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CONSOLIDATING DEMOCRATIC GOVERNANCE IN SOUTHERN AFRICA: ZIMBABWE

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South Africa

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10 YEARS
EISA
Promoting Credible Elections and
Democratic Governance in Africa

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EISA RESEARCH REPORT No 30

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Democratic Governance in Africa

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EISA is a non-partisan organisation which seeks to promote democratic
principles, free and fair elections, a strong civil society and good governance
at all levels of Southern African society.

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PREFACE

This research report is the culmination of a study undertaken by EISA focusing on the state of democratic governance in the Southern African region. The programme, implemented under the generic theme 'Consolidating Democratic Governance in the SADC Region', has evolved over a four-year period spanning 2003-2006. The research aims to investigate the state of democracy and governance in the Southern African Development Community (SADC) region, posing a key question as to whether or not the region has undergone democratic transition and, if so, posing a related question as to whether or not the region is firmly set on the road to democratic consolidation. The four key variables for the assessment of the state of democratic governance in this study are: representation and accountability; citizen participation; local governance; and economic management and corporate governance.

Beyond just investigating the state of transitions and the institutionalisation of democratic governance, the principal goal of this programme is to evaluate the progress that is being made in the area of democratic governance in the SADC region, to identify problems encountered by various countries and to suggest appropriate policy options for enhancing democratic governance. The specific objectives of the programme are to:

- strengthen mechanisms for data collection, providing a reliable situational analysis of the state of governance in the SADC region;
- formulate generalisable trends of democratisation in the SADC region on the basis of informed perceptions of key opinion-makers in the countries concerned;
- develop relevant and appropriate research methodologies in the governance field that would not only be useful to EISA but, indeed, to other relevant research and policy advocacy institutions in the SADC region and beyond; and
- provide up-to-date information on comparative analyses of the governance arena in the SADC region in respect of representation and accountability; citizen participation; local governance; and economic management and corporate governance.

The critical entry point of this regional research enterprise is recognition that the entire African continent, and the SADC region in particular, has made tremendous strides towards multiparty democratic governance. It is now widely accepted that the SADC region has undergone a democratic transition away from authoritarian rule of the past – marked in the main by one-person rule, one-party rule and even military juntas of the 1960s-1980s – towards embracing and institutionalising some form of democratic governance. To be sure, although the SADC region has evidently made commendable progress in this regard, the region still faces a plethora of democratic deficits that need serious attention if democratic consolidation is to occur and endure.

This research programme therefore addresses the double-edged governance dilemma, namely: challenges facing the SADC member states towards consolidating democratic governance and improving the quality of democracy on the one hand; and, on the other hand, the danger of complacency following recent positive political developments in the region, which could lead to new forms of authoritarianism, or in fact a reversal to old forms of authoritarianism. Thus, a situational analysis of the state and quality of democracy in each SADC member state is a useful barometer to gather scientific evidence and make an informed judgement as to whether or not democratic governance is consolidating, or whether, behind the facade of democratic rhetoric, there are possibilities for reversals or a relapse into new forms of authoritarian rule.

The study is predicated upon thematic areas organised into four broad clusters as follows:

Cluster I: Representation and accountability

- The executive branch
- The legislative branch
- The judiciary
- The public service
- The security establishment
- Parastatals (public enterprises)
- Local government and decentralisation

- Traditional institutions of governance
- Gender equality in public institutions
- Leadership and governance
- Political parties
- Autonomous public institutions (such as the human rights commission, the public protector or ombudsman, the independent media commission or authority, etc.)

Cluster II: Citizen participation

- Civil society organisations
- NGO legislation
- Human rights culture (social and economic rights and political rights)
- Political participation
- Voting behaviour
- Political culture
- Political representation
- Elections
- Election administration
- Electoral system
- Election management body
- Gender and political participation

Cluster III: Local governance

- Nature of decentralisation
- History of local government
- Relations between central and local government authorities
- Local governance legislation
- Local governance institutions
- Local government elections
- Local government capacity (finance, human resource, infrastructure)
- Gender issues in local governance

Cluster IV: Economic management and corporate governance

- Development strategy
- Economic policy (macroeconomic framework)
- Social policy (social welfare strategies)
- Poverty reduction strategies
- Corruption and anti-corruption strategies
- HIV/Aids epidemic
- Budgeting
- External resource flows
- Public-private linkages
- Gender aspects of resource distribution

This first phase of the programme covered the following countries: Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

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LIST OF ACRONYMS

ACCORD	African Center for Constructive Resolution of Disputes
ACP-EU	African Caribbean and Pacific - European Union
AIPPA	Access to Information and Protection of Privacy Act
AU	African Union
CBO	Civic-based organisation
CEDAW	Convention for the Elimination of Discrimination against Women
CIO	Central Intelligence Organisation
Comesa	Common Market for East and Southern Africa
CSO	Civil society organisation
DP	Democratic Party
DRC	Democratic Republic of the Congo
ESAP	Economic Structural Adjustment Programme
ESC	Electoral Supervisory Commission
EU	European Union
FBO	Faith-based organisation
FCTZ	Farm Community Trust of Zimbabwe
FDI	Foreign direct investment
FPTP	First-past-the-post
GDP	Gross domestic product
IDS	Institute of Development Studies
IMF	International Monetary Fund
LEDRIZ	Labour and Economic Development Research Institute of Zimbabwe
MDC	Movement for Democratic Change
MDG	Millennium Development Goal
MIC	Media and Information Commission
MISA	Media Institute of Southern Africa
MP	Member of parliament
MPOI	Mass Public Opinion Institute
Nango	National Association of Non-Governmental Organisations
NCA	National Constitutional Assembly
NECF	National Economic Consultative Forum
NEDPP	National Economic Development Priority Programme
Nepad	New Partnership for Africa's Development
NGO	Non-governmental organisation
ODA	Overseas development assistance
PF Zapu	Patriotic Front Zimbabwe African People's Union
POSA	Public Order and Security Act
PR	Proportional representation
RBZ	Reserve Bank of Zimbabwe
RDC	Rural district councils
SADC	Southern African Development Community

UCAZ	Urban Councils Association of Zimbabwe
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
US	United States
WOZA	Women of Zimbabwe Arise
Zanu	Zimbabwe African National Union
Zanu-PF	Zimbabwe African National Union Patriotic Front
Zapu	Zimbabwe African People's Union
ZCTU	Zimbabwe Congress of Trade Unions
ZEC	Zimbabwe Electoral Commission
ZESN	Zimbabwe Election Support Network
ZHDR	Zimbabwe Human Development Report
Zimprest	Zimbabwe Programme for Economic and Social Transformation
Zimrights	Zimbabwe Human Rights Association
ZLHR	Zimbabwe Lawyers for Human Rights
ZUD	Zimbabwe Union of Democrats
ZUM	Zimbabwe Unity Movement

EXECUTIVE SUMMARY

To what degree has there been a process of democratic transition leading to democratic consolidation in Southern Africa? What are the prospects for the consolidation of democratic governance in individual Southern African Development Community (SADC) countries? This report seeks to address these seminal issues with particular reference to Zimbabwe. The conceptual point of departure is the problematic question of whether the political and socio-economic processes under way in Zimbabwe amount to a consolidation of democratic governance. In short, to what extent does the country conform to or deviate from the broad governance trends in the region?

The study consisted of both desk research and field surveys undertaken between October 2005 and March 2006. The field survey covered 40 experts distributed and drawn from the following sectors: central government, local government, civil society and academia. The respondents were drawn from both the public and private sectors. Both the library and field research probed into issues of representation and accountability, citizen participation, local governance, economic management and corporate governance.

The Zimbabwe case illustrates a polity that has nominally upheld a multiparty system sustained by regular elections since 1980. The country did not undergo the motions of reforms experienced by such countries as Malawi, Mozambique, Tanzania and Zambia, amongst others, in the 1990s.

The study argues that there was therefore no similar transition in qualitative terms in Zimbabwe during that era. Instead a stalemate over constitutional reform in 1999-2000 degenerated into a swing towards authoritarianism as the incumbent government sought to consolidate its precarious hold on power in the face of a broad but heterogeneous protest movement under the Movement for Democratic Change (MDC). This stalemate has been protracted and debilitating, as reflected in the democratic deficits in political and economic governance, local and corporate governance as well as in citizen participation, as chapters 4 to 7 of the report show.

REPRESENTATION AND ACCOUNTABILITY

The report outlines the main features of Zimbabwe's political system and assesses the workings of key institutions such as parliament and the judiciary. A prominent feature of the political system is the dominant role played by the executive branch. The centralisation of authority and power in the presidency appears to have been to the disadvantage of other institutional centres of power, namely parliament and the judiciary. In general, there is now a low level of public trust in the government and its institutions.

More generally, the report observes that Zimbabwe's political culture has been characterised by intolerance towards divergent views and dissenting voices even in the same party, ruling or opposition. Extensive political and civic education is therefore needed to address this pervasive intolerance. A combination of a genuine separation of powers and consensual constitutional reform would provide a foundation for more tolerant values, while fostering a spirit of collectivism and solidarity in society. There would also be a need to revisit the electoral system, and strive for a mix of first-past-the-post and proportional representation systems in order to provide better representivity in parliament.

CITIZEN PARTICIPATION

The report also explores the issue of citizen participation as an important arena and index of the state of governance. In particular, the role of civil society organisations (CSOs) is assessed with respect to their mobilisation of civic participation and engagement with government. It is observed that the legal framework in which CSOs operate has become more stifled as a result of restrictive legislation passed during the past five years. This reflects a growing pattern of authoritarian response of the state towards the activities of CSOs. A potentially great threat to those CSOs engaged in governance and human rights work lies in the 2004 NGO Bill, which in September 2006 was still in abeyance pending a presidential signature. The survey results seem to confirm a less than hospitable environment for citizen participation and CSOs. While a smaller proportion of the experts surveyed observed that people were allowed to form independent voluntary groups, most respondents did not think that the government provided an enabling environment for operations by CSOs. Indeed 76%

of experts noted that there was no freedom for organisations such as trade unions to organise freely and represent their members' interests. However, the report also observes that citizen participation is affected by the limited capacity of the CSOs themselves. This relates to their narrow resource base and frequent staff turnover, partly due to the 'brain drain' and declining support from donor agencies.

LOCAL GOVERNANCE

The study examines the record of local authorities in governance, especially in relation to the delivery of resources and services at local levels. In theory, the structures of local governance appear to be democratic but in practice the central government continues to play a dominant role in determining what happens at that level. Although there have been regular elections in most local authorities, the inroads made by the MDC in recent years triggered intolerance on the part of central government. The latter has instigated politically motivated suspension or dismissal of the MDC mayors and councillors in some cities. This feature of intolerance is a major drawback and deficit in democratic local governance. Other deficits relate to the lack of independence of local authorities as well as limited capacity.

Among the experts surveyed, some believe that local government authorities lack independence and capacity. Others state that the quality of local government service has been declining in recent years.

The report argues that in order to promote local democracy, local government legislation should provide for participatory and decision-making structures at all levels of governance, from provincial to village level. The decentralised structures should have the autonomy and commensurate resources to undertake their mandate. Furthermore, the current situation regarding the appointment, dismissal and conditions of service of traditional leaders in local governance should be reviewed. The report recommends that the authority and status of traditional leaders should be insulated from mainstream party politics; and this could be achieved through the establishment of a Traditional Leadership Commission. The commission would be responsible for recommending appointments, dismissals and other conditions of service for traditional leaders.

ECONOMIC MANAGEMENT AND CORPORATE GOVERNANCE

A prominent dimension of contemporary governance in present-day Zimbabwe is the phenomenon of economic decline during the past six years. This has been linked to the above-mentioned political stalemate as well as to strained relations with the West. However, a related feature has been the spread of the cancer of corruption in the Zimbabwean society and economy.

The report shows that there is very little confidence in the government's stewardship of the economy. Few experts have confidence in the country's economic prospects. Another small group of experts believe that 'an enabling environment' exists for the private sector. A larger majority of the experts believe, however, that the economy is not being managed efficiently.

There is also great concern about corruption. An overwhelming majority of expert respondents believe there is corruption among the government leadership (ministers and parliamentarians). Another large majority of experts think that government officials, including the police, are corrupt, while a smaller proportion believes that judges are also corrupt.

The report then outlines and considers the myriad economic programmes drawn up by the government, from national development plans in the 1980s to structural adjustment programmes in the 1990s, and to the National Economic Priority Development Programme of 2006. Observing that most of these programmes have floundered on internal contradictions, lukewarm commitment and even reversal, it is argued that there needs to be consistency in economic policy and a closure of the gap between rhetoric and implementation. The present economic crisis should be addressed in a holistic manner with comprehensive sectoral plans for key sectors such as agriculture, industry, mining, tourism and trade, and that these should be linked to a medium-term strategy.

GENDER AND GOVERNANCE

The issue of gender is treated as a cross-cutting one in this study. The political, economic and civic dimensions of the gender gap are addressed in all the chapters. On the whole, however, this study shows that there

has been a measure of progress, and yet deficits still exist in gender advancement. Those sampled in the experts' survey believe that the government has handled the gender issue satisfactorily. However, the reality of women's participation in governance does not fully bear out the positive perception. The study shows that women's participation in institutions such as parliament and cabinet, as well as in the higher echelons of government bureaucracy (let alone in the private sector), is still marginal and thus contrary to these rosy perceptions.

The visibility of a female vice-president, a few women ministers and members of parliament should not downplay the fact that Zimbabwe still has to attain thresholds set by SADC on women's participation in public life. For instance, a great deal is still required in order to improve the participation levels of women in local government. Access to education and health and employment opportunities should be more systematically opened up to further women's advancement so as to bridge the gender gap.

THE EXTERNAL FACTOR

An assessment of the governance process and challenges in Zimbabwe would be incomplete without a consideration of the 'external factor' – that is, the role of the international community. Consisting of neighbouring countries, regional blocs such as SADC, the African Union and the European Union, as well as international organisations such as the United Nations, the Commonwealth and the International Monetary Fund, the 'community' has interacted with the Zimbabwe government in different ways.

 While a part of the international community has been sympathetic towards Zimbabwe as it grapples with its multiple crises, the other part has been critical to the extent of taking punitive measures such as 'smart sanctions' and the downgrading of investment and development aid. The position taken in this report, however, is that it is the domestic situation and players, and not external forces, which is the primary factor behind the present crisis. If there were an internal settlement, then it would be much easier and faster to normalise relations with those external actors which have been critical of the governance process in Zimbabwe.

Although this study has been a collective effort, each chapter was the responsibility of a member of the country research team. **Choice Ndoro** was largely responsible for Chapter 4 on representation and accountability, **Charles Mangongera** for Chapter 5 on citizen participation, **Norbert Musekiwa** for Chapter 6 on local governance, and **Shingi Chawatama** for Chapter 7 on economic management and corporate governance. **Lloyd Sachikonye** was responsible for the first three introductory chapters and the concluding chapter, in addition to being the overall study coordinator.

1

INTRODUCTION

This chapter outlines the economic and social context in Zimbabwe and then proceeds to provide an overview of political developments since independence. We observe that there has been a marked deterioration of Zimbabwe's economic and social fortunes, particularly since 2000 – a decline that feeds off a political crisis rooted in a swing towards authoritarianism. The chapter analyses the various dimensions of that authoritarianism and argues that it has blocked a fully fledged democratic transition. In fact we are witnessing a reversal of previous democratic gains, and the prospects for democratic consolidation under the Mugabe government are slim.

THE SOCIO-ECONOMIC CONTEXT

Zimbabwe is a land-locked country of 390,757 km^2 with a population of about 12 million. The annual average population growth rate between 1997 and 2002 was 1.1%, compared to 2.2% between 1992 and 1997.[1] Due to an economic crisis that has deepened from 2000 onwards, an estimated three million Zimbabweans have migrated to neighbouring countries or have moved overseas.[2]

Zimbabwe's human development index peaked at 0.621 in 1985 but declined to 0.496 in 2001 and then to 0.491 in 2004. While life expectancy at birth was 61 years in 1990, by the period 2000-2005 it had declined to an estimated 43 years. This is largely explained by the prevalence of HIV/ Aids, which affected about 34% of the adult population in 2002 before reportedly declining to 21% in early 2006, and then to 18.1% in September 2006. The social and economic impact of the HIV/Aids epidemic remains profoundly far reaching.

The combination of a prolonged economic crisis as well as the effects of HIV/Aids has contributed to the deepening of poverty levels. Extreme poverty increased in the 1990s and the proportion of households living below the poverty line rose to about 80% in 2002.[3] By 2006, the country

showed signs of socio-economic distress in a context of hyper-inflation: the inflation rate was 782% in February 2006, 913% in April 2006 and over 1,185% in June 2006.

Zimbabwe has a relatively diversified economic base. The country draws on agricultural and mineral wealth as well as a manufacturing sector that draws most of its inputs from the former. For many years the country was a leading tobacco exporter, and continues to derive considerable earnings from gold and platinum exports. However, the combination of haphazardly executed land reform in 2000-2003 and a stand-off with major donor agencies has negatively affected the agricultural sector specifically, and the wider economy more generally. Between 2000 and 2005, the economy contracted by an estimated 40%. According to the 2003 Zimbabwe *Human Development Report*:

> the cumulative outcome is that Zimbabwe is currently facing severe macroeconomic instability characterized by unsustain-able inflation rates … low foreign exchange reserves culminating in a cumulative real GDP decline of about 30 per cent between 1999 and 2002 … Other manifestations of the worsening problem include erratic supplies of food and essential commodities, high build-up in external debt arrears and a decline in savings and investment … .[4]

Economic decline has translated into unemployment growth during the period under review. The Zimbabwe government's response to the economic crisis has been to undertake substantial asset redistribution. This has taken the form of the above-mentioned land reform and programmes of black empowerment through economic indigenisation.[5] These redistribution initiatives, aimed at addressing structural imbalances in the economy so as to reduce poverty and inequality, have had mixed results. Economic recovery therefore remains elusive. Table 1 indicates the extent of Zimbabwe's economic decline.

Part of the response of the population to the economic and social decline has been the entry by many into the informal economy. This economy has grown phenomenally during the past eight years, with up to four million

operators deriving their livelihoods from it.[6] Thus, de-industrialisation has been met with growing informalisation. Although conditions of survival are tough in the informal sector, it has become a major source of goods and services priced at more affordable levels for urban and rural dwellers. In 2005, the government launched what it termed 'Operation Clean Up' or *Murambatsvina*, an operation that involved extensive demolitions of housing structures, markets and workshops.[7] This operation is estimated to have affected about 2.5 million people country-wide, precipitating a great deal of displacement, property destruction and humanitarian suffering.

Table 1: Zimbabwe's major macroeconomic indicators, 2001-2006

US$ millions						
	2001	**2002**	**2003**	**2004**	**2005(e)**	**2006(f)**
Economic growth (%)	-2.7	-4.4	-10.4	-4.2	-7.2	-4.2
Inflation (%)	73	133	365	350	255	1 120
Public sector (% GDP)	-7.5	-2.8	-0.4	-7.1	-16.1	-9.4
Exports (US$ million)	2 114	1 802	1 670	1 680	1 694	1 727
Imports (US$ million)	1 791	1 821	1 778	1 989	2 053	1 998
Trade balance (US$ million)	323	-19	-108	-309	-359	-257
Current account balance (% of GDP)	-1.0	-2.6	-3.1	-7.3	-6.8	-12.8
Foreign debt (% GDP)	45.3	53	64.4	70.7	78.6	83.3
Debt service (% GS exports)	31.4	35.1	35.4	35.3	30.9	26.0
Foreign currency reserves (in months of imports)	0.1	0.1	0.1	0.1	0.1	0.1

e = estimated   f = forecast

Source: *Zimbabwe Independent*, Banks and Banking Survey 2006. Harare.

More generally, the economic crisis has affected the delivery of social services, principally education, health and housing. Access to these services has become more and more difficult for some social groups. For instance, in spite of the earlier general improvement in the provision of primary education, the quality of education has been falling due to a high teacher:pupil ratio and high attrition levels.[8] There is also an emerging pattern of gender disparities in primary education, with a 10% non-participation rate for girls compared to 4.9% for boys in 2000. The challenges in the health sector include a rising maternal mortality rate, maternal malnutrition, inadequate access to health delivery services and the wider effects of HIV/Aids.

POLITICAL DEVELOPMENTS SINCE INDEPENDENCE

In 2005, Zimbabwe celebrated 25 years as an independent state. How has the country fared in its first quarter-century of self-rule? How have its political institutions and culture evolved during this period? These questions will be explored in subsequent chapters as we assess the democratisation advances and reverses in that country. In this section, we limit ourselves to providing a brief synopsis of post-independence political developments. However, the starting point of most renditions of this acknowledges the seminal role of nationalism, and the movement it spawned beginning in the 1950s.

The history and role of the African nationalist movement in mobilising the black majority for independence has been extensively documented elsewhere.[9] For about three decades, the nationalist movement waged an independence struggle, firstly through petitions to the imperial authority (Britain), then through political confrontation with the settler government and finally through armed struggle. Soon after the Unilateral Declaration of Independence in 1965, an armed guerrilla struggle began which raged for 14 years before constitutional negotiations led to a settlement in 1979. However, there were serious divisions and factions in the nationalist movement from the 1960s, with the most serious being that between the Zimbabwe African People's Union (Zapu) and the Zimbabwe African National Union (Zanu) in 1963. This split was temporarily healed in 1976 with the formation of a Patriotic Front (PF). However, this would crumble soon after independence with tragic consequences in three of the

country's provinces, namely Matabeleland North, Matabeleland South and Midlands.[10]

While the new political institutions set up at independence in 1980 would play a central role in the politics of the new state, the political culture and practices generated in the armed liberation struggle had a profound effect on post-independence politics. As has been aptly observed:

> [W]hile nationalism provided a contingent discursive unity this mobilisational force also carried with it unpropitious tendencies undermining future democratic politics. During the colonial period, nationalist politics was often characterized by violent ruptures both between and within nationalist parties.[11]

A similar analytical assessment is that the new Zimbabwean state under the Zanu-PF government failed to break with the tradition of nationalist authoritarianism and violence, as well as with the methods and techniques of colonial settler oppression.[12] Failing to 'demilitarise' its political mobilisation methods and management of state institutions, the new government readily inherited the resilient colonial and security-oriented structures left by the retreating settler state – with serious implications for democracy, human rights and human security.

Thus political developments after independence consisted of both change in government and leadership personnel, and continuity in repressive state structures and practices. This limited form of transformation was also buttressed by the provisions of the Lancaster House independence constitution, which placed restrictions on socio-economic redistribution as well as on major constitutional change before 1990. The uneasy amalgam of the new (political players) and the old (state structures geared to repression) proved unequal to the challenge of conflict prevention and resolution. Although Zanu-PF won a comfortable 57% of the vote in 1980, it was not magnanimous enough to the rival PF Zapu with 20% so as to avoid a five-year civil war from 1982 to 1987.

There were several major institutional changes in the first decade of independence. The first related to the abolition of 20 seats reserved for

whites in the House of Assembly, and another 10 in the Senate. The Senate itself was then abolished in 1989, only to be reinstated in 2005. The second major development was that the ceremonial presidency gave way to an executive presidency in 1987, while provision was made for the introduction of eight provincial governors, 10 chiefs and 12 presidential nominees into the House of Assembly. In reality, these 30 non-constituency members of the Assembly were beholden to presidential patronage in a system that became more politically centralised than before. The third significant development was the merger of Zanu-PF and PF-Zapu in 1987, effectively bringing the conflict in the Matabeleland provinces to an end. However, several developments in the early 1990s proved that the political merger was not necessarily a panacea. Against the background of the end of the Cold War and stirrings of the democratisation movement elsewhere in Africa, there emerged a strong movement against the one-party state concept. This included an array of civil society organisations (CSOs) such as student and labour bodies, and human rights and women's groups.[13]

Their pressure forced Zanu-PF to reverse its intention to introduce a one-party state system. The opposition to what was perceived to be authoritarian instincts in Zanu-PF spread to such other issues as growing corruption in the ruling circles; a major example during this period was the Willowgate car sale scandal of 1988.

In the early 1990s, the opposition forces crystallised into several parties namely the Zimbabwe Unity Movement (ZUM), the Democratic Party (DP) and the Forum Party. However, the 1990 and 1995 elections witnessed landslide victories for Zanu-PF, which secured more than 95% of the parliamentary seats. The opposition movement proved weak against the formidable Zanu-PF political machine, which drew extensively on state resources during election campaigns.

The opposition parties formed in the late 1980s and early 1990s resembled the small and ineffective older parties, such as the United African National Council and Zanu-Ndonga led by Bishop Muzorewa and Reverend Sithole respectively. The latter were unable to make greater headway, although Zanu-Ndonga held on to two seats (and then one seat) in the House of Assembly until 2005.

It was not until 1999 with the founding of the Movement for Democratic Change (MDC) that the opposition movement became better organised and focused. The MDC's emergence represented a confluence of several social forces and processes. It was a culmination of growing disenchantment among civil society groups such as the Zimbabwe Congress of Trade Unions (ZCTU) and the National Constitutional Assembly (NCA), among others, with the state authoritarianism represented by the Zanu-PF government. The immediate context of the formation of the MDC was the stalemate over a new constitution. The government-appointed Constitutional Commission's draft constitution was rejected in a national referendum in February 2000. This unleashed a new wave of events in which political violence and farm invasions marked the run-up to the 2000 elections, the conduct and outcome of which were flawed and hotly disputed.

The wider context was one of growing economic hardships in the late 1990s in which social contradictions were sharpened leading, among other things, to labour militancy *vis-à-vis* the state.[14] Another major force that became more actively militant during this period was that of liberation war veterans. They prevailed on the state for economic support to the detriment of fiscal prudence, but later played a crucial political role in the land occupations and the 2000 election campaign. They were a major ally of Zanu-PF in its reorganisation in the post-referendum period. By the beginning of 2000, the stage was thus set for a titanic struggle between forces pressing for the opening of the system (democratisation), and those resisting reform by clinging to power and authority (authoritarianism).

POLITICAL TRANSITION OR STALLED REFORM?

The process in Africa in the early 1990s whereby many countries changed from the one-party state system and military rule to political liberalisation under multiparty systems has often been described as a 'transition'. Politically, a transition represents: a contest between competing forces for control of the process, rules and procedures of the political game; a contestation of space and hegemony between and among political parties; and a tussle to control the apparatus, institutions and resources of the state between incumbent and opposition contenders.[15] A transition process entails putting in place mechanisms to guide the electoral and governance

systems in a manner that rotates or replaces a political leadership and system. In relation to Zimbabwe, the key question is therefore: Did Zimbabwe undergo a political transition process during this period, or at some other period after independence? While there have been studies to explore the political economy of transition, it would appear that Zimbabwe has not undergone a transition in the conventional sense. There are several factors that explain this anomaly.

First, unlike most other countries in sub-Saharan Africa, Zimbabwe did not deviate from a multiparty state system following independence. Although there was pressure from within the ruling Zanu-PF to install a one-party state, this did not result in the abandonment of the multiparty system. In any case, in the 1990s, a switch to one-party state rule would have been untenable in the new global and domestic environment. Second, although an opportunity for a transition lay in constitutional reform as a foundation stone for democratisation (an opening up of the increasingly authoritarian system), the process was aborted in 2000, as observed above. As has been noted elsewhere:

> [T]he late 1990s might have provided an opportunity for both the ruling and opposition parties as well as civil society, to address constitutional reform and democratization. Unfortunately the opportunity was missed by both sides, and the next five years would witness a protracted bitter conflict between them.[16]

Thus our argument is that apart from the significant step of attaining independence in 1980, there has been no transition from the prevailing political system and culture to a more open, inclusive and democratic one. The absence of such a structural transition explains both the continued prevalence and defensiveness of authoritarianism, and the prolonged character of the political crisis especially between 2000 and the present. Attempts at engineering a transition have included mediation efforts to encourage a settlement between the ruling Zanu-PF party and the main opposition movement, the MDC, and the revival of the constitutional reform process. The stalemate between the ruling bloc and the opposition movement explains the stalled transition in Zimbabwe.

In addition, the issue of political leadership succession has been a complicating factor in the question of transition. There have been tensions and even the possibility of a split in Zanu-PF over who might succeed Robert Mugabe on his exit from office. In 2004, the tension came to a head with a split in the party between those who backed Joyce Mujuru and Emmerson Mnangagwa, respectively. Mugabe's intervention and outmanoeuvring of the Mnangagwa faction temporarily defused the tension, but it is an open secret that the factions continue to co-exist uneasily.[17] While a transition process involves more than just change of a country's leader, the dynamics and trajectory of the transition process will be tied to how the leadership succession is addressed and resolved.

Finally, a transition will require some legitimisation both domestically and internationally. It should be sufficiently credible to elicit both broad domestic and international support. The risk in the Zimbabwean context is that the autocratic style of the Mugabe government may lead it to impose a transition from above in an authoritarian fashion. A harbinger of this approach was the passing of the Constitutional Amendment Act No. 17 in 2005 to introduce new structures such as a Senate, without incorporating these developments into a broad constitutional reform process. A transition process requires broad legitimacy, which is possible only if there is a wide consultative and participatory process. In this context, democratic transition remains an unfinished business in Zimbabwe.

THE EXTERNAL CONTEXT

Zimbabwe's political development has been conditioned partly by its external environment and foreign relations. During the first 15 years or so after independence, relations were reasonably stable with the exception of strained relations with apartheid South Africa until that country's democratic transition in 1994. Although relations with regional blocs such as the Southern Africa Development Community (SADC) and the African Union (AU) have remained reasonably good, those with Western powers and organisations began to deteriorate particularly from 2000. This was in the aftermath of an unsuccessful donor conference on land (in 1998) and the outbreak of political violence during the 2000 and 2002 election campaigns. In particular, relations with the Blair and Bush governments as well as those with the European Union (EU) worsened considerably.

