

**CIVIL SOCIETY AND NON-GOVERNMENTAL
ORGANISATIONS IN ZIMBABWE: DEMOCRATIC
DEVELOPERS OR IMPERIALIST AGENTS?**

By

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Submitted in partial fulfilment of the academic requirements for the degree of Master of Development Studies in the School of Development Studies, Faculty of Humanities, Development and Social Sciences.

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Durban

December 2005

Declaration

I, Fungayi Zawi, declare that this work submitted is entirely my own and where other people's work has been used this has fully been acknowledged.

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Acknowledgements

My sincere gratitude is due to is due to David Moore, my supervisor, for the assistance and comments he gave me during the course of writing my dissertation.

My heart to goes to Tony Berridge for his patience, understanding and financial assistance for my studies.

I want to thank Professor Patrick Bond, Oliver Mutapuri and Horman Chitonge for their suggestions and helpful comments.

I would like to honour my late father, and my mother for all the encouragement they gave me in my life.

To all my family members and friends for their unwavering support.

To Joe Arimoso for bringing the sense of humour when things were difficult for me.

And lastly, but not least, I would like to thank my programme director, Richard Devey, Lesley Anderson and all the staff members for their support during my period of study.

List of Acronyms

NGO - Non-Governmental Organisation
NGO Bill - Non Governmental Organisation Bill
IMF - International Monetary Fund
SAP - Structural Adjustment Programme
USAID - United States Agency for International Development
YMCA - Young Men's Christian Association
YWCA - Young Women's Christian Association
ZANU PF - Zimbabwe African National Union - Patriotic Front
MDC - Movement for Democratic Change
ORAP - Organisation of Rural Associations in Progress
OCCZIM - Organisation of Collective Cooperation in Zimbabwe
ZIMFEP - Zimbabwe Foundation for Education with Production
ZERO - Zimbabwe Environment Research Organisation
ZWRCN - Zimbabwe Women's Resource Centre and Network
WLSA - Women and Law in Southern Africa
HIV - Human Immunodeficiency Virus
AIDS- Acquired Immunodeficiency Syndrome
ADF- African Development Fund
SAPES - Southern African Political Economic Series
ESAP - Economic Structural Adjustment Programme
PVO - Private Voluntary Organisation
NCA - National Constitutional Assembly
NEPAD- New Partnership for African Development
SADC - Southern African Development Community
POSA - Public Order and Security Act
AIPPA - Access to Information and Protection of Privacy Act
STI - Sexually Transmitted Infection
PSI - Population Services International
CRS - Catholic Relief Services
CCJP - Catholic Commission for Justice and Peace
NANGO - National Association of Non-Governmental Organisations
SEWAZ - Self Employed Women Association of Zimbabwe
ZESN - Zimbabwe Election Support Network

1.0 CHAPTER ONE

1.1 Introduction

This chapter will give an overview of this dissertation concerning the relationship of the state and civil society in Zimbabwe. Recently, NGOs, as part of civil society have come under fire by Zimbabwe's ruling party, the Zimbabwean African National Union - Patriotic Front (ZANU-PF), for being agents of imperialism. This accusation also comes from developing states that feel non-governmental organisations (NGOs) to be effecting regime changes rather than doing their 'traditional' developmental work. It is therefore the aim of this paper to investigate if there has been a shift in focus on the part of civil society from development to democracy and involvement in the 'politics' of Zimbabwe. Even if there has been a shift to democracy in NGO's efforts, the paper maintains the argument that promotion of democracy, defending human rights and peoples' freedom is part of development work because democracy is arguably a foundation of social and economic development and assuredly a 'good' in itself (and thus the pre-requisite of 'political development'). The dissertation will begin by discussing the concept of civil society and its evolution, then moving on to the relationship between civil society and the state. A few examples will be drawn from Africa before the discussion specifically focuses on Zimbabwe. Important definitions will be given in the theoretical review section of this chapter.

