moyo will only be arrested after an audit of all council books is finished, on a date that his office has not made known. "Minister Chombo said the matter was an administrative council error and not in any way criminal to merit the arrest and detention of the CEO, he was fuming and threatened to fix those behind the arrest of Moyo," said a police source. Ultimately Moyo was clandestinely released because of the minister's interference. Moyo was then clandestinely released from police custody at the behest of Chombo's interference. An annoyed policeman added: "It is sad that as police officers we do our investigations and make arrests and chefs come and undo our job." A councillor from the same institution complained about Chombo's conduct arguing that it undermines the council's authority and amounts to defeating the smooth delivery of justice when he stated, "What Minister Chombo did about the Moyo case is so bad, it shows that he does not respect councillors and the committee that sat and found Moyo wrong. He does not respect the work of police," said the councillor.

The News Agency further alleges that Chombo has in the past made headlines for interfering with the day to day running(s) of several councils. He has fired officials that have refused to adhere to his demands. Several allegations of corruption have been levelled against him and he has always disputed any wrongdoing.

### **MINISTER OF LOCAL GOVERNMENT CONFLICTS WITH COUNCILLORS AND MAYORS**

In an article, "MDC councillor takes Chombo to court for unlawful dismissal", Ndou (Bulawayo 24 News, 9 January 2013) states that Umuza Rural District Councillor, Mxolisi Ndlovu, has taken Ignatius Chombo, the Minister of Local Government, Rural and Urban Development to court over unlawful dismissal. Councillor Ndlovu filed papers at the High Court in Bulawayo challenging his dismissal by Chombo who also has been fingered out in several cases of corruption including illegally acquiring land in urban and rural councils across the country. Ndou explains that in his court papers, Councillor Ndlovu argues that his dismissal by Chombo is politically motivated. "The investigations that led to me being charged with seven counts of misconduct were patently

biased and clearly conducted along politically partisan lines. The investigation team only confined itself to and obtained statements from people only affiliated to Zanu-PF and shunned and avoided those affiliated to the MDC to which I am affiliated to. This on its own was a strong bias that compromised the whole process and First Respondent (Chombo) should not have persisted with the process amidst such blatant partisanship," the court papers read.

Bulawayo 24 News further argues that since 2008 when the majority of current councillors were voted into office on an MDC ticket, Chombo has been destabilising the operations of the MDC led-councils and suspending the democratically elected councillors on phoney corruption charges. This aspect indicates lack of professionalism on the part of the Minister. His political banditry has left many local governments malfunctioning or bankrupt. The interventions have left many city councils poorly providing public goods and services because politicking and the Minister's interventions in local affairs are done in bad faith. The citizens always suffer from these confrontations that divert the attention of councillors and employees. The political machinations of Chombo had left many city fathers and council Heads of Department unsure on how to proceed with urban council businesses.

The Herald (16 January 2013) reported another case of conflict whereby the Minister stopped mayors and their Town Clerks from proceeding with a study tour of America municipalities. The reasons given by Chombo for stopping the trip was abuse of public funds and short notice that did not allow him enough time to study the documents outlining the objectives of the tour.

There were conflicting views on the financing of the trip. Some sources indicate that the urban councils had to provide airfares and others state that the US Department of State had provided US\$75,000 budget for the eight. Some corners suggested that despite the American Department availing adequate funding, the local authorities were still asked to raise their own air fares and subsistence funds. This allegation indicates corruption that involved individual mayors and Town Clerks and councils.

The Herald claims, "Minister Chombo said he stopped Masvingo Mayor (Femias Chakabuda), Masvingo town clerk (Adolf Gusha), Bulawayo Mayor (Thaba Moyo), Bulawayo town clerk (Middleton Nyoni), Harare town clerk (Dr. Tendai Mahachi) and director of urban planning services (Mr. Psychology Chiwanga), Plumtree secretary (Mr. Davies Luthe) and Ruwa town secretary (Ms. Julieth Makombe) from leaving for the US last night."