There were heated exchanges with these countries and the Commonwealth over human rights abuses and election irregularities. Relations reached a nadir with the imposition of 'targeted sanctions', mainly travel sanctions but also development assistance, on Zimbabwe's ruling elite in 2002 for human rights violations and a breakdown in the 'rule of law'.

By late 2006, the stalemate in relations with Western powers and organisations was still continuing. However, the threat of expulsion from the International Monetary Fund (IMF) subsided with a substantial payment of arrears in 2005/06. There were also hints and pronouncements about a possible shift in posture towards the West, with Robert Mugabe speaking in terms of 'bridge building' with Britain. But it remains to be seen whether the apparent shift would lead to a *détente* between the two countries.

In the regional context, Zimbabwe's intervention in the Democratic Republic of the Congo (DRC) may have saved the Laurent Kabila government from collapse following a combined onslaught from domestic rebels and Rwandan and Ugandan forces. But it was an expensive war that cost Zimbabwe up to US$30 million a month for the period 1998 to 2001, thus contributing to a substantial weakening of the economy.

Despite the controversies over internal governance, Zimbabwe has, however, not experienced concerted censure, let alone isolation, in such regional African blocs as the AU and SADC. An exception has been a critical report on the country's human rights record by the African Commission of Human Rights in 2005. In an effort to insist on a democratic framework for conducting elections, the SADC states in 2004 drew up the SADC 'Guidelines and Principles on Democratic Elections'. Zimbabwe adopted these principles as a framework for the conduct of the 2005 election and subsequent ones. However, according to an authoritative election observation body, the Zimbabwe Election Support Network (ZESN), there were still shortfalls in Zimbabwe's adherence to those guidelines.[18] Within the region itself, relations between Zimbabwe and South Africa – and particularly Thabo Mbeki's mediation efforts – have attracted special attention.[19] It is significant that domestically the church was involved in mediation, as Mbeki and Obasanjo were externally, although their efforts came to naught.

Finally, Zimbabwe's relations with the Commonwealth and the United Nations (UN) have been somewhat ambivalent since 2000. The country was suspended from the Commonwealth for election irregularities in 2002 before it quit unilaterally in 2003 over governance and human rights issues. Although relations with the UN have remained reasonably calm, there was a sharp critique from the UN Special Envoy, Anna Tibaijuka, over the government's controversial Operation Murambatsvina (Clean Up) in mid-2005.

While relations with the West have soured, those with the East appear to be blooming. This has especially been the case with China. The 'Look East' policy pursued since 2003 has aimed at counterbalancing the decline in ties with the West. However, it remains to be seen whether the benefits from the policy will outweigh the disadvantages of the rupture with the West.

STRUCTURE OF THE REPORT

This report consists of eight chapters. The first chapter lays out the country's economic and social context as well as post-independence political developments. It also addresses the relevance and utility of the concept of 'political transition', and the pertinence of the 'external factor' to understanding the governance process in Zimbabwe.

Chapter 2 presents a discussion of the methodology employed in gathering data and its interpretation in this study. Using the standard instruments developed by EISA, a combination of library and desk research as well as field interviews was undertaken. The challenges experienced in data collection are discussed, together with the useful insights gleaned from the exercise. There follows an extended literature review of the conceptual themes of democracy, transition, democratic consolidation and regime type in Chapter 3.

The material on political governance is assessed in chapters 4 and 5. Specifically, the issues of representation and accountability as well as citizen participation are assessed respectively against the background of a discernible shift towards authoritarianism during the past six years. Although far from exhaustive, the assessment identifies the salient issues relating to structures and processes of political governance, especially the role and limitations of institutions and CSOs.

Chapter 6 develops an analytical evaluation of local governance structures and policies, the growing politicisation of local authorities as well as challenges relating to capacity and delivery. The issues of economic management and corporate governance are then addressed in Chapter 7. Economic management has been the Achilles heel of the Zimbabwe government, and the expert survey bears this out. The challenge of a more coordinated steering of economic policy is explored in the chapter. The concluding chapter provides a summary of the key issues covered in the report and then presents some specific recommendations.

2

METHODOLOGY

The assessment of a process of democratic consolidation is a major challenge in social science in any society at the best of times. It requires a multidisciplinary approach and a variety of tools. This study was conducted between September 2005 and March 2006. Drawing on archival and literature searches, as well as extensive fieldwork, it commenced with a preliminary workshop conducted in August 2005 in Johannesburg. The workshop, organised by EISA, examined the conceptual framework that was to be used in the study as well as the instruments that were to be deployed in the research. The conceptual foundations of the study related to ongoing debates about democracy and forms of its consolidation in developing countries, the relationship between democracy and development, the challenge of political transition, as well as the evolving forms of citizen participation, local governance and economic management. The range of governance issues that the study seeks to tackle is very broad, hence the choice of instruments used. The above-mentioned workshop also conducted a preview of the three instruments that would later be used in the survey.

THE NATIONAL SETTING

The Zimbabwean setting presented several challenges to a study of this nature, to the extent that it delved into sensitive governance issues. In recent years, especially after 2000, the polarisation in political life and debate in Zimbabwe has generated suspicion towards research, especially political research. The first and second workshops with researchers and enumerators in Harare therefore focused not only on the substance of the questionnaires but also on how to go about conducting fieldwork without raising suspicion and hostility from the concerned parties such as government, political parties and experts. The workshops were conducted in late September and early October 2005 in Harare for four researchers and four enumerators. Although there were several instances in which authorities queried the purpose of the research, no serious incidents were experienced during the fieldwork.

The immediate context of the research was the preparations for the Senate elections that were held in November 2005. Thus there were perceptions in some quarters that the research was probably related to a surreptitious opinion survey relating to those elections, which were themselves controversial amidst calls for a boycott from a faction of the opposition movement, the MDC. However, our enumerators succeeded in dispelling such notions among their interviewees.

DESK RESEARCH: INSTRUMENT A

The main instrument used in desk research was Instrument A, which covered issues pertaining to representation and accountability, citizen participation, local governance, economic management and corporate governance. With a total of 227 separate questions, this instrument sought detailed and diverse material from different institutional and information sources. While some information was culled from libraries, specialised information had to be obtained from sources such as parliament, political parties and CSOs. The internet was another valuable source of material; the websites of various institutions often had relevant primary material to draw upon. Some websites store verbatim speeches by government and party leaders, and these were of interest to the survey. Government policy documents and legislation were obtained from the Government Printer. Despite their various biases, the press, both state and private, was a valuable source of political and governance material, as well as on trends in corruption and gender equality. However, as in other sectors, the hyperinflationary environment has made the cost of publications relatively high, as are costs relating to printing, photocopying and scanning. Nevertheless, most of the material that was relevant to this study was, fortunately, accessible.

FIELD RESEARCH: INSTRUMENT B

Most of the experts selected for interviews using Instrument B were based in Harare and Bulawayo. Of the two instruments, this instrument proved to be the most problematic. First, the questionnaire was very long, and a number of respondents pointed this out to the enumerators. It was viewed as too detailed and requiring several hours, indeed sittings, in order to complete. Second, experts from various sectors responded differently to the request to complete the questionnaire. While the response from non-

governmental organisations (NGOs), labour, the media and academia was reasonably positive, that from business, government and parastatals was erratic. Although only a few refused outright to participate, others kept on providing excuses as to why they could not complete the questionnaire. After a wait of almost three months, we proceeded to analyse the data from the 40 who had completed questionnaires. Thus there was a 40% response on this particular instrument. Later, five more respondents sent in their questionnaires, raising the response rate to 45%.

Some of the experts complained of very tight schedules which would not allow them to complete the long questionnaire, while others needed approval from their superiors to do so. The reluctance, timidity and procrastination in the response displayed by the elite is a revealing commentary on the research environment and on the creeping culture of suspicion towards surveys on governance. It is hoped that this will not develop into a permanent mindset among the elite. The low response rate from the experts was clearly one of the limitations of the study.

DATA FROM OTHER SURVEYS

Since the report will not be drawing on the public opinion survey, it will make reference to a more extensive joint survey conducted during the same period in 2005 by the Mass Public Opinion Institute (MPOI) and Afrobarometer. Based on a sample of over 1,000 respondents, that survey yielded views about democracy, political institutions and economic management. Some specific references will be made to the survey results in the relevant chapters of this report.

3

LITERATURE REVIEW

This chapter examines literature that has sought to address the analytical issues of democracy, transition, democratic consolidation and regime type. This is useful in setting out the conceptual framework for the assessment of political structures and processes in Zimbabwe as the country grapples with its multilayered crisis. We draw upon literature that defines key concepts in general, and relate them to the African experience broadly, and to the Zimbabwean conditions more specifically. There has been a burgeoning literature on these concepts, especially those of democracy, democratic consolidation and transition. The chapter will not attempt an exhaustive survey, but will merely highlight some key contributions and debates that have generated insights into the character of authoritarianism and democratisation in Southern Africa.

DEMOCRACY AND DEVELOPMENT

The relationship between democracy and development is a symbiotic one. The stability or consolidation of democracy is undermined when development is weak or unsustainable. Indeed, there is a strong current of opinion which argues that democracy is ultimately unsustainable if development stalls or is non-existent. It has been asserted that a democracy-development nexus should be built on five key factors, namely:

- literacy (knowledge);
- poverty eradication (fair distribution of wealth);
- employment creation (human resource development);
- life expectancy (longevity); and
- health services delivery (decent living).[20]

In the final analysis, the consolidation of democracy is interlinked with the improvement of the socio-economic well-being of citizens. Substantive democracy is only possible with sustainable development along equitable lines, according to this perspective.

It is a perspective that can be summarised as follows: economic development leads to a higher level of education and a more democratic political culture; the citizens develop tolerant and moderate attitudes, behaviour and values resulting in a more rational and restrained political style on the part of those governing towards oppositional tendencies.[21] Increased social prosperity reduces extreme economic inequality, lessens differences in standing, class and status between the upper and lower classes, and leads to the creation of a strong middle class, which effectively calls for political participation.[22] This destabilises autocratic forms of rule and opens up paths towards, and chances for, democracy.

This perspective draws a great deal from the experiences of democratisation in Western Europe;[23] however, it speaks less perhaps to the experiences of Asia, including China where authoritarianism instead of democracy has accompanied rapid development. There were nevertheless instances such as those of South Korea, Taiwan and Indonesia where authoritarianism gave way to democratic transitions and reinforced the development process. Significantly, India seems to have successfully combined sustainable democratisation with a late upsurge in industrialisation and growth.

In the African context, the debate on the democracy-development nexus needs to be taken further. For instance, is there an emerging link between democratic development and economic growth? In the Zimbabwean context and elsewhere in Africa, the adage that democracy should 'wait' or follow nation building and development looks more and more anachronistic. Indeed, it has been argued that the economic decline in Zimbabwe can be causally linked to the deepening of authoritarianism, clientelism and corruption in the absence of democracy.[24]

TRANSITION

How has the process of transition in Africa been conceptualised? Broadly, the term has been applied to change from one type of political system to another. As observed in Chapter 1, the process of change from a one-party state system to political liberalisation under a multiparty system in most African states in the late 1980s and early 1990s has been argued to constitute a political transition. As has been observed:

> [I]n the Southern African region in particular, states have deliberately steered their political systems towards a Western-style liberal democracy since the early 1990s. This new momentum has ushered in an all-pervasive embrace of the liberal democratic logic and thus reversing both military authoritarianism and one-party/one person rule of the last three decades.[25]

According to this fairly upbeat assessment, the Southern African region had transcended the authoritarian governance logic and embraced multiparty governance in a progressive transition. If the concept of transition is confined to change from a closed monolithic system to a competitive, multiparty one, then a majority of countries in the region did adopt the latter. However, there were exceptions such as Swaziland and the DRC, and the substance of change remains doubtful in countries such as Angola. In general, this perspective on transition appears to place more emphasis on the form of the adopted system rather than on its substance. Both aspects require rigorous scrutiny in order to determine whether the transition was substantive or ephemeral.

Another perspective is that transition refers to a shift from one governance system to another. The transitional process creates conditions of socio-economic, political and cultural progress or otherwise, depending on the imperatives prevailing in a given country or region.[26] The transition process involves embedding a governance and electoral system which instils confidence in the electorate and citizens, and which provides the political legitimacy necessary to preside over the affairs of a country.

A democratic transition would allow competing political actors unhindered access to political institutions, resources and the media, as well as protection from the judiciary and law enforcement agencies.[27] More broadly, a socio-economic transition entails replacing one set of policy frameworks and developmental paradigms with another, and engaging with such issues as wealth distribution, social inequalities and sustainability of development programmes and policies. According to this perspective, structural issues and processes constitute the substance of transitions.

Finally, some analysts have identified what they have termed dual transitions. Such transitions involve simultaneous political and economic liberalisation. As has been argued:

> [T]he empirical evidence suggests that democracy – whether electoral or liberal – is likely to go together with good compliance with internationally mandated structural adjustment pro-grammes. A sub-set of African countries – including Botswana, Ghana, Malawi, Namibia and South Africa – is currently embarked on dual transition on both political and economic fronts.[28]

This perspective argues for complementarity between economic and political transitions: one is not sustainable without the other. According to this position, democratically elected governments tend to follow policies that are market friendly. Democratisation requires a foundation in law, the presence of which gives investors confidence that politicians will be restrained from arbitrary intervention in economic life.[29] Market reforms undercut the advantages enjoyed by political elites

> in capturing rents from official monopolies and applying these to the consolidation of their own power. Instead in market economies, resources are generated at various locations beyond the boundaries of the state, thus providing a material foundation for building countervailing political institutions.[30]

While a simultaneous transition creates a 'virtuous circle' of sorts, there is an ideological component to a position which posits the necessity of market reform to buttress a political transition. Even proponents of this position concede that

> democracy and markets may not automatically flourish in Africa's unpredictable terrain; the institutional skeletons of one-party and militarized states endure after transition, especially in liberalized autocracies.[31]

Thus there is nothing automatic about a transition, let alone a dual transition. Furthermore, a transition is not irreversible. In sum, a transition

is a complex process; a combination of historical, socio-economic, cultural and political forces and dynamics, and conjunctural factors shape the kind of transition that emerges in a particular society.

There was an analytical attempt to assess Zimbabwe's transition from a political economy perspective. It was an optimistic attempt which sought to explore the possibility of a socialist transition in the heady early post-independence years.[32] In the final analysis, however, the political economy remained largely undefined beyond the spelling out of several questions such as:

> To what extent and with what consequences does the white settler colonial experience itself – and the gamut of political, economic, social, cultural and ideological manifestations and structures that it inherited – constitute a series of structural limitations to the momentum and ambitions of the new post-colonial situation?[33]

It was still early days in the mid-1980s to focus on the challenge of democratisation, hence the limiting of the analysis of transition to the extent that it related to the national and social (socialist) question, rather than addressing the challenge of democratic transition.

DEMOCRACY AND ITS CONSOLIDATION

The literature on the concept of democracy is vast. In a minimalist sense, it relates to a political system that: allows citizens to freely choose their government through fair elections; accords them adequate participation in national affairs; and ensures transparency and accountability in national governance.

Some analysts have distinguished between a 'procedural' and 'substantive' content and meaning of democracy.[34] A procedural perspective stresses the political dimensions, such as the election process and guarantees for political as well as civil rights, while a substantive view prescribes a specific content to policy, such as provision of economic and social rights and resources. Thus a procedural perspective refers to the political processes for arriving at decisions, whereas substantive interpretations refer to

concrete outcomes.[35] Both perspectives are crucial in understanding the concept of democracy.

Elsewhere we have stressed the need to view democracy as a process rather than as a static condition or end-point.[36] It is a process that spans generations; it is a protracted process by its nature: 'while some analysts prefer to speak in terms of "old" and "new" democracies, it is important to bear in mind that no society can be completely democratic.'[37]

Indeed, it makes more sense to speak of the *process* as democratisation. It involves progress towards a rules-based, more consensual and more participatory type of politics. In the final analysis, however, by its nature democratisation is always a 'work in progress'. In a wider sense, the consolidation of democracy is part and parcel of democratisation.

But how has democratic consolidation been defined? It has been suggested that democratic consolidation relates to positive democratic transformation on a sustainable basis; and that a country could be said to have achieved democratic consolidation if it is able to hold more than two successive and successful elections which produce a legitimate government. Some analysts have argued that democratic consolidation:

> involves behavioral and institutional changes that normalize democratic politics and narrow uncertainty. This normalization requires the expansion of citizen access, development of democratic citizenship and culture, broadening of leadership recruitment and training, and other functions that civil society performs. But most of all, and most urgently, it requires political institutionalization.[38]

Yet other analysts take a more holistic view on democratic consolidation. To them, it transcends notions of frequency and number of elections as well as regime changes, in that it considers consolidation of democracy as interlinked with the improvement of the social well-being of the people.[39]

In our view, the jury is still out on whether the process under way in Southern Africa constitutes democratic consolidation in both narrow and

holistic terms. There has been criticism of a paradigm of regime transitions which embodies a directional bias. Democratisation is viewed as unfolding in a fixed teleological sequence – from opening, through breakthrough, to consolidation – with consolidation being a slow but purposeful process in which democratic forms are transformed into democratic substance.[40] Viewing this paradigm as unsatisfactory, it was argued that the 'transition paradigm' should be abandoned because countries which exit from dictatorial rule do not automatically move in a democratic direction. This counter position is that:

> most African political regimes are hybrids. Within an intermediate zone, new political regimes have emerged in Africa that have democratic characteristics (notably elections), but which are marred by shifting party loyalties or by one-party dominance … The time has come to discard a paradigm that assumes the inevitability of democratic outcomes in favour of a framework that allows a systematic comparison of a wide tableau of regimes.[41]

According to this critique, rather than conceive of unfolding processes as democratic consolidation, it would be more realistic to talk simply in terms of regime consolidation. As it was forcefully argued:

> … a shift to a more generic language of 'regime consolidation' avoids a deterministic view that democratization is universal, and allows that political regimes may solidify in various autocratic or hybrid forms. What matters is whether mass populations endorse the arrangements for governance that are actually supplied … While leaving the door open for the possibility that some African regimes might consolidate as democracies (at a high level of supply and demand), we expect that only a small minority will succeed in doing so.[42]

This perspective stresses the open-endedness and contingency of current processes of rooting democracy in various countries, including those in Southern Africa. The realism or scepticism underlying this prognosis does not seem to be widely shared by SADC states themselves. The SADC

'Guidelines and Principles for Democratic Elections' represent a regional effort to develop a comparative framework for democratic electoral standards.[43] In addition, the commitment of most states in the region to the principles of the African Peer Review Mechanism shows a desire on their part to allow a peer review of their democratisation processes.

Where does Zimbabwe fit into this conceptual schema? There is a sense in which its experience defies neat labels. As we have already observed, over the past 25 years the government has organised elections as and when they were due. It never introduced a *de jure* one-party state system. Until 2000, Zimbabwe was neither less democratic nor more authoritarian than other African countries. As elsewhere, there was a thin veneer of democratic process as reflected in regular elections, and little democratic content in that process.[44] As observed in Chapter 1, it required the threat of being unseated by a powerful opposition movement in 2000 to draw out the lurking authoritarian tendencies in the Zimbabwean state. The slide into political violence and incarceration of the opposition and civil society transformed Zimbabwe into a 'police state'.

The Zimbabwean experience suggests that democratisation is reversible, especially where the initial constitutional and democratic foundations were weak. Rather than talk about democratic consolidation, it would be appropriate to consider the present challenge as one of democratic renewal or restoration in Zimbabwe's case. This broadly relates to the issue of regime type, which we now turn to.

REGIME TYPE

The task of classifying political regimes has become somewhat complicated in recent years, as more regimes have adopted the form of electoral democracy but fail to meet the test or standard of substantive democracy. Some intransigent incumbents go through the motions of holding elections while making it extremely difficult for the opposition to contest and win. Nevertheless, there have been attempts at a classification of African regime types. These are:

- liberal democracies;
- electoral democracies;

- liberalised autocracies; and
- unreformed autocracies.[45]

The governments of *liberal democracies* come to power peacefully in free multiparty elections, and subsequently hold regular polls at intervals prescribed by the national constitution. Liberal democracies embody respect for civil and political liberties that are upheld by relatively effective legislative and judicial institutions, which act fairly independently within a largely rule-governed political process.[46] Examples of such democracies would include Botswana, Mauritius and South Africa.

The governments of hybrid *electoral democracies* have constitutional systems that meet minimal democratic standards. The regime is founded and renewed by elections, which observers, monitors and candidates judge as fundamentally free and fair. In these democracies, civil and political liberties are not universally secure. Political minorities tend to be sidelined from the protection of the constitution.[47] Freedom of speech is compromised by government domination of the electronic media, and political power remains concentrated in the hands of an executive president. According to this perspective, examples would include Namibia and Malawi.

The third regime type is a *liberalised autocracy*; a hybrid system, its genesis lies in previous military and one-party arrangements now adopted for survival in a more open environment. Leaders manipulate the rules of the democratic game and stage-manage low-quality elections to their advantage. While elections are nominally competitive, they tend to be seriously flawed by ethnic conflict, political intimidation, vote buying and questionable ballot counts.[48] Zimbabwe shares some of the features of this type of autocracy.

Finally, *unreformed autocracies* represent another regime type. These are countries that make no pretence at legitimising themselves through competitive elections. Some are under the monarchy system, others are embroiled in internal conflicts to the extent of a significant collapse of central state authority.[49] Examples would include Swaziland and pre-election DRC.

4

REPRESENTATION AND ACCOUNTABILITY

This chapter analyses the institutions and processes of representation and accountability in Zimbabwe's political system. It is argued that the system has developed pronounced authoritarian features which include over-centralisation of power in the presidency and the weakening of the legislative and judicial branches. Drawing on material from desk research and the expert opinion survey, the chapter interrogates the political system, observing the undermining of checks and balances, a prevalence of human rights violations and curbs on basic freedoms and on the media. Values of tolerance have been absent in inter-party contests especially during election campaigns; the election management system has itself been mired in controversy during the 2000, 2002 and 2005 elections. Other outstanding issues include constitutional reform and the challenge of tackling corruption. The combination of these features and challenges do not presently amount to a democratic consolidation process in the Zimbabwean context.

POLITICAL SYSTEM

Zimbabwe's political system consists of a set of formal and informal political arrangements as well as certain values and political institutions. It includes political institutions such as the legislature, judiciary and executive, interest groups and political parties. The political system is the sum of central values and influence on society and politics. Central values in the Zimbabwe political system include people's attitudes towards the political leadership and institutions of government.[50]

Having gained its independence in 1980 by negotiation after armed resistance, Zimbabwe developed a unique political system. The Lancaster House constitution provided for a bicameral system with a ceremonial president and a prime minister who managed the affairs of the state. Provision was made to reserve seats for whites and the enactment of the Bill of Rights for 10 years. These were efforts to insulate the white minority from sudden shifts of power and to protect their private property, especially

land which was distributed in a skewed manner in their favour. However, with the establishment of the executive presidency in 1987, the office of the prime minister was abolished. This changed the political landscape completely. Power has become concentrated in the hands of the president, who has executive and legislative authority and can overrule judicial decisions. Although it exists in theory, the concept of separation of power has been manipulated largely by the executive. Reflecting a lack of political tolerance, the Zanu-PF government passed numerous laws to consolidate its power.

CONSTITUTIONAL ORDER

Talks held at the Lancaster House Conference where internal and external nationalists (the latter led by Robert Mugabe and Joshua Nkomo) attended, resulted in a constitution at the end of 1979. The new constitution that would form the basis of the country's independence was agreed upon. As discussed above, concessions were made by various participants, and the new constitution also contained a justiciable Declaration of Rights which protected land ownership and other property. There was provision for protection against amendment for several years. A non-executive presidency was provided for, while executive power was concentrated in the hands of the prime minister and cabinet ministers. On 18 April 1980, the first election under the independence constitution was won by Robert Mugabe's Zanu-PF party. Independence was conferred to Zimbabwe. It is against this background that analysis of the constitution and human rights issues are made.

CONSTITUTIONAL PROVISIONS AND SOURCES OF LAW

A constitution is a document that provides for basic legal and institutional structures for the exercise of state power and its relationship with citizens. It is a contract between the rulers and the ruled, and spells out rights and conditions in unambiguous terms.

Section 3 of the Constitution of Zimbabwe asserts that 'this constitution is the supreme law of Zimbabwe and if any other law is inconsistent with this constitution that other law shall to the extent of the inconsistency be void'. The constitution may be amended by the legislature, provided that two-thirds of all members vote for the amendment.

Legislation enacted by parliament is assented to by the president and such laws are known as acts of parliament. Ordinary bills require a simple majority of votes of members of parliament (MPs) but constitutional bills require two-thirds of the MPs to vote for the amendment. Bodies and individuals are also empowered through delegated legislation to make laws. These are regulations made by ministers as specified in the enabling act of parliament. By-laws are created by specified local authorities (urban and rural councils), while proclamations are issued by the president for the purposes of dissolving parliament, and rules are usually created by courts. All subsidiary legislation is promulgated in the *Government Gazette* in order to be legalised.

The *share decisis et non quieta movere* (to stand by the decisions and not to disturb settled points) also known as 'case law precedent' is used. Decisions of the Supreme Court are binding on all inferior courts. Section 9 of the constitution allows the application of African customary law in cases involving Africans *vis-à-vis* marriage and inheritance. Treaties only form part of the Zimbabwean law if they have been domesticated.

The Zimbabwean constitution specifies a formal amendment process and a thorough enactment of bills into law. The three stages that bills go through, the review by committees and the reporting of bills are all in aid of producing laws that are well thought out. A formal amendment process also helps in giving due consideration to a bill before it is passed.

The first weakness of the Zimbabwean constitution is that it was a compromise document reached at the Lancaster House Conference in 1979 to end the war of liberation. The constitution was not created by the local people but was a document drawn up with the strong influence of the former colonial power. The compromises reached at Lancaster are reflected in the original constitution, which by and large postponed some of the problems, like the land question, that later came to haunt Zimbabwe.[51]

Constitutionalism holds that the process by which a constitution is made reflects the history, aspirations and vision of the nation and that this process is as important as its content. Constitutionalism is more than just the legal constitution because mere legal constitutionality is not the answer in a

democracy. It is fidelity to the principle that the exercise of power must seek in order to advance the ends of society.[52]

Constitutionalism also denotes that in exercising its powers, a government should be limited by law. Its authority over people is dependent on its observance of the limitations under law. These limitations are usually enshrined in the constitution. The removal of such limitations undermines the very essence of constitutionalism. Furthermore, constitutionalism implies respecting individual or group rights, such as the right to free expression, association, equality and due process of law. When scholars discuss constitutionalism there is an implied notion in the concept of the imposition of limits on those powers in the legislature, executive and judiciary.[53]

The Zimbabwe Bill of Rights, in Chapter 3 of the current constitution, provides liberties and freedoms on the one hand, while on the other hand there are other sections in the constitution which infringe on these rights. Shivji has termed these 'claw back' clauses that take away rights: they include the customary law and section 23(2) of the constitution, as well as the later Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA). Constitutionalism entails that those whose powers are constitutionally limited – that is, the organs of government – must not be legally entitled to change or expunge those limits at their discretion.

The main aim of the Zimbabwe constitution is to ensure that those who govern are restrained by observing laid down rules and procedures so as not to use their power excessively. The constitution enables individuals to seek recourse whenever the rules threaten their rights. In Zimbabwe these values are upheld to a lesser extent, while to a larger extent the constitution has become an instrument which those in power can use to fulfil their goals. There is a preoccupation with constitutionality of actions, hence the many constitutional amendments, but no emphasis on constitutionalism.

In Zimbabwe there is the notion that the constitution declares the state legitimate and sovereign. The constitution has served the Zimbabwe ruling elite with real power, and the bureaucratic machinery exercises it effec-

tively. The majority of Zimbabweans are not aware of constitutional amendments and functions. It was not until the referendum on a draft constitution in 2000 that Zimbabweans were first consulted about what it should contain. It is of paramount importance to have a nation that is aware and educated in constitutional matters, as this is the key to progress and nation building.

From 1981 until this day, the Zanu-PF government has amended many sections of the constitution and in the process has inserted new devices intended to re-centralise power. The extension of the authority to the president to make appointments and dismissals of all senior offices in the public service, uniformed and defence forces helps to illustrate this point. These appointments have been subjected to the process of political recruitment at all levels (local, municipal, provincial, parliamentary and national) in order to ensure and monitor commitment to regime values.

CONSTITUTIONAL AMENDMENTS

The First Amendment (Amendment 1, Act 27 of 1981) relaxed qualifications for senators, the Parliamentary Legal Committee and the Judicial Service Commission members in order to facilitate entry into parliament of black nationalists. The amendment had the effect of dislodging former colonisers from these bodies. The second amendment of 1983 (Amendment 2, Act 1 of 1983) set the stage for government to interfere with electoral laws. The act sought to review membership and qualification to the Electoral Supervisory Commission (ESC), and Amendment 6, Act 15 of 1987 abolished the white voters' roll to 'punish' whites who were continuously voting for a conservative party that advocated white supremacy.[54]

The fourth amendment of 1984 allowed the president to appoint members of the ESC, the ombudsman, the director of prisons, and police and defence force generals. This was done to facilitate direct political interference in key positions and to increase general political control. The Matabeleland arms caches of 1983 could have necessitated this move so as to dislodge all possible political confrontation and discontent from all public offices. The creation of the executive presidency (Amendment 7, Act 23 of 1987) and the appointment of top government officials were aimed at creating a one-party state and catapulting the president to the pinnacle of power.

The abolition of the Senate and the creation of a unicameral legislature were meant to allow the ruling party the power to amend the constitution by virtue of its majority in parliament (Amendment 9, Act 31 of 1989).

