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UNIVERSITY OF CAPETOWN
DEPARTMENT OF POLITICAL STUDIES

**RURAL LOCAL GOVERNANCE IN POST-COLONIAL
ZIMBABWE: A CASE STUDY OF ZIMNYAMA WARD IN
BULILIMAMANGWE DISTRICT.**

A minor dissertation presented in partial fulfilment of the requirements

for the

Degree of

**MASTER OF SOCIAL SCIENCE PUBLIC AFFAIRS AND
ADMINISTRATION**

by

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FEBRUARY 2007

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February 2007

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ABSTRACT

This study is about the place of traditional authorities in local level rural governance in post-colonial Zimbabwe. It came about as a result of some conflicting and overlapping laws that govern the lives of the rural residents, ultimately creating conflicts between traditional authorities and their elected counterparts. In addition, the study seeks to examine why the ZANU PF led government recognised traditional authorities after almost a decade of their neglect. The study further examines whether the recognition of hereditary traditional authorities is consistent with the principles of liberal democracy and attempts to evaluate the impact of the co-existence model within the local government arena where democratically elected structures are integrated under a hereditary system of traditional leadership.

The study is based on documentary research on the subject matter as well as on field work in the Zimnyama community in Bulilimamangwe district of Matebeleland South Province in Zimbabwe. It argues that generalisations about the role of traditional authorities in rural local governance may be misleading since not everyone in the rural areas supports the system of traditional leadership. In the same vein, the study reveals that most land administration laws in Zimbabwe seem to inhibit traditional authorities in favour of elected structures thus causing tension and conflict between the two structures. This tends to underplay the role played by traditional authorities in contemporary rural governance as they are labelled backward and undemocratic. Drawing from the case study of Zimnyama ward, the study argues that effective rural development can be achieved if the positive features of both the traditional system of governance and that of the elected structures are combined. To this end, the study argues that both elected representatives and traditional leaders have a role to play in

contemporary local governance because in the eyes of the rural communities, they should complement rather than compete with each other.

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To them I say “I am because we are”. Unity is Power.

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ABBREVIATIONS

LHA	Land Husbandry Act
TLA	Traditional Leaders Act
TTLA	Tribal Trust Land Act
CLA	Communal Lands Act
DCA	District Councils Act
RDCA	Rural District Councils Act
VA	Village Assembly
WA	Ward Assembly
VIDCO	Village Development Committee
WADCO	Ward Development Committee
RDC	Rural District Council
RDDC	Rural District Development Committee
PDC	Provincial Development Committee
PC	Provincial Council
DA	District Administrator
DC	District Commissioner
PA	Provincial Administrator
PMD	Prime Minister's Directive
ZANU PF	Zimbabwe African National Union Patriotic Front
ZAPU	Zimbabwe African People's Union
MDC	Movement for Democratic Change
MLGRUD	Ministry of Local Government Rural and Urban Development

TABLE OF CONTENTS

PLAGIARISM DECLARATION	I
ABSTRACT	II
ACKNOWLEDGMENTS	IV
ABBREVIATIONS	VI
CHAPTER ONE	1
INTRODUCTION	1
1.1 INTRODUCTION AND PROBLEM STATEMENT	1
1.3 THEORETICAL AND CONCEPTUAL FRAMEWORK	3
1.4 THE EQUAL RIGHTS SCHOOL	3
1.5 THE CO-EXISTENCE SCHOOL	8
1.6 THE NATURAL LEADER SCHOOL	14
1.7 RESEARCH DESIGN AND METHODOLOGY	16
1.7.1 <i>Methods used</i>	16
1.7.2 <i>Primary sources</i>	16
1.7.3 <i>Secondary sources</i>	18
1.7.4 <i>Selection of the Case Study Area and Rationale</i>	18
1.7.5 <i>Limitations of the study</i>	19
1.7.6 <i>Research Ethics</i>	20
1.8 OUTLINE OF THE THESIS	20
1.8.1 <i>Chapter Two</i>	21
1.8.2 <i>Chapter Three</i>	21
1.8.3 <i>Chapter Four</i>	21
1.8.4 <i>Chapter Five</i>	22
CHAPTER TWO	23
TRADITIONAL LEADERS AND LAND IN ZIMBABWE FROM 1890 TO 1990	23
2.1 INTRODUCTION	23
2.2 A SYNOPSIS OF PRE-INDEPENDENCE LAND ADMINISTRATION IN ZIMBABWE	24
2.3 POLITICAL STRUCTURE AND ROLE OF TRADITIONAL AUTHORITIES	24
2.4 TRADITIONAL AUTHORITIES AND LAND ADMINISTRATION	25
2.5 THE EFFECTS OF COLONIAL RULE ON TRADITIONAL AUTHORITIES	26
2.5.1 <i>Native administration</i>	27
2.5.2 <i>Company rule 1890-1923</i>	28

2.5.2.1 The establishment of reserves.....	29
2.5.2.2 Bureaucratising tribal leaders	30
2.5.2.3 The position traditional leaders.....	31
2.5.3 <i>Internal Self-Government 1923-1953</i>	32
2.5.3.1 The reduction of powers of traditional leaders	33
2.5.4 <i>The Federal period 1953-1963</i>	33
2.5.4.1 Recognising the role of traditional leaders	34
2.5.5 <i>The Post-federal period 1963-1980</i>	34
2.5.5.1 The position of tradiional leaders	35
2.5.5.2 Traditional authorities during the liberation struggle.....	38
2.5.6 <i>Democratising local governance whilst disempowering traditional leaders 1980-1990</i>	40
2.5.6.1 The significance of the 1980s.....	41
2.5.6.2 Why did the state relegate the chiefs from land administration in the 1980s?	42
2.5.6.3 The relegation of traditional leaders from land administration.....	45
2.5.6.4 The District Councils Act (DCA)	46
2.5.6.5 The Communal Lands Act (CLA)	47
2.5.6.6 The Prime Minister’s Directive	48
2.5.7 <i>The effects of ignoring chiefs in rural administration and land allocation</i>	51
2.5.7.1 Chiefs and the communal lands	51
2.5.7.2 The use of “tradition” by chiefs against the state.....	52
2.5.7.3 Chiefs and land allocation	54
2.5.7.4 Tensions and conflicts in rural governance.....	55
2.6 CONCLUSION	58

CHAPTER THREE 59

**TOWARDS CO-EXISTENCE, THE RE-IMERGENCE OF TRADITIONAL LEADERS THE
DECADE OF THE 1990S TO PRESENT 59**

3.1 INTRODUCTION.....	59
3.2 THE SIGNIFICANCE OF THE 1990S IN ZIMBABWE.....	59
3.2.1 <i>Decentralisation</i>	60
3.2.2 <i>The Economic Structural Adjustment Programme (ESAP)</i>	61
3.2.3 <i>The political situation in the 1990s and the global context</i>	62
3.3 TOWARDS CO-EXISTENCE: TRADITIONAL LEADERS AND THE RUKUNI LAND COMMISSION.....	64
3.3.1 <i>Findings and recommendations of the Commission</i>	67
3.3.2 <i>The key recommendations of the Rukuni Land Commission Report</i>	69
3.3.2.1 Tenure System.....	69
3.3.2.2 Legal Tenure Institutions.....	70
3.3.2.3 Administrative Tenure Institutions	70
3.3.2.4 Recommendations on the Legislative framework.....	72
3.3.2.5 Recommendations on the Administrative system.....	73
3.3.3 <i>What was the significance of the Rukuni Commission?</i>	73

3.3.3.1 Towards recognising traditional leaders	76
3.3.3.2 The birth of the Traditional Leaders Act	78
3.3.3.3 An analysis of the Traditional Leaders Act	82
3.4 CONCLUSION	85
CHAPTER FOUR	86
THE DEMOCRATISATION OF RURAL AREAS IN ZIMBABWE: A CASE STUDY OF ZIMNYAMA WARD	86
4.1 INTRODUCTION	86
4.2 HISTORICAL BACKGROUND AND CONTEXT ZIMYAMA WARD	87
4.3 TRADITIONAL AUTHORITIES DURING THE 1970S IN THE ZIMNYAMA WARD	89
4.4 THE IMPACT OF POST-COLONIAL POLICIES ON GOVERNANCE DURING THE DECADE OF THE 1980S 93	
4.5 RECOGNISING TRADITIONAL LEADERS IN ZIMYAMA WARD THE DECADE OF THE 1990S.	99
4.6 CONCLUSION	105
CHAPTER FIVE	107
CONCLUSION	107
REFERENCES	112
APPENDICES	126
APPENDIX 1	127
APPENDIX 2:	128

LIST OF DIAGRAMS

DIAGRAM 1: INSTITUTIONAL STRUCTURE ESTABLISHED BY THE 1984 PRIME MINISTER'S DIRECTIVE ...	49
DIAGRAM 2: THE RECOGNITION OF TRADITIONAL LEADERSHIP IN LOCAL GOVERNMENT	79

LIST OF MAPS

MAP 1: MAP OF ZIMNYAMA WARD.....	127
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CHAPTER ONE

INTRODUCTION

1.1 Introduction and problem statement

The upsurge in popular protest in most African countries in the 1990s has focused scholarly interest in transparency and accountability in the management of public affairs (Fisiy1995:49). Rural local governance in the colonial period has always been monopolised by traditional leaders. Come independence in 1980, the focus is on representation through democratically elected structures. Thus, the challenge facing most post-colonial states is how to deal with the hereditary institution of traditional leadership in a democracy. This study examines the above phenomenon using the experience of Zimnyama area in Bulilimamangwe District of Zimbabwe.

Following independence in 1980, the new government in Zimbabwe distinctively reduced the powers of traditional leaders. Although they were not abolished, traditional leaders were marginalised whilst the elected structures were recognised as the sole legal representative body in rural governance. This was achieved through the promulgation of contradictory and unclear policy initiatives. Prior to this, traditional leaders were in charge of tribal /communal land allocation the new government took this responsibility to elected structures. However, by the late 1990s, the state recognised the institution of traditional leadership and decided to mix the traditional leadership structures with political structures under the local government authority. Spierenburg (2002) illuminates this point as she argues that the laws governing rural governance in post-colonial Zimbabwe especially land administration were confusing

and contradictory. At one time they were in support of the elected structure and at times in support of the traditional leaders.

At face value the state appeared to deal with traditional leaders in a contradictory manner since recognising traditional leaders on one hand whilst on the other hand upholding the principle of representative democracy is a contradiction of terms.

Flowing from the above confusing background, a number of critical questions that form the basis of the study arise below. What is the role of traditional leadership in post-colonial Zimbabwe? How and why did a government that had initially neglected traditional authorities in the early years of independence Zimbabwe end up recognising such an institution? What are the implications for such a change of heart in a liberal democracy? Can the two leadership structures co-exist in contemporary rural local governance?

The critical dilemma facing Zimbabwe today is whether to give more powers to traditional authorities in a new socio-political environment which seeks to promote “transparency” and “participation” by all (Mushauri 1999). Of particular interest is to understand whether the Mugabe government in its attempt to create some political space for the traditional and elected leadership structures has not compromised democracy. For an in depth unpacking of the inquiry, a case study approach is adopted using Zimnyama ward in Bulilimamangwe district of Zimbabwe. The objective is to understand the role of traditional leadership structures in the contemporary rural governance in Zimbabwe.

In the next section, I will consider some conceptual and theoretical debates around the issue of the role of the institution of traditional leadership in a democracy.

1.3 Theoretical and Conceptual Framework

A review of the 1990s literature on the role of traditional leaders in post colonial Africa reveals that there are basically three schools of thought in this debate. The first school of thought contends that because of its hereditary nature the institution of traditional leadership is not compatible with democracy. I refer to this as the Equal Rights School. The second school argues that the traditional and the elected leadership can co-exist. Following Ntsebeza, I refer to this as the Co-existence School. The third school of thought argues that traditional leaders are legitimate in their own right and as such they do not need any elections because they were born to rule. I refer to it as the Automatic Leader School. In many ways, this is a classification that has been followed by Lungisile Ntsebeza in his study of rural governance in South Africa.

1.4 The equal rights school

Mamdani (1996) a proponent of the equal rights school of thought dismisses the institution of traditional leadership as undemocratic because of its hereditary nature and its bureaucratic commandeering attitude imposed upon it by colonial oppressors. According to Mamdani, the African was “containerised” not as a native or indigenous African but as a “tribespersion”. Colonialists adopted the divide and rule strategy basing on the fact that “tradition” and “custom” were the indigenous forms of social organization. He further argues that it is in this urban-rural separation that colonialists utilised the services of chiefs to enforce their dual policy of ethnic pluralism and

urban-rural division rules and regulations. The colonialists used force to a great extent and it is this strategy that Mamdani describes as decentralised despotism. In the eyes of Mamdani the chief was a critical player in the administration of local affairs.

He was the Native Authority with a high concentration of powers which resembled a “clenched fist”. To Mamdani;

The functionary of the local state apparatus was everywhere called the chief...not only did the chief have the right to pass rules governing persons under his domain. He also executed all laws and was the administrator of in “his” area, in which he settled all disputes. The authority of the chief thus fused in a single person all moments of power: judicial, legislative and administrative. This authority was like a clenched fist, necessary because the chief stood at the intersection of the market economy and the non- market one (Mamdani 1996:23).

The office bearers of the Native Authority were not answerable to their subjects but to their superiors (the colonial masters) who appointed them. In the circumstance, by virtue of such a relationship, traditional authorities became mere tools of the colonial powers. It is on the basis of this top down approach to rural governance and lack of representative democracy within traditional authorities that Mamdani dismisses the institution of traditional leaders as undemocratic.

Mamdani further argues that the colonial legacy was reproduced in post colonial Africa of course not in its totality but with some form of modification. In a bid to reform the colonial state, he advances that most post independence governments generally embraced some remnants of the colonial governments. This in itself is despotism in the post independence political landscape. In his view, post-colonial African states whether conservative or radical, only deracialised the colonial state but never democratised it. To this end, he adds:

The bifurcated state that was created with colonialism was deracialised, but it was not democratised ...the limits of the conservative states were obvious: they removed the sting of racism from a colonially fashioned stronghold but kept in place the Native Authorities, which enforced the division between ethnicities. The radical states went a step further, joining the deracialization to detribalization. But the deracialised and detribalised power they organised put a premium on administrative decision making as they tightened central control over local authorities whilst inflaming a division between town and country. In the process, both experiences reproduced one part of the dual legacy of the bifurcated state and created their own distinctive version of despotism (Mamdani 1996:26-27).

It is against this background therefore that Mamdani dismisses the “bifurcated state” and calls for its dismantling. He believes that once this happens, this will mean “an endeavour to link the urban and rural - and thereby a series of related binary opposites such as rights and custom, representation and participation, centralisation and decentralisation, civil society and community in ways that have yet to be done” (1996:34). It is against the above backdrop, that Mamdani views the institution of traditional leadership as being incompatible with the principles of democracy since it has always failed to be accountable to its subjects due to decades of colonial influence. To him traditional leadership institution has no place in contemporary post-colonial Africa. It is important to note that my above delineation has been largely influenced by Ntsebeza’s understanding of Mamdani.

In his contribution Ntsebeza (2004) argues that traditional authorities are incompatible with democracy since they fail to pass the test of representative democracy which gives the citizens the opportunity to choose a leader to represent their interests. He unveils two principles of democratic decentralisation that are worth noting: downward accountability of public officials and of elected representatives. He observes however that the institution of traditional leadership can potentially be democratic in one important respect: involvement of rural residents in decision making process through consensus. Since the institution of traditional leadership is based on ascribed,

hereditary rule, the possibility of rural residents having the freedom to choose which institution and/or individuals should rule them is automatically excluded (Ntsebeza 2004:85).

Ntsebeza in particular argues that establishing democratic and accountable structures whilst at the same time recognising an undemocratic and unaccountable institution of traditional leadership is a fundamental contradiction. According to Ntsebeza, upholding a constitution that enshrines democratic principles in a Bill of rights, whilst acknowledging a political role, for unelected and hereditary traditional authorities, is inconsistent and contradictory” (Ntsebeza 2004:72). In this light, he argues that ensuring that all rural communities enjoy the right to choose their representatives should be the desirable approach by post-colonial states rather than mixing democratically elected structures with a hereditary system of leadership. His version of democracy is that it should be both participatory and representative rather than one or the other.

The gist of Ntsebeza’s argument is that traditional authorities can at best play a ceremonial role rather than a political one in contemporary post colonial Africa where democratisation of rural local governance has become a strong force.

Sithole (2000) is another proponent of the Equal Rights school of thought. Following the classical Marxist tradition, Sithole argues that traditional authorities in the context of a modern state are a dying species because they have no leadership role to play for their people. Just like Mamdani, he argues “the colonial state demoted chiefs from political leaders of their communities to policemen who are bent on serving the

interests of the colonial master and this undermined their credibility and efficacy in the eyes of their people.”(Sithole 2000:62) He contends that the current crop of traditional authorities is a product of colonialism both in orientation and inclination because the institution is upwardly accountable to the state and not downwards to the people. It is this characteristic that makes traditional authorities undemocratic (Sithole 2000:63). To support his view on the irrelevance of traditional authorities in contemporary Africa, Sithole states:

I know there is a sentiment to restore the power of traditional leaders in the search for effective and democratic governance in Africa today. However, what traditional leadership and power do we want to restore: that which obtained during the pre-colonial period or that which obtained during the colonial period? My argument is that pre-colonial institutions have become obsolete and impossible to retrieve because we can not reinvent the pre-colonial traditional leaders nor subject (Sithole: 65).

What Sithole is suggesting is that colonialism acted as a catalyst to speed up the demise of traditional African societies. According to him, what we call traditional leadership today has been bastardised by the colonial state. It is against this background that he dismisses the institution of traditional leaders as a dying species. Sithole concurs with Mamdani that there is nothing purely traditional about chiefs anymore because of the machinations of colonialism which reduced them to mere bureaucrats of the state.

It is worth noting though that Spierenburg (2002) expresses a different point of view on the influence of tradition in the re-insurgence of traditional authorities. She believes that much as one might appreciate the damage caused by colonialism on the African traditional practises, some remnants of traditional values are still prevalent. Her view is that “traditional authorities in Zimbabwe drew from “tradition” in their

opposition to new government policies that were imposed from above. (Spierenburg 2002:19). The above author suggests that the institution of traditional leadership either invents or re-invents traditions to acclaim eroded legitimacy in the eyes of the people (see also Migdal 1998).

However, in the eyes of Ntsebeza the issue of inventing or re-inventing tradition by traditional authorities does not make the institution of traditional leadership democratic in the liberal sense because the structure still retains its hereditary nature.

1.5 The co-existence school

Patrons for this school of thought uphold the view that it is possible for the traditional authorities to co-exist with their politically elected counterparts. One of the proponents of this version is Hlatshwayo (1998) who uses the term “harmonisation” to describe the nature of the co-existence between the traditional and elected leaders. Hlatshwayo sees merit in both structures hence his belief that the two can co-exist in rural local governance.