The Herald (7 February 2012) portrays yet another incident of the Minister firing two councillors (Adam Puzo and Peter Keri) on the allegations of being complicit as chairpersons of the finance and procurement committees. The same paper also for the first time indicates the Minister dismissing special interest councillors for poor



performance. It should be noted that the special interest councillors are appointed directly by Chombo. This means that certain persons politically appointed by the Minister do not have knowledge and skills on urban governance. The paper in addition portrays Chitungwiza City to be managed by a Commission appointed by Chombo and led by Manicaland Provincial Administrator, Fungai Mbetsa. However, in other Newspapers, it commented that the allowances paid to the Commissioners are too big to the extent that they have the effect of financially draining the council. The council has already a history of financial shortages.

### Calculated dismissal of Mayors

The Bulawayo 24 News reported on 23 February 2013 about Chomba's decision to dismiss Gwanda mayor over the issue of the appointment of a Chamber Secretary who Chombo was imposing on the urban council. Appointment of council employees and imposition on the councils was another strategy adopted by the minister to distort the functions and dilute the power of MDC Party. This however is a serious misdemeanour because the minister in that case reduces himself from the position of leadership to that of council manager. The Ministry controls the behaviour or activities of urban councils but under devolution of power this specific decentralisation methods gives the councils power to make local decisions/resolutions and to implement them. The intervention by the Ministry through appointment of personnel reduces the autonomy of urban councils and changes devolution to deconcentration. In deconcentration, the local governments have limited power of decision making. Deconcentration creates field offices out of the capital cities of countries and the field offices are not given freedom to make decisions. The field offices always take orders from the central government. In this case, a decision has been made by a field office that office has to request permission from the centre to implement it. The offices in the field are organs of state power. They are mostly used to implement central government policies or goals. Thus the adoption of deconcentration instead of devolution curtails democratic governance, participatory decision making, transparency, rule of law and deliberative democracy. Deconcentration is inferior to devolution. However, in Zimbabwe it seems from around 2000 central government stated to recentralise than increase decentralisation of power. This is part of what this study calls political banditry because the idea of ZANU-PF in adopting such erroneous strategies is not to benefit the citizens. ZANU-PF's political machinations focus is on diluting the power of the opposition or to try and take over by clandestine means the administration of urban councils. It is a strategy that benefits ZANU-PF politicians.

Bulawayo 24 News states, "Gwanda Town Council has

reportedly defied Local Government, Rural and Urban Development Minister's ultimatum to appoint Priscilla Nkala, an alleged Zanu PF apologist, by Thursday as the council's chamber secretary. Chombo had written to acting Gwanda Mayor, Sithokozile Sibanda, in a letter dated February 6 to appoint Nkala to the position before February 21 and said he was "deeply concerned over the council's continued snub of his directives".

The Standard Newspaper (8 April 2012) quoted Nqobani Ndlovu who stated that the Deputy Minister of Local Government, Rural and Urban Development, Sesil Zvidzai, dismissed as "a non-event" the suspension of Gwanda Mayor Lionel De Necker by his boss, Minister Ignatius Chombo. Zvidzai called for the amendment of the Urban Council's Act, which he said was being abused by the Local Government minister. De Necker was dismissed after he refused to appoint an alleged Zanu-PF functionary, a Mrs. P Nkala, as a Gwanda Municipality Chamber secretary.

The dismissal letter from Chombo was quoted as stating, "Following your deliberate defiance of my directive of 30 November 2011 issued in terms of Section 314 of the Urban Councils Act (Chapter 29: 15), directing council to appoint Mrs. P Nkala as the substantive Chamber Secretary for Gwanda Municipality as approved by the Local Government Board, I hereby, in terms of Section 114 of the afore-cited Act, suspend you from being a councillor for Gwanda Municipality with immediate effect." "After you received my directive, you proceeded to challenge the activities of the Local Government Board appointed to carry out its responsibilities as specified in the Urban Councils Act. Furthermore, you even questioned the credibility of the Local Government Board which was set up in terms of the law thus undermining the powers of both the Minister and Board."

Zvidzai comments, "Chombo is going wild shooting at everybody using the Act. The guy still cannot face the reality that his Zanu-PF party is no longer running the country's urban councils," Zvidzai said in an interview.

