

Social Accountability and Oversight in Building Urban Resilience: A Critique of the Roles of Parliament and Council in the Urban Affairs of Zimbabwe

TAWANDA ZINYAMA¹

Abstract

Throughout the past few decades, social accountability has emerged as an essential means through which residents within council jurisdictions participate in local governance. This article argues that inadequate accountability, oversight and poor governance are the primary challenges in Zimbabwe's service delivery. It evaluates the oversight functions of Parliament and councils in the management of urban affairs in Zimbabwe to determine the extent to which engagement and transparency have been utilised as pillars of social accountability. A key observation in this study is the diverse capacity challenges faced by urban councils within the administrative structures and oversight functions. Oversight is very poor in council procurement. Legislation, enforcement and local capacity-building have to be improved in this regard. Parliament and councils have to take on a stronger role in keeping local governments accountable to citizens. This depends on the existence of a conducive legal, administrative and institutional framework for local decision-making in areas, such as planning, budgeting, priority-setting, human resources management, procurement and implementation. This, ultimately, ensures good governance and prudent management of local affairs.

¹Department of Governance and Public Management, University of Zimbabwe

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INTRODUCTION

The Zimbabwean local government system falls into two groups: rural and urban. The system is governed by the Urban Councils Act (Chapter 29.15) of 1996 and the Local Government Laws Amendment Number 1 of 2008 for urban local authorities and the Rural District Council Act (Chapter 29.13) of 1996 for rural local authorities. Both elected office bearers and appointed officials are obligated to take responsibility or to be answerable for their actions and decisions in the process of executing their stewardship duties. Citizen involvement also provides local government officials with valuable insights regarding what the public wants so that they may plan and respond accordingly (Kinney, 2008). Citizen involvement also provides local government officials with valuable insights regarding what the public wants so that they may plan and respond accordingly (Kinney, 2008). Both planned and spontaneous citizen engagement enhance policy-making and community-building in local government (Nalbandian, 2008).

Confidence in administration and its leaders rests on many factors, including accountability. Accountability is innately tied to transparency (Piotrowski and Van Ryzin, 2007). Open and transparent government allows information about governmental actions to be easily accessible and understandable. This can be accomplished in several ways, including access to public records, open meetings, website postings and other transparency practices that place important information within the reach of every citizen. Overcoming public mistrust in government presents one of the biggest challenges facing public administration this century. Contemporary scholars and practitioners understand that trust in government and its administrators has been linked to performance (Glaser and Bartley, 1999; Marlowe, 2004) and that trust is essential to legitimate democratic government and the formation and implementation of public policy (Ruscio, 1996).

There is public anxiety about urban affairs management by local authorities. People do not trust their government anymore. Citizen involvement has the potential to substantially change how local government officials and administrators plan and manage their physical assets, human capital and financial resources. Responsive governance is about processes, politics and partnerships. The credibility of local government decision-making can be enhanced through transparency and engagement. Local government is significant because it is the sector of government closest to its citizens. This article argues that inadequate accountability, oversight and poor governance are the primary challenges in respect of service delivery in Zimbabwe. The imperative is a governance model that promotes effective oversight and accountability through the allocation of powers and functions among the legislative and the executive authority in the municipality. It evaluates the oversight functions of Parliament and councils in the management of urban affairs in Zimbabwe to determine the extent to which engagement and transparency have been utilised as pillars of social accountability.

THE STUDY ANALYTICAL FRAMEWORK

The foundation of functions of Parliament and ward councillors is informed by the doctrine of separation of powers. The purpose of separation of roles between the executive and the legislature is to strengthen the oversight function of public representatives in the management of public affairs. This provides for checks and balances that promote accountability and transparency.

Accountability is “a proactive process by which public officials inform about and justify their plans of action, their behaviour and results and are sanctioned accordingly” (Zinyama, 2018:17). Initiatives, such as PB, social audits, citizen report cards and community scorecards, all, involve citizens in the oversight of government and are, therefore, considered social accountability initiatives. Evidence suggests that social accountability contributes to improved governance, increased development effectiveness through better service delivery and empowerment². Accountability has two dimensions, namely vertical and

² UNDP (2010) Fostering Social Accountability: From Principle to Practice, Guidance Note

horizontal. Vertical accountability requires government officials to report “downward” to the public through elections, referenda and pressure from citizens. Horizontal accountability requires government officials to report “sideways” to other officials and agencies within the state through anti-corruption institutions, Auditor-General audit reports and Parliamentary Portfolio Committee investigations.