Amendment 8, Act 4 of 1989 and Amendment 10, Act 15 of 1990 respectively sought to make the police force answerable to the ruling party by interfering in the direct appointment of senior police officers, and to accommodate the appointment of two vice presidents – one from Zanu-PF and the other from PF Zapu. The disparity in the land ownership patterns inherited at independence were addressed by amendments 11 Act 11 of 1990, 12 Act 4 of 1993, 13 Act 9 of 1993 and Amendment 17 of 2005. All the amendments dealt with land acquisition and redistribution by excluding courts from hearing cases concerning compensation disputes and nationalisation of land.

HUMAN RIGHTS

The Declaration of Rights is contained in section 59(1) of the constitution. It included a clause that forbade the compulsory acquisition of property without compensation, which had to be enforced for at least 10 years post independence in order to safeguard the property rights of white commercial farmers.

The declaration also contains rights to life, liberty, security of persons and protection of the law. It also includes freedom of conscience, expression, assembly and association as well as the right to protection of privacy. The declaration contains justiciable rights. Zimbabwean courts are also entitled to refer to international and regional human rights instruments for guidance when interpreting provisions in the Declaration of Rights. After independence, some rights provisions have been amended in some cases to enhance the rights, but mostly the impact has been negative. However, some pieces of legislation restricting constitutional rights have been successfully challenged in the courts.

More human rights abuses have been recorded during election periods than at any other time. The periods preceding elections have often been marked by rampant human rights abuses which come to a halt after elections. Voter intimidation, threats and the murder of political activists

have been reported in most elections since 1980. In some instances, the judiciary has been playing second fiddle to the executive.

On numerous cases the government has ignored court orders and made outright threats to judges who did not rule in its favour. For example, in 1982, two white farmers who were brothers were arrested for illegal possession of arms of war. The state's case collapsed after their star witness left the country and confessions made by the two brothers were ruled inadmissible. The two were acquitted but government ordered their re-arrest. They were acquitted again and government ordered another arrest. The two were acquitted for the third time, and when government ordered a re-arrest, the judge ruled the orders were valid – a clear application of political pressure and the failure of government to comply with court orders.[55]

The minister of justice in parliament threatened lawyers: '… we promise to handle such lawyers using the appropriate technology … this should succeed in breaking up the unholy alliance between the negative bench, the reactionary legal practitioners and government hostile to us.'[56] This was a clear violation of the rights of lawyers.

In 1999 the army detained the editor of the *Standard*, a weekly newspaper, after the paper reported that 23 army officers had been arrested for inciting an overthrow of government. The High Court held that the editor had been illegally detained and issued three court orders ordering his release, none of which were complied with. The permanent secretary in the Ministry of Defence issued a statement which said that 'the judge cannot direct us, we will move at our own pace'. Another journalist was also arrested soon after this statement. The army is not entitled to arrest civilians; this was a clear violation of the journalists' right to free expression.[57]

Chief Justice Gubbay and Judge Ebrahim in 1999 wrote to the president expressing the view that the army and Central Intelligence Organisation (CIO) were operating with impunity in breach of the law and that the police were unwilling or unable to prevent the army and CIO from breaking the law. The president in an address to the nation asserted that

'the judiciary has no constitutional right whatsoever to give instructions to the President on any matter … it is an outrageous and deliberate act of impudence'. He called upon the judges concerned to resign. This resulted in some judges resigning and new ones being appointed. Some lower court judges and magistrates received threats.[58]

In February 2002, the president, criticising Archbishop Ncube of the Roman Catholic Church, stated: 'We don't want to create trouble with men of God but I think Archbishop Ncube has gone too far … We will respect him if he remains within the corners of the church but since he shows his political tentacles and if those tentacles are harmful, we will cut them short.'[59] Archbishop Ncube is a human rights activist who has spoken out on rights abuses since independence.

Members of Women of Zimbabwe Arise, the National Constitutional Assembly and other member organisations have been repeatedly arrested for calling for a new constitution and respect for human rights. The Broadcasting Services Act, the POSA and the AIPPA have all been used to abuse rights of citizens. A newspaper, the *Daily News,* was bombed in 2000 and four newspapers subsequently closed. This violated the right to information, the right to impart and receive information and freedom of expression. The abuse of journalists, the judiciary, prominent activists and some NGOs has occurred irrespective of there being an election or not. As we will observe below, more human rights abuses occurred during the electoral processes in 2000 and 2002.

ORGANS OF GOVERNMENT AND HOW THEY WORK

Zimbabwe has three separate and distinct organs of state – the legislature, the executive and the judiciary. Section 32 of the constitution vests the legislative authority of Zimbabwe in the president and parliament, while section 50 provides that parliament may make laws for the 'peace, order and good governance of Zimbabwe'. The judicial authority is provided for in section 79. It consists of the Supreme Court, High Court, magistrate's courts and local traditional courts. The judiciary consists of the chief justice, who heads the judiciary, the judges of the Supreme Court, judges of the High Court, magistrates and presiding officers of local courts, namely chiefs and headmen.

SEPARATION OF POWERS

The concept of separation of powers as propounded by Montesquieu is a fundamental principle of democratic governance, which stands for limited government and seeks to introduce substantive and institutional safeguards to restrict the scope and extent of governmental powers. Montesquieu himself noted that 'when the legislature and executive powers are united in the same person or in the same body of Magistrates, there can be no liberty because apprehensions may arise lest the same monarch or senate should enact tyrannical laws to execute them in a tyrannical manner'.[60]

The theory of checks and balances ensures that no one organ of government becomes supreme. The president as the executive can exercise any or all powers of the executive, the legislature can legislate and the judiciary adjudicates. No one organ of government can retrench the powers of another. Checks and balances enable branches of government to scrutinise and restrain one another. In Zimbabwe the three organs of government exist, yet it can be observed that the executive has become more supreme than the other two organs.

THE PRESIDENCY

The original Lancaster House Independence Constitution provided for a largely ceremonial presidency with most of the executive political powers concentrated in the prime minister. In 1987, an executive presidency was established as a result of a constitutional amendment. The president became the Head of State and Head of Government as well as Commander in Chief of the defence forces, and has assumed precedence over all other persons in Zimbabwe. The Office of the President is filled by a person elected by voters registered on the common voters' roll. In order to qualify for election, presidential candidates must be citizens of Zimbabwe by birth or by descent. Thus citizens who acquired citizenship by registration are not eligible to seek the office. Candidates must also be at least 40 years old and ordinarily resident in Zimbabwe. The president holds office for six years with no term limits and the life of a parliament cannot exceed five years.

PRESIDENTIAL APPOINTMENTS

The president appoints ministers and deputy ministers, and also assigns functions to ministers. Deputy ministers may be authorised by the president

to exercise or perform on behalf of a minister any of the functions entrusted to such minister. The president also appoints vice president(s) – the constitution of Zimbabwe provides for the appointment of at least two vice presidents. All those appointed continue as members at the president's discretion and so are unlikely to rebel or attempt to remove him from power.

The president also appoints persons to serve as ambassadors or principal representatives of Zimbabwe accredited to other countries or to international organisations, with the advice of the cabinet. Although the president has a right to address parliament, he is not a member and has no voting powers. He can, however, send messages to parliament to be read on his behalf.

Zimbabwe's lower house, the House of Assembly, has 150 seats as stipulated in section 38(1) of the constitution: 120 members are elected by the ballot; 12 members are directly appointed by the president without the advice of cabinet; and eight members, who are provincial governors, are also appointed by the president. The president may dismiss provincial governors at any time and the person immediately loses his/her seat in the House of Assembly. Ten seats are reserved for chiefs elected by the Electoral College of Chiefs. However, since all chiefs are appointed by the president, it can be deduced that the president indirectly appoints chiefs to occupy the 10 seats in parliament, although the president too is guided by customary principles of succession.[61]

Since Zanu-PF currently has 78 seats plus the appointed positions, it wields a two-thirds majority in parliament. This has enabled it to appoint the speaker and deputy from its party as well as to appoint chairpersons of key portfolio committees. Since independence, parliament has rubber stamped most decisions of the Central Committee, which is the ruling party's supreme organ.

The late vice president, Joshua Nkomo, in his autobiography recalled that: 'I had once asked him (Prime Minister Mugabe) then directly "what is the supreme organ in Zimbabwe?' he answered "the supreme body in Zimbabwe is the Central Committee of ZANU (PF), my party".'[62] Nkomo

further asserted that 16 of the 22 cabinet ministers regarded Zanu-PF's Central Committee as more important than cabinet or parliament. There is fusion between the state and the ruling party, which led Kumbirayi Kangai (then Zanu-PF's chairman for Manicaland Province) in April 1995 to admonish all civil servants who thought they worked for the government and not the party: 'No one should say I work for the government and not the party if anyone is saying this … he will be removed from Manicaland.'[63]

LEGISLATIVE AUTHORITY

Although parliament has the power to remove the president from office, the process is cumbersome and unrealistic to the extent that it is virtually impossible to remove the president. The ruling party has had the majority in parliament since independence and the one-third of MPs who are needed to start off the impeachment process is a myth. Moreover, the speaker of parliament must appoint a committee member, and since the speaker is a ruling party cadre, he is likely to appoint the president's supporters. At least 100 MPs must recommend that the president be removed from office. The provision in the constitution does not mean that the president must then resign when 100 MPs sign the petition, thereby further complicating the impeachment process. Moreover, if the committee recommends that the president not be removed from office, then the case is closed, which is a mockery of justice.

The grounds that are stipulated for the removal of the president from office are problematical to implement. They centre on violations of the constitution by the president. By breaching any of Zimbabwe's laws, the president will be guilty of acting in violation of the constitution. But President Mugabe stated that the government would not comply with any court rulings that flew in the face of 'government rights' in respect of land acquisition. This constitutes a very serious show of contempt of the Supreme Court and the judicial system. There are other instances where the president has openly ignored or disobeyed the judiciary.

The second ground upon which the committee may recommend the president's removal is when there is physical or mental incapacity. The question that arises is who determines whether the president is physically

or mentally incapable of carrying out his duties. It appears that parliament has that discretion to determine the question entirely on its own. There is no mention of a medical practitioner to determine the sanity or otherwise of the president. MPs appear not to be competent to determine this question. The third option is to recommend that the president be dismissed because of 'gross misconduct' and 'negligence or lack of capacity to carry out duties'.

But the constitution stipulates that the president can unilaterally dissolve parliament. Moreover, section 30(1) of the constitution stipulates that 'the President shall not while in office, be personally liable to any civil or criminal proceedings whatsoever in any court'. It goes on to say '… the running of prescription in relation to any debt or liability of the President, whether incurred or accrued before or during his term of office shall be suspended during his term of office as President'. However, this does not preclude suit against the president in his official capacity.

Section 31F of the constitution grants parliament the powers to pass a vote of no confidence in the government supported by two-thirds of MPs. Even if parliament is successful in passing a vote of no confidence in a government or the president, the president is not obliged to resign but has 14 days in which to dissolve parliament or remove vice presidents, ministers and deputy ministers from office. To date parliament has never passed a vote of no confidence in government despite its dismal economic performance.

The president has unilateral legislative powers provided for under the 1986 Presidential Powers (Temporary Measures) Act (Chapter 10:20) to deal with situations that have arisen or are likely to arise and that require to be dealt with urgently. In the interests of defence, public safety, public order, public morality and public health, the president can suspend any other rights for the general public interest. It basically grants the president the right to legislate unilaterally. The president has subjective discretionary power to decide whether a situation is urgent or not.

THE SENATE
The Senate of Zimbabwe is the upper chamber of the country's bicameral parliamentary system. It existed between 1980 and 1989, after which it was

abolished, only to be re-introduced in November 2005. The original Senate consisted of 40 members, the majority of whom were elected by the House of Assembly, with the remainder chosen by the Council of Chiefs and some being appointed by the president.

Under the Lancaster House Agreement, until 1987 20% of seats in both chambers were reserved for whites. The Senate was abolished by a constitutional amendment in 1989. The current Senate came into being as a result of the 17th amendment of the constitution.

The Senate was re-introduced following the 2005 parliamentary election. The Senate has a total of 66 members: 50 members are elected (five senators per province) using the first-past-the-post criteria or the simple majority. The president appoints six additional members and the remaining eight seats are held by traditional chiefs who are elected by the Council of Chiefs to represent eight non-metropolitan provinces. The president and deputy of the Council of Chiefs also sit in the Senate.

Zanu-PF currently has 43 seats (73.7%) in the Senate and the MDC has seven seats (23%). Of the 3,239,574 registered voters only 631,347 (19.5%) voted in the Senate election. It should be noted that 20 women were elected to the Senate and that Edina Madzongwe was appointed as Senate President. The current Senate has a bias towards gender representation, the disabled, farmers, and other specialised fields. However, the Senate has been criticised as a waste of resources and as a self serving and non-priority body that was meant to accommodate political losers in the 2005 parliamentary election.

CABINET

Section 31G of the constitution establishes the cabinet, which consists of the president, the two vice presidents and such ministers as the president may from time to time appoint. A minister who is a member of the cabinet shall hold office as a member of the cabinet at the discretion of the president. A minister who is a member of the cabinet shall hold office as a member provided he/she is still a minister. If one ceases to be a minister he/she ceases to be a cabinet member. The attorney general is an ex officio member of the cabinet but does not have the right to vote on any issue.

Every minister who becomes a member of the cabinet is required to take an oath before the president. The executive authority of Zimbabwe is vested in the president and it is exercised by him directly or through cabinet. In practice, cabinet members are collectively responsible for cabinet decisions. The president acts on the advice of the cabinet, except in cases where the constitution stipulates otherwise. This is done to restrain the powers of the president, but this restraint does not apply effectively in Zimbabwe. The cabinet is not consulted where the president dissolves or prorogues parliament, or when he makes appointments, removes the vice president(s), ministers, deputy ministers and provincial governors. All cabinet members are Zanu-PF officials and are appointed by the president. It is unlikely that they would thwart his will, since they remain in office at his discretion. This has been the position since independence. It is well known that most important decisions are made by the Politburo, an organ of the ruling party, and not the cabinet. The latter rubber stamps decisions of the former.

The expert opinion survey noted that separation of powers in Zimbabwe exists on paper but in practice the ruling party makes all decisions. The House of Assembly is known to rubber stamp executive decisions, while cabinet plays to the whims of the executive. Most of the respondents in the survey indicated that this is the sole reason why there is no consultation with the people on policy issues because all decisions come from the executive, and other suggestions and alternatives are irrelevant to the government. Economic policies are designed to project the interests of the ruling party and ensure that it remains in power. According to survey respondents, this could be the reason why the government is commandist, irresponsive and corrupt – there is no other organ to effectively keep it in check. Respondents concluded that there appears to be no distinction between the ruling party and government.

THE ANTI-CORRUPTION COMMISSION

The Anti-Corruption Commission was established in order to combat corruption under the Anti-Corruption Act which came into operation on 14 January 2005 (Anti-Corruption Act, 2005). The Anti-Corruption Commission is a body corporate with capacity to sue and be sued in its corporate name. The commission is subject to the Anti-Corruption Act and must

perform all acts that bodies corporate may by law perform. The com-mission consists of four members appointed by the president. The chairperson has an office life of at most two three-year terms each, while members have two two-year terms each at most. The president in consultation with the minister of finance fixes terms and conditions relating to the payment of salaries, allowances and pensions benefits.

Persons appointed to the Anti-Corruption Commission must be persons of integrity chosen for their knowledge of and experience in administration or the prosecution or investigation of crime, or for their general suitability for appointment. The commissioners must be from the following disciplines: at least one must be entitled to practice as a legal practitioner, an auditor or public accountant in Zimbabwe, and one must have not less than 10 years' experience in the investigation of crime.

The basic functions of the Anti-Corruption Commission are to combat corruption, theft, misappropriation, abuse of power and other im-proprieties in the conduct of affairs in both the public and private sectors; and to make recommendations to the government and to organisations in the private sector on measures to enhance integrity and accountability and to prevent improprieties.

The objectives of the commission are to promote the investigation of serious cases of corruption and fraud, to make proposals for the elimination of corruption in the public and private sectors, and to promote awareness among the public of the causes of corruption and its effects on society.

The commission is mandated to:

- monitor and examine the practices, systems and procurement procedures of public and private institutions;
- enlist and foster public support in combating corruption in society;
- educate the public on the dangers of corruption in society;
- instruct, advise and assist any officer, agency or institution in the elimination or minimisation of corruption;
- receive and investigate any complaints alleging any form of

corruption as well as to investigate any conduct of any person whom the commission has reason to believe is connected with activities involving corruption;

- assist in the formulation of practices, systems and procurement procedure of public and private institutions with a view to the elimination of corrupt practices; and

- advise on ways of strengthening anti-corruption legislation and to recommend to the government that it ratify and domesticate relevant international legal instruments aimed at combating corruption.

However, the commission seems to have remained silent on the scourge of corruption since its establishment in 2005. The impartiality of the commission is questionable, given the fact that the salaries and conditions of the same are fixed by the executive, a branch they are also supposed to investigate. Central Bank Governor Gideon Gono criticised corruption among senior government officials for stalling economic recovery programmes and causing massive losses at parastatals, and criticised government's half-hearted attempts to root out the cancer.[64]

Governor Gono observed that corruption is deep seated and includes the illegal seizure of farms and equipment, fuel procurement, gold and commodity smuggling and the milking of parastatals.[65] For instance, Zimbabwe lost nine tonnes of gold worth US$160 million in 2005, and in this regard Gono remarked: 'The rot is just so widespread and deep rooted one does not know where to start from and stop, but we must fight it urgently. The most disturbing fact about this corruption is that it is us the "chiefs" that are taking the lead'.[66] There is need for a national code of conduct for senior government officials, which would be a revival of the earlier Leadership Code discarded by government in the late 1980s. Zimbabwe ranks among the most corrupt economies in the world. The commission has so far not been effective in carrying out its mandate.

THE OMBUDSMAN'S OFFICE

Section 107(1) of the constitution provides that there shall be an Ombudsman and a deputy Ombudsman when the president deems it desirable. The office is not part of the Public Service Commission although

it is a public office. The office's investigative power commenced in May 1983. The appointment of the Ombudsman and deputy is done by the president in consultation with the Judicial Service Commission. Usually a judge appointed to this office would have had at least seven years' experience as a legal practitioner. The president must be satisfied by the person appointed to the office that he/she is experienced and has a distinguished public life. In section 3(1)(b) of the Ombudsman Act the president fixes the terms and conditions of service, including salaries and pensions.

The Ombudsman is an institution designed to help citizens who have encountered injustice or oppression at the hands of officials of the state. The office intervenes in actions contrary to law, actions based on mistakes of law and unjust and unreasonable action, among others. Section 16(a)(i) of the Ombudsman Act states that defence forces, the police and prison services may not be investigated except where the Declaration of Rights has been contravened. Moreover, the Ombudsman is precluded from investigating the president and his personal staff on any grounds whatsoever. This includes the cabinet, the attorney-general and secretary to the minister of justice. The minister of justice may prevent an investigation in the interests of public security and foreign relations of the country. Other than investigative functions the office may examine and report to the minister of justice as the former cannot invalidate laws.

The government of Zimbabwe appears reluctant to increase the scope and effectiveness of the office. The restrictions on jurisdiction mean that the Ombudsman plays an insignificant part in the protection of individual freedom. The office has inadequate power to institute independent investigations when they are necessary. This is crucial because many people are not aware of their rights and there is need for an Ombudsman initiative. There has been request for such power, which has not been heeded.

The exclusion of the security forces is of paramount importance since in practice these bodies tend to perpetrate most of the violations of human rights. There appears to be a proclivity by government to keep secret the functions of the uniformed forces and not to allow public scrutiny. In this respect Zimbabwe can learn from Nigeria, Zambia, Ghana and Tanzania

where the Ombudsman has jurisdiction over the activities of the security forces. In sum, the government appears reluctant to increase the scope and effectiveness of the office. The restrictions on jurisdiction mean that the office plays a trivial part in the protection of individual freedoms.

The office requires human and financial resources, given the increased workload. Resource constraints have increasingly incapacitated the office. There is also inability to publish special reports on investigations made, which may be of public interest. This has rendered the office irrelevant and little known in Zimbabwe. There is urgent need for information dissemination to publicise the functions and activities of this office.

Concerns have been raised about the length of time taken to bring a remedy after an offence has been reported. This anomaly contradicts the premise that a true guardian of citizens' rights needs adequate powers in order to seek an appropriate and speedy remedy for breaches of those rights. The independence of the office bearer is questionable where dismissals, appointments and salaries are an executive prerogative. These constraints undermine the effectiveness of the office.

In practice the operation of the Ombudsman's office in Zimbabwe leaves a lot to be desired. There has been very limited education about this office to the public. Very few cases have been investigated. Although a campaign to publicise this office was done, it was for a limited period. From the inception of this office, most complaints came from urban areas and from relatively educated people. This effectively leads one to conclude that the office has not been able to reach the poor and uneducated rural people. Inadequate funding and resources render this office ineffective. The office is not properly budgeted for, properly staffed, sufficiently independent or properly backed by those who brought it into being.

ELECTORAL MANAGEMENT IN ZIMBABWE

The Constitution of Zimbabwe (Section 58(4)) provides for an Electoral Act for the conduct of presidential, parliamentary and council elections. Chapter 2(13) sets out bodies mandated to conduct elections, namely the Zimbabwe Electoral Commission (ZEC), Registrar-General of Voters and the Delimitation Commission. The ZEC consists of a chairperson who is a

Supreme Court judge, appointed by the president in consultation with the Judicial Service Commission. The president also appoints four other commissioners, two of them women, from a list submitted by the Committee on Standing Rules and Orders, which is a parliamentary committee. The ZEC has a mandate to conduct presidential, parliamentary and local authority elections and referendums efficiently and transparently. It directs and controls voter registration, compiles voters' rolls, conducts voter education, and secures ballot papers and all other election materials.

Since the ZEC plays a monitoring role, it gives mandates to the registrar-general and keeps the public informed about delimitated constituencies. The 2005 parliamentary election faced institutional problems because of the duplication of duties between the newly established ZEC and the ESC, which had been supervising elections since independence. The latter was dissolved after the 2005 parliamentary election, thereby clearing up the confusion that had developed.

The Registrar-General's Office was 'revamped' to become the Registrar-General of Voters, to be in line with the SADC Principles and Guidelines on Democratic Elections. Although its duties and personnel remained the same, the government pledged to adhere to the guidelines. The Registrar-General's Office has been managing elections for over 20 years. CSOs have alleged that the office is responsible for the rigging of elections, an allegation that the office has denied.

The ZEC is also responsible for the nomination procedure of political parties and candidates. Clear procedures for the designation of party agents are established by the Electoral Act and were followed. The general election materials used in the 2005 elections met with international standards and were in line with SADC Principles and Guidelines. Translucent boxes, secure voting booths that ensure security, the use of indelible ink, clearly marked ballot papers, and visible party emblems and symbols were used. Mobile polling booths which were used before the 2005 parliamentary election were outlawed in order to adhere to SADC Principles and Guidelines.

The voters' roll has been problematic since independence; critics have alleged that it is also where election rigging begins. Names of deceased

people, double entries, omitted voters and names that appear in incorrect constituencies are common in the Zimbabwe voters' roll. The refusal by government to make public an electronic voters' roll has heightened suspicion of vote rigging through the voters' roll. Electoral management in Zimbabwe has thus been riddled with constitutional, legal and institutional problems, which have led to disagreements on electoral outcomes.[67]

ELECTION OBSERVATION

In its 2000 and 2005 election manifestos, Zanu-PF emphasised the notion of national sovereignty and the principle of non-interference. Echoes of the North-South neo-colonial relationship were emphasised in all campaign rallies, and government print and electronic media. Western countries, the EU and the Commonwealth were allowed to observe elections in 2000 but not in 2005. Only liberation movements, African countries and those states that had adopted the socialist/communist ideologies were invited in 2005. Western countries were accused of harbouring re-colonisation intentions. Opposition parties, CSOs and individuals who were not organised by government were labelled as traitors and as puppets of the West.[68]

POLITICAL PARTIES

Section 21(1) of the Zimbabwean constitution recognises the right to form and belong to political parties. It also espouses the right not to be compelled to belong to a political party. Zanu-PF is the ruling party and has maintained its hold on power since the country's independence on 18 April 1980. Prior to independence, the party played a leading role in the war of national liberation. Until 1987, the main opposition party was PF Zapu, which drew its support mainly from the southern part of Zimbabwe (Matabeleland). Both parties had separately waged a protracted struggle against the white colonialists. Although the two political parties fought a common enemy, they often clashed for one reason or another.

At independence, PF Zapu was viewed as posing a real threat to the ruling party after it won 20 of the 100 seats in parliament. It was accused of allegedly organising dissidents with a view to secession. The ruling party squashed the dissidents, including women and children. The exact number

of casualties was never released but it is believed that about 20,000 people perished.[69] President Mugabe, when confronted with these figures, responded that it was a moment of 'madness'. In 1987, Zanu-PF and PF Zapu signed a Unity Accord signalling the end of the dissident war. This Unity Accord has been variously interpreted, but the general consensus is that PF Zapu had surrendered at best, and had been swallowed up at worst.

Zanu-PF has long been fixated with the idea of turning Zimbabwe into a one-party state. Actually, in 1989, the ruling party embarked on an ambitious project to map out an official one-party state policy. The policy was rejected by Zimbabweans after a leading nationalist from the ruling party and CSOs campaigned against the idea. The nationalist, Edgar Tekere, was expelled from the ruling party in 1988 and he formed his own political party – the Zimbabwe Unity Movement (ZUM). The response of the ruling party was to demonise the ZUM and label it as a front for Rhodesians who wanted to re-colonise the country. The ZUM later disintegrated and fizzled out, generating theories that Tekere had been planted by Zanu-PF or that he was 'bought' out of politics.[70]

What emerges from the above is that Zanu-PF sought to institutionalise itself as the only legitimate and legal party in Zimbabwe. In its party manifesto, the main objective was to 'bring all Zimbabweans under one umbrella, with only one leader for one Zimbabwe'.[71] In 1998, a former CIO agent rebelled and formed the Zimbabwe Union of Democrats (ZUD). Other parties like the Democratic Party led by medical doctor Emmanuel Magoche, the Forum Party of Zimbabwe led by former Chief Justice Dumbuchena, Zanu-Ndonga led by a nationalist Ndabaningi Sithole, and the United Party led by Bishop Muzorewa all failed to dislodge the ruling party. The latter kept a constant check on them.

The formation of the MDC in September 1999 was the greatest electoral threat that the ruling party faced since independence. The opposition party almost dislodged the ruling party, despite constitutional and electoral laws that were altered in favour of the ruling party. The capturing of about 46% of votes in the 2000 parliamentary election posed a serious challenge to Zanu-PF. The government responded by unleashing an election campaign characterised by unprecedented levels of violence and intimidation

perpetrated by war veterans, uniformed forces, party youths and women. Scores of MDC supporters were killed, others raped, intimidated and assaulted during that parliamentary election campaign.

PARTIES AND LACK OF POLITICAL TOLERANCE

The Zimbabwe Human Rights NGO Forum recorded that 70,000 people were displaced from their homes, while 10 white commercial farmers and 33 MDC supporters were killed in 2000. The former group was associated with funding the opposition party and also because they were accused of owning large tracts of land. This was confirmed by the report of the Commonwealth Observer Group (2000).

The 2002 presidential election was also marked by violence and intimidation. No distinction was made between the ruling party and the state. Government property was used to campaign for the ruling party's presidential candidate. Helicopters, vehicles, schools, clinics and even government personnel were used to campaign for the ruling party. Threats of non-compliance were made against civil servants. Civil servants were banned from reading perceived opposition newspapers, which were also banned from government buildings.

Draconian and unconstitutional legislation was put in place to gag the media and civil society. The AIPPA, for instance, was used against those who criticised the president. Meetings of the opposition were banned for trivial reasons, violence was unleashed by security forces, and the media was unashamedly biased against the opposition. As observed above, the *Daily News'* premises was petrol bombed, and journalists were tortured and jailed. Four independent newspapers and one television station closed down. Electoral irregularities in the voters' roll resulted in civil society calling the election the biggest electoral fraud ever.[72]

The post-election period in 2000 and 2002 saw retribution for areas that did not vote for the ruling party. Some members of the opposition reportedly defected to the ruling party, while opposition mayors in Harare, Chitungwiza and Mutare were sacked or suspended for alleged gross mismanagement, and pro ruling party commissions were appointed to manage councils. Despite local government legislation that gives limited

terms of office for commissioners, the ones appointed by the minister of local government have not adhered to the stipulated terms and they continue to manage (illegally) city council business.

It appears that the ruling party can tolerate opposition parties only to the extent that they do not threaten its hold on power. To consolidate its grip, Zanu-PF has perched itself at the pinnacle of power and determines national policies as well as supervising all public institutions. The party appears superior to government, since government and parliament mainly rubber stamp decisions made by the party's Central Committee. There appears to be no distinction between government and the ruling party. Government assets and personnel have been used in ruling party campaigns. Pluralism and dissent are not tolerated at all. Democracy cannot prevail where opposition parties are not tolerated, where the media is manipulated and where human rights are not respected.

Electoral violence has been witnessed in cases where the ruling party faced real challenges from opposition parties. In the 1985 general election, the first since independence, the ruling party reacted to the threat of PF Zapu after discovering large caches of arms by arresting its leaders, imposing a state of emergency and insisting that opposition parties obtain prior permission in order to hold campaign rallies. Most of the rallies were prohibited by the police. Opposition parties were also barred from using the government media. Zanu-PF captured 63 seats against PF Zapu's 15 seats. The 1990 elections were held after Zanu-PF had co-opted PF Zapu to become one political party and hence the election was held in relative peace. Although a new political party participated in the election – the ZUM – Zanu-PF captured 116 of the 120 seats in parliament, creating a clear hegemony. The election was, however, marred by corruption, unemployment, inflation and a transport crisis.[73]

The 1995 parliamentary election was held during the post economic structural adjustment programme period in which economic hardships continued to haunt the country. Factionalism within the ruling party, misuse of government vehicles and land allocation to political 'heavy weights' were common. The government perceived a slight loosening of political power and it responded by intimidating voters during elections

using the print and electronic media. Voter turnout was only 47.9% and Zanu-PF won the election – a far cry from the 1980 election where voter turnout was 94%.