In 2008, the government abolished the post of the executive mayor and replaced it with the old system of the ceremonial mayor. It was envisaged by the central government that such a move would reduce the powers of the mayors as provided in the Urban Councils Act. The central government cited abuse of power by the mayors as the chief trigger to this decision. However, a number of antagonists to the move indicated that mayorship was synonymous to urban governance which domain has now been taken over by the opposition MDC. According to them, the move was nothing but a coup de'tat against the democratically elected mayors in various urban centres of the country. Some mentioned that the matter constituted a constitutional agenda.

All the snippets are evidence to indicate that in Zimbabwe, central government has been using various tactics to involve itself in local affairs hence it has a

recentralization tendency. In this aspect, the continuous deterioration of goods and services and the infrastructure in the urban centres has left many stakeholders questioning the credibility of decentralization as a policy option for Zimbabwe.

Takunda Maodza in the Herald (28 January 2012) reported the suspension of James Mutare Mayor on the allegations of using councils funds to pay personal expenses related to legal matters and also for trying to recruit a consultant company (KSV3) to advise on the development of Mutare City Council budget. The councillors opposed the move on the pretext that the city had no money for consultancy fees. After refusing to sign the budget it is alleged that the Minister had to summon the Mayor and forced him to sign it. It is indicated however that the mayor was arguing that the invitation of KSV3 of a company from South Africa was formal and based on a council resolution.

On the same issue, The Herald (9 February 2012) indicates that the probe team assembled by the Minister was led by Masvingo Provincial Administrator (Mr Felix Chikovo). The Ministry argues, "Several times he (Brain James) vetoed council decisions without consulting the officials. He thinks that he is an executive mayor, forgetting that he is just a ceremonial leader."

In the Zimbabwean Independent Newspaper (30 March 2012), Elias Mambo states that MDC-T mayors and councillors have slammed Local Government minister Ignatius Chombo for disrupting their operations and sabotaging their work in a partisan bid to discredit their party ahead of elections.

The paper further alleges that Harare Town Clerk Tendai Mahachi claims that Chombo vetoed the council's plans to hire additional workers to improve the city's service delivery, citing a depleted budget. Mahachi explains, "Our letter in which we requested to employ 280 labourers to boost our workforce and speed up service delivery was turned down and the minister advised us to use the personnel that we currently have, which is far from being enough."

Chombo on the other hand is masquerading that he was cracking down on municipalities because they were failing to perform. He states, "Our urban councils have failed to perform and as the responsible minister, I am demanding explanations."

The despondence of mayors could be portrayed by the different views of mayors noted below. Kadoma mayor, Peter Matambo, voiced grave concerns, saying service delivery was being derailed by bureaucracy within Chombo's ministry. "I do not want to rule out sabotage given our different political affiliations. Development has been delayed as a result of these clashes."

Kwekwe mayor, Shadreck Tobaiwa, said Chombo was abusing his excessive powers. "This is unacceptable; he wants us to lose the next elections by creating a false impression that we are failing to deliver. I have informed our MP Settlement Chikwinya to intervene. It is clear

sabotage."

Bulawayo mayor, Thaba Moyo, said his council had nothing to fear and was ready to challenge any interference and interventions not in the interests of the city's residents. "As long as decisions show that they have people's interests at heart, we do not have a problem, but if we see that the move is meant to derail progress then we stand up and fight," said Moyo.

Gwanda mayor, Lionel De Necker of the Welshman Ncube-led MDC, complained about polarisation and meddling by the minister. "Disruption is from all corners; from the minister and some employees who are loyal to Zanu PF. These people take orders from outside resulting in a direct confrontation and councils are heading for disaster if this trend is not abated," he said.

