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OF DEALS AND URBAN GOVERNANCE: THE CASE OF POMONA WASTE TO ENERGY PROJECT IN HARARE, ZIMBABWE

JOHN P. MAKETO¹, INNOCENT CHIRISA ² AND VINCENT CHAKUNDA³

Abstract

The article deploys a desktop approach to examine the Pomona Waste to Energy Project in Harare, demonstrating how corruption within urban governments disproportionately affects public service delivery. The principal secondary sources of data used are policy documents, academic literature and newspaper articles. The key problem relates to the presence of unfettered central government interference in local governance through the Minister responsible for Local Government. The article demonstrates that through the project, privatisation and subsequent forms of public-private partnerships (PPPs) have been sanctioned. Based on the study findings, the article concludes that the design of a city-level management system, that includes democratic structures with checks and balances between the executive and legislature and between state agencies and civil society, must be supplemented by broader citizen participation to ensure that decisions are made in the best interests of the public.

Keywords: corruption, participatory governance, transparency, accountability

INTRODUCTION

The awarding of a waste processing contract by the Harare City Council to a Netherlands-based company, Geogenix BV, has been implicated in allegations of massive corruption. This study identifies several irregularities in the contractual process, including the blatant and obvious flouting of procurement procedures, interference with due process, complete disregard for the Constitution's provision for devolution and potential acts of corruption, underhand dealings and abuse of power in flagrant violation of Zimbabwe's criminal laws. With Harare, as a case in point, this article provides a conceptual framework outlining the principles of good governance and public administration and observes that while waste collection and disposal is one of the pillars of a sustainable city's ecosystem, it should be effected in a manner that benefits citizens rather than burden them. As such, an alternative sustainable waste management system that is reasonably cost-effective for residents and taxpayers and meets the capacity of Harare City Council, is proposed. This research focuses on the stakeholder's exclusive right to participate in the functioning of a publicly funded facility within the context of participatory urban governance. For the effective management of an urban area in a devolved system of governance, this article recommends adherence to applicable laws, rules and regulations and the use of participatory methods of governance for the fulfilment of key parameters such as transparency, prudence, subsidiarity and inclusivity. The major concepts in the study are decentralised urban management, devolution and autonomy, while the public choice and the stakeholder participation theories constitute the theoretical framework.

CONCEPTUAL FRAMEWORK

The key concepts in this study are decentralised urban management, devolution and autonomy. The World Bank (2008:1) observes that decentralisation, as is with good governance and sustainable development, presents one of the common languages of international institutions, for example, the World Bank's top officials, where general ideological convergence is that decentralisation is a 'good thing'. Whereas there are various perspectives to decentralisation, it is important to note that in all instances, it encompasses altering the institutional guidelines dividing powers and resources between governmental units. Nyikadzino and VyasDoorgapersad (2022) submit that in recent times, the eminence of decentralisation is linked to two fairly connected trends:

- The structural adjustment processes and the common corollary of public sector retrenchment.
- The emphasis on local governance and the argument for participatory development. approaches

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DECENTRALISED URBAN GOVERNANCE

Chigwata (2019) views decentralised urban governance as a process of devolving power to urban local government bodies or the processes and practices of transferring powers related to planning, management, resources allocation and/or accountability arrangements from national governments to urban government bodies. Fundamentally, this entails granting more powers to urban government policy systems to create policies for sustainable urban development. Madhekeni (2020) contends that devolving powers to urban governments enhances the machinery of urban policy-making and hence the speed of policy development and implementation. This is key in promoting the efficiency and competitiveness of urban governments. In the context of global competition, devolving urban governance allows cities to be hubs of industrial and economic activity and attractive destinations for foreign direct investments. Zimbabwe enshrined devolution in the Constitution of 2013. However, the implementation of devolution is threatened by a plethora of factors. These include political parties' incongruence, that is, the presence of different political parties at different levels of government.

