

Research Paper

Impediments to Effective Councilor Oversight at Nkayi Rural District Council in Zimbabwe

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Article History

Received:
06.08.2020

Revised:
18.09.2020

Accepted:
19.09.2020

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Abstract: The paper seeks to examine and unpack the factors that are militating against councilor oversight at Nkayi Rural District Council. Councilor oversight is a crucial function for promoting and enhancing transparency, accountability, effectiveness and efficiency in Zimbabwean local authorities. Despite the existence of councilor oversight, local authorities in Zimbabwe continue to face operational, regulatory and oversight challenges. To establish the factors militating against effective councilor oversight at Nkayi, the respondents were purposively selected and the research used both primary and secondary data. The study established that low academic qualifications among councilors, councilors terms of office, political affiliation and partisanship and limited timeframes as the key impediments to effective councilor oversight at Nkayi Rural District Council.

Keyword: Councilor Oversight, Impediments, Local Authorities, Transparency, Accountability.



1. Introduction

The oversight role of Councilors in Zimbabwe's rural Local Authorities is of major influence to the overall achievement of good governance and effective service delivery. The oversight process provides robust mechanisms that hold appointed officials accountable in the same process promoting probity and transparency. These mechanisms are provided for through the committee systems which govern rural local authorities in Zimbabwe. Rural local authorities in Zimbabwe make decisions through their Full Councils which meet quarterly in terms of section 46 (1b) of the Rural District Councils Act Chapter 29:13 to deliberate on operational and policy issues. The decisions made in the full council meetings are translated into council resolutions and these direct the day-to-day running of local authorities. Councils are made up of two arms; the executive and the legislative arms. Councilors form the legislative arm of the local authority. They have a major obligation to represent the local public, facilitate development and hold the managerial board to account in their administrative duties. Meiring [1] point out that Councilors are expected to debate in meetings to encourage dialogue and unblock communication channels, facilitate the articulation and aggregation of conflicting interest and to finally create a sense of political efficacy. They further state that in the committee meetings, this is where new ideas are developed, discussed and changed into possible action. This action breeds competence and improved skills in holding discussions for effective oversight.

On the other hand, the managerial or the executive arm of council is composed of appointed officials that are employed on the basis of merit to implement the policies and plans of council in the best interests of the public. Councilors are regarded as the overseers and facilitators of development at the local level, yet various challenges interfere with their responsibility [2]. Oversight is a critical governance function provided by the Councilors, it is fundamental for the proper operation of council and safe-guarding of public resources. The Councilors are legally responsible to ensure that council executives are doing their jobs, they unearth corruption and other inefficiencies in the execution of public policy.

Despite the fact that councilors are mandated to provide oversight in order to achieve probity, prudence and effective service delivery, most rural local authorities in Zimbabwe are still afflicted by poor service delivery and corruption [2]. In Nkayi district, service delivery is poor as evidenced by roads which are substandard and non-trafficable, the dumpsite which is below standard and schools and health centers which are distanced from the general populace. Irrespective of the aforesaid under-performance by local authorities, little if any has been done to explore challenges that Councilors experience in the process of providing oversight responsibilities to local authorities. This in turn resulted in rapid increase in opportunistic corruption among appointed officials [2, 3, 4].

The media is awash with headlines of corruption and related unethical practices among council executives. These challenges have also resulted in reduced administrative accountability and poor service delivery. Due to the unsatisfactory performance by Councilors in executing their statutory duties in various rural local authorities, there is a huge gap between actual productivity and anticipated performance by Councilors. This is also exacerbated by the prevalence of questionable dealings, corruption and poor performance among appointed officials. The failure by councilors to address or question such anomalies has driven this study to be conducted. The study of this nature is critical as it provides knowledge on how elected local councilors should effectively oversee council operations of executing the service delivery mandate.