### **CONFLICT OVER THE ROLES OF DISTRICT ADMINISTRATORS AND GOVERNORS IN URBAN COUNCILS**

Since the year 2000, the central government uncalled interventions have manifested in the form of increased firing of legally elected urban councils (for example, Mutare, Harare, Chitungwiza) by the Minister of Local Government, National Housing and Urban Development (MLGPWNH) replacing these by appointed District and provincial administrators who report directly to the central government (cf. Herald, 2008). The 'residual' mayors and councils have been impelled to report to provincial and district administrators who, by their nature, are civil servants. The civil servants have adopted a confrontational rather than a collaborative approach to the management of urban councils contrary to the provisions of the existing legislation (Kamete, 2002). This is in contravention of the principles of decentralization and good governance (Johnson and Minis, undated; Joint UNDP Government of Germany, 1999; Prakash, 2002; Magnusson, 2006). It is lamentable that in this same period of the messy reality of governance in the country, the economic meltdown in the country has rendered most of the councils uncreditworthy to local and international banks, leaving the borrowing powers by urban councils in the hands of central government to the detriment of rapid decision making let alone service delivery (cf. Osiche, 2007).

### **Corruption issues**

In an article by Karren Shava (Herald, 6 October 2011) entitled: "Zimbabwe: Chombo Grants Councillors Discounted Stands", it is reported that the Minister of Local Government, Rural and Urban Development, adopted a policy that granted mayors and councillors countrywide the authority to acquire residential stands at concessionary rates. The policy though has all characteristics of corruption has also tendencies of interfering in local governments affairs.

Shava explaining the information at hand expressed that attached to the minutes of the City of Harare which allowed councillors to buy stands/land at discounted price, was a circular dated April 28, 2011 by Killian Mupingo, the secretary for Local Government, Rural and Urban Development, addressed to all the country's provincial administrators, town clerks and chief executive officers, outlining Chombo's directive.

Shava (2011) quoted the directive as stating, "The Ministry is concerned about the welfare of councillors to the extent that the Minister has granted authority to councils to allow sitting councillors access to residential stands at concessionary rates, staggered between 30 and 40%, depending on the period of service".

Harare Residents Trust (HRT) coordinator, Precious Shumba, according to Shava (2011) explained that councillors and mayors have always been accessing residential stands at concessionary rates, but noted a disturbing trend whereby the city fathers were purchasing more than one stand per individual in violation of government policy. Shumba also questioned the source of funds used to make the purchases as some of the councillors were unemployed.

"Councillors are entitled to one stand in their wards and whenever they are unable to secure land in their wards, they have access to land in the adjacent wards. From our own view point as HRT, we observed that with the policy in place, councillors have secured many residential stands in more than one area," he said. This assertion indicates that policies alone could increase corruption. What is needed in addition is the management of the policies so that expected goals are always met. However, the policy according to ZANU-PF government was meant to excite councillors to the extent that they were supposed to abandon the MDC Party and support the so-called progressive ideas of Chombo. It was nothing else but politicking at play. The HRT's question was valid to ask where the councillors were going to get many since the position is just occupied on part-time basis. However, it should be noted that the Minister was proposing the policy because himself and friends had already corruptly acquired vast pieces of land in Harare and other town and cities. Corruption has no eyes. Chombo might have felt that by adopting the policy, councillors would overlook his corruption and unnecessary interventions in urban councils' activities.

"We are aware that most of the councillors were unemployed before they became councillors, but now we have seen that they are now the richest people in town. We are not sure if this has something to do with the titles they hold" HRT asserted.

Member of Parliament (MDC), Obert Gutu, and many other MDC Party supporters tried to distance themselves from the corruption happening in the public sector of Zimbabwe. They blame it squarely on ZANU-PF led governments and institutions. In the Daily News (10 April 2013), Gutu states, "Although the MDC has expelled

several councillors, including deputy mayor Emmanuel Chiroto, Chombo has refused to expel them from council. Zanu PF has upped the ante against the MDC, attacking councils run by the former opposition party as havens of corruption. But Gutu says the problem can be traced to Chombo, whom he said interfered in the appointment of key council employees and also special councillors. The situation has not been made any better through the improper and irregular interference in the operations of the council by the minister of Local Government. In order to protect his Zanu PF cronies who occupy strategic positions within the administrative structure of the city council, the minister has misused and abused the wide powers that he has in terms of the Urban Councils Act, to virtually usurp the functions of the council as well as sabotaging any progressive work that the council may be embarking upon."