Political incongruence, generally involving the ZANUPF-controlled central government and opposition party-controlled local government, has culminated into massive political conflict, including the controversial suspension and dismissal of opposition party mayors by the Minister of Local Government, centralisation of the procurement process that provides the national political elite the power to tender on behalf of local government institutions and the imposition of public-private partnership (PPP) arrangements that sustain the economic interests of the ruling political elite. All this is done purportedly under the guise of promoting effective administration through sustaining the political and economic interests of the ruling political elite. Madzimure (2021) sums up the challenges of decentralised urban governance in Zimbabwe as centralisation of fiscal powers, a centrally controlled urban government policy system and a multiplicity of agencies, often with overlapping functional and geographical jurisdictions.

LOCAL GOVERNMENT AUTONOMY

Closely related to decentralised urban governance is the concept of autonomy. The public choice and stakeholder theories that underpin this study emphasize the autonomy of decentralised urban governments and their right to self-determination (Ahmed et al., 2005). The term —autonomy is often applied in both theory and practice, but has rarely been carefully defined and applied. Rather, the concept has often been loosely applied and, in certain contexts, related synonymously to the total independence of subnational governments, reflective of secessionism. As argued by Chigwata (2019), receiving the correct content and meaning of the principle of local autonomy is essential, both from the theoretical and especially from the practical point of view. Thus, its thorough understanding is legitimated by the need to neutralise the monopole of this principle, since local autonomy should not be understood as full local independence. In other words, local autonomy cannot be regarded as a regime of complete independence, as a separation of local government authorities from central government. Muchadenyika (2017) submits that local autonomy is an indispensable aspect of democratic government. It refers to the degree to which local governments have discretion in carrying out their responsibilities. This does not imply ultimate freedom. Autonomy varies from nation to nation.

Madzimure (2021) views that local autonomy deepens democracy by bringing local governments closer to the people. This enhances opportunities for political participation and hence fosters the foundation of a democratic culture. Leaders elected at the local level appreciate their constituents more than central authorities, and are well-adapted to providing public services needed at the grassroots level. Where things go wrong, physical proximity makes it easier for citizens to hold local officials accountable for their performance. Section 276(1) of the Constitution of Zimbabwe provides that —a local authority has the right to govern, on its initiative, the local affairs of the people within the area for which it has been established and has all the necessary powers to do so. However, studies have established that the unitary system of Zimbabwe is anchored on a strong centralist ideology that suffocates the autonomy of sub-national institutions (Muchadenyika, 2017; Nyikadzino and Vyas-Doorgapersad, 2022). In addition, there is lack of comprehensive policy commitment to developing frameworks, safeguards and mechanisms, both structural and non-structural, for enhancing the discretion of decentralised urban governments by limiting jurisdictional overlapping and promoting administrative efficiency among these institutions.

THEORETICAL FRAMEWORK

The study is underpinned by the Public Choice school as the principal theory, supported by the Stakeholder Theory, with special emphasis on how these theories relate to public administration in a devolved system of

governance. The Public Choice Theory assumes a superlative position in this study because of its utility in providing a comprehensive explanation of how the political and economic forces shape public sector processes. Fundamentally, the relations of power influence the dynamics of service delivery and should be viewed in the context of how key policy-making structures and players interact (Bourne & Walter, 2008). In complementing the Public Choice school, the Stakeholder Theory will be used to identify stakeholders, their relations and the dynamics of their interactions in the context of delivering services in the public sector domain.

The Stakeholder Theory's assumption that an institution can be considered successful only when it delivers value to most of its stakeholders, is put to test in this study. Arguably, most of the theoretical support for participatory practices in cities and metropolitan areas has come from the Stakeholder Theory of deliberative discursive processes. Several studies have examined various facets of stakeholder management in public administration, notably how it interacts with project management and development (Bussy and Kelly, 2010). The study thus identifies the Public Choice Theory as depicting prevailing circumstances in public administration and bases on the Stakeholder Theory as a channel for fostering good governance, transparency and accountability within local governance systems to provide a clear and much more detailed analysis.

