

Devolution of Power

Introduction

Devolution of power refers to the transfer of power from a central government to local or regional governments. Whereas centralized government systems have a unitary hub of governance enjoying a monopoly in most governance roles, devolution of power calls for a decentralization of the governance and administrative roles and a cascading of such to local and community levels. Devolution of power can be further understood as the sharing of power between the various spheres of government within one state. In that sense, it calls for government to cede authority, resources and responsibilities to the local communities involving not just the transfer of power but also of financial resources. The most accepted system of government in most countries the world over has been the centralized form of governance, characterized by rigidity and at most, tightly controlled administrative systems. This has resulted in an unbalanced distribution and allocation of public resources as well as suppressing the democratic voice of citizens especially at grassroots level, alienating them from decision-making in government issues.

The concept of Local Government

This involves a realistic commitment to democratic participation in the governing process at the community level. It implies legal and administrative decentralization of authority, power and personnel by a higher level of government to a community with a will of its own, performing specific functions within

the wider national framework. A local government is a government at the community level of administration designed to meet the particular needs of the community.

Devolution of Power in various countries in Africa

South Africa

South Africa (SA) is one of the countries in Africa which has undertaken a reliable system of devolution of power to its provinces. Its Constitution explicitly recognizes three levels of government which are national, provincial and local. The national government, in terms of Section 146 of the Constitution, may only pass national legislation if “a matter ...cannot be regulated effectively by legislation enacted by the respective provinces, or if the matter to be dealt with effectively, requires uniformity across the nation, and the national legislation provides that uniformity.” The Constitution also permits national law to supersede provincial law in areas of national security, economic matters, equal opportunity, equal access to government services, or environmental protection. This progress made by SA municipalities towards realizing the vision of developmental local government is remarkable and unmatched. Over the last 17 years in SA, municipalities have embarked on the extension of infrastructure and development, whilst absorbing fundamental changes into their internal governance and management structures, financial management systems and inter-governmental responsibilities.

Nigeria

Nigeria is a federal state with a multiplicity of cultures, diversity of languages and differentiated needs and means. Devolution in this state has worked to a lesser extent in improving the economy, uniting the people and bringing power to the grassroots levels. There have been arguments that the local government in Nigeria has not performed to expectation. Reasons for this failure vary from financial challenges, inadequacy of skilled workers, problems of participation and involvement, misplaced priorities, general indiscipline and undue interference.

Zimbabwe

Zimbabwe is a sovereign state divided into ten administrative provinces. The present Constitution contains no straightforward provisions for local government. Governance of local authorities in Zimbabwe is distinguished by excessive ministerial interference. The present Constitution also does not contain any specific reference to provinces or local government. However, traditional chiefs and governors (provincial, district and regional) i.e. the apparatus of the central government's field administration system are mentioned specifically in sections 111 and 111A of the Constitution and their duties and responsibilities do not in any way fall under the concept of devolution. Under the current set up chiefs and provincial governors are all appointed by the president of the country.

Legal Framework in Zimbabwe

The present Constitution of Zimbabwe does not have any provisions relating to devolution of power resulting in a centralized system of government. This has led to distancing of citizens at local and community level from the decision and policy-making processes of governance. However, as the country is currently going through a process of drafting of a new constitution, the topic of devolution of power has publicly become a debatable issue.

Some civil society organizations and individuals have drawn attention publicly to the importance of having devolution of power as part of the governing law of the country whereas others, including some politicians' maintain that devolution of power is not suitable for Zimbabweans.

The potential benefits of devolution of power within a government include:

- Better public services;
- Democratic governance (better accountability and transparency on the part of government officials);
- Willingness to pay for services;
- Self-Governance (resulting in efficient allocation of services);
- Enhanced local resources mobilization;
- Enhanced mechanisms to reduce poverty;
- Active involvement of the community;
- Sustainable community projects and infrastructure through the people's participation;
- Efficiency and effectiveness.

Advantages of Devolution

A three-tier system of governance

A three-tier system of governance similar to what exists in South Africa and Australia may be the best form of devolution for Zimbabwe. Under a three-tier system, there are three levels of authority of government - the national government, provincial governments and local authorities. Under such a structure, the national, provincial and local levels have legislative and executive authority in their own spheres. However, despite their distinctiveness, as a principle, the three levels should be interrelated and interdependent to maintain a sense of nationhood despite the sharing of power, resources, authority and responsibility among the provinces. A two-tier system of devolution, which only includes the national and regional levels, is inadequate for Zimbabwe, as it does not sufficiently devolve power to the grassroots. Under the three-tier

system of governance, there would be a need for a co-operative approach to governance issues. This means that vertical (top down/ bottom up) relationships between local authorities, provincial authorities and the national authority would need to be cordial and co-operative while parallel relationships among local authorities at provincial levels, and among provincial governments, would also need to be co-operative.