The 1996 presidential election saw three candidates withdrawing from the electoral race, citing a grossly uneven political playing field in favour of Zanu-PF; only 31.7% voted for Zanu-PF. The 2000 and 2002 elections were marked by blatant human rights violations. Some opposition election monitors 'disappeared' and cases of rape were reported countrywide. This was a result of a new vibrant political party: the MDC had almost dislodged the ruling party by winning 57 seats while Zanu-PF secured 63 seats in the 2000 election. Vote rigging, gerrymandering of constituencies and a voters' roll in shambles were alleged. The opposition unearthed massive evidence of election irregularities, which led to the recounting of votes in some constituencies. The High Court nullified some results. Although there was a relative decline in violence, the 2005 elections were flawed due to the legal and constitutional amendments that were skewed in favour of the ruling party.

Intimidation and allegations of vote rigging are a cancer in Zimbabwe's election culture. Violence, intimidation and vote rigging have varied with the degree of threat posed to the ruling party: the bigger the threat the opposition posed to the ruling party, the more the violence and intimidation. The question of legitimacy of government is problematic in Zimbabwe. Voters in all urban areas who have always voted for the opposition have rejected election outcomes, while voters in the rural areas, a stronghold of the ruling party, have celebrated the victory of the ruling party. Efforts made to try and adhere to the provisions of the SADC Principles and Guidelines on electoral conduct were aimed at gaining domestic, regional and international validation.

The expert survey indicated that the freedom to vote does exist during elections, a finding in line with the desk review which indicated that the voting day is usually peaceful. The pre- and post-election period, however, is usually problematic (with the exception of the 2005 parliamentary elections). Traditional leaders, the police and the ruling party youths are the main sources of electoral intimidation.

Biased reporting was singled out as the main factor in unfair elections conduct. Most respondents noted that there was no freedom to discuss political issues, and that there was no independent television and radio reporting. The majority of respondents were of the view that the public media is heavily biased in favour of the ruling party and the minimal coverage of the opposition parties was mainly negative.

According to the expert opinion survey, electoral institutions are not seen as being independent. In a separate survey by Afrobarometer and MPOI, some 66% stated they did not trust the election management authorities.[74] This is buttressed by executive interference in electoral management, especially in the appointment of electoral bodies, the setting of electoral dates, the promulgation of electoral laws, the appointment of non-constituent MPs and control of the judicial system, among other aspects.

GENDER AND DEMOCRATISATION

Since independence in 1980 the Zimbabwean government has enacted legislation which promotes the advancement of women. Legislation has been put in place to combat women's poverty and address women's marginalisation. Legislation has been enacted to protect and promote women's rights to equal access to power, assets and resources. There has been considerable progress and commitment by government to enhance gender equity and quality.

The government is a signatory to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the SADC Declaration on Gender and Development and the African Charter on Human and Peoples' Rights. However, section 111b of the constitution states that no international treaty, covenant or agreement signed and ratified by the Zimbabwean government shall form part of the local laws unless parliament passes a law making the agreement part of the laws of Zimbabwe.

Although CEDAW was signed and ratified in 1991, it has not been domesticated. As such section 23 of the constitution still allows discrimination against women in the application of customary law in matters relating to adoption, marriage, divorce, burial, inheritance of property on death or matters of personal law.

The issue of women's rights remains a thorny one. This is due to the fact that some of the gender-related matters cut across the grain of Zimbabwean culture. For example, the issue pertaining to the right to start a family, to decide on the number of children a woman wants to have, the right to choose a spouse, the right to family planning and inheritance rights are still not acceptable in some communities. There are still widespread cases of widow disinheritance, battering of widows and daughters, and forced marriages of young girls. Some of these cases go unreported as they have criminal consequences, and in those cases where the offender is a relative or breadwinner, there is a general tendency to 'protect' them by not reporting to the police.

Although much progress has been made on the social front, matters of governance are generally seen as the prerogative of men. Women are grossly under-represented in all political positions yet women constitute 52% of the population. In 1990, women constituted less than 10% of MPs, improving marginally to 10.7% in 1995, 2000 and 2002. In 2002, there were only 8.3% female deputy ministers, 12.5% female provincial governors, 8.3% female chairpersons of portfolio committees, 11.1% females occupied the top six positions in the police force and only 3.7% females the top three positions in the army.[75]

Currently, female senators constitute 36% of the Senate and in the House of Assembly women make up 16.7%. There are about 17.2% females in the cabinet; the increase in female representation is a result of Zanu-PF stipulating in its manifesto that it must achieve at least 30% women representation among candidates in the 2005 general election. Although much progress has been achieved in this regard, women are still under-represented in political and decision-making positions. Democracy cannot be sustainable where the majority of people are excluded from making decisions and policies.

While the expert opinion survey indicated that there were women in local government, there was, however, no gender disaggregated data to make further analysis as to the position women hold and how much decision-making influence they have. The general perception in the survey is that women are in top positions in government. This could have been a result

of Zanu-PF's adoption of the SADC Gender Declaration of setting aside 30% of seats for women. This move by the ruling party resulted in the appointment of a female vice president, which saw women being elected to top positions in party structures.

CONCLUSION

In its assessment of the institutions and processes through which representation and accountability take place, this chapter identified major deficits. These relate, among others, to weak checks and balances between the major branches of the state. An autocratic authoritarianism has filled the vacuum left by this state of affairs. Other democracy deficits include the absence of constitutionalism, and of a framework for political culture as well as a credible electoral system. In a context of repressive laws and a growing scourge of corruption, there is little trust in the electoral process and in the wider political system. In our view, these deficits militate against a process of democratic consolidation.

CITIZEN PARTICIPATION IN THE GOVERNANCE PROCESS

This chapter aims at exploring the extent to which Zimbabwean citizens participate in the governance of their society. It will highlight the institutional and associational mechanisms that exist to enhance participation of citizens in the governance process at various levels. In particular, it explores the degree to which civil society organisations (CSOs) have succeeded or failed to encourage and enhance that participation.

Previous chapters have argued that Zimbabwean politics has been cast in an authoritarian framework in which there is centralisation of power in the executive, or more specifically in the presidency. This has had a weakening effect on other centres of power, especially parliament and the judiciary, while there have been concerted efforts to emasculate the media. Citizen groups, and more specifically CSOs, have become a focus of less than benign attention of an authoritarian state. The difficult and often tense relationship between the state and CSOs is therefore a major focus of this chapter. We will consider the immense challenges that the non-state sector encounters in its attempts to contribute to democracy building at various levels. Finally, the chapter outlines key issues relating to gender in the civil society sector, in particular the extent to which women have participated in decision-making processes within the sector.

CITIZENSHIP

The issue of citizenship is central in any discourse of democratic governance. The right to citizenship determines whether one has access to other rights such as voting, property ownership and social security entitlement. There has been no automatic guarantee of access to citizenship rights by all people who live in Zimbabwe. Those who have had limited rights or none include migrant workers and their descendants: typically most of them historically were recruited from neighbouring countries such as Mozambique, Malawi and Zambia.[76] They were denied the right to vote in local elections till 1998, and they have not had equal access to land rights. Most were farm workers and mine workers and their limited

citizenship rights have worked to their disadvantage, both politically and economically. With the introduction of a law against dual citizenship, thousands of long-time residents, including whites, lost their entitlement to Zimbabwean citizenship together with rights to vote in recent elections (in 2002 and 2005). An analyst has observed that the citizenship issue has entailed:

> a flattening of the issues through an essentialised racial discourse which included a series of other exclusions of groups, such as farm workers, urban workers 'without totems', women and members of the political opposition. This totalising political slogan sought to consolidate a core rural electorate, considered the timeless political prerogative of the ruling party, through a violent project of marginalizing dissenting groups.[77]

Thus there has been differential access to citizenship rights in both legal and political terms. Equal access to these rights remains part of an unfinished business of democratic construction in contemporary Zimbabwe. This is also notably the case with Zimbabweans in the diaspora; they are denied the right to vote in elections, and yet they form a significant proportion (some estimates put them at 25%) of the population. Despite representations from associations of these Zimbabweans, the government has not extended voting rights to them. The argument that the government has put forward for this exclusion is that it is too costly to run an election which includes citizens that are outside the country. Critics of the government, however, argue that this is a deliberate ploy by the government to deny these citizens their voting rights because they are perceived as core supporters of the opposition.

INSTITUTIONAL BASIS FOR CITIZEN PARTICIPATION

Citizens participate in the law-making process through the election of MPs who then are supposed to represent their interests in the legislative chamber. Citizens can also lobby for laws through various networks that include CSOs, business associations and political parties. It is, however, debatable whether the election of MPs by citizens necessarily translates into representation of their interests in the law-making process because in some instances MPs hardly consult their constituencies. MPs tend to forget

about their constituencies until the next election. They then make frequent visits to the constituencies during the short interval of electioneering, and often 'donate' goods and equipment in seeking re-election. But once re-elected, they disappear only to re-surface five years later when the next election comes around. In a survey on the Parliament of Zimbabwe conducted by the MPOI, close to 40% of respondents said they did not know their local MP, while another 65% stated that their MPs did not organise frequent meetings with their constituencies.

Moreover, citizens are hardly consulted on legislative issues as MPs tend to concentrate on projects that deliver political capital to them. Examples of such projects include distributing food handouts and commissioning donor-funded projects. In most cases such activities are meant to generate short-term political popularity rather than to deliver sustainable development for communities. Community participation in local affairs is not high. One could argue that a combination of the economic decline that the country has been going through and severe curtailment of civil liberties through repressive legislation has contributed to the general disengagement of the citizenry from civic participation, a situation that is not healthy for democratic consolidation.

ASSOCIATIONAL LIFE

Zimbabwean citizens participate in the governance process through various ways that are explained below.

Citizen participation in policy formulation

Zimbabwe has no clearly defined policy on development, democracy and human rights. However, it is a signatory to international human rights conventions like the Universal Declaration of Human Rights, the Geneva Convention, the Convention against Torture, and the Convention on the Rights of the Child, among others. The government has signed up to these conventions after citizens have lobbied it to do so and in line with international norms. In the expert opinion survey conducted for this study, a larger majority of the respondents said Zimbabweans do not have the freedom to form and participate in civic groups and associations. The implication is that there is very little participation in the development of policies. Human rights organisations like the Zimbabwe Lawyers for

Human Rights (ZLHR) and the Law Society of Zimbabwe (LSZ) have lobbied and petitioned government for the establishment of a Human Rights Charter but the government has been dragging its feet on this. Although there is an intention to establish a Zimbabwe Human Rights Commission, critics have questioned the government's sincerity given the fact that it has refused to repeal repressive legislation like the AIPPA and POSA.

Civil society organisations

There are various CSOs that operate in the areas of human rights, democracy and governance. They are involved in a variety of activities that range from lobbying and advocacy to policy debate. Citizens are active members in these organisations, some of which are member based. However, there is debate on whether such organisations are effective mechanisms for citizens to participate in the governance process as some of them have tended to be elite-driven to the extent that they are headquartered in the capital Harare and most, if not all, of their activities are concentrated in the major towns, a process that isolates the critical mass in the smaller towns and rural areas.

Many CSOs in Zimbabwe have been severely restricted in their activities because of the repressive legislation that governs them. The POSA, for example, has been used by the ruling regime to stifle the activities of CSOs as it has provisions which outlaw many of the activities that would allow citizens to participate in the governance process.

In this section, we will briefly introduce the major CSOs that operate in the areas of human rights, governance, democracy and development in Zimbabwe. They have been selected because these are the ones that are relevant to the scope of this analysis. There has not been any objective and systematic audit of CSOs that are working in Zimbabwe and it is therefore difficult to give numbers of civic-based organisations (CBOs), NGOs and faith-based organisations (FBOs) which are currently in existence.[78]

The information in this section has been obtained from the National Association of Non-Governmental Organisations (Nango), which publishes a directory of NGOs, FBOs and CBOs. The section also uses other

sources. It is imperative to point out that in the discourse on CSOs in Zimbabwe, most organisations which operate outside the public and private domain are generally referred to as NGOs, without any strict differentiation between CBOs, NGOs and FBOs. It is also important to point out that the list of organisations that is provided by Nango is not exhaustive, as it contains only those organisations that have registered and paid subscriptions. There could be other NGOs, CBOs and FBOs that have not done so and these are therefore excluded from the list. To capture these we have made efforts to obtain information from other sources.

CSOs that operate in human rights, democracy and governance have evolved over the years in post-independence Zimbabwe. One could argue that there were a few major organisations in the areas of democracy and human rights until about the mid-1990s when simmering opposition to the ruling regime evolved into active confrontation. It is not feasible to identify and describe all CSOs that are working in democracy and human rights and therefore only the major ones have been dealt with in this section.

National Constitutional Assembly (NCA)
The NCA was formed in 1998 as a grouping of labour unions, student movements, political parties, CSOs and the public, to push for a new constitution. It is a membership-based organisation with structures all over the country. The NCA has grown over the years to become a major proponent of democracy and good governance. Although it defines its mandate as being to fight for a new constitution, the NCA lobbies and advocates for broader democratic reform, which it argues can only be achieved through constitutional reform. The NCA has mounted a number of mass protests nationally, which have raised the ire of the state. The purpose of these mass demonstrations has been to drum up public support for a new constitution and make government realise the urgent need for constitutional reform in Zimbabwe.

Crisis in Zimbabwe Coalition
The Crisis in Zimbabwe Coalition is a coalition of CSOs. It was formed in 2001 by Zimbabwean civic groups to try and solve what it calls the 'multifaceted crisis' facing the country. Its objectives are to respond to government positions regarding policy issues, to share ideas and

information among CSOs, to ensure development of democratic gover-
nance in Zimbabwe, to 'amplify' the voice of CSOs in Zimbabwe, to fill
the gap left by other CSOs and to facilitate research and debate on the
Zimbabwean situation and offer solutions.

Zimbabwe Election Support Network (ZESN)
The ZESN is a network of CSOs that works to bring about democratic
governance through transparent, free and fair electoral processes. Its broad
aim is to enhance the election process in Zimbabwe in order to promote
democracy and good governance. In doing so the network strives to see
the establishment of an electoral framework that adherers to inter-
nationally acceptable standards. The ZESN's major areas of programmatic
activities include organising and running workshops and conferences,
election monitoring, media and communication, research and advocacy,
voter education and institutional capacity-building and networking.

Zimbabwe Lawyers for Human Rights (ZLHR)
The ZLHR is a CSO that works in the areas of democracy, good governance
and human rights. Its objectives are to deepen and broaden human rights
provisions in the Zimbabwean constitution, to fight for the implementation
and protection of international human rights norms as contained in
international conventions such as the Universal Declaration of Human
Rights, the International Covenant on Civil and Political Rights, the
International Covenant on Economic, Social and Cultural Rights, the
CEDAW, the United Nations Convention on the Rights of the Child and
the African Charter on Human and Peoples' Rights. The ZLHR also
advocates for the adoption of a Southern African Human Rights Charter
and the establishment of a Southern African Court of Human Rights.

Transparency International Zimbabwe
Transparency International Zimbabwe is a Zimbabwean chapter of the
global anti-corruption lobby, Transparency International. It was
established in 1996 and tries to establish a network of like-minded
individuals and organisations to work with the government, public sector,
and CSOs in designing and implementing national anti-corruption
programmes. It also works to awaken and strengthen public support and
understanding of corruption programmes, to enhance public transparency

and accountability in national and international business transactions, and organises conferences, seminars, workshops, study programmes, and other activities aimed at countering corruption and promoting transparency and accountability.

Mass Public Opinion Institute (MPOI)
The MPOI is a non-profit research institute whose mission is to inform policy makers on how citizens feel about the various issues of the day. The objective is that opinion surveys can be a permanent feature in the conduct of public affairs in Zimbabwe. Its objectives are to promote and strengthen democratic governance through research, publishing and facilitating discussions on public opinions regarding topical issues. The aim is to connect policy makers with the citizens they serve, to facilitate the eradication of a 'culture of fear' by encouraging people to express their views on issues that are of concern to them, and to become a permanent organisation that promotes and encourages the institution-alisation of democracy in Zimbabwe.

Media Institute of Southern Africa (MISA-Zimbabwe)
The Media Institute of Southern Africa-Zimbabwe is a CSO that strives to promote media freedom and enhance independent and ethical journalism for the benefit of society. It tries to create an environment in which there is dedicated professionalism and which promotes openness, independence and pluralism. It does this through advocacy, civil activism, education/ training, and media research and information dissemination.

Zimbabwe Human Rights Association (Zimrights)
ZimRights is a CSO working in the areas of human rights, democracy and good governance where it focuses on, among other things, adult education, advocacy, civil activism, research, information dissemination, voter education and election monitoring. Its objectives are: to promote human rights for all people regardless of status, providing relevant information and education to marginalised sectors of the community in order for them to assert their rights and seek to improve their living conditions; to act as the voice of the voiceless, the oppressed and the disadvantaged; to carry out research into issues of justice and lobbying the Zimbabwean govern-ment to commit itself to good governance through ratifying international

human rights instruments; and to re-dedicate itself to its commitment to observe, protect and respect human rights and the dignity of the individual through constantly reminding the government of its international human rights obligations.

LEGAL FRAMEWORK UNDER WHICH CSOs OPERATE

CSOs in Zimbabwe are governed by the Private Voluntary Organisations Act (PVO Act) of 1995, which is administered by the minister of public service, labour and social welfare. It stipulates such aspects as the registration and deregistration of CSOs, their functions and operations.

The relationship between the Zimbabwean government and CSOs that operate in the areas of human rights, democracy and governance has always been a frosty one, and it became even frostier after 2000. As the government became increasingly isolated and accused of human rights abuses, it started to become more and more hostile towards those CSOs which it perceived as working in cahoots with international forces to discredit it. This was because many of the CSOs continued to expose cases of human rights violations by publishing detailed reports of such violations. From 2002 onwards, the government passed two pieces of legislation that impacted negatively on the operations of CSOs. These were the POSA and the AIPPA. The former had a direct negative effect on the operations of CSOs, while the latter had an indirect one.[79]

At the time that the POSA Bill was being debated, many argued that it was a draconian piece of legislation that was intended to curtail the activities of opposition political parties and CSOs, which the government argued were acting to remove it from power. The government publicly registered its discomfort with CSOs that were working in democracy, human rights and governance fields, accusing them of being conduits of hostile international forces that were bent on effecting 'regime change'.

The major problematic provisions of the POSA relate to 'political meetings', which need to be sanctioned by the police. A simplistic and narrow definition of a political meeting was adopted by government to mean any meeting that could be deemed to be political, and the police has the discretion to stop such meetings.

Given the partisan nature of the police force in Zimbabwe, it is no exaggeration to argue that the law was designed to curtail the activities of pro-democracy elements. CSOs were affected in the sense that they could not mobilise the public to lobby and advocate. Many CSOs have been denied permission to hold meetings with their members and the public in general under the flimsy excuse that this will 'occasion political violence'. Opposition political parties, especially the MDC, have been denied permission to hold political rallies under the same Act. Conversely, the ruling party does not seem to fall under the same law as it holds meetings as and when it sees fit.

In 2004 the government introduced another bill that was specifically targeted at CSOs, which was called the NGO Bill. The major contentious clause of the bill was the one requiring all CSOs to be registered by an NGO Council that was to be appointed by a government minister, and also the outlawing of any foreign funding for CSOs operating in the areas of human rights, democracy and governance. The intention was to limit the abilities of these CSOs to operate effectively, thereby cushioning the government against accusations of human rights violations. By the time this report was published, the NGO Bill was still awaiting presidential assent, but the general feeling among many is that the government has bowed to pressure from within and outside following intense criticism over the negative ramifications of the bill. Although the bill has not actually become law, it is evident that to a certain extent the government has achieved some of its intended objectives. Following the passing of the bill, some donor organisations that support human rights, democracy and governance CSOs scaled down their funding, fearing victimisation. Some that were headquartered in Harare have moved their offices to other countries in the region. Some of the CSOs themselves have scaled down their operations, although the bill has not been signed into law. Some of those that were very vocal in criticising the government have toned down their criticism in fear of being denied registration.

ASSOCIATIONS AND LOBBYING

There are many forms of association and social networks, from the community to the national level, which Zimbabweans use to lobby government and advocate for policies that better their lives. Before an attempt is made to outline and explain them, it is important to point out that Zimbabwe is a country

that is currently undergoing severe economic decline. Our contention is that under these harsh economic conditions most people tend to be concerned with the issues of basic survival. With the collapse of traditional state social safety nets that are meant to protect the poor, many Zimbabweans have been forced to try and survive outside the domain of the state. This level of disenchantment with the state has resulted in people wanting to confront the state for its failure to provide such things as jobs, health, education and other necessities. This has also resulted in the emergence of a parallel economy that has increasingly eclipsed the formal economy. At the community level, therefore, there is very little in the form of associations or social networks that people use to lobby government or to advocate for policies that better their lives.

At the national level, citizens use CSOs for lobbying and advocacy, as outlined in a previous section of this report. However, as has been pointed out, CSOs are faced with many challenges that have curtailed their ability to mobilise citizens and lobby for policies which better their lives. Our expert opinion survey revealed that an overwhelming majority of the respondents believe that CSOs do not operate freely because of a restrictive environment. This environment is characterised by repressive legislation in the form of the AIPPA and POSA, and a state-controlled coercive apparatus in the form of the uniformed forces and intelligence service. An authoritarian grip on the media has also made it very difficult for non-state actors to influence policy, as the government controls the flow of information.

It is difficult to measure the effectiveness of lobbying by CSOs for development, democracy and human rights in Zimbabwe where human rights violations of various forms have become prevalent. Most of our survey respondents believe that CSOs have little influence on government policies and programmes in Zimbabwe. Elsewhere we have alluded to the relationship of mutual mistrust that exists between government and CSOs, and this is one of the major reasons why CSOs have little influence on government policy-making. However, this is not to discredit the sterling work that CSOs are doing in Zimbabwe to see the establishment of a democratically governed society. In the survey we also found that CSOs are strongly perceived as advocating transparency and accountability in government.

STRATEGIES USED BY CSOs IN LOBBYING

In this section we discuss the various strategies used by CSOs to lobby for democracy and human rights. The major strategies that will be discussed are advocacy and lobbying, demonstrations and media campaigns.

Advocacy and lobbying

CSOs in Zimbabwe lobby for democracy and human rights in various ways. It should be pointed out that there is a plethora of challenges that confront CSOs in their advocacy and lobbying work and this is primarily due to the kind of relationship that exists between them and the government. One of the strategies used by CSOs in lobbying government on democracy and human rights is dialogue with government officials where issues of concern are raised. CSOs usually request meetings with ministers or their senior representatives, and they also write letters to the relevant government ministries or government officials to raise issues that they may have. Although some CSOs have managed to engage with government officials, in most cases government officials have been very reluctant to meet with CSO representatives. This has been particularly so after the 2000 general election. As pointed out elsewhere in this report, the relationship between government and CSOs became strained during this period as the former accused the latter of colluding with powerful international forces to remove the government from power. The government, however, has been unable to provide evidence to back this claim.

Another strategy used by CSOs in lobbying the government on human rights and democracy issues is writing to regional and international human rights bodies such as Amnesty International, the International Bar Association and the African Commission on Human and Peoples' Rights to draw their attention to human rights and democracy issues. A good example is the ZLHR, which works to deepen and broaden human rights provisions in the Zimbabwean constitution, and to fight for the implementation and protection of international human rights norms as contained in international conventions, as discussed earlier. The ZLHR has been lobbying the AU to censure the Zimbabwean government for alleged human rights violations through the African Commission on Human and Peoples' Rights.

Demonstrations

Mass demonstrations are another way in which CSOs in Zimbabwe have highlighted human rights and democracy issues. They mobilise the masses or members of their associations to embark on marches or demonstrations to raise awareness on particular issues or to lobby government in order to influence policy or legislation. The Law Society of Zimbabwe, a professional body that regulates the legal fraternity, has embarked on several marches to protest against certain pieces of legislation that it considers is *ultra vires* the constitution. The Zimbabwe Union of Journalists, a professional association of journalists, has also organised marches and demonstrations to protest against legislation that it considers as being inimical to the effective functioning of the media. A good example of such legislation is the AIPPA.

The success of mass demonstrations as a strategy to lobby government on human rights and democracy issues has, however, been limited, particularly in the period after 2000. This is because the state has become more viciously repressive in dealing with mass demonstrations. Many civil society leaders have been arrested, assaulted (some of them severely) or threatened with the same for either taking part in demonstrations or advocating demonstrations.

The NCA is such an example. Its chairman Dr Lovemore Madhuku has been arrested and detained on several occasions for organising and taking part in mass demonstrations. At one point he was abducted, assaulted and left for dead by unknown assailants that were believed to be state agents.

Media campaigns

CSOs have also used media campaigns to highlight human rights and democracy issues. These have taken the form of press statements that highlight issues of concern, detailed newspaper articles, letters to editors of newspapers and sometimes open letters to the relevant officials. The MISA, for example, launched campaigns against restrictive media laws, particularly the AIPPA. The MISA has done this by placing advertisements which highlight key issues on the legislation that governs the media in the country.

Public meetings

Public meetings are another strategy used by CSOs to lobby and advocate for democratic governance and respect for human rights. The CSOs invite eminent members of society, including government and ruling party officials, to address these meetings, after which members of the public can ask questions and make their own contributions. This has allowed ordinary people to contribute to policy debate on issues that affect democracy and human rights.

It is debatable, however, whether such meetings have contributed to policy making in any significant way. This is because in most cases government officials and ruling party officials have refused to participate in such meetings. As a result, panels of presenters have often featured opposition political party officials and leaders of CSOs whose views might be very important but contribute little to the shaping of public policy.

CSOs AND POLICY MAKING

It is difficult, for a variety of reasons, to quantify the achievements that have been made by CSOs in influencing policy making. First, one cannot easily establish a logical correlation between policy outcomes and campaigns or strategies that CSOs use to lobby in order to influence policy. Second, policy making by its nature is a very complex process in which many intervening variables come into play. To attribute policy outcomes to certain actions by individuals or organisations is problematic. One could, however, argue that in Zimbabwe, CSOs have generally provided a critical voice with regard to democracy and human rights issues.

CSOs can play a very important role in any democratisation process in the sense that they can fill the gap where political parties are weak. The tasks of an opposition or democratic alternative to authoritarianism are to resist integration into the authoritarian regime, to dispute its legitimacy, to raise the cost of authoritarian rule and to create a credible democratic alternative. One could argue that prior to the emergence of a strong opposition party in 1999, CSOs were acting as *de facto* political parties as they were playing the roles of opposition parties, except that they were not contesting for political power. Following the formation of a strong opposition in the form of the MDC in 1999, CSOs and the opposition have

played complementary roles in pushing for the erosion of authoritarian rule in Zimbabwe.

In some instances, CSOs have actually been a 'training ground' for opposition activists in the sense that some CSO leaders have assumed leadership positions in opposition political parties. An interesting example is the MDC president, Morgan Tsvangirai, who was a founding chairperson of the NCA.

A major hindrance against CSOs being able to influence policy making in Zimbabwe has been the acrimonious relationship they have had with government. There has been no peaceful coexistence between government and CSOs, particularly those that work in governance, democracy and human rights areas. On the other hand, the government has a good working relationship with CSOs working in HIV and Aids areas through the National Aids Council. On the whole, government appears to have shut its doors on CSOs that try to lobby it on human rights and democracy issues; these CSOs are evidently not consulted in the policy-making process.

The government's argument is that these CSOs are being used by powerful international forces to remove it from power, an allegation that the CSOs flatly deny. While one could ascribe the frosty relationship between government and CSOs to the government's intransigence, it is also clear that some of the CSOs have been too directly confrontational to the extent that they have destroyed their credibility and ability to negotiate with the government on issues of concern.

CSOs AND INSTITUTIONAL CAPACITY

Some of the key challenges that CSOs experience in strengthening their institutional capacity relate to funding, accountability, human resources, grassroots participation and coordination. First, most CSOs lack financial resources, which are necessary to ensure that they carry out their activities successfully; most CSOs rely mainly on donor funding, which is not always guaranteed. With the global decline in official development assistance in recent years, CSOs in Zimbabwe have also experienced declining donor assistance. This has been compounded by the threat of legal restrictions

to funding for CSOs working in democracy and human rights areas. The capacity of CSOs has also been limited due to the lack of necessary financial management skills. CSOs therefore need to develop innovative fundraising skills that go beyond the traditional financiers, mainly the Western governments and foundations. There is a need to gain domestic legitimacy among the local businesses so that they become involved in funding the activities of CSOs.

Second, accountability has also been a problem for CSOs. We refer here to accountability in two ways: CSOs have not always had the capacity to serve effectively the interests of their members or of the constituencies that they purport to represent. Some have failed to account for resources that they have been entrusted with, resulting in reduced funding and mistrust. The majority of respondents in the expert survey believe that some of the CSO leaders are corrupt. CSOs therefore need to be accountable to the grassroots that they claim to represent and to their donors. There is need for capacity building in terms of financial resources management because some of the problems that CSOs have faced in terms of managing finances are a result of a lack of skills.

Third, because of the serious economic problems that Zimbabwe has been facing, the country has lost some of its workforce to other countries which offer better opportunities. The CSO sector has not been spared in this regard and many capable, young and dynamic CSO leaders have relocated to other countries. Many CSOs are facing serious problems in recruiting individuals with the educational qualifications and skills that are necessary for them to lobby and advocate for democracy and human rights. This is particularly so for CSOs which require legal practitioners and information and communication technology skills.