Thus Gutu apportion the major problems of Harare governance on Chombo. However, he also observed that the failure of the city to raise adequate revenues cannot be ignored. Services provision is dependent strictly on the availability of money. Many cities and towns of Zimbabwe are bankrupt because of political bickering that have left the city fathers, employees and the Ministry of Local Government unable to agree on accurate or practical rates that residents have to pay for services provided. Currently, all rates have to be approved by Chombo who sometimes plays political games with urban councils' financing to project a fake or absent people oriented service rates or ideology in urban areas. The populist ideas and strategies that at times have been adopted by Chombo have directly and indirectly affected both ZANU-PF and MDC Party supporters who have failed to get adequate quantities and qualities of public goods and services. These urbanites have observed helplessly services deterioration since the late 1990s.

MDC- T Buhera Central MP, Tangwara Matimba, in the Financial Gazette (13 October 2011) indicates his intention to introduce a motion to clip Local Government minister, Ignatius Chombo's wings by amending the Urban Councils Act. His Bill is also referred to as a Private Members Bill. The Bill focuses on amending the powers of central government over municipalities especially interference by the minister who dabbles in the day to day running of councils.

The perception of Matimba is that councils are supposed to be semi-autonomous. They should have the power or authority to make decisions that affect only areas of their jurisdictions. They should be able to make small laws like by-laws and policies that determine development of areas under their administration. In Zimbabwe, local governments are sub-structures of central government created through devolution as a decentralization concept.

It is possible that local government when properly

nurtured, capacitated and funded could be good vehicles of promoting democracy in Zimbabwe. They provide platforms at local levels through which the local citizens exchange experiences, ideas, opinions and also participate in decision-making in issues that affect their lives. Junior politicians have institutions through which they are groomed. However, in Zimbabwe, the hawkish nature of politicians who desire power than inclusion of citizens in decision-making has left such institution empty of power or authority to influence administration, political and public financial activities that affect their localities. The national politicians have managed to recentralize power that had been decentralised between 1980 and 2000. The interferences with local issues has portrayed itself as a result of the rise of the Movement for Democratic Change Party and the panic of ZANU-PF Party that is trying to regain control of urban areas by violence or force. That is shenanigans or tomfoolery like introduction of District Administrators, Governors, councillors representing special interests and support of mafia organizations like Chipangano has been adopted and supported by ZANU-PF.

Specifically, Matimba said that the amendments would also seek to deal with the issues of special interest councillors and propose that councils be made up of only elected councillors. Matimba is reacting to past experiences where Chombo has dismissed MDC elected mayors and councils over feeble charges and replaced them with commissions. In other instances, he has appointed special interest councillors only answerable to him.

In an article of the Financial Gazette entitled; Zimbabwe: Chombo's Powers to Be Curtailed (26 October 2011), Manyukwe C. quotes Matimba starting, "The current Urban Councils Act leaves a lot to be desired in terms of governance. It is therefore necessary that we, in this august House, as mandated by the constituencies that we represent, have to make the necessary amendments to ensure that our councils are effectively and efficiently (run). . . . the present law allows for excessive interference by ministers and the President".

Radio Dialogue (February 22, 2013) indicates also, "Minister of Local Government, Rural and Urban Development, Dr. Ignatius Chombo has been blasted for using the Urban Councils Act to turn himself into a "demi god". Matimba's opinion is that Chombo is abusing the Act for his personal gain and not the public well-being or for good governance of local government institutions in Zimbabwe. He is irked by the random and daily dismissals of MDC councillors and councils, and their replacement with people who are pro-ZANU-PF Party."

The Zimsituation (31 May 2013) reported that Matimba's Bill was stopped by the Supreme Court after it was considered to be violating laws enshrined in the laws particularly those governing the Government of National Unity. The ruling affected also other Private Members

Bills for example the one introduced by MP Gonese. Though the MDC Party Members of Parliament have to follow the rule of law, the conclusion that one can arrive at is that the ruling or the laws used negatively affect good governance and democracy. The researcher's view is that the MDC Party members could still go back to these Bills after the expiry of the Government of National Unity.

Bulawayo Deputy Mayor, Amen Mpfu, said it was a pity that the Urban Councils Act which they used as their "bible" was an "unholy bible".

Section 314, which empowers the minister to direct or suspend and rescind resolutions of councils, was referred to as a notorious clause by Matimba.