His argument is:

Harmonization aims at involving the entire role players in institutions which deal with areas of common interest, so that the decisions made by the harmonized institutions would be binding for all concerned, i.e. binding both in law and conscience. Thus traditional authorities would be represented in the Rural District council and would argue the traditional point of view in council, but would be bound by the decisions reached. (Hlatshwayo 1998:136).

Hlatshwayo seems to suggest that whereas traditional and elected structures might

have distinctive and special roles, which require their separate existence, they have to leverage their positions and jointly come up with decisions that bind both parties at a local government level. To this end, Hlatshwayo envisages a situation whereby traditional authorities are given a quota of representation in council and work side by side with elected councillors. In this way then, there is a possibility for co-existence between the two leadership institutions. Perhaps we might have a new hybrid product which taps the positives from both worlds.

Whilst one appreciates this argument, the author does not specify in explicit terms how the two leadership structures can be harmonized. Furthermore, he does not explain what the co-existence shall be based on nor does he reveal the mechanisms to be put in place to ensure that each party will be bound by the collective decisions reached. It is highly unlikely that two different leadership structures one based on hereditary principles and the other based on electoral representation, can be easily harmonised without any conflicts between the two. This is likened to placing “two bulls in one kraal” and expect harmony.

Another proponent Senyonjo (2004: 4) argues that

While traditional institutions as represented by the traditional leadership are ancient, they are a repository of history and collective experience of the people. The history and the experience are foundations on which solid modern institutions are built.

Senyonjo contends that notwithstanding the machinations of colonialism, traditional authorities survived the storm. He believes traditional leaders still command some support especially in the rural areas of most post-colonial African states. He further

argues that the support some rural communities afford their traditional leaders is an indicator that they believe in it. It is true that the colonial powers attempted to pervert and destroy the best elements of African rule but they did not succeed in destroying the steady spirit of the essential Africanism of the people (See also Holomisa 2004:2).

Ngubane (2004) also subscribes to the co-existence school of thought. Likewise, he sees a role for the traditional leadership in contemporary post colonial African states. He believes in the quest for the formula that would reflect the contemporary African state where both the elected structures and traditional structures have a recognised role to play in leadership. Ngubane does not agree with the notion that recognising the existence of a hereditary institution whilst at the same time upholding the principles of democracy is a contradiction. He believes that the harmonisation process ultimately produces a product that learns from the past and the present to create a better future. There is no need to dismantle the traditional leadership since it is equally important in the contemporary post colonial Africa. He observes that:

We believe in the quest for the formula of a truly modern and truly African state This is the formula in which Westernised and traditional realities are harmonised together in a framework of mutual respect which offers to both equal opportunities for economic growth and social development in accordance with specific characteristics (Ngubane2004:88).

What is worth noting about Ngubane's argument is that he does not elaborate how the harmonisation between the traditional and elected leaders can be achieved. Although harmonisation is feasible, it is the formula in which westernised and traditional realities are harmonised that is lacking from Ngubane's support for the co-existence theory.

As much as Ahluwalia (2001), another advocate of the co-existence model appreciates Mamdani's argument that post colonial Africa inherited the bifurcated state which has subjects and citizens situated in the rural and the urban areas, he believes such a scenario has changed over time. He argues that Mamdani recognises the centrality of subjects in the decolonisation process but is not willing to acknowledge the freedom they gain at independence, when the entire polity is granted citizenship. His view is that Mamdani operates from a position where people are ascribed fixed identities yet in reality the post colonial subjects have multiple identities that are shaped continually by the practise of everyday life and also have the capacity to resist, to speak and to act as citizen and subjects.

Such a view might illustrate the complexities of post colonial identity especially in the face of intense globalisation. In the light of the above, he highlights that it does not follow that if one is resident in the rural areas he or she is exclusively a subject who does not enjoy the benefits of freedom and independence given to all the citizens of a country. For example, there are some people in the rural areas who do not believe in traditional authorities because they view themselves exclusively as citizens of a country. Others, as Ahluwalia seems to suggest, choose to be subjects by believing in the traditional leadership and shift to citizens as and when the situation dictates a scenario that Ntsebeza views as contradictory to liberal democratic principles. To emphasise this point Ray and Reddy (2003:5) also argue that some people of the post-colonial state realise that the roots of political legitimacy are divided between the post-colonial state and the traditional(ie,pre-colonially rooted) leadership hence their decision to recognise both the post-colonial state with its elected structures and traditional leadership.

Nyamnjoh (2003) is another scholar who re-iterates his support for the co-existence theory. He argues that a growing number of scholars recognise chieftaincy as a force to reckon with in contemporary African politics, especially with increasing claims for recognition, restitution and representation by cultural and ethnic communities, with the advent of globalisation as a process of flows and closures. A colonial creation or not, chieftaincy as a political and cultural identity marker is there to be studied not dismissed (Nyamnjoh 2003:14).

His argument is premised on the fact that the institution of traditional leadership has displayed remarkable dynamism and adaptability to new socio-economic and political developments without being erased by the latter. It is this resilience inherent in traditional authorities that earns them recognition by the post-colonial African states. To re-iterate his point, Nyamnjoh (2003) believes the adaptability and the continuous appeal of chieftaincy makes of democracy in Africa an unending project, an inspiration that is subject to renegotiation with changing circumstances and growing claims by individuals and communities for recognition and representation.(see also Vilakazi 1997).

What is apparent about Nyamnjoh is that he supports the co-existence school of thought through some kind of rhetoric on the call for recognising traditional authorities in contemporary Africa without substantiating how the co-existence can be achieved. He also does not seem to clarify the issue of how traditional authorities can pass the test of representative democracy in this changing socio-economic and political environment. However, one lesson drawn from recognising traditional authorities is that one should remove the stereotype of always defining democracy

from a western purview when dealing with the institution of traditional leadership in post colonial Africa.

Further, Nyamnjoh's suggestion does not seem to address what form this unending project of democracy is going to take. In addition, he does not proffer any concrete alternative to liberal democracy that guides contemporary governance. The conception of democracy in post-colonial Africa as propounded by Ntsebeza (2006) is very clear. His position is that both participatory and representative elements of democracy are vital in the post-colonial democratic transition. In this regard, the way in which traditional authorities could play a public political role would be for them to abandon their hereditary status and subject themselves to the process of election by people. They can bring to the project of post-colonial democracy the participatory element in decision making that the traditional systems are renowned of. Yet on the other hand subjecting traditional authorities to the process of election is contradictory to their hereditary method of gaining power. This then becomes a dilemma or challenge for post –colonial states as traditional authorities find themselves at crossroads in this project of liberal democracy in contemporary rural governance.

In my opinion the key argument postulated by the co-existence school of thought is that those post-colonial states who decide not to banish traditional authorities should compromise and accommodate them in rural governance as ceremonial figures who do not hold any political responsibility.

1.6 The natural leader school

The champion for this model is Fisiy (1995) who believes that traditional authorities are leaders of their communities in their own right. In the eyes of Fisiy, traditional leaders are entitled to natural leadership of their people by virtue of the experience acquired during pre-colonial times which has been passed from one generation to the other. According to Fisiy the experience mentioned above despite the impact of colonialism on this institution, is still significant and fundamental for modern day governance. To concretise his point he argues that “for all the various transformations of such institutions during the colonial and post-colonial periods, the present incumbents claim that they are the true representatives of their “people” (Fisiy1995:49).

It is in the history of pre-colonial administration that the author emphasises on as the only guarantee and justification for traditional leaders to claim a stake in modern local governance. Flowing from the above, it appears as if Fisiy views the role of traditional leaders in contemporary rural local governance as a given case that does not warrant any questioning. It is against such a background that I labelled his thesis the natural leader school of thought.

Another proponent of this school is Holomisa (2003). He argues that people should not be sceptical about the ability of traditional authorities to govern their own affairs because it is on record that the traditional leaders achieved this prior to the arrival of the colonialists. Holomisa believes that traditional authorities are natural community leaders. The question that arises is what role do traditional authorities play in a

democracy? It is important to note that times are changing as we all live in a global village now. Proponents for the natural leader school can not solely harp on the past, because effective rural governance also depends on the present and the future. In my view, it is difficult for traditional authorities can re-invent tradition because contemporary society has been engulfed by globalisation which radically disrupted African traditions and culture. It is against this background that one might question the validity of the natural leader school of thought. Its proponents as demonstrated above do not have substantial evidence to substantiate their claim that traditional authorities ought to play a role in a democracy.

Keulder (1998) argues that the natural leader school represents the traditionalists that often romanticise and glorify the invention and re-invention of the past. Hence they are inclined to ignore the autocratic and repressive inclination of some traditional authorities. This line of argument does not take into consideration the dynamics inherent in any institution. In the eyes of Keulder, the challenge for this school is that it seems to be fixed and stuck to pre-colonial history and does not seem to acknowledge the changes or transformations that have been exerted on traditional authorities ever since their interface with colonialism .

1.7 Research design and methodology

1.7.1 Methods used

The data used for this study was gathered through the use of primary and secondary sources.

1.7.2 Primary sources

For the historical aspects of the study, archival records especially letters or correspondence from the District Commissioner in Plumtree (now Bulilimamangwe) was used. Such material was of great help to me especially in illuminating and strengthening my understanding of the relationship between the colonial authorities and the institution of the traditional leadership.

The other primary source was interviews. I held some informal and unstructured interviews at the Bulilima and Mangwe RDC stakeholders' workshop on development structures on the 15th of August 2005 in Plumtree town.

In order to extract some information on the role of traditional leadership in land administration affairs in post independent Zimbabwe, I conducted some semi structured interviews using open-ended questions with 12 respondents in Zimnyama ward between August and September 2005. The rationale behind the use of semi structured questions was to enable myself to focus and also facilitate an orderly manner of data collection since almost similar questions were posed to each

respondent.

The research targeted a wide range of respondents across gender and generation divides (see annex 2 on profile of respondents). Interviews were conducted in Zimnyama ward through the use of open-ended questions on perceptions of the role of traditional leadership in land administration and how conflicts on land allocation between the two structures can be averted. A total of 14 respondents were interviewed in the following categories:

- 6 Adults aged 18years and above (both men and women) within the ward.
- 1 Government and 1 Rural District Council official.
- 1 Chief, 1 Headmen and 1 Village Head.
- 1 Councillor, 1. Former VIDCO Chairperson and 1 Ward development Co-ordinator.

Twelve respondents were drawn from the Zimnyama ward since they reside within the study area while the remainder represented the voices of the District Head of the Ministry of Youth and Employment Creation and the acting Chief Executive Officer of Bulilimamangwe Rural District Council. Both officials have regular contacts with both the traditional and elected leaders in the day to day discharge of their duties.

Another key method used in the collection of information relating to communal land administration was participant observation. During my field trips in the Zimyama ward, I attended a ward assembly meeting held on the 12th of April 2006 at the ward centre (community hall) where all the six villages of the ward were represented by their respective village heads. In addition, I also had the opportunity to attend a

planning session for Mapulule village on the 20th of April 2006. Both forums gave me some remarkable exposure on how the institution of traditional leadership interfaces with other stakeholders at grassroots level.

1.7.3 Secondary sources

Secondary literature included books, journal articles, reports, presentations, newspapers and some dissertations. These sources were found in different places in Zimbabwe and in South Africa. The literature gave me some insights on colonial studies and regulatory frameworks on traditional authorities and land administration.

1.7.4 Selection of the Case Study Area and Rationale

The area chosen for the case study is Zimnyama ward in Bulilimangwe district of Matabeleland South Province in Zimbabwe. (See Map1). The area was chosen for its historical significance particularly during the colonial period. Compared to other wards in Bulilimangwe during the colonial era, Zimnyama under the Ndebele chief Wasi was renowned for collaborating with the colonial regime. Ndebele chiefs were comparatively docile to the colonial masters than their Kalanga counterparts. It is not surprising then that when-ever a Kalanga chief or Headmen was deposed, a Ndebele replacement from the south (largely from Osabeni the Ndebele dominated area) was promoted and pushed to the North to rule the Kalangas. Because of such allegiance to the colonial masters the area provides some classic example where chieftaincy and Ndebele culture is very much entrenched. Garbett (1966) argues that during colonialism, generally the Ndebele chiefs were more pro-government than their Shona

or Kalanga counterparts. This provides some fertile ground for testing whether traditional authorities can co-exist with elected structures in contemporary times.

1.7.5 Limitations of the study

Gathering information from the District Administrators office Plumtree especially data relating to Zimnyama ward was not an easy task. Most of the files could not be found. The second limitation was the current Zimbabwean crisis where prices of commodities escalate whilst inflation is soaring. Travelling from my home station to the various sites in the study area was a nightmare and almost impossible due to the acute shortage of fuel in the country. The erratic supply of this commodity negatively impacted on my schedule of meetings and the coverage of the ward. It was also not easy at times to fulfil appointments with government and RDC officials since they were often engaged in government programmes. In certain instances, I had to reschedule my interviews in order to accommodate the busy schedule of the officers. All the above challenges tended to affect my ability to easily conduct the field work in Zimnyama ward.

Finally, my low level in computer literacy especially typing contributed to the time taken to produce my thesis. My computer knowledge was acquired through individual self initiated learning at the University of Cape Town 2005. Consequently, it took me a longer time to finally produce my thesis as I had to grapple with some effective computer use techniques.

Despite the above challenges, I managed to conduct some interviews and augment the

field data with some relevant literature accessed from the University of Cape Town, University of the Western Cape and the British Council library in Bulawayo Zimbabwe. My supervisor Assoc Prof Lungisile Ntsebeza played an instrumental role in facilitating further access to relevant materials relating to my topic. Despite the above challenges, I firmly believe that the study ultimately covered the key issues as originally planned.

1.7.6 Research Ethics

In order to fulfil the university research code of ethics, I made sure that all interviewees were fully aware of the nature of my research and the use of my findings. The principle of confidentiality with regards to the collected data from the respondents was also upheld. Thus I ensured that all the respondents declared their willingness to freely participate in the research exercise before interviewing any prospective target of my research. All the interviewees agreed to be cited in the text and have their real names written on the interview scripts.

1.8 Outline of the Thesis

The thesis is composed of five chapters and the main issues discussed in each of the chapters apart from this chapter are indicated as follows:

1.8.1 Chapter Two

Chapter Two provides the historical background and an overview of rural local governance in colonial Zimbabwe and the first decade of independence. It demonstrates the governance setup during colonialism and highlights how and why the powers of traditional authorities were increased in the 1970s, amid some pressure from the liberation movements. The last segment of the chapter shows how traditional authorities were marginalised by the post colonial government. It demonstrates that new elected structures were recognised by the state in rural administration and highlights the impact of sidelining traditional authorities during the decade of the 1980s.

1.8.2 Chapter Three

Chapter Three is about the re-emergence of traditional leaders from the 1990s to present. The chapter examines why the Mugabe government recognised traditional leaders after a decade of neglect. The last segment of this chapter traces how co-existence between traditional and elected structures was achieved through the analysis of the policy initiatives that were enacted during this era.

1.8.3 Chapter Four

Chapter Four focuses on the case study of Zimnyama ward. The case study provides a platform for the grounding of conceptual and historical issues dealt with in the first two chapters. Through the case study the chapter showcases how theory and practise

around traditional authorities and land administration play out in this specific ward.

1.8.4 Chapter Five

Chapter Five presents the main conclusions and findings of the study. It focuses on land administration as a contested governance issue.

University of Cape Town

CHAPTER TWO

TRADITIONAL LEADERS AND LAND IN ZIMBABWE FROM 1890 TO 1990

2.1 Introduction

This chapter explores the role of traditional authorities in land administration from pre-colonial times to 1990. It begins with a historical synopsis of land administration and traditional leaders before independence. It shall also be argued that the collaboration of the traditional authorities with the colonialists disrupted the pre-colonial customary law and practice of land administration. The next section of the chapter deals with the changing roles of the traditional authorities in post-independence Zimbabwe up to 1990.

The role of traditional authorities in land administration shall be examined against the background of changes in land administration legislation that took place during the period under review. Within the examination of the changing role of traditional authorities, their legitimacy is going to be interrogated. Further more, I shall highlight why the Zimbabwe government decided to ignore traditional leaders in favour of elected structures? I further argue that the new government deliberately ignored the traditional leaders in favour of elected structures during the decade of the 1980s in its quest to democratise local governance. The last segment deals with the effects of eroding the powers of the traditional authorities in rural governance, the reaction of chiefs to the new dispensation and how this affected rural communities in general.

2.2 A synopsis of pre-independence land administration in Zimbabwe

Traditional leadership is an institution that has developed over many hundreds of years in Africa. It has served the African people through wars, periods of slavery, famine, freedom struggles, political and economic restructuring during colonial and post-colonial periods. Rugege (2003) advances that during the pre-colonial era; the institution has been the basis of local government in most of Africa through out history.

2.3 Political structure and role of traditional authorities

In Zimbabwe the two main political entities that existed before the arrival of the Europeans were the Ndebele and the Shona kingdoms. The thesis shall concentrate on the former because it is relevant to the case study area as it forms part of Matabeleland. The Ndebele were organised into a strongly centralised kingdom. Within it, the king had great power and full control of land and cattle. He was also the commander of a powerful and well trained army and supreme judge. As ruler he was assisted by two councils. One council consisted of the headmen and represented the interests of the “Commoners”; the other consisted of important kinsmen of the king and represented the interests of the “royalty” and was the supreme judge in disputes (Garbett 1966:115).

The kingdom was divided into provinces each under the control of a “great chief”. The provinces were in turn divided into regiments each with a regimental town as a political centre and a chief as a leader. Regiments were subdivided into wards and governed by headmen who were assisted by a council in which all adult men served.

The headmen represented the lowest level of the judicial system. According to (Rugege 2003:173) the above traditional leaders served as political, military, spiritual and cultural leaders and were regarded as custodians of the values of society. They looked after the welfare of the people by providing them with land for their subsistence needs through agriculture and for grazing. Schapera (1955) adds that traditional leaders also provided for the very poor and orphans. They resolved disputes and cultivated unity within their people. This system continued until the advent of colonialism on the Ndebele Kingdom the 1890.

2.4 Traditional authorities and land administration

According to Moyana (1984) prior to the advent of colonial rule African land tenure and administration system vested land rights on the King who was the sole Trustee. He allocated land to new comers and ensured that its use was in harmony with the traditional land tenure formula where no individual owned land and all land rights were inalienable. The Chief held the finite resource on behalf of the entire community. Under this traditional tenure system land rights were defined for groups, households and individuals based on customs and traditions that have evolved over time. Junod (1913) argues that at the level of chieftaincy, it was the head of the chieftaincy that assigned tracts of land to heads of lineages under his control. The heads of villages enjoyed a certain degree of autonomy to allocate land on their villages. The most fertile land ,however, was occupied by the head of the chieftaincy, heads of villages, their relatives and those favoured by them (Junod,1913).