It is imperative to note that a three-tier system of governance is not federalism (a system of government in which power to govern is shared between the national and provincial government) as it provides for self-governance, but also for shared governance as well as through the national level. However, the relationship between the provincial level and the national level, is not one of subordination but rather one of co-ordination, hence the need for vertical and horizontal co-operation between and within the various government levels. In other words, this is not devolution of absolute autonomy but that of inter-dependence and cooperation. Constitutionally, provisions should be specified for the establishment of governments at the three levels.

Elected Governors

As part of the devolution drive, consistent with principles of democracy and self-governance, provincial governors should be elected and not appointed as is currently the situation. This is because appointed governors may in some instances not uphold the principles of democracy. Similarly, special interest councillors at local government level should be appointed in consultation with residents and by local level governments to avoid imposing leaders on locals.

Parliament

Under the three-tier system of government, legislative authority would be vested in the Parliament which would consist of a National

Assembly such as the one that currently exists in the country where each constituency in the country is represented in policy formulation. However, in addition, there would be a need for a House where representatives of the provinces meet, similar to the National Council of Provinces in South Africa. The duty of the House, with representatives of the provinces, is to align national and provincial interests to national legislation.

Drawbacks of Devolution

Devolution has potential drawbacks if not properly instituted. The following are some of the drawbacks;

- Devolution of power may result in the weakening of the state, through fragmentation into regions and provinces;
- Devolution of power may result in a disparity of policies, law, politics, enforcement and administration according to regions and provinces;
- Devolution of power may, in some cases, lead to the worsening or further disintegration of service-delivery, particularly if the local governments are manned by inadequately qualified personnel;
- Distancing local municipalities from the supervision of the central state may lead to more rampant corruption and embezzlement of public funds within local structures;
- The transition may be expensive.

Views supporting Devolution of Power in the new Constitution

As Zimbabwe is in the process of drafting a new constitution, the issue of devolution of power has come out as one of the contentious issues facing the drafters. Among the different entities supporting devolution, the issue of how many provincial authorities should exist is one of the points of crucial difference between the parties. The issue of devolution has been debated at some length in the press over the past months. The recently concluded Zimbabwe



Constitution Select Committee outreach programme has revealed how strongly people feel about devolution of power. There are mixed feelings on devolution of power with some people supporting the concept and some against it. There are some political parties; civil society and pressure groups that have supported a common position on the need for the new constitution to guarantee proportional representation and devolution of power. These groups maintain that political power and resource allocation decisions are controlled in some parts of the country, making it difficult for accountability and fair distribution of resources. On appointment of functionaries, views expressed have included that provincial governors, currently appointed by the president of the country, should be subjected to an election to make them directly answerable to the people who elected them. Further these stakeholders have also stressed that they are not calling for the breaking up of the country as perceived by those not supporting the idea. People with disabilities are also convinced that devolution of power would ensure that issues affecting vulnerable groups would be dealt with comprehensively, unlike the present situation where they are not getting enough recognition because decision-making is centralised.

Views against Devolution of Power in the new Constitution

Those against devolution have argued that it is unnecessary and may bring more harm than good to the nation. Devolution of power, resulting in the granting of autonomy to local governments, is divisive in nature and may sow seeds of tribalism. There are also arguments

that for a country with a relatively small population and a small tax base, having an additional tier of government could be unsustainable. Further, it has also been said that devolution may actually slow down the processes of government if provincial authorities have to be consulted before decisions are taken at the centre. This would mean that this might actually worsen the bureaucratic process, which devolution seeks to avoid, as decision-making has to go through not only the local structure but also the central structure.

Conclusion

Whether or not the arguments for and against devolution of power have yielded fruit will be seen in the new constitutional draft to be released this year. However, it should be understood that simply referring to provincial and local authorities in the constitution and passing the necessary legislation cannot achieve devolution. There must be financial resources from central government to make it possible to overcome all the challenges that would definitely come up at the implementation stage of the process. Further, there must be a proper transfer of financial and managerial resources from the central government to the provincial and local authorities to enable them to exercise their devolved functions and to continue exercising them. If Zimbabwe adopts devolution in the new constitution, best operational practices must be learnt from other countries, such as South Africa, to ensure accountability, openness and responsiveness.

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