

Land Divided Conference 2013

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Civil Society and Political Leadership in Zimbabwe: implications for land policy in SADC

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Abstract

In Zimbabwe, land ownership has been used as a political and economic tool under colonialism, the post-independence era and under the current power-sharing dispensation. The distribution of land ownership is a major factor that influences the transition from one social and political order to another. It is a key determinate in social structures and processes, establishing wealth, power and status on those who own it. Within various periods, civil society and political elites within Zimbabwe have maintained both cooperative and antagonistic relations that have shaped the distribution of land. This brief analysis will offer an historical examination of Zimbabwean civil society and political leadership to demonstrate how civil society has remained a key player in the land policy debate in Zimbabwe. It will also offer policy recommendations for both Zimbabwe and the SADC region as the Fast Track Land Reform Programme consolidates and Zimbabwe embarks on what it is hoped will be a new path towards democratisation.

Political leadership

Throughout the post-independence period, land has played a key role in the nationalist rhetoric of Zimbabwe's ruling party, ZANU PF, it continues to remain among the primary issues in its election strategy. Reason being: power is obtained through elections. And land can get votes and get votes fast. During elections, ZANU PF has successfully shaped a narrative, with land as a key issue, to tap into people's emotions and remind them about its role as a liberator, and to remind the majority of how Zimbabweans feel about their nation and the importance of land to the nation.

The period immediately following the defeat of the constitutional referendum in February 2000 acted as the catalyst for the start of the ZANU PF's overt abuse of land reform. While a country's political system determines the rules of competition and limits the powers and scope of decision-making available to political leadership and citizens, the rules are largely determined by political elites. Political leaders manage both physical and social environments and are responsible for responding to the political, economic and social pressures they produce¹. It is often the same in regards to

¹Pirages, Denis, *Managing Political Conflict* (New York: Praeger Publishers, 1976): 13

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the distribution of land ownership. Ownership is often determined by power relationships and distortions among political leaders².

In 2000, land re-emerged as one crucial satisfier to the overwhelming political, economic and social pressures that were a result of colonialism and exacerbated by structural adjustment. Land is a finite resource its ownership supplying wealth, social status and political power. Therefore, land tenure reform is political in nature as reforms seek to restructure patterns of wealth, social status, and prestige, passing power, property and status from one group to another³. People have needs, and because people have needs, they can be controlled and control others⁴.

In authoritarian states, political leaders either eliminate or co-opt institutions that threaten their hold on power. There are a myriad of ways this can be accomplished. For example, political leaders can decide not to hold elections, develop legislation that severely inhibits the flow of information and the freedom of speech, assembly or association. All the above has certainly been observed in Zimbabwe though ZANU PF, in an attempt to gain legitimacy and understanding the importance of civil society in the country, has sought to manipulate civics through establishing or co-opting civic groups (these are sometimes referred to as GONGOS, or government NGOs). For example, the Zimbabwe Federation of Trade Unions was established by ZANU PF to weaken legitimate labour movements and promote ZANU PF policies and propaganda.

Civil Society

Civil society serves as a vehicle for individuals and groups to organise and engage in collective action intended to pressure or control state institutions and political leaders in order to meet their needs. It is a “dimension of society set apart by its distinctive political functions⁵” and operates between private and public spheres of human life.

There are four main functions of civil society. First, civil society guards individuals and groups from intrusive state power and from other zealous individuals and groups within society. Secondly, civil society establishes connections between citizens and their leaders. By articulating interests and identifying goals that political leaders and citizens have in common, civil society can establish platforms for discourse, enhancing mutual understanding and shared experiences that can engender consensus and shape policy

² Binswanger-Mkhize, Hans P., Klaus Deininger, “History of Land Concentration and Reforms,” (paper presented at the SARP Conference on Land Redistribution: Towards a Common Vision, Regional Course, Southern Africa, 9-13 July 2007): 1.

³ Rukuni 2004.

