

SPECIAL INTEREST COUNCILLORS IN ZIMBABWEAN LOCAL AUTHORITIES: CHALLENGES AND OPPORTUNITIES

EDSON PAUL MUTEMA, VIRGINIA MAKANZA AND TYANAI MASIYA

(Received 20 April, 2012: Revision accepted 04, June 2012)

ABSTRACT

This paper explores the challenges and opportunities of integrating special interest councillors in the governance of Zimbabwean local authorities. The study revealed that the current way in which special interest councillors are appointed in local authorities is an assault on local democracy. The process spruces up the policy making base of the political party to which the appointing minister belongs. However the study also reveals that despite the political challenges posed by the integration of special interest councillors in Zimbabwean local authorities at the moment, such appointments may be a progressive measure if done in a genuinely and transparent manner. It can bring critical skills which democracy may filter in favour of populism.

KEYWORDS: Integration, Special interest councillors, Opportunities, Challenges.

INTRODUCTION

The integration of special interest councillors in Zimbabwean local authorities after the highly contentious 2008 harmonized elections generated pervasive debate amongst the Zimbabwean community. Special interest councillors are appointed in terms of section 7 of the Local Government Laws Amendment Act (2008) in urban areas and Section 11 (1b and 2) of the RDC Act, Chapter 29:13 (1996). The subject of appointed councillors has become a cause of concern with many councils and stakeholders in local government wondering whether the appointment of these councillors adds value to good governance or is just a political gimmick. Those in favour of such appointments argue that the appointed councillors bring with them knowledge, skills, expertise and experience which if properly capitalized on will

promote good governance. On the other hand those with a contrary view argue that this is a political ploy to undermine the democratically elected councillors and to spruce up the image of the party from which they are appointed. This paper explores challenges and opportunities of integrating special interest councillors in the governance of Zimbabwean local authorities.

A study of this nature is a critical additional commentary to the ongoing debate on the crafting of effective strategies to promote local development in Zimbabwe. The study also alerts policymakers to possible negative effects of relegating special development interests in preference of political expediency in the appointment of special interest councillors in Zimbabwe.

The study mainly utilized secondary sources of data, such as council reports, newspapers, parliamentary debates and

Edson Paul Mutema, Department of Local Governance, Midlands State University, Bag 9055, Gweru, Zimbabwe

Virginia Makanza, Department of Local Governance, Midlands State University, Bag 9055, Gweru, Zimbabwe

Tyanai Masiya, African Centre for Citizenship and Democracy, University of Western Cape, Bag X17, Bellville, 7535, Cape Town, South Africa.

legislation. These were important in collecting arguments that have been raised in different forums concerning the appointment of special interest councillors. Further, the study also carried out ten in-depth interviews with the Midlands State University's visiting school students. The students are mainly employed in local councils and attend university classes on a block release basis. They were therefore a rich source of data for this study.

THE LEGAL FRAMEWORK FOR APPOINTING SPECIAL INTEREST COUNCILLORS

The Zimbabwean local government system falls into two categories, namely, rural and urban local authorities. The system is governed by the Urban Councils Act, Chapter 29:15 (1996) and the Rural District Council Act, Chapter 29:13 (1996). The Urban Councils Act establishes cities, municipalities, towns and local boards. It also confers functions and powers and imposes duties upon municipal and town councils and local boards. The Rural District Council Act provides for the declaration and establishment of rural district councils. The Act also confers and imposes functions upon district councils and provide for the administration of their areas. The administration of both the urban and rural local authorities is done locally by elected bodies. Councillors who constitute the elected bodies represent the interests of the people and they are expected to articulate with clarity, the concerns and interests of the people from their wards. Apart from the representation role, councillors make policy by setting goals and making decisions pertaining to the administration and management of councils. Further, elected councillors, provide leadership and guidance to the communities they represent and facilitate communication between the council and the community. In addition to elected councillors, the Urban Councils Act and the RDC Act also provide for the appointment of special interest councillors.