2. Literature Review

2.1. Defining Councilor Oversight

The term oversight has been defined as a constitutionally mandated function of the legislative organs of state to scrutinize and oversee the executive action of the various organs of state, Oversight and Accountability Model of Republic of South Africa Parliament [5]. This thought justifies the scrutiny carried out by Councilors on the executive to ensure that there is effective execution of statutory functions and to monitor the implementation of policy. Senay & Besdzik [6] define oversight as the proactive interaction initiated by a legislature with the executive and administrative organs of a sphere of government that encourages compliance with constitutional mandates and legal obligations. This interaction ensures that the executive authority (i.e. Council administration) is accountable to the public's elected representatives. Oversight seeks to avoid misuse, arbitrary behavior or unlawful and unconstitutional conduct perpetrated by the government and public agencies. Therefore, this drives to

the understanding that oversight is the ability or the process of hindering any acts of misconduct within an administrative institution. This in turn promotes the ideals of good corporate governance (corporate hygiene) which includes among others independence, transparency and accountability as opposed to corporate mess [3, 7].

Oversight is preemptive and preventive. This implies that effective oversight hinders corruption and related malpractices from happening as the Councilors will be closely monitoring Council Executives. Local council oversight in decentralizing countries is an important component of institutional checks and balances and a critical entry point to achieve good local governance and effective public services [8]. Oversight serves a variety of purposes namely: to keep the executive responsible and accountable, to expose fraudulent practices of the executive arm and also to control the over indulgences of the executives in their use of council resources.

SALGA [9] asserts that the oversight function plays critical roles of detecting, preventing abuse and waste, it also improves accountability, efficiency, economy and effectiveness. From the above roles, oversight allows Councilors in their monthly committee meetings to identify or notice any form of wasteful expenditure, thus holding council executives accountable on how ratepayers' money is spent. This involves the monitoring of council funded projects and ensuring that they are in the best interest of the public [9]. The power to probe and question the use of public resources is vested in the Full Council and its committees.

The Parliamentary Oversight of Finance and the Budgetary Process Report [10] states that it is only by effectively executing the oversight role that legislature (councilors) can uncover any defects and act to correct misinterpretation and maladministration. Through effective oversight, Councilors have a courageous mission of unearthing incidents of unethical practices and corruption. The Overview Report on the State of Local Government in South Africa [11] pointed out that lack of effective oversight causes dysfunctionality and instability within councils by creating loopholes for fraud and corruption.

2.2. Exploring oversight structures in local authorities

In Zimbabwe, Full Council which is composed of all elected councilors is the highest legal organ in which informed decisions regarding the operations of local authorities are made. Councils are supported by various committees to execute their oversight role. Sections 55 to 62 of the Zimbabwe Rural District Councils (RDC) Act Chapter 29:13 provide for the establishment of committees of council. The membership of these committees is from the list of elected Councilors. All issues tabled in the Full Council are scrutinized first by the committees. Each committee has a defined mandate. During committee meetings, the departmental head normally responds to queries from councilors arising from the reports tabled before the committee. The Rural District Councils in Zimbabwe have five mandatory committees which are: social and health, finance, roads, natural resources conservation and human resources. The council may create other committees when need arises and their deliberations are aimed at a particular functional area [12].

De Visser, Steytler & Mays [13] argue that these committees must be chaired by a member of the executive and they report to the executive, even though there might be a representation of the political parties. However, this is in contradiction with the RDC Act section 63 (4) which states that every committee shall elect a chairman and a vice chairman from among its members who are councilors. Despite the contradiction, this promotes effective oversight as the committee will monitor the executive officials in the process of executing their duties. However, Councilors face some challenges in performing their oversight role in these committees. This study therefore seeks to explore these challenges with the ultimate purpose of prescribing appropriate solutions.

3. Methodology

This study was conducted in Nkayi District at Nkayi Rural District Council (NRDC) which is situated in the North East of Matabeleland North Province of Zimbabwe. The district is divided into two (2) constituencies Nkayi north and Nkayi south. It is comprised of 30 administrative boundary wards, 156 villages, 1 growth point and 5 chiefs presiding over a population of 109 371 people, made up of 52 241 males and 57 130 females [14].

The governing body of Nkayi RDC consists of 30 democratically elected councilors and 6 executive council officials.