⁴ Sites, Paul, “Needs as Analogues of Emotions,” in *Conflict: Human Needs Theory*, ed. John Burton (London: Macmillan Press, Ltd., 1990):26

⁵ Harbeson, John W., “Civil Society and Political Renaissance in Africa,” in *Civil Society and the State in Africa*, eds. John W. Harbeson, Donald Rothchild Naomi Chazan (Boulder: Lynne Rienner Publishers, 1994): 14.

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that is conducive to society's needs. Thirdly, civil society facilitates and regulates participation within a social setting. It mobilises citizens into action and pressures political leaders to shape policy development and implementation. Finally, depending on the political environment, civil society can open space where citizens can protest and seek to change policies that counter their identity and goals. It can initiate a process of socialisation whereby norms and customs that are compatible with human rights are internalized⁶.

There are however inherent weaknesses in civil society that could ultimately exacerbate needs deprivation. Distrust, apprehension, disorder, and displacement generated by conflicts rooted in a lack of needs satisfaction can impair civil society's ability to serve as a mechanism that facilitates dialogue and restores broken relationships within government, among government and citizens, and among citizens. Economic, social, political, and military conditions may not be conducive for civil society actors as they constrain the operability of organisations. Legislation restricting the activities and funding of NGOs and freedom of information have become popular mechanism to restrict civil society and threaten its members. Grassroots leaders are targeted by adversaries and risk being killed or may decide to live in exile, thus creating a vacuum of leadership and knowledge that facilitates a breakdown of communication and relations between the state and society⁷.

Once violence occurs, social cohesion and interdependence break down while mutual protections of interests are replaced by self-serving interests, further exacerbating violence. Competition over scarce resources, including land, increases the likelihood of violence, particularly in multi-cultural societies. As such, civil society will reflect these social cleavages, as interests narrow, and lose its ability to seek cooperation, represent interests across social cleavages and influence political leaders.

Overview of relations between civil society and political leadership in Zimbabwe

Independence

Historically, Zimbabwe has not had an organised civil society that has made demands for radical land reform (Moyo 1998; Masunungure 2008). At independence, civil society was largely underdeveloped. The previous settler regime confined blacks to indigenous/tribal life, occluding them from national politics. During the independence era, the Zimbabwean African National Union (now ZANU PF) had a number of political priorities that included the reversal of inequalities in land and asset distribution and to

⁶ Thomas Risse and Kathryn Sikkink, "The Socialization of Human Rights," in *The Power of Human Rights: International Norms and Domestic Change*, eds. Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, 1-39 (Cambridge : Cambridge University Press, 1999), 5.

⁷Sims, Bryan, *Assessing the impact of 'bottom-up' conflict management methods in Africa: The case of Liberia*, September 2008, unpublished dissertation.

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bestow access to civic and political rights to all citizens (Hammar and Raftopolous 2003: 4). However, the Lancaster House Constitution that dictated Zimbabwe's transition entrenched private property rights and enforced a 'willing-buyer, willing-seller approach that severely limited ZANU's ability to embark on land reform.

As ZANU PF sought to consolidate its control over the state, it laid claim as the sole legitimate representative of the Zimbabwean people, challenging other forms of organisation to join ZANU⁸. Organisations that opposed ZANU were subjected to severe scrutiny by the new government, often having their legitimacy, liberation credentials and nationalism publicly doubted⁹. As such, the expansion of civil society in the first decade of independence took place in the context of "state-centric developmentalism." The civil society that emerged operated along side the state. They were primarily welfare based and often complemented government policies.

1990's – Economic Liberalisation & ESAP

The 1990s saw a series of substantial changes toward economic liberalisation and the opening of democratic space. Two changes in particular had a substantial impact on civil society in Zimbabwe: the emergency powers, used by the Rhodesian government to intimidate, detain and arrest individuals who were perceived as a threat to the status quo, were terminated and the implementation of the Economic Structural Adjustment Programme (ESAP).