Section 11 (1b and 2) of the RDC Act spells out that each council shall have a number of appointed councillors representing special interests, not exceeding one-quarter of the number of elected councillors, as the Minister may fix in respect of the council by statutory instrument. Section 31 of the Act outlines the criteria used to identify eligible persons. It states that they should be above the age of eighteen; that they be ordinarily resident in the area

concerned and that they are not disqualified from election as elected councillor.

The local government laws amendment Act provides that these councillors are appointed by the Minister, they do not have voting powers and they hold office at the pleasure of the Minister. The legal intent of appointing special interest councillors to participate in council chambers is apparent. The intention is to bring people who will add value to council through their special skills, experience and qualifications which elected councillors are understood not to possess. The other intention is to represent minority groups who may not be represented through the democratic process of elections. Special interests councillors may be appointed to represent farmers, the business community, the disabled, the youths, the mining sector or women groups.

In Urban local authorities, special interest councillors are appointed in terms of section 7 of the Local Government Laws Amendment Act of 2008 which amends the Urban Councils Act. Section 4A (2) of this act empowers appointed councillors,

“to participate in the business of the municipal or town council to which they are appointed and perform the same functions and be entitled to the same benefits in every respect as if they were elected councillors except that they shall not have a vote at meetings of the municipal or town council concerned”.

The local Government (special interest appointed councillors) Statutory Instrument 79 of 2010 gazetted the number of special interest councillors for the 29 urban local authorities. The legislation providing for the appointment of the special interest councillors in urban local authorities is silent on the term of office and the criteria of appointing these councillors. The determination of the mandate and term of office of the appointed councillor are the preserve of the Minister.

Against this legislative background, this research deliberates on the opportunities and challenges which the appointment of the special interest councillors bring in the management of local authorities in Zimbabwe.

CHALLENGES OF INTEGRATING SPECIAL INTEREST COUNCILLORS IN ZIMBABWEAN LOCAL AUTHORITIES

The integration of special interest councillors has

courted intense debate in Zimbabwe particularly in local governance circles. The emerging thesis is that it may be a curse on local development efforts as it brings numerous challenges. These challenges include that the process is a mockery of the ideals of representative local democracy, increases financial burden to ratepayers, creates hostile and retrogressive relations between the appointed and elected councilors and is an opaque criterion for appointing special interest councilors among others.

A mockery of the ideals of representative local democracy

Local authorities in Zimbabwe are supposed to be democratic assemblies. People elect their representatives through the process of democratic elections. The elected councilors are entrusted with powers to make decisions on behalf of the citizens who elect them. As such, the nomination and appointment of special interest councilors is an assault on representative democracy. The appointment process is not all encompassing, the system is not premised on extensive consultation with the wider society and the Minister retains the sole prerogative to appoint special interest councilors. In a similar case, Mothusi (2009, p.77) describes Botswana's continued maintenance of a system of nominated councilors rather than elected councilors as retrogressive to the democratic cause and a defiance of the will of the people. Indeed integrating special interest councilors trounce the principles of democracy and social accountability. Elected councilors remain accountable to the people who elect them (the minister, political party). Special interest councilors owe their allegiance to the Minister who appoints them rather than to the communities they are purported to serve. Further, appointed councilors hold office at the pleasure of the Minister who can determine the duration of their tenure and their number as he sees fit. This further undermines the objective of public answerability.

Representative democracy is also compromised as appointed councilors are not only unelected but appear in the policy making boardrooms without interacting with the beneficiaries of their policy proposals. Though appointed councilors are said to be representing special interest groups, often these groups are neither asked to make nominations nor consulted on the appointments. An ideal system is presented by countries such as Uganda. The Ugandan Local Government Act (chapter 243) for example spells out that the councilors

representing the disabled must be chosen by the national union of disabled people of Uganda. Those representing the youth are to be chosen by the Electoral College consisting of all division youth councils and the city youth executive. Thus the system of appointing councilors in Zimbabwe undermines people's choices and is not in harmony with democratic principles as such councilors do not derive a mandate from any constituency.