This chapter will begin by stating the rationale of the study, outlining why civil society is important in democracy and development. The statement of the problem follows, focusing on the problems of NGO funding due to the prohibitive laws put in place by the Zimbabwean state. The significance of the study is discussed in the next section, assessing new ideas this study contributes to the already existing body of knowledge on civil society and NGOs

in Africa. Research questions are given as the second last item before the outline of the rest of the chapters.

The aim of this paper is to show the important role NGOs, as part of civil society, play in society. There are problems encountered by civil society when dealing with the state in its attempt to foster democracy and development. An attempt will be made to bring out the challenges and contradictions manifesting themselves due to the problem of class and political ideologies that shape societies. Liberal ideas clash with Marxist - and other illiberal - views - when it comes to democracy and what role civil society should play.

This issue circles around questions relating to the relationship between civil society and the state: What degree of autonomy should civil society have from the state? How subordinate should civil society be to the state? What are the implications and contradictions associated with these views? This paper, then, will try to discuss these issues and the struggle for power and control by states and civil society. On the Zimbabwean section, the paper tries to show how the state has responded to what it perceives as threats from the civil society by enacting such laws as the Public Order and Security Act (POSA) and the Non-Governmental Organisation Bill (NGO Bill).

1.2 Rationale of the Study

Since Zimbabwe's 2000 Parliamentary elections the state has been condemning NGOs and civic organisations for pushing the agenda of western nations, especially the 'colonial régime' of Tony Blair's (Tony Bliar, as ZANU-PF has often called him) Britain. As a result of these allegations, a few laws were enacted such as POSA of 2002 (not coincidentally a year in which Presidential elections were held) that criminalize public gatherings unless they have police sanction. As a result of this law civic space has been very much limited. In many cases the police do not allow public meetings, claiming they have no resources to police them. This has been dismissed by civil society organisations

as a deliberate move to close democratic space in the country. Another law, passed during the same year, is the Access to Information and Protection of Privacy Act (AIPPA), which requires journalists to register with a government board before working. The same law prohibits any foreign journalists from working in the country permanently. As well, a journalist who publishes an 'untrue story' may face 20 years in prison.

In addition to these two draconian laws, the NGO Bill proposed in 2004 but still not enacted into law would see many organisations winding up their operations. It prohibits any work on human rights and governance issues and disallows foreign funding for local organisations dealing with governance issues. These laws, coupled with government accusations of NGOs and other civil society organisations, have led to sour relations between the state and these organisations. This research tries to investigate the allegations by the state and recommends a way forward. On a broad base some of these organisations have also accused the state of gross human rights abuses through its various organs, including the police, army, and 'militias' called the Green Bombers. It is hoped that this research will unravel some of these issues to establish the truth and suggest a way forward to resolve or deal with the current problem between the state and civil society in Zimbabwe. This research will attempt to establish whether the recently passed laws are justified and to ascertain the real motive of the state.

1.3 Statement of the Problem

The democratic space for civil society to operate and contribute meaningfully to Zimbabwe's infant democracy is being blocked by prohibitive laws being enacted by the state. It has become apparent that civil society in Zimbabwe has been choked as a result of the laws that have been discussed above. The result of these laws on funding by donors to local organisations has been a shrinking if not drying up of donor funds. Most donors have been shying away

from Zimbabwe recently. The prohibiting laws (POSA, AIPPA and now the NGO Bill) have made life difficult for ordinary Zimbabweans. All those who were relying on NGOs have to look elsewhere. Apart from NGOs, humanitarian organisations such as the World Food Programme (WFP) are allowed limited access to starving population of Zimbabwe. This is in the midst of allegations that the state cannot feed all the hungry people across the country.

1.4 Significance of the Study

The contribution this study will make to the existing body of knowledge is to highlight what the various NGOs are doing and to attempt to establish the real problems between the state and civil society in Zimbabwe. It will also make recommendations on how to improve on these relations for the sake of building a strong democracy and the overall development of the country and the people. The dynamics of this relationship between civil society and state is complex - therefore worthy of investigation. It is only by conducting an in depth study that the real issues surrounding the state/civil society relations can be expressed. Thus this study's efforts to seek a way forward and to make suggestions to both groups for the sake of development and democracy advancement are also important. Before going into the theoretical framework, it may be necessary to give working definitions of certain terms that will appear throughout this text.