ESAP aimed to reduce government expenditure by removing subsidies, cost recovery, civil service rationalisation and parastatal reform¹⁰, this however had a devastating effect on the livelihood of ordinary Zimbabweans. As a result of ESAP, civil society observed several health indicators deteriorate, including birth mortality and maternal deaths, as well as an exodus of qualified medical staff from the country¹¹. Furthermore, the economic decline that afflicted Zimbabwe as a result of ESAP in the mid-1990s also saw a significant decline in formal sector employment, decimating the labour movement. This led to a massive exodus of Zimbabweans who sought economic opportunities in neighbouring countries.

The same period was also characterised by an increase in local and international support for governance and human rights activism. As ZANU PF failed to create a safety net for

⁸ Moyo, J.M., "Civil Society in Zimbabwe," *Zambezia* 20(1), 1993: 6-7.

⁹ Moyo, J; and Muzondidya, J, "From Buoyancy to Crises, 1980-1997," in *Becoming Zimbabwe: A History From the Pre-Colonial period to 2008*, eds, Brian Raftopolous and Alois Mlambo (Johannesburg: Jacana Media, 2008): 179

¹⁰ Dhliwayo, Rogers, "The Impact of Public Expenditure Management Under ESAP on Basic Social Services: Health and Education," University of Zimbabwe, March 2001: 1.

http://www.saprin.org/zimbabwe/research/zim_public_exp.pdf (accessed 27 November 2011)

¹¹ Dhliwayo, 1.

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Zimbabweans who were negatively affected by ESAP, a new context for policies on poverty reduction, development and land reform emerged¹².

Civil society's emerging role led to a contest between the state and civil society as civics challenged government on its failure to promote economic policies that were in the spirit of the country's struggle and sought to uplift and protect Zimbabweans. Public action was dominated by urban-based organisations that included NGOs, trade and farmer's unions, and business associations¹³.

The first major test of the relationship between government and civil society occurred when civil society began with a series of strikes organised by labour. The largest union, the Zimbabwe Congress of Trade Unions (ZCTU), even developed an alternative strategy to ESAP called "Beyond ESAP" in 1996.

War Veterans and financial crisis

In 1997, the War Veterans Association, a civic organisation aimed at protecting the interests of those who fought in the war for independence- many of whom were now poor and destitute, applied significant public pressure on President Robert Mugabe and ZANU PF elites to improve their standard of living through demonstrations, vandalising ZANU PF headquarters and publicly heckling of Mugabe on a nationally televised event. As a result, Mugabe, bypassing parliament, unilaterally announced that veterans would receive a one-time payment of Z\$4,100 and a monthly life pension of Z\$163. The government was unable to pay for these unbudgeted benefits, setting Zimbabwe on a collision course with International Finance Institutions and ultimately setting the stage for massive economic upheaval.

Also in 1997 civil society, comprised of coalitions of NGOs, labour unions, churches, student and women's organisations as well as other movements organised under the banner of the National Constitutional Assembly (NCA), and pushed for a new constitution to replace a constitution that was widely perceived as an imposition by its former coloniser, the United Kingdom. Activists and scholars point to the era of constitutionalism as pivotal in shaping the current polarisation that afflicts civil society in Zimbabwe. Civic organisations set the agenda for the constitutional reform process.

Growing social unrest and coordination between the NCA and ZCTU eventually led to the establishment of a new opposition party, the Movement for Democratic Change, which by 1999 had gained significant support within Zimbabwe's urban centres. As the economic and political crises deepened in Zimbabwe, civil society took the government to task over democratisation, openly challenging the ZANU PF.

¹² Moyo, Sam and Tendai Murisa, "Civil Society: Public Action towards a Transformative Agenda?" in *Contested Terrain: Land Reform and Civil Society in Contemporary Zimbabwe*: 71

¹³ *ibid.*

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2000 Constitution and 'No' Vote

The pressure around the constitution forced Government to initiate reforms that would result in a truly national constitution. However, President Mugabe established a Constitutional Commission of Inquiry (CCI), as opposed to a properly empowered independent National Constitutional Conference, as proposed by the NCA and the newly formed Movement for Democratic Change (MDC).