In the light of the above, one deduces that the political organisation of traditional authorities and their role in land administration was not democratic. Firstly, the king enjoyed the concentration of all the powers. According to Junod (1913), legislative, executive and judicial powers were all in the hands of the king and his counsellors. The king was the supreme authority and his decisions were without appeal. Junod thus argues that such concentration of powers was reproduced at the level of chieftaincy. In this light, it can be argued that Mamdani's theory of the "clenched fist" existed even prior to colonialism. However, it should be noted that this argument can not be generalised.

Garbett (1966) argues that the Ndebele political system was welded together into a centralised kingdom with a great deal of power vested in the king. He contrasts this with the Shona speaking people who in the mid nineteenth century were organised politically into autonomous chiefdoms most of which were small. According to Holleman (1966) these chiefdoms were sub-divided, in most cases, into wards which were the principal land holding units. The above observations show that the political structure of traditional leaders during the pre-colonial era varied from one place to the other. It is important to note that even in pre-colonial times not all traditional leaders were benevolent, generous and caring towards their people. Some were autocratic and oppressive. (Rugege2003:172).

2.5 The effects of Colonial rule on traditional authorities

Colonial rule in Zimbabwe, as in many parts of the African continent, destroyed large parts of the pre colonial system of governance through war and imposed a repressive

modern administration on the indigenous population. (Keulder1998:201). With the advent of colonialism, African societies were deprived of their land through conquest. This meant that the African land tenure system was tempered with whilst the traditional leadership system, despite its resistance, was finally subdued to the colonial government and reduced to an extended arm of the state. All land was transformed to state control and the traditional leadership structure changed its outlook from being a land authority into an implementing agent for the new regime.

2.5.1 Native administration

In order to understand the position of chiefs and land administration during the colonial era, it is necessary to consider the changes that took place since the establishment of European or settler administration. According to Garbett (1966) these changes were brought about in two ways: firstly, by the direct intervention of government and administration at various times in the political systems of the Ndebele and the Shona-speaking people. Secondly, by the involvement of Africans in the cash economy and their contact with the western culture.

In order for one to illuminate the changes, this thesis in line with Weinrich's approach (1971) divides the history of colonial administration into four historic periods: the first period, stretching from the arrival of the first European settlers in 1890 up to 1923, represents the "Period of Company Rule" when Rhodesia (currently Zimbabwe) was administered by the British South African Company (BSAC). The second period extending from 1923 to 1953, can be dubbed the "Period of Internal Self-Government". The third period according to Weinrich, extends from 1953 to 1963,

represents the “Federal Period” when Rhodesia formed part of the central African Federation of Northern Rhodesia (Zambia), Southern Rhodesia (Zimbabwe) and Nyasaland (Malawi). The fourth period is the “Post-Federal Period” stretching from 1963 to 1980 when Zimbabwe finally gained its independence. The examination of the four periods with regard to the position of traditional leaders and their role in land administration shall be achieved through some analysis of pieces of legislation enacted by the state in the rural governance arena. Rueschmeyer and Evans (1985:47) view the notion of the state as a “pact of domination”. The state is therefore not a neutral actor or a manager of conflict. Migdal (1988) argues that major struggles in many states are over who has the right and ability to make rules that guide people’s behaviour. The Zimbabwean government like the Rhodesian has sought to enunciate in purely technical terms, land administration policies which are designed very much for political purposes always in favour of the state (Drinkwater1999:115). Thus the relationship between the state and traditional leaders should be viewed against the above backdrop through some analysis of land administration laws enunciated by the state.

2.5.2 Company rule 1890-1923

Three significant events took place during this era: first, was the creation of native reserves following the land commission of 1894 which delineated the boundaries for African areas and separated settler land from reserves as the settlers took away land from Africans. Secondly, then came the resistance by African communities led by tribal leaders in the form of the Ndebele and the Shona uprisings between 1896 and 1897. The third event was the establishment of the Native Department to consolidate

colonial power after the defeat of the Ndebele and the Shona.

2.5.2.1 The establishment of reserves

The traditional leadership was undermined by the new reserve boundaries that took no cognisance of existing tribal boundaries and as a result some chiefs found their subjects under the jurisdiction of others. This was a deliberate strategy by the colonial masters to destroy the authority of traditional leaders (Keulder1998:151). By 1902 most boundaries of African areas had been defined (Weinrich1971:10).

It should be noted that the reason for the creation of native reserves was mainly to create a pool of cheap labour in the rural areas to be absorbed by the Europeans in their farms. Weinrich advances that at the turn of the nineteenth century few Africans were willing to work for Europeans because their own social system still provided for their needs. Consequently in 1896 the government introduced a tax of ten shillings, which was raised to one pound, in 1904, in order to induce Africans to seek employment (The Native Tax Ordinance 1959). Infuriated by this tax on top of a series of other taxes like dog tax, poll tax and cattle levies both the Ndebele and the Shona staged uprisings against colonial administration between 1896 and 1897. Following the defeat of the Ndebele and the Shona the colonial state was now determined to consolidate its power by transforming the African chiefs from powerful and respected leaders of society into European bureaucrats who were now answerable to the colonial master.

2.5.2.2 Bureaucratising tribal leaders

In 1898 the Natives Department was established to manage all rural administration. All political powers relating to native affairs were placed in the hands of the administrator and his council who were responsible for the appointment of chiefs and the amalgamation of tribes (Keulder1998). Native commissioners assumed many of the functions of the functions previously performed by traditional leaders. These included the allocation of land and the regulation of native settlements. In 1910 the Native Commissioners were given full criminal and civil jurisdiction over Africans.

This marked the beginning of direct intervention in traditional political and administrative system. It was also the first step taken by the colonial power to subordinate traditional forms of government to modern forms of government. Thus chiefs were now appointed as government officials and their term of office depended on the good behaviour and fitness. They were answerable to the administrator for the conduct of their communities and were required by law to notify him of crimes, notification of new arrivals (strangers) in their areas, supplying men for military service, assisting in the apprehension of criminals and collecting taxes imposed by the colonial administration (Keulder 1998: 149). Both the chief and headmen below him received salaries in return for their services and under the headmen "book heads" now village heads were appointed mainly for the collection of hut tax. These individuals were chosen for their potential effectiveness as tax collectors in the local community and not according to custom (Garbett1966:122).

As a result, there was a pervasion of the traditional governance system to mere powerless structures designed to implement colonial policies and programmes. This

transformation had a negative impact on the position of traditional authorities. The Colonial state now owned all the land and land allocation procedures now differed from the pre-colonial era since the chief no longer had control. Sithole (2006) argues that the colonial state demoted the chiefs from political leaders to policemen and this undermined their position in the eyes of the rural people. The effective replacement of chiefs by native commissioners as local rulers and the consequent decrease in prestige and power of chiefs had its origin in the suspicion and fear which Europeans had of the two native uprisings in the 1890s (Weinrich1971:11).

2.5.2.3 The position traditional leaders

Following the enactment of land administration policies by the state and all its machinations to subdue traditional leaders, the company rule era vis-à-vis traditional leaders can be summarised as follows: it is the period in which traditional leaders lost their much of their power as shown by the delineation of new traditional boundaries and the appointment of new chiefs and demotion of some. The old traditional leaders were replaced by European bureaucrats who were in charge of rural administration. Chiefs now became policemen of the colonial masters instead of independent leaders of their people. The extensive powers accorded to the native commissioners were a deliberate action by the state to limit the influence of traditional leaders on their people thus making them more dependent on the colonial masters. According to Garbett (1966) the chiefs were given limited duties to perform which were mainly concerned with the notification of crime and disorders.

2.5.3 Internal Self-Government 1923-1953

This period is characterised by the passing of three critical pieces of legislation: the Land apportionment Act in 1931, the Industrial Conciliation Act of 1934 and the Native Land Husbandry Act of 1951 all of which legalised the actual division of land between Africans and Europeans and under the policy of separate development. The Land apportionment Act marked the introduction of separate development between blacks and whites since high potential areas became white privately owned farms. In 1934 the Industrial Conciliation Act was passed which protected European workers from African competition and indirectly introduced job reservation and racial segregation into the industry (Weinrich 1971:12).

Windrich (1975) argues that this era marked the practical application of separate development through social segregation between black and white in all the spheres of life. This led to a complete polarisation of Rhodesian society. The situation in the reserves was radically altered due to massive population increase and overstocking. Faced with the above problem the colonial state in 1951 passed the Native Land Husbandry Act, whose purpose was to enforce private ownership of land, de-stocking and conservation practices on black smallholders (native purchase areas). Weinrich (1975:10) advances that in the Chagga community of Tanzania or the Kikuyu of Kenya individual land tenure evolved naturally from developing peasant agriculture. In Rhodesia the situation was different because individual land tenure among African peasants did not evolve naturally but was brought about by government policy. The purpose of creating native purchase areas was to prevent wealthier Africans, who wanted to buy land in the open market on the same basis as Europeans, from doing so if this land was situated in the neighbourhood of European farms. Thus individual

land ownership for Africans was introduced in Rhodesia as a means of strengthening the policy of separate development as indicated above.

2.5.3.1 The reduction of powers of traditional leaders

The enactment of the Land Husbandry Act brought a host of problems for both the rural communities and the traditional leaders. Peasants had to be subjected to the modern policies preferred by the administration and a range of measures to secure land use and soil conservation in the reserves. According to Keulder (1998) the administration relied heavily on traditional leaders to oversee the implementation of the measures in the rural areas. At the same time chiefs lost all power to allocate land and were treated by the state as mere instruments in applying policy. Peel and Ranger (1983) re-iterate that the Land Husbandry Act not only created much local discontent but also undercut the chiefs' powers overland by setting up freehold tenure in the reserves. Garbett (1966) advances that massive opposition in the rural areas coupled with, and indeed providing inspiration for the rapidly growing African nationalist organisation brought almost all administration to a stand still. On this issue many of the chiefs stood squarely with their people because the Act had removed from them their prerogative to allocate land to all comers, and some chiefs objected to the possibility that land right might be sold to strangers without their approval.

2.5.4 The Federal period 1953-1963

The period under review begins with the establishment of the Federation of Rhodesia and ends with its dissolution. For Southern Rhodesia it was a period of economic and

rapid European population increase (Weinrich (1971) argues that the government changed its policy of separate development to partnership between races, a partnership however in which Europeans were the senior partners. Whereas in the past they had been rejected as leaders of rebellions or as inefficient old men, during the Federal period chiefs were wooed by both government and African nationalists.

2.5.4.1 Recognising the role of traditional leaders

An interesting phenomenon characterises the federal period: the government improved the chiefs' position as African nationalism spread in Rhodesia. Awakening to the danger to European domination presented by a united African opposition, the government drew the chiefs into its orbit by bestowing on them privileges and rewards. According to Weinrich (1971) their salaries were increased and the government's strategy to reward and punish chiefs proved more successful in winning the support of chiefs than nationalists. This trend, which alienated the chiefs from the nationalist leaders, reached its culmination in 1962 and 1963 when the National Council of chiefs was formed and all nationalists' parties were banned. The chiefs were becoming politicians, because through their council they could represent African aspirations at national level.

2.5.5 The Post-federal period 1963-1980

The major events that characterised this era were the declaration of the Unilateral Declaration for Independence (UDI) in 1965 which marked the beginning of Community Development Programme in the rural areas under the supervision of

chiefs. This period saw the enactment of the Tribal Trust Land Act (TTLA) of 1967 and the intensification of the guerrilla war which affected peasants, chiefs and the state as we shall see later. The dissolution of the Federation in 1963 led the government to start negotiating with Britain but because of the Rhodesian government's reluctance to allow Africans a larger participation in political life of the country, negotiations proved fruitless. When great Britain made it clear that it would not grant independence before the majority of Africans were legally represented in parliament, the then Prime minister of Rhodesia Ian Smith declared unilateral independence from Britain (UDI). It is during this period that we begin to see a dramatic change of traditional leaders roles in land administration.

2.5.5.1 The position of traditional leaders

If during the Federal period African chiefs rose to power, during the Post-Federal period they were propelled into prominence (Weinrich 1971:20). In a bid to ward off the liberation pressure, the Smith regime began to draw the traditional leadership closer by giving its representatives for example, chief Ndiweni and chief Chirau the power to administer and allocate land in the then reserves (communal lands now). Despairing enforcing agricultural rules and conservation measures by direct administrative action, the Smith government threw at least the notional responsibility for them upon the chiefs (Peel and Ranger 1983:22). Such strategies gained prominence during the Unilateral Declaration for Independence (UDI) years of 1965-1977 where in addition to the land authority; chiefs were represented in both the National Assembly and the Senate. But why would a government that has always viewed traditional leaders as backward now recognise their political role?

Weinrich (1971) argues that the Smith government tried to trade off the support of the traditional leadership and their people against the nationalists cry for majority rule with the return of some essential functions of traditional leadership, which is the power to allocate and control communal land. Peel and Ranger (1983) advance that chiefs were drawn into the increasingly elaborate structures designed to provide a “tribal government” as an alternative to the nationalist political programme. Administrators developed an almost mystical belief that where there was nationalist agitation in any area this was because the tribal system was not working.

In 1967 the government passed the Tribal Trust Lands Act (TTLA) which defined traditional leaders as the sole “tribal authority” whose consent every “tribesman” required in order to occupy and use land for agricultural and residential purposes”(Cheater 1990:201).In 1969 the African Law and tribal Courts Act was passed ,returning the chiefs most civil and limited criminal jurisdiction What is worth noting is that under both acts the Minister of Internal affairs retained final control in tribal trust land and could invalidate or intervene in any decisions reached by the chief.

According to Weinrich(1971) since the two most essential functions of chiefs in the past had consisted in land allocation and trying of court cases. These functions had largely been removed from them when the first commissioners were appointed. Their return reconstituted the chiefs in their traditional roles. The truth is as much as one would appreciate what Weinrich advances traditional leaders in essence were in a precarious position since in addition to exercising their powers as land and customary judicial authorities on one hand, they were also supposed to represent to government

any African views, demands or aspirations on the other (Mutizwa-Mangiza 1985:59). The above situation put the chiefs under a dilemma as they split allegiance to the colonial state and their people during the implementation of community development. Mutizwa-Mangiza (1985) argues that in general, the Community Development Policy was increasingly subordinated to the authority of the chiefs. Thus no community projects could be implemented without the authority of the chief in the area. According to Mutizwa-Mangiza (1985), most chiefs and headmen were barely literate, yet they were given wide responsibilities over land allocation, soil conservation and planning. The combination of the dictatorial powers of the district commissioner with the authoritarianism of the chiefs resulted in a particularly coercive system of control. Thus the ordinary tribal trust land villagers resisted the community development programme because it destroyed their way of life in which land was not merely a factor of production but represented their whole way of life, involving religion, wealth and social life. What was happening here was that the chieftainship was being manipulated and used as link between the Africans and the regime in power.

There was talk of increasing the power of the chiefs over their people. But strictly speaking as (Windrich 1975:123) puts it “if such powers were to assist the chiefs, they could not assist them in their traditional role as traditional custom never emanates from parliament, but from the African people themselves through their culture and beliefs”. The truth is the role of chiefs had been eroded to an extent that they could no longer act as true traditional leaders but as extended tentacles of the Ministry of Internal Affairs. The above situation obtained up until 1980 when Zimbabwe attained its independence. But the damage on the chiefs’ legitimacy had already been done as

shown by the support given to the nationalists against the chiefs.

2.5.5.2 Traditional authorities during the liberation struggle

Peasant resistance to the colonial government and its interventionist policies started in the 1930s long before the founding of the nationalist parties and the start of the guerrilla war. Ranger (1985:160) points out that it did not need nationalist politicians to arouse discontent because colonial policies undermined the recognition of traditional customs and by using traditional leaders to enforce unpopular policies. Thus rural communities were already against the colonial governments and its traditional authorities prior to the rise of the liberation movement. In Shona pre-colonial times the chiefs and the spirit mediums shared politico-religious authority.

According to Keulder (1998) Mhondoro (royal ancestor) is the primary Shona spirit; and on earth the chief looks after all his people. When the chief dies he is transformed into a mhondoro and becomes the source of the land's fertility. He is the provider of rain and the protector of crops. Most of the literature on the Shona pre-colonial times is very emphatic on the role of spirit mediums in controlling the social lives of the people as shown by Keulder above.

In contrast to the Ndebele pre-colonial era there is not much said about the spiritual role of the Ndebele chiefs except for Sibanda (2005) who talks of "Umlimu" and "Amatshe" as an embodiment of the history, culture and religion of the people of the land. Sibanda advances that "during the liberation struggle, spirit mediums spoke for the guerrilla war, and hence the visit to "Ilitshe" in Dula by Nkomo the leader of

ZAPU during the early stages of the struggle in 1953. Ranger (1996:104) argues that “Umlimu” as the Ndebele called him was, the Kalanga deity; an omnipresent and omnipotent high God all powerful but not remote; controlling especially the seasons and the harvests. He further advances that within the highly centralised Ndebele state itself there was no place for the “Umlimu” co-ordinating agency but the Ndebele Kingdom used this cult from other tribes in times of trouble. Thus when the colonial administration embarked on a programme to strip traditional leaders of their political powers, it affected not only the chiefs but also the spirit mediums. As chiefs aligned themselves with the colonial masters they turned against their own communities, spirit mediums and the ancestors (Keulder 1998).

In the early 1960s the guerrilla war broke out and the guerrilla movements of ZAPU and ZANU as part of the strategy to win the hearts and minds of the peasantry enlisted the support of the spirit mediums. Chung (2006:198) reveals that the Smith regime also tried to woo spirit mediums to support their rule but the freedom fighters capitalised on the fact that the ancestral spirits were committed to ensuring that the land be returned to its rightful owners. Unlike the chiefs who openly supported the government the spirit mediums had always resisted the government’s unpopular policies.

Thus the chiefs had betrayed the ancestors by siding with the colonial government. Ranger (1985:189) observes that spirit mediums were significant to peasant radical consciousness precisely because that consciousness was so focussed on land and on government interference with production: above any other force the mediums symbolised peasant right to the land and their right to work it as they please.

Spierenburg (2004) confirms this point by advancing that the importance of spirit mediums emanates from the role attributed to the Mhondoro mediums during the struggle for independence. Thus the guerrilla movements had won the hearts of the people. According to Lan (1958) to achieve the above the liberation fighters employed a dual-tier strategy: first, they established their own secret committees to win allegiance of chiefs followers and so transfer his support base to progressive anti-government structures. Chiefs sympathetic to the government were often killed in the implementation of this strategy. Secondly, the guerrillas attacked chiefs' authority over land. Although in no position to themselves to allocate land, they won the population's support with promises of a new land dispensation favouring the peasants once the war had been won (Lan 1958:98). Thus during the transition to independence the Smith regime continued to give more powers to the chiefs but the majority of their people regarded their embroilment in modern national politics as a serious embarrassment because it compromised their position as local leaders of a community. Indeed, the effect of colonialism had reduced the traditional leaders to government bureaucrats as opposed to leaders of their communities.