Social accountability is the obligation of power-holders to take responsibility for their actions, the dynamics of rights and responsibilities that exist between people and the institutions that have an impact on their lives, in particular the relationship between the duties of the state and the entitlements of citizens” (UNDP, 2020: 28). Social accountability approaches can be applied in local government, targeting governance issues and processes *inter alia*: public information-sharing, policy-making and planning; analysis and tracking of public budgets, expenditures and procurement processes; participatory monitoring and evaluation of public service delivery, and broader oversight roles, anti-corruption measures and complaints handling mechanisms (Davis, 2014; Chikerema, 2013; UNDP, 2020). When designing a social accountability initiative, it is useful to think about six parameters:

- Incentive structure - punishment vs. reward-based approaches.
- Accountability for what? - rule-following versus performance orientation.
- Level of institutionalisation - the extent to which the participation of citizens is institutionalised in the law or by other formal means.
- Depth of involvement - the degree to which citizens are permitted to observe and participate in areas of government normally kept secret or out of reach of society.
- Inclusiveness of participation - the extent to which participation is limited to only “well behaved” or socially acceptable groups from civil society or opened up to a wider variety of actors.
- Branches of government - whether the target of effort is executive, legislature, or judiciary (World Bank, 2013: vii).

Another key concept is oversight. It is the act of controlling the discretion of the local government executive by monitoring its decisions and holding

them to account for them. Thus, oversight is the monitoring, scrutiny and supervision of all activities of local authorities to ensure optimum use of resources that address identified needs. Oversight is an ongoing process that takes place throughout the year. Some bodies are responsible for oversight in a constitutional democracy, like Zimbabwe. These include Auditor-General, Parliamentary Portfolio Committees, such as Public Accounts, Health, Local Government, among others. Ordinarily, oversight in local government permeates the public resources management process comprising strategic planning and resource allocation; public expenditure management; performance management, integrity management and oversight management.

Oversight and strategic planning and resource allocation answer such questions as follows: Do the planning and budgeting processes ensure that adequately informed choices are made? Do they justify these choices to people's priorities? Do budget and plan adopt a medium-term perspective in showing how policy priorities and strategic plan objectives will be resourced and achieved? Does the process of budgeting and planning set strict and credible boundaries for the collection and spending of public money to meet people's needs?

Oversight and public expenditure management: Is fiscal discipline consistently ensured in all government spending? Are effective systems in place and functioning to ensure consistency of government spending with budget allocations and strategic planning objectives? Is good operational management the principle underpinning all expenditure related decisions?

Oversight of performance management: Does local government performance focus departments on achieving results according to the people's priorities? Do performance management systems ensure stability and transparency in the functioning of local government to ensure that achieved results can be sustained? Does performance management enable and ensure that results improve despite resource constraints?

Oversight and public integrity management: To what extent does the legal, regulatory, procedural and normative framework provide clear guidance for the behaviour of public officials in the workplace? How

effective are institutional mechanisms to prevent the misuse or ineffective use of public resources? When there is misuse or ineffective use of public resources, how effectively do institutional mechanisms ensure that disciplinary and corrective action is taken? There are key oversight questions asked in evaluating public integrity management:

- i. Was corrective action taken in response to all instances involving the ineffective use or abuse of public resources by local government officials?
- ii. Did local government officials effectively implement all institutional mechanisms designed to prevent the ineffective use or abuse of public resources?

It is striking to note that oversight entails overseeing the work of the executive in the quest to enhance service delivery to achieve improved living conditions for all residents. Where service disruptions transpire or grievances arise, instruments should be available to hold the executive to respond in terms of their decisions or lack of action. Implied is that local government must be accountable.

The councillor's role demands expertise and knowledge about the local government system and municipal environment. However, the election of councillors does not provide for such expertise as part of the criteria for one to be elected. An effective governance framework is essential for the proper functioning of the local sphere of government. Good governance describes the processes through which municipalities set priorities, take decisions, strengthen accountability and communicate with the public.

To ensure effective and efficient municipal oversight, the following foundation blocks are crucial to engage members of the public and ward committees, every effort must ensure their successful operation:

- operational portfolio committees;
- a functional audit committee;
- a regular functioning reporting system;
- a reliable administration support system/committee clerk; and
- an effective communication strategy.

Urban local authorities are legally required to compile and consider several performance-related reports. This includes a report on the performance of a municipality against its Integrated Development Plan

(IDP) objectives and another on the performance of a municipality against its Service Delivery and Budget Implementation Plan (SDBIP) targets. These reports are based on key performance indicators and performance targets as a means to measure and manage the performance of a municipality both at organisational and operational levels.