Fourth, some CSOs have lacked legitimacy because of limited grassroots participation in their activities. As a result, they have been viewed as elite outfits that exploit the plight of the general public to get financial resources without spreading any of the benefits to purported beneficiaries. Several factors account for this. Some of the CSOs lack ideological autonomy and this makes them vulnerable to external manipulation by donors. There is need for CSOs to genuinely involve the grassroots in all their activities to

ensure that they are also beneficiaries of whatever deliverables accrue from the activities of CSOs.

Fifth, one of the major problems that CSOs working for democracy and human rights in Zimbabwe have been experiencing is lack of coordination in terms of programmatic activities, which sometimes results in them competing for the same space as if they were political parties contesting for political power. There is need for CSOs to work closely together to ensure the efficient use of resources by avoiding duplication of the work that they do. In some instances, CSOs have tended to be used as platforms to prepare individuals for their political careers, and 'turf wars' have resulted as the individuals try to position themselves strategically. There is therefore need for CSOs to collaborate with each other and coordinate their work so that it becomes complementary rather than conflicting.

CHALLENGES FOR THE NON-STATE SECTOR AND GOVERNANCE

There are no viable institutions that have a permanent mandate to facilitate consultation on policy development in Zimbabwe. As a result, public policy has not been adequately informed and instructed by public opinion, as it should be in a functioning democracy. CSOs have attempted to facilitate consultation on policy development without the mandate of the government, and they have had limited success due to the mistrust that exists between them and the current government.

Policy development in Zimbabwe can be argued to be elite driven. This is because the government does not make any effort to gauge public opinion and to consult other policy networks. Yet such policy networks, such as academia and business associations, are critical to the success of public policy. One could argue that the Zimbabwean policy-making framework is modelled along command economic models where the ruling party initiates government policy through its supreme decision body, which it calls the Politburo. Ministries seem to take their cue from the Politburo in their initiation and implementation of policies.

As pointed out above, CSOs have played a limited role in influencing policy development because of the government's intransigence in dealing with CSOs that advocate democracy and human rights. Government

makes very little effort to consult CSOs on policy issues and budgetary priorities. Although CSOs that advocate policy change try to engage politicians and government officials at high levels, the relationship between these two entities, as highlighted above, is one of mutual mistrust. While on some occasions CSO representatives have managed to lobby government officials successfully on certain policies, government has increasingly become intransigent to the extent that in some cases ministers and government officials have flatly refused to engage CSOs. An example is the MISA which tried to engage the then minister of information at the time when the AIPPA was introduced. The minister refused to engage MISA arguing that the CSO was a pawn being used by hostile governments like the United States and the United Kingdom.

Furthermore, there are very few formal systems currently in existence for public consultation if government is planning major development projects. People can use their local structures and leadership to raise their concerns on major projects that may affect their lives. Parliament can also be used as a platform for public discussions on major projects that affect people. However, there are no clearly defined systems for public consultation because there is no culture of having public policy informed and instructed by public opinion. The practice seems to be that major projects are undertaken with very little public consultation.

CITIZENS' RIGHTS TO FREE EXPRESSION AND ASSEMBLY

A combination of repressive legislation and government's heavy-handedness in dealing with dissenting voices has been inimical to citizens' abilities to express themselves freely. The POSA imposes a number of restrictions on the participation of people in civic matters. These restrictions include, among others, the banning of public demonstrations, strikes, and the holding of any form of political meeting. Draconian legislation has been used to stifle debate in the country. In a democracy there is space for debate on policy, and the state is informed and instructed by the opinions of the people. A case in point is that of the political opposition movement, which has been denied an opportunity to meet with the people and articulate its policy alternatives on economic problems that the country is experiencing. When opposition parties seek permission to hold public meetings according to provisions of the POSA, they are often denied such

permission. This is despite the fact that the ruling party holds public meetings as and when it sees fit, without any interference from the police. Activities of CSOs have also been disrupted by the POSA as it compels them to seek police clearance for any gathering of more than six people if the meeting is of a 'political' nature. Again, the broadness of the term 'political' has been used conveniently by the police to stop meetings organised by CSOs.

The POSA has also affected the media in the same manner that the AIPPA has. This is because it contains a section that criminalises the publishing of 'falsehoods'. It also makes it a criminal offence to publish any false statement about or concerning the president or an acting president. What further complicates this clause is the vagueness of the concept of 'falsehoods', given that it is the prerogative of the state to determine what a falsehood is.

MEDIA INDEPENDENCE

Before the political crisis began to unfold in 2000, Zimbabwe had a vibrant media that played a critical role in the development process of the country by questioning government policies that were not people oriented. Although the electronic media was entirely state owned and state controlled, it had a credible degree of professionalism that was respected by many. With the role of the state in the development process increasingly coming under scrutiny, and with the popularity of the ruling regime increasingly waning, the government responded by targeting the independent media for harassment. One independent daily paper, the *Daily News,* was very critical of Mugabe's policies and exposed cases of corruption by state officials. This courted the wrath of the state, and the paper was branded a 'British sponsored' tabloid working to remove the government from power. It was subsequently banned in 2003. A small minority of experts surveyed believe that journalists in Zimbabwe are effective in investigating government officials and big corporations in corruption cases; in general, they are not free from intimidation and harassment.

DIFFERENT TYPES OF MEDIA OWNERSHIP

There are two types of media ownership in Zimbabwe. The electronic media is owned and controlled by the government through the Zimbabwe

Broadcasting Corporation. It runs one television station and four radio stations. The print media is both government and privately owned.

The AIPPA and the Broadcasting Services Act are the major pieces of legislation that govern the operations of the media in Zimbabwe. The AIPPA was enacted in 2002 by the government. The preamble to the act states that the act is meant to increase access to information but it has done the opposite as it has been used to silence critical voices. It has been criticised as being *ultra vires* the constitution. Even a ruling party parliamentarian who was the then chairperson of the Parliamentary Legal Committee, Dr Edison Zvobgo, conceded during its debate in parliament that the act was 'an affront on freedom'.

The AIPPA makes it mandatory for all media organisations to be registered under a government-appointed Media and Information Commission (MIC). It also makes it mandatory for all journalists to be licensed under an accreditation system run by the MIC; it bans foreign participation in the media and it prescribes stiff penalties such as heavy fines and jail sentences for violation of any of its sections. Moreover, the MIC has powers that are wide and quasi-judicial. These conditions make it difficult for journalists to write and publish their work in a way that contributes to the development of the country. It has been used to ban independent newspapers, which include the *Daily News*, the *Daily News on Sunday* and the *Tribune*. Scores of foreign journalists have been forced to leave while some local journalists have been denied registration by the MIC.

The Broadcasting Services Act governs the entrance and participation of independent companies in the broadcasting media in Zimbabwe. It has been used to frustrate the entrance of new players into the electronic media sector, while strengthening the state-controlled Zimbabwe Broadcasting Corporation's monopoly over the electronic media.

Ever since the Broadcasting Services Act was enacted, no private company has been awarded a license to broadcast, while those that were already in business have been shut down. Cases in point are Capitol Radio, Joy TV and the Munhumutapa Africa Broadcasting Corporation. In November 2002 the Broadcasting Authority turned down applications for licenses to

broadcast lodged by the Munhumutapa Africa Broadcasting Corporation and another company called Trans Africa Satellite Network.

In addition, companies that get broadcasting licenses are governed by stringent guidelines which require them to provide the government with sufficient airtime to explain its policies. The guidelines also compel the broadcasting company to have 75% 'local content'. Even the Parliamentary Legal Committee chaired by the late Edison Zvobgo had this to say about the bill at the time of its debate:

> [I]n a democratic society, government has no greater right to be heard than anyone else. The imposition of government's views on every broadcaster is an unconstitutional infringement of the right to freedom of expression.[80]

WOMEN'S PARTICIPATION IN CIVIC AND POLITICAL LIFE

Women have increasingly become an active social force in CSOs and political parties, but this has been from an initial low base. It was not until the 1990s that the gender question became more prominent in civic and political struggles. Numerous women's organisations were founded during this period to spearhead the particular interests of women. As has been observed:

> [T]he Musasa project was established in 1988 to address the visible and growing issue of violence against women. National branches of Women and Law in Southern Africa (WILSA) and Women, Law and Development in Africa (WILDAF) were established in Harare in 1988 and 1990 respectively. The Federation of African Media Women of Zimbabwe (FAMWZ) was established in 1988 to focus on women in the media. The Women and AIDS Support Network (WASN), set up in 1989, sought to deal with the growing HIV-AIDS pandemic. Established in 1990, the Zimbabwe Women's Resource Center and Network (ZWRCN) focused on research and documentation, advocacy, distribution of infor-mation on gender issues ... .'[81]

By the mid-1990s there were 25 registered women's organisations independently addressing various aspects of women's lives in urban and rural areas. Despite initial atomisation, these organisations have come to constitute a network as each developed an operational niche or sector complementing the 'work of sister organizations in formal and informal struggles for gender justice'.[82]

Although the organisations reflected a conceptual unevenness in the understanding and articulation of gender as a political struggle, with some overtly feminist in orientation and others more mainstream or conservative in their approach, they all played a role in re-defining the private and public sphere in the process of demanding full rights for women.

A landmark development in projecting the gender question was the founding of a women's coalition on constitutional and governance issues in 1999. It was an influential voice in the constitutional reform movement. The Women's Coalition consisted of women activists, academics, researchers and representatives from about 30 women's and human rights organisations. It stood as a broad lobby and advocacy front that pressed for constitutional reform which would protect women's political, social, economic and cultural rights.[83] However, the pronounced shift to state authoritarianism in 2000 resulted in repressive measures that weakened the Coalition. In particular, political violence between 2000 and 2002, and a raft of authoritarian legislation on political and civic life between 2003 and 2004, deterred progress in the advocacy and lobbying role of groups that constituted the Coalition. Nevertheless, women continue to play important roles in such organisations as the ZCTU, NCA, Crisis Coalition of Zimbabwe as well as in other key CSOs.

By the middle of this decade there were still major gaps or structural constraints that women's organisations had to negotiate and overcome. Two levels of their struggle have been described as crucial:

> [T]he first is the level of a feminist consciousness, where women have fought a war against patriarchy since 1980, through a critique of discriminatory legislation and demands

for committed measures to increase women's political representation. The second is at the oppositional level, where some women's groups in alliance with other CSOs and opposition political parties have challenged the state and legitimacy of the Zanu-PF rulers and the lack of a free participatory environment.[84]

It was argued that the results of the 2005 elections showed that women have not won significantly at these two levels. Patriarchy remains entrenched in political, economic and cultural institutions. Although there were marginal increases in women's representation in the House of Assembly and local councils following the 2005 elections, the proportion of women remains below minimum accepted levels, such as the 30% threshold. It is in this context that the argument has been made for the reform of electoral laws. Acknowledging that electoral laws are not neutral and that the first-past-the-post (FPTP) system tends to disadvantage women candidates, it has been contended that a switch to the proportional representation (PR) system could go some way to improve the electoral chances of women.

Nevertheless, government has made efforts to ensure that women take up leadership positions in political and other public spheres. This has been a result of intense local and international lobbying by various lobby groups and mainly led by women's groups. Zimbabwe has also signed up to the SADC Protocol which requires that at least 30% of political offices should be occupied by women. However, several factors remain that have inhibited the full and effective participation of women in political and public life. These include women's dependency on men for economic support, discriminatory cultural values, limited access to education, responsibilities in the home, violence and intimidation, harassment, lack of access to information on laws, policies and other institutions that impact on their lives, limited support networks and lack of societal role models in leadership positions.

Nevertheless it is notable there are women's organisations whose commitment to democratic struggles has not dissipated as a consequence of the authoritarian environment. Such organisations as Women of

Zimbabwe Arise continue to mount public protests on economic and political issues. Members of this organisation based in Bulawayo have demonstrated against declining standards of living, school fee increases, state-sponsored violence and the lack of good governance. They have protested as women, some with children on their backs, demanding that the society should embrace more democratic ways of dealing with the current governance and economic crises.

CONCLUSION

This chapter has explored the role of CSOs in citizen participation and governance under authoritarian conditions. It has highlighted the restrictive environment in which CSOs perform their tasks of mobilisation, advocacy and lobbying. Although they remain active in campaigns for good governance and democracy, CSOs continue to operate under difficult conditions. It was observed that the long drawn-out economic crisis has ruptured community and associational life and networks. The priority attached to economic survival in the past few years has weakened social mobilisation, thereby reducing pressure on the authorities for reform. While CSOs retain an important role in the advocacy of, and observance of, human rights and gender equity, in the campaigns for constitutional reform and transparency their participation in the policy process has not been significant due to the mutual suspicion and mistrust that underlie their relations with government. This stalemate needs to be addressed. The prospects for democratic consolidation are bleak if this stalemate in state-civil society relations is not broken.

6

LOCAL GOVERNANCE

In this chapter we trace the nature and extent of representation in local governance. We interrogate the powers and duties of local authorities, and their relationship with both the electorate and central government. We examine the role and participation of ordinary citizens in local authority activities and decision-making. The chapter also analyses the role of national political parties in enhancing local democratic processes, and the roles and functions of traditional leaders in local governance. The critical question is whether their roles promote or inhibit local democracy.

Local government is the sphere in which most citizens operate and hence the capabilities of local governments to a very large extent define the capacity of national governments. It is the closest and the most accessible level of government to the people; it traditionally provides services utilised by individual households such as waste disposal, public transport, water, schools, health clinics and other social services. The majority of citizens in Zimbabwe are born in local authority hospitals, go to local authority schools, live in council houses, receive medical treatment from council clinics, play sport in council sport stadiums, and will finally be buried in council cemeteries. To the majority of Zimbabwean citizens, local government is the government they engage with more often, and hence its ability to engage them in decision-making and service delivery is critical for local democracy.

CONTEMPORARY HISTORY OF LOCAL GOVERNANCE

Contemporary local government systems in Zimbabwe are a product of historical developments. The current system evolved from the days of British colonisation in 1890 when the first modern local governance structures were established and traditional local government structures were effectively supplanted by English-style administration. Historically, local government was established and evolved along racial lines. Arising from the 1931 Land Tenure Act, land was demarcated as being European or African, with the urban, mining and prime farming rural areas

designated for Europeans and the Africans confined to the more marginal Tribal Trust Lands (later renamed communal lands).

By 1980 three types of local authorities existed in Zimbabwe: rural councils and urban councils for 'Europeans', and district councils for the indigenous Africans. However, few district councils were functional in 1980 as a majority had become moribund due the effects of the armed war of liberation that had ravaged the countryside for more than 16 years. The first major post-independence reform in local government involved the removal of racial segregation. The historically disadvantaged indigenous Africans could now own and occupy property in areas formerly designated as 'European'. The district councils that had been organised along tribal chiefs' areas were restructured and reduced from a total of 243 to 55 district councils. Universal adult suffrage was granted in communal areas and urban areas. However, non-propertied residents in rural council areas remained without franchise until the amalgamation of rural councils and district councils into rural district councils in 1993.

In 1984 through the Prime Minister Directive, later made law by the Provincial Councils and Administration Act of 1985, government established subnational level participatory institutions in the form of village and ward development committees. In 1996 the Urban Councils Act was amended to have popularly elected executive mayors as opposed to their predecessors, who were titular head of councils only being the first among equals having been chosen from and by other councillors.

The colonial legacies of racial separation are still evident in local government structures and discourses in present day Zimbabwe, 26 years after attainment of independence. Distinct and separate local government institutions and processes exist in urban and rural environments. The traditional leadership has consistently assumed a prominent role in rural local governance from colonial to present day, but with different fortunes given the political orientation and ideology of the political party in power at the national level.

LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

In Zimbabwe, like in most SADC countries outside the Republic of South Africa, local government is not enshrined in the national constitution.

Elective subnational governance is established by parliament through enabling legislation. As a result, the ruling party through its influence in parliament has the discretion to mark the boundaries of local government autonomy and responsibilities. Central government through the Ministry of Local Government exercises a great deal of control over local authorities. The Ministry of Local Government, Public Works and National Housing authorises and gazettes all subsidiary legislation on behalf of local authorities, and has the mandate to approve local authority budgets and set ceilings for rates and other charges. Central government can suspend and even dismiss elected officials for 'general mismanagement'. Where there are no elected representatives in councils for whatever reason, including dismissal of councillors by government, the minister of local government has the right to appoint commissioners to act as councillors. The commissioners so appointed need not be qualified to be elected as councillors for the area concerned.

The principle of reappointing commissions beyond the mandatory six months is viewed by citizens as undemocratic and has been ruled illegal by the High Court and the Supreme Court (Makarau's judgement in case no. HC12862/00 of *Christopher Magwenzi Zvobgo v the City of Harare*); Supreme Court judge Justice Wilson Sandura in the case of *Lottie Stevenson v the Minister of Local Government and Others* in case SC 38/02, and High Court judge Justice Hungwe's judgement in case no. HH 210/2001 of *CHRA and Another v the Registrar-General* have made similar judgements.

However, the ruling Zanu-PF government has developed a culture of disregarding statutes and court rulings when it deems it desirable. Despite clear and compelling court rulings urging the minister not to continue reappointing the Commission for Harare beyond the six months without having elections and, in the face of protestations from the electorate through the Combined Harare Residents' Association (CHRA), the minister has continuously reappointed the commission.[85]

The expert opinion surveys indicated that Operation Murambatsvina carried out by government provided a classic example of how government can disregard law and the rights of local governments in pursuit of partisan political interests. On 19 May 2005, with little or no warning, the

government of Zimbabwe embarked on an operation to 'clean up' its cities.[86] The central government initiated Operation Murambatsvina/Restore Order that aimed at cleaning up all major urban centres and growth points in the country. The operation started with the immediate and unannounced closure of flea markets and moved to demolish all illegally built structures. Private commentators put the number of displaced at more than 700,000 (the main opposition MDC put the figure at 1.5 million), while government argued that only about 120,000 people had been 'affected' and not necessarily displaced.[87]

The main opposition political party, the MDC, condemned the operation as a carefully crafted malicious act meant to mete out retribution on the urban voters for casting their vote against the ruling Zanu-PF party in the preceding two parliamentary, local government and presidential elections. Human rights groups argued that the operation had displaced and dispossessed many people of their livelihood sources, the majority among them being the very poor. 'Concerned by the adverse impact of the Operation on the lives of the urban poor, the Secretary-General of the United Nations (Koffi Anann) appointed a Special Envoy, Anna Tibaijuka on Human Settlements Issues to assess the situation and present recommendations on how the conditions of those affected may be addressed.'[88]

The government then hastily put up a corrective programme, Operation *Garikayi/Hlalani Kuhle*, to provide decent housing for people displaced by Operation Restore Order and to facilitate migration of the affected persons to their areas of origin, usually presumed to be communal areas. One direct negative effect of Operation Restore Order was that some structures built in compliance with existing local authority by-laws were also demolished, and some vendors licensed by local authorities were also arrested and stopped from trading. The Bulawayo City Council, the only council to point out challenges brought about by the operation, alleged that within two weeks after implementation, Operation Restore Order had demolished or displaced 3,000 licensed vendors causing a potential loss of revenue to the council of about Z$62 million a month.[89]

One important lesson from both operations Restore Order and Garikayi was that government could with impunity break its own laws and those

governing local authorities. It could also enter local authority space without due excuse and indeed coerce local authorities to redirect resources to programmes designed by government. Most local authorities were directed to provide housing under Operation Garikayi despite them not having budgeted for such capital expenditure. It is therefore apparent that local government without constitutional backing is at constant risk from central government.

The only subnational government units to be recognised by the constitution are the traditional leadership and provincial governors. Section 110 of the Constitution of Zimbabwe provides for the establishment of traditional leadership and for the appointment of eight of their representatives in the lower house and 10 in the Senate.

There are two broad types of legislation providing a framework for local governance in Zimbabwe; the first type can conveniently be styled the constitutive legislation that provides for the establishment of different local governance structures. The main constitutive laws are the:

- Provincial Councils and Administration Act No 12 Chapter 29.11 Revised edition of 1996;
- Urban Councils Act Chapter 29: 15, Revised edition of 1996;
- Rural District Councils Act Chapter 29: 13, Revised edition of 1996; and
- Traditional Leaders Act Chapter 29:17 Number 25 of 1998.

The second type of legislation, comprising operative laws, seeks to establish processes, standards and procedures to be followed by subnational government institutions. Both the constitutive and operative laws are enacted within the framework of the constitution.

LOCAL GOVERNMENT STRUCTURES AND FUNCTIONING (FINANCE AND SERVICE DELIVERY)

There are four main discernable forms of subnational governments in Zimbabwe, namely the provincial councils, urban councils, rural district councils and traditional leadership structures (in the form of institutions of chiefs, headman village heads and village and ward development

committees) established by the Provincial Councils and Administration Act, Urban Councils Act, Rural District Councils Act and Traditional Leaders Act, respectively. Urban councils enjoy greater operational autonomy with substantive own resources, as opposed to rural district councils which rely to a great extent on central government fiscal transfers and service delivery by central government agents. Rural district councils raise 60-70% of their own revenue, as opposed to urban councils which raise most of their revenue, receiving negligible transfers from national government.[90]

Presently, the distribution and ranking of the 28 urban centres throughout the country is as follows (in descending order):

- Cities (7): Harare, Bulawayo, Gweru, Mutare, Masvingo, Kadoma and Kwekwe
- Municipalities (9): Chitungwiza, Chegutu, Marondera, Bindura, Chinhoyi, Gwanda, Kariba, Redcliffe and Victoria Falls.
- Town Councils (8): Karoi, Norton, Rusape, Shurugwi, Zvishavane, Plumtree, Chipinge and Chiredzi
- Local Boards (4): Chirundu, Epworth, Hwange and Ruwa

On the other hand, there are 59 rural district councils across rural Zimbabwe. The fundamental administrative set-up within urban councils is similar to that of rural local governance, save for the conspicuous absence of the traditional leadership institution in urban areas. This is essentially because the extensive cultural diversity in urban areas would not allow a hereditary leader to equitably serve the interests of different social and ethnic groups primarily drawn to the urban centres by economic forces. Otherwise, elective leadership as assisted by formal administrative structures is exclusively dominant in the urban areas. In both rural and urban settings, the executive machinery has the specific mandate to implement the decisions of council by way of policy, projects and programmes as derived from the ratepayers.

The Ministry of Local Government, Public Works and National Housing, on behalf of the state, serves to superintend, regulate, direct, monitor, evaluate and arbitrate in the affairs of local authorities. Also, in numerous

cases where matters have got out of hand, the ministry reserves the right to inflict punitive measures, such as the dissolution of council. Section 54 of the Urban Councils Act provides that the president may require a mayor to vacate his/her office if the mayor has been guilty of conduct that renders him/her unsuitable as mayor. The clause lacks clarity as it does not specify the nature of conduct that would render one unsuitable as mayor. Though the Urban Councils Act provides that the minister can suspend a mayor, it does not state what steps the minister is to take after suspending a mayor. The act fails to specify the maximum period of time a mayor can be on suspension, neither does it state whether the suspension is with or without benefits.

Between 2000 and 2005 the minister of local government evoked section 54 of the Urban Councils Act to suspend four mayors: Kariba in 2001, Harare in 2003, Mutare in 2004 and Chitungwiza in 2005. Councillors in Harare, the capital city, and Mutare City resigned en-masse when threatened with suspensions by the minister. It is instructive to note that three of the mayors suspended belong to the opposition MDC party, while Kariba was held by Zanu-PF. Suspensions of mayors have been a major challenge to local democracy. Residents, particularly in Harare, have agitated against such suspensions arguing that government had no reasonable excuse to dismiss unilaterally popularly elected representatives without any reference to the electorate. The propensity to suspend elected leadership has been a major cost to local democracy, as the local citizens have had to engage with appointed commissioners (who are accountable to the minister who appoints them first and foremost) in place of elected council.

The powers and functions of urban local authorities are specified in the legislation. The powers and functions are divided into two broad types: those which municipalities *shall* (i.e. must) undertake and those that they *may* undertake. It should be noted that (because of the doctrine of *ultra vires*) local authorities are not allowed to perform functions that are not specifically mentioned in the legislation. The range of functions that local authorities in Zimbabwe may undertake is quite comprehensive. Part XV of the Urban Councils Act, as read together with the second and third schedules to the same act, provides a long list of permissible functions

and of matters in respect of which municipalities may enact their own by-laws.

Provincial councils are not local authorities in the strict sense of the term as they are not elective bodies, being headed as they are by governors appointed by a head of state, with heads of local authorities within a respective province as members. The provincial councils are serviced by the provincial development committees, a team of locally based civil servants headed by provincial administrators, thereby answering to central government and not to locals for their actions. The provincial councils have no revenue collecting powers, nor do they get any direct transfers from government. The provincial councils are coordinative structures essentially meant to coordinate government interventions at subnational level and also to ensure local authority compliance with central government policy and directives. As the provincial councils are answerable to central government through the minister of local government, they have occasionally been used to rein in 'errant' opposition-controlled local authorities especially in urban areas.

Amongst their important day-to-day activities, local authorities should provide the following range of goods and services: recreational parks, public and street lighting; domestic, commercial, industrial and agricultural water; hospitals, clinics, ambulances, maternity and child welfare services; the construction and maintenance of drains, sewers, roads, bridges and parking places; refuse collection; the establishment of schools, public libraries, scientific institutions, recreational theatres, stock pens, public markets; services for the improvement of agriculture and the conservation of natural resources; the operation of fire brigades; the provision of public housing; and the management of municipal police in urban areas.

With the performance of such a range of activities comes the question of financing. While there are established sources of finance, these have since proved inadequate due to the ever-increasing population within both rural and urban domains. The pressure on services has steadily risen while revenue sources have actually dwindled, particularly at this juncture when the country is going through very difficult times at the macroeconomic level.[91] The expert opinion survey indicated a general perception that local governments were offering low quality services.

The major sources of funds, though eroded substantially, include: property assessment rates; water trading accounts; tariffs for services rendered, e.g. refuse removal; registration and licensing of motor vehicles; grants for education, administration, health and state roads passing through local areas; land development levies on land owners, mining locations, licensed dealers and permit holders on communal land; government loans for housing or public infrastructure such as water and sewerage reticulation or roads and storm water drainage; and grants and loans.

The financial situation of local authorities is critically jeopardised by the high creditors' list, which includes defaulting ratepayers, private organisations and public institutions such as government ministries, departments and parastatals, with councils having to literally beg the latter to honour their obligations.

Section 219 of the Urban Councils Act provides for the fixing of tariffs or other charges by council. In respect of low-density (high-income) areas, a council resolution is enough to review and fix such tariffs and charges. However in respect of high-density (low-income) areas, the same provision requires the tariffs to be gazetted in by-laws after receiving ministerial approval. The provision is inimical to local democracy as councils invariably delay effecting new charges awaiting ministerial local consent even in cases where local consultations have arrived at consensus on the reviews. In order to enhance citizen participation in decision-making and give meaning to consultations during budget formulation, the act should be amended to ensure that all charges for council areas, after consultations with residents, be made by council resolution and effected without the local authority having to approach the minister for approval.

In terms of section 228 of the Urban Councils Act, when the estimates have been approved by the council and signed by the mayor or chairman of the council as the case may be, the council shall ensure that three copies of the estimates are forwarded within two months to the minister for his/ her 'information'. In practice the minister has relied on the clause to approve or not approve a proposed local authority budget. Councils have complied with ministerial directives to set rates and other charges within prescribed limits mostly for fear of suspension or delays in gazetting tariffs

for the high-density areas. The minister has in fact occasionally made gazetting of high-density tariffs conditional on him approving the overall council budget. Due to the prevailing levels of inflation that went over 1,000% by mid-2006, any delay in adjusting tariffs has serious budgetary implications on councils.

Furthermore, in some cases, local authorities face serious challenges in leveraging private sector finance, as they have to get ministerial consent to borrow. To borrow, local authorities are required by legislation to follow a long process of advertising their intention in local newspapers, inviting objections, and commenting on any such objections before the submission of application prior to getting borrowing powers from the minister of local government, public works and urban development. The initial resolution to borrow should have received a majority vote of the total membership of council. The minister of local government, public works and urban development grants consent for local authorities to borrow from municipal pension schemes, medical aid societies and insurance companies, while minister of local government and treasury concurrence are required if a local authority is to borrow through the issuing of municipal bonds/stocks. The process of acquiring borrowing powers by local authorities can be 'long and tedious' and local authorities have to adhere to laid down procedures.[92] In any event, only the larger cities have the administrative capacity to fulfil the legal requirements to issue bonds. This is despite the fact that smaller councils usually attract higher credit ratings than the bigger cities as they 'reflect lower costs structures, more efficient collection procedures, and more pragmatic financial planning than their large counterparts'.[93]

Nevertheless, to effectively guarantee the financial viability and sustainability of local authorities it would be highly appropriate to ensure that the local government sector is fully catered for in the national constitution so as to induce certainty of funding. The tendency of channelling national resources intended for local development projects and services through sector ministries has always made local authorities a peripheral priority, as the same sector ministries invariably use part of grants to cover their own overhead costs with insignificant quantities finally trickling down to the councils, hence the perennial debts owing to local authorities.

The legislation that is currently governing local authorities was pro-mulgated and/or amended in the period after independence in 1980, and until 1999 it can be argued that the present central authorities certainly did not expect the emergence of a strongly competitive opposition bidding for political power, as has since become the hallmark of the MDC.

