



Centre for Conflict Management
and Transformation

Roles and Responsibilities in Rural Local Governance in Zimbabwe: PARALLELS, OVERLAPS AND CONFLICT





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Roles and Responsibilities in Rural Local Governance in Zimbabwe:
Parallels, Overlaps and Conflict

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Table Of Contents

INTRODUCTION	6
SECTION ONE: THE STRUCTURE OF RURAL LOCAL GOVERNANCE	8
The Structure of Rural Local Governance	9
The Geographical Hierarchy of Rural Local Governance	9
THE LEGAL BASIS OF LOCAL AUTHORITIES	11
District Administrators	11
Traditional Leaders	12
Rural District Councils and Councillors	14
Assemblies and Committees	15
Powers and Responsibilities of Local Authorities	17
CONCLUSION	19
CASE STUDIES	21
Land Allocation	21
Double Allocation	22
Allocation of Land for Expansion of Growth Points	23
RESETTLEMENT AREAS	24
Conflict Between Farm Committee and Village Heads	24
Conflict Over Development Priorities in Resettlement Areas	25
The Expansion of Traditional Leaders into Resettlement Areas	26
Tenure and Authority in Resettlement Areas	27
DEVELOPMENT INITIATIVES AND DISTRIBUTION OF AID	28
Coordination of Aid and Development Initiatives	28
Unequal Allocation of Support from Central Government	29
Influence of Political Parties on Local Governance	30
Conflicting Claims of Legitimacy Between Chiefs and Ward Councillors	30
Appointment of Special Interest Councillors to Counter Opposition	
Inroads in Rural Areas	31
Revenue Generation	31
CONCLUSIONS	32
RECOMMENDATIONS TO LOCAL AUTHORITIES:	34
Revive RDDC as the Primary Development Authority	34
Recognise the Role of Village Heads	34
Local Authorities Should Be Heard in National Policy Dialogue	35
RECOMMENDATIONS TO CENTRAL GOVERNMENT:	36
Legislative Alignment	36
Clarify roles and responsibilities in Resettlement Areas	36
Restore Revenue Powers to Local Authorities	37
RECOMMENDATIONS TO CIVIL SOCIETY:	38
Consult Widely	38
To Rural Residents:	38
BIBLIOGRAPHY	42



Introduction



This research paper describes parallels and overlaps in the responsibilities and power of the local authorities that govern rural Zimbabwean communities, where the majority of Zimbabweans live. The paper goes on to demonstrate how these parallels and overlaps generate conflict in these communities. These conflicts impede development, fragment rural communities and can result in violence.

The objective of the paper is twofold: First, to initiate a conversation amongst rural local governance leaders and their partners on how

best to share roles and responsibilities in order to mitigate conflict and support development. Second, to orient civil society actors seeking to undertake development and civic work in rural Zimbabwe. By providing a practical map of the structure of rural local governance, including potential partners and pitfalls, the paper will support the development work of civil society in rural Zimbabwe.

In the first section, the paper develops a blueprint of the basic structure of rural local



governance in Zimbabwe and, in the second, the paper describes conflicts that emerge as a result of parallels and overlaps in rural local governance structures.

The Centre for Conflict Management and Transformation (CCMT) has been working to mediate conflict in rural Zimbabwe for five years, with a particular focus on rural

communities in the Midlands province. To describe the effects of parallels and overlaps in rural local governance, this paper draws on CCMT's experience working with rural Zimbabwean communities and their leadership structures. The structures themselves are also described in terms of their history, function and enabling legislation.





Section One: The Structure of Rural Local Governance



This paper describes and analyses the system of local governance that operates in rural Zimbabwean communities. This system encompasses three distinct authority structures that each draw on divergent sources of legitimacy, and exercise power in distinct but overlapping zones of competence and jurisdiction.

- Traditional Leadership, whose authority derives from custom and history
- Councillors, whose authority derives from local popular election
- District Administrators, whose power flows

directly from central government

This system is remarkably dense and complex, with multiple, nested institutions and office-bearers stretching from individual villages hierarchically up to the provincial and national government.

The first task of this paper is therefore to describe this intricate structure in its ideal form, before moving to a discussion of the practical implications for communities governed by these parallel and overlapping authority structures.¹ In the following

¹ For further details on rural local governance, see (amongst others): Derek Matyszak, "Formal Structures of Power in Rural Zimbabwe"; Zimbabwe Institute, "Local Government: Policy Review,"; John Makumbe, "Local authorities and traditional leadership" (2010); John Makumbe, *Development and Democracy in Zimbabwe: Constraints of Decentralisation* (Sapes Trust: 1998).



discussion, the “formal” legal authority of district authorities and councillors is contrasted with the “customary” authority of traditional leaders. While all three structures have a basis in Zimbabwean law (though to differing extents, as discussed below), traditional leaders also draw their authority from an unwritten body of local customary practice that is distinct from the more technical and legal authority of the “formal” bodies.

The Structure of Rural Local Governance

The independent state of Zimbabwe inherited a centralised form of government from the colonial state. The 1984 Prime Minister’s Directive on Decentralisation and Development, subsequently passed into law as the Provincial Councils and Administration Act, established the blueprint for rural local governance in Zimbabwe. This Directive sought to decentralise developmental authority to rural communities, and identified the Village Development Committee as the basic unit of organisation in rural governance.²

In practice, however, power continues to reside in larger administrative units, especially the province and district. This

is the case despite legal commitments to decentralisation, including Section 264 of the 2013 Constitution, which states: “Whenever appropriate, governmental powers and responsibilities must be devolved to provincial and metropolitan councils and local authorities which are competent to carry out those responsibilities efficiently and effectively.”³ As in many other areas, this constitutional provision awaits appropriate implementing legislation in order to bring laws into alignment with the requirements of the national governing law.

The following sections describe how authority is allocated and structured at different levels and between the three local authority structures identified above.