Table 1: Structure of Harare City Council Oversight Committees
(*Source:*<http://harare.opencouncil.co.zw/2019/08/28/harare-council-committee-list-and-functions/>)

Committee	Function
Human Resources and General Purposes Committee	<ul style="list-style-type: none"> • Matters involving policy and not specifically referred to another Committee. • Matters concerning Council's employees. • Conduct ceremonial and civic functions.
Finance and Development Committee	<ul style="list-style-type: none"> • All matters concerning overall finance policy affecting the City of Harare, including the control and management and financial relations with the Government and other organisations. • Matters concerning staff benefits, land alienation and acquisition. • Budgets preparation and monitoring.
Environmental Management Committee	<ul style="list-style-type: none"> • Matters concerning town planning, roads, traffic planning and control; street lighting, building by-laws, naming of suburbs and streets. • Waste management - the collection and disposal of refuse; water supply, sewerage drains.
Education, Health, Housing and Community Services and Licensing Committee	<ul style="list-style-type: none"> • Issue and renewal of all shop licences. • Matters relating to public health and social welfare services. • Housing, co-operatives, cemeteries. • Education, libraries, crèches, public halls, stadia and vocational training. • Fire brigade and ambulance service division. • Parks and grass cutting.
Audit Committee	<ul style="list-style-type: none"> • Matters relating to internal and external audits; value for money audits; oversight function; reviews performance of departments.
Business Committee	<ul style="list-style-type: none"> • Matters relating to the crafting of incentives to be offered to investors. Initiation and overseeing of enterprises under the City's commercialisation programme.

Information and Publicity Committee	<ul style="list-style-type: none"> • Formulating public relations strategies and policies which ensure the continuous rejuvenation of the Harare brand equity. • Overseeing the production of information materials for the council. • Regulating the participation of Council at fairs, shows and similar events.
Informal Sector Committee	<ul style="list-style-type: none"> • Matters arising from the operation of the informal sector, including the formulation of policies and by-laws. • Matters concerning formalisation of the informal sector operations as an economic growth strategy and to facilitate levying of rentals and other charges on the operations.

However, what is the responsibilities and functions of oversight committees? These oversight committees have the power to request departments and members of the Mayoral Committee to account for the output and performance of their functions. Through the implementation of the separation of powers governance model, the following responsibilities are assigned to ward councillors: law-making, oversight and public participation. Sections 96, 97 and 210 of the Urban Councils Act (Chapter 29:15) stipulate the terms of reference for some committees or council. The detailed terms of reference are in the Standing Resolutions of Council, Parts 1 and 2. Under no circumstances shall a committee pass a resolution on a matter that falls outside its terms of reference.

Table 2: Oversight Committee: Oversight

Responsibility	Function
Plays an oversight role for the actual performance of the executive.	Reviews quarterly service delivery budget implementation plans. Reviews the local authority's annual report.
Monitors the implementation of by-laws.	Scrutinises compliance with the constitutional obligations by the executive on the implementation of by-laws.
Monitors the executive's programmes: Conducts inspections in loco.	Conducts oversight of the delivery of services to communities, such as oversight visits.
Monitors the spending of the municipal budget.	Monitors spending patterns, for example, overspending and under-spending of votes.

Oversight entails an analysis of whether the Town Clerk and his/her team are conducting council business in a manner that is legally compliant and based on good governance principles. In particular, it encompasses areas in the competency of audit and risk management. Oversight committees pay particular attention to the Auditor-General's audit reports, including the internal auditors and audit committees, such as the service delivery budget implementation plan. Oversight is crucial to support processes of clean audit and prevent issues highlighted in the Auditor-General's report from being repeated.

Table 3: Oversight Committee: Public Participation

Responsibility	Function
Ensures community involvement.	Engages the community on the integrated development plan.
Ensures community empowerment to enable meaningful participation.	Ensures access and information to municipal documents.
Stakeholder involvement.	Engages with interest groups, business.
Initiates by-laws.	Holds public hearings on by-laws.

Public participation inspires an ethos of urban governance that complements the official representative council. Participatory governance includes community involvement and relationship building. Community empowerment is vital to enable meaningful participation. Public hearings give the public in general or stakeholders, in particular, the opportunity to comment on pertinent issues.

Table 4: Oversight Committee: Law-Making

Responsibility	Function
Regulates functions and delegates authority.	Develops and adopts policies, plans, strategies and programmes.
Appoints Oversight Committee chairpersons.	Chairpersons oversee the development of the annual performance plan of the Oversight Committee.
Initiates by-laws and reviews thereof.	Recommends to the council to approve by-laws.
Considers all matters reserved for the municipal council.	Develops recommendations for the council.

Activities involved in law-making include, initiating and approving policies, plans and programmes and the setting of service standards. Councils scrutinise the law-making process to influence final legislation.