Thus, the legislation crafted prior to 2000, the year the MDC emerged as a powerful opposition, was essentially designed to entrench the hold of the ruling Zanu-PF on political power, with such wide executive dictates as would provide for the effective silencing of dissent by the executive as opposed to the promotion of democratic principles and values that would enhance municipal benefits to the ratepayer. Indeed when the first executive mayor for the capital Harare was appointed, he was immediately elevated to member of the supreme organ of the ruling Zanu-PF party, the Politburo, ostensibly creating linkage and foreclosing discord between the capital and the party. The establishment of the office of executive mayor was therefore merely to window-dress democracy because if the development was well-intentioned, the whole Urban Councils Act would have been thoroughly examined to curtail such elements of undue control over local authorities as has manifested. For example, in the first year of a democratically elected executive mayor of the City of Harare from the opposition, he only happened to exercise his due mandate between March 2002 and April the following year. The mayoral reform was a centralising exercise meant to ensure omnipresence of the ruling party at all levels of subnational governance, rather than being a decentralisation endeavour meant to devolve meaningful powers and responsibilities to the subnational level institutions. It is inimical to the development of sustainable self-governing subnational governments.

Furthermore, while the establishment of the offices of provincial governors and provincial administrators for the two predominantly urban metropolitan provinces of Harare and Bulawayo in January 2004 may be justified in terms of regularising central government's management of its development projects and programmes in accordance with the other eight provinces, the resultant excesses of central authorities in the direct affairs of the cities of Harare and Bulawayo in particular, may be indicative of a desire to essentially crowd out the opposition from available political space.

The Daily Mirror newspaper reported on 30 August 2004 that the MDC national executive had announced the intention of MDC-sponsored councillors in the Harare City Council to resign en masse in response to 'unrelenting political interference with their activities'. The councillors argued that 'there was no purpose of them continuing to serve in the council when they could not carry out the mandate vested on them by the electorate due to interference by Chombo [minister of local government, public works and national housing]'.

In response to the accusation, Ignatius Chombo indicated that as the custodian of the Urban Councils Act, he was merely exercising his powers and that the MDC should understand that local councils enjoyed delegated authority and thus should follow government, and by extension, Zanu-PF policies.[94]

The net effect on the affected local authorities in terms of exercising their decentralised local government functions may certainly not enhance the spirit and intent of bringing municipal services closer to the residents' and ratepayers' scrutiny and determination. The same argument could also be advanced in respect of the provincial core management teams headed by the resident ministers elsewhere throughout the predominantly rural provinces, where local authorities would not be able to embark on any project in the absence of the political provincial head's express approval.

National political parties have had a definite influence on local elections and the political organisation of local authorities. The election of council members into office is usually along party political lines, with a majority of candidates being sponsored by national political parties. National political parties have become an established feature of local political systems. It is a common and accepted practice that members of a council who belong to the same political party can caucus to predetermine how to debate and vote on major issues to be discussed in councils. Sanctions are imposed on members who renege from an agreed party position. It follows that all national political parties will attempt to push for their policies. It is when the ruling party pushes for implementation of its policies by an opposition-controlled council that challenges arise. The opposition in

council insists that they have a mandate to generate and implement policy at that level for so long as it is not against national policy. The challenge is that elected representatives end up deriving their mandate from political parties rather than the electorate.

The Local Government Board itself is a creation under the direct control and instigation of the minister of local government in terms of appointment, dismissal, functions and financing. By extension, therefore, the minister of local government indirectly manages the staff appointments and dismissals of local authorities.

In terms of sections 66 and 67 of the Rural District Councils Act, the minister in consultation with the Public Service Commission shall approve the appointment and conditions of service of senior management employees. As with urban local authorities, this provision has the effect of undermining the authority of the local authorities and facilitating the involvement of the ministry in the personnel issues of councils.

The council appoints all other employees of urban councils in the case of municipal councils by the executive committee and in the case of town councils. The executive is headed by the town clerk for municipalities and cities, town secretary for towns and local boards and the chief executive officer for regional district councils. However, the minister of local government has through commissioners for Harare (who are appointed and remain in office at the discretion of the minister) unduly influenced the dismissal of departmental heads.[95]

THE POSITION AND ROLE OF TRADITIONAL LEADERSHIP INSTITUTIONS

The Constitution of Zimbabwe and the Traditional Leaders Act are the legislation that provide for the establishment of traditional leadership in Zimbabwe. In terms of section 30 of the Constitution of Zimbabwe 18 chiefs are ex officio MPs, with eight in the lower house and 10 in the upper house. Traditional leadership in Zimbabwe, unlike other subnational levels of government, is recognised by the constitution. The head of state in terms of the Traditional Leaders Act appoints traditional leaders.

Traditional leaders, apart from the customary roles of maintaining and promoting culture and mores, have been granted such administrative authority as to collect taxes, levies, rates and charges due to rural district councils, to encourage the maintenance of proper health and education of their communities, to keep records of residents within their areas of jurisdiction at any given time, to ensure the sustainable use and management of their environment, and to allocate and regulate the use of land with the consent of the responsible local authority, among other important duties. In the exercise of their functions, chiefs have the powers of a justice of the peace in terms of any law.

Though a chief may delegate all or any of his functions to a headman, within the area of the headman's jurisdiction such delegation of any functions may not divest the chief of that function, and the chief may at any time revoke any order given by a headman in the exercise of that function. This right only serves to limit heavily the autonomy of the lower level traditional institutions.

The state president and the minister of local government, public works and national housing are responsible for appointing, cautioning, reprimanding, and where they deem it appropriate, removing from office a chief or headman. Central government can both caution and reprimand traditional leaders and order a reduction of their salary and additionally, or alternatively, allowances. However the imposition of such penalties will not absolve the traditional leader concerned from liability to compensate persons who suffered loss or injury as a result of the offence or misconduct, of which he has been found guilty, or to restore or repair any public property which he may have taken, damaged or destroyed. It follows that the public can only influence appointment, discipline and removal of traditional leaders indirectly through central government structures. Traditional leaders are therefore not directly accountable to the governed but owe their allegiance to central government, which has appointing and dismissal powers.

VILLAGE AND WARD ASSEMBLIES AND DEVELOPMENT COMMITTEES
Part V of the Traditional Leaders Act establishes the village and ward development assemblies under the effective control and charge of

traditional leadership. The assemblies effectively superintend over the elective local governance and developmental structures of village development committees and ward development committees.

A village assembly composed of all the inhabitants of the village concerned who are over the age of 18 years is established for each village. The village head is the ex officio chairman of the village assembly. The village assembly shall elect members of the village development committee, which is a committee of, and shall be accountable to, the village assembly. The village assembly is presided over by the village head. A village assembly meets at least once in three months at such time and place as the village head may from time to time determine. However the village head is obliged to call a meeting of the village assembly whenever requested to do so by not less than one-third of the members of the village assembly, or when the ward assembly has instructed him to call such a meeting for a purpose specified by the ward assembly. The main functions of the village assembly are: to consider all matters, including cultural matters, affecting the interests and well-being of all the inhabitants of the village; and to consider and resolve all issues relating to land, water and other natural resources within the area and to make appropriate recommendations in accordance with any approved layout or development plan of the village or ward.

The Traditional Leaders Act requires that for every communal and resettlement ward of a rural district council area, there be an assembly of all headmen, village heads and the councillor of the ward, known as a ward assembly. The ward assembly executes the same functions as the village assemblies but is additionally responsible for:

- reviewing and approving development plans or proposals submitted by the village assembly and submitting such plans for incorporation into the rural district development plan; and
- overseeing the discharge of functions by village assemblies to ensure good government at that level.

A ward development committee established in terms of section 59 of the Rural District Councils Act shall be presided over by the councillor of the ward concerned. The ward development committee is also responsible

for reviewing and integrating village development plans in accordance with the directions of the ward assembly.

Though section 22 of the Traditional Leaders Act requires that every village or ward assembly needs to ensure the adequate representation of women, the youth and any other interest group on the village and ward development committees, there are no practical measures of enforcement. Due to the dominance of the ruling party in rural areas, the quotas for women and youth have been filled by chairpersons of respective leagues of the ruling party and not through election. The Traditional Leaders Act established village assemblies and ward assemblies that should provide a channel for popular participation. In theory the institutions and processes are inclusive and participatory, while in practice the traditional leaders as individuals make most decisions at the village level with a few assemblies being operational. The expert survey respondents indicated that traditional leaders are perceived as being corrupt and not responsive to the demands and aspirations of the general electorate.

COUNCIL OF CHIEFS

There is a Provincial Assembly of Chiefs established for each of the eight non-metropolitan provinces composed of all chiefs for that province. The Traditional Leaders Act establishes the Council of Chiefs for communal land and resettlement land, which comprises chiefs elected by the provincial assemblies. The Council of Chiefs is required to meet at least twice a year but only at such times and places as it may determine from time to time in consultation with the minister. The minister further has the right to call a meeting of the Council of Chiefs whenever requested to do so by not less than one-third of the members of the council.

The president and the deputy president of the Council of Chiefs are ex officio members of the Senate. The functions of the council are to:

- make representations to the minister concerning the needs and wishes of the inhabitants of communal and resettlement land;
- consider any representations made to it by a provincial assembly and, in its discretion, to report thereon to the minister;

- consider and report on any matter referred to it by the minister for consideration; and
- superintend the activities of the ward and village assemblies and to give them such direction as it considers necessary.

The minister or any person authorised by the minister may attend any meeting of a provincial assembly or the Council of Chiefs and may take part in the proceedings thereat but shall not be entitled to vote. In view of the above it is apparent that the minister and not the subjects plays a major role in setting the agenda of the Council of Chiefs.

Section 45 of the Traditional Leaders Act prohibits any chief, headman or village head to stand for election as president, MP or a councillor in any local government elections while still holding office as chief, headman or village head. The statutes further prohibit any chief, headman or village head to canvass, serve as an election agent or manager for any candidate, or nominate any candidate for election as state president, MP or councillor in any local authority.

With the polarisation of Zimbabwean politics since the introduction of a formidable opposition in 2000, traditional leaders have been largely viewed as being sympathetic to the ruling party and in some cases championing the cause of the ruling party with great zeal. Most of the traditional leaders are perceived as being pro-Zanu-PF and more accountable to government than to the local people.

TRADITIONAL LEADERS, ELECTED LEADERS AND THE GOVERNED
Relationship problems also exist between traditional leaders and the elected leadership and the governed. The problems are often a result of strong emotions, prejudices and stereotyping, and in some cases poor or misinformation. In Zimbabwe, traditional leadership has always been courted by regimes in legitimacy crises. With notable exceptions, chiefs were widely denounced as collaborators with the colonial regime during the liberation struggle and a number of stakeholders still view them with suspicion. Despite claims of being neutral, non-partisan community leaders, chiefs' open support of the ruling Zanu-PF has caused conflicts especially in areas where the opposition party has made inroads. Chiefs

are viewed as 'hangers on' who are bent on benefiting from any regime in crisis at the expense of representing and protecting the interests of their people. The perception causes conflict as chiefs are seen as being 'apologists' for the ruling party.

Most conflicts between traditional leaders and modern local governments have been over the authority to allocate scarce resources such as land for residential and business purposes, and the distribution of welfare funds and goods. Though the Communal Lands Act and the Regional District Council Act are categorical that the regional district council is the land authority, the same acts also provide that allocation of land should be in line with local customs and traditions.

Another source of conflict is the perceived unfair allocation of tools, material supplies and other scarce resources by both the traditional and modern local government leadership. Traditional leaders and councillors receive allowances as a token of appreciation for the services they render to communities. However, one problematic issue has been the differences between the amounts given to chiefs and councillors. Over and above these allowances, chiefs also benefit under the rural electrification programmes when their homesteads are electrified. Traditional leaders also control the proceeds from the *zunde ramambo* and collect and administer fines imposed on offenders. The huge differences in salaries and allowances cause conflicts as councillors feel sidelined, lowered in status and discriminated against. This has led to mistrust and suspicion that traditional leaders are being 'rewarded' by the government for supporting the ruling party. Furthermore, traditional leaders are financed from central government transfers managed by the minister of local government. The position of traditional leaders has been somewhat compromised as they are seen 'hat and begging bowl in hand' before government during annual budget sessions.

Section 49 of the Traditional Leaders Act empowers the minister to give to the chiefs, headmen and village heads such directions of a general character as to the policy they must observe in the exercise of their functions, as appear to the minister necessary in the national interest. Chiefs, headmen and village heads are required by the same law to comply with any such directions issued by the minister. Such policy instructions have in practice

included veiled instructions to frustrate opposition party activities in the communal areas. Furthermore, the minister is empowered to make regulations providing for all matters which in terms of this act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be prescribed in order to give effect to this act. Despite the above shortcomings, the majority of expert survey respondents were of the opinion that traditional leaders still play a critical role in community development.

REPRESENTATION, ACCOUNTABILITY AND CITIZEN PARTICIPATION IN LOCAL GOVERNANCE

The total quality of governance at the national level is usually an amalgam of governance processes at the subnational levels, hence the argument that 'broad and active participation in local governance is an indispensable building block of democracy in society'.[96] The United Nations Development Programme has argued further that:

> it is at this level where they encounter the effects of economic and social policies, and the various laws and programmes. This is the level where their rights are enjoyed or frustrated, where their basic rights are attained or denied. This is where participation in the running of local or community affairs can be meaningful and productive or frustrated. In short, local governance is a level, which affects the daily lives of citizens.[97]

Accountability can be regarded as being in three dimensions: that of government workers to elected officials; local authority workers to elected officials; and elected officials to the citizens who elect them.

Central government employees stationed at the local level often find it difficult to account to the local elected officials. They are often trained in technical fields and invariably report to their own ministry head office, and hence there is no incentive for them to account either to the elected officials or to the citizens. Local authorities in Zimbabwe often complain that civil servants fail to advise them when such advice is called for. Civil servants often fail to attend council meetings when invited to inform council of their department activities in a district.

Council employees also find it equally difficult to be supervised and account to the elected councillors. Where the officials are well qualified and competent, they tend to intimidate and challenge the elected and in some cases, the elected are made to account to the appointed. Some councillors, especially in rural local authorities, are so poor that the allowances from council make a significant contribution to their livelihood, and they would therefore not dare provoke the bookkeepers for that might cause unnecessary delays in the processing of allowances and other favours at the disposal of council officials.

Yet in some cases, as is the case in the politically charged local environment in Zimbabwe, staff appointments are made along partisan lines and the backers among the legislators are obliged to 'protect their employees' in council, making accountability of such officials to their superiors, citizens and council as a whole a nightmare. In cases where appointments are politically informed or council employees are senior members of national political parties, it becomes difficult for a junior party official who is a councillor to supervise and make his 'party chief' account without seriously jeopardising his own political career.

The other dimension of accountability involves the elected leaders accounting for their performance to the electors. Regular elections provide a good opportunity for the electors to reward and punish bad behaviour as might be appropriate. However, the problem with local elections is that they come after a number of years (four years in Zimbabwe) and often revolve around single issues like health or housing at the expense of other issues of greater or equal importance to the communities. Furthermore, with the emergence of a strong opposition party in the form of the MDC, there are now two strong political parties with fairly equal chances of winning elections. Under such circumstances the issue of a candidate's ability plays second fiddle to the issue of partisan politics.

When communities have access to information, their organisational capacity to participate is enhanced and invariably calls for more accountability from leadership. However, the restrictive laws in the form of the POSA and AIPPA have closed all channels for accessing information to build pressure for improved governance and accountability.

Participation is aimed at creating space for people to debate issues and participate directly or indirectly in local and national priority setting, budget formation and delivery of services. CSOs play a significant role in urban local governance and facilitate participation by the majority of residents and ratepayers. The Urban Councils Association of Zimbabwe (UCAZ) has since 2004 been implementing a local democracy enhancement programme to promote civic participation in local government matters in urban local authorities. The programme received technical and material support from the Commonwealth Local Government Forum and the EU. Under the programme, residents' associations have been getting increasingly involved in civic matters, especially in the budgetary process.

A participatory budgetary system as facilitated by the UCAZ is effective in promoting local democracy and local ownership of processes. There is increased ownership of the budget by a wide spectrum of stakeholders. The participatory budget processes also provide an avenue for ensuring accountability and transparency in the city budget process. Due to the consensual nature of the budgetary process, cities have received no serious objections since the introduction of participatory processes and structures. The participatory budget systems have effectively installed more civic institutions capable of handling disputes and negotiations. The residents' associations no longer exist as a 'shadow council', but increasingly view themselves and operate as partners in city business. The participatory budget structures are more inclusive and some councils have managed to engage the previously politically disengaged communities, especially minorities such as whites. The bureaucracy is more responsive as they have to provide more information to the citizens.[98]

The participatory budget processes have greatly improved the delivery of monopolistic services like water provided by local governments. The involvement of the stakeholders in determining the quality, quantity and price of the commodity to be supplied has acted as an effective proxy market force in the delivery of public goods by cities. However, the major challenge to civil society involvement in local decision-making is that the residents' associations are usually poorly organised and lack the necessary financial resources to engage councils. It is only Harare that has a vibrant residents' association which maintains its own up-to-date website,

regularly issues press statements and has challenged the minister over his decision to reappoint a commission for Harare.[99] Furthermore, though most urban councils have accepted and work closely with civil society, the legislation still does not recognise CSOs as stakeholders.[100] The activities of civil society in urban areas were accompanied by a growth in multiparty politics at local level. Increasingly, the opposition party is having a stake in the local governance sphere. Zanu-PF dominates rural councils except for a Binga regional district council in Matebeleland North, and an insignificant number of seats scattered in the two Matebeleland provinces are under the influence of the opposition MDC. Table 2 profiles the distribution of councillors by party affiliation in urban areas after the 2003 local elections.

Table 2 shows the status before suspensions and dismissals of executive mayors and councillors of Harare, Chitungwiza and Mutare. Board members for the Epworth and Chirundu local boards are appointed by the minister of local government and it is conveniently assumed that they derive their mandate from Zanu-PF.

Table 2 shows further that barring the effects of government actions in suspending and dismissing elected councillors there is scope for multiparty involvement at the local governance level. However, it is instructive to note the extremities in the distribution of support between the two major parties. Most cities are either wholly MDC or wholly Zanu-PF, save for a few like Zvishavane, Victoria Falls, Hwange and Chitungwiza where both parties have representatives in council. Such skewed distribution of political party influence has nurtured intolerance towards opposing political opinions.

Elections for rural district councils that were due to be held by August 2006 were subsequently held in October 2006. There was no official pro-nouncement on the cause of the delay; however, it is generally argued that the local authorities which are supposed to finance the costs of the elections in terms of the law did not have resources for this. A delay in the holding of elections is detrimental to democracy as it creates a void in representative structures. It is therefore apparent that the deteriorating macroeconomic environment can contribute to a substantial erosion of a democratic culture.

Table 2: Political party affiliation in urban councils after the 2003 elections in Zimbabwe

Local authority	Executive mayor/ chairperson		Deputy mayor/ chairperson		Councillors	
	MDC	Zanu-PF	MDC	Zanu-PF	MDC	Zanu-PF
Bindura		1	0	1	0	10
Bulawayo	1	0	1	0	29	0
Chegutu	0	1	0	1	0	11
Chinhoyi	0	1	0	1	0	13
Chipinge	0	1	0	1	0	8
Chiredzi	0	1	0	1	0	8
Chirundu	0	1			0	3
Chitungwiza	1	0	1	0	18	5
Epworth	0	1			0	5
Gwanda	1	0	1	0	6	3
Gweru	1	0	1	0	16	1
Harare	1	0	1	0	44	1
Hwange	1	0	1	0	5	2
Kadoma	0	1	0	1	0	16
Kariba	1	0	1	0	6	3
Karoi	0	1	0	1	0	9
Kwekwe	0	1	0	1	2	12
Marondera	0	1	0	1	0	11
Masvingo	1	0	1	0	8	2
Mutare	1	0	1	0	17	1
Norton	0	1	0	1	3	9
Plumtree	0	1	0	1	0	6
Redcliff	1	0	1	0	8	1
Rusape	0	1	0	1	0	10
Ruwa	0	1	0	1	3	6
Shurugwi	0	1	0	1	0	13
Victoria falls	0	1	0	1	8	3
Zvishavane	0	1	1	0	5	5
Total	10	18	11	15	178	179

Source: Urban Councils Association of Zimbabwe, *Report on Best Practices in Participatory Budget Process for Five Cities Study.* Harare, 2006.

GENDER ISSUES

Zimbabwean women constitute 52% of the total population yet they continue to be sidelined in power and decision-making at both national and subnational levels. Women constitute less than one-third of political and administrative decision-makers.[101] Women and men use their experiences in the local environments in different ways, therefore gender-neutral planning approaches are not sufficiently tailored to address equally the needs of both women and men. Gender in politics and decision-making has gained significance since the UN Conference on Women in 1975; as such, many countries are now in the process of implementing greater gender equality. The CEDAW and the Beijing Declaration and Platform for Action of 1995 as well as other UN conferences in recent years have provided a useful global framework for promoting gender equality. Women's participation in local government is increasingly being recognised as a fundamental human right and not a privilege.

The Government of Zimbabwe through the Ministry of Youth, Gender and Employment Creation launched a National Gender Policy, the vision of which is to have a society where there is political, religious and social equality and equity among women and men in all spheres of life and at all levels. Among other objectives, the policy aims at promoting the advancement of women and men in all sectors, and creates equal opportunities for the two gender groups in decision-making in all areas and at all levels, thus contributing equally to national development. For decentralisation to be successful, participatory and effective, specific measures need to be taken to ensure that women participate effectively in local governance processes and maximise the opportunities created by the current local government.

Women as a group of citizens have been consistently excluded from the governance system. The concept of gender equality is that women and men have equal rights, duties and opportunities in all the essential areas of life. Women and men have different access to and control over economic and political resources as well as different experiences. If local government is to be mainstreamed into the governance process, it must build on the experiences of both males and females. A local government with a gender-balanced representation is an important step in that direction. It adds to

local democracy as well as to the efficiency and quality of local governance activities.

Local governance is the closest and most accessible level of government to people; it traditionally provides services utilised by individual households such as waste disposal, public transport, water, schools, health clinics and other social services. The decisions of local governments therefore have a direct impact on the private lives of women because they are traditionally responsible for providing for and caring for the family and home. Women contribute to the development and appropriate management of these services in a unique way. They should therefore be part of the local democratic system and should have full access to the decision-making structure. Until the interests of women have been represented at the local level, the system is not fully democratic. But women's access to local government, whether at the political or administrative level, is restricted. The nature of these obstacles differs for both levels.

Reasons for the under-representation of women as elected councillors include the following:

- *Party bias towards male candidates:* The parties have no clear-cut policy on gender mainstreaming and without a clear policy to ensure that women candidates are in electable positions, most women end up at the bottom of party lists. This bias towards male candidates is also reflected in the fact that relatively few women receive the support of political parties to stand as councillors.

- *Electoral system:* The electoral system does not facilitate the representation of women. Women stand a better chance of being chosen as candidates and elected in a proportional representation/party list system than as an independent member. Yet, in a context where women have been structurally excluded from the political process and leadership, a PR system in and of itself will not result in adequate representation of women in local government.

- *Values and popular beliefs:* Entrenched patriarchal values in society appear to have contributed to the low participation and low success rates of women.

- *Public service:* Some civil servants in local authorities have demonstrated gate-keeping habits by withholding essential information on the election process.

- *Women's internalisation of oppression:* This is routinely demonstrated by lack of confidence and assertiveness, an inferiority complex due to historically lower education levels/opportunities and a subsequent retreat to supportive roles, as well as the often heard complaint that women do not support each other, preferring to vote for men than to support other women candidates.

Women are particularly under-represented in the higher echelons of power and tend to get stereotyped in traditional jobs (e.g. administrative and clerical positions) and sectors (e.g. health, welfare and education). Table 3 compares male and female representation in leadership positions in urban local authorities in Zimbabwe. (The table shows the status before suspensions and dismissals of executive mayors and councillors in Harare, Chitungwiza and Mutare.)

Countrywide there are 48 female urban councillors constituting 13.5% of the total number of urban councillors throughout the country. Of the 48

Table 3: Male and female participation in legislative arm of urban councils, 2005

	Executive mayors		Deputy mayors		Chairpersons		Deputy chairpersons	
	%	No	%	No	%	No	%	No
Male	16	100	16	100	10	83.3	11	91.7
Female	0	0	0	0	2	16.7	1	8.3

Source: UCAZ (Urban Councils Association of Zimbabwe), *Report on Best Practices in Participatory Budget Process for Five Cities Study.* Harare, 2006.

women councillors, 29 are from Zanu-PF and 17 are from the MDC. Women are grossly under-represented at senior level: there are no female executive mayors or deputy mayors throughout the country and only two female chairpersons.

CONCLUSION

The Zimbabwean local government system is democratic and participatory on paper. In reality, however, the laws are skewed in favour of the political party in power, as central government has the power to redefine and take over functions previously assigned to local authorities. Central government has a legal mandate to direct functions of local authorities to the extent of reducing local authorities to mere appendages of central government.

A number of urban local authorities in which the opposition MDC had won local elections have had their leadership dismissed by central government for alleged general mismanagement. The rural areas are still under the dominance of the ruling party and traditional leaders. The traditional leadership are perceived to be corrupt and apologists for the ruling party.

The local government institutions are hamstrung by limited local resource mobilisation. The local revenue base is small and shrinking and local authorities still have to get central government approval to set tariff levels. Leverage of private sector finance is limited mainly due to the prevailing high interest rates. Intergovernmental fiscal transfers, despite shrinking to insignificant levels, are unpredictable and determined on a yearly basis, making planning for local governance difficult. Civil society, through residents' associations, is playing an increasingly proactive role in local government activities; however, they are only active in urban areas and still have to be accepted in rural areas.

There are clearly deficits in democracy at local level. These relate to authoritarian tendencies on the part of the central government, as symbolised by the extensive powers wielded by the minister of local government. The limits on the autonomy of local authorities undermine the opportunities for local democracy to take root in various communities in Zimbabwe.

7

ECONOMIC MANAGEMENT AND CORPORATE MANAGEMENT

Economic governance refers to the management of economic policy according to a predetermined set of values, norms and standards reflecting public interest and aspirations and as expressed in a national constitution. It describes a process whereby the economic needs of the population are addressed and fulfilled in a meaningful manner. Good economic management should be participatory, inclusive, transparent and accountable.

MACROECONOMIC AND MICROECONOMIC TRENDS

At independence, Zimbabwe inherited an economy that had been under international economic sanctions between 1965 and 1979. The major policies were centred on import substitution to minimise the impact of the sanctions. The government immediately embarked on a massive programme of providing rural infrastructure such as schools and clinics. This resulted in an enrolment of 86% in primary education under the Education-For-All policy. Following a Transitional Development Plan between 1982 and 1985, a five-year development plan (1986-1990) was initiated.

Growth of the economy in the 1980s was largely attributed to access to international lending, favourable terms of trade, good weather conditions and increased aggregate demand stemming from rising agricultural and wage incomes.[102]

However, in the 1990s government introduced the Economic Structural Adjustment Programme (ESAP) when the economy showed signs of decline. The major objectives of the ESAP were to deregulate the economy from the state to that driven by market forces. The specific objectives were to: achieve annual gross domestic product (GDP) growth of 5% during 1991-1995; raise savings and investments to 25% of GDP; achieve export growth of 9% per annum; reduce the budget deficit from over 10% of GDP to 5% by 1995; and reduce inflation from over 17% to 10% by 1995.

The objectives intended under the ESAP were not met, resulting in the sustained fall of GDP below population growth. At the same time, the country was facing balance of payments problems. The World Bank and IMF were spearheading efforts for the government to reform the economy, especially trade liberalisation. Investment was supposed to be boosted, creating employment and stimulating export growth. The government signed the Multilateral Investment Guarantee Agency and the Overseas Private Investment Cooperation agreements. These were meant to build confidence in investors and attract foreign investment. But most of these objectives were not met, resulting in high inflation (peaking at 42% in 1992); the budget deficit rose to 13% of GDP and the annual average growth rate was less than 1% between 1991 and 1995.

Another economic reform programme, the Zimbabwe Programme for Economic and Social Transformation (Zimprest), was launched in 1998. This was considered 'home-grown' as opposed to the ESAP, which was criticised as being external and prescriptive. Zimprest was more consultative of stakeholders than the ESAP and was designed to empower people to participate more in the economy. Other measures to be taken were to instil fiscal discipline and to reform parastatals, financial institutions and the public service. But the programme faced problems of implementation due to lack of resources and the national budget was not synchronised to meet the objectives of Zimprest.

Macroeconomic indicators were negative, with the budget deficit above 10% and inflation above 50%. Under Zimprest the economy deteriorated with GDP dropping to -4% in 2000. Export growth declined from 12% in 1996 to -20% in 1999. This period also coincided with the invasions of large-scale commercial agricultural land, which was mainly in the hands of white farmers. The land invasions were led by war veterans of the liberation struggle. There were massive disruptions of farming activities resulting in a decline in agricultural output. For example, tobacco, which is the country's major foreign currency earner, declined from 200 million kg in 2000 to 74 million kg in 2005.[103] In 2006, only 52 million kg were expected, representing a decline of 74% between the years 2000 and 2006. Investment has declined, and the country has attracted negative international publicity.

The Millennium Economic Recovery Programme was launched in 2001. It was meant to be a short-term, 18-month measure. The intention was to stimulate economic recovery, especially macroeconomic stability. This was to be based on fiscal discipline (reduction of government expenditure) and increased revenues. The programme mobilised major stakeholders, including government, business, labour and civil society; however, it too failed due to lack of funding. During this period, Zimbabwe remained isolated by the major international financial institutions and donors.

In 2003, government launched yet another 12-month stabilisation programme, the National Economic Revival Programme, which sought to address the current challenges.[104] This programme again failed to turn around the economy. In fact, inflation rose to 400% and then to over 1,000% from April 2006 on. There was a build-up in external arrears, low foreign exchange reserves, a decline in investment and GDP contracted by about 30%.

Zimbabwe is participating in the Millennium Development Goals (MDGs)-based development agenda. It was among the 189 governments to adopt the Millennium Declaration at the Millennium Summit of September 2000 in New York. The first MDGs report for Zimbabwe was produced in 2004. The report indicated that the country would strive to achieve three of the five goals.