The Geographical Hierarchy of Rural Local Governance

The largest administrative unit within Zimbabwe is the province. There are 10 constitutionally established provinces, including the two metropolitan provinces of Harare and Bulawayo.⁴ Each province, excluding the two metropolitan provinces, has a Provincial Council comprising senators, chiefs, Members of the National Assembly and others.⁵

² Makumbe, 2.

³ Constitution of Zimbabwe (2013), Section 264.

⁴ Constitution of Zimbabwe (2013), Section 267.

⁵ Constitution of Zimbabwe (2013), Section 268.



The eight non-metropolitan provinces are divided into 28 Urban Councils and 55 rural districts, with between 6 and 8 rural districts in each province.⁶ The population of districts varies from approximately 50,000 to five times that number. Each district is administered both by a District Administrator and a Rural District Council (RDC), whose competences are examined in detail below.

The domain of traditional leaders does not align perfectly with these formal administrative boundaries. There are over 250 chieftanships nationwide; a single district will typically include the domains of more than one chief, and may include several chieftanships.

Each district is in turn subdivided into wards. There are approximately 1,200 wards in Zimbabwe. The registered voters in each ward elect a councillor to represent them in the RDC. In terms of traditional leadership, wards are represented by headmen.

Finally, the smallest developmental unit in rural Zimbabwe is the village, comprising an average of approximately 35 households. In terms of traditional leadership, villages are represented by village heads or sabhuku. Wards group together six or more Village Development Committees or Vidcos.⁷ Vidcos typically represent a village, though they may also represent a more scattered grouping of homesteads.

This tripartite structure of government can be represented, in its ideal form, in the following table:

LEVEL\OFFICE-BEARER	Traditional	Local Government	Central Government
District	Chief*	Council	District Administrator
Ward	Headman*	Councillor	
Village	Village head		

* Typically more than one chief per district and more than one headman per ward.

⁶ The structure of Urban Councils lies outside the scope of this paper. Draft local government legislation circulated in 2014 merges urban and rural councils into a single legislative structure.

⁷ Zimbabwe Institute, "Local Government: Policy Review," (June 2005), p. 10.



The Legal Basis of Local Authorities



In keeping with the constitutional imperative of decentralisation, local governance structures have legal standing, though to differing extents. This section examines the legal basis and authority of each of the three structures of rural local governance addressed in this paper. Broadly speaking, the three structures described above can be grouped in two strands: democratically elected local government councils, and centrally-appointed officials and traditional leaders, who typically answer to either the President or the Minister of Local Government,

Public Works and National Housing (referred to herein as “the Minister”).⁸

District Administrators

It appears that the appointment of District Administrators (DAs) is not specifically provided for in any legislation, unlike councillors and traditional leaders, each of which has its own governing legislation.⁹ In practice, DAs are appointed by, and answerable to, the Minister, and serve at his pleasure.

⁸ Matyszak, 4.

⁹ Matyszak, 7.



The colonial predecessor of the DA was the District Commissioner, who had wide ranging power within his district as the representative of central government. At Independence in 1980, the white District Commissioners were ousted as President of the Rural Council, and replaced by the District Administrator. The DA then served as the Chief Executive Officer of the newly-constituted District Councils until 1993, when their role was changed to that of non-voting member and advisor.

The role of the DA is thus deeply embedded in the practice and structure of rural local governance in Zimbabwe. DAs function as “chief advisor to council, chief implementer, government regulator and monitor,” with powers spread over 13 different pieces of legislation.¹⁰ District Administrators assume a leadership role in all administrative matters, including the appointment of chiefs, the conduct of election and the distribution of food aid and agricultural inputs.¹¹

District Administrators, as senior civil servants employed by the Public Service Commission (PSC), are also typically more highly educated than their colleagues in other structures of rural local governance. Typically, a DA will have attained a tertiary degree and been a civil servant for at

least 6 years before becoming eligible for promotion to the position. DAs are therefore a highly professionalised cadre, particularly in comparison to rural councillors and traditional leaders, who frequently have only a secondary education or less. Furthermore, traditional leaders and councillors receive limited orientation as to their legal and official powers and responsibilities; often this orientation is conducted by the DA or the council CEO.

This advantage in formal training and authority is reinforced by the DA’s duties, which typically include the disbursement of allowances to traditional leaders, as well as representing the state at local official functions, where they may for example read speeches prepared by senior government officials and perform other ceremonial functions. DAs may also be given other, ancillary responsibilities, such as being appointed the “civil protection officer” for his area, giving him broad executive powers.¹² Finally, the District Administrator chairs the important Rural District Development Committee, discussed further below.

Traditional Leaders

At Independence in 1980, the standing of

¹⁰ Feltoe, 178; Zimbabwe Institute, p. 9; Matyszak, 8.

¹¹ Matyszak, 9

¹² Civil Protection Act (Chapter 10:06).



traditional leadership had been undermined by the co-option of many chiefs by the Rhodesian government during the liberation struggle. The 1980 constitution accorded chiefs only very limited powers and responsibilities to “preside over the tribespeople in Zimbabwe.”¹³

In 1982 the Zimbabwean government passed the Chiefs and Headmen Act.¹⁴ This Act gave the President the power to “appoint chiefs to preside over communities,” requiring only that the President give “due consideration to the customary principles of succession, if any.” The President also held the power to remove chiefs for cause. The Act provided for allowances to chiefs, but otherwise chiefs were given very limited responsibilities, with little mandate beyond “performing the duties and functions pertaining to the office of the chief as the traditional head of his community.” Village heads were not recognised by the Chiefs and Headmen Act, despite their local legitimacy.¹⁵

In 1998, this Act was replaced by the Traditional Leaders Act, which included provisions for the appointment and duties of village heads, recognising the role of traditional leadership at the community level.¹⁶ The considerations for appointment

of traditional leaders were somewhat expanded to include customary principles of succession, the administrative needs of the communities and nomination by “appropriate persons in the community.”¹⁷ In addition, chiefs were given a greatly expanded set of responsibilities, including nomination of headmen, overseeing revenue collection, and liaison with formal structures of governance such as the District Administrator and the Rural District Development Committee.