With all these detailed functions of oversight council committees, one may ask why the management of urban affairs is poor in Zimbabwe. A study conducted by SIVIO Institute (2020) found that the majority of respondents, (about 79%), attribute the failure to deliver on local services to corruption. The other contributing factors to poor delivery of services cited are incompetence by office-holders (46.44%); inadequate resources (41.92%); meddling by central government (37.41%); lack of appropriate oversight by councillors (35.73%); and lack of oversight by residents (22.5%). One can glean from these findings that there is a trust deficit between residents and their elected officials due to allegations of lack of oversight and corruption.

To collaborate with the SIVIO Institute observations, the Harare Residents Trust (HRT) has noted that the recalling of 21 elected councillors by the Minister of Local Government and Public Works in Harare exacerbated the oversight function of councillors. The recalling further disrupted the flow of policy-making and governance, especially at a time the City of Harare had been conducting virtual budget consultative meetings for the 2021 City Budget.

In Zimbabwe, urban governance is politicised and highly contested as the Zimbabwe National African Union-Patriotic Front (ZANU-PF) party aims to undermine or suspend opposition-run municipalities and enhance central control (McGregor, 2013). In African cities, urban politics is often characterised by patronage with loyalty traded for opportunity (Simone, 2014). For instance, in the City of Mutare, the Movement for Democratic Change (MDC) policy chief argued that the Mayor was a ‘victim of an entrenched party-political system that was running as a local authority in which the Town Clerk is the local government minister’s ‘blue-eyed boy’. In the City of Harare, the MDC Mayor (2008–13) was adjudged (by the MDC) to be concentrating on “trivial matters and not pushing an MDC

agenda and subsequently failing to directly confront the local government minister”.

In 2008, the shift from executive mayors to ceremonial mayors, created mayors who lack the power and authority to run city affairs. The change made the office of the Town Clerk more powerful, even though the Town Clerk is not elected, thus rendering representative democracy problematic. Councillors can pass a vote of no confidence in the Town Clerk but cannot hire or fire him/her. In practice, there has been excessive protection of own Clerks by the local government Minister. For instance, when councillors attempted to dismiss the Town Clerk in the Chinhoyi Municipality it instead resulted in the dismissal of the MDC Mayor by the local government Minister (Muchadenyika and Williams, 2020). The council made serious allegations against the Town Clerk, “but when they presented [evidence] to the Minister, the Minister came with several allegations against the Mayor” (*ibid.*).

In general, ‘any council resolutions... [are also] ...subject to scrutiny by the minister’. As a result, even budgetary resolutions have been rescinded by the local government Minister. The Minister has power, through Section 314 of the Urban Councils Act, to reverse, suspend or rescind council resolutions and decisions of councils on the basis that the Minister views such to be against public interest. The cumulative effect of the Minister’s powers to act on behalf of councils or to adopt by-laws or rescind council resolutions and decisions, undermines council’s ability to provide local solutions to local problems (Machingauta, 2010, 145).

PARLIAMENTARY OVERSIGHT

Parliaments perform legislative, representative and oversight functions on behalf of citizens in line with the well-documented Latin adage, *Vox populi, Vox Dei*, (the voice of the people is the voice of God). Parliament is obliged to promote good governance. The Constitution sets some benchmarks that must be complied with under the need to enhance governance systems. For instance, Section 149 of the Constitution of Zimbabwe allows citizens and permanent residents of Zimbabwe to petition Parliament for consideration of any matter within its authority,

including the enactment, amendment or repeal of legislation. This process enhances the interaction between Parliament and the electorate. The question which, therefore, arises is: What are the consequences of not involving the public in legislative processes? The answer to this is found in the judgment of the Constitutional Court of South Africa in the landmark judgment delivered in 2006.

The Constitutional Court of South Africa held that:

“...in peremptory terms, section 72(1) (a) of the Constitution of South Africa imposes an obligation on the National Council of Provinces (Parliament) to facilitate public participation in its legislative and other processes, including those of its committees and the supremacy clause of the Constitution requires that this obligation [which is] imposed by [the Constitution] must be fulfilled” (Constitutional Court of South Africa, 2006).

Public involvement provisions, therefore, give effect to an important feature of democracy: its participative nature. The participation of citizens in government . . . forms the basis and support of democracy that cannot exist without it; for title to government rests with the people, the only body empowered to decide its own immediate and future destiny and to designate its legitimate representatives.

Section 119 of the Constitution of Zimbabwe states that Parliament is the “protector” of the Constitution. It adds that Parliament is vested with supreme authority to promote democratic governance in Zimbabwe and to ensure that the State and all institutions and agencies of government at every level act “constitutionally and in the national interest”. The Constitution is a sacred supreme law of the land whose obligations must be complied with under section 2 of the Constitution which categorically enumerates that “...this constitution is the supreme law of Zimbabwe and any law, practice, custom or conduct inconsistent with it is invalid to the extent of the consistency”.