The Public Choice Theory has been discussed in the context of abuse of power for the facilitation of corrupt activities in public administration. The theory explains government decision-making because of the actions of individual, self-interested public policy actors, who make decisions as civil servants or elected officials. Thus, the test of government efficiency in this theory is simply how well the government serves each person's self-interest. While Buchanan (1986) acknowledges that obtaining unanimity always would be impossible and produce paralysis, he points out that legal provisions of a country's constitution are essential to the discussion and argues that legitimacy in government requires only a consensus among the framers of the nation's constitution about the rules under which the government is permitted to operate. This confirms that in all government operations, following due process is imperative to the legitimacy of its actions.

LITERATURE REVIEW

DECENTRALISED URBAN GOVERNANCE IN CONTEXT: A STUDY OF SELECTED CASES

Bobbio (2019) contends that there has been a surge of interest in the interplay between governance, participation and democracy in cities. Constraints and stakeholder theories have been used as a theoretical framework to explore civic engagement and participatory practices in cities. As argued by Cohen and Rogers (1992), participatory urban governance, which is conceptually rooted in the logic of pluralism and the narrative of deliberative discursive processes, emphasizes inclusiveness, collaboration and consensus-seeking. However, it has been reiterated by many a scholar that participatory urban governance is even more nuanced in societies that have applied a devolved system of governance (Cheema & Rondinelli, 2007). Be that as it may, the tangible results of this notion have been largely nonexistent due to a lack of implementation.

Currently, public participation is the focus of European democracies.

Fundamental to note is that citizen participation is gaining traction in also Asia, with China on the frontline (Ling Li et al., 2018). Elections in a majority of these countries are key platforms provided for citizens to influence governance. National policy, in Cyprus for instance, citizen participation is signified in the European Union Treaty and national level through Town and Country Law (1990-2013). In the United Kingdom, responsibilities are devolved to assemblies of Scotland, Northern Ireland and Wales. Among these, is the power to determine ways of making decisions (Fung, 2015). Though not devolved, in England, the policy of government is to give citizens a stronger voice in policy-making and, when necessary, transfer control of government assets to citizen groups. Germany also identifies a high level of civic participation. For three decades, the country developed integrated participatory structures in urban planning. In the United States, planning is divided among cities, counties, school and special districts, regional; authorities and state governments. Decisions emerge after bargaining and compromise between them. These units enjoy autonomy to allow innovation and creative problem-solving. Hence, participation in the US is deep (Nyaranga et al., 2019). Elwood (2004) observes that in Eastern Europe, for instance, power devolution effectuated at the beginning of the transformation process in the early 1990s, did little to advance the ideal of citizenry empowerment. Zientara (2008) observes that as local authorities captured power devolved from the centre, they were particularly reluctant to redistribute it down the ladder, exhibiting a strong tendency to continue to exert a hierarchical influence over local communities.

Lemanski (2017) studied participatory governance in the city of Cape Town under the apartheid system. Specifically, the study sought to explore how participatory governance functions in the context of an extremely

unequal city with antecedent structures of racism. Specifically, Lemanski's study highlights how the spatial and temporal landscape of the urban can obstruct, rather than assist local democracy in pursuing racist extremism. Indeed, the study concluded that apartheid structures of development participation in the city were meant to advance white monopoly as opposed to inclusive development that captured and contextualised the development interests of both whites and blacks.

However, Parnell and Oldfield (2014) argue that the post-apartheid era in South Africa ushered in hope for the future with assumptions that the new institutional democracy at national level would translate into wider involvement and participation of black South Africans in decision-making at the local level for the previously marginalised. Lemanski (2017) submits that indeed, the post-apartheid government of South Africa has instigated a myriad of participatory arrangements. At the municipal level, the Integrated Development Plans (IDPs) are a product of a participatory process, where the city and its residents meet to collectively agree on priority areas for the city's five-year budget. In Cape Town, this has resulted in a shared focus on housing, jobs, safety and security. The ward committee scheme at a neighbourhood scale was established in 2000 for providing localised spaces for citizens and the state (via councillors) to communicate issues related to their local area that could be channelled to sub-council and city structures (Dickovick, 2005). However, the major challenge with citizen participation in South Africa, in general, and Cape Town, in particular, is that in a historic context of wide socio-economic and spatial inequality, the implementation of a model of participatory governance that relies on pre-existing spatial and socio-economic structures has entrenched exclusion and institutionalised a two-tier form of unequal citizenship.