1.5 Important Definitions

In this project the notion of civil society refers to all non-profit making voluntary organisations. These include: non-governmental organisations (NGOs), voluntary associations, human rights organisations, churches, community based organisations, and students' unions. The question is whether civil society should play only a 'developmental role' and leave the issues of governance alone. Can one separate issues of governance from development? Is

democracy not part of development? Perhaps it is necessary here to explain what is meant by the term democracy in this thesis.

Saward discusses several forms of democracy including liberal democracy. Liberal democracy emphasises 'constitutional guarantees of individual freedom and rights, among them rights to equality and voting'; while participatory democracy emphasises 'extensive participation in decision-making' by all concerned groups or associations (2003: 148-149). It is these two forms of democracy that this paper will link with development. On one hand Liberal democracy has long been linked with regular electoral processes and allowing many political parties to take part. This form of democracy has a link with "free market" capitalism. Saul (1997) argues that liberal democracy fails to extend many social and economic rights to classes that are not property owners (339-340). On the other hand is participatory democracy which is often associated with forms of popular decision making linked to the new left, a form of Marxism attempting to distance itself from a Stalinist form of dictatorship. Stalinism is one form of Marxism that is not very democratic (Saul, 1997: 340).

According to Amartya Sen development is a "process of expanding the real freedoms that people enjoy" (1999: 3). Freedom entails what people have the benefit of in terms of social and economic life, and political and civil rights. Development thus requires the removal of major sources of "unfreedom", including poverty, tyranny, poor economic opportunities, systematic social deprivation, the neglect of public facilities, intolerance, and the over-activity of repressive states (Sen, 1999: 3). What people can achieve in terms of development is also influenced by "economic opportunities, political liberties, social powers and the enabling conditions of good health, basic education, and the encouragement and cultivation of initiatives" (Sen, 1999: 5). Sen argues for political freedom because it gives people an opportunity to discuss, debate and to participate in the selection of values in the choice of priorities (1999: 30). For Sen, democracy is an instrumental and constitutive part of development. In

defining Human Development, the United Nations Development Programme (UNDP) - influenced to a great degree by Sen - says it is “a process of enlarging people’s choices” and “expanding human capabilities and functions” (1999: 16).

According to the UNDP report choices people value include political, social, economic and cultural freedom, a sense of community, opportunities for being creative and productive, and self respect and human rights. Human development is also a process of pursuing these capabilities in a way that is “equitable, participatory, productive and sustainable” (UNDP, 1999: 16) It thus appears to be impossible to separate democracy from development, from within either liberal or Marxist circles. Therefore, it makes sense to argue that democracy is an essential component of development. Engaging in democracy or human rights advocacy by civil society is performing development work. Ergo, campaigning for the protection and promotion of human rights is in itself development. What then are human rights? These are civil and political rights, economic and social rights, and collective rights.

Civil and political rights include the rights to life, liberty, security of the person, privacy and property; ...the right to fair trial; freedom of movement...freedom of thought, conscience and religion; freedom of opinion and expression, freedom of assembly and association; the right to free and fair elections, universal suffrage and participation in public affairs. Economic and social rights include the right to work and for a just reward; the right to form and join trade unions; ... the right to a standard of living adequate to health and well being; the right to social security; the right to education; and the right to participation in the cultural life of a community (Gulmann and Rehof, 1989: 50).

In addition, collective rights include those of nations to self-determination, of races to freedom from discrimination (Vincent, 1986: 11-12). This paper will discuss civil and political rights as well as economic and social rights and how these are said to be violated by the Zimbabwean state through its prohibitive laws.

1.6 Theoretical Framework

Is civil society the end goal of the social organisation of human beings (Aristotle 350.B.C.E) - an aspiration for politically minded individuals? Or is civil society merely a description of what exists, with good or bad features depending on one's perspective? (Kaldor, 2003: 23).