The Traditional Leaders Act makes chiefs and headmen subordinate to the central government to a significant extent. Chiefs are appointed by the President, while headmen are appointed by the Minister; both leaders are paid allowances determined respectively by these authorities. The Act also gives headmen a law enforcement function, and makes them chair of the ward assembly (a body discussed in greater detail below).

The 2013 Constitution has a Chapter governing Traditional Leaders, including a provision specifically recognising their “institution, status and role.”¹⁸ Traditional leaders are barred from any participation in party politics, and are not subject to the direction or control of any person or

¹³ Section 111 of 1980 Constitution.

¹⁴ Acts 29/1982, 7/1992.

¹⁵ Godfrey Tabona Ncube, “Crisis of communal leadership: Post-colonial local government reform and administrative conflict with traditional authorities in the communal areas of Zimbabwe, 1980-2008,” *African Journal of History and Culture* Vol. 3(6) (July 2011), p. 92.

¹⁶ Chapter 29:17.

¹⁷ The conflict between this executive appointment power and the deference to custom has resulted in conflicts, which are examined in greater detail in the following section; see Frances Matenga, “Chombo ‘Defies’ Mugabe,” *NewsDay* (Zimbabwe), 10 June 2014.

¹⁸ Constitution of Zimbabwe, Chapter 15, Section 280.



authority except as specifically prescribed by Parliament. Traditional leaders are barred from “violating the fundamental rights and freedoms of any person.” Significantly, traditional leaders have “authority, jurisdiction and control” over land and persons within their areas, absent legislation providing otherwise. Chiefs occupy their office for life unless removed by the President.

The 2013 Constitution thus appears to give traditional leaders substantial independence and greatly expanded roles. However, as discussed further below, the actual power of traditional leaders in key areas such as development is diminished by pre-existing legislation and the functional subordination of traditional leaders to more influential institutions such as the Rural District Development Committee.

Rural District Councils and Councillors

Rural District Councils are the only democratic structure of rural local governance at district level. Unlike District Administrators and traditional leaders, who are appointed by representatives of central government, councils are required by the Constitution to be elected.¹⁹ Councils also, according to the Constitution, have wide-ranging authority

including the “right to govern, on its own initiative” affairs in its area and “all the powers necessary for it to do so.”²⁰ Council selects its chair and vice-chair from amongst its own membership. Once elected, councillors serve terms that typically run coterminous with national elections, usually five years.

However, the broad powers of council are substantially undermined by numerous provisions within the Rural District Councils Act (RDCA) ceding authority to the Minister. Indeed, there are more than 250 instances where the Minister can intervene in the day to day running of Rural District Councils.²¹ Two significant examples of Ministerial intervention illustrate this point.

The Chief Executive Officer (CEO) of council exerts significant powers, including administering the oath of office and keeping the minutes and accounts of council. The person appointed as CEO must be approved by the Minister; if council fails to make such an appointment, or if the position falls vacant for any reason, the Minister may appoint a replacement for any period, including indefinitely.²²

Secondly, the Minister may issue a notice requiring council to submit resolutions on

¹⁹ 2013 Constitution, Section 275(2)(b)

²⁰ 2013 Constitution, Section 276.

²¹ Zimbabwe Institute, 5.

²² RDCA Section 66.



any matter or class of matters to him for approval.²³

Finally, the District Administrator exerts considerable influence within council. In terms of the law, the DA's role is limited to chairing council's first meeting before the election of the council chair.²⁴ However, DAs typically continue to exercise the prerogative to attend council meetings as non-voting observers and advisors with considerable influence given their power outside of council.

Assemblies and Committees

A range of bodies bring together leadership at the village and ward level.

At the village level, the Village Assembly, also known as dare or inkundla, is composed of all inhabitants of the village over 18 years of age, chaired by the village head.²⁵ Under the Traditional Leaders Act, the Village Assembly is given broad responsibilities for managing affairs in its area, including natural resources and cultural matters, but little substantive power beyond electing the members of the Village Development Committee (Vidco). While the Village Assembly is supposed to "supervise" the Vidco, it is not clear how this supervision is to take place. Like the Village Assembly, the Vidco is also chaired by the

village head.²⁶ The Vidco's developmental functions are not clearly defined, other than the possibility that it may be designated by the Minister as a "conservation committee" for purposes of managing natural resources.²⁷

At the ward level, the Traditional Leaders Act establishes a Ward Assembly composed of all headmen, village heads and the councillor of the ward, chaired by a headman elected by the Assembly.²⁸ Like the Village Assembly, however, the Ward Assembly has little concrete power, its chief function being supervision of the Village Assemblies within its jurisdiction.

Unlike the Village Assembly, Vidco and Ward Assembly, which are established only in terms of the Traditional Leaders Act, the Ward Development Committee (Wadco) is established by both the RDC Act and the Traditional Leaders Act.²⁹ The Wadco consists of the chairman and secretary of every Vidco in the ward and the councillor for the ward, who chairs the committee.³⁰ The primary responsibility of the Wadco is to coordinate development plans submitted by Vidcos for submission to the Rural District Development Committee on an annual basis. As such:

²³ RDCA Section 53.

²⁴ RDCA Section 45(5)

²⁵ TL Act Section 14.

²⁶ TL Act Section 17.

²⁷ RDCA Section 61.

²⁸ TL Act Section 18.

²⁹ RDCA Section 59; TL Act Section 20.

³⁰ RDCA Section 59.