The 500-member commission, that included all 150 members of parliament – of which only three were opposition members - were handpicked to draft a new constitution. While the process consisted of a large-scale outreach programme, by civics and government, the President was under no legal obligation to incorporate the views of the people in the final draft. As such, Mugabe unilaterally altered the final draft before the referendum. Among other things, a new provision providing the compulsory acquisition of agricultural land for resettlement without compensation was added.

When government released a flawed constitutional draft to the public, civil society – including NGOs, trade unions, churches, business associations, and farmer's unions – united in their opposition under the National Constitutional Assembly (NCA) to lead a 'No' campaign during the constitutional referendum. The rejection of the draft was a major defeat for ZANU PF. From this campaign, various and contradictory class and social alliances emerged to threaten ZANU PF's hegemony; for example, black and white capital joined labour and other civil society groups to oppose government elites¹⁴. Sensing a threat to their political and economic hegemony, ZANU PF embarked on a defensive position that led to a clampdown on fundamental rights and freedoms. From that moment forward, civil society informally boosted the MDC's political campaigns in the 2000, 2002, 2005 and 2008 elections.

Super NGO's

Initially, civics struggled to develop a 'unified platform,' fearing their individual objectives and identities would get swallowed up. The remainder of the 2000s saw an explosion of "super NGOs" as international donor money poured into Zimbabwe, with human rights and governance issues leading the playing field¹⁵. NGOs were targeted by donors because of the strength they demonstrated during the "No" campaign, their ability to connect to grassroots (real and/or perceived), government's embedded corruption and financial mismanagement. In particular, super NGOs – ZESN, NANGO, the NCA, and Crises in Zimbabwe Coalition – are groups that engendered solidarity, able to cut across cleavages and channelled to pressure government on key issues. These coalitions helped make individual organisations less vulnerable to state coercion.

¹⁴ Moyo, Sam and Tendai Murisa, "Civil Society: Public Action towards a Transformative Agenda?" in *Contested Terrain: Land Reform and Civil Society in Contemporary Zimbabwe*: 71

¹⁵ Interview, Harare, 1 December 2011

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ZANU PF, Civil Society and Land Policy during the Crisis

The extensive occupations that began in 2000 forced the ZANU PF government to formulate and implement the Fast Track Land Reform Programme (FTLRP), that culminated in the transfer of approximately 11 million hectares, creating 147 000 new farm units, within a three-year period¹⁶. These occupations represented not only a decisive shift in power politics within ZANU PF, they have altered Zimbabwe's political economy in a way that will have very real and long-term implications for Zimbabwean's relate to each other and to the land.

According to the Research and Advocacy Unit, a Zimbabwe based NGO, ZANU PF has shaped the land message in the following way: land reform leads to Western-imposed sanctions, which leads to the desire by the West for regime change through elections and that now Western puppets – namely the MDC and civil society – are planning to interfere with Zimbabwe's sovereignty by imposing a roadmap for elections.

Brian Raftopoulos posits that ZANU PF needed to “contain, coerce and demobilise the structures and support of the opposition” of which land had a key role to play. He goes on state that ZANU PF, vis-à-vis the State, was able to do this in the following ways:

First, ZANU PF's nationalist ideology was recast in a more authoritarian, selective and racialised notions of citizenship and belonging¹⁷.

Second, the systematic dismantling of the rule of law and the judiciary. The state has repeatedly refused to abide by judgements opposed to its land policies. Judges on the High and Supreme Courts were forced off the bench and replaced with ZANU PF stalwarts who would support the government. Amnesties were granted to individuals who had carried out violent acts on behalf of the ruling party. The state instituted a series of draconian measures in the early 2000s, including the Access to Information and Protection of Privacy Act (2002), the Public Order and Security Act (2002) and the Non-Governmental Organisations Bill (2004). The NGO Bill sought to give the government sweeping powers over the activities of NGOs, including bans on foreign funding for organisations that address human rights and good governance. While not yet signed by the President, the ramifications of the Bill will have a serious impact on the ability of NGO's to function in Zimbabwe, potentially limiting funding and exacerbated divisions as organisations self-censored themselves as a way to avoid drawing negative attention from the government.