Manyeruke further quotes former Mutare mayor and now Mutasa South lawmaker, Misheck Kagurabadza who was once sacked by Chombo commenting on the amendments, "Mayors of the respective cities were removed and what happened? Nothing took place except the cholera outbreak because there was no one to monitor on behalf of government and report that there is a problem. The minister has too much power, he is a warlord."

The researcher's opinion is that the Members of Parliament view Chombo as the trouble maker in urban councils' governance. The minister is interfering with local government business instead of supporting or advising on good governance. He is blocking good, transparent and responsible activities and substituting them with solutions tantamount to chief or corruption. He has become a political bandit who is interested in the survival of ZANU-PF- come what may- at the expense of the people and their rights.

Addressing a rally in Bulawayo, Matimba indicated that he intends Urban Councils Act to reduce the powers of Chombo and central government over municipal and town councils thereby encouraging democracy at local levels. Democracy can only be enhanced by encouraging transparency, responsibility, accountability, participatory decision making and adherence to the rule of law. Democracy is governance of the people of the local issues affecting their lives. It is deliberative, direct or representative democracy. Currently in Zimbabwe, representative democracy is the one being abused by Chombo and similar politicians. When elected they automatically become bigger than their voters or constituencies. They stop listening to the stakeholders. Decisions that are made become top-down instead of bottom-up. In actual fact, politicians like Chombo have become small dictators in the ministries and associated constituencies.

Deliberative democracy is handy because leaders, politicians and citizens affected congregate and discuss issues of a local nature without respecting positions held. They are equal in the meetings. When agreements are reached the citizens then use their positions to carry people's opinions to relevant institutions for planning,

programming and protect implementations. Deliberative democracy is relevant if it is used as the stem on which representative democracy is grafted and nurtured.

### **ARBITRARY POLITICAL APPOINTMENTS AND PROTECTIONS**

Jonga and Chirisa (2009) in an article: „Urban local governance in the crucible: empirical overtones of central government meddling in local urban councils affairs in Zimbabwe“ point out that the introduction of the offices of District Administrators (DA) and governors in urban areas was highlighted by some mayors felt as a strategy by government to interfere with their operations and to force them also to report to ZANU (PF) appointed functionaries. It was revealed that such offices were not provided for in the Urban Councils Act (GoZ, 1996) and also it was unconstitutional. The firing of a council according to a Deputy Secretary in the Ministry of Local Government was the last and drastic option taken when services have deteriorated to levels where the rate payers cannot get value for their money. In addition, the reason could be rampant corruption or generally councillors can be fired for mismanagement of the activities of the councils. To some extent the majority, if not all, of urban councils that have been fired by the Minister were dominated by MDC councillors and/or were under MDC Mayors.

In addition, a number of MDC Mayors have been fired and replaced by ZANUPF loyalists. Data available indicate that Commissions have managed Harare and Mutare and that the Mayor of Chitungwiza was fired and replaced by a ZANU (PF) Party official. Observations also indicate that a big number of the appointed commissioners were not experts in local government issues but they were only appointed on patronage basis. Thus their target may not be the society they are supposed to serve but to satisfy selfish ends of national politicians.

The Financial Gazette (2 November 2011) reported that Kwekwe Municipality ignored a directive from Local Government, Urban and Rural Development Minister, Ignatius Chombo, to reinstate embattled city treasurer, Albert Zingwe. Zingwe an MDC councillor had been probed by his party for insubordination and gross corruption and after dismissal his benefits were tendered to him.

Kwekwe mayor, Shadreck Tobaiwa, states, “As of now, Zingwe remains fired and we have paid out his terminal benefits through his lawyers and have sent all the relevant documents to the minister, which validates our decision to fire him and the minister is yet to come back to us, so at the moment the Local Government Board decision stands.”

Dispite the Council following expected channels, the Minister intervened and tried to force the institution to change its decision.