The Constitution provides prominence to the fact that all institutions and agencies of the State and government are accountable to Parliament. Even the Presidency, as a State institution, is not exempt from accountability to Parliament. For instance, section 107 of the Constitution states that:

“...every Vice-President, Minister and Deputy Minister must attend parliamentary committees to answer questions concerning matters for which he or she is collectively and individually responsible”.

Thus, compliance with constitutional provisions is obligatory and not discretionary, unless otherwise stated. Section 2 (2) of the Constitution states that obligations imposed by the constitution are binding on every person, natural or juristic, including the State and all executive, legislative and judicial institutions and agencies of government at every level.

In Zimbabwe, oversight is a constitutionally mandated function of legislative organs of State to scrutinise and oversee Executive action and any organ of State. It follows that oversight entails the informal and formal watchful, strategic and structured scrutiny exercised by the legislature in respect of the implementation of laws, the application of the budget and the strict observance of statutes and the Constitution. In addition, and most important, it entails overseeing the effective management of government departments by individual members of the Cabinet in pursuit of improved service delivery for the achievement of a better quality of life for all citizens. In terms of the provisions of the Constitution of Zimbabwe, and the Standing Orders, Parliament has the power to conduct oversight of all organs of the State, including those at provincial and local government levels. Appropriate mechanism for Parliament to conduct oversight of these organs of State would be through parliamentary committees.

Oversight entails the review and monitoring of operations and activities undertaken and implemented by the Executive. It takes a variety of forms and utilises various techniques. These range from investigations by portfolio and thematic committees to annual appropriations hearings.³

Kaiser (2006) observed that oversight, as an outgrowth of the system of checks and balances, ideally serves several overlapping objectives and purposes:

³Frederick M. Kaiser, Congressional Oversight, Order Code 97-936 GOV,

- improves efficiency, economy and effectiveness of governmental operations;
- evaluates programmes and performance;
- detects and prevent poor administration, waste, abuse, arbitrary and capricious behaviour, or illegal and unconstitutional conduct;
- protects civil liberties and constitutional rights;
- informs the general public and ensures that Executive policies reflect public interest;
- gathers information to develop new legislative proposals or amends existing statutes;
- ensures administrative compliance with legislative intent; and
- prevents executive encroachment on legislative authority and prerogatives.

Parliament performs Executive oversight by scrutinising government policies, programmes and expenditure plans to ensure that they are in line with legislative intent and are governed by documented policies and procedures. This is done, among other things, by making input, into and approving and monitoring the national budget. Parliament, through its committee system, monitors all government policies and programmes to ensure efficient use of national resources. In addition, individual members, through Question Time sessions in Parliament, raise questions on matters of public policy or specific areas. In addition, MPs can move motions that relate to areas of their interest that require a response from relevant government ministers.

The Parliamentary Portfolio Committee on Local Government, Rural and Urban Development is also another important body mandated, among other things, with the realisation of efficient and effective urban service delivery (Chakaipa, 2010: 54). It achieves this by examining the expenditure, administration and policies of the Ministry of Local Government and Public Works and other matters falling under their jurisdiction, as Parliament may, by resolution, determine. Often, the Committee goes on fact-finding missions to assess the state of service delivery in urban councils and then submits its report to Parliament. The Minister of Local Government and Public Works is accountable to the

committee and parliament, for, among other things, the decentralisation and provision of service delivery in urban areas. In this regard, Parliament often summons the Minister to answer questions on government policies on urban service provision and account for the role of urban councils in service delivery.

RESEARCH METHODOLOGY

The study employed a two-pronged approach, combining desk research to understand the legal and governance framework governing devolution in Zimbabwe; review of experiences of other countries that have/are implementing devolution programmes; and key informant interviews with purposefully selected stakeholders to get their views and insights on the implementation of devolution in Zimbabwe. Extensive document reviews and analyses were done to identify major capacity gaps; institutional and legislative reforms/gaps that can enhance/impede the implementation of devolution in Zimbabwe.

RESULTS: CASE STUDIES

CASE 1: DEVOLUTION

Devolution is the statutory delegation of powers from central government of a sovereign state to govern at a subnational level, such as a regional or local level. Devolution is a public management strategy, however, it is a political decision with managerial consequences. For the first time in the history of Zimbabwe, local government and devolution are constitutionalised. In particular, section 274 of the Constitution of Zimbabwe proclaims that “there shall be urban local authorities to represent and manage the affairs of the people”. The preamble of Chapter 14 states that “the democratic participation in government by all citizens and communities of Zimbabwe” must be guaranteed. It goes on to state in section 265 that “provincial and metropolitan councils and local authorities must...ensure good governance by being effective, transparent, accountable and institutionally coherent”. This demonstrates the need for an effective social accountability system. Parliament and Ward Councillors, in particular, must have an oversight function which includes overall policy setting, setting of standards and auditing.