Special interest councilors increase financial burden on ratepayers

Special interest councilors add unnecessary costs in terms of payment of their allowance to the already overburdened ratepayers. Legislation accords special interest councilors the same privileges as elected councilors. Pasirayi (2010), states that residents reeling from economic hardships, repressive rentals and rates cannot afford additional councilors that lack people's mandate. He further argues that the appointed councilors serve no one's interest other than the Minister's and should be removed as they are an unnecessary drain on scarce financial resources.

Hostile and counterproductive relations between elected and special interest councilors

In the current polarized political environment where appointed councilors come from one political party and the elected councilors come from the other, it has been apparent that the relationship between the councilors has been hostile. The media is abound with reports that provide evidence of this hostility. For example, the Chronicle of 8 September 2008 reported a case where MDC elected councilors walked out of a swearing in ceremony of special interest councilors at Kusile Rural District Council. Bulawayo city council not only rejected the appointment of the special interest councilors but even took the minister to court for attempting to appoint the special interest councilors. The Marondera Residents Association also dragged the Minister of Local Government, Rural and Urban Development to court accusing him of appointing special interest councilors linked to ZANU-PF (The Standard, 26 April 2010).

Evidently, the hostile relationship between these two groups of councilors is political as these are from two antagonistic political camps. It emerged from this study that the majority of appointed councilors are drawn from the Zimbabwe African National Union – Patriot Front (ZANU-PF) and were appointed in

Movement for Democratic Change (MDC) dominated councils. For example in September 2008 the Minister of Local Government, Rural and Urban Development was accused of having called Mutare City Council Mayor and ordered him to accommodate special interest councilors during full council debates. The move was suppressing because the council was MDC party dominated and all the special interest councilors were drawn from ZANU-PF. Moving a motion "Review of Urban Councils Act and the Rural District Councils Act" in a house of assembly session, Honorable Musundire from the MDC-T party pointed out that the Minister of Local Government, Rural and Urban Development had unreasonably appointed numerous special interest councilors in a number of RDCs. He retorted, the Minister,

"appointed six special interest councilors for Makoni, eight for Buhera RDC, two from Zvimba RDC and two from Gokwe town council. You may want to know all these are ZANU – PF activists" (The Hansard, 9 March, 2011).

Supporting the same motion Honorable Gonese (another MDC-T MP) also argued that the majority of appointed councilors were ZANU-PF functionaries. He cited among other cases a ZANU-PF central committee member in Mutare and a losing ZANU-PF council candidate for ward 12 in Chegutu who were appointed as special interest councilors in Mutare City Council and Chegutu municipality respectively. This indicates that appointment of special interest councilors is seen in the light of partisan politics in Zimbabwe. To this end, the Elected Councilors Association of Zimbabwe (ECAZ) Chairman commented that these special interest councilors were nothing but informers who, after council meetings would rush to inform their bosses what would have been discussed in the meeting (The Zimbabwean, 28 August, 2010). In addition, the timing of appointing special interest councilors in 2008 fuelled hostility between the two groups of councilors. The appointments came at a time when tension was high between ZANU-PF and MDC political parties following the contentious 2008 harmonized elections. The elected councilors viewed appointed councilors a Zanu PF ploy to perpetuate its dominance of local authorities.

Confusion within council Wards

Integration of special interest councilors has tended to bring confusion and political instability in wards where both the special interests and

elected councilors reside. Special interest councilors are from wards that are already occupied by elected councilors. Elected and appointed councilors end up pursuing parallel agendas causing confusion and often stalling development in wards. Legislation is silent with regards to what special interest councilors can or cannot do at ward level. Cases have been cited in Gutu and Makonde rural district councils where appointed councilors actively participated in wards dealing with issues that should otherwise be tackled by elected councilors. As already been stated the elected and appointed councilors are from contrasting political parties so cases of threats and decampaigning of each other have been prevalent in such wards. The resulting political instability in wards affect development priorities. For example, the 183rd Bindura Municipality full council meeting report of 27 November 2008 stated that maize meal received from a donor was distributed to residents aligned to elected councilors while those known to support the appointed councilors were not assisted.