The Ward Development Committee is supposed to be the central planning authority in the ward. However, in practice, it appears that it is primarily the receiver of information and directives from above (i.e., from central government and from... party officials), rather than acting as a channel for bottom-up initiatives.³¹

The final body to be discussed here is the Rural District Development Committee (RDDC).³² The RDDC is possibly the most influential and significant of any of the structures discussed so far. It consists of the chair of every committee established by the RDC; the CEO of council and any other council officers determined by council; senior officers of the security forces in the district, including the police, army and President's Department (typically the Central Intelligence Office); district heads of all line ministries chosen by the Minister; and any others chosen by the Minister.³³ It is chaired by the DA.

The composition of the RDDC, including all senior local government officials, gives an

indication of its importance. Furthermore, the function of the RDDC is to prepare and implement the annual district development plan, which synthesizes submissions from all the foregoing committees and assemblies, and is one of the most important local governance policy documents. It is the responsibility of the Rural District Council to approve the plan and monitor its implementation, but it is not clear what influence council may exert to revise a plan it rejects.³⁴

Similarly, council's authority over development is further undermined by the District Development Fund (DDF). The DDF is a central fund which is under the control of the Minister and, at local level, the District Administrator. The Association of Rural District Councils has called (unsuccessfully) for the DDF to be put under the direct supervision of local authorities, and the DDF has come under criticism for failing to coordinate with local authorities.³⁵

³¹ Feltoe, *Administrative Law Guide* (2012), p 184.

³² Established in terms of Section 60 of the RDCA.

³³ RDCA Section 60.

³⁴ RDCA Section 74(1)(d)

³⁵ Feltoe, p. 182.



This arrangement of assemblies and committees is summarised in the diagram below.

LEVEL	Representative Assembly	Developmental Body	Chair of Developmental Body
National	National Assembly	DDF	Director General
Provincial		Provincial Development Committee	Majority political party selects chair of PC
District	Rural District Council	RDDC	DA
Ward	Ward Assembly	Wadco	Councillor
Village	Village Assembly	Vidco	Village Head

Powers and Responsibilities of Local Authorities

The description above of the rural local governance system indicates the profusion of local authority structures and the parallels and overlaps in their functions and responsibilities. The parallels and overlaps in responsibilities are exacerbated by ambiguity in the enabling legislation, which often assigns much the same powers and responsibilities to different authority structures, effectively ensuring conflict between them. This situation is particularly acute in light of the legal uncertainty created by the delay in amending legislation to bring it in line

with the 2013 Constitution. The legislative alignment process is a crucial opportunity to clearly define the roles and responsibilities of local governance structures.

The absence of clearly defined roles is evident in the legal assignment of responsibility for land allocation. The Constitution states that “Except as provided in an Act of Parliament, traditional leaders have authority, jurisdiction and control over the Communal Land or other areas for which they have been appointed, and over persons within those Communal Lands or areas.”³⁶ This appears to be a very broad grant of power to traditional

³⁶ 2013 Constitution, Section 282(2)



authorities, but it must be read alongside the relevant legislative Acts. The Communal Land Act makes occupation and use of communal land subject to the consent of the district council, though this consent should, “where appropriate, have regard to customary law,” and follow from consultation and cooperation with chiefs.³⁷ The Traditional Leaders Act, however, makes chiefs responsible for ensuring that communal land is allocated in accordance with the requirements of the Communal Land Act, and reiterates (somewhat redundantly) that land may not be allocated except in accordance with that Act.

This legal structure creates a confusing and anomalous situation. Traditional leaders are acknowledged by the Constitution as the primary authority over communal land. Deference to custom is written into the legislative structure, though in a non-binding and unenforceable form, as custom is not usually written down or centrally recorded.³⁸ However, the substance of chiefly authority over communal land is then clawed back and claimed for the rural district council by the Communal Land Act. Furthermore, chiefs are placed in the

difficult situation of undermining their own authority by the requirement to ensure that land is allocated with the consent of the RDC, effectively making chiefs responsible for policing themselves and their compliance with the RDC.

This structure is not entirely unworkable. Ideally, the RDC would assume a zoning and planning role after consultation with chiefs and customary authorities; chiefs would then be responsible for the more direct allocation and day-to-day management of land in accordance with the RDC's plans. In practice, however, the poor delineation of roles and responsibilities in the law creates overlaps in the function of chiefs and the RDC with respect to land allocation, effectively setting the two on a collision course. The situation is further complicated in resettlement areas, where the District Land Committee, chaired by the DA, is responsible for allocating stands to resettled farmers.

Similar ambiguity affects legislative provisions in other areas, including development and aid distribution, as discussed in the case studies that follow.

³⁷ Communal Land Act, Chapter 20:04.

³⁸ See, for example, 2013 Constitution, Section 16.



CONCLUSION



Since Independence in 1980 there has been a drive towards decentralisation of power to local governance structures, beginning with the Prime Ministers Directives in 1984 and 1985. Indeed, while the 1980 Constitution only provided for structures of central government, the 2013 Constitution states “there must be devolution of power and responsibilities to lower tiers of government in Zimbabwe.”³⁹ The enshrinement of devolution in the national constitution therefore indicates a possible paradigm shift, in which real and substantive power over local governance and

development would primarily reside at the local level.

Evidence from the field, however, suggests otherwise, as discussed in the following sections. While Zimbabwean law provides for numerous structures of local governance at village, ward and district level, many of these bodies exist in little more than name only, particularly at village level. This is unsurprising, given the absence of any real power to affect change within their respective communities. Where such village

³⁹ 2013 Constitution, Chapter 14 Preamble.



structures do exist, they are often captured by national-level partisan political agendas.⁴⁰

Even where local governance structures are active, their ability to affect change is limited by the pyramidal structure of developmental authority. The authority of lower level structures extends only to submitting recommendations to superior structures, without any actual planning

or implementation power. This pyramidal structure has its apex in the RDDC, chaired by the District Administrator, himself appointed by the Minister.

The practical consequences of this parallel and overlapping arrangement of power in rural Zimbabwean communities are examined in the following section.



