



GWERU UNITED PROGRESSIVE RESIDENTS & RATEPAYERS DEVELOPMENT ASSOCIATION TRUST
Deed of Trust No. MA0000552

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6th November 2019

The Minister
Ministry of Local Government and National Housing
Mkwati Building
Causeway
Harare

Dear Sir

**RE: INVESTIGATION OF THE CITY OF GWERU BY AN INVESTIGATION TEAM FROM
THE MINISTRY OF LOCAL GOVERNMENT**

We write in connection with the above matter.

From the onset we would like to state unequivocally that it has never been, and is currently not and shall never ever be our intention to engage in a process that seeks to unjustifiably dismiss an innocent employee. We believe in the principle of an accused person is “*presumed innocent until proven guilty*”. We also want to put it on record that we as residents are fully in support of the on-going investigating process by a team put in place by the councilors. We believed and still believe the team is a properly constituted and properly mandated authority appointed by councilors acting within their mandate as stipulated in the constitution. We believe the councilors appointed team can competently execute the task placed before them if they have no interference from any quarter, and unless we get proof to the contrary with regards to the team’s competence, we shall continue to maintain this position.

cultivating a culture of COMMUNITY ACTIVISM

We are therefore perturbed, concerned and utterly confused by the sudden emergence of an unsolicited investigation team coming from your office to interrogate a wide range of issues. Some if not most of the issues touch on issues under investigation by the council appointed investigating team. We are worried by what we perceive to be an intrusive approach to issues by the Ministry.

The coming of the Ministry's team results in the sidelining, suspension and belittling of the efforts of the council's appointed investigating team. There is also a palpable risk of the findings of the councillors' appointed team being confined to the rubbish dump. Honourable Minister may we remind your office that the councilors are the mandated and popularly elected people's representatives who have been deployed to carry out the residents' sovereign agenda over the city's issues.

Who invited the Ministry of Local Government to Gweru City Council? Is this a Commission of Inquiry under the guise of an investigating team? This latest move seems to give wings and credence to the rumour circulating at Town House's corridors that the delay by the Town Clerk to respond to the 16th August deadline to the Committee of Inquiry Report was because "management had approached the Local Government Minister to report massive interference by councilors in administration and operational issues."

Is this Investigating Team a product of management's request? If so, is this not a case of an accused being allowed to choose his own panel of judges to preside over his case. What justification is put forward for the apparent overriding of councillors' supervised investigating process? Is this not the usurping of power by a higher power, from a properly mandated and properly constituted authority? Why would management seek the protection of the ministry if they have nothing to hide? All what was requested is for them to prove their innocence. PERIOD. Why does management fail, refuse or neglect to put to rest the allegations raised in the Report by satisfactorily responding and clearing their names and reputations.

Honourable Minister, as residents we feel disrespected and disregarded when properly instituted legal processes initiated by our elected representatives disrespected. The process of uprooting endemic systemic corruption at our local authority and subsequently improving the perennial service delivery deficits is a task best placed in the hands of persons with an emotional link to the

City and empathize with the residents and our councilors are best qualified in that regard. The Ministry's team should in our opinion only come in when the councillors' team's findings and recommendations are inconclusive or contested.

We contend and insist that the coming in of the Ministry's investigating Team at this juncture is both suspicious and regrettable and any report coming from the team should not be considered in the decisions and outcomes pertaining to the charges laid against the Town Clerk and all others who are likely to be charged, if the Committee of Inquiry Report were to be followed to its ultimate end.

Strangely still, the Ministry's appointed investigating team is about to complete its investigations but it has not sought our voice as residents, even though we are the largest constituency that the Local Authority serves. This is further evidence of the total disregard for our opinions in the way we are governed, by the Ministry.

Recently the City of Bulawayo found a Commission of Inquiry at its doorstep but this was justifiably triggered by the publicly reported fall out between the Deputy Mayor and Town Clerk which resulted in the unceremonious firing of the Town Clerk. In Gweru's case, what misdemeanors or legal mis-steps has council committed to trigger the coming in of this Commission of Inquiry? Were all the provisions of the Commission of Inquiry Act followed in the appointing and conduct of the Ministry investigating team?

Honourable Minister suffice to say we are in the much touted "Second Republic", which represents a new way of doing things, a new dispensation where the rule of law is held with awe. We are out of the "First Republic" where the total disregard of the rule of law was the hallmark of the then power. The State President, His Excellency E.D. Mnangagwa famously declared during the 2018 election campaign that. "The Voice of the people is the Voice of God". The voice of God spoke in Gweru by resoundingly electing the current sitting councilors and they are therefore the legitimate custodians of the residents' sovereign agenda. Their (councilors) operations which reflect the will and aspirations of the people must be respected by any means possible. The residents' sovereign agenda must not be negated in any way by unwarranted interference from any quarter.

Section 100 of the Urban Councils Act provides for the appointment of special committees by council for a specific purpose. The committee's findings in this case were presented to council which deemed it necessary to place the Town Clerk on suspension while investigations proceed. While the Minister may be empowered through Section 311 of the same Act, is it not more sensible for the Minister to allow for the implementation of the special committee's recommendations by full council before taking any such action as it has taken in this instance. At one point or another, Honourable Minister, the verdict of the council appointed investigating team was obviously, going to reach your desk and we believe that it is only then that the Ministry could have come on board without raising any eye-brows as the current intervention at this juncture has done.

Local Authorities are creatures of statute and as such should strictly abide by the laws of the land if they are truly to remain relevant to the governed and other stakeholders both locally and beyond our borders. Section 276 (i) of the Constitution reads "*subject to this constitution and any Act of Parliament, a local authority has the right to govern on its own initiative the local affairs of the people within the area for which it has been established and has the powers necessary to do so*". Section 274(2) reads "Urban Local authorities are managed by councils composed of councillors elected by registered voters in the urban areas concerned and presided over by the elected mayor or chairperson by whatever name called" Section 2 of the constitution reads "This Constitution is the supreme law of Zimbabwe and any law, practice custom or conduct inconsistent with it shall be invalid to the extent of the inconsistency" From the above, three things are crystal clear:-

- 1) Councillors' are the properly mandated persons to supervise the management of council affairs not management.
- 2) The Ministry, unless there are some glaring, irregularities or areas of concern shall not impose itself on local authorities.
- 3) If indeed management invited the Ministry then management overstepped its mandate because management does not operate outside council resolutions lest there end up being two centres of power.

With all due respect Honourable Minister, we do not seek to disrespect, instruct, let alone lecture you in any way because we have no such powers. We seek, from our layman and humble

position, to plead with your good office to objectively and thoroughly consider our opinions and take the necessary corrective action.

Yours faithfully

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Pastor David Chikore

Executive Director

- Cc: The Minister of State Midlands
The Provincial Development Coordinator – Midlands
The District Development Coordinator – Midlands
The Mayor City of Gweru
The Acting Town Clerk City of Gweru