In addition, implementation of devolution is being driven at the highest political level given that the President chairs the Cabinet Committee on Devolution (Chigumira *et al.*, 2019). The Auditor-General, the Ministry of Local Government and Public Works and the Ministry of Finance and Economic Development, have critical roles to play in fostering transparency and accountability in implementing devolution, by the lower tiers of government. A review of the Zimbabwean Constitution and other primary government policy documents, pronouncements and insights from stakeholder consultations, show that Zimbabwe needs strong checks and balances and oversight systems in place to ensure that devolution succeeds. This is so because, generally, urban local authorities have weak governance systems (Auditor-General, 2019).

The audit for 2018 of local authorities revealed weaknesses in governance structures and challenges relating to revenue collection, debt recovery, employment cost and procurement of goods and services (*ibid.*). One of the governance issues noted relates to the absence of professional auditors among councillors in local government council audit committees to review local authority books and ensure financial statements are prepared on time. Infusion of councillors with financial and administration qualification and experience into the Audit Committee will enhance financial management within local authorities. It was also observed by the office of the Auditor-General's reports that the majority of councils maintain multiple bank accounts and generally bank reconciliations are not up to date.

Special audits that have been carried out for local authorities reveal that most of their resources, including donor funds are spent on salaries with less resources channelled towards service delivery. There is limited adherence to the prescribed 30:70 as the ratio to which employment cost is supposed to be in comparison to total revenue. Other governance issues among local authorities relate to the absence of policies and procedures manuals and non-compliance with statutory regulations (*ibid.*). In addition, there are gaps in the legal framework governing the corporate governance of local authorities. Whilst central government is governed by the Public Entities Corporate Governance Act [Chapter 10:31], local governments are not bound by this act. This is despite the critical

corporate governance challenges crippling the capacity of these entities to offer high-quality service delivery to communities they serve. This is so although oversight committees have a responsibility on law-making to fill this gap as discussed in Table 4. Parliament does not have administrative powers to push local authorities to produce financial statements, but to highlight them.

At the heart of social accountability is citizen participation; to promote transparency and accountability. In section 264 (a), the Zimbabwean Constitution provides for citizens' participation in the exercise of the powers of the state and in making decisions affecting them. Section 264 (b) provides for the promotion of a democratic, effective, transparent, accountable and coherent government in Zimbabwe. Thus, Constitutional provisions on devolution provide a strong emphasis on public participation, as a means to improve transparency, accountability and inclusiveness in devolved governance. Global experience shows that devolution does not automatically bring greater government responsiveness and accountability to the public, especially if accountability mechanisms are not quickly put in place.

CASE 2: LAND ALLOCATION

The Harare Land Audit was prepared by MDC-T city councillors and presented to the council in April 2010. During the crisis period urban land and property development became central to the politics of accumulation. The Land Audit presented evidence from council files against then Minister of Local Government, Public Works and National Housing, Ignatius Chombo, a ZANU(PF) linked businessman and property developer, Philip Chiyangwa, the Town Clerk and other members of the Commission Chief Engineer, Housing Officer, Chief Town Planner i.e. the “untouchables” still working for City of Harare. The growing corruption in urban property development encouraged first through policies of privatisation over the 1990s, was furthered by the Parallel Development Act of 2006, that allowed property developers to raise funds to service land by selling off plots before infrastructure had been put in place. Justified as a strategy for mobilising finance to tackle the growing housing problem (and recognising the de facto practice), this

had the effect of removing the main sanction local authorities had for insuring accountability from developers.

CASE 3: GOVERNANCE AND SERVICE DELIVERY (CITY OF HARARE)

Evidence from reviewed documents revealed that the Harare City Council is characterised by the absence of policies and procedures manuals and non-compliance with statutory regulations. These observations were made by Auditor-General:

There was a lack of overall accountability by Harare City Council as Sunshine Holdings financial statements had not been consolidated with the City Council's financial statements. The decision to hire equipment for \$222 950 when they needed to repair their equipment for \$159 969 was economically unsustainable. The Council also borrowed an aggregate of US\$32 500 000 to fund salaries and terminal benefits of employees without Ministerial approval. Only 6 out of the 32 required ambulances were available. There were no documented procedures in place to handle some operational and veterinary issues. For instance, the case where the Council recorded cattle deaths averaging 36 per month (433 for the year under review) (Auditor-General of Zimbabwe, 2019: vii)

The issues raised in the Auditor-General's report are not new across various government ministries, local authorities and state-owned enterprises. The inaction on the part of the Government leaves a lot to be desired on the part of the Executive and Parliament. Citizens have completely lost public trust amid the high macro-economic challenges perpetuated by governance challenges, among other malpractices in urban affairs management.