⁴⁰Makumbe (1998), 29.



Case Studies



This section of the paper uses short case studies to examine how parallels and overlaps in the structure of rural local governance generate conflict in Zimbabwean communities. The case studies are grouped into four thematic areas covering a range of challenges to livelihood and development: Land Allocation, Resettlement Areas, Development Projects and Party Politics. Except where the conflict in question is in the public domain, the communities in question are not identified to avoid exacerbating ongoing conflicts.

Land Allocation

The power to allocate rural land for use and occupation is immensely important in rural Zimbabwe, where residents seldom hold private title deeds. The vast majority of residents of both Communal Areas and Resettlement Areas occupy their plots at the pleasure of local government authorities.

As discussed in the previous section of the paper, power and responsibility for land allocation is not clearly assigned by Zimbabwean law. The 2013 Constitution gives



“authority, jurisdiction and control” over land to Traditional Leaders. However this broad authority is granted “except as provided for by an Act of Parliament.” Legislation that pre-dates the Constitution reserves primary authority over the allocation of communal land to the Rural District Council.⁴¹

The Rural District Council therefore has the “positive” authority to allocate land, particularly with respect to developmental projects such as schools and clinics. However, in this and other thematic areas discussed below, traditional leadership retains a “negative” or “veto” power through a combination of legislative grants, historical and customary function and proximity to rural communities. In particular, village heads work in greatest proximity to the day-to-day use of rural land, and hence they cannot be overlooked in the allocation and sustainable utilisation of land in the communal and resettlement areas.⁴²

Double Allocation

The most common form of conflict generated by the overlapping land allocation power may be called “double allocation.” Without a centralised or clearly established process for land allocation, different authorities

operating in parallel – usually the RDC and traditional leadership – may assign the same land to different recipients. Such “double allocation” generates conflict both between the opposed recipients of the land and the two governance structures responsible for allocation.

The scope for “double allocation” is greatly increased in communal areas where population growth has increased demand for land, and also in resettlement areas, where local governance structures are still establishing their authority over land formerly excluded from their jurisdiction. These pressures have resulted in rural authorities “selling” plots (though without title deeds). Such “sale” is in fact a corruption of local governance authority, which extends only to allowing residence and use of state-owned land.

For example, in Chirumhanzu district, Chief Nhema is being sued by the Lands and Rural Resettlement Ministry for allegedly “illegally resettling” over 300 families on former commercial farmlands without consulting the relevant land committee, which had itself issued offer letters to over 300 farmers.⁴³

⁴¹ Under TLA Section 26(1), occupation of communal land is subject to the “consent” of the Rural District Council.

⁴² Chakaipa, 53.

⁴³ Munyaradzi Musiwa, “Chief in court for allegedly resettling 300 families,” online at <http://www.harare24.com/index-id-News-zk-19618.html>



The land allocated for resettlement by Chief Nhema had been set aside by the local land committee for grazing. The 300 families settled by Chief Nhema now themselves face arrest and eviction. Chief Nhema allegedly collected \$1 from each resettled farmer.⁴⁴ At the time of writing, this case was in court; the farmers and families await resolution.

Allocation of Land for Expansion of Growth Points

The development of rural growth points is another important area of conflict between the developmental responsibilities of the RDC and RDDC on the one hand, and the custodial and customary responsibilities of traditional leaders on the other.

Growth points are intended to encourage development of commerce and small-scale industry in rural areas, and to slow rural-urban migration. As they grow, growth points require additional land for the construction of shops, municipal offices and other structures. This land must be claimed from rural land surrounding the existing growth point, making growth points an important frontier between urban and rural Zimbabwe.

Traditional leadership may view the expansion of growth points as reducing their territory and influence, as urban residents are typically less subject to traditional authority. Notably, land taken up by urban structures is no longer subject to allocation or management by traditional leadership.

CCMT recently began intervening in a conflict at a rural Growth Point. In the early 1990s, the RDC passed a resolution providing for the expansion of the Growth Point, which would have required relocating some farmers. After further discussion and consultation, the RDC agreed to compensate those who would need to relocate. Some community members resisted relocation, and traditional leadership joined them in their opposition to the relocation and expansion.

This conflict has caused resentment between neighboring community members. Some residents have been compensated and relocated; others have received compensation but refused to relocate. The tenure of farmers on the designated land is in doubt. The expansion of the growth point has stalled, impeding important local development.

⁴⁴ *Sunday News* (Zimbabwe), "300 illegal settlers face arrest," 29 June 2014, online at <http://www.sundaynews.co.zw/300-illegal-settlers-face-arrest/>



RESETTLEMENT AREAS



Resettlement areas represent a new frontier in local government. The legislative framework discussed in the first section of this paper was designed to govern communal Zimbabwe. Currently this governance structure is being expanded to resettlement areas as well. To add to the confusion, central government has introduced a new structure, the Lands Committee, chaired by the DA, to allocate land in resettlement areas. This section will examine conflicts in resettlement areas under the A1 model based on CCMT's interventions

in Vungu and Tongogara districts.

Conflict Between Farm Committee and Village Heads

At the inception of the land reform programme, the initial occupants of former commercial farms formed themselves into collectives that elected a committee comprised of seven people, with a war veteran as the chairperson. Over time these "Farm Committees" or "Committees



of Seven” evolved to become the equivalent of the Vidco in communal areas.

In 2003, the government issued a directive on local government stating that “in terms of the Traditional Leaders Act (Chapter 20, 17) all resettlement areas shall be placed under the relevant traditional chiefs or headmen.”⁴⁵ Chiefs around the farms began to appoint village heads to represent them in resettlement areas, thereby creating a parallel structure competing with the Farm Committees. In Communal Areas, it would be the responsibility of the village head to chair the Vidco, but the Farm Committees were often hostile to traditional leadership.