Study Population and Sampling Strategy

The study population included 30 Councilors, 6 Council Executives and 4 officials from the District Administrator's office. A sample of 15 participants were chosen purposively to participate in this study. The nine councilors that were selected to participate in this study included all five chairpersons from committees of council, council chairperson, council vice chairperson and two former committee chairpersons. These Councilors were selected purposively on the basis of the requisite skills that were required for this study which included among others literacy and expertise. By virtue of being chairpersons of council committees the researchers judged them to be knowledgeable, experienced and a rich source of required data. The researchers also employed purposive sampling to include five senior executives who served as key-informants in this study. The Executives selected included the Chief Executive Officer, Executive Officer Administration and Human Resources, Treasurer, Engineer and the Executive Officer Social Services. These were purposively selected on the basis that they are the ones who have a direct interaction with the councilors in meetings therefore providing a rich source of required data.

The District Administrator was also purposively selected for this study because she plays a similar role as Councilors in overseeing council operations. Her participation and contribution was valued because it was considered not biased in any manner as she is not directly linked to council in terms of benefits. The research relied on both primary and secondary data in order to come up with accurate and objective findings. Kothari [15] states that primary data is original information collected for the first time by the researcher. Primary data for this particular research was collected using interviews and questionnaires. Interviews and questionnaires were used for both the Councilors and the executive officials of Council. Secondary sources ranged from legal to policy documents (e.g. Acts of Parliament, statutory instruments, council reports and minutes, ordinances and regulations), transcripts of speeches, newspapers, annual reports, official correspondence, internet sources, journal articles and books, among others [16]. Accordingly, the documentary analysis entailed both printed and electronic archives. Secondary data complimented and also validated primary data sources. Data from the study was analysed using the thematic analytic approach. The following themes arose from this study: low academic qualifications among Councilors, political affiliation and Partisan interests, Conflict of interest, limited timeframe for Councilors, motivational factors and Councilors terms of office.

4. Findings and Discussion

4.1. Low Academic Qualifications among Councilors

Low academic qualifications among Councilors emerged as one of the major impediments to councilor oversight role at NRDC. The study reveals that two councilors representing 7% of the respondents have no academic qualifications. This implies a possibility of illiteracy among the two councilors. This is attributed to legislation which is silent on academic qualifications for councilors. Subsequently, councilors are elected on the basis of a popular plebiscite rather than on merit which is a challenge to councilor's oversight responsibility. This is in agreement with Mutema & Masiya [17] who present that it is unfortunate to note that local government legislation both for rural and urban local authorities is silent on the minimum academic and professional qualifications expected on Councilors. The study further reveals that 17 councilors have a Zimbabwe Junior Certificate representing 57% of the respondents. Thirty percent (30%) that is nine (9) councilors have attained Ordinary Level education and only one councilor has a diploma representing 3% of the respondents. From the findings there are no Councilors at NRDC that have attained Advanced Level or university education.

In light of this, the key informant from the DA's office confirmed that the NRDC is manned by some councilors who cannot even read or write which means during council meetings the Executives are responsible for interpreting the agenda. Such a scenario heavily affects their oversight role as in most cases they do not understand and appreciate what they are expected to do in terms of oversight roles. Key informants among Councilors expressed that the low academic qualifications among their fellow Councilors has resulted in them merely rubber-stamping the decisions of the executives as they cannot argue or question much of the presentations. This is in agreement with the REPOA Report [11] which presents that, there are very few of such representatives who can read financial reports and interpret them correctly and use them to influence decisions. In contrast, documentary evidence from

staff records reveals that Nkayi RDC Executives are holders of first and master degrees and the Chief Executive Officer is a PhD candidate. This shows that the executives are accomplished, well-informed and learned yet they are overseen by uninformed and far less educated politicians. Limited educational and professional qualifications among councilors becomes a drawback to councilors' capacity to question complicated technical and financial issues which are presented in committees of council.

Mutema & Masiya [17] argue that low qualifications on the part of councilors stifle their ability to participate meaningfully in council meetings this subsequently compromises the effectiveness of councilors' oversight role. This notion is in sync with Jonga & Munzwa [18] who point out that, the supervision of Executives by illiterate and semi-literate councilors is a dysfunctional system of governance. In this vein, it can be argued that Councilors with low educational qualifications will depend on the technocrats for guidance and interpretation thus weakening their oversight role particularly in holding Council officials accountable. This resonates with Pfeffer [19] who maintains that councilors who play a critical legislative role of holding top managers accountable through the committee system end up being dominated and controlled by management due to lack of expertise and academic qualifications. The Key informant from the DA's office remarks that:

“A Councilor with low academic qualifications is just like a horse wearing blinders, blocked from seeing what is sideward or backward thus encumbering vision and judgement of any form of misconduct that may have happened.”