¹⁶ Murisa, T. “Lacuna in Rural Agency,” in *Land Struggles and Civil Society in Southern Africa*, Eds Kirk Helliker and Tendai Murisa (Trenton: Africa World Press: 2011): 115 and Sachikonye, L., “The land is the economy: Revisiting the land question,” *African Security Review* 14(3):32

¹⁷ Raftopolous, Brian, “The Crises in Zimbabwe 1998-2008,” in *Becoming Zimbabwe: A History from the Pre-Colonial Period to 2008*, Eds. Brian Raftopoulos and Alois Mlambo (Harare: Weaver Press, 2009): 213.

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Finally, the state has increasingly relied on intimidation and violence during elections with the militarisation of state structures¹⁸.

GPA/GNU and New Constitution

Following the immense campaign of state sponsored violence in the run-up to the presidential run-off in June 2008, a power-sharing agreement known as the Global Political Agreement (GPA) was agreed to by ZANU PF and the two MDC's.

At the heart of the GPA was Article VI. It mandated a commitment to develop a process in which a new Constitution should be agreed upon, and to be followed by new elections. The successful conclusion of which would complete Zimbabwe's return to a democratic political dispensation.

Unlike the Constitutional Commission that led the reform process in the late 1990s, the GPA required the establishment of the Constitutional Select Committee (COPAC), consisting of 25 members from ZANU PF, MDC-T and the MDC.

The GPA called for the development of an autochthonous constitution that was 'driven by the people' in an inclusive and democratic process. While the COPAC outreach process managed to hold a total of 4,943 meetings in all of the country's 1,957 wards, observers reported that although COPAC teams leading the consultative processes tried to ensure credibility, inclusiveness, transparency and accessibility, incidents of violence and intimidation created an environment of fear that prevented the full participation of citizens within the process¹⁹. The constitution-making process was therefore largely void of meaningful grassroots participation.

The new Constitution has separate provisions dealing with property rights generally and rights to agricultural land.

The Constitution established new principles that will guide any future policy regarding agricultural land. They are: every Zimbabwe citizen regardless of race or colour has right to acquire, hold, occupy, use, lease or dispose of agricultural land; allocation and distribution must be fair and equitable and have regard to gender balance and diverse community interests; land use should promote food security, good health and nutrition, generate employment and increase productivity and investment; no arbitrary deprivation of right to use and occupy agricultural land.

¹⁸ Raftopoulos, Brian, "The Crises in Zimbabwe 1998-2008," in *Becoming Zimbabwe: A History from the Pre-Colonial Period to 2008*, Eds. Brian Raftopoulos and Alois Mlambo (Harare: Weaver Press, 2009): 213-215.

¹⁹ ZZZICOMP, Final Report: Shadowing the Constitution Process.

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The right of usage and occupation of agricultural land is vested within the State. Occupiers with a lease or other agreement with State, continue to be entitled to use and occupy land under new Constitution.

The State is obliged to give lawful owners and occupier's security of tenure. Ownership can be transferred by individuals or the State if they own it, for value. However the State cannot transfer more than 1 piece of land to same person or his/her dependents.

Compensation (land and improvements) will be provided by the State to any indigenous Zimbabwean whose land was acquired before Constitution came into force; and any person whose property rights were protected by agreement between Zimbabwe government and the government of another country. The manner of assessment and payment is to be provided for by an Act of Parliament. Worryingly, the distinction between compensation for indigenous Zimbabweans can potentially be challenged as discriminatory. Additionally, there is a contradiction between provisions here and those in the Declaration of Rights, which state that only compensation for improvements can be paid, payment subject to funds being provided by former colonial power.

Finally, a Zimbabwe Land Commission has been established to ensure accountability, fairness and transparency in administration of agricultural land. However, the President appoints all its members without regard to the recommendations of any other body or that body's approval.