2.5.6 Democratising local governance whilst disempowering traditional leaders

1980-1990

In order for one to effectively analyse the role of traditional leadership in post independence land administration affairs, it is critical to focus on the period between 1980 and 1990. Mandondo (2000) describes this era as the period of the disempowerment of chiefs (relegation). It therefore becomes imperative to highlight the significance of this period through some analysis of the changes in the global and

socio political contexts in order to examine why and how the disempowerment of traditional leaders happened.

2.5.6.1 The significance of the 1980s

One of the land mark events in the history of Zimbabwe was the Lancaster House Agreement. At this conference, held between September and December 1979, there were four delegations: that of the United Kingdom, that of Nkomo from ZAPU and Mugabe representing ZANU, and that of Bishop Muzorewa, which included several whites, including Ian Smith (Norman 2004:75). The significance of this agreement was that it laid out the constitutional frame work for Zimbabwe's first ten years of independence. This agreement reserved a fifth of the seats in parliament for whites, despite the fact that they then constituted less than 2% of the population (Carmody 2001:79).

Its other salient provision related to land which was one of the key sources of the liberation struggle in Zimbabwe following the settler occupation. For the first ten years of independence, all land was to be sold on a "willing buyer /wiling seller" basis at market values. Thus, white commercial farmers who owned the bulk of the land clung to their properties, even if they were not cultivating some parts yet on the other hand blacks were in dire need of land in the reserves. ZANU's election manifesto had proclaimed that "It is not only anti-people but criminal for any government to ignore the acute land hunger in the country, especially when it realised that 83 percent of our population live in the rural areas and depend on agriculture for their livelihood" (quoted from Herbst1990:40).

In 1980, the Mugabe government, pursuing a policy of reconciliation with the whites and reconstruction for the benefit of black and white and facing a restrictive Lancaster House Independence constitution, opted for a land resettlement programme which was based on a “willing seller willing buyer” basis (Rukuni and Eicher 2001:19). But a number of obstacles plagued the resettlement programme which also affected the rural communities. Land was costly and only a few farms were bought under the willing seller willing buyer stipulation under the Lancaster House constitution. Hence the peasants' expectations were not met by government and this built some resentment to the state for lack of delivery. Although 20% of the land was purchased, it was not enough due to lack of resources. Further, the type of resettlement envisaged by the state was contradictory to what the peasants wanted. The peasants wanted an extension of communal land where communal tenure would obtain yet the government had a different perception of the new resettlement strategy. Hence, when the programme was implemented as we shall see later it met with some resistance from communities largely engineered by chiefs because its planning was top-down and did not recognise communal tenure where chiefs had a stake.

2.5.6.2 Why did the state relegate the chiefs from land administration in the 1980s?

Mamdani (1996) argues that post-colonial states were either radical or conservative in their response to the “bifurcated state”. Conservative nationalist regimes, he writes were content merely to inherit the urban civil society and to set about de-racialising it. They left rural communities as subjects. But radical regimes, on the other hand, sought to sweep away the whole apparatus of indirect rule and to create totally new

institutions in the countryside. Ranger (1996) advances that whilst Mamdani does not mention Zimbabwe in his radical states as represented by Tanzania and Mozambique, however, Mamdani's analysis fits the decade of the 80s in Zimbabwe very well. Ranger1996:28 advances that after 1980 the victorious ZANU-PF determined to bypass traditional leaders altogether in their new system of rural participation. The new government was committed to social transformation on an international socialist model, and had nothing but scorn for "patriarchal" and "collaborationist" traditional authorities. At the local level, guerrilla-support committees and party committees seemed to have emerged as the key actors in the rural areas. It is against the above backdrop that the new government stripped the traditional leaders of their land administration powers.

The issue of ignoring the institution of traditional authorities by the post independence government of Zimbabwe can be explained in the context of the historical role that chiefs played in the settler administration namely its association with the Smith regime. It can also be explained by the political ideology embraced by the newly elected ZANU-PF government when it came to power. Due to the fact that some traditional authorities were used against their people by the Smith regime, the new government viewed all traditional authorities as puppets of colonialism. Makumbe (1998) argues that the disempowerment of traditional leaders in the early 1980s was a measure purportedly adopted to punish chiefs for their pre-independence role as functionaries of colonial oppression.

The idea of labelling chiefs as agents and stooges of the colonial regime grew out of the fact that the liberation movements were capitalising on the policing role that

traditional authorities attained following the entrenchment of “indirect rule”. Mamdani (1996) argues that colonial masters used traditional leaders to consolidate settler rule and this compromised the position of the chiefs in their communities. On one hand they were supposed to obey the colonial masters though enforcement of suppressive laws, yet on the other hand they were expected to advance the peoples needs as leaders of their communities.

It is during the late 19th century that most people viewed traditional authorities as agents of the state bent on enforcing rules and regulations from the colonial authority.. So when the new leaders came to power, they had the same view that traditional authorities were puppets of the previous regime and thus they were punished for their collaboration with the native commissioners. It is this stigma of having been associates of the Smith regime that the traditional authorities were stripped of their powers to allocate land following the promulgation of the Communal Lands Act (1982). A critical issue to note is that not all traditional authorities were collaborators of the Smith regime. Some resisted colonial oppression to the extent that they were deposed from their positions. A notable case in Bulilimamangwe district is that of the three Kalanga chiefs Masendu, Madlambudzi and Hikwa who were removed from their positions because they resisted the oppressive instructions of their colonial master (Plumtree District commissioner’s reports 1969).

The other issue with regard to traditional authorities in the 1980s can be explained against the background of the political and the development model adopted shortly after independence by the Zimbabwe government. According to Carmody (2001) at independence the ZANUPF government was officially committed to Marxism-

Leninism and scientific socialism which emphasised state control of the means of production and resources. Such a theory was inimical to traditional authorities and viewed it as undemocratic and reactionary. Mbaku (1999) calls this approach “statism” and argues that “many African leaders believed that tribalism was a hindrance to development hence it was necessary for them to form governments that could bring together competitive ethnic groups to provide a stable environment for economic growth and development. Many of these African elites opted for one-party political systems with strong central governments” (Mbaku1999:122).The above view confirms Mamdani’s argument (1996) that post-colonial states deracialised and some detribalised but did not democratise. Zimbabwe was one such an example and this explains why the Marxist-Leninist government relegated traditional authorities from rural local governance.

2.5.6.3 The relegation of traditional leaders from land administration

During the above decade, the new government enacted three principal pieces of legislation which governed land use, allocation and planning in the communal areas. These were the District Councils Act (DCA) of 1980 the Communal Lands Act (CLA) of 1981 the Prime Minister’s Directive (PMD) of 1984. What is crucial in the above instruments is that they all impinged negatively on the role of traditional leaders as land authorities in rural Zimbabwe. They all made no mention of the institution of traditional leaders, neither did they recognise it but instead strengthened the power of elected structures. This marked the disempowerment of chiefs as active leaders in land administration.

2.5.6.4 The District Councils Act (DCA)

The DCA of 1980 brought in democratically elected district councils. The DCA also transferred land allocation powers from traditional authorities to district councils. Wekwete (1998) argues that “the rationale behind changing was to foster a sense of community and citizenship of the inhabitants of an area; to promote initiative and a sense of responsibility and to promote the development and economic progress of the area with the active participation of the inhabitants” (Wekwete1988:22). What is worth noting is that the DCA undermined the traditional authorities by stripping their powers to allocate land. Further, the Act eroded the influence of traditional authorities by coming up with new village boundaries which in many instances varied with the traditional village setup.

According to Keulder (1998) each district council area was divided into wards and villages. Each ward comprised approximately 6000 people, whilst a village comprised approximately 1000 people. All the wards were represented in the district council through a councillor at ward level, Ward Development Committees (WADCOS) served as a forum for village representatives. At village level, Village Development Committees (VIDCOS) were the development body charged with articulating village needs coordinating and presenting them to the WADCO. In all the provisions of the DCA, it is interesting to mention that nothing was said of the institution of traditional leadership.

2.5.6.5 The Communal Lands Act (CLA)

The Communal Lands Act of 1981 according to Nyambara (1997) replaced communal land ownership (where the chief controlled the land on behalf of the community) in the communal lands with individual or state ownership. This Act vested ownership of communal land to the head of state and gave the District Councils the power to allocate and control land on his/her behalf. Cheater (1999) castigates the idea of vesting the ownership of communal land in one individual representing the state since it can be subject to abuse. To this end he argues that the state has unlimited control of communal land hence the whole issue of land administration is not democratic because the concerns of the poor can not be taken on board if the process does not devolve ownership to the communities themselves. The Act whilst specifying that existing land rights would be preserved, was however clear and elaborate in that the new permits to occupy communal land would be given by the District Councils. Thus the traditional leadership had been replaced by new institutions of democratically elected councils in land administration. In the eyes of the traditional leaders this was a heavy blow to their power base and existence as community leaders. Chief Mangwende had this to say to parliament after the promulgation of the Communal Lands Act:

Zimbabwean chiefs will continue fighting for powers to allocate land .We will keep on talking until we are heard...You cannot be a chief without land ...People should not think that the powers to allocate land have been taken away from chiefs for ever(quoted in Ranger 1993:366).

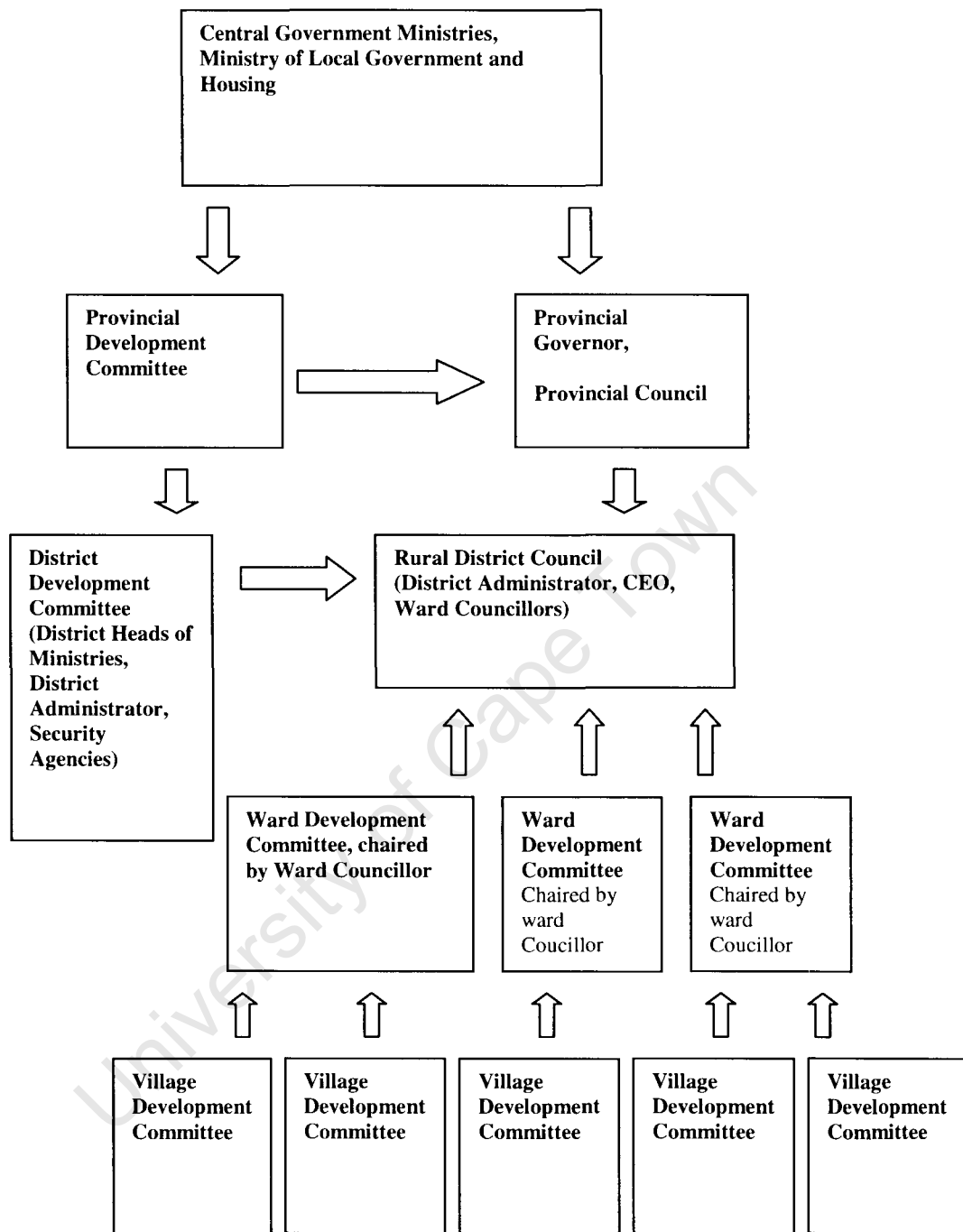
The above sounds like a protest speech from a representative of the traditional authorities but it is critical in the sense that it indicates that chiefs derive their power

and legitimacy from the control of land administration. It is important to note Chief Mangwende's vociferous position on the recognition of traditional leaders for it was the same Chief who later became a member of the Rukuni Commission of 1993 that greatly influenced the birth of the Traditional Leaders Act and gave some land administration powers to the traditional authorities as we shall see later in the chapter. I argue that the chiefs utilised the opportunity presented by the Rukuni Commission to push for their come back and recognition by the state especially in land administration. It therefore came as no surprise why the recommendations were so much in favour of the traditional structures as we shall see later in the chapter because traditional authorities represented a large voting block.

2.5.6.6 The Prime Minister's Directive

In 1984 Robert Mugabe, the then Prime Minister of Zimbabwe issued a directive, outlining the institutional framework for development in rural Zimbabwe which like the already mentioned act completely ignored the presence of the traditional authorities. Democratically elected Village Development Committees (VIDCOs) were to be the basic planning unit in this new system of local government (Spierenburg 2004:40). Each VIDCO would represent about 100 households. The VIDCO was to submit its development plans on an annual basis to the Ward Development committee (WADCO) which would represent about 600 households.(see diagram one below)

Diagram 1: Institutional Structure established by the 1984 Prime Minister's Directive



This WADCO would coordinate the plans from all VIDCOs under its jurisdiction. It would then submit the plans to the District Council for approval. The District Council would comprise all ward councillors that is the chairpersons of the WADCOs. Once the district Council had approved the district plan after some technical input from a committee of technical staff from all ministries based in the district the District Development Committee (DDC), it was supposed to submit this plan to the provincial level the Provincial Development Committee (PDC) (Murombedzi 1992:24).

Incidentally, the Prime ministers directive was also silent on the role of traditional leadership in this decentralized planning approach. Further, this policy document made no mention of their role in land administration or allocation. Such a function remained the responsibility of the District Councils and their elected structures (the VIDCOS and WADCOS). Indeed the traditional leadership had been sidelined or ignored by the state since it had no legal role to play in land administration anymore.

An analysis of the Prime Minister's directive reveals the following points. Mandondo (2000) argues that although the Prime Minister's directive gave peasant communities a system of representation in the process of planning for local development, political expediency subverted the democratic element of the system. Makumbe (1998) concurs by advancing that universal suffrage elects four of the six members of any Village development committee. The remaining two positions are reserved for women and the youth, and are usually filled by members of the ruling party's youth and women's league. According to Matowanyika (1991) the infiltration of VIDCOs and WADCOS by the ruling ZANU-PF has seen them carry the stigma of "politically sponsored institutions that have no clear bases in history, or mere grassroots

extensions of the ruling party. In the light of the above, I argue that the Prime Minister's directive whilst it attempted to make some governance structures representative, it failed to a large extent to make them accountable and democratic. The new structures were subjected to ZANUPF domination and state control in a top-down fashion and this compromised their effectiveness on the ground. The government had embarked on a deliberate strategy to undermine traditional authorities whilst promoting elected structures in rural governance and this resulted in near collapse of rural administration as we shall see in the coming section.

2.5.7 The effects of ignoring chiefs in rural administration and land allocation

The idea of introducing elected leadership structures for example VIDCOs and WADCOs in rural governance whilst excluding traditional leaders, came with a host of problems at community level particularly with regard to land administration. Although the operation of VIDCOs and WADCOs differed from one place to another, generally, there were disgruntlements about lack of community/ local support and participation within these newly established leadership structures (Marongwe2002:58). Furthermore, the issue of disregarding traditional village boundaries in favour of the VIDCO boundaries was a source of conflict between the two leadership structures (Rukuni Commission Report 1994).

2.5.7.1 Chiefs and the communal lands

According to Ranger (1993), three themes emerge about the action of chiefs during the 1980s: One of these is that chiefs have been able to represent themselves as

spokesmen of the popular defence of the past or “tradition” against exclusionary state policies. Another is that chiefs and headmen were allocating land whether rightly or wrongly. A third is that there has been increasing conflict between the institution of traditional leadership and councils over land allocation (Ranger 1993:363).

Ranger and Hobsbawn (1983:254) advance that “codified and reified custom was manipulated by particular groups of people to assert or increase social control. This happened in four particular situations: though it was not restricted to them. Elders tended to appeal to “tradition” in order to defend their dominance against the youth. Men appealed to “tradition” to maintain their domination over women. Chiefs in polities appealed to “tradition” in order to maintain or extend their control over their subjects. Indigenous populations appealed to “tradition” in order to ensure that the migrants who settled amongst them did not achieve political rights”. The above strategy was employed by chiefs in Zimbabwe during the 80s when their land administration roles were threatened by the state and given to elected structures.

2.5.7.2 The use of “tradition” by chiefs against the state

The emphasis on tradition by chiefs became prevalent in the implementation of rural government programmes that were spearheaded by elected structures with the support of the civil servants. A good example of “re-inventing tradition” by chiefs was in the implementation of the land resettlement programme that started in the early 80s. During this period, chiefs, for example, chief Ndiweni and chief Makoni became very vocal in championing tradition whilst at the same time advocating for an extension of communal land through purchase of more resettlement land and protection of

communal tenure. It should be remembered that due to the restrictions of the Lancaster House agreement the government could not fulfil the people's needs due to financial constraints and so the chiefs got sympathy from the people as they blamed the state for lack of service delivery. Citing from Beinart (1996) a case in Traskei where even peasant progressives and women who were disadvantaged by patriarchal traditionalism rallied around chiefs to protect communal tenure, Ranger (1996) argues that the same thing happened in Zimbabwe. Spierenburg (2004:46) also supports the above as she advances "traditional leaders invoked a version of the past where traditional leaders were the land authorities in a bid to challenge the authority of the state and local development bodies".

Chiefs criticised government plans for resettlement since the government and the ZANUPF party had strongly repudiated any idea that resettlement areas should be in any sense an extension of communal areas. To many peasants the ideal was to add more land for grazing purposes and allow the expansion of communal tenure. It therefore came as no surprise that at a meeting in July 1984 at Ntabazinduna Matabeleland North between peasant farmers and government resettlement officers Chief Ndiweni had this to say:

The government's resettlement policies are "un-African" and against the wishes of the people. Our people do not want resettlement all they want is an extension of the communal lands. Let the government buy adjacent farms and add them to communal lands so that people continue with their traditional and cultural values (Herald 27 July 1984).