In one resettlement area, the Chief appointed a village head from his area to represent him in the resettlement community. The Farm Committee was mainly comprised of people perceived as outsiders in the area. The Farm Committee is in conflict with the appointed village head. The Committee asserts that resettlement areas are not subject to traditional authority. The village head argues that he was appointed by the chief and should therefore take part in all developmental programmes in the area.

It is understandable that the Farm Committee resists the establishment of village heads in the resettlement area because this shift towards local traditional authority creates a sense of insecurity particularly for those plot holders who are considered “outsiders”. The two parallel structures have had violent clashes. Tensions grew when one of the original occupiers was asked to vacate his plot to make way for the construction of a secondary school. The conflict between the two structures has divided the community leading to violence and impeding development in the area.

Conflict Over Development Priorities in Resettlement Areas

Conflicts over development priorities are particularly acute in resettlement areas. Resettlement areas typically have little of the social service infrastructure necessary to support the communities of resettled farmers now living there. As former commercial farms, the existing infrastructure is not designed to support decentralised communities engaged in A1 small-scale farming. Existing infrastructure is inadequate, centralised and inappropriate for the existing needs, fueling conflict.

⁴⁵ Government of Zimbabwe, ‘Ministry of Local Government’s Directive on Local Government Procedures in Newly Resettled Areas’ (2003, p.4). Quoted in Tendai Murisa, ‘Social Organisation in the Aftermath of ‘Fast Track’: An Analysis of Emerging Forms of Local Authority, Platforms of Mobilisation and Local Cooperation,’ in *Land and Agrarian Reform in Zimbabwe: Beyond White-Settler Capitalism*, edited by Sam Moyo, Walter Chambati, (CODESRIA 2013) p. 264.



Furthermore, resettlement communities are newly formed and often more diverse than longstanding villages in the communal areas, diminishing consensus and solidarity amongst community members.

In one resettlement area, the RDC sought to use the existing farmhouse and other infrastructure as part of a plan to construct a secondary school to serve the resettlement community. Using existing farm infrastructure for provision of social services is in keeping with government policy. According to Lands and Resettlement Minister Dr Mombeshora, "The infrastructure on all A1 plots belongs to the State. One has to apply to use it and in most cases we have reserved the infrastructure to accommodate Government employees such as teachers, Agritex workers and even use them as temporary schools and clinics in resettlement areas."⁴⁶

However one resettlement farmer holds an offer letter to a plot including the farmhouse, a windmill and a borehole. This farmer has refused to vacate the farmhouse to make way for the school, despite requests by the RDC. As a result, a secondary school has not been established in the area, despite the RDC's responsibility to ensure sufficient schools. Schoolchildren walk long distances

to schools in other areas. Many are falling behind in their education.

A similar situation has arisen in another resettlement area in which CCMT has intervened. An A1 offer letter holder claims that his plot includes the former farmhouse and borehole, giving him exclusive use of both. The RDC – as the responsible developmental planning authority – wishes to use some of this land and infrastructure to construct a secondary school. District authorities – including the RDC, DA and traditional leadership – are united in supporting this plan. District authorities have also proposed an alternative plan to claim land from a number of adjacent plots to spread the loss amongst different plot holders. However the plot occupant has refused to give way, citing his legal standing as holder of a valid offer letter. As in the resettlement area discussed above, no school has been built, forcing children to walk long distances to school.

The Expansion of Traditional Leaders into Resettlement Areas

Resettlement areas present chiefs with an opportunity to claim new territory. Chiefs are important in resolving conflicts in rural

⁴⁶ "No offer letter, no land," Interview with Dr Douglas Mombeshora, *The Herald* (Zimbabwe) 24 May, 2014, online at <http://www.herald.co.zw/no-offer-letter-no-land/>

Zimbabwe and people look up to them for traditional guidance. A staff member from the Shurugwi district office noted that people in resettlement areas feel the need to have a traditional leader within these areas. However, chiefs have frequently clashed over new boundaries between their areas of jurisdiction in resettlement areas. In Zhaugwe, Chief Nhema and Chief Ndanga are in conflict over who is in charge of Dorset Farm leading to confusion among locals.

Tenure and Authority in Resettlement Areas

The lack of clarity over the rights and obligations that offer letters give to holders

also generates conflict. Land tenure and inheritance in communal areas is relatively well-established, mostly through the authority of traditional leadership. In resettlement areas, however, security of tenure has been a critical issue. Although government has used offer letters as form of title to land, it is not clear to the settlers what offer letters confer in terms of rights and obligations. In particular, it is not clear how resettlement land is inherited. For example, in one resettlement area a man died leaving minor children. Some authorities now view his plot as unoccupied land, whilst the father of the deceased is holding it in trust for his grandchildren.





Development Initiatives and Distribution of Aid



Zimbabwe's recent economic struggles have left communities dependent on support from NGOs and government. The distribution of this external support is another area of conflict between rural local authorities. Zimbabwe's legislative framework does not clearly allocate roles and responsibilities of local authorities in presiding over the distribution of such aid.

Thus when NGOs seek to provide drought relief or disaster mitigation in a particular ward, they must seek approval from individual councillors and chiefs even if they have signed a relevant Memorandum of Understanding

with the Rural District Council in order to avoid having their operations vetoed and obstructed by local leaders.

Coordination of Aid and Development Initiatives

As outlined above, the RDDC is intended to be a forum where all development authorities and partners within a district meet to discuss and coordinate development priorities. NGOs working in a given district are expected to submit their plans to the RDDC, which ensures that these plans are in line with the district plans.



However, in many districts the RDDC has become largely inactive over the past decade as a result of both funding shortages and political conflicts. Where opposition councillors dominated the RDC, conflict with DAs and traditional leaders – typically aligned with ZANU (PF) – caused the RDDC to become dysfunctional and stalemated.