Local authorities are institutions closer to the people. Therefore, trust and confidence between them and citizens are a key catalyst for a successful social contract that exists between them. For citizens to fully realise their socio-economic rights and justice, local authorities must fully deliver their mandate clearly stated in section 265 of the Constitution of ensuring good governance by being effective, transparent, accountable and institutionally coherent. Disappointingly, urban local authorities have divorced themselves from the guiding principles and have been characterised by inefficiency, high levels of “organised fraud”, non-compliance, operating

without key policy and procedure manuals and high debt levels. Despite annual findings of gross public resources mismanagement exposed by the Auditor-General, it is worrying to note that recommendations from previous reports have not been implemented. Local authorities are notorious for not submitting their financial statements for audit purposes. It makes it extremely difficult for both Parliament, Councillors and the Auditor-General to follow up and address issues raised in previous reports.

LEGAL FRAMEWORK FOR URBAN AFFAIRS MANAGEMENT

Zimbabwe has a solid legal urban affairs management framework that promotes social accountability in municipal governance. This is evidenced in the Constitution's preamble which states that "the need to entrench democracy, good, transparent and accountable governance... commitment to upholding and defending human rights and freedoms" (Government of Zimbabwe, 2013). The legal framework for urban affairs management in Zimbabwe is underpinned by the following key pieces of legislation, among others:

- Constitution of Zimbabwe (Amendment No. 20) Act of 2013
- Public Finance Management Act (PFMA)
- Public Entities Corporate Governance Act
- Audit Office Act
- Urban Councils Act
- Rural District Councils Act
- Prevention of Corruption Act
- Privileges, Immunities and Powers of Parliament Act

Section 13 of the Constitution enjoins the State and all institutions and agencies of government at every level to facilitate rapid and equitable development. It further states that any measures to achieve this must involve the people in the formulation and implementation of development plans and programmes that affect them. This, therefore, implies that important national processes, like the budget process must be participatory. Similarly, section 18 of the Constitution provides for equitable access to resources by all local communities to promote fair development. Implied is that local communities need to participate in the

formulation of policies and development programmes in their areas to influence desired outcomes.

The Public Finance Management Act is the main piece of legislation for the control and management of public resources. Its objective, stated in section 3, states that it is to secure transparency, accountability and sound management of the revenues, expenditure, assets and liabilities of ministries, constitutional entities, statutory funds and designated corporate bodies and public entities. This provision of the Act has been but stressed by section 298 of the Constitution which spells out principles of financial management in Zimbabwe.

Section 299 of the Constitution provides a broad mandate of Parliamentary oversight on State revenues and expenditure to ensure financial probity in the utilisation of public resources. Sections 32, 33, 34 and 35 compel ministries to submit monthly and quarterly financial and accompanying reports to their respective Parliamentary Portfolio Committees. The idea behind these provisions is for Parliament to monitor the use of public resources in line with its parliamentary budget oversight mandate. Besides the aforementioned provisions of the Public Finance Management Act, section 119(3) of the Constitution states that “all institutions and agencies of the State and government at every level are accountable to Parliament”. This implies that Parliament is the embodiment of citizens’ aspirations and interests and, therefore, citizens look up to their representatives to ensure that public resources are used for the benefit of the nation. This also helps to create a socially accountable government.

The Urban Councils Act (Chapter 29:15) is the principal legislative instrument that guides urban governance in Zimbabwe. Section 288 of the Act specifically deals with financial management issues that local authorities need to administer in an accountable and transparent manner as a means of fostering social accountability. This is particularly the functional obligation of the Finance and Development Committee within Council. The Act provides that councils must formulate their budgets through a consultative process that ensures the participation of residents. Council must give a 30-day notice, in newspapers of sufficient circulation

within its jurisdiction, to enable stakeholders to make their objections and representations concerning price regimes of services and any other salient budgetary issues. This legislative instrument, however, has been criticised for conferring the responsible Minister excessive powers in numerous ‘as he deems fit’ provisions (Davies, 2014; Makumbe, 2010).

DISCUSSION

Council oversight can function only if public officials are held accountable to citizens through electoral and party systems and social accountability mechanisms. In addition, councils need to have institutional and individual capacities to carry out their mandates. A key observation in this study is the diverse capacity challenges faced by urban councils within the administrative structures and oversight functions. Thus, capacity development initiatives across the board are recommended. Capacity-building must go beyond socialisation and induction training conducted for councillors upon assumption of office.