Many of the farmers and councillors present vigorously supported the chief. The above illustrates that despite the belief that chieftaincy could never again recover credibility by the elected structures, traditional authorities used such opportunities to

leverage support within communal areas. What we begin to see from traditional authorities is the championing of tradition, criticising of government resettlement programmes through advocating for additional land to communal areas to facilitate communal tenure as well as getting on with the business of allocating land in return for fees (Ranger1993:365).

2.5.7.3 Chiefs and land allocation

Ranger (1993) has shown that traditional leaders, continued to allocate land even if they were not mandated to do so by any legal instrument for example the Communal Lands Act (1982). Whilst the VIDCOS might have argued that they derive their land allocating powers from the Communal lands Act, the village heads (the lower tier level of traditional authorities in Zimbabwe) on the other claimed that historically this land has always belonged to their clan for generations. Thus, we now had two land authorities (traditional leaders and the elected structures) splitting the community into camps, those in favour of VIDCOS and supporting traditional authorities. It is during the 1980s that the struggle between the traditional and elected leadership intensified all centred on the power to control land.

Traditional authorities did not want to recognise the legal function of the elected structures over land whilst the latter saw no rationale as to why the traditional authorities defied government policy. What is worth noting here is that, perhaps the behaviour of traditional authorities might have been influenced by greed for gifts as well as incentives and some community members who despite the new dispensation of elected leadership continued to go to traditional authorities when ever they had a

teething problem. This issue was unearthed by the submissions to the Rukuni Land Commission of 1993. It is confirmed that “in times of trouble some people, particularly women by-pass the VIDCOs and go to the chief or kraal head for help” (Rukuni Land Commission Volume One Main Report 1994:27).

The significance of the description above is that leaders earn their respect and credibility through what they do for their people. It indicates two important aspects of rural local governance. Firstly it demonstrates that the intentions of legislated instruments are not always practised on the ground since some people might disobey them as demonstrated by the behaviour of traditional authorities in the 1980s. Secondly it proves Sindane’s theory (2004) that “the legitimacy and survival of traditional authorities depends on the services and the quality thereof they can provide, and their impact on the lives of those interests they claim to represent, and not so much on a constitutional provision” (Sindane (2004:155).

2.5.7.4 Tensions and conflicts in rural governance

Nyambara(1997) sums up the 1980s as follows: “In fact ,this period witnessed the re-emergence ,albeit in an invigorated state ,of the madiro /umathanda (do as you please) ideology ,this time the feeling was that independence had been won and everyone was free to grab as much land as was available”(Nyambara1997:16). He argues that in Gokwe there were many players involved in land administration ranging from chiefs, headmen, councillors, party cadres and village heads. The effect of this was that rural local governance was almost on the verge of collapse due to lack of cohesion and control since the key stake holders had a role in land administration. This

subsequently caused confusion and conflict between the elected and traditional authorities.

Ranger (1993) argues that during the 1980s, there was an absence of effective control by the state. He notes that “the actualities of land allocation, title, and land holding vary greatly from place to place in Zimbabwe’s communal areas, according to the balance of power between chiefs, headmen, councillors, “squatters”. He goes further to illustrate his point:

In practice, what was experienced on the ground was a relaxation of central control...as chiefs and headmen and entrepreneurs and village committees and peasant households were all involved in the process of land allocation, appropriation and use in the communal lands (Ranger 1993:362).

It then became apparent that indeed the post-independence government had detribalised but failed to democratise. The other worrying issue was the proliferation of homesteads in grazing areas or in unsuitable sloppy or swampy areas. A letter from the Herald newspaper in January 1988 from a proud son of Chiweshe District summarises this confusion:

Places where we used to graze cattle and go puddle-swimming have turned into ploughing land and dwellings .Rivers which we used to catch fish have been become receptacles of eroded soil, and hills that once boasted thick bushes and trees have now degenerated into passage ways The aim behind the VIDCOs is no doubt noble but they have been grossly misdirected in their efforts. More often than not these VIDCOs are staffed by land-hungry youngsters who will not show any restraint (Herald 22 January 1988 quoted from Ranger1993:367).

The above quote whilst it shows the extent of damage within communal lands that this era witnessed, it seems biased against the VIDCOs. The impression one gets from the above is that traditional authorities were immune to bribery and random allocation of

land. In essence the problems of this era lie squarely on the doors of the both elected structures such as the VIDCOs and traditional authorities.

In the meantime the problems of land degradation, random and illegal settlements continued in the communal areas as no one controlled this catastrophe. The elected structures lacked authority and grip on the communities because they were new. They also lacked human and financial resources and support from the government hence they fell out of favour with the communities.

It should be noted that the support rendered to the traditional leaders by communities was not because they were more efficient or legitimate than the elected structures but because the latter were constrained by lack of resources and lack of support from the state. To illuminate this point Alexander advances that “WADCOS enjoyed very little support from the state and the people in terms of financial resources” (Alexander1995:13). Thus, they failed to deliver the expected services to the people because they were not accountable to the communities but to the party.

Traditional authorities capitalised on this weakness and re-asserted their authority to allocate land under customary law although it was illegal as far as the new land administration laws were concerned. Furthermore, most government programmes did not receive community support as the traditional leadership structure was boycotting them under the banner that the modern elected structures were against tradition and the traditional authorities.

Nyambara (1997) advances that owing to this tug of war in land allocation and

control, communal lands were characterised by widespread abuse of power. There was no order and control in the allocation as both leadership structures indiscriminately dished out land. Consequently, a lot of conflicts emerged between the two structures over land utilisation and control subsequently stifling development within communal areas. Spierenburg (2004) advances that due to the above confusion in the communal areas; land tenure became less and less clear since there were too many players in land administration each with a different agenda. In reaction to the above problems experienced by communities on the ground, the government of Zimbabwe in 1993 setup a Commission of Inquiry into Appropriate Agricultural Systems which was later dubbed the Rukuni Land Commission. This then leads us to the era of the 1990s the era that saw the resurgence of traditional leaders.

2.6 Conclusion

This chapter has shown the role of traditional leaders and land administration in pre-colonial colonial Zimbabwe. It also showed how this structure was bureaucratised by the colonial masters and converted from leaders of the people to mere agents or officials of the state. It has been argued that not all traditional leaders were democratic. The chapter went further to demonstrate following independence in 1980 why and how the new government reduced the powers of traditional leaders. It has been argued that the decade of the 1980s was a period where the government of Zimbabwe implemented a deliberate strategy to give more powers to elected structures at the expense of traditional leaders. To this end the chapter has shown the effects of ignoring traditional leaders in rural governance and how this affected rural communities in general.

CHAPTER THREE

TOWARDS CO-EXISTENCE, THE RE-EMERGENCE OF TRADITIONAL LEADERS THE DECADE OF THE 1990s TO PRESENT

3.1 Introduction

The chapter is about the re-emergence of traditional leaders in rural governance following some years of neglect. It begins with some examination of the events and processes that led the Mugabe government to have a change of heart towards traditional leaders. To illuminate the above, the chapter examines the global, political and economic environment. It further gives an analysis of the pieces of legislation that supported the recognition of traditional leaders notably the Rukuni Commission and the Traditional Leaders Act (2000). Against such a backdrop, the chapter argues that during this era the elected structures were stripped of some of their powers and given to traditional leaders. The chapter finally evaluates the co-existence approach between the elected and the traditional leaders as enunciated by the Traditional Leaders Act (2000).

3.2 The significance of the 1990s in Zimbabwe

The reasons for the turn around strategy by the Mugabe government to recognise traditional authorities should be understood in the context of the events and processes that took place in the global, political and economic climate surrounding Zimbabwe. The notable events of the 1990s were decentralisation, the structural adjustments programmes, the cold war and the rise of opposition in Zimbabwe. All the above seem

to have had a bearing on the recognition of traditional leaders by the Zimbabwe government.

3.2.1 Decentralisation

The recognition of traditional leaders in Zimbabwe can not be isolated from the general re-emergence of traditional and customary authorities on the African continent in particular. Ntsebeza (2006) argues that this resurgence of traditional authorities is often associated with the advent of multi-party democracy and decentralisation in the early 1990s. Countries which were initially hostile towards traditional authorities found themselves recognising them. Mozambique is sited as a pertinent example and Zimbabwe was no exception. Conyers and Matovu (2002) advance that the government of Zimbabwe reaffirmed its commitment to the decentralisation process (where communities are given greater participation in decisions that affect their lives directly), in a major policy statement in 1996.

When government reaffirmed commitment to this decentralisation process, it went on to enunciate the thirteen principles for use by ministries and departments in their transfer of powers to the local authorities. What is worth noting is that a new kind of globalisation (neoliberalism) developed in the 1990s after the fall of the Soviet Union when capitalism became the only game in town. The new thinking brought in decentralisation which meant cutting back the influence of the state as the sole provider for communities. This meant some severe cuts on social expenditure thus leaving very little resources for the rural poor. The question that arises when one talks of decentralisation is which structure in rural governance is still recognised by the

communities? Traditional authorities come to the fore as one tries to answer the above question especially in the light of the fact that the elected structures did not succeed in improving rural community lives in the 1980s as shown in chapter two. It is against such background that the state recognised traditional authorities. Thus we now begin to see some recognition of traditional authorities at a time where there was increasing pressure from the World Bank on post-colonial governments to decentralise powers from the centre (state) to the periphery.

3.2.2 The Economic Structural Adjustment Programme (ESAP)

With the worsening economic crisis of the late 1980s, and the growing hegemony of neo-liberalism, in 1991 the Zimbabwe government introduced standard economic structural reforms. Decentralisation had become an important component of public sector reforms being promoted by World Bank and other donors. Sachikonye (2000) argues that the adoption of the structural adjustment reforms in the 1990s was because, by the late 1980s the Zimbabwean economy was experiencing formidable structural problems whose manifestations included mediocre export performance, low investment, high unemployment and an unsustainable budget deficit and government debt (Sachikonye 2000:1). It is important to mention that it was in response to these structural bottlenecks in its economy that the Zimbabwe government launched ESAP in the 1990s. But how did such a programme impact on the lives of the rural people? The economic austerity measures pursued under ESAP could not fail to have an impact on workers access to basic social services such as social services and education (Sachikonye 2000:13). Whilst the 1980s experienced some substantial expansion of these services, under ESAP such services were curtailed and indeed

there was contraction in service delivery which adversely affected the rural communities. In the eyes of the communities the government had failed because the ESAP programmes were concerned with austerity measures rather than with growth or participatory governance. Carmody (2001) argues that in adopting ESAP the state acted in a rational bureaucratic (Weberian) manner. Hence we now begin to see the government trying to court traditional leaders in order to cushion itself from the problems of ESAP.

3.2.3 The political situation in the 1990s and the global context

One major characteristic of this decade is that the global, political and economic climate had changed dramatically from what it was in the previous decade. On the economic sphere, as Webster 2002 puts it, “the decade was marked by reduced public sector expenditures, increased pressure on rural local authorities to raise revenue and growing poverty.”(Webster and Pedersen2002:135). With regard to the political dimension, the1990s in Zimbabwe marked a turning point in the political history of the country as the first strong opposition to the dominant ZANUPF party was established. It is important to mention that the only meaningful opposition party Movement for Democratic Change (MDC) gained momentum in the late 1990s. Thus we now begin to see some change of heart by the state towards the traditional authorities in order to win the support of rural communities against opposition. This explains why we also begin to see the enactment of the Traditional Leaders Act through that seems to empower traditional authorities at the expense of elected structures.

In the global context, the 1990s marked the end of the Cold War and this meant that the ideology of Marxism-Leninism had to be done away with. Ntsebeza (2006) advances that there is a sense in which it is true to say that the late 1980s and 1990s was a triumph for the forces of global neo-liberal capitalism. The Cold War had come to an end with the demise of the Soviet Union and capitalism became the only system dominating the world (the only game in town). Consequently ZANU-PF with its Marxist-Leninism ideology was left stranded. The capitalist economic system and the political system that goes with it (multi-party democracy) now became the dominant forces in the world. In the light of the above, developing countries were to seek financial support from the capitalist West which came with tied conditions.

Thus, in a period of 7 years, “twenty nine of the forty eight African countries south of the Sahara embraced multiparty political systems advocated by the West (Reynolds1999:1). There was also a push for the developing countries to embrace decentralisation and Economic Structural Adjustment Programmes (ESAP). It is during this era that Zimbabwe embarked on decentralisation and ESAP as already shown above largely under the influence of the World Bank. It therefore becomes imperative for one to explain the re-emergence of traditional authorities during the 1990s against the above background. Two critical policy initiatives that emerged during this decade in favour of traditional leaders are the Rukuni Commission Report of 1994 and the Traditional Leaders Act of 1998.

3.3 Towards co-existence: traditional leaders and the Rukuni Land

Commission

Due to the problems created by undermining the role of traditional authorities in rural governance as already demonstrated in chapter two the government instituted a commission to harmonise communal land administration which was later dubbed the Rukuni Commission. Alexander (1995:13) argues that by formulating an agenda based on a popular revival of “tradition”, traditional leaders were able to draw on a constituency that found itself threatened by the new agricultural policies. Traditional authorities certainly did not reject all aspects of the modern state, but reacted to the authoritarian implementation policies and loss of control over land. Thus he further advances that traditional leaders invoked a version of the past in a bid to challenge the authority of the state and local development bodies (the elected structures) in land administration.

For example chiefs continued to allocate land despite the new land administration acts which were not clear on land tenure. As a result, too many players in land administration sprouted ranging from chiefs, headmen, party officials, VIDCOs, councillors and village heads thus creating confusion in the domain of land administration. It is important to mention that the call to set up a commission was triggered by the profusion of overlapping and incongruent local organisational structures mentioned above as they jostled for power to control land. The other reason is that the newly elected structures had failed to deliver to the poor due to lack of resources.

The Commission was set up in 1993 through statutory instrument 383 of 1993 and was sworn in by President R G Mugabe at state house on 1 November 1993. In order to accomplish its mission the Commission was given a year from November 1993 to November 1994. It was composed of 12 members drawn from a wide spectrum of the society. The team was chaired by Professor Rukuni an expert in agricultural science and was deputised by Mr Magadzire also a renowned agriculturalist. What is interesting to note is that the majority of the members who were represented as a block were four chiefs (Chief Mangwende, Chief ChifambaGutu, Chief Mafu and Chief Musikavanhu). The presence of such a significant proportion of traditional leaders is worth noting especially in relation to the recommendations that were advanced by the Commission in relation to traditional authorities and land administration as we shall see later.

I argue that the number of chiefs in the Commission gave them a comparative advantage as a voting block to influence the re-emergence of traditional leaders. It should also be remembered from chapter two that it was the same chief Mangwende who made a strong speech in parliament against the marginalisation of chiefs in land administration that became a member of the Commission. In my opinion an opportunity had now arrived for the traditional leaders to ensure that their demands are finally heard. In the light of the above, it would appear that the recommendations of the commission were largely influenced by the chiefs' call to re-assert themselves in rural governance. This may have given chiefs an advantage over other sectors of the community in shaping the powers they finally got through the enactment of the Traditional Leaders Act.

The major terms of reference of the Commission were as follows:

- ❖ To consider the appropriateness or otherwise of each of the land tenure systems, i.e. communal, resettlement permit, leasehold and freehold title in relation to sustainable resource management, farm productivity and investment.
- ❖ To consider experiences from the existing land tenure systems as well as from the experiences of other countries, and recommend the most suitable land tenure system that is suitable for each farming sector.
- ❖ To recommend appropriate institutional arrangements for the administration of each of the proposed land tenure systems for each of the farming sector taking into account existing legislative arrangements.
- ❖ To consider the need or otherwise of the new legislative measures to bring the recommended land tenure systems into effect.

In order to achieve the above terms of reference, the Commission used the following sources of information:

- ❖ Written submissions from selected central government officials and civic organizations.
- ❖ Oral evidence through visits to all the provinces and districts of the country.

- ❖ International visits to other countries notably to gain experiences on land tenure.
- ❖ Technical research studies on tenure and holding of workshops with experts or consultants on tenure systems.

3.3.1 Findings and recommendations of the Commission

The Commission found out that the highly centralised levels of governance, combined with bureaucratic top-down decision making systems, tended to impose decisions on the people at grassroots levels. This system of governance was also weak in terms of effectiveness and impact, accountability and transparency as it denied the people the chance to be self innovative. Thus, the system of land administration was showing signs of stress due to problems that existed from national to local levels. Flowing from this, it was clear that government ministries had centralised administrative mechanisms with a narrow ministerial top-down approach to rural development.

What came out clearly from the findings of the Commission was that to a great extent the problems affecting the communal lands were largely a result of failure by state laws to recognise the institution of traditional leadership in land administration and lack of clarity from state laws on which tenure system is applicable in the communal areas. It was also found out that the conflicts between the traditional and elected leadership led to a breakdown of laws on effective management of natural resources thus threatening the productivity of the communal land.

The Commission also found out that the legal and administrative structures in communal land had collapsed because of lack of clarity of roles and functions of various institutions at local levels over issues of land administration. There was evidence that the dissolution of traditional authority in land and natural resources matters at independence was premature and, currently there was widespread resistance to VIDCO/WADCO structures as credible authorities over land administration affairs. The VIDCO was widely viewed as an illegitimate structure, with no credibility of respect, nor real effective power and resources to implement the said roles.

It was also found out that customary tenure had been weakened by the designation of communal areas as state land. This has allowed government to pay less respect to traditional land rights as seen through land displacements with minimal consultation and compensation, as well as imposition of alien forms of land authority such as VIDCOs. In most cases this had damaged relations among communities and between village heads and VIDCO leader.

The other burning issue was that the vast majority of people in the communal areas believed that the delineation of VIDCO boundaries ignored the existence of traditional villages and VIDCO boundaries often split traditional villages. Most people believed that the authentic boundaries are those of the traditional village under a village head. This is the area representing the basic social grouping with common ownership of land, grazing, forest areas, watering points and sacred areas.

It was uncovered that over time communal areas had gravitated towards traditional leaders on issues of land and natural resource management largely due to the failure

of modern structures. In the light of the above, it became apparent that recognising traditional authorities in land allocation will be the starting point to resolve the above problems which meant the recognition of traditional land tenure where the traditional leader is the land authority. It is against the backdrop of the above findings that the Commission drew up a number of recommendations.

3.3.2 The key recommendations of the Rukuni Land Commission Report

The recommendations of the Commission can be categorised into two main areas: those that relate to tenure system in communal areas and its legal and administrative institutions and the recommendations for legislative and administrative reforms.