Undefined Criteria for appointing special interest councilors

The availability and clarity of the criteria for appointing special interest councilors in Zimbabwe is contentious. Documentary analysis of the Urban Councils Act chapter 29:15's amendment I of 2008, the Rural District Council Act chapter 29: 13 of 1996 reveal that the instruments are silent on the criterion of appointing special interest councilors. The acts in this regard only empower the Minister of Local Government, Rural and Urban Development to appoint councilors representing "special interests" and fall short in spelling out the procedure of doing so. In theory, the appointing process in rural councils for example is initiated by the District Administrator. The District Administrator holds consultative meetings with representatives from youth groups, women groups, the business community and the rate payers associations. This criteria is not being followed. On the other hand, the definition of the term "special interest" is vague. This leaves the Minister with the sole prerogative to determine who to be appointed as a special interest councilor. Subsequently, the Minister, a political appointee would ensure appointment of members of his political party. In this regard, special interest councilors hold office "at the pleasure of the minister" implying that they can be removed by the minister at any time without any reason

given, making it likely that they will follow his instructions irrespective of their irrationality. The term special interest itself is not defined in the Acts. As such the two legislative instruments do not have principles to guide or control the minister's use of power to appoint special interest councilors.

POSSIBLE ADVANTAGES OF INTEGRATING SPECIAL INTEREST COUNCILLORS IN ZIMBABWEAN LOCAL AUTHORITIES

However if prudently appointed, special interest councilors can promote quality service delivery; correct shortfalls of democracy; play a watchdog role; and bring in boardroom experience. In this way special interest councilors can also promote prudent policy priority positions without anxiety about offending the electoral base.

Quality service delivery

Though the integration of special interest councilors into the Zimbabwean local authorities has courted problems, the doors of opportunities that may be opened by this process need not be ignored. In a survey held by the Harare Residents Trust, it was established that 54% of the Harare residents felt that there was need to appoint special interest councilors, 27% thought there was no need, while 19% were not sure (Harare Resident Trust, 2010). From this survey the majority of Harare residents believe that there is need to have special interest councilors to ensure quality service provision. The respondents who identified opportunities that are drawn from the integration of special interest councilors particularly felt that they are knowledge gap fillers in council; promote vibrant debate in council chambers and guard mainstream concerns of the minority and the vulnerable groups among other opportunities.

Correcting the shortfalls of democracy

In first past the post voting systems, election outcomes can also be interpreted to mean that the majority have made a decision that suppresses the views of the minority. This scenario may justify the appointment of special interest councilors. Further, appointment of special interest councilors fills in the knowledge and skills gaps that are ordinarily not a criterion in democratic elections yet they are critical to sustainable local development. In a clear indication of the composition of councilors that a democratic election can produce, Muchadeyi Masunda, Harare city Mayor castigated the

calibre of his elected councilors, whom he described as having glaring short comings (Chideme, M, 2010). In a study of local authorities in Zimbabwe, Bland (2010) concluded that elected councilors had the least education of all the four groups represented, with 14% of the councilors not having more than primary school education.

On a similar note, Makumbe (1999) argues that due to the challenges of the Zimbabwean electoral process which include apathy, intimidation and violence, the absence of a clear criteria for selecting leaders, primary party elections which are not free, imposed candidates as well as biased electoral institutions and media this may produce councilors that either do not represent all societal groups or lack the requisite skills to deliver. The Harare Residents Trust (2010) asserts that councilors emerging out of the electoral process are not always the best available on the market within political parties. In view of the tense political atmosphere prevailing in the country, the courageous and the most loyal are usually chosen to stand for their parties. Those most endowed with educational and leadership skills often do not want to take up the risk of participating in murky politics.