However, one interviewee still maintains that despite the limitations and challenges associated with the councilors' oversight role, committee meetings allow the Councilors to scrutinize issues brought to them and question wherever possible and at some point make informed decisions. Furthermore, it allows Councilors to keep the executive in check and accountable as these committees are held monthly.

4.2. Councilor's Terms of Office

The data presented on Figure 1 above illustrates the terms that the councilors at Nkayi RDC have served by the time data was collected from the field. NRDC has 30 councilors altogether and sky blue-55% represents 16 councilors who are serving their first term, red- 7% represents two councilors who are serving for the second term, 24% represents three councilors who are serving their third term, purple 4% which is the least population represents one councilor who is serving the fourth terms and the last group which is 10% of the respondents represents three councilors who are serving their fifth terms.

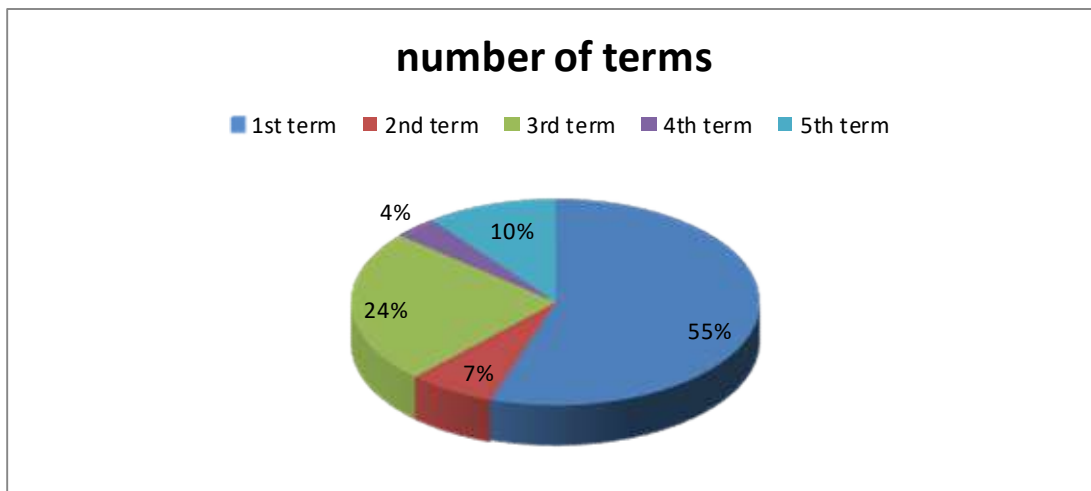


Figure 1. Councilors Terms of Office

Figure 1 demonstrates that the Council is dominated by councilors who are serving their first term, therefore, this displays that 55% of the total population do not have experience in local governance.

However, this kind of a situation dismisses the possibility of having native councilors who have established strong relations with the management arm.

On the contrary, Figure 1 further reveals that 38% of councilors have served for more than two terms which translates to more than 10 years. This violates the corporate governance requirement that non-executive directors should not serve in boards for more than ten years as this compromises their independence through familiarity. Councilors who have served such long terms are likely to have their oversight role compromised due to relations established over time thus, resulting in compromised decisions and poor oversight. These findings are in agreement who point that Councilors become entrenched in their positions and locked into relationships of patronage if they serve for a long time. Emerging from the key respondents of this study (Councilors and Executives) at Nkayi RDC have created a strong relationship and they call each other with family names like “*malume*” and “*mzukulu*” meaning uncle and nephew/niece respectively. This arose as a result of Councilors serving in the council for as long as they are voted in by the electorate. Documentary analysis of the RDC Act reveals that this legislation does not provide for caps on the terms to be served by Councilors. The study also confirms that one of the longest serving councilors of NRDC passed on in 2017 while in office after serving for 24 years since 1993 when NRDC was established. Key informants from council officials reveal that long serving councilors are not very effective, in as much as they have experience, they become native and their oversight role is compromised through familiarity. Familiarity becomes a threat which is created through long association, when such happens the ability of councilors to exhibit courage to challenge management or hold them to account on operational issues is compromised.