Within the constitution-making process, civil society was able to engage Government and influence the trajectory of future of the Zimbabwean Constitution. Two All Stakeholders Conferences took place, the first in July 2009 and the second in October 2012. These two Conferences were largely successful, due to the fact that limited participation of civil society took place and the proceedings were non-violent. Nonetheless, discussions during the thematic committees were polarised and made it difficult to engage in substantial debate. At the conclusion of the Conference, Mugabe made the alarming declaration- that the Principals, not the people, will have final say over the composition of the draft that is put to referendum.

On March 16 2013, a new indigenous constitution was overwhelmingly passed by approximately 95% of those who cast a ballot; of which, just over 50% of eligible voters participated in the referendum.

Constitutional challenges

As we approach the general elections that are tentatively set for 29 June, a number of key provisions of the GPA, particularly relating to land and citizenry have however yet to met.

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Article V of the GPA addresses the land question. The Article contains elements that are both purely political and quasi-legal. The purely political undertakings are (1) placing the primary obligation of compensation on the UK (2) for each of the principle political parties to work together to support land reform (3) for the parties to work toward achieving productivity of the land and, finally, (4) that all previous land acquisitions are “irreversible²⁰.”

Article V also requires a comprehensive land audit for the “purpose of establishing accountability and eliminating multiple farm ownerships” and to see that land is allocated irrespective of race, gender, religion, ethnicity, or political affiliation. An audit is a massive undertaking and will require substantial funding from donors who remain sceptical. It would have to be overseen by relevant ministries – local government, agriculture and/of land – each of which remain in the hands of ZANU PF²¹.

Without any control or influence over these relevant ministries, neither MDC faction has been able to compel the implementation of an audit. The GPA also states that land tenure should be secured, but tenure is not defined. Currently, many farmers in Zimbabwe hold property based on lease agreements that can be terminated at any time by ZANU PF affiliated officials. In terms of the constitution of the Land Commission, the President can unilaterally appoint all of its members without regard to the recommendations of any other body or that body’s approval.

Furthermore, the GPA recognised that all land should be used productively to benefit all “Zimbabweans.” Yet citizenship in Zimbabwe, as defined by the new constitution, can be used to continue to exclude those that the party and its supporters perceive to support the opposition.

Civil society, the new Constitution and land

As highlighted above, although the constitution has its flaws and there are still a number of issues to be addressed, it is however widely acknowledged that without the support of civic groups the constitution and subsequent referendum would not of been held. This paper will present a sace study overview of civil society and the vital role it played in the constitutional and land reform process.

Land and women

The Group of 20 is comprised of civil society representatives, academics, and representatives of the Women's Parliamentary Caucus and COPAC. The Group of 20 emerged as a platform for women to discuss, mobilise, and organise action around the new constitution, both developing policy and strategy, and advocating for specific measures. It also provides a crucial link and

²⁰ Matyszak, Derek and Tony Reeler, Articles of Faith: Assessing Zimbabwe’s “GPA” as a Mechanism for Change – A Legal Perspective, Research and Advocacy Unit: 14.

²¹ Matyszak, Derek, 15.

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feedback mechanism between different women's groups and those who were responsible for drafting the new constitution, in addition to donors, political parties, MPs and other civil society actors.

The G20 conducted a gender audit of the draft constitution to assess the impact on women of all proposed measures and amendments. They successfully mobilised women from grassroots organisations and national bodies, to advocate around its 'manifesto' for the constitution. Significant concessions were won by the Group, that included several of the demands made within their manifesto:

- Provides for affirmative action to promote equality and remedy past discrimination;
- Invalidates customary laws and practices that infringe on women's rights;
- Gives government the obligation to prevent domestic violence and provides individual right to freedom from private violence;
- Provides for equal pay/equal work, equality in promotion, paid maternity leave and measures including family care to facilitate women's work;
- Provides for equality in marriage and guardianship of children;
- Provides for basic social and economic rights – shelter, food, water, education and health care;
- Establishes a Gender Commission;
- Provides for the domestication of international conventions on gender; and
- Includes provisions for gender balance in distribution of agricultural land, gender balance on a Land Commission, and for the adoption of affirmative action measures to ensure women have equal opportunities in development.