Article 1(1) of the Constitution of Kenya of 2010 vests sovereign power in the people of Kenya. The power is exercised either directly by the people via frameworks of public participation or indirectly through democratically elected representatives (Omolo et al., 2016). Added to this, the Constitution also created a decentralised system of governance primarily focused on devolving power, resources and representation to local citizens. In the context of devolution, the County Government Act, the Public Finance Management Act and the Urban Areas and Cities Act entrench public participation in drafting new legislation, determining budget priorities, ensuring that public-sector performance and expenditures are reviewed and submitting grievances. Further, local governments are tasked with ensuring that citizens receive information on public participation, developing structures, mechanisms and guidelines for citizen participation, while providing annual reports on public participation to County Assemblies (Freeman & Reed, 1983). Citizen participation in the devolved system of government in Kenya has its challenges, including lack of support from the political elite and weak levels of civic education. However, there is a success story in Makueni County, whose citizen participation model is lauded by the World Bank (2016). In the model, citizens identify their development priorities at the grassroots level, with the citizens becoming involved in the prioritisation, planning and setting of final expenditures for the identified projects. In addition, the county allows citizens to be engaged in the full implementation of these projects.

FINDINGS

The findings are presented in five themes, which are: Collusion of power and corruption; absence of a sustainable debt management framework/model; elite capture; an insufficient legal framework for devolution; and weak oversight structures.

COLLUSION OF POWER, PROCUREMENT & CORRUPTION

Central to the Pomona Waste to Energy Project is the manipulation, deception and corruption that translate into abuse of power and sidetracking of procurement regulations. The principles of public finance management, as stated in section 298 of the Constitution, makes public consultation key in governmental decisions, especially those that impose a financial burden on citizens. As shall be seen, the awarding of the contract was conducted without consulting the citizens of Harare despite the contract imposing a financial obligation on them. It is equally trite to note that the contract was, in the utmost sense, concluded between the Minister responsible for Local Government and the company, with Harare City Council only appending its signature. This suffices the resistance from the central government to approve the recommendations of a special committee of the council to cancel the contract.

Fraud, corruption and favour were shown to Geogenix BV on irrational grounds as highlighted by Article 3.1.1 of the Memorandum of Agreement, that states that the Pomona dumpsite shall be handed over to Geogenix BV free of charge and against no payment of any fees, tariffs, or taxes. This study further establishes a violation of the procurement procedure as Geogenix BV was given undue preference to operationalise the waste project at the

expense of other entities without going to tender. The joint committee that met on February 23, 2022 and made the recommendation to the council to approve the contract, was not held in compliance with the provisions of the law relating to procurement processes. As noted above, both the constitution and the Urban Councils Act required the council to conduct public consultations and subject the proposed deal to objections to approving the contract. These key processes were deliberately avoided as the probability of objections was high. Without following these processes, this article submits that the contract is a deficit of legitimacy as due process was not followed and hence a higher proclivity towards allegations of corruption. With the contract creating serious financial obligations for the City of Harare to pay Geogenix BV in foreign currency (US\$) for a period of 30 years, there is a huge disparity in the exchange rates of the local currency and the United States Dollar as it is common cause that the City of Harare's waste collection costs are in the local currency (RTGS). There are several individuals in line to benefit from this disparity and gain from such manipulation. It suffices to say that the lack of a proper tender procedure harmed not only other potential players, but also prejudiced the City of Harare a more affordable and effective proposal that might have been taken into consideration.