4.3. Political Affiliation and Partisanship

Figure 2 illustrates the democratic representation of parties at NRDC. The Movement for Democratic Change- Tsvangirai (MDC-T) holds 77% of the total Council seats that is, 23/30 seats and the Zimbabwe African National Union- Patriotic Front (ZANU-PF) holds 23% that is, seven seats. This implies that the MDC-T party dominates NRDC, therefore, much decisions are taken from the MDC-T stand point as they make up more than three-quarters of the total elected councilors. ZANU-PF occupies less than a quarter of the total legislative board. At the time this study was done NRDC was dominated by MDC-T whilst the central government is dominated by ZANU-PF. Such a situation creates a highly polarized, contestation-infested and hostile political environment.

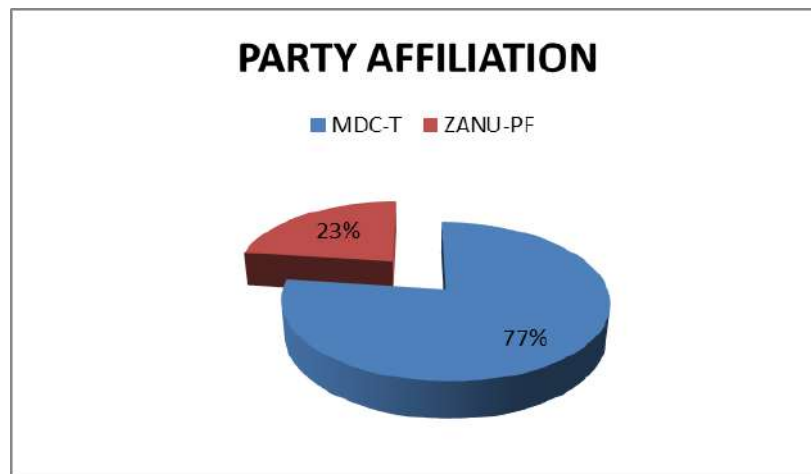


Figure 2. Political Party Affiliation

Partisanship and political polarization are often cited as some of the major impediments to effective councilor oversight. Evidence from key informants reveals that decisions in councils are made along partisan lines as is illustrated in Table 1.

Table 1. Partisanship in Decision Making

Total Number of Respondents	Yes (That Caucus)	No	Agree (Take Party Position)	Disagree
9	9	0	6	3
100%	100%	0%	67%	33%

Table 1 illustrates a sample of councilors who were asked about how partisan politics affects decision making and councilor oversight. It was noted that councilors and local authority officials do caucus before their meetings and they take the party position on the matters to be discussed. As shown above, 100% of the population strongly agreed that they caucus before any council meeting, and 67 % also agreed that they take the party position on the matters on the agenda.

Respondents who agreed they take party positions on matters under discussion (these constitute the majority) further explained that they remain allegiant and answerable to the political party that fielded and sponsored them and if they fail to do so, they risk being recalled by the party. It is against such a background that party interests take centre stage in the council’s decision making process. In opposition 33% expressed that they do not take the party’s position on any council meetings. This is because they represent firstly the interests of the community (electorates) then the party.

Largely, the aforesaid findings imply that councilors are not independent from their partisan interests and this is in harmony with Bell [20] who argues that politics impinge on the administration and management of the organization. Similarly, the Overview and Scrutiny Bill also states that local councilors will always be aware of party politics, but sometimes this can have too great an influence and act as a barrier to effective scrutiny and oversight [13].

Therefore, if councilors take the party position on Council decisions, their oversight role is compromised. Furthermore, the findings show that Nkayi RDC is MDC-T dominated which is a complete contrast with the Central Government. The respondents noted that this set-up has had implications on the council. One of which was the 2016 Minister’s order to NRDC to allocate housing stands to all civil servants in the district which the council did not heed to as they felt that it was a ZANU PF political propaganda which sought to destabilize an MDC-dominated council. The respondents further referred to the Minister’s appointment of the special interest councilors for ZANU PF at NRDC in 2008. This act was dismissed as a political stunt from the Minister. The respondents felt that the Minister representing ZANU PF is set to eliminate multi-party system in the country as proven by the former, which compromises councilors’ oversight role as they will be fighting a deferred battle of politics. This is in agreement with Mutema *et al.* [21] view that the appointment of special interests councilors in MDC-T dominated council was a political ploy to weaken the democratically elected councilors. Thus, compromising councilors’ oversight role. Data collected illustrated that political affiliation is also one of the major factors that respondents felt is interfering with their oversight responsibility as shown by a representation of 83% that is 19 out of 23 respondents.