The paper claims that in July this year, the Local Government Board upheld a full council resolution to dismiss Zingwe but Chombo shrugged off the recommendation saying he needed to first conduct an enquiry on the state of affairs at the council. However, Local Government Deputy Minister, Sesel Zvidzai weighed in on the side of council, stating that the Local Government Board’s decision should be upheld. Zvidzai argues, “As far as I am concerned the Local Government Board made a decision to fire Zingwe and that decision still stands. It is now high time we give local authorities powers than is the case where there is interference from the executive and this does not augur well with good governance and the independence of local authorities to make their own binding decisions.” The conflict portrays unreliable Chombo even contradicting with his deputy.

The Herald (5 September 2011) reported that in the Midlands, Gweru City Council defied a Government directive to reinstate fired chamber secretary Mr. Richard Masinire. Local Government Rural and Urban Development Minister, Ignatius Chombo, wrote to Gweru City Council ordering the local authority to reinstate Mr. Masinire. Mr. Masinire was dismissed from council early this year after an investigating committee found him guilty of corruption and nepotism.

According to Tichaona Sibanda, „SW Radio Africa on 3 September 2012“, MDC-T spokesman, Douglas Mwonzora, accused the Local Government Minister, Ignatius Chombo, for abusing the Urban Councils Act to protect corrupt councillors dismissed from their party. Mwonzora claimed that this is not the first time Chombo has protected those dismissed from the MDC-T for corruption because he did the same with fired Chitungwiza City councillors. Monzwora states, “We now have the 12 councillors who have been found guilty of corruption still being protected by the same Minister. This is because he is involved in corruption with those councillors, so we are saying ZANU PF can have these people. . . .We have made our position clear, unfortunately the law does not allow us to take them out of council...the Minister only has the powers to do that but as you are aware Chombo is protecting them. Mwonzora further indicated that when MDC Party officers are probed by ZANU-PF Party sympathisers, it is easy to get them dismissed. When the dismissal is engineered by the MDC Party, Chombo always protects the councillors to get favours and lure them to ZANU-PF.

### **SUMMARY: MINISTERIAL INSTRUMENTS OF DARKNESS**

Directives are therefore a major tool used by central government in meddling with issues of a local nature (Herald, 2008). These machinations traded good governance for political advantages and because of this central government therefore came very heavy on urban councils thereby thwarting any remaining elements of

freedom, good governance, commitment, initiative, etc., among councillors and council employees. For example:

- The Minister ordered a reversal of Harare City Council's decision on reinstating city council employees (the Director of Housing, Engineering Director and City Treasurer) illegally fired during the management of a commission.
- The Minister of Local Government was the chief determinant of surcharges and rates. Urban councils could not increase surcharges or rates without getting permission from the ministry.
- Divide and rule tactics as a result of bickering or politicking and endless clashes of senior managers at Town House (The Herald, 2006).
- The majority of urban councils were charging sub-economic rates to consumers because of ministerial interventions (The Manica Post, 2006).
- Firing of councillors.
- Abolition of the office of the executive mayor.
- Introducing District Administrators and metropolitan governors (specifically for Harare and Bulawayo) in urban areas.
- Central government failed to honour payment of its debts even in the Zimbabwe dollar currency (abandoned in 2009). Respondents argued that with the economic meltdown, the ministries no longer care about their indebtedness to city councils (TERUM, 2009: 174).

The intervention of the Ministry is excessive and it stifled innovativeness, especially in councils' debates. As a result, most urban councils are reduced to bankruptcy and inability to provide social goods and services to the rate payers. The overall degeneration is evidenced by poor roads, lack of clean water, lack of capacity to collect garbage and decay of other sectors. What is surprising is that Zimbabwean politicians are proud of themselves and of leading a country ravaged of resources, devoid of investment, stagnant, marooned its own currency and notorious of political motivated violence and murders. The politicians particularly from ZANU-PF Party commonly blame colonialism and exonerate themselves from poor governance, economic mismanagement and natural resources plunder. The ZANU-PF politicking has left Zimbabwe impoverished and in misery. However, the same non-reforming and non-repenting cling to power and promise the citizens that they want to initiate development after failing for more than thirty years.