The priority goals are:

- Goal 1 on eradicating extreme poverty and hunger;
- Goal 6 on combating HIV and AIDS; and
- Goal 3 on gender equality and empowerment.

It was argued that non-attainment of these goals would undermine achievement of the rest of the MDGs. However, the report clearly indicates that substantial external funding would be needed if the targets were to be achieved by the year 2015, and the national budget would have to be increased to speed up development. It is now five years into the set period and no tangible implementation has become evident. Moreover, the last five years have seen the country experiencing a catastophic economic meltdown.

In April 2006, the government launched another ambitious revival programme, the National Economic Development Priority Programme (NEDPP). NEDPP is designed to create economic stability within a six- to nine-month period and has been reported to be a joint effort between government and the private sector. It was formulated through the Zimbabwe National Security Council, chaired by the president. NEDPP plans to mobilise US$2.5 billion within the next three months, boosting efforts to stabilise the economy, reduce inflation (which in May 2006 was at 1,040.9%), and increase agricultural production. It is not clear how the programme will raise such a huge amount without external support, particularly in the absence of balance of payments support from the IMF. Even the boost in agriculture in the short-term is unlikely given the current fuel and electricity shortages, among other negative factors.

Operation Sunrise was implemented during the first three weeks of August 2006 to execute a currency devaluation as well as to introduce a newly denominated currency of bearer cheques. Conceived and implemented by the central bank, the operation was a 'crisis response' to alleged hoarding and the unregulated export of currency. It was estimated that more than half of the currency was not circulating in and through the banks before the currency switch.

An analysis of government's economic management shows that the government has had more than 10 economic growth and poverty-related programmes in the 26 years since independence in 1980. These include:

- Growth with Equity (1981);
- Economic Structural Adjustment Programme (1991);
- Poverty Alleviation Action Programme (1994);
- Zimbabwe Programme for Economic and Social Trans-
  formation (1996-2000);
- Zimbabwe Millennium Economic Recovery Programme
  (2001);
- The Ten Point Plan (2002);
- National Economic Revival Programme (2003);
- Zimbabwe: Towards Sustained Economic Growth –
  Macroeconomic Framework 2005-2006;

- National Economic Development Priority Programme (2006); and
- Operation Sunrise (2006).

To summarise, all these programmes partially succeeded or failed altogether in meeting their objectives. The underlying reasons given for this were failure to commit to objectives, especially fiscal discipline, and relying on external funding. The programmes were almost always a response to crises rather than proper plans of action with long-term objectives. For example, poverty cannot be reduced overnight as it is a long-term phenomenon.

ANALYSIS OF SOME KEY ECONOMIC INDICATORS

A summary of the trend in budget deficit as a proportion of GDP is presented in Table 4. It shows that since 1990 the deficit has grown considerably, rising sharply after 2000. The sudden sharp rise was attributed to the fall in total GDP due to land reforms, fiscal indiscipline, and the failure of the national economic programmes to turn around the economy. The persistently high budget deficit will make it difficult for government to meet the MDGs and to attract both domestic and foreign investment. Many instances of government unbudgeted expenditure abound. These include the compensation payoffs to war veterans of the liberation struggle in 1997 (Z$4 billion), and the expenditure on senatorial elections (Z$40 billion) in 2005 following the provisions of the 17th constitutional amendment (2005). Evidence has shown that government appears to make budgetary commitments that it rarely sticks to. Although stakeholders are 'consulted' during the budgetary process, the state has the final say on how the funds are spent.

Table 4: Budget deficit (% GDP)

Year	Deficit (%)
1998	4.4
1999	9.8
2000	23.0
2002	14.0
2003	11.5
2007 est.	17.6

Source: MDG Report 2004 and RBZ (various), Budget Statement, 2006

According to the African Forum and Network on Debt and Development, the debt and budget expenditure profiles for Zimbabwe are as follows: spending on health, 3.1% of GDP; spending on education, 7.1% of gross national product; spending on debt service 16.6% GDP; spending on defence, 4.8% of GDP; and people without access to safe water, 23%.[105] ☐ This information indicates that spending on debt service (16.6%) and defence (4.8%) is relatively too high compared to expenditures on social programmes like health (3.1%) and education (7.1%). Spending on health is particularly worrying considering that Zimbabwe has one of the highest HIV and AIDS infection rates in the subregion (reportedly having declined to 18.1% in September 2006). It also does not augur well for national development and efforts to address poverty and meet the MDG targets. In addition, gross domestic savings – a critical indicator of the buying power and income levels of a country – is very low. Investors prefer countries where there is strong disposable income, and in 2005 gross domestic savings in Zimbabwe dropped to 10% against ideal levels of 25%.[106]

Zimbabwe's external debt stood at US$4 billion in 1995. By 2000, it had fallen to US$3 billion; however, due to the rapid economic decline since 2000 it had risen to US$3.5 billion in 2003 (see Table 5) and is currently (2006) about US$4.1 billion. This also coincided with the period when the country's external payment arrears grew rapidly resulting in the IMF suspending financial support.

Table 5: Net foreign direct investment and external debt

Year	External debt (US$ billion)	ODA flows (US$ million)	FDI (US$ million)
1990	–	295.9	-12
1995	4.0	347.7	98
2000	3.2	192.6	16
2002	3.5	–	23
2003	3.5	–	5
2006	4. 1	–	–

Source: MDG Progress Report and RBZ (various), Minister of Finance, 2006

Overseas development assistance (ODA) has also declined sharply from a high of US$347.7 million in 1995 to US$192.6 million in 2000. Foreign direct investment (FDI) also declined to as low as US$5 million by 2003 (see Table 5). The main reasons given for this were the often violent land invasions and the disputed general and presidential elections. This led to negative international perceptions about Zimbabwe's respect for human rights and the rule of law, fuelling perceptions that Zimbabwe was not a safe investment destination.

GDP began to fall to negative figures in 1996. Growth in GDP from 1991-1999 averaged 2.5% compared to the period between 2000 and 2003 in which it averaged -6.4%. The major contribution to this was the fall in agricultural output as a result of the land reforms. Zimbabwe experienced drought in the 2002/3 season. Real per capita GDP growth has been negative since 1995, even declining to -15% since 2002.[107]

DEBT MANAGEMENT

On 13 June 2002 the IMF adopted a declaration on non-cooperation regarding Zimbabwe's overdue financial obligations to the fund and suspended the provision of technical assistance. Due to the arrears incurred, Zimbabwe was declared ineligible to use IMF resources and was removed from the list of countries eligible to borrow under the Poverty Reduction and Growth Facility. By 2002, Zimbabwe was overdue by US$264 million. The country is currently ineligible to borrow from the IMF. This position has been reviewed on several occasions and the country has failed to meet conditions for the resumption of funding. Other multilateral financial institutions such as the World Bank have also suspended financial assistance.

External payment arrears grew rapidly from US$290 million in 1995 to US$1,682 billion by 2003, and to US$2.2 million in 2006 (see Table 6). This has significantly increased the country's debt service burden and further crippled economic development. The major reason for these arrears has been cited as the shortage of foreign currency due to low exports.

Despite successive national economic plans and programmes to promote exports and generate foreign currency, growth in exports has continued

to decline since 1990 (see Table 7). From a level of 15.2% growth in 1990, export growth had slumped to -3.9% by 2003, and to -6% in 2006. This was accompanied by a contraction of the productive sector, particularly agriculture and mining. Fiscal and monetary policies, such as excessive domestic borrowing to finance recurrent expenditure and a controlled exchange rate, did not help to attract investment.

The interest rate has been rising sharply since 2000 and is currently at 500%. The Reserve Bank of Zimbabwe periodically adjusts the interest rate in line with inflation. The prevailing high interest rate is making the cost of borrowing money for business expansion and establishment expensive. This has impacted negatively on the growth of the private sector.

Table 6: External payment arrears

Year	Arrears (US$ million)
1990	–
1995	290,0
2000	471,1
2002	1,460
2003	1,682
2006	2,2☐

Source: ZHDR, 2003; Budget Statement, 2006

Table 7: Summary of trends in export growth

Year	Export growth (%)
1990	15.2
1995	14.4
2000	-1.0
2002	-11.8
2003	-3.9
2006	-6.0

Source: ZHDR, 2003; Budget Statement, 2006

In addition, the high interest rate is making it difficult for the government to service its debt, further worsening the economic situation.

Inflation has been the major challenge facing the Zimbabwean economy. It has been described by the Reserve Bank as the number one enemy in destabilising the economy. In 2006 Zimbabwe was experiencing a hyperinflationary environment of over 1,000%. This resulted in the minimum monthly family food basket being estimated by the Central Statistical Office to cost Z$31 million by April 2006, Z$84 million in July 2006, and over Z$90 million in August 2006 for a family of six. This indicates volatility in the price of basic commodities, thereby worsening poverty. Disposable incomes have been eroded, further reducing gross domestic savings. The country's domestic debt also ballooned, resulting in huge budget deficits.

The mainstay of Zimbabwe's economy is agriculture. Other notable contributors are mining and manufacturing. Since Zimbabwe is an agriculture-based economy, when agriculture performs badly the economy performs likewise. Table 8 shows that the contribution of agriculture to GDP had been rising to 24.7% in 2001. However, real growth in agriculture GDP declined from 4.3% in 1999 to -17% in 2001.[108] In 2005, it still experienced negative growth (-12.8%) according to the Ministry of Finance. This was mainly caused by the disruption in production caused by the land reforms, which started in 2000, and the droughts experienced in 2002 and 2004. The trend can also explain the decline in the manufacturing sector (see Table 8), since agriculture provides raw materials to industry. The recovery of the agricultural sector will depend on addressing major problems such as the shortage of fuel, seed, fertiliser, technical know-how,

Table 8: Mainstay of economy (% of GDP)

	1990	2000	2001
Agriculture, hunting and fishing	14.8	18.4	24.7
Mining	3.9	3.9	–
Manufacturing	20.5	17.4	11.5

Source: CSO, various

labour and tenure. GDP growth in manufacturing and mining declined from -10.5% of GDP in 1999 to -14.5% in 2000.

CORPORATE GOVERNANCE AND CORRUPTION

Corporate institutions are vital in the effective formulation and implementation of economic policy. The institutional and legal framework in which firms operate forms the fabric of corporate governance.[109] This mainly determines the relationship between management/owners and employees. Corporate governance in Zimbabwe involves much mutual suspicious and in some situations it has taken on a political dimension.[110] This has compromised effective stakeholder engagement and has often led to confrontation.

Good corporate governance results in the maximisation of shareholders' wealth and in a reduction of society's poverty levels. Lack of transparency in the awarding of contracts, incompetent bidding and the use of bribes (corruption) results in higher than necessary costs and sometimes poor products or both.[111] According to Transparency International Zimbabwe, corruption in the private sector is mainly through white-collar crime, inflation of bills, and bribes to government officials and law enforcement agencies. The current legislation on corruption is not effective and it is difficult to secure a conviction, as evidenced by the banking scandals in which officials accused of externalisation of foreign currency were either acquitted or escaped with petty fines. The only effective way could be for firms to come up with their own codes of conduct which are deterrent enough to curb all forms of corruption.

The government has taken steps aimed at eliminating corruption both in the public and private sectors, which has been described by a member of the House of Assembly as 'institutionalised'.[112] Some of the efforts made by the government to combat corruption include the following:

- The Prevention of Corruption Act provides provisions for prosecuting corrupt officials.
- Setting up a Ministry of State Enterprises, Anti-monopolies and Anti-corruption to coordinate the fight against corruption.
- The president launched an Anti-Corruption Commission in

2004, which was provided for under Constitutional Amend-
ment No 16 of 2000.
- Zimbabwe is a member of the Eastern and Southern Africa
  Anti-money Laundering Group which was established in
  1999 to coordinate and harmonise anti-corruption laws in the
  region. In 2001 its mandate was extended to countering
  terrorist financing.
- Serious Offences (Confiscation of Profit) Act.

However, despite all these efforts corruption in Zimbabwe remains per-
vasive both in the public and private sectors. According to Transparency
International Zimbabwe, notable cases that were not dealt with
adequately for various reasons include the GMB, VIP housing, and War
Victims Compensation Fund scandals. According to a World Bank report,
Zimbabwe was rated as one of the most difficult countries to do business
with due to bureaucracy, corruption-prone systems and high start-up
costs.

The 2006 Reserve Bank of Zimbabwe report on the situation regarding
corporate governance in local authorities shows that there is poor
corporate governance, resulting in the inefficient use of resources (see
Box 1). The major weaknesses highlighted include lack of audited
accounts, red tape, political interference and corruption, particularly in
the tendering process. Since local authorities rely heavily on public
funding, the drain on the national budget is severe and this contributes
to the endemic budget deficit.

Parastatals have been cited by the IMF as the most inefficient enterprises
in the use of public funds. Most of them rely entirely on the fiscus and
are perennial loss makers. According to the Reserve Bank report referred
to above, parastatals are characterised by multiple reporting structures,
political interference in the appointment of key staff, huge local and
foreign debt, under-utilisation of key equipment, poor pricing structures
due to price controls and entrenched corruption (see Text Box 2). This
has generally contributed to poor national economic performance since
parastatals are key arms of the economy.

Box 1: Corporate governance challenges in local authorities

- ❏ Weak corporate governance structures characterised by lack of audited financial statements and in most cases, no substantive personnel in positions of authority. This was prevalent in all local authorities.

- ❏ Further, local authorities are characterised by multiple reporting structures impeding effectiveness of service delivery.

- ❏ These structures include reporting to various government departments.

- ❏ Political interference in local authorities, especially in Chitungwiza and Harare municipalities.

- ❏ Councillors who are pursuing political self interests at the expense of focusing on developing the local authorities they serve.

- ❏ Lack of commitment by executive management of local authorities, especially in Mazowe Rural District, Chinhoyi Municipality, Murehwa Rural District Council and Harare City Council.

- ❏ Lack of unity of purpose from councillors brought about by differing political opinions.

- ❏ Lack of transparency. A case in point is Bindura Municipality where Productive Sector Funds were used to purchase a portion of a farm before seeking council resolution. The issue was only brought to Council after the sale had been concluded.

- ❏ Information management systems in most local authorities are still inefficient, as evidenced by poor database maintenance and debt recovery systems. A case in point is Harare City Council whose computer system constantly breaks down.

- ❏ Weak tendering process which results in awarding of tenders to briefcase companies, for example, in the Chegutu Municipality case.

- ❏ Lack of expertise in formulating turnaround strategies and project proposals resulting in local authorities hiring expensive consultants, some of whom end up assuming executive powers as in the case of Chegutu Municipality.

Source: RBZ, *Monetary Policy Statement.* Harare, 2006.

Box 2: Corporate governance challenges in parastatals

- Like their local authority counterparts, parastatals are also characterised by multiple reporting structures impeding efficiency of their operations.

- These structures include reporting to various government departments, parastatal boards and other entities.

- Political interference, particularly in the appointment of chief executive officers and other key staff, results in incompetent management teams.

Other challenges

- Lack of meaningful investment in the entities by the principal shareholder. In many cases cumulative losses have eroded shareholder equity resulting in negative shareholder equity.

- Huge local and foreign debt overhangs.

- Antiquated plant and machinery.

- Severe capacity underutilisation due to lack of maintenance and rehabilitation, capacity mismatches, and working capital constraints.

- Reliance on inappropriate funding mostly of a short-term nature to fund capital investments.

- Dependence on antiquated operating systems leading to operational inefficiencies.

- Entrenched lethargic business culture, lack of accountability and sense of urgency.

- Poor financial management and control systems.

- Poor pricing structures due to price controls, political interference in price setting, weak financial management systems that prevent the entities from setting objectives, economic prices, skills drain, outdated or non existent management information systems, and entrenched corruption.

Source: RBZ, *Monetary Policy Statement.* Harare, 2006.

Relations between government and the private sector have always been stormy, particularly regarding corporate governance in business (see Box 3). The private sector has been accused of not showing confidence and willingness to participate in economic turnaround programmes. Government has always been suspicious of commodity pricing systems by business, alleging that they are not related to production costs. Other allegations include:

- under-pricing exports and illegal retention of export proceeds;
- smuggling of precious minerals;
- understatement of operating profits and tax evasion; and
- misuse of special fund programmes through speculative activities.

Box 3: Corporate governance in the private sector

❑ The private sector has also contributed to the relapse into indiscipline and deflation of business confidence in the economy through an observable sense of indifference and aloofness to some of the monetary authorities' and government's turn-around programmes.

❑ Such aloofness and indifference has manifested itself through: ad hoc discretionary and, in some cases, unscrupulous pricing practices, bearing no relation at all to production costs. This anomaly has become prevalent in property markets, schools, municipalities, retail shops and the wholesale sector, among other producers and service providers; illegal retention of export proceeds beyond statutory requirements; under-pricing of exports; smuggling of precious metals and minerals, exporters taking too long to respond to incentives; the deceleration in gold deliveries to the Reserve Bank from 22 tonnes in 2004 to 13 tonnes in 2005 is largely attributable to the widespread leakages that were taking place, engineered and driven by some players in the sector, and in some cases sponsored by very prominent members of society; ▢understatement of operating profits to evade taxes; ▢pursuit of political agendas through diversionary economic means; ▢misuse of funds allocated under the special facilities programmes for speculative purposes, rather than production and employment creation; misrepresentations to the exchange control authorities on usage of foreign exchange resources, culminating in the importation of trinkets, … at the expense of needy priority sectors.

▢**Source**RBZ, *Monetary Policy Statement.* Harare, 2006.

THE ROLE OF THE STATE, PRIVATE SECTOR AND CITIZENS IN ECONOMIC POLICY-MAKING

According to the Zimbabwe Economic Society there was failure to institute an all-inclusive consultative process in economic programmes until it became evident in the mid-1990s that Zimbabwe's economic crisis was far from dissipating. The state was not serious about consulting with the population in the determination of economic policies. While the creation of the National Economic Consultative Forum in 1997 created some space for discussion on economic policy, it still lacked the powers to effect binding decisions, to the extent that economic policy remained centralised.

The state normally plays a central role in economic policy-making; however, other stakeholders are also vital to the formulation of an effective policy. The other players that drive economic policy formulation are chambers of commerce, industry associations, trade unions and civil society. The National Economic Forum has been instrumental in bringing together government, labour and business for mobilising consensus on policy issues. Some of the stakeholders have included the Zimbabwe Congress of Trade Unions – ZCTU (labour), the Zimbabwe Commercial Farmers' Union and the Zimbabwe Farmers' Union (farmers), Zimbabwe National Chamber of Commerce (business) and government. However, it has always failed due to distrust, particularly political distrust among the stakeholders.

Civil society has participated mainly by bringing social and economic issues, which should be accorded priority, to the attention of the nation.[113] These organisations include the Zimbabwe Council of Churches, Zimbabwe Economic Society, Affirmative Action Group, Indigenous Business Development Centre, Zimbabwe Farmers' Union, and the Consumer Council of Zimbabwe.

They have, however, not participated directly and effectively in economic and development policy formulation. Civil society does not have much influence on policy formulation; its contributions are not taken seriously. However, it should be noted that civil society has been effective in other areas, particularly with women's organisations being instrumental in ensuring that gender issues are given national attention.

For economic policy to succeed, the process for its formulation and implementation should have the capacity to solicit stakeholders on what it aims to achieve and what the components should be. The state's role is to manage economic policy and create space for the operation of fundamental economic laws essential for the economy to develop. Government also takes the lead in formulating monetary policy led by the Ministry of Finance. In the 1990s, the budgeting process was the preserve of the state. Parliament was only used to rubber stamp it. However, other stakeholders such as the private sector, members of the public and CSOs are now engaged by the state in pre-budget meetings. The proposed budget is prepared by the Ministry of Finance before presentation to parliament. It is subsequently debated in the House of Assembly (parliament). The final stage would be approval of the budget by a vote in parliament. In the case of a supplementary budget, the minister would also have to seek the approval of parliament.

However, most stakeholders feel that their input is not taken seriously and that their participation is used by the state as window-dressing to give it credibility. While the budgeting process involves stakeholder consultations, spending of the funds is a prerogative of government. This often leads to overspending, worsening the budget deficit. Lack of fiscal discipline has led to excessive borrowing to finance the bloated budget. Furthermore, there seems to be discrepancies when it comes to matching economic turnaround plans and the national budget. For example, funds under Operation Restore Order to re-establish informal sector business enterprises and urban housing were not budgeted for.

The private sector participates through representative bodies in economic policy formulation in the National Economic Consultative Forum and its organ, the Tripartite Negotiating Forum. The Tripartite Negotiating Forum consists of labour, government and business and has been negotiating for a viable social contract, but the forum has not been effective due to perceived government dominance. The main labour body, the ZCTU, has in the past few years suspended its participation due to doubts about government sincerity. This has compromised the effectiveness of the forum in coming up with strategies to address economic problems. Mistrust between government and labour has been the main stumbling block to

achieving a social contract. The National Economic Consultative Forum has on the other hand been ineffective due to lack of an institutional mandate, which would make its decisions binding.

The Reserve Bank of Zimbabwe (RBZ), as the central bank, is responsible for formulating monetary policy. The RBZ consults stakeholders such as business, financial institutions, and representatives of CSOs and government in the process of formulating monetary policy. Though the RBZ is supposed to be autonomous, its independence is questionable because it is a state institution. Recommendations from the RBZ in 2005, such as requesting the state to prosecute senior government officials, were ignored by the state.

There have been contradictions between the monetary and fiscal policies. While the RBZ has urged government to observe fiscal discipline in order to rein in inflation, the deficit has actually been on the increase. The January 2006 monetary statement by the RBZ urged government to restore relations with the international community in order to attract investment, but government is doing otherwise. Complementarity of these policies needs to be established for effective economic recovery.

The majority of experts interviewed in a survey in 2005 believe that the national economy is not being managed efficiently. Most of the experts also believe that citizens no longer have confidence in the country's economic prospects since there is no enabling environment for the private sector to operate in. In addition an environment conducive to trade and foreign direct investment flows into the country is not available.

Globalisation has affected Zimbabwe in various ways. It has benefited from the information superhighway, which has seen a sizeable proportion having access to the internet, thereby accessing global business information.

However, the human resource base of highly trained professionals has been eroded due to emigration, estimated at some three million people. Human resources are essential to both economic revival and development.

CHALLENGES AGAINST EFFECTIVE PRIVATE SECTOR AND CITIZEN PARTICIPATION

CSOs have been attacked by public officials as being anti-government and agents of Western countries working to overthrow the government. They are therefore perceived with suspicion and this limits their effectiveness in participating in economic policy formulation. The NGO Bill – which was passed in parliament in 2005 but is awaiting presidential assent – is perceived as restricting democratic space and increasing government control over NGO activities. The study also showed that there is generally no effective working relationship between the public and private sectors in promoting development.

There has also been mistrust between the private sector and government. Government has accused business of undermining it, particularly on the issue of price controls and shortages of basic commodities. Meanwhile the private sector accuses government of not creating an environment that would allow business to thrive by stabilising inflation and addressing foreign currency shortages. This state of affairs has also compromised effective engagement on economic policy formulation and implementation.

Government nationalisation of all agricultural land through Constitutional Amendment No 17 (2005) has not gone down well with business. This will affect even land bought under bilateral arrangement, further straining international relations. Furthermore the executive authority is perceived as having little respect for property rights.

SOCIAL TRENDS AND GENDER ISSUES

Despite efforts through various economic and poverty reduction programmes since 1980 to turn around the economy, unemployment, which is currently estimated at 80%, continues to deepen poverty. Growth in employment fell sharply in the late 1980s and has been negative ever since.

Loss of formal employment accompanied by retrenchments in the ESAP years saw an emergence and rapid growth in the informal sector. The informal sector comprises cross-border trading, mineral panning (particularly gold), petty trading and currency trading.[114] This group

includes the structurally unemployed. However, in 2005 government embarked on a nationwide clean-up exercise, which included the destruction of illegal structures used by people in the informal sector. Many people were displaced (estimated at 700,000 by the UN report). This reportedly led to structural unemployment rising to 80%.

Table 9 shows the trends in the employment of men and women in both the formal and informal sectors between 1990 and 2000. It shows that there were glaring gender disparities in the formal sector, with men dominating. Formal employment also fell steadily from 1990 levels, attributed to retrenchments over the ESAP period. On the other hand, women dominated the informal sector. Both proportions of men and women in the informal sector increased from 1990 to 2000. However, field studies carried out showed that 70.3% of the public believe that government does not recognise the importance of the informal sector and does not provide an enabling environment for the sector to sustain peoples' livelihoods.

An estimated more than 72% of Zimbabweans were classified as poor by the end of 2002, living below the poverty datum line. This had risen to 80% in 2006. The fall in the poverty datum line followed the trend in the fall in GDP, indicating worsening economic performance. A 1995 poverty

Table 9: Summary of employment trends in the formal and informal sectors

	1990	1995	2000
Formal sector (%)			
Females	18	21	24
Males	82	73	76
Informal sector (%)			
Females	79	87	88
Males	39	55	59

Source: MDG Report, 2004

assessment study showed that poverty was worse in female-headed households (72%) compared to male-headed households with levels of 58%. There are also income inequalities between rural and urban areas as measured by a Gini coefficient of 0.57.[115] Rural areas mainly depend on subsistence agriculture. In addition income is seasonal due to dependence on the rainy season.

The field survey studies indicate other social problems which are cited by respondents as very serious. The major ones are cost of living, fall in the standard of living, increasing gap between rich and poor, shortages of food and unemployment. These are all a direct result of the problems facing the economy.

Meanwhile, a worsening budget deficit has re-triggered a spiralling year-on-year inflation recorded at 502.4% by December 2005, and about 1,200% in August 2006. As a result, capacity for the provision of social services has significantly declined at all levels in the past four years. There is a continuing steep decline in the value of the Zimbabwe dollar against major currencies. There is dwindling donor support in the light of the country's political situation, in addition to the drying up of direct foreign investment and balance of payments support, plunging Zimbabwe into a deeper economic abyss.

There are differences between rural and urban life expectancy.[116] Life expectancy is higher in urban areas (40.6 years) as compared to rural areas (35.5 years). This is attributed to the living conditions, which include access to safe water and sanitation and incomes. The percentage of people without access to safe water and sanitation in urban areas is estimated at 0.1% compared to 15% in rural areas. Since about 70% of Zimbabwe's population lives in rural areas this means that a significant proportion of the population has no access to safe water and sanitation. Living standard deprivation is also higher in the rural areas (8.8%) than in urban areas (7.3%).

Life expectancy in Zimbabwe declined sharply between 2000 and 2005 (see Table 10) according to the 2003 Zimbabwe Human Development Report. This is attributed to the HIV and AIDS epidemic.

Table 10: Life expectancy at birth, 1990-2005

Year	Male	Female
1990-1995	53.4	59.7
1995-2000	42.3	45.4
2000-2005	37.5	36.9

The Human Development Index dropped from a peak of 0.621 in 1985 to 0.496 in 2001. Zimbabwe is now classified in the low human development category and is ranked number 145 in the world. This has been attributed to the decline in economic performance, budgetary cuts in social expenditure and HIV/AIDS.

The UNAIDS/WHO *AIDS Epidemic Update* of 2005 notes signs of a decrease in the adult HIV sero-prevalence rate in the country from 26% in 2002 to 21% in 2005. The Ministry of Health and Child Welfare notes this decline from having been about 24.6% in 2002 to 20.1% in 2005, and this is mainly due to methodological differences in establishing the estimates. While it might be commendable that there is this decrease, the UNAIDS/WHO report points out that the rate is still very high and a sustained decline needs to be ensured.

There are, however, disparities based on gender and age groups. Prevalence among women is 1.35 times higher than among men, and it is higher in the lower age groups (15-19, 20-24 and 25-29 years) for women compared to men, with men then having higher rates than women in the 30-34 year (marginal difference), 35-39 year (highest rate for men and overall at about 48%), 40-44 year and 45-49 year age groups.

After independence the government designed policies and programmes to promote gender equality. Some of these included establishing in 2002 the National Gender Policy aimed at promoting gender equality. The supportive legislation includes the Legal Age of Majority Act, the Sexual Discrimination Removal Act, the Sexual Offences Act, the Amended Administration of the Deceased Estates Act and the Domestic Violence

Act. This policy provides for the creation of gender focal points in all government ministries and mainstreaming gender in all development programmes. A gender department was also established in the Ministry of Youth Development, Gender and Employment Creation to link gender to economic development.

☐

INTERNATIONAL GOVERNANCE

Zimbabwe is committed to maintaining an open trading system with other countries;[117] however, it is facing general international isolation, allegedly due to economic governance, political and human rights abuses. Damning human rights reports by the AU Human Rights Commission and the UN Human Rights Commission (which has been changed to the UN Human Rights Council) have not helped the situation, though government has steadfastly rejected them as attempts to topple the current regime. (The SADC regional grouping for its part has stood by Zimbabwe, particularly on issues of national elections and human rights abuses.)

This has had a negative effect on trade, funding, investment, debt and aid flows, which are critical to economic revival.[118] Of importance has been Zimbabwe's suspension from the IMF since 2002 due to huge debt payment arrears. Zimbabwe only avoided expulsion in 2005 when it made last minute efforts to reduce the arrears. The World Bank also suspended development assistance in 1999. The IMF has been periodically monitoring the economy and making bilateral recommendations particularly on monetary and fiscal policies to improve economic performance structurally, but to no avail. In fact the preceding sections indicate that the economy has experienced an unprecedented downturn and has been described by commentators as the worst-performing economy outside of a war zone. Restoring relations with these Bretton Woods institutions is critical in restoring international confidence in Zimbabwe and attracting foreign investment.