In rural Zimbabwean communities, the Council, the DA and the traditional leaders are all able to exert effective veto power over aid projects. Aid organisations are then forced to seek approval from each local authority individually. Failure by NGOs to consult every relevant authority often results in implementation being obstructed despite agreements with other authorities. In some districts the role of the RDDC in approving aid interventions has been taken up by the DAs office, whilst in other districts these responsibilities were taken up by the council. The coordinating role of the RDDC was then lost, as plans were approved and adopted outside the RDDC, without feedback from important stakeholders including traditional leaders.

In one district, there was conflict between the traditional leaders, councillors and an aid NGO. Councillors felt that they were overlooked in project implementation, and that the NGO only approached councillors when they faced problems in the communities or when the NGO clashed with traditional leaders. The NGO, on the other hand, claimed to have been admitted to the ward by traditional leaders. The NGO preferred working with traditional leaders as it considered them non-partisan.

Unequal Allocation of Support from Central Government

Rural communities receive direct support from central government. Central government usually distributes both food aid and agricultural inputs (fertiliser and seed) once a year to rural communities. It is not clearly established which local authority is responsible for distribution of this support, and practice varies widely. Some local authorities choose to distribute support unequally, excluding some members of the community. At times local political structures seize control of distribution.



This is especially common in the run-up to elections.⁴⁷ Denial of agricultural inputs makes households vulnerable to famine, and exacerbates tensions and conflicts in local communities.

Influence of Political Parties on Local Governance

Decentralisation of power to local government structures is further complicated by the influence of political party affiliations. After independence, as the new government began a process of decentralisation, it modelled the new decentralised bodies on ZANU's local cell structures; furthermore, some Vidco and Wadco members were selected from among the party's local leadership.⁴⁸

These local government structures thus served a dual purpose, firstly articulating the development aspirations of the community and secondly political mobilisation. For the first two decades after Independence, these two roles were seldom in conflict, as Zimbabwe was functionally a one party state. However with the advent of a strong opposition party the politicisation of local

government institutions has become a source of conflict.

Conflicting Claims of Legitimacy Between Chiefs and Ward Councillors

The existence of parallel authority structures, i.e. traditional and elected leadership has resulted in a myriad of conflicts that have stunted development in rural Zimbabwe. Chiefs on one hand claim that they are the legitimate representatives of people as they are permanent and sanctioned by a higher authority (the ancestors), whilst councillors claim that they have a mandate from the people because they were directly elected.

In one area, the Chief boycotted Wadco meetings and asked village heads to report Vidco proceedings directly to him and not the councillor, who chairs the Wadco. The Chief convened Ward Assembly meetings without inviting the councillor. The overlaps in development responsibilities between the Council and traditional authorities resulted in an ongoing rivalry between the two authorities that impeded development.

⁴⁷ "The Presidential Input Scheme should not divide Communities," *The Zimbabwean*, 19 November 2013, online at <http://www.thezimbabwean.co/news/zimbabwe/69391/the-presidential-input-scheme-should.html>

⁴⁸ Makumbe (1998), 29.



Appointment of Special Interest Councillors to Counter Opposition Inroads in Rural Areas

In some areas where the opposition made inroads in council elections during the past decade, the Minister of Local Government used his statutory power to appoint special interest councillors.⁴⁹ This has provoked conflict between councillors, particularly concerning leadership over development initiatives in the ward.

In one district, two special interest councillors were appointed after the MDC had won the majority of the seats. These councillors were viewed as affiliated to ZANU PF, leading to serious conflicts between the appointed councillors and the elected MDC councillors. The conflict hindered two major development activities in the area, namely construction of a secondary school and utilisation of a community irrigation scheme.

In some instances the Minister has come into conflict with community members where he has appointed special interest councillors. In Matobo villagers sued the Minister for appointing losing candidates as special

interest councillors. They argued that the appointed councillors, who had failed to get mandate from the people, could not be imposed on the community by the Minister.⁵⁰

Revenue Generation

The ability of local authorities to develop their districts has also been impaired by severe reductions in their authority to collect revenue through encroachment by central government. A key example is water and sewerage reticulation. Prior to 2000, water provision had been an important source of revenue for local authorities. However, in 2001 government mandated the Zimbabwe National Water Authority (ZINWA) to manage water in all urban and rural centres.⁵¹ This deprived local authorities of an important source of revenue and constrained their ability to collect other council debts since they could no longer cut off water in order to encourage payments.⁵² While ZINWA began restoring control to local authorities in 2009, some local authorities have not yet regained control.⁵³ Similar conflicts have taken place around the authority to issue liquor licenses, collect fines for environmental infractions and vehicle license fees.

⁴⁹ s31 as read with s11 of the Rural District Councils Act empowers the Minister to appoint a number of special interest councillors not exceeding one quarter of the elected council. However, these sections appear to violate the requirements of section 265(2) of the new Constitution.

⁵⁰ "Villagers drag Chombo to Court" *Newsday* 13 April 2012

⁵¹ Boniface Coutinho, "Sources of local government financing," in *Local Government in Zimbabwe* (ed. De Visser), p. 74.

⁵² *Ibid.*

⁵³ "ZINWA to handover water reticulation to town councils," Radio Dialogue, 19 February 2013, online at <http://www.radiodialogue.com/zinwa-to-handover-water-reticulation-to-town-councils/>; "Gokwe council Zinwa fight over billing," *Chronicle (Bulawayo)* 22 July 2014, online at <http://www.chronicle.co.zw/gokwe-council-zinwa-fight-over-billing/>.



Conclusions

This paper highlights parallels and overlaps in the structure of rural local governance in Zimbabwe, and illustrates their potential to generate conflict in rural Zimbabwean communities. Such conflict impedes development by preventing communities from coming together to identify and pursue their developmental priorities.

The structure of rural local governance in Zimbabwe reflects divergent priorities, including respect for custom and tradition, democratic decentralisation, and strong central government authority. Rural Zimbabwean communities are governed by a dense and complex array of authorities and structures; the three that have been the focus of this report (DAs, traditional leaders and Rural District Councils) are the most prominent, but by no means the only structures.