### **THE URBAN COUNCILS AMENDMENT BILL 2011 AND NEW CONSTITUTION (2013)**

The „Newsletter from the Prime Minister's Office, 7 December (2011:3)“ indicates that the Bhuhera Central Member of Parliament, Tangwara Matimba, crafted a Bill intended to amend the current Act. Some of the amendments include:

- (1) Abolition of the Minister's powers to give policy directives to councils.
- (2) To abolish the Minister's powers to reverse, suspend and rescind resolutions and other councils' actions.
- (3) To stop the Minister from ordering urban councils to make certain by-laws or adopt particular model by-laws.
- (4) To stop the Minister from ordering two or more councils to provide combined service.
- (5) To stop the Minister from vetoing councils' by-laws and only allow him/her to have limited say over the design of such laws.
- (6) To control the powers of the Minister over the suspension and dismissal of councils and to allow immediate investigations to take place and be completed within 60 days. The Minister has to apply to the High Court to dismiss a council if investigations reveal adequate grounds for that.
- (7) To stop the Minister's powers to confer and remove council's responsibility to administer a certain local government area, changing a council's area and abolishing a council.
- (8) To make sure that every mayor is an elected councillor.
- (9) Remove the Minister's power to approve auditors before being hired by the urban councils.

The proposed amendments are based on the assumption that the Minister of Local Government has been given too much power in the current Urban Councils Act. The opposition parties perceive such powers as being abused by the ZANU-PF Government.

The new Constitution approved in May 2013 has clipped further the wings of Minister Chombo. „The Daily News (27 May 2013)“ states that the new Constitution has done away with powers used by Local Government Minister, Ignatius Chombo, to fire mayors and councillors countrywide. It further alleges that the Zanu PF minister has fired dozens of elected councillors, mainly those elected on the MDC ticket and replacing them with handpicked commissioners and special interest councillors sympathetic to ZANU-PF political gimmicks.

The Daily News expresses: “According to Chapter 14, section 278 (2) of the new Constitution, an independent commission will be solely responsible for the removal of the mayor, councillor and chairperson of a local authority from office. An Act of Parliament must provide for the establishment of an independent tribunal to exercise the function of removing from office mayors,

chairpersons and councillors...”

Despite the recent decision of the Supreme Court, the ideas of Matimba as far as the researcher is concerned were noble if not progressive. The researcher hopes if an MDC Party member becomes Minister of Local Government, this Bill needs to be revisited for the sake of amending the Urban Councils Act to promote democracy,

accountability, transparency and good governance.

## CONCLUDING REMARKS

The level of literacy is significantly high in Zimbabwe to the extent that the citizens are informed about the way urban councils are governed in Zimbabwe. It is also true that Zimbabweans are subjected to different competing views portrayed by a big number of newspapers that are being published. The information and newspapers quoted in this write up do not necessarily cover everything. They are just the tip of the iceberg.

It has been noted in the discussion that the Minister of Local Government is absolutely empowered by the Urban Councils Act to intervene in any local issue if he wants to be involved. The paper just highlights a few of the interventions some of which are progressive and the majority of which were meant to punish the MDC Party officers and promote in the process the ZANU-PF Party standing in the political arena. The paper has also argued that these interventions have impacted negatively on the urban governance. The allegations are that the Commissions, special interest councillors and other personalities politically appointed by Chombo have also failed to bring the fortunes of these municipalities back. In many cases, the situation has worsened because after dismissals of councillors and mayors, the replacements are politically determined. One would have thought the Minister and his crew was going to use expertise to replace failing political officers.

It is thus unfortunate that in Zimbabwe in many urban areas the communities are not happy about the services they are getting. There is filthy and squalor in the cities, potholes, sewerage pipes burst, incidents of cholera and typhoid, lack of clean water or unavailability of water, lack of adequate transportation, congestion of city centres because business people are recycling old building and no new developments are being done, unavailability of houses particularly for the poor, non renewal of the urban areas, thus many of the municipalities look like ghost towns because of lack of renovation, etc. The researcher thus concluded that democracy is lacking seriously in Zimbabwe. Party politicking therefore has led to the deterioration of governance in the urban councils. Serious reforms that will capacitate councillors so that they are able to counter the machinations of the Minister are critically needed.

The Urban Councils Act definitely has to be reviewed and changes that bring democracy and good governance are needed urgently.

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