Zimbabwe is a member of various associations such as SADC, the Common Market for East and Southern Africa (Comesa), the World Trade Organisation, the African Caribbean and Pacific-European Union (ACP-EU) and the New Partnership for Africa's Development (Nepad). It has signed free trade agreements within SADC and Comesa. Nepad is meant,

among other things, to forge closer economic linkages within Africa and between Africa and the world. However, Zimbabwe has not signed on to the African Peer Review Mechanism, which allows fellow members of Nepad to monitor each other's governance, democratic and human rights standards.

In SADC, Zimbabwe is responsible for food security and used be the regional area's breadbasket. Since 2000, factors that include the fast-track land reforms have resulted in the country being a net importer of food. The association with SADC has also resulted in the country responding to political issues such as governance, electoral reforms and human rights. It has ratified protocols on election monitoring and human rights.

Through the ACP-EU trade agreement, Zimbabwe was guaranteed access to EU markets of 9,000 tonnes of beef per year. This export market has also been lost, mainly due to foot-and-mouth disease and a decline in the national beef herd.

CONCLUSION

Economic management by the state in Zimbabwe has left a great deal to be desired especially since 2000. The slide into authoritarianism portrayed in previous chapters has accompanied the deepening economic crisis painted in this current chapter. Both domestic and external factors have contributed to compounding the crisis. Land reform has not proved a panacea as originally anticipated by the Mugabe government. Indeed, about 94% of respondents in one survey in 2005 viewed the country's economic conditions as 'bad'; there is a deep sense of pessimism about economic prospects.[119] Centralised economic policy-making and policy reversals have not improved matters. Corruption has reared its ugly head in both the public and private sectors. Although difficult to prove definitively, lack of good governance and wide participation in economic policy-making have blocked growth and development. The current stalemate is thus economically and politically unsustainable.

POST-SCRIPT

An apt summary of the symptoms of problems in economic management in contemporary Zimbabwe was given by the Minister of Finance,

Dr Murerwa, in this Budget Speech of 30 November 2006. Murerwa identified key difficulties as:

> inconsistent policy pronouncements; underutilized allocated land; low industrial capacity utilization; ever increasing prices; continued distortions in the pricing of key commodities and utilities; unemployment and rising poverty levels; foreign exchange shortages; inadequate measures to deal with rising corruption; deteriorating provision of basic public services; poor maintenance of infrastructure; declining clarity over the role and accountability of key institutions of Government; and perceptions of lack of commitment to effectively deal with challenges facing the economy.

This candid diagnosis of the economic crisis neatly sums up the analysis provided in this chapter, but also suggests that the government itself is unclear on how to steer away from the crisis. Indeed its prognosis of growth of 0.5-1%, although modest, is unlikely to be met in a region where average country growth rates are 5% and above. Economic governance would have to be addressed in tandem with political governance.

8

CONCLUSION AND RECOMMENDATIONS

This study of governance structures and processes in Zimbabwe has sought to clarify and deepen our understanding of their underlying dynamics and constraints. It has attempted to provide salient material from both official and non-state texts and publications, as well as from public and expert perceptions on governance trends in the country. Grappling with the extensive empirical material has been challenging. Even more challenging, however, has been the task of developing and sustaining a conceptual framework in which to interpret and assess the material.

The conceptual point of departure was the problematic question of whether the political processes under way in Southern Africa amounted to a consolidation of democratic governance. The individual country cases were expected to be illuminating to the extent that they addressed this question in specific national settings. More generally, the task set out for the country cases was to unveil the 'state of the art of the entire gamut of democracy in a given setting, unravel progress made since the 1990s transitions, identify democracy deficits or problems and suggest possible policy or institutional measures to address those deficits'.[120] Thus running through our study has been a central theme of the state of governance and democracy in Zimbabwe. To what degree does Zimbabwe conform to or deviate from the broad trends in the region?

The Zimbabwe case illustrated a polity that has theoretically upheld a multiparty system as well as nominally held regular elections since 1980. It did not undergo the motions of reform such as countries like Mozambique, Malawi, Tanzania and Zambia underwent in the 1990s. This study has argued that there was no similar structural transition in qualitative and quantitative terms. Instead a stalemate over constitutional reform in 1999-2000 degenerated into authoritarianism as the incumbent government sought to hang on to power in the face of a heterogeneous protest movement organised under the MDC. The stalemate has continued and has deepened six years later. The crisis spawned by this debilitating

stalemate is reflected in democratic deficits in political and economic governance, local governance and citizen participation as chapters 4 to 7 show.

The study begins by observing that historical and contextual factors should be taken into consideration in explaining the stalled transition as well as the slide into authoritarianism in Zimbabwe. We observed that the post-independence government failed to break with the tradition of nationalist authoritarianism and violence as well as with the methods and techniques of colonial state repression. Failing to 'de-militarise' its political mobilisation methods and management of state institutions, the government inherited resilient colonial and security-oriented structures bequeathed by the retreating settler state. This has had serious implications for democracy, human rights and human security.

The study also observed that political development in Zimbabwe after independence consisted of change and continuity. While there was indeed a change in government and political leadership, there was continuity in authoritarian state structures and practices. This limited form of transformation was buttressed by the Lancaster House provisions which, among other things, placed restrictions on home-grown comprehensive constitutional change and socio-economic redistribution during the first decade of independence. More generally, the uneasy amalgam of the new (political players) and the old (inherited state structures) proved unequal to the task of conflict management and resolution soon after independence.

In specifically addressing the question of transition, the study noted that it signifies a process of shift from one political order to another as a result of contestation over rules and procedures of the political game and over ideological hegemony. This is often accompanied by a shift in control of the apparatus, institutions and resources from one ruling bloc to another. In Zimbabwe, the defining transition was that to independence in 1980. Apart from this transition, there does not seem to have been another transition from the prevailing political system to a more open, inclusive and democratic one.

It was argued that it is the absence of a structural transition which explains the continued prevalence and defensiveness of authoritarianism as well as

the prolonged character of political crisis, especially between 2000 and the present. It was argued further that the stalemate between the ruling and opposition blocs explains the stalled transition. However, the unresolved political succession question is a further complicating factor. The study argues that a democratic transition remains elusive in Zimbabwe; and democratic consolidation will hinge on the outcome of such a transition.

The detail and argumentation on democratic deficits are marshalled in the chapters on Representation and Accountability, Citizen Participation, Local Governance, Economic Management and Corporate Governance. The remainder of this concluding chapter presents some recommendations in each of these spheres of governance.

RECOMMENDATIONS

Representation and accountability

The political system, parties and tolerance
This study outlined the main features of Zimbabwe's political system and provided details on the workings of the key institutions such as parliament and the judiciary. A prominent feature of the political system is the dominant role played by the executive. Indeed, the executive presidency has stamped a strong imprint on the system, with Robert Mugabe increasingly playing the role of a traditional autocratic strongman with extensive powers and control. His towering role in the first 26 years of independence has made him one of the longest ruling leaders in Africa. While there was a great deal of stability and peace maintained after the conflicts in Matabeleland in the mid-1980s, there has been remarkably little progress on the economic and political fronts since then. Stability and peace have not been translated into sustained growth, development and democratisation.

The centralisation of authority and power in the presidency has been to the disadvantage of other institutional centres of power, principally parliament and the judiciary. The study showed that the undermining of the authority of the judiciary became pronounced in the post-2000 period. This was accompanied by a swing toward authoritarianism. The central-

isation of powers in the presidency has not been healthy for the political system and will need an urgent review. While authoritarian structures and practices have contained protests and disenchantment up to now, there is no guarantee that the system might not explode at some juncture in the future. Furthermore, the system needs clear guidelines and procedures for succession and limits to terms of the presidency. The current uncertainty regarding succession detracts from confidence and transparency in the system.

The key role played by political parties was acknowledged in this study. Over the past seven years, Zanu-PF and the MDC have dominated the political arena. However, the level of internal party democracy, cohesion and transparency varies. Furthermore, a great deal of evidence shows that various laws and practices have made the political arena highly uneven, to the disadvantage of opposition parties. Inter-party cooperation is almost non-existent, and the wider polarisation in Zimbabwean society is reflected in the sour relations between Zanu-PF and the MDC. This needs to change if parties are to be agents of change, consensus and a civic political culture.

More generally, the study observed that Zimbabwe's political culture has been characterised by intolerance, which deepened in 1982 with the discovery of an arms cache in Matabeleland, the participation of ZUM in the 1990 elections and the formation of the MDC in 1999. There is presently a culture of intolerance toward divergent views and dissenting voices even in the same party, ruling or opposition. Political socialisation and extensive education need to be embarked upon to address this pervasive intolerance.

The Universal Declaration of Human Rights enjoins the respect of human dignity and of fundamental freedoms and liberties. A combination of a genuine separation of powers and people-driven constitutional reform would provide a foundation for more tolerant values, and would foster a spirit of collectivism, solidarity and genuine patriotism.

Separation of powers
A genuine separation of powers can only be achieved through curtailing executive powers and ensuring a competitive multiparty parliamentary system. The former could be achieved through the revision of the

Presidential Powers Temporary Measures Act, the function of the executive in electoral laws, appointments of government officials, commissioners and non constituent parliamentarians, and the determination of salaries and conditions of service of the latter by the executive. This will ensure that executive powers are curtailed, paving the way for the other two branches to exercise their functions without interference from the former.

Electoral system and management

The adoption of aspects of the PR electoral system as opposed to the 'winner-takes-all' or FPTP system currently in use would boost the prospects of a democratic multiparty system. The latter leads to unfair results where losing votes are ignored and disregarded, leading to the possibility of political instability. It is recommended that a mixed system using constituency-based and PR systems be introduced. PR ensures that seats are distributed in proportion to the total number of votes received by each political party, leading to a fairer representation and inclusiveness. Executive appointments to parliament should be confined to repre-sentations of special groups, including those represented by CSOs.

There is a need to revamp electoral laws by scaling down executive powers. Electoral institutions should not only be seen to be impartial but should be so in practice. CSOs, political parties and parliamentarians should be involved in the appointment of electoral commissioners. The present method of executive appointments will not instil confidence in Zimbabweans given the political polarisation in the country. The executive is not perceived to be a politically neutral office since it is an active participant in elections. The integrity and credibility of elections is greatly enhanced by having an independent and non-partisan body mandated to run the whole electoral process. In this context, the Zimbabwe Electoral Commission, established in 2005, must still prove its credibility and autonomy in Zimbabwe's polarised environment.

Resolving the political/governance crisis

This study presented a picture of a country experiencing a deep governance crisis, one that has festered for six years – a long time in any estimation. It is a crisis with predominantly internal roots and dimensions, although an external dimension cannot be ignored. While the incumbent government

emphasises the external factor, the domestic opposition stresses the internal dimensions. Efforts at internal and external mediation have not yielded much success. Overcoming a denial syndrome will be necessary for the incumbent government, while opposition forces should adjust to the reality that they should engage seriously with the present state. An electoral outcome is unlikely to address fully the deep-seated governance crisis, despite some wishful thinking on the part of sections of both contending parties, namely the MDC and Zanu-PF. A negotiated settlement and some initial power-sharing may be necessary in the interim as a way of resolving the crisis.

Constitutional reform

The study argued that constitutional reform would be imperative; however, the fundamental weakness in the present constitution should not be addressed in a piecemeal fashion. In an extensive overhaul, comprehensive reform proposals reflecting the aspirations of Zim-babweans should be debated. A people-driven constitution is crucial in addressing and resolving a variety of issues adumbrated above: separation of powers; institutional arrangements; electoral management; human rights issues; and gender issues, among others. Finally, in Zimbabwe the constitution has become an instrument that those in power can use to fulfil their goals. There is a preoccupation with constitutionality of actions, hence the many constitutional amendments, but no emphasis on constitutionalism. It is of paramount importance to have a nation that is aware and educated in constitutional matters and which is committed to constitutionalism, as this is key to progress and nation building.

Human rights

Although the constitution stipulates basic freedoms and liberties, the presence of legislation that is detrimental to the full exercise of such rights has been passed. The POSA, AIPPA and the Broadcasting Services Act, among others, are examples of legislation which should be repealed. It is also vital to ensure that the proposed Human Rights Commission should be impartial and apolitical.

The Ombudsman's Office

The Ombudsman's Office is precluded from investigating the president,

the defence forces, the cabinet and presidential staff. This means that these offices may perpetrate and violate people's rights with impunity. The restrictions on jurisdiction mean that the office plays an insignificant part in the protection of individual rights and freedoms. The interference by the minister of justice in preventing an investigation undermines the whole purpose of the office. Such provisions should be repealed. Information dissemination on the role and functions of the Ombudsman's Office is paramount as the office is largely unknown. The publication of investigations made will assist in people understanding its role and may also be in the public interest. The office should be empowered through financial and human resource provisions to enable its efficiency.

Citizen participation

This study explored the issue of citizen participation in public life as an important index of governance. First, it was observed that some social groups, especially migrants and their descendants, have had limited access to citizenship rights. Some legislation in the past decade has whittled away such rights from those who had dual citizenship. Lack of citizenship rights denies those affected the right to vote in elections. To that extent, citizenship laws should be reviewed to eliminate inequality of access to basic rights and protection from the law.

Second, the legal framework in which CSOs operate has become more stifled as a result of restrictive legislation passed during the past five years. This reflected the authoritarian response of the state to the activism of the civic movements. The potentially greatest threat to those CSOs engaged in governance and human rights work lies in the 2004 NGO Bill which has been held in abeyance pending presidential signature. This study has argued that such authoritarian legislation is retrogressive and undermines existing fundamental rights that are part and parcel of a democratic system. This legislation is out of sync with trends toward a broadening of the democratic space in other countries in the Southern African region.

Third, the study cited survey findings which suggest that CSOs have little influence on government policies and programmes, despite their efforts involving lobbying and advocacy, meetings and media campaigns. The majority of expert respondents believe that CSOs do not have influence

on such policies and programmes. The prevailing authoritarian political culture discourages meaningful contact and dialogue between the government and CSOs. While the repeal of draconian legislation would go some way to un-bundle this culture, groups such as churches could play a more active role in building bridges between the state and CSOs. At the same time, the CSOs would need to review their strategies, including how to engage with the state and other stakeholders on a variety of issues.

Fourth, there has been an increase in apathy and a withdrawal from active civic and political life among wide swathes of society. One contributing factor has been economic hardships. With the collapse of public social safety nets that were meant to protect the poor, many survive on the margins without state support. This level of disenchantment has resulted in such groups not wanting to engage the state but to seek ways of surviving out of it, hence the emergence of a parallel economy. At the community level, the apathy takes the form of limited participation in associations and social networks through which people used to lobby the government or to advocate for policies to better their lives. Concerted efforts are needed to stem the decline in participation in community and civic associations.

Fifth, citizen participation is affected by the limited capacity of CSOs themselves. This relates to their narrow resource base, high turnover of human resources partly due to the 'brain drain' and declining support from donor agencies. In addition, there have been problems of lack of transparency and accountability in some CSOs. Indeed, some survey respondents believe that there is corruption in CSOs. There is a need to increase support for CSOs to enable them to perform their vital role in civic life. Democracy requires the existence of vibrant but also transparent and accountable CSOs. In a related context, the autonomy and freedom of the media should be recognised and guaranteed, and laws that nullify this freedom and independence should be repealed.

Local governance

Constitutional recognition of local government
Local government should receive constitutional recognition so that it may

be better insulated from partisan party politics that have paralysed urban local government in Zimbabwe. It is recommended that the Constitution of Zimbabwe be amended to recognise local government as an autonomous, self-governing level of government and not as a 'gift' from parliament and government. The structural relationships between the various levels of government should be stated categorically. The constitution should state the revenue-sharing mechanisms among the various levels of government. There should be a constitutional guarantee to state resources by all levels of government.

Decentralisation and local government
In order to promote local democracy it is recommended that future local government policy provide for participatory and decision-making structures at all levels of governance, from provincial to village level. These decentralised structures should have autonomy and commensurate resources to undertake their mandate. The legislation should adopt the principle of subsidiarity as a guide for the decentralisation programme. All functions and responsibilities should in principle be performed at the lowest possible level unless there are extenuating circumstances, which should be argued, discussed and agreed to by all parties involved.

There should be a clear division of responsibilities among all spheres of government – that is, central, provincial, local and community. De-centralisation of functions should not be limited to giving additional functions to local authorities. Indeed local authorities themselves should where appropriate hand over functions and responsibilities to communities and CSOs, as well as to other subdistrict institutions. Line ministries have to be transformed from deliverers of services to communities into facilitators and regulators.

Participation and accountability
It is recommended that future local government policies establish rules and regulations that make private sector and civil society participation in council decision-making mandatory. It is necessary for the stakeholders to require the elected to account for previous receipts as a basis for justifying any financial obligations on citizens. In that regard the principle of participatory budgeting is recommended for all subnational level

governments. Citizens could also use the budget process as an opportunity to approve, amend, rearrange or reject priorities as set by the local authorities. Going through the six monthly budget performance reviews at both community and district level can also enhance accountability. The electoral laws could provide for early recall of leaders where citizens are dissatisfied with the performance of elected leaders and officials.

Local government finance
It is recommended that the principles of local government finance adopted by government following recommendations by a Commission on Taxation set up in 1986 under the chairmanship of Raja Chelliah be implemented. The guiding maxim to the principles is that of:

> maximum possible autonomy for local governments within their designated spheres, fiscal responsibility, efficiency in the use of resources and inter locality equity. Local governments are not intended to be mere agents of the central government, but active organisations which can mobilize local initiative and give local populations a sense of responsible participation in local affairs.

There should be a very clear and transparent revenue-sharing mechanism between the state and subnational levels of governments. Inter-governmental fiscal transfers to local authorities should be placed on an assured basis, instead of depending on annual allocations as determined by parliament. There is a need for a policy that clearly states the percentage of centrally collected revenue that has to be transferred to local authorities. Such a revenue-sharing formula should pay special attention to the need for equity between different regions.

Central-local government relations
Central government should not have the power to dissolve, suspend or dismiss elected councils. The role of central government should be limited to that of a facilitator and not uninvited arbiter.

The rule of law should be enhanced such that any aggrieved party is free to present its case to the courts of law.

Traditional leaders' commission

The current situation is that the appointment and dismissal, and conditions of service for traditional leaders are given by the executive president on the advice of the minister of local government, public works and national housing. The position of traditional leaders has been somewhat compromised as they are seen 'hat and begging bowl in hand' before government during annual budget sessions. It is recommended that the authority and status of traditional leaders be insulated from mainstream party politics. The protection of traditional leaders can be achieved through the establishment of a Traditional Leadership Commission, which would be responsible for recommending appointments, dismissals and other conditions of service for traditional leaders.

Women in local government

It is recommended that the participation of women in local government be enhanced in all three essential areas: as voters, policy-makers and as members of the executive. This could be achieved through deliberate and transparent affirmative action. Among others, the policies would require a certain quota of women in the council. The policy would also involve empowering communities and districts to develop strategies that combine the empowerment of communities, women and orphans to develop prevention and impact mitigation strategies with access to basic services such as health care, education, water, agricultural extension and income generation.

Capacity-building programmes

Empowered communities have high expectations and demands from the systems and institutions of government. It is therefore prudent that any local government community empowerment policy has an element of capacity building of all stakeholders to ensure that viable and sustainable links between the demand and supply side are effective. It is therefore recommended that all future initiatives should include a capacity-building programme component.

Economic management and corporate governance

The long-running decline in economic growth between 2000 and 2006 has been one of the most severe in the country's history. In November 2006

there was no sign that the decline would be stemmed soon, or a recovery initiated. Surveys show very little confidence in the government's stewardship of the economy. A small proportion of experts has confidence in the country's economic prospects and believes that there is an 'enabling environment' for the private sector. But a larger proportion of experts state that the environment is not conducive to foreign investment and trade. Many experts also agree that the economy is not being managed efficiently. There is a similar low trust in government capacity to manage the economy, especially to create jobs and tackle the widening gap between the rich and poor.

How can economic management and corporate management be improved? There needs to be consistency in economic policy, and the closing of the gap between rhetoric and implementation. Previous economic pro-grammes and policies have floundered on internal contradictions, lukewarm commitment and reversals, as the study shows. The economic crisis should be addressed in a holistic manner with comprehensive sectoral plans for key sectors such as agriculture, industry, trade and labour regimes; these should be linked and drawn from a medium-term strategy. A holistic framework is necessary to reduce money supply, align fiscal expenditures to budgeted levels, enhance agricultural productivity across sectors of the economy, enhance productivity to reduce food inflation, and undo the rigidities of parastatals and local authorities.[121] There needs to be synergy between various economic policies, such as monetary and fiscal policies, to remedy the lack of a comprehensive strategy. The state thus has a central role as a driver in economic strategy and implementation.

There is also a clear need to build confidence and cooperation among other stakeholders in economic policy. The polarisation in the political sector appears to have been reproduced in the economic sector, and this needs to be addressed. The hesitation about concluding a social contract between organised labour and business and government should end. An open, transparent dialogue would help generate realistic expectations, reduce uncertainty and contribute to a unified sense of national ownership of reforms. Indeed there is need for commitment by social partners to the ideals, principles and objectives of the Kadoma Declaration in a spirit of smart partnership and tripartism.[122]

Other specific measures would relate to ensuring the independence of the central bank, thus insulating it from political and other pressures. It would be absolutely necessary to initiate the process of rebuilding confidence in the country's development policies. There would be need for commitment to the rule of law, especially as it relates to the protection of property rights. Investors need to be assured that their investments would not be subject to expropriation at some stage. In particular, there would need to be a review of how the land reform programme and accompanying agricultural strategy have fared so far. The decline in agriculture should be urgently addressed through a set of policies that ensure growth, stability and equity in the sector. These measures are necessary to restore confidence by foreign investors, international financial institutions and donors.

The restoration of confidence will also be dependent on the extent to which corruption in the corporate and public sector is tackled. The study shows that experts and the public believe that corruption is widespread in Zimbabwean society. The larger majority of experts believe that ministers and MPs are corrupt, while 86% of the public believe that the government is handling the corruption issue badly. Corruption is a cancer. There is also little confidence in the transparency of the tax collection system, with a majority of experts observing that tax evasion is rampant. Clearly there is a challenge in addressing corruption in both the public and private sectors. There should be a redoubling in efforts in combating this cancer, and this should entail a review of existing institutional mechanisms to explore ways in which they could be improved.

Gender and governance
Gender remains a salient issue in any discourse on the consolidation of democratic governance in Southern Africa, including in Zimbabwe. This study shows that there is both a measure of progress and deficit in gender advancement. Interestingly, there is a perception that the government has made progress on gender equity. The view of 92% of experts surveyed is that there is a reasonable degree of participation of women in political and public life at all levels.

However, the reality of women's participation in governance is not fully borne out in practice. The study shows that women's participation in

institutions such as parliament and cabinet as well as in the higher echelons of government bureaucracy is still marginal, contrary to public perceptions. The visibility of a female vice president and a few ministers and MPs should not disguise the fact that Zimbabwe still has not attained the minimum thresholds set by the SADC Protocol on Gender of 30%, and now raised to 50%. In sectors such as local governance, concerted efforts and measures should be made to raise the participation of women. There is currently a low proportion of women in positions of councillor and mayor.

Legislation passed by government needs to be followed up with clear implementation and delivery plans. Governments and CSOs should follow through the implementation process. Legislation such as section 23(3) of the constitution and the Communal Lands Act should be reviewed to be put in line with the thrust towards gender equity. There is also need to domesticate such international conventions as CEDAW to enhance progress towards gender equity. Finally, economic and social policies as well as programmes should include a clear gender component. Employment opportunities and access to education and health should be systematically opened up to further women's advancement in order to bridge the gender gap.

The external factor and governance
An assessment of the governance process and challenges in Zimbabwe should consider the 'external factor'. This is a code term for external actors such as neighbouring countries, regional groupings and international institutions, in short the so-called 'international community'. However, while one position has stressed the domestic situation as the primary factor in the present crisis, another position is that it is external forces that have generated it. The latter position talks of an 'unholy alliance' between some of the external forces and the internal opposition forces. Orchestrated by the Zimbabwe government, this position argues that there would have been no crisis or protest movement in the country if external forces had not created and abetted such an opposition. However, the former position holds that it was authoritarianism and acute economic hardships that provoked the birth and growth of the opposition movement. This position also argues that some external actors, such as South Africa and regional

groups like SADC and the AU, have provided diplomatic support and legitimacy to the Mugabe government.

Clearly, the duel between the ruling and opposition parties has drawn in external actors on opposite sides. While the Mugabe government lays the blame on the West and especially on the United Kingdom (UK), United States (US), the EU and the Commonwealth for the domestic crisis, the opposition MDC has been critical of the soft posture or 'quiet diplomacy' by neighbouring countries and regional blocs when human rights violations and violence have occurred in Zimbabwe. However, the internal stalemate has been matched by an impasse between those external actors that support the Zimbabwe government and those who oppose it. Among the latter are the richest countries and regional blocs which previously provided Zimbabwe with development aid and credit. The decline in aid and the drying up of credit from the EU, US and institutions such as the World Bank and IMF have affected the country's economic fortunes; while this did not spark the crisis in the first place, it has nevertheless exacerbated it. In addition, the so-called 'smart sanctions' against members of the ruling elite have, in practice, gone beyond this small coterie to include 'investment sanctions' that an already weakened economy cannot bear indefinitely.

This study believes that the primary cause of the domestic crisis is the internal stalemate that is a culmination and reflection of authoritarianism and stalled reform. If there were to be a successful internal settlement, then there would be a normalisation of relations with external actors such as the UK, EU and IMF, among others. But there would have to be a shift of positions by the internal protagonists. Democracy, like charity, ought to begin at home.

ZIMBABWE'S PROSPECTS

What then are the prospects for a transition leading to democratic consolidation in Zimbabwe? This is a difficult question to answer. A certain amount of crystal-gazing has become inevitable, if not fashionable.

There are several key aspects that will affect Zimbabwe's short-term prospects. The first relates to the state of the economy, which has scored record hyper-inflation (at over 1,000% in November 2006) and economic

contraction (the fastest in the world). As the chapters on the country context and on economic management show, there is no end in sight yet to the economic crisis in the absence of domestic political reform or internal settlement, and of normalisation of severed relations with the West and donors. A bleak scenario in the economic sector is one in which there is a worsening of the situation, rampant corruption fuelled by patronage and a scramble for remaining state resources or state-related avenues of accumulation. This would be compounded by a decline in commercial agriculture and manufacturing as well as uncertainty in the mining and service sectors. As economic hardships bite harder, spontaneous outbursts, especially in cities and towns, cannot be ruled out.

The second aspect relates to the reality that although the ruling Zanu-PF may look outwardly impregnable, it is deeply riven into factions over presidential succession. The competition to succeed the 82-year-old Mugabe intensified in 2004 and factionalism continues to fester. If it is not resolved, a party split could result with a significant weakening impact on the ruling party. In such a situation, the possibility of a tactical alliance between one of the factions with either of the MDC factions could not be ruled out. Thus while a rupture in Zanu-PF would be messy, it would at the same time open up the possibility for a new political force and a transition from authoritarianism. This is an optimistic scenario. However, it is not inconceivable that there could be further entrenchment of authoritarianism, particularly if the militarisation of state institutions continues in the context of a dysfunctional economy and state. In such a bleak scenario, this would be a sad legacy of a government and ruling party that carried such high hopes at independence in 1980, both at home and abroad.

NOTES

1   Zimbabwe Government & UNDP, *Zimbabwe Millennium Development Goals,* Harare, 2004.

2   Scientific and Industrial Development Research Center (SIRDC), *An Analysis of the Cause and Effect of the Brain Drain in Zimbabwe.* Harare: SIRDC, 2003.

3   Zimbabwe Government & UN, op cit.

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ABOUT EISA

EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance field throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values, practices and enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is currently the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

Promoting credible elections and democratic governance in Africa.

MISSION

EISA's mission is to strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions. The organisation services governments, electoral commissions, political parties, civil society organisations and other

institutions operating in the democracy and governance fields throughout Africa.

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:
- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To nurture and consolidate democratic governance

- To build institutional capacity of regional and local actors through research, education, training, information and technical advice

- To ensure representation and participation of minorities in the governance process

- To strive for gender equality in the governance process

- To strengthen civil society organisations in the interest of sustainable democratic practice, and

- To build collaborative partnerships with relevant stakeholders in the governance process.

CORE ACTIVITIES

- Research
- Conferences, seminars and workshops
- Publishing
- Conducting elections and ballots
- Technical advice
- Capacity building
- Election observation
- Election evaluation
- Networking
- Voter/civic education
- Conflict management
- Educator and learner resource packs

PROGRAMMES

EISA's core business revolves around three main programmes namely: Conflict Management, Democracy and Electoral Education; Electoral and Political Processes; and Balloting and Electoral Services.

CONFLICT MANAGEMENT, DEMOCRACY AND ELECTORAL EDUCATION

This programme comprises various projects including voter education, democracy and human rights education; electoral observation; electoral staff training; electoral conflict management; capacity building; course design and citizen participation.

ELECTORAL AND POLITICAL PROCESSES

This programme addresses areas such as technical assistance for electoral commissions, civil society organisations and political parties; coordination of election observation and monitoring missions; working towards the establishment of electoral norms and standards for the SADC region and providing technical support to both the SADC-ECF and the SADC-ESN.

BALLOTING AND ELECTORAL SERVICES

The programme enhances the credibility and legitimacy of organisational elections by providing independent and impartial electoral administration, management and consultancy services. The key activities include managing elections for political parties, trade unions, pension funds, medical aid societies, etc.

EISA'S SPECIAL PROJECTS INCLUDE:

- Local Government, which aims to promote community participation in governance; and
- Political Parties, which aims to promote party development at strategic, organisational and structural levels through youth empowerment, leadership development and development of party coalitions.

EISA'S SUPPORT SERVICES INCLUDE:

- Research
- Publications
- Library
- Information and Communication Technology (ICT).

EISA PRODUCTS

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- CD-ROMS
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