ABSENCE OF A SUSTAINABLE DEBT MANAGEMENT FRAMEWORK/MODEL

The Pomona project will plunge the already financially ailing local authority into a major and unsustainable debt, causing the provision of services to completely collapse. In the absence of a framework that set limits and parameters for debt contraction at the level of local authority, there is a danger that the precedence set by the Pomona project will plunge not only Harare City, but a majority, if not all, of local authorities into a debt trap. Two months down the line, Harare is already saddled with a debt of over US\$1.5 million. There is a high possibility that in the face of subdued resistance from Harare City councillors, largely for fear of victimisation by the national political elite, the central government may move to impose this model on other local authorities without public consultations and hence plunging them into debt. The transfer of water from councils to the Zimbabwe National Water Authority (ZINWA) is a sufficient basis for justifying this possibility.

The national government initially imposed the water transfer on Harare City Council. When it faced little resistance, the model was moved to other local authorities, resulting in the massive decay of water infrastructure and a decline in delivery capacity. This was due largely to technical incapacities at ZINWA (Madhekeni, 2020; Nyikadzino and Vyas-Doorgapersad, 2022). The current manner has seen the central government that acted as the underwriter of the project, now assuming the financial obligation, illegally. Illegally in that the Ministry of Local Government or the Ministry of Finance cannot, at law, enter into an agreement that places a fiscal obligation on Zimbabwe with a foreign entity without the approval of Parliament, as argued by section 327(3) of the Constitution of Zimbabwe:

—(3) An agreement which is not an international treaty but which— (a) has been concluded or executed by the President or under the President's authority with one or more foreign organisations or entities; and (b) imposes fiscal obligations on Zimbabwe; does not bind Zimbabwe until it has been approved by Parliament.†

The company in question, Geogenix BV is a foreign entity. The agreement with the said foreign entity places a fiscal obligation on Zimbabwe. The missing link is parliamentary approval.

ELITE CAPTURE AND POLITICAL INTERFERENCE

The Harare City Council's corridors are inhabited by oligarchy and mafialike structures despite the council's illusion of independence from national executive governance. While it is trite that a typical urban infrastructure project, financed by the taxpayer, should be open to public scrutiny and, therefore, give residents a greater say in how facilities financed by their money are run, it is not the case with the Harare City Council under the Pomona project. The case study demonstrates that the narrowly defined interests of a small elite constituency continue to prevail over the interests of the wider public. Political strings have been established in the deficient procurement procedures surrounding the Pomona Waste to Energy project. There appears too much discretionary power among public officials and the involvement of the elite connected to the ruling party. For instance, Geogenix BV is fronted by businessman Delish Nguwaya, the same character implicated in the Draxgate scandal involving Covid-19 PPE procurement fraud worth US\$60 million, as argued by the New Zimbabwe (2021). The political power structure has been built in such a way that favours and protects the elite at the expense of the masses as the deal is in bad faith and is not in the public interest.

INADEQUATE LEGAL FRAMEWORK ON DEVOLUTION

It is imperative to note that the Pomona deal itself is both substantively and procedurally wrong at law. The merits of the contract are in bad faith and a meeting to sign the agreement was improperly convened, constituted and conducted. The major weaknesses lie in the inadequacy of local government laws that give the Minister of Local

Government powers to rescind a decision by a council. Particularly, the absence of an enabling piece of legislation for the effective implementation of devolution has facilitated the abuse of power by the executive and its unrestricted involvement in local governance matters. The current laws in operation and actions are not in sync with the current Constitution. As argued by section 5 of the Constitution, local authorities are recognised as one of the three tiers of government and, hence, are semi-autonomous bodies responsible for creating their own policies, while accountable to the citizens. Whereas vertically, they are also accountable to the central government, this should not be misconstrued as justification for interference in local government policy processes by the former.