3.3.2.1 Tenure System

The Commission recommended that communal tenure be maintained and strengthened through a series of measures that would improve security of tenure and improve the legal and administrative mechanisms necessary for long-term evolution of the system to meet the challenging needs. Traditional freehold tenure for arable and residential areas is secure and this security should improve if the state relinquishes its ownership of communal land. This means that the key set of rights under traditional freehold tenure should be formalised to include inheritance, sub-division and receiving compensation for loss of improvements. In this light the Commission believed that by strengthening village level institutions under the traditional leadership structure, management of grazing and other communally owned natural resources should improve

3.3.2.2 Legal Tenure Institutions

The Commission recommended that existing legislation on communal land rights for the communities and households be amended to strengthen the security of tenure. Statutory laws have to be cognisant of customary law on land which is still widely practiced and any new or consolidated laws will have to encode at least the common principles of customary law and the spirit behind the law. Customary law and procedures have to be continually understood, codified and formalised for enforcement in rural areas.

It was also recommended that the basic legal principles should include the continuation of traditional freehold rights over arable and residential land and these rights should include the right to receive compensation for improvements when a household leaves a community. The legal rights for arable, residential and grazing areas must be held by the head of the family in trust for the rest of the family. Heads of household may therefore not dispose of or subdivide arable or residential land without consent of the spouse and dependent children.

3.3.2.3 Administrative Tenure Institutions

The Commission strongly recommended that government recognise the traditional village, which should be constituted under the village head as the basic unit of organisation in communal areas. Members of a traditional village should be given formal perpetual rights over land and all resources in each village. A schedule of rightful members of the village community needs to be maintained and regularly

updated on permanent record. The village community must have the discretion to accept or reject new persons or families wishing to enter its community.

The Commission recommended that the administrative functions on land and natural resources be shifted from VIDCOs to the traditional village where the structure of a village “Inkundla” (Ndebele) is to be formalised to act as the local land, water and natural resources board. All adult male and female members of a village should be members of the Village Assembly “Izakhamizi” in Ndebele. The Village Assembly shall elect members of the Inkundla with the Village head as Chairman for the Inkundla.

On dealing with issues of land, water and natural resources, the Inkundla will be assisted by any relevant civil servants who will have no vote, but provide technical advice and assist with the design and maintenance of record keeping systems. The Village Assembly meets less frequently to deal with major policy issues on land, water and natural resources.

The Commission therefore recommended the recognition of Village heads as the lowest level of traditional leaders, reporting to the Headmen and Chief. This recognition and functions should be clearly spelt out in the law, also stating the procedures of appointment, expected code of conduct, and disciplinary measures in case of misconduct and abuse. It is also essential for the Inkundla to be formalised in the primary or local court system.

Another recommendation was that all land in communal areas be surveyed using low

cost techniques demonstrated by surveyors to the Commission. The surveying of land would start with the adjudication and mapping of traditional villages which should ultimately receive a village registration title. This was to formalise village boundaries and minimise boundary disputes. Such an exercise would require a lot of consultation with the communities and some significant amount of money. However, the Commission recommended that ward boundaries be altered in line with the old boundaries that coincided with chiefs and headmen areas prior the changes brought about by the District Councils Act of 1980.

In the final analysis the Commission recommended that, in the medium to long term, villages or districts which have fulfilled requirements for effective village level land administration as outlined above should cease to be state land and all land in communal areas should ultimately be traditional village land to offer a more accurate reflection.

3.3.2.4 Recommendations on the Legislative framework

The Commission recommended that the considerable number of laws on land and natural resources be consolidated and streamlined. In the process there is need for one major reference legislation on land, which overrides and guides all other legislation. The reference legislation could be referred to as the Land Act which will basically establish modalities for control of land, its use, its distribution and its administration. In addition, the Land Act shall monitor and enforce sustainable land and resource use management. This Act will also create a number of institutions to administer land at National, Provincial, District, Ward and Village levels.

3.3.2.5 Recommendations on the Administrative system

In view of the recommendations on the legislative framework the Commission envisaged that an appropriate administrative framework is one that is effectively decentralised in authority and function. The Commission therefore recommends that The Ministry of Lands, Agriculture and Water Development be the principal ministry to administer the proposed Land Act. The department of Lands be established as soon as possible and that all responsibilities for land within the Ministry of Local Government and Rural Development be transferred forthwith to this Department to arrest overlap conflicts and inefficiency.

The Commission also recommended that the proposed Department of Lands be decentralised to provincial and rural district levels. Land boards serviced by this Department should be established at village ward district province and national levels should be established and deal with all land administration issues in a transparent manner.

3.3.3 What was the significance of the Rukuni Commission?

It is critical to note that although the government accepted the report not all the recommendations were implemented. It seems all the recommendations on the administrative tenure systems except the issue of revisiting traditional boundaries were taken with interest. Surprisingly, those recommendations pertaining to legislative framework and those on the administrative system were completely ignored. Another critical issue neglected was the transformation of communal land from state to traditional ownership. But what can be the reason for this behaviour by

government?

Generally it has been observed that consensus building and broad consultations on land policy issues since independence in Zimbabwe have been limited (Moyo1996). Marongwe (1999) advances that the Rukuni Commission presented a step towards a broader consultation process concerning the most pressing land problems. However, he believes that the commission was limited in terms of wider forms as well as issues covered. His contention is that the commission addressed mainly tenure issues but failed to consider other crucial matters pertaining to land grievances, land based conflicts, and conflict resolution mechanisms. It has been pointed out that women in particular were not adequately represented in the commission and that most consultations were with men. In the light of the above, Marongwe believes that the commission did not address the real pertinent issues since transient commissions can not permanently resolve such crucial land issues as has been the tendency in Zimbabwe. The major challenge is one of developing long term institutional capacity to address the issues on an on-going basis rather than rely on Commissions.

Adams, Sibanda and Turner (1999) believe that Cabinet accepted advice that communal land tenure system be maintained but did not accept the state should relinquish the de jure ownership of communal land, but agreed that village communities should instead have perpetual usufruct rights of communal land. As already shown ownership and control of communal land signifies great influence and power over communities because their lives revolve on land. Viewed against this backdrop, it will be difficult for the state to let go of land because this will be tantamount to giving away power to traditional authorities. It therefore comes as no

surprise why the government accepted only those recommendations that did not threaten its power or hegemony.

My analysis of the recommendations reveals that the state was comfortable with those that would maintain the state superiority over the traditional leadership system. The International Crisis Group (2004) confirms that overall, the cabinet response to the Commission's response was slow and incomplete and the government rejected any recommendations viewed as a threat to its broad powers over land allocation.

The fact of the matter is that traditional authorities even if they have been recognised by the Traditional Leaders Act (2000), they can not solely sanction land allocation without the consent of council an elected institution and land authority. Traditional authorities have always clamoured for village community ownership of communal land as opposed to the state ownership. They also insist on the alteration of the current boundaries in the communal lands so that they coincide with chiefs and headmen areas for easy policing of traditional land tenure. Both the above recommendations including the one on the formulation of the Land Act (2000) were not considered. The reason for this is that perhaps the state wants to keep control of the traditional leadership structure by monopolising the ownership of communal land. As mentioned earlier he or she who owns communal land has power because it is the lifeblood of rural communities. This might explain why the state does not want to let go of communal land ownership.

My assessment of the recommendations of the Rukuni Commission reveals that the rural community viewed the traditional leadership as the bona-fide land authority as

opposed to the Rural District Council (RDC). The communities opted for traditional land ownership but what is striking is that the Zimbabwe government in its quest to maintain social control of rural administration ignored substantially this crucial issue from the rural folk. Instead, the government chose to modify the recommendations to suit its agenda of social control. Perhaps this explains why the sub district elected structures were kind of fused and subordinated into the traditional leadership structure following the new dispensation brought about by the TLA (2000) as shall be seen later. Flowing from the above, I argue that the Rukuni Commission advanced crucial, relevant and pertinent recommendations but the problem is that the state only considered those that did not threaten its hegemony over the traditional authorities and the rural communities to maintain social control.

3.3.3.1 Towards recognising traditional leaders

The report on the findings of the Rukuni Commission became a public document in 1995. This document was indeed the foundation for which some government policy initiatives were born. It therefore came as no surprise when in his speech to parliament on 4 May 1995; the President Mugabe stated that traditional leaders would receive the following powers:

- ❖ Village heads and headmen will chair the proposed village and ward assemblies. These proposed assemblies will superintend the work of the existing village and ward development committees in their areas of jurisdiction.

- ❖ Chiefs, headmen and village heads will be responsible for the general maintenance of law and order and for ensuring “good governance “in respect of all traditional matters
- ❖ Traditional leaders will administer resettlement and communal areas.
- ❖ They will assist the Councils in the allocation of land, prevent unauthorised resettlement in the communal areas and ensure the preservation of the environment.
- ❖ They will collect levies, taxes and other charges payable to the Rural District councils. (Parliament of Zimbabwe 1995:6)

Drawing from the nature of powers proposed, one realises that it is only those administrative roles that seemed palatable to the state that would carry the day. The proposed roles signify that traditional leaders can be used effectively to enhance state capacities and thereby play an important part in strengthening a weak local administration (Keulder1997). My interpretation of the President’s speech is that the head of state was in a way revealing which recommendations of the Rukuni commission would see the day and which ones will not. It was quite apparent that the government was less keen on those recommendations that would strengthen the traditional authorities’ sole power over land due to fear of losing social control. Thus, in a way Commission recommendations influenced government in the formulation of policies notably the traditional Leaders Act of 1998 as shall be seen later.

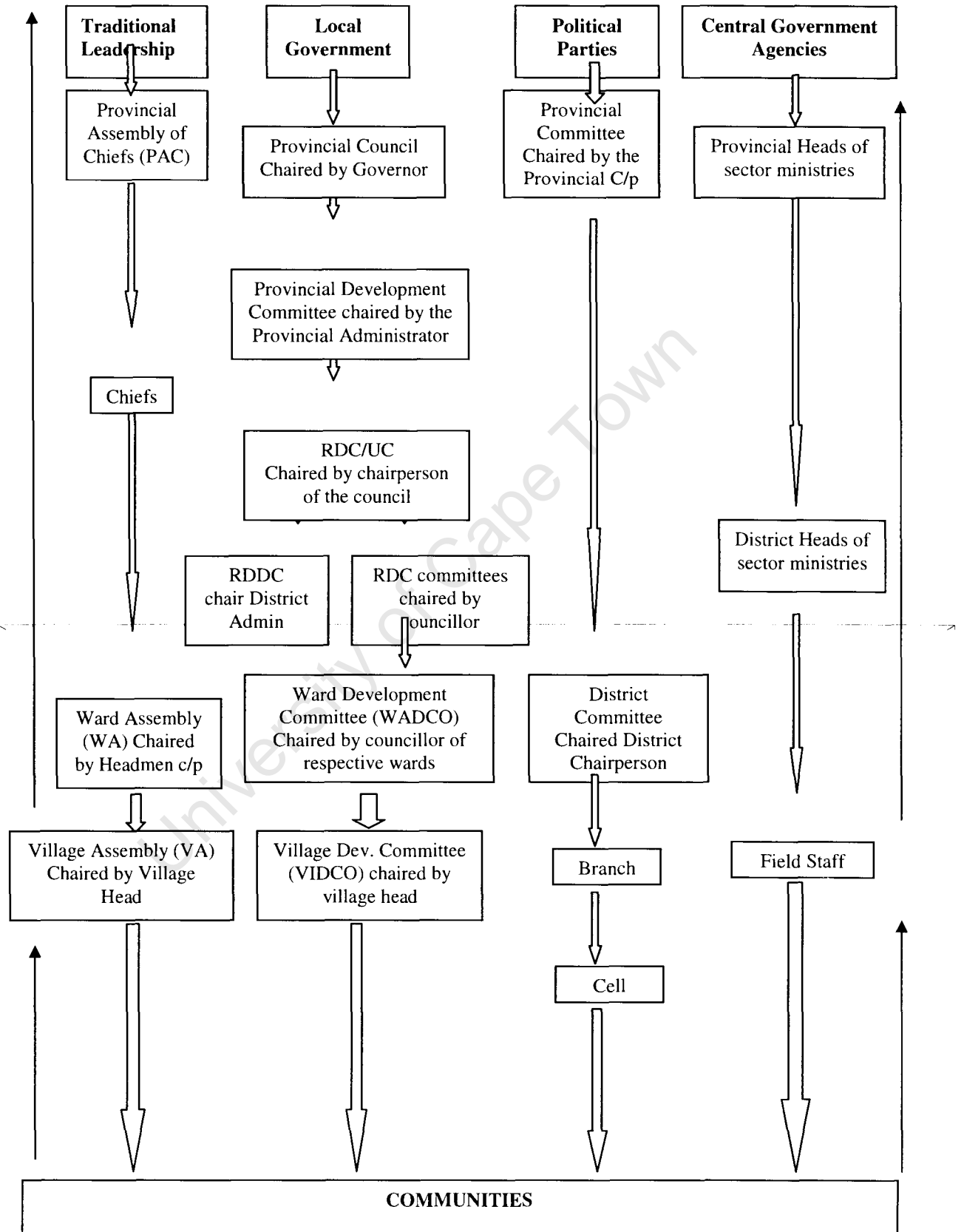
The proposals as enunciated by the President in his parliamentary speech were basically the same provisions of the Traditional Leaders Act as it obtains today. This then proves that the proposals were indeed a signal of which recommendations would be considered by government. It also signifies that traditional leaders might have re-asserted their influence in the land commission as a majority voting block and greatly influenced the recommendations in their favour.

3.3.3.2 The birth of the Traditional Leaders Act

In 1998 the government of Zimbabwe passed the Traditional Leaders Act (TLA) in response to some of the recommendations made by the Commission particularly with regard to land administration in the communal areas. The Act marked the beginning of the recognition of traditional authorities in rural governance whilst at the same time eroding some powers of the elected structures. According to Spierenburg 2004, the new act proposed the establishment of village and ward assemblies consisting of all adult village and ward inhabitants.

The assemblies are chaired by village heads and headmen. VIDCOs now became subcommittees of the village assemblies (as shown in diagram 2).

Diagram 2: The recognition of Traditional Leadership in Local Government following the Traditional Leaders Act of 1998



The ward assembly consists of all traditional leaders (headmen and village heads) in a given ward. The chairperson of the assembly is elected on its ranks. Its main function is to consolidate all the village plans from the village assemblies for integration into the rural district development plans. The above structure is serviced by the councillor (an elected representative) as its secretariat thus providing a link with the rural district council.

Below this structure lies the village assembly the governing body of the village. The village assembly is a forum where all residents above the age of 18 meet to consider developmental issues. Its main functions are to help the rural district council in the allocation of land and also adopt development plans from its technical committee (VIDCO). The village assembly is chaired by the village head (a hereditary lower tier structure of the institution of traditional leadership).

What is critical to note is that the Traditional Leaders Act brought in a new window of participatory democracy in the form of Inkundla (village assembly) within local government. Such a forum presented communities with a platform to air their views and concerns on village issues. It is a place where the voices of the people are heard since the structure is open to any resident of the village irrespective of sex as long as the person is above the age of 18. The issue of integrating village elected structures (VIDCOs) under traditional structures (Village and Ward Assemblies) is a unique development in the region because in Botswana, Namibia, Mozambique, Zambia and South Africa the opposite is true. Many a times the traditional leadership has been associated with patriarchy which discriminates against women and the youth but with the rise of the Traditional Leaders Act in Zimbabwe, such previously marginalised

groups are given the opportunity to participate in rural governance. It therefore becomes interesting to note this shift and ability to combine a hereditary structure and a democratically elected system of governance. Perhaps this goes to show that the institution of traditional leadership is not incompatible with the principles of democracy and can coexist with elected structures in contemporary local governance provided one strikes a balance between the two. To this end, the Traditional Leaders Act in a way tried to reconcile the overlaps and the role conflict /authority between traditional leaders and the elected structures of VIDCOs and WADCOs.

Critics of the above dispensation have however noted that some of the consultative processes within the Village and Ward Assemblies are smokescreens and ends rather than means of arriving at decisions based on a collective vision (Chatiza 2003). The argument is that the structures have not really empowered communities. Such critics have been on the basis of a number of points, Murombedzi (1997). First, the structures did not respect the existing territorial jurisdictions of they defined planning units using demography rather than geography and in the process disturbed the boundaries that defined association of life and identities. The traditional village forms a viable basis for relationships and identity both of which are critical for defining communities and act as central component of social capital essential for planning and managing community development. Second, is the aspect of rampant abuse of the structures by bureaucrats who use them as means of community mobilisation, institutions of rubber stamping and policy implementation rather than vehicles for land administration and participatory development. Spierenburg (2004) views the WADCOs vis-à-vis traditional leadership as less clear and this might cause a problem of role overlaps. In the light of the above, the Traditional Leadership Act seems to have retained some

ambiguity with respect to land authority in communal lands.

3.3.3.3 An analysis of the Traditional Leaders Act

One would think that now that the institution of traditional leadership has been recognised in land administration following the enactment of the Traditional Leaders Act, the problems of rural governance are now history. Whilst one appreciates the recognition of traditional authorities particularly in land administration, it is also important to highlight the shortcomings of the Act. It appears that the Traditional Leaders Act did not in essence empower traditional authorities on the issue of communal land administration because as it stands now communal land allocation and its disposal rights can not be effected without the sanction of the Rural District Council which is entirely controlled by elected representatives (councillors) on behalf of the state. Thus, the new structures village and ward assemblies seem to have strengthened the planning role of traditional leadership rather than its powers on land administration and natural resources management because they do not have any decision making mandate outside the Rural District Council which is the land authority.

According to Rugege (2003) although traditional leadership was recognised to work in close liaison with the elected representatives in communal land administration following the promulgation of the Traditional Leaders Act (2000) in Zimbabwe, (the traditional bodies) Village and Ward Assemblies do not have implementation powers. In the cases of land administration affairs, the Rural District Council still has the final say as per the provisions of the Communal Lands Act as already shown above.

Communal land tenure is still vested with the state than with the traditional authorities a situation that still renders traditional authorities weak.

Katerere(2004) in a bid to illuminate the problems brought about by the Traditional Leaders Act on traditional authorities argues that:

Chiefs are appointed to preside over their communities and to perform the functions of their office as traditional heads of the community. The Act does not define what these functions are and so at first glance although it seems that their roles in rule making, adjudication, mediation and distribution of resources have been restored this is in fact not the case .In respect of natural resources this responsibility has been located elsewhere...to state technical and managerial agencies, local government authorities, parliament and centralised ministries (Katerere 2004:9)

Her perception is that the Traditional Leaders Act (2000) reduces the traditional authorities to mere implementer or enforcer of state regulations with no authority to make rules that can be enforced legally without his support of the Rural District Council (RDC) the land authority.