4.4. Limited Timeframe

The study reveals that 90% of the Councilors who participated in this study felt that they have limited time to execute their oversight role. The councilors felt that their term of office is too short for a newly elected councilor to learn and implement what they have learned. They emphasized that usually the first term is spent learning new things (roles, procedures, etiquette, policies and legislation) considering that most councilors particularly at Nkayi and other RDCs are not well-educated. Key informants from councilors raised concern that Council schedule of meetings is made in such a way that they do not hold long debates as they always have two committee meetings a day, and sometimes agendas are distributed in the meeting yet as councilors we are expected to debate effectively. Therefore the limited time to debate issues on the agenda hinders councilors from uncovering issues that impede effective oversight. This is supported by Coopers who presents that lack of time to debate issues hinders Councilors from performing their oversight roles effectively.

The respondents indicated that conflict of interest is another factor that compromises the Councilors oversight responsibility at NRDC. McDonald defines conflict of interest as a situation in which a person, such as a public official, an employee, or a professional, has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties. Councilors and executives have personal interests, however there is nothing wrong with these interests unless they come into conflict with organizational interests [1]. Kanyane further argues that personal interests interfere with objectivity which causes officials to be biased in taking or making decisions. Councils are expected to uphold and satisfy the public interests and not for their interests or interests of people who are close to them. On the contrary, key informants reveal that councilors are always driven by personal interests and their allegiance to their parties.

Additionally, it was noted that Councilors display bias in their arguments in the council chambers or the motions that they submit, whereby if it is the construction of a school, it has to be pegged a few meters from the Councilor's house. Or any other form of development plan submitted to council should benefit them more than the rest of the community regardless of the proximity to the rest of the community. One of the committee chairpersons denied ever seeing a councilor or any executive declaring that they are conflicted in the recruitment and selection process which means that nepotism is unavoidable. Respondents further revealed that councilors deviate from their formal duties of public role because of private pecuniary gains. This violates the principle that leaders should act as role models to their subordinates. Both council executives and employees should learn what to do and what not to from the councilors. Councilors whose virtue and integrity is compromised through corrupt activities lack the moral authority to question corruption and maladministration perpetrated by Council executives and this subsequently weakens the capacity of councilors to provide effective oversight to council executives.

5. Conclusion and Recommendation

It is clear from the foregoing discussion that though legislative oversight is a critical component in the governance of rural local authorities it is compromised or weakened by a number of factors which include among others conflict of interest, low academic qualifications among councilors, unlimited or long terms of office for councilors, limited timeframe and political affiliation and partisanship. Poor legislative oversight weakens the capacity of Councilors to hold appointed officials accountable. Their power to probe and question the use of public resources is compromised, subsequently creating loopholes for fraud and corruption.

The impediments to councilor's oversight role presented above make it clear that there is need for the Government of Zimbabwe to review qualifications for one to be elected as a councilor. If councilors with at least five ordinary levels are elected debate vibrancy in council chambers is improved and the courageous mission of unearthing incidents of corruption and related unethical practices is propped up. The need to institute ethics training programmes for councilors to battle with rising conflict of interest cannot be over emphasized for this study. It is a valuable mechanism for fortifying ethics, building the inner person's moral fabric and integrity and corruption prevention.

Additionally, as much as presidential terms of office are limited and prescribed this should also apply to councilors, this study recommends that they should not serve for more than ten years or two terms in line with international corporate governance best practices. This diffuses familiarity threat which is created through long term associations resulting unlimited terms of office. It is also crucial that councilors be insulated through legislative frameworks from partisan politics. They should be trained to uphold professionalism in the discharge of their duties. Professional councilors will not be swayed by partisan politics, thus enabling them to undertake their oversight functions in Zimbabwean local authorities.

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