Given their different sources of legitimacy and authority, it is not surprising that these three rural local governance authorities have different priorities and interests. Legislation does little to clarify the responsibilities and relationships between these authorities. The conflict produced by complex and contradictory legislative provisions is worsened by the fact that few local authorities have received any training on the relevant law.

In these circumstances, in which there are multiple communication channels and competing authorities, the most influential authorities are those most able to act unilaterally. In many rural Zimbabwean communities, the District Administrator is able to exercise great influence because of



Conclusions - cont'd

his direct connection to central government (in the form of the Ministry of Local Government, Public Works and National Housing), and his senior role in the Rural District Council and RDDC. In contrast, village heads, despite their lack of formal, legal authority, exercise considerable power over day-to-day business such as boundary disputes because they live in daily direct contact with their communities.

In effect, the failure to clearly delineate the roles and responsibilities of rural local governance authorities has created what may be called a “triple veto.” Any initiative, developmental or otherwise, will likely not be able to proceed unless it receives approval from (at least) the District Administrator, traditional leadership and Council. In such a governance environment, personal conflicts between authorities become magnified and sometimes politicised, as leaders obstruct projects identified with their rivals. Rather than providing an institutionalised procedure for the management of conflict, this “triple veto” structure multiplies the number of choke points through which developmental initiatives must pass.

The ongoing process of legislative alignment necessitated by the 2013 Constitution presents an opportunity to remedy this situation. New legislation, giving effect to the decentralisation imperative of the constitution, should clearly assign roles and responsibilities to local authorities, in accordance with each authority’s comparative advantage in terms of its status and function in rural communities.



Recommendations to Local Authorities



Revive RDDC as the Primary Development Authority

The RDDC is the most inclusive of the various bodies charged with planning and implementing development. As such, it provides the best opportunity for the full range of stakeholders in a district to air and reconcile their development priorities and concerns.

RDDC meetings should therefore be convened on a regular basis, with broad participation from local authorities, and RDDC decisions on development initiatives should be seen as authoritative.

Recognise the Role of Village Heads

Village heads are the local authority closest to their immediate constituency; they know their constituents individually and are intimately involved in their lives. As a result, they have



Recommendations to Local Authorities - cont'd

an acute awareness of local needs and feelings in their villages, as well as the ability to rally popular participation in development initiatives. Village heads should therefore be encouraged to revitalise the Vidco, and use it as a forum for developing community-based development priorities. Vidco development plans should form the basis for ward and district development plans.

Local Authorities Should Be Heard in National Policy Dialogue

Local authorities of every variety should take steps to make themselves and their concerns heard in national policy dialogue and formulation. This is especially critical given the ongoing process of legislative alignment. Policy proposals could be made through national associations of the relevant local authorities.



Recommendations to Central Government



Legislative Alignment

Zimbabwe's new Constitution articulates a strong decentralisation imperative. The authorities responsible for drafting legislation to implement the provisions of the new Constitution, including the Minister and the Parliamentary Portfolio Committee on Local Government, must reflect this in their drafting. Furthermore, care must be taken to articulate clearly defined roles and responsibilities for different local authorities so as to avoid the conflict that has become endemic to rural Zimbabwean communities.

Clarify roles and responsibilities in Resettlement Areas

The resettlement areas are an important frontier for rural Zimbabweans, but the development of these areas has been hindered by conflict between local authorities. While there have been directives to the effect that traditional leaders should extend their jurisdiction to cover resettlement areas,



Recommendations to Central Government - cont'd

local Farm Committees have resisted this extension. Similarly, there are multiple authorities that claim the power to allocate land, resulting in frequent conflicts over land occupation and use.

The government should clarify the operation of local authorities in these areas, either through legislation, directives or policy guidance. Again, the ongoing process of legislative alignment presents an opportunity to formally clarify roles and responsibilities.

Restore Revenue Powers to Local Authorities

The loss of revenue generating powers has impaired the operation of local authorities by depriving them of resources and depriving them of a tool to encourage payment of other municipal debts. Central government should restore authority for some revenue-generating purposes such as water-reticulation and liquor licenses.



Recommendations to Civil Society



Consult Widely

Undertaking development projects in rural areas in Zimbabwe requires the consent and participation of a range of local authorities. In preparation for such projects, therefore, civil society organisations should anticipate undertaking extensive consultations and sensitization with local authorities, soliciting input and feedback.

To Rural Residents:

Participate in your Village Assembly and Vidco to make your views on development priorities heard. Insist on regular, substantive meetings.

Insist on accountability from your local leaders; ask for feedback on the status of development plans submitted by the Vidco.



Bibliography

1. *African Journal of History and Culture* Vol. 3(6), July 2011.
2. Civil Protection Act (Chapter 10:06).
3. Constitution of Zimbabwe, 2013.
4. Coutinho, Boniface. "Sources of local government financing," Local government reform in Zimbabwe, A policy dialogue, 2010.
5. Feltoe, A guide to administrative and local government law in Zimbabwe, 2012
6. Makumbe, John. *Development and Democracy in Zimbabwe: Constraints of Decentralisation*. Sapes Trust, 1998.
7. Matyszak, Derek. "Formal Structures of Power in Rural Zimbabwe."
8. Moyo, Sam and Chambati, Walter. *Beyond White-Settler Capitalis*. CODESRIA 2013.
9. Murisa, Tendai. "Social Organisation in the Aftermath of 'Fast Track': An Analysis of Emerging Forms of Local Authority, Platforms of Mobilisation and Local Cooperation,' in *Land and Agrarian Reform in Zimbabwe*.
10. Ncube, Godfrey Tabona. "Crisis of communal leadership: Post-colonial local government reform and administrative conflict with traditional authorities in the communal areas of Zimbabwe, 1980-2008.
11. Zimbabwe Institute. "Local Government: Policy Review, June 2005.



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