In short the Traditional Leaders Act was not a long lasting solution to the issue of land allocation and control in the communal areas of Zimbabwe. As shall be shown in chapter four traditional leadership still feels that the idea of jointly allocating land with state agencies like the RDC is a political motive by the state to control the traditional leadership's freedom in land management a responsibility they long enjoyed prior to independence. Their position is that the government should fully recognise traditional or communal land tenure instead of the current lip service where they are still subjected to state control. Indeed the issue of who is who in land administration between the traditional leadership and the state represented by the

RDC still remains a bone of contention in contemporary Zimbabwe. As Metcalfe (1996) puts it, “the point of interface between traditional and modern land administration systems still remains an unresolved issue”. Be that as it may, the fact that the Traditional Leaders Act recognised traditional leaders through the formation of Village and Ward Assemblies chaired by hereditary leaders and overseeing elected structures poses a serious challenge to democracy. The other problem of the co-existence approach is linked to the mechanisms of accountability of traditional authorities. The critical question is how rural communities hold traditional structures accountable in case of any dissatisfaction? Flowing from the above, my analysis of the Traditional Leaders Act is that it modernised traditional leaders but did not democratise rural governance.

Ntsebeza (2006) advances that upholding the principles of democracy whilst also recognising the traditional authorities (a hereditary structure) is a contradiction. He calls the scenario “democracy compromised”. But why do most post-colonial governments recognise traditional authorities whilst at the same time uphold the principle of representative democracy? I argue that most such states Zimbabwe included find themselves in a political quagmire when it comes to how to deal with traditional leaders. They find it difficult to banish the structure because of its strong influence in rural communities whilst on the other hand it is equally difficult for the state to abandon its philosophy of liberal democracy where citizens are given their constitutional right to elect leaders of their choice. The only option left is for the state is to compromise and provide some space for both the elected and hereditary structures. It would appear that the state always leans on traditional leaders when it is convenient especially for political expediency. In the light of the above, the

Traditional Leaders Act seems to have compromised democracy by giving powers to a hereditary structure to oversee democratically elected structures. I further advance that when modern elected structures fail as already demonstrated in chapter two during the 1980s, traditional leaders seem to view their institution as the better alternative. Whilst one appreciates such a move, it is important to mention that for as long as resources are not availed to such a structure the institution of traditional leadership will equally fail to deliver to the poor just as good as the elected structures demonstrated in the early 1980s.

3.4 Conclusion

This chapter discussed the significance of the 1990s in Zimbabwe and outlined some possible factors that led the Mugabe government to reconsider traditional leaders after almost a decade of neglect in the 1980s. The chapter has also shown how the Rukuni Commission came into being and how it contributed to the promulgation of the Traditional Leaders Act in 1998. It argued that the 1990 era was a period of recognising traditional leaders to oversee democratic elected structures in rural governance. The chapter has analysed this Act and concluded that although it recognises traditional authorities, such recognition still gives the state too much control of the communal lands. Despite their invaluable influence in rural communities traditional authorities play a ceremonial role in rural governance. This therefore explains why the state has bureaucratised such an institution in order to gain control of the rural communities and become the dominant force in rural governance.

CHAPTER FOUR

THE DEMOCRATISATION OF RURAL AREAS IN ZIMBABWE: A CASE STUDY OF ZIMNYAMA WARD

4.1 Introduction

This chapter is about the role of traditional leaders in land administration following the changes that took place in Zimnyama ward during two significant periods, the decade of the 1980s and the era of the 1990s to present. It explores the way in which questions we have been trying to address in the previous three chapters played out during the past 26 years of independence in the given area. It opens with a description of the site and goes further to highlight the changes that took place in the domain of land administration and the role of chiefs during the period under review. To this end, the chapter through perceptions and opinions of interviewees reveals how these changes unfolded and how they affected the people in Zimnyama ward.

In summary this chapter tells us what happened in this area from 1980 to present with regard to traditional leaders and land administration. Zimnyama ward falls under the authority of chief Wasi one of the Ndebele chiefs who were renowned for their unwavering allegiance to the colonial state. It is primarily for this reason that the area was selected in order to illustrate the dynamics in land administration and chiefs in post-colonial Zimbabwe in an area that was predominantly governed by loyal traditional leaders. The argument advanced is that not everyone in the communal lands was supportive of the traditional leadership structure. Finally, the case study for Zimnyama ward was used to illustrate and illuminate that what happens on the ground

is different from what most policy pronouncements in Zimbabwe advance.

4.2 Historical background and context Zimnyama ward

The community of Zimnyama is located in the south western part of Zimbabwe in Matebeleland South province in Bulilimamangwe district. The ward comprises a population of 9479 people translating into 4310 males and 5169 females. The ward has a total population of 1426 households. (Bulilimamangwe Integrated Rural Development Programme IRDP, Survey Report 2003). Zimnyama ward is one of the 14 wards that collectively form Mangwe district that lies in the southern part of Plumtree town about 120 km from Bulawayo the second largest city in Zimbabwe. It is approximately 500km away from Harare the capital city of Zimbabwe. The ward lies in the Ramakwebana communal land which is bound to the west by Ramakwebana River that separates Zimbabwe from Botswana. To its east, the ward borders with Mpande communal land whilst on the north it borders with a commercial farms like Luscombe which stretches up to Plumtree town (see Map1).

The ward is composed of 6 villages namely Mapulule, Macingwana, Sosombane, Sikhulu, Osabeni and Vaka all of which fall under the jurisdiction of Chief Wasi, Headmen Magcobafuthi and 8 village heads. Zimnyama ward derives its name from Zimnyama regiment of the last King of the Ndebele Kingdom Lobengula who around the 1890s dispatched his warriors to come to Plumtree and defend the Kingdom from Boer attacks largely emanating from South Africa. When the Ndebele Kingdom was dislodged this regiment was disbanded and the area was named Zimnyama. The majority of the inhabitants of this ward are Ndebele speaking and a minority of

Kalanga speaking communities around Vaka area. The ward is situated next to Zimnyama small scale commercial farming area which comprises 86 black elite owned farms created by the Smith regime as a buffer zone between white commercial farmers and the native reserves. Incidentally, this Native Purchase Area took the bulk of the communal grazing area. Because of this, the area has the largest population of livestock mainly cattle in the whole district. The main economic activities for the ward are livestock and subsistence farming of crops. In this light, land becomes a very important asset in the lives of the Zimnyama community. Therefore, who ever controls land administration ultimately controls people. As Fisiy (1995) argues that for most rural communities, the control and management of land is at the heart of control over people. His assertion suggests that whoever controls land administration ultimately controls people as has been demonstrated by the turn of events in chapters two and three.

During colonial settlement communal people were deprived of both their grazing and arable land that became the bone of contention between the community and the settler regime. As shall be demonstrated by the interviews in the next section such apportionment of communal land did not go down well with the people of Zimnyama since it deprived them of their livelihood.

Inadvertently, the chief and the headman could not be spared the wrath of the Zimnyama community since they played a meaningful role in facilitating the movement of people to Macingwana and other outlying villages. It is reported that Chief Mpukane Ndiweni was awarded a plot for his loyalty to the state in the Native Purchase Areas but because the condition of ownership specifically stated that he had

to move from the reserves to the new area, the chief refused the offer on grounds that he would be detached from his people (Plumtree Native Commissioner's report 1956). Despite the turning down of the offer, the chief generally collaborated with the Smith regime especially on enforcement of rules and regulations from the state even if they were not in the interests of the people.

4.3 Traditional authorities during the 1970s in the Zimnyama ward

On the whole, the decade of the 70s in Zimbabwe saw the intensification of the war by the liberation forces and the increased desperation of the Smith regime hence the overdependence on traditional leaders for support. As noted in chapter two, it was during this period that chiefs were given authority over land administration in the communal areas. Hence all land in the reserves fell under the jurisdiction of chiefs and no one could dispense with land without the authority of the chief. The land allocation procedure was hierarchical and all requests for land were finally sanctioned by the chief who had the final say on land allocation matters. Because the chief was the land authority he had the right to decree certain cases of land allocation. Due to the above problems in the 1970s, traditional leaders in Zimnyama ward were generally viewed as oppressive elements and puppets of the Smith regime. The truth is not all chiefs collaborated with the colonial regime. It is the position of such leaders that put them in a compromising state since on one hand they were expected to represent the interests of the state as government bureaucrats whilst on the other hand the community expected them to represent their wishes as community leaders.

In order to gain support of rural communities against chiefs, party stalwarts of

Zimbabwe African Peoples Union (ZAPU) organised clandestine political meetings where traditional leaders were denounced as reactionary and traitors of the people because of their association with the minority government. Such political propaganda together with the collaborative roles of traditional authorities greatly influenced the community to perceive their traditional leaders with different lens

In this regard N.A Nkomo aged 54 said,

Before the rise of colonialism in Zimbabwe in the nineteenth century, traditional leaders were the custodians of people's culture and represented communities in all aspects of their lives .Due to the impact of colonialism, such influence was eroded and traditional leaders now became tools of the colonial master .In the 70s our chief and headman became spokesmen of the Smith regime who came to us with instructions from the District Commissioner (DC) in Plumtree on what we have to do. What worried us was that we were not afforded an opportunity to plan for ourselves but everything came down to us through the chief who told us what to do and what not to do. If you did not comply with the instructions of chief Wasi, you were either forced to pay a fine or sent to the DC where you could even suffer imprisonment and because of this we did not like the chief together with his headman and the village heads.¹

Another respondent Mr Lunga Ncube said,

During the 70s traditional leaders assumed a more political role where they were used as arms of the state against the people. Chiefs forced us to pay poll tax, dog tax, cattle levy, dipping fees and field levies during this time they no longer played their traditional roles effectively but over concentrated on their "messenger roles" from the state. Because of this we were no longer happy with the chiefs as our leaders.²

Also in support of the above view was James Ngwenya ,a war veteran, who said,

What I remember very vividly about traditional leaders in ward Zimnyama, is

¹ Interview with Councillor Nkomo 29 April 2006 at Mqegula Business Centre.

² Interview with L. Ncube 29 April 2006 at Mqegula Business Centre.

*that chiefs were used by the Smith regime to force us comply with some suppressive regulations such as contour ridge digging in our fields together with payment of land taxes. The chief was the final say in land allocation and at times you could be allocated a few acres of land for cropping even if you needed more. You had to justify to the chief why you wanted more land. Hence we tended to fear chiefs and obviously had less respect for them because of their association with the oppressive government.*³

Even Chief Wasi when asked to comment on how the people of Zimnyama perceived traditional leaders in the 70s responded as follows:

*In the 70s we received instructions from the District Commissioner and pushed them onto our people for compliance those who defied us were punished. This did not mean that we were monsters but we were forced by circumstances of the day. Even if we did any thing positive to our people they no longer trusted us because they always believed we were siding with the whites due to the influence of the nationalists who dubbed us “puppets” of the white minority government.*⁴

Despite the above views, some respondents supported the institution of traditional leadership and argued that the structure was responsive to their needs. Some nuances crop up in the Zimnyama responses. For example, Mrs R. Ndebele a 60 year old subsistence farmer from Mapulule village did not see anything wrong with traditional leaders in the 70s. She had this to say,

*The chief treated us well in the 70s by virtue of being the land authority, gave people land for settlement and cropping .In our area, Chief Wasi explained to us the importance of contour ridges hence we felt obliged to dig them in order to prevent soil erosion in our fields.*⁵

In support of the idea Mr Sigwaza aged 70 said,

Despite their association with the state, traditional leaders brought peace and

³ Interview with J.Ngwenya 29 April 2006 at Mqegula Business Centre.

⁴ Interview with Chief Wasi 24 April 2006 at the Chiefs homestead Macingwana vilage.

⁵ Interview with Mrs. R. Ndebele 24 April 2006 at Ngekhaya Business Centre.

tranquillity to our communities and many people visited them for help especially land allocation matters although clandestinely because of fear of victimisation by the guerrillas who did not want us to associate with such a structure.⁶

Mrs Maseko also an exponent of the traditional leaders said,

We did not have any problems with our chiefs in the 70s; they treated us well even if there was oppression from the whites their land programmes were okay. They used our traditional system of governance to guide our lives ...they demarcated arable from grazing area and during this period, settlement of people was done in an orderly manner. In our area our traditional leaders never betrayed us because our life continued as usual. They never restricted the size of our fields the only problem we experienced was lack of grazing areas due to the creation of the small scale farms of which they were involved in the implementation of this land apportionment in the late 50s.⁷

The analysis of the responses on traditional leaders and land during the 1970s reveals that the Zimnyama community was divided into two opposing camps. There were those, mostly women who never saw anything wrong with chiefs whilst the other camp composed of relatively younger people who were in the majority accused chiefs of having dictatorial tendencies and implementing an uneven land allocation processes. On one hand we had people complaining about chiefs by virtue of their land authority restricting the size of land one can use, whilst on the other we had people glorifying such traditional authorities. However, 8 out of 14 respondents viewed chiefs as extensions of government bureaucracy designed to enforce rules and regulations from the colonial masters. It is this role that led people to fear traditional leaders rather than respect them. For instance the Land apportionment Act and Land Husbandry Act which resulted in the creation of Small scale farms seem to have been the bone of contention. Thus the overall view of the Zimnyama ward was that

⁶ Interview with Mr Sigwaza 24 April 2006 at Ngekhaya Business centre.

⁷ Interview with Mrs Maseko 24 April 2006 at Ngekhaya Business Centre.

traditional leaders were not democratic since they were used by the settler regime against the people especially in the creation of small farms for a particular black middle class. The creation of such areas deprived communal people of their land hence people tended to associate the chiefs with the repressive laws of the Smith regime and the creation of reserves.

4.4 The impact of post-colonial policies on governance during the decade of the 1980s

It should be remembered from chapter three that the decade of the 1980s was a period where the new government embarked on a deliberate strategy to marginalise the powers of traditional authorities in land administration in favour of the newly elected structures. Consequently, a series of land policies were enacted during this era as detailed in chapter three. It is important to note that the Zimbabwe respondents did not mention or remember any of the pieces of legislation passed but what was glaring and vivid in their minds were the changes that were brought about by the land administration laws and how they impacted on the community. Most respondents remembered how the new structures mis-handled land administration affairs and how traditional leaders were sidelined during the above era.

It should also be remembered from chapter three that the Mugabe government following independence in 1980 was guided by Marxist ideology which did not recognise feudalistic structures like traditional authorities. Hence the intention of new government was to drastically curtail the role of traditional leaders in local government affairs because they were looked upon with suspicion, on the grounds of

having collaborated with colonial regime.

Faced with the resistance from traditional leaders rural local governance in the 1980s became more complex and ambiguous as the traditional and elected structures struggled for power to allocate land. The equal rights approach towards rural governance had failed to deliver the goods.

Incidentally, the Zimnyama ward respondents did not mention or remember any of the pieces of legislation enacted during the VIDCO era. What was glaring and vivid in their minds were the changes that were brought about by the land administration laws and how they impacted on the community. Most respondents remembered how the new structures mis-handled land administration affairs and how traditional leaders were sidelined during the above era because they were victims of the new approach.

To illustrate the changes that took place in Zimnyama Mr F Masisa had this to say,

When we got our independence in 1980, we also inherited our traditional leadership structure. Our politicians and freedom fighters who had despised such an institution in the late 70s some of them were now in government influenced the communities against traditional leaders. Traditional leaders were not trusted by the new government of Zimbabwe hence they were dumped or ignored and new leadership structures (VIDCOs and councillors) were formed to spearhead development and communal land administration. We now began to see such elected structures largely dominated by party stalwarts allocating land and directing rural governance whilst traditional leaders were ignored.⁸

To give a vivid account of what happened to the traditional leaders in the decade of the 80s in Zimnyama ward Mr Lunga Ncube asserted:

⁸ Interview with F Masisa 29 April 2006 at Ngekhaya Business Centre.

In 1980, everything concerning the traditional leaders vanished because we had earlier on been politicised into believing that when we get our independent Zimbabwe, no one will suffer from poverty, no one will oppress others and even the oppressive chiefs will stay like ordinary people in society. So, in a bid to achieve the above, all the above some legislation that wiped the powers of traditional leaders had to be passed. This process unfolded with the establishment of democratically elected councils, VIDCOs and WADCOs in the local government arena and the transfer of land allocation from chiefs to the new structures. The above changes were critical in undermining the traditional leaders as an alternative authority to that of the state.⁹

According to Mr Willie Dube:

The decade of the 80s saw the rise of the elected structures and the downward fall of the traditional leadership. We were summoned for meetings by party officials at engotsheni where we were exposed to such slogans as “down with traditional leaders and forward with the VIDCOs. Government also organised elections for councillors and members of the VIDCO and new boundaries were drawn resulting in the formation of wards and villages that cut across the previous traditional authority boundaries. For example following the formation of VIDCOs, we started seeing the demarcation of villages and wards as developmental units in the rural areas. The new legislation and policies did not recognise the traditional authorities and land administration became the responsibility of the elected structures. Because it was government policy we could not do anything ...we worked with the VIDCOs. Land allocation now became the responsibility of the new structures and the land allocation process now involved VIDCOs and the district council represented by the councillor. Traditional leaders were supposed to be elected into such the new structures if they were to play any meaningful role in rural governance.¹⁰

From the above respondents it is clear those traditional leaders in Zimnyama during the period under review were marginalised since their land allocation powers had been taken away.

The new changes were greeted with mixed feelings in Zimnyama ward. Some people felt that the move was justified whilst others thought that the strategy was uncalled

⁹ Note 8.

¹⁰ Interview with Mr W Dube 24 April 2006 at Zimnyama community hall.

for. When asked to comment on the sidelining of traditional leaders in rural administration, Mrs Elizabeth Moyo lamented,

*We welcomed the VIDCOs because they were the nearest point of reference before one could not think of a chief before the VIDCO. We were happy with their programmes of food distribution and drought relief. Ndiweni supported VIDCOs were good in food distribution and planning of programmes*¹¹

The other school of thought was against the elected structures. It attributed most of the problems of Zimnyama ward to the failure by VIDCOs to appreciate the role of traditional authorities in land administration. In a bid to illuminate this argument, councillor NA Nkomo said:

*VIDCOs caused confusion within the community because they allowed random settlement of people especially in grazing areas. Some people settled in grazing areas, others chopped trees randomly whilst some built their homes on sloppy and water logged areas because there was no control. It was during this era that we noticed a breakdown of traditional laws since no one was responsible for controlling the people any more because there was breakdown in land administration control. Traditional leaders continued to allocate land under the banner that land belonged to their ancestors whilst the VIDCOs advanced that they were legally mandated to do so by the new government. All this confused the communities as they did not know who was who in land administration.*¹²

Headman Magcobafuthi had his story to tell about the problems of the elected structures during the 80s at Zimnyama ward:

When the new Zimbabwe government came into power, we began to see newly established structures coming to take away our powers of land administration and settlement of civic matters/disputes. We also saw people being settled in our villages without our knowledge, fields or plots were allocated to people without our knowledge. The land allocation procedure where the chief had the final say now became a thing of the past and even meetings were organised by VIDCOS and the councillor without our knowledge. It was during this time that we saw the rise of “kangaroo courts” where civic matters were tried

¹¹ Note 1.