For Aristotle the polis (civil society) was the end goal of man as a political animal, and it was through political action and public discourse that ethical life was realised. Aristotle emphasised human equality because he saw man as an individual who had fundamental rights by virtue of being human (Kaldor, 2003: 23). Modern thinkers such as Hobbes and Locke emphasised such aspects as security, liberty and private property guaranteed by law. Kaldor (2003) points out that for these seventeenth century thinkers civil society was an arena, a realm of public morality, based on individual conscience. Later on the Scottish enlightenment thinkers were the first to talk about civil society not as an ideal but a living reality. Hegel and Marx characterised civil society with the rule of law and restrictions on the use of violence in social relations (2003: 24). During the late eighteenth century the normative concept of civil society was reformulated by Kant who held that morality could be derived from reason in a way that was independent of actual experience; for him moral autonomy provided the basis for freedom and offered the possibility to overcome concrete historical conditions. The tension between normative and descriptive accounts of civil society continues to exist. Fukuyama (1992) wrote that civil society remains the end goal of human development but, for him, this goal already exists now in the West. Kaldor (2003) believes that civil society is what exists today in the realm between the state and the economy. This would be a terrain of contestation and conflict characterised by inequality, fundamentalism, reaction and progressive social movements.

Another important observation made by Antonio Gramsci concerns a distinction between coercion and consent; domination and hegemony. For him bourgeois society established powerful norms and institutions to sustain the hegemony of

bourgeois rule based on the consent of the working classes (1971: 210). It is the hegemony of the state that is becoming problematic in Zimbabwe at the moment. The state is attempting to become one single powerful force over all the other groups such as civil society.

Another theory of civil society brings the aspect of the private and the public sphere to the fore. Modern thinkers view civil society as deriving from the idea of individual autonomy and human equality. Liberals associate civil society with the achievement of private freedom. It is important to let the literature interact with real issues in Zimbabwe and establish how freedom and equality are giving way to tyranny. The political and democratic space that used to be available to NGO and civil society is shrinking every day. The state has moved in to propose an NGO bill and other laws to limit individual as well as organisational freedom.

This research will provide information on how the activities of NGOs have been restricted or illegalised through the introduction of the NGO Bill and how democracy has been eroded in favour of the near dictatorship of Mugabe and his ruling ZANU PF party. There is need to do a close study of issues at hand and to establish the corrosion of democracy by the ruling ZANU PF and how that has affected development in the country. It is necessary to determine the involvement of civic organisations in issues of governance and closeness to the opposition parties.

This research will try to show how the 'state uses rules to further its interests' (Beckman, 1993) and oppresses civil society so that it is not challenged, especially on issues of food aid, governance, the control of labour and political parties. As Ellen Wood points out, civil society is supposed to have or establish an arena of freedom outside the state, which is only possible in the context of formal democracy (1990: 64). Democracy is what is currently under threat in Zimbabwe, and development effectively is retarded.

1.7 Research Questions

- ❖ To what extent is civil society still playing its socio-economic 'developmental' role in Zimbabwe?
- ❖ Has civil society shifted to a concern with democracy only, to the detriment of socio-economic issues? If so, why?
- ❖ Why do some NGOs emphasis 'democracy first' as a route to development?
- ❖ Is civil society really trying to effect regime change in Zimbabwe as the state alleges?
- ❖ Why has the NGO Bill been promulgated at this moment?
- ❖ Does civil society have 'other agendas' in Zimbabwe as alleged by the State? If so, what are these agendas and whose interests are they serving?
- ❖ In the present situation can civil society still play a major role in strengthening democracy in Zimbabwe?
- ❖ Are the State's actions a threat to democracy and development in Zimbabwe?

1.8 Chapter Outline

Chapter one lays the foundation by giving an overview of what this thesis contains. It begins by stating the rationale of the study, addresses the problem statement, and shows why the study is significant. It also covers the theoretical framework, research questions and the chapter outline. Chapter two, on methodology, gives the reader information on how the research was conducted, the organisations interviewed and why these organisations were chosen. Chapter three covers secondary literature while chapter four focuses on secondary material on the Zimbabwe perspective of civil society. The fifth chapter is on data analysis and chapter six gives the findings, recommendations and a conclusion.