While the three tiers should have a cooperative working relationship, the Pomona case indicates that this is not what is happening in this arrangement as the executive is seen to be imposing the deal on the local authority and the public. Reflected is a selective interpretation approach to devolution as the central government has shown great interest in dictating how the devolution funds should be spent. The government has undertaken to support the City of Harare through devolution funds to meet its financial obligations under the Pomona deal. This is in blatant violation of the principle of devolution as provided for by section 264 (2) (a) of the Constitution which sets out the objectives of the devolution of governmental powers and responsibilities to provincial and metropolitan councils and local authorities as: —... to give powers of local governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them.¶ The Minister, therefore, cannot dictate how the funds for devolution are going to be used by the City of Harare, as this undermines the principle of devolution. The Urban Councils Act defines a council as a policy-making body legally endowed with the power to make policies within their areas of jurisdiction. Other pieces of legislation, such as the Regional, Town and Country Planning Act and the Corporate Governance Act, also recognise the status of the council both as a policy entity and, hence, a body corporate.

Against the true spirit of devolution, it follows that the Pomona saga reveals a local governance managerial —dictatorship¶ style that relies on a single source of authority and power within the executive and not the citizens who are the residents and taxpayers. The Pomona saga ultimately shows the levels of interference by the central government in the running of local authorities. The deal has shown the extent to which the government has been intentionally manipulating a vague and half-baked legal framework on devolution, delegating power and authority with one hand and taking back the same with the other.

WEAK OVERSIGHT STRUCTURES

As reported by Newsday (2022), Harare City councillors (dominated largely by the opposition Citizens Coalition for Change (CCC) had recommended the cancellation of the Pomona deal. Through a special council meeting, the Jacob Mafume-led council voted for the suspension of the 30-year waste management deal between Geogenix BV fronted by businessman, Delish Nguwaya and the local authority. This is despite Local Government Minister July Moyo’s statement that the Pomona deal cannot be reversed. Moyo alleges that all the recommendations from this process went to Cabinet, the highest executive authority, for approval and a lower organ cannot violate the principle of subsidiarity. The Minister has since given Harare City Council a directive through an immediate ministerial dictate (issued on 7 July 2022) to rescind its resolutions made on 2 June 2022 in that the City Council: (1) appointed a special committee in terms of section 100 of the Urban Councils Act, to investigate Pomona Waste to Energy Project; (2) suspended the contract between the City of Harare and Geogenix B.V.

The Ministry of Local Government, Public Works and National Housing, therefore, continues to undermine devolved efforts by councils to safeguard public resources and deploy them in the public's informed best interests. This, undoubtedly, puts into question the ability of elected councillors to play an oversight role over a deal that places such onerous financial obligations on the City of Harare, that will, ultimately, be paid for by ratepayers. In such circumstances and under such conditions, accountability becomes a paper tiger without real effectiveness on the ground; thus, posing public accountability as impotent. The weaknesses of the council are apparent where its policy-making structures are subdued by the national government elite seeking to advance their political and economic interests. Whereas it has earlier been established that the council owes its existence to both the constitution and the Urban Councils Act, it, therefore, follows that the interference by the Minister responsible for Local Government lacks a legal basis.

On the 11 January, the High Court delivered a judgment that, if confirmed by the Constitutional Court, will go some way to preventing undue interference by the central government in decisions of local authorities. The judgment was delivered by Judge Munangati-Manongwa in the case of

Combined Harare Residents Association & Others v Minister of Local Government, Public Works and National Housing HH-07-23. The judgement set aside a section of the Urban Councils Act that the Local Government Minister has powers to interfere with and control local authorities. The same judgement also set aside section 314 (2) of the Urban Councils Act Cap 29:15, which was used by the minister to issue controversial directives to local authorities. The Constitutional Court is likely to confirm the judgment because its correctness is beyond argument. The minister's arbitrary power to override decisions of a local authority is so contrary to the concept of devolution envisaged by the Constitution that it is difficult to see the Constitutional Court coming to a different conclusion from that reached by the learned High Court judge. The Constitutional Court may, however, take some time to confirm the judgment, so we need to look at what legal effect the judgment has now, before it is confirmed by the Constitutional Court and what effect it will have after confirmation.