Civil Society Challenges

A serious deficiency in Zimbabwe's critical civil society however is its inability to challenge decision makers of all political persuasions as well as policy's put forth by the GNU. The divisions among civil society that emerged after the creation of the MDC created ripe opportunities for powerful interests, especially those aligned to ZANU PF, to target and manipulate organisations. A critical look at civil society finds that it remains largely critical of ZANU PF and its affiliates while ignoring, at least publicly, the shortcomings of the other principle parties, particularly with regard to their leadership, policies and their lack of internal democracy²². For example, *The Herald*, a state owned newspaper, often reports stories that are biased in favour of ZANU PF. Opposition journalists are regularly intimidated, harassed, arrested and detained under dubious circumstances.

²² Interview, Harare, 30 November 2011

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Sectoralisation

A significant challenge faced by civil society is “sectoralisation”. The secretariats of many of the major civil society coalitions are isolated from each other and operate in silos and independently of activities and discussions taking place on the ground²³. Sectoralisation has impeded the development of a united front capable of challenging government²⁴. Most NGO’s are based in Harare which facilitates a detachment from rural constituencies, where approximately 65% of Zimbabweans live²⁵, and where people are the most vulnerable. Many organisations have failed to build the necessary structures to connect with the grassroots level, leaving them without constituencies needed to generate collective action and to hold civics accountable²⁶. Linkages between urban and rural areas, in respect to civil society, are critical to supporting collective action outside urban centres. In rural areas, challenges of acquiring resources and distance inhibit collective action. With a significant amount of rural dwellers, the lack of these linkages ignore or facilitate misperceptions of the needs of rights holders in the rural areas, leaving them susceptible to government sponsored intimidation and violence.

Mistrust

The primary issues in which cooperation between civil society and government take place can be found within health, education and gender. Yet, distrust of government’s motivations and intentions persists. Some activists believe that members of ZANU PF are using these issues to buy votes²⁷. This distrust is largely predicated on ZANU PF’s neglect of these areas in the past. For example, when hyper-inflation peaked in 2008, donors, not government, were responsible for the coordinated response to the cholera outbreak. Cooperation on issues pertaining to education and gender are also tainted by mistrust. Civics noted opportunities for electoral fraud, citing ZANU PF’s use of teachers as polling agents and schools as poll sites and the use of the 2006/8 Domestic Violence Bill as a smoke screen by ZANU PF to divert attention from its anti-democratic behaviour²⁸.

Funding

Foreign donors continue to play a vital role in both strengthening and weakening civil society. Zimbabwean civil society actors continue to rely heavily on donor support. There are those few organisations in Zimbabwe that are well funded by donors while a multitude struggle to attain the necessary funds to exist; for example, Counselling

²³ Interview, Harare, 1 December 2011

²⁴ The only exception that can be considered is when civics joined in 1999 to defeat the constitutional referendum.

²⁵ Zimbabwe Profile, UN Committee on World Food Security (Available at: <http://www.un-foodsecurity.org/countries/zimbabwe>); and Zimbabwe, CIA World Factbook (Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/zi.html>).

²⁶ Interviews, Harare, 1-2 December 2011

²⁷ Interview, Harare, 29 November 2011

²⁸ Interview, Harare, 30 November 2011

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Services Unit, Crisis Coalition, and Zimbabwe Lawyers for Human Rights. This is indicative of a bias among donors while also demonstrating that donors are not doing enough to seek new partners, particularly outside of Harare. This poses a serious risk and is counter productive to developing civil society *throughout* Zimbabwe.

Outside of the commercial sector, NGOs offer the best paid positions in Zimbabwe²⁹. This led to the establishment of “briefcase NGOs” and attracted individuals whose motivations were centred not on altruistic intentions, but self-aggrandisement. Competition for funding, distrust, and organisational and individual egos also continually undermine cooperation.