¹² Note 1.

*under the trees without our input. You know what; all these things frustrated us the traditional leaders.*¹³

The above responses illustrate the impact of the changes that took place in the 1980s. It should be remembered from chapter two that the era of the 1980s was characterised by the intended rise of elected structures and the fall of traditional authorities in rural governance. It appears the government was committed to undermine the authority of traditional leaders especially on land administration, but failed to sustain this move on the ground due to the resistance from chiefs and the failure of the new structures to deliver on the ground as already shown by the same chapter. Even though the Communal Lands Act (1982) advocated for the removal of land allocation function from traditional authorities, what was happening on the ground was different from the intentions of this act. It should be noted that it was during this period that we begin to see both the traditional and the elected structures allocating land. Consequently, the community was divided into two camps, those in favour of elected structures and those in favour of traditional authorities. This should be viewed against the backdrop of my argument that despite the failures of the VIDCOs not everyone in the communal lands was in favour of the traditional leaders.

The responses seem to be corroborated in the literature. Nyambara (2006) and the Rukuni Commission Report (1994) both confirm that generally the VIDCO era was marked by a breakdown in land administration which subsequently led to confusion and lack of control. The Rukuni Commission observed that the VIDCOs leveraged their developmental role at grassroots level and took over the role of traditional leaders on land administration. Consequently there was an increasing conflict between

¹³ Interview with Magcobafuthi 29 April 2006 at his homestead.

village heads and VIDCOs on land allocation. What is worth noting is that the evidence from Zimnyama ward suggests that not everyone supported traditional authorities.

But there is evidence that in Zimnyama ward some people approached the chief when they were in need of land instead of the councillor or VIDCO. Perhaps it is for this reason that traditional leaders continued to allocate land independent of the VIDCOs.

Nyambara (2006) affirms that the conflict between the two structures for authority to allocate land had little to do with the equitable and productive use of land, but was a struggle for power, patronage and economic rents over land. As demonstrated in chapter two, it was the struggle for power between the traditional and elected structures that ultimately divided the Zimnyama community into two camps.

To illustrate this point F Masisa re-iterated,

*The division of communities into two camps along traditional and modern axes was one of the problems we faced here. The elected structures lacked enforcement powers and offenders within the community escaped punishment because they did not obey the VIDCO or a councillor. Faced with such a scenario, the elected structures could not easily implement projects on the ground. Even if they never expressed their dissatisfaction about the changes the traditional leaders behind the scenes grumbled and castigated the move through boycotting the VIDCO meetings. They also harped on the importance of tradition and exposed the failures of the elected structures to their people especially on the issue of disregarding established land allocation procedures and failure by the VIDCOS to preserve fauna and flora.*¹⁴

Mr Willie Dube lamented:

¹⁴Note 8.

The manner in which the VIDCOS settled people in our villages smacked of corruption because we saw homesteads mushrooming everywhere and no proper consultation was done with us the people .When a village head raised this anomaly ,the traditional leader was ridiculed and told that he had no legal right over land administration .He was told that land in independent Zimbabwe can be utilised by anyone freely .It is this free for all approach that led to confusion, land degradation and lawlessness in the villages. Because of this confusion we began to see traditional leaders allocating land to people illegally, whilst VIDCOS and councillors also continued to apportion land .All this confused us because we did not really know who was who between the elected and the traditional leaders, this persisted until we got to the 1990s¹⁵.

The relevance of the above quotes should be understood within the context of my overall argument that not everyone supported traditional authorities in the communal lands of Zimnyama as evidenced by the division of the community into two camps. Those in support of the structure and those against it. Thus, it can not be generalised that the re-emergence of traditional authorities in post -colonial Zimbabwe was a result of the leadership structure's popularity or efficiency. There is more to it as shall be demonstrated in the next section. Additionally, the above quotes also signify that what is intended by law on paper might always be the case on the ground.

4.5 Recognising traditional leaders in Zimnyama ward the decade of the 1990s.

Debates have raged that because chiefs had been used by the colonial masters against the nationalists as detailed in chapter two, some authors like Bratton (1998) predicted that chiefs had lost claim to represent peasants and can not be rehabilitated. As demonstrated in chapter three, the above view was proved to have been over simplified. We have noted that despite continued legislation to limit the powers of

¹⁵ Interview with Mr Dube 29April 2006 atMapulule village.

chiefs in land administration during the 1980s, in practise traditional leaders continued to play a crucial role in matters related to land administration. As has been demonstrated by the chapter, the result was growing land anarchy resulting in serious land disputes within communities. It was the above situation coupled with the contradicting acts on land administration, which made the land tenure increasingly confusing and unclear.

In reaction to the above the government established the Rukuni Commission which laid the foundation of recognising traditional authorities through the enactment of the Traditional Leaders Act (2000). It is important to now show how the change of heart of the Mugabe government had an effect on peoples' lives in Zimnyama ward. The following are the voices on why and how traditional authorities were finally taken on board.

Mr Nkomo had this to say,

On the government's change of heart, the political climate in the 90s had changed drastically because a strong opposition party MDC formed in 1991 was gaining ground. We were told by ZANU-PF officials that the traditional leaders own people whereas the elected structures come and go through elections. Now we began to see a new shift mainly from the politicians as they supported the traditional leaders. Then came the Chiefs and Headmen Act where chiefs and headmen were paid a stipend by and so we began to see politicians and the ruling party officials now coming down to us to sensitise us on the importance of culture and the role of traditional leaders in rural administration government more than that of the councillors All these moves were clear signs that the traditional leaders were now getting attention from government.¹⁶

To concretise the above Mr Masisa said:

I think that the government realised that traditional leaders can be easily manipulated. What really happened here is that chiefs and headmen were

¹⁶ Note 1.

approached by politicians (ruling party officials) and lobbied for support against the rising opposition MDC. The traditional leaders were rewarded with the promulgation of the Traditional Leaders Act (TLA).¹⁷

On the above issue Mrs Maseko narrated:

I remember when chief Wasi addressed us at Zimnyama business centre following their meeting with the President in Harare. He explained to us that the government had realised its mistake of initially sidelining traditional leaders and now the elected structures will have to work under the owners of the people (traditional leaders).¹⁸

Some analysis of the above quotes reveals that the coming back of chiefs was largely influenced by political expediency. By virtue of the fact that traditional authorities commandeered a lot of influence in the rural communities, it was felt prudent by the state to bring them on board so that it neutralises the opposition. Thus, we begin to see some bureaucratisation of the traditional structure so that it serves by and largely the interests of the state. It appears that traditional authorities were transformed into agents of the ruling ZANUPF government more accountable to the state than to their people. This leads one to the observation that in both pre and post independent Zimbabwe the government has always manipulated traditional authorities because its powers to bankroll them.

9 out of 14 of the respondents stated that they attribute the Zimbabwe government change of heart to the failures of the elected structures to effectively govern rural communities especially in land administration and settlement of civic matters at local level. It is also important to note that it was mainly the traditional authorities and their sympathisers who were biased against the VIDCOS to such an extent that they failed

¹⁷ Note 8.

¹⁸ Note 7.

to realise the importance of elected leadership structures.

As much as one might admit the failures of the elected structures, it is paramount to highlight that the recognition of the traditional leaders was not because the structure is more efficient or better than elected leadership. My assessment of the situation is that the Mugabe government found the traditional authorities as the only suitable alternative given the unfolding of events as shown in chapter three. In addition, it is not true that elected structures dismally failed to govern rural communities as what most traditional leaders would want to project. The truth is government itself failed to provide adequate support to the new structures in the form of finances and adequate training as evidenced by the fact that VIDCO members were not fully trained and no regular elections were conducted to elect new incumbents.

9 out of 14 people interviewed believed that politics played a major role in influencing the government to change its view on traditional leaders. An analysis of this group reveals that most of them are ordinary citizens who probably are not afraid to mention publicly that the rise of opposition in the form of Movement for Democratic Change (MDC) in Zimbabwe played a key part in influencing the change of heart. Traditional authorities would find it difficult to bite the hand that feeds them by admitting that the government gave in to political pressure because they are bankrolled by the state.

It was quite interesting that the traditional leaders harped on the failures of the elected structures and were not keen to mention the blunders of government because they receive a monthly stipend from state coffers. In the light of the above, one can

therefore conclude that the relationship between the state and traditional authorities is not mutual. My view is that traditional authorities need the state more than it needs them and this is evidenced by the circumstances that led to the birth of the Traditional Leaders Act (2000) as detailed in chapter three. The issue of bankrolling traditional authorities by the state makes them more vulnerable to bureaucratic manipulation.

The findings from Zimnyama ward reveal that the socio political factors were crucial in influencing the government to recognise traditional authorities after ignoring its role in rural administration for some time. As already shown in Chapter three the political factors correlate with Keulder's theory of social control that advances that state power is contested especially by traditional leaders in rural governance. This leads the state to seek to co-opt and bureaucratise the chieftaincy in order to exploit the control it exercises over people.

We shall remember from this chapter that the Rukuni Commission initiated the re-emergence of traditional leaders as it laid the foundation for the enactment of the Traditional Leaders Act (2000). The respondents from Zimnyama ward did not recall the above pieces of legislation but remember the changes that took place in the role of traditional leaders in land administration. The land allocation procedure changed as the village Assembly became a vital body in allocating land. The headmen and the chief now receive information on who has been settled in a particular village. The headmen and the chief do not individually sanction or veto any application for land allocation as this now falls under the responsibility of the Village and the Ward assemblies which are chaired by the village head and the headmen respectively. The chief attends council meetings as an ex-officio with no powers to vote and council has

the final say on land allocation as the land authority. According to the Traditional Leaders Act (2000) traditional authorities through their assemblies assist council in the land allocation process.

The Zimnyama responses particularly those from traditional leaders and their sympathisers advocate a shift of land authority status from the Rural District Council to the traditional leaders. Eight out of 14 respondents were of the above idea.

To illustrate this point one of the sympathisers of traditional leaders Mr F Masisa a member of Sosombane village development committee lamented,

In my opinion the Traditional Leaders Act did not really give powers to the traditional authorities especially over land administration. I do not see any section of this act that protects chiefs from political manipulation and state control. Chiefs are not land authorities any more and the fact that they are bankrolled by the state compromises their autonomy. Our chiefs need autonomy so that they can be respected as legitimate leaders of the community therefore traditional leaders have to retain the land authority status so that they supervise the elected structures¹⁹.

There seems to be another dimension added to the puzzle of recognising traditional leaders. The 8 members suggested some integration of the elected structures into the traditional structures a situation that is more of subjugation than co-existence. In this light, its worth mentioning that the responses do not corroborate with the literature as advanced by Hlatshwayo who argues for the co-existence approach. However, the Rukuni Commission seemed to have captured this call by recommending the integration of elected structures into traditional systems of governance as shown by the establishment of Village and Ward assemblies coordinating the activities of

¹⁹ Note 8

elected structures save only the issue of the land authority.

The findings of the Rukuni Commission seem to indicate that traditional authorities were popular and this explains why many people consulted them in times of need. Whilst one might generally acknowledge this point, the findings from Zimnyama ward bring a new dimension that signifies that not everyone was happy with traditional authorities hence the split of the community into two camps as witnessed above.

The contestations by traditional leaders to retain land authority status prove that governance space is contested. It is the dominant force that takes more space and control of rural communities that survives. The state control of communal land ownership and its administration despite the promulgation of the Traditional Leaders Act (2000) goes a long way to concretise the above assertion.

4.6 Conclusion

This chapter has demonstrated how events in land administration and traditional authorities have unfolded from the 1980s to present. The case study has illustrated that many a times what policy says differs with what really obtains on the ground.

The chapter also challenges the impression advanced by Rukuni Commission that everyone in the rural areas of Zimbabwe supports traditional authorities. Contrary to the above assertion, it has been demonstrated that in Zimnyama ward there are some people who fall under the Mamdani school of thought who believe that traditional authorities should be elected into power or risk banishment for they have no role in a

democracy.

Be that as it may, some indications from the same ward signal that despite the bureaucratisation of this institution by the state, it still commands a lot of influence especially in customary land administration.

University of Cape Town

CHAPTER FIVE

CONCLUSION

This study sought to answer three interrelated questions. Firstly, the study aimed at understanding the role of traditional authorities in land administration in post-colonial Zimbabwe. Secondly, it sought to gain understanding of why the Mugabe government recognised traditional authorities after a decade of neglect. Thirdly, the study considered whether the recognition of hereditary traditional authorities is consistent with the principles of democracy based on representative government that became prominent from the early 1990s. The case study of Zimnyama ward was used to illuminate the above.

5.2 The role of traditional authorities in post-colonial Zimbabwe

It is evident from the discussions in chapters three and four that land administration is a contested area where the ultimate power to control rural communities rests.

Despite the new laws recognising elected structures in land administration, the state continues to recognise customary law in the allocation of land. In my opinion this contradiction gives traditional authorities the urge to continue allocating land. It is this high value attached to land by rural communities, which enables traditional authorities to continue to play a crucial role in land administration. The above argument seems to prove the theory advanced by Fisiy (1995) that there is a corresponding relationship between the one who controls land and the amount of power the stakeholder commands over rural communities. Where such control over land has been whittled away, their grip over the communities has been lost. It is therefore not surprising why the traditional authorities in Zimbabwe indirectly resisted the changes during the

VIDCO era in order to maintain their grip /control on the rural communities through the administration of communal land. It also explains that the importance of customary land administrative systems is the life blood for the survival of rural communities.

In the light of the above, the study has proven that for as long as people still believe in customary law as demonstrated by the Zimnyama community, land administration can not be effectively managed without the involvement of traditional authorities. Hence the laws governing land administration should be harmonised. Most importantly, the roles and responsibilities of traditional authorities in such laws should be clearly defined to avoid overlaps and conflicts.

5.3 Why did the Mugabe government recognise traditional authorities in the 1990s?

This thesis discussed and argued that a number of events should have influenced the post-colonial Zimbabwe government to recognise traditional authorities after a decade of neglect. The causes were categorised into internal and global forces. On the internal front, it was argued that the late 1990s in Zimbabwe saw the rise of meaningful political opposition to the ruling party (ZANU-PF). The rise of the economic hardships in Zimbabwe in the late 1990s and the beginning of the new millennium bred some favourable ground for the rise of opposition. This culminated in the birth of the MDC as a challenge to the ruling party's domination. In order to gain control of the rural folk and neutralise opposition, the state recognised traditional authorities in rural governance.

It was also demonstrated that the global, socio-economic and political change, notably the end of the Cold War and the fall of the Soviet as a superpower, contributed to the abandonment of Marxism- Leninism. This also marked the rise of multiparty democracy and capitalism as the dominant economic mode of production. Such a strategy was accompanied by the push for decentralisation over developing countries by the dominant West. In the light of the above, the Mugabe government seemed to have been greatly influenced by the global political and economic transformations in the world to have a change of heart in its position towards traditional authorities.

5.4 Can the two structures co-exist in rural governance?

This thesis argues that the co-existence approach encourages effective rural governance as it provides a window for tapping the positive elements of the two structures. Whilst one appreciates that representative democracy gives options to the people to elect a leader of their choice, it should also be noted that it is not the only game in town because traditional authorities are renowned for their participatory approach towards decision making. As has been demonstrated in chapter one, both elements representative and participatory democracy are key to responsive governance. In my opinion, the democratisation of rural governance lies in finding out how best the co-existence model can be operationalized in such a manner that it does not neglect the positive elements of both the two leadership structures. I therefore argue that traditional and elected structures should co-exist in rural governance as equal and mutual partners. Trivialising or denigrating one leadership structure at the expense of the other creates conflicts and struggles for power which ultimately confuses the community. In chapter three we saw how the Mugabe government

shifted its focus from the equal rights approach to the co-existence model of governance after the near collapse of rural administration. In essence neither the equal rights nor the co-existence model worked effectively for the rural communities. The way forward as argued above is that the co-existence model should be restructured to such an extent that it cultivates a symbiotic and mutual relationship between the two structures. The state should be a neutral arbiter rather than a key force in land administration.

In my opinion, rural development can be greatly improved if our post –colonial states build on the foundations of the positive features of traditional leadership rather than ridicule the structure as archaic and undemocratic largely due to the influence of the West. If rural people still believe in customary law where traditional authorities play a key role in land administration, then none of us has the right to challenge their choice. It should be noted that the fundamental tenet for democracy is giving people choices.

5.5 Concluding remark

We have seen how the equal rights model fared in Zimbabwe during the 1980's. The issue of marginalising traditional authorities in favour of the newly elected structures resulted in a host of problems in land administration. In the 1990s we begin to see the resurgence of traditional authorities through the promulgation of the Traditional Leaders Act (2000). This Act also came with some problems particularly those that question the nature of democracy under co-existence. My argument is that the nature of co-existence should be reviewed to ensure a mutual and symbiotic relationship between the two structures rather than integrating one structure into the other.

The fact that the majority of rural people opt to consult a hereditary institution instead of an elected structure especially on customary land administration, demonstrates that democracy is 'works in progress' and is perceived differently. An effective co-existence model ought to improve rural governance rather than inhibit it. It should tap on the positives of both worlds and leverage resources for the rural poor. The key challenge for those post-colonial states which subscribe to the co-existence approach is to make this model more responsive to the needs of the people without compromising on the tenets of representative democracy and the positive elements of the traditional structure. Following the above I argue that Africa cannot build a bright future without building on the foundations of the positive elements of the traditional leadership. The need for a more responsive co-existence approach in rural governance is paramount.

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APPENDICES

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Appendix 2:

Profile of respondents or interviewees

- I. Chief Wasi, male aged 69 and Chief of the area has Standard Four qualification.
2. Mrs Ruth Ndebele, female aged 50 and local farmer has a Standard Three qualification
3. Councillor Nana Albert Nkomo, male aged 54 and local councillor has a Junior Certificate
4. Mr Richard Sigwaza, male aged 60 and former Agricultural Extension Officer has a certificate in Agriculture and standard Six.
5. Headman Magcobafuthi, male aged 65 and Headman of the area has a Standard Two qualification.
6. Villagehead Ndiweni male aged 72 and local Village head has a Standard Two qualification.
7. Mrs Veronica Maseko, female aged 68 and local farmer has a Standard one qualification.
8. Mr Freddy Masisa , male aged 56 and former VIDCO chairman of the area has a Standard Six qualification.
9. Mr Lunga Ncube, male aged 54 and local farmer has a Standard Two qualification.
10. Mr James Vimba Ngwenya, male aged 52 and local farmer has a Sub B qualification.
11. Mr Willie Dube, male aged 62 and former VIDCO chairman of the area has a Sub B qualification.
12. Mrs Soneni Songo, female aged 43 and Ward Development Co-ordinator of the area has Ordinary level qualification.
13. Ms Sifiso Dube, female aged 39 and Acting Chief executive Officer of council has a diploma in Local government Administration.
14. Mr Jonathan Mlambo, male aged 42 District head Ministry of Youth and Employment creation has Ordinary level qualification.