Most councillors elected into local councils to preside over local affairs sometimes lack the technical capabilities to comprehend technical issues. This includes capacity development programmes for councillors, capacitating local authorities’ staff on planning and implementation; procurement, monitoring and evaluation; and the skills/competence mix within the council. Issues that need further reflection include the modalities and partnerships to be forged by local authorities to deliver these capacity-building initiatives. Other public institutions and commissions have a role to capacitate local authorities on procedures that need to be followed, i.e. procurement procedures by the Procurement Regulatory Authority of Zimbabwe (PRAZ).

The cases discussed above have demonstrated that local government oversight and accountability should not be viewed in isolation, but as part of broader issues of governance and public management in Zimbabwe. Aside from the moral and legal considerations, there is solid evidence that lack of accountability, transparency, and operational ineffectiveness, distorts resource allocation, and, invariably, hurts the poor the most. As such, oversight mechanisms must be entrenched in local governance, such

as notice and comment rule-making, administrative procedure systems, public hearings, advisory committees and the right to petition.

CONCLUSION AND RECOMMENDATIONS

The study observed and concluded that citizen participation is fundamental in social accountability. Platforms to enhance citizens engagement, particularly, in the devolution processes must be designed. In this regard, they need to be provided with platforms to articulate their needs and demand for accountability of the use of devolution funds. Citizens' input is critical in monitoring and evaluating the work of devolved urban authorities, including quality of service delivery. To further empower citizens, there is need for strong legislation mandating councils to share information with citizens and requiring citizen participation in planning and budgeting processes. There is also need to intensify civic education, focusing on rights and responsibilities; strengthen radio programmes to communicate major council decisions, and clarify the oversight and accountability roles and relationships between user committee and local councils.

A significant constraint to effective local council oversight and accountability arises from limited council control over human resources. The interference from central government in staff matters such as central transfer of local staff due to political and other reasons have led to frustrations and lack of motivation for councillors. Reforms that seek to enhance local council autonomy in human resource management are a prerequisite to effective local council oversight. Oversight is very poor in council procurement. Legislation, enforcement and local capacity building have to be improved in this regard.

Given the foregoing conclusions, it is recommended that local council oversight and accountability depend, to a large extent, on the level of local autonomy and the existence of a conducive legal, administrative and institutional framework for local decision-making in areas, such as planning, budgeting, priority-setting, human resource management, procurement and implementation. Parliament and councils have to take

on a stronger role in keeping local governments accountable to citizens. Oversight can only be effective if the information obtained by oversight bodies is accurate, rigorous, understandable, relevant, up-to-date and received promptly. In addition, the oversight function can only be effective if councillors have the power to ensure that their findings and recommendations are implemented.

When documents are tabled before councillors and Parliament, they should have sufficient time to engage with documents before debates ensue. Oversight bodies should have the freedom to summon anyone within or outside local government relevant to their oversight function. This is necessary so that they can demand explanations and justifications. They should be able to access in-depth independent knowledge and expertise relating to the functioning of local government. Expertise can be outsourced. These people's representatives should make considered recommendations after rigorous scrutiny of the evidence and careful deliberation. Rubber stamping should be avoided.

To address some of the deficiencies highlighted above, Zinyama (2018) recommends an oversight framework that comprises:

- the values and principles by which Parliament and local authorities conduct oversight;
- the mechanism or framework to conduct oversight; and
- the processes and resources required for conducting oversight.

In the Zimbabwean context, oversight is a constitutionally mandated function of legislative organs of State to scrutinise and oversee executive action and any organ of the State, including local authorities. Thus, capacitation of institutions charged with oversight management is key.

It follows that oversight entails the informal and formal watchful, strategic and structured scrutiny exercised by legislatures in respect of the implementation of laws, the application of the budget and the strict observance of statutes and the Constitution. In addition, and most importantly, it entails overseeing effective management of council departments by individual councillors in pursuit of improved service delivery for the achievement of a better quality of life for all citizens. Lastly, it must be comprehended that a holistic conceptualisation of oversight central in appreciating how it works. Key dimensions of

oversight, such as political, administrative, financial, ethical, legal and strategic are central in understanding the functions of oversight. The functions of oversight are to:

- to detect and prevent abuse, arbitrary behaviour or illegal and unconstitutional conduct on the part of the government and public agencies. At the core of this function is the protection of the rights and liberties of citizens.
- to hold local authorities to account in respect of how taxpayers' money is used. It detects waste within the machinery of local government. Thus, it can improve the efficiency, economy and effectiveness of local government operations.
- ensure that policies announced by councils and authorised by Full Councils are delivered. This function includes monitoring the achievement of goals set by councils in their strategic plans and central government's programmes.
- improve transparency of local government operations and enhance public trust in the government, which is itself a condition of effective policy delivery.

All these functions need the capacity building of councillors and administrators.

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