Brain Drain

Civil society has undergone a substantial brain drain as a result of Zimbabwe’s mass outward migration and from key civics undertaking positions in government or within political parties (especially within MDC-T). This has exacerbated civil society’s technical deficiencies, inability to build organisational capacity and governance problems; especially accountability and transparency. Currently, the average length of time of staff are involved in NGO work in Zimbabwe is two years. This is well below the time needed to develop the expertise and skills to undertake the tasks at hand. A ‘founder’s syndrome’ is prevalent within many organisations, whereby the first leader of the organisation runs it like a private fiefdom.

In regards to land policy, most civil society organisations have participated in activities grounded in research and advocacy in order to formulate and implement policy. Understanding the needs and politics underlying land policies pertaining to rural ownership are essential for political elites and civil society to formulate and implement land policies. Helliker posits that most of these organisations are urban-based NGOs³⁰ while Moyo argues that NGOs do not represent the interests of the landless³¹.

Conclusion

In Zimbabwe today, land must be considered in the greater context of the restructuring of the political economy. Power has largely been consolidated by the securocrats and political elites associated with each of the principle political parties. Land, in addition to the stripping state assets and the abuse of social justice programmes, like empowerment legislation that is meant to be used for the beneficiation of citizens, is being used to enrich individuals and their patrons.

²⁹ Interview, Harare, 30 November 2011

³⁰ Helliker, Kirk, “Dancing on the Same Spot: NGOs,” in *Contested Terrain: Land Reform and Civil Society in Contemporary Zimbabwe*, eds. Sam Moyo, Kirk Helliker, and Tendai Murisa (Pietermaritzburg: S&S Publishers, 2001): 239-304: 240.

³¹ Moyo, Sam, *Land and Democracy in Zimbabwe* (Harare: SAPES Books, 1999)

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Additionally, the diamond trade in Marange is inextricably linked to land reform. To have proper land reform and redistribution in Zimbabwe today would mean the restoration of property rights. If restored, the military/economic complex responsible for the diamond trade would not be able to operate.

Should the MDC-T gain political power, ZANU PF would seek control of economic resources and to ensure that members of the party elite, the military elite and families can maintain their wealth with land ownership being a key factor.

The establishment of the Government of National Unity under the Global Political Agreement was responsible for carving out the space civil society needed to challenge and pressure the government into respecting human rights. Despite this, civil society continues to struggle to define itself and effectively re-emerge as a key player in Zimbabwe's transitional inclusive government. An alternative strategy that could be adopted by civics is that they could take a hard line on issues, allowing the MDC-T to be seen as accommodating the middle ground by putting forward acceptable positions that bridge civil society and ZANU PF. However, this strategy is compromised by how close the civics are to MDC-T as well as civics lack of voice within the post-2008 political paradigm. The establishment of the inclusive government has seen donors once again seek to channel funds directly through the government, lessening their reliance on civil society.

Polarisation among civil society is a result of historical intolerance of political opposition and dissent that created an environment where civics are susceptible to interference and manipulation. This was evident in the period following independence and re-emerged in the 2000s following the defeat of the constitutional referendum. The emergence of the MDC from civil society, as well as civil society's current inability to critique all of the principle parties to the GPA, has compromised its role and ability to serve as an objective player in Zimbabwe's post-2008 political environment.

Finally, the Southern African Development Community (SADC), as the guarantor of the GPA and the mediator of Zimbabwe's democratic transition, will have to address the myriad of linkages to land in one form or another. Land is linked to the reduction of poverty and gender equality – key SADC objectives – but will also emerge in the future debate around amnesty should the MDC-T win an election.

Key Recommendations for SADC:

- Land issues across southern Africa continue to remain topical and are ripe for creating or exacerbating conflict;
- The SADC Land Reform Support Facility must be capacitated to consolidate the gains made under FTLRP; and

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- SADC must engage civil society as they continue to play an integral role in shaping Zimbabwe's transition.

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