Analysis of the Urban Councils Act and the Rural District Council Act also reveal that the two legal instruments do not stipulate any academic and professional qualifications for one to be elected as councilor. This suggests that the Zimbabwean local government system does not have criteria to avert those with low academic and professional qualifications to be elected as councilors in local authorities. These ordinarily find it difficult to comprehend strategic, financial and technical issues at council level. Working against a background where council business is executed under the committee system and that full council passes resolutions based on recommendations of committees, it is therefore critical that membership of these committees should include persons who understand technical issues that are brought before the committees. In order to enhance prudent decision process associated with strategic, financial and technical council issues, the integration of special interest councilors is therefore necessary to compliment the shortcomings of elected officials. Mushamba (2010) posits that special interest councilors are meant to take care of the gaps which might lack among the elected councilors.

As such if the appointment of special interest councilors is done apolitically, it would bring people who have skills like engineers,

accountants, lawyers, and doctors in the governance of local authorities. Harare Mayor, Muchadeyi Masunda was appointed for his valuable skill and experience as a lawyer and businessman. Informal discussions with the Gweru City Council Chamber Secretary revealed that the appointment of the Midlands State University Chairperson of the Department of Local Governance, Steve Chakaipa, as a special interest councilor added immense value to the governance of the city. The former Town Clerk of Masvingo City Council Mr. Tsungai Mhangami and the Midlands chapter chairperson of the Zimbabwe National Chamber of Commerce Mr. Trust Chikohora (a chartered accountant) were appointed as special interests councilors in Masvingo City Council and Gweru City Council respectively. Indeed cases are abound of highly qualified and experienced individuals who were appointed as special interest councilors in Zimbabwean local authorities. The fact that appointed councilors do not vote in council meetings authenticate their appointment, which is to advise the elected councilors on fundamental policy making issues. This role should thus be capitalized on to improve the governance of local authorities.

The role of special interest councilors is critical in bringing in important expertise; to cater for marginalized vulnerable groups (the disabled, women groups and youth groups) and minority sections of the society. The election gap pertaining to these interests can best be addressed through special interest appointed councilors. Subsequently special interest councilors increase representation of communities.

Special interest councilors as watchdogs

Special interest councilors can act as watchdogs that not only ensure that elected officials perform to the expected standards but also that quality decision processes take place. As outlined earlier, appointed councilors are said to be matured and experienced, they provide technical knowledge and can expose bad governance. Bland's (2010) survey interview results revealed that 57% of the mayors and 78% of the elected councilors in Zimbabwe were in their first terms and had served for about a year at the time of the study. The process of appointing special interest councilors thus provided an opportunity for the Minister to plug the experience gap by appointing councilors who have boardroom knowledge to run council affairs. Hence, if viewed positively and in a non-partisan manner special interest

councillors can provide checks and balances in local authorities. Appointed councilors if integrated in both MDC-T and ZANU-PF dominated councils will provide a power balance in councils. Concentration of power on one political party may breed a fertile ground for corruption and ineffectiveness.

CONCLUSION

The integration of special interest councilors in the governance of Zimbabwean local authorities has by and large been an assault on representative democracy because of the manner in which it has been done. The minister retains the sole prerogative to appoint the special interest councilors. Current perception is that this is done to the advantage of the political party to which the minister belongs rather than the citizens. Among other problems that the appointment of special interest councilors has caused, there has been a hostile relationship between the elected and appointed councilors in councils. It has brought in confusion and political instability in wards where both the special interests and elected councilors reside and clash over ward development priorities. The appointments themselves are an additional cost to the overburdened ratepayers and a drain on scarce financial resources at local level. However if properly made, appointment of special interest councilors may be a progressive measure in local governance. Such appointments can fill in the knowledge and skills gap that is not always picked by democratic elections. The appointment of special interest councilors can be a way to represent the minority and the vulnerable groups who may be marginalized by democratic elections. In order for these appointments to benefit local governance, criteria to control and guide the Minister's use of power to appoint special interest councilors must be promulgated. Finally, the two legal instruments, the Urban Councils Act and the RDC Act should be reviewed to accommodate a clear definition of a "special interest councillor"

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