DISCUSSION

This article poses important questions about how partisan politics in the development discourse intersect with local governance structures and urban service delivery. The results from contemporary literature and the study case indicate that the politicisation of urban governance adversely affects development, particularly the provision of effective and efficient service delivery at the lowest possible cost. The Pomona Waste to Energy deal under review highlights the manifestation of challenges that come along with the power wrangle between politics and development, as central government paddles efforts to undermine the political, administrative and fiscal autonomy of local authorities. While there are political, administrative and fiscal elements of devolution, the concept itself goes not only beyond the transfer of responsibility but also authority over decision-making and accountability to autonomous and legally constituted sub-national governments. The Pomona deal acquired national status regardless of the Pomona dumpsite being a public-funded municipality facility under Harare City Council.

In the context of political parties' incongruence as aforementioned and with the predominantly CCC opposition stronghold within the Harare City Council, central government, through the Minister of Local Government and Public Works, has taken the uproar against the deal as targeted. The minister's involvement has been characterised by strong partisan overtones to defend the deal and protect Geogenix BV. Noting that the meeting of the council to approve the deal was held, at the special instance, at the request of the Minister responsible for Local Government, this is believed to have exerted much pressure, duress and undue influence on councillors to make a grossly unreasonable decision. Such undue influence to facilitate corrupt activities by the elite few and undermine both the law and accountability mechanisms, only amounts to gross abuse of power and complete disregard for the rule of law. It negatively impacts urban governance, while burdening the public. Given the humongous financial liability that will be incurred by the City of Harare for many years and has the potential of affecting service delivery, residents, ratepayers and other interested parties ought to be consulted on this, in line with good governance practices, transparency, accountability principles as enshrined in the Constitution.

CONCLUSION

The article examined the evolving power dynamics of urban governance using the case of Harare City. The analysis has established the following demonstrated facts. A significantly high level of central government influence in the affairs of local authorities, to the extent of interfering with local procurement processes as the case with Pomona waste to energy project; elite capture and political interference are at the centre of urban governance in Zimbabwe; central government retains influence over local authorities through centralised financial management control using the carrot and stick approach; and Political actors in both central government and local government establishment are desirous of retaining power and control at whatever cost, relegating residents' welfare and interests to the periphery of urban governance priorities. The collusion of power, politics and corruption creates huge impediment to the sustainable development agenda of urban jurisdictions.

RECOMMENDATIONS

- Set up a Special Investigations Committee

The Harare City Council must set up a special committee in terms of section 100 of the Urban Councils Act and investigate the Pomona agreement for submission to the Zimbabwe Anti-Corruption Commission (ZACC). The deal is wrapped in corruption and abuse of power. Therefore, all individuals/entities implicated should be investigated and brought to justice.

- **Engage ZACC to investigate.**

A thorough investigation by the Zimbabwe Anti-Corruption Commission

(ZACC) considering the circumstances around the signing of the Memorandum of Agreement, paying particular attention to the exploitative nature of the —deall and its implications on council revenue and financial standing. The principles of public financial management outlined in section 298 of the Constitution must be given due consideration.

▪ Expedition on the enabling law on devolution

There is great need for the speedy and holistic implementation of devolution as provided for by section 264 of the Constitution and the alignment of local government laws to Chapter 14 of the Constitution. The promulgation of an enabling act on devolution will assist in providing a legal basis for the elaborate relationship between central government and local government. The government must respect and adhere to the provisions of section 5 of the Constitution of Zimbabwe that recognises local government as a tier of government.

▪ City-level management system that upholds participatory governance Harare City Council must suspend the deal altogether to review it and lead public consultations with Harare residents and other key stakeholders. According to section 264 (2) (d) of the Constitution, one of the objectives of devolution is to recognise the right of communities to manage their affairs and to further their development. As aforementioned, the legislation requires the City of Harare to consult key stakeholders, particularly ratepayers and residents on a material decision affecting them. The design of a city-level management system that includes democratic structures with checks and balances between the executive and legislature and between state agencies and civil society, must be supplemented by broader citizen participation to ensure that decisions are made in the best interests of the public. Local governance systems ought to operate in reflection of the public's imminent needs and at the lowest possible cost.

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