2.0 CHAPTER TWO

2.1 Methodology

2.2 Sampling of Data and Justification of Method

This study employs both primary and secondary data. Chapter two reviews secondary data while chapter four analyses primary data gathered through qualitative research techniques. In the secondary data section relevant literature was reviewed in order to get a feel of what other authors have said on the same topic. The main focus of this chapter is on the primary data collection methods. The method used for collecting data is the qualitative research method.

Qualitative data 'refer to any information that a researcher gathers that is not expressed in numbers' (Struwig and Stead 2001: 13). In qualitative research methods a researcher tries to understand the issues being researched from the perspective of the research participants. Qualitative research begins with tentative, informal hypotheses, developing them into more formal hypotheses, which may then be tested by formal research (Suffla, 1997: 219). The researcher attempts to see through the eyes of the participants and then interpret the data in association with the participants. Here the researcher tries to understand and interpret the participant's perspective and at times, the researcher may ask the participant to help in interpreting the data. During field work I also attempted to capture and understand the participants' thoughts, feelings and behaviours in interviews.

Interviews were useful in capturing information through the stories provided by the participants. As Struwig and Stead observed, qualitative research approaches a research problem with an open mind. This is because the participants and context could be very different from those discussed in the

research literature (2001: 13). Therefore, I have tried to present data with an open mind while at the same time realising that all data are value laden.

As in most qualitative research it is assumed that the researcher's values and biases are an integral part of the research processes and cannot be ignored. This is because some qualitative perspectives do not view reality as external to the researcher, acknowledging that the researcher is part of that reality and research cannot be completely objective and value free. Therefore, I did acknowledge these realities when I went into the field. I however, tried to remain objective in the processes of data collection.

It is a fact that qualitative methods allow the researcher to be flexible though this could also be negative as the researcher may be 'overwhelmed by the data and lose focus of the aims of study' (Struwig and Stead (2001:p17). In this research, I avoided being overwhelmed by data, remaining focused on the matter under investigation, which is the relationship between civil society - especially NGOs - and the State in Zimbabwe.

2.3 Data Collection Methods

In conducting interviews, three methods were used, that is structured, semi-structured and finally unstructured interviews. Structured interviews comprise a set of formally structured questions that are theory-based and the wording is the same used for one interviewee and the next. No changes are made from one interview to the next. The researcher is normally neutral and does not engage in conversation with the participant or interviewee; this is because the questions cover all the information that is required. According to Struwig and Stead, in semi-structured interviews predetermined questions are administered in a systematic and consistent fashion but the interviewees are also allowed an opportunity to discuss issues beyond the predetermined questions (2001: 99).

In unstructured interviews, the interviewer or researcher explains the topic to be discussed to the interviewee but does not provide leading questions (Welman and Kruger, 1999: 197). In these particular interviews I did not have a set of questions in advance but used lead questions to interact with the participants. This approach was applied to only two interviews, in which participants were not comfortable with structured questions. The advantage of unstructured interviews is that it provides in-depth data on the area of investigation (Struwig and Stead, 2001: 99).

During field work some participants liked to just respond to already prepared questions. Probing further was the strategy used during the interviews in order to dig deep for more information. Another strategy used during the data collection is what Struwig and Stead call unobtrusive method. This process includes the examination of archival sources, documents and other forms of material (2001: 101). During the research a number of NGOs provided relevant documents to supplement the interviews.

Interviews were conducted from the 15th of May to the 3rd of June 2005 and each interview lasted at least 1 hour and 30 minutes. In these cases the interviewees had lots of information to share and the researcher did not interrupt them as long as they were answering and providing relevant information since the sample was selected on purpose. The 8 organisations were picked for interviews in accordance with the nature of their work - mainly civil society work (governance or 'developmental'). Two out of the eight organisations interviewed were donor agencies. The reasons considered for selecting these organisations range from the nature of their work that included income generating projects to constitutional reform, human rights and governance issues.

Macheke and Campell comment that the advantages of in-depth qualitative research lie in its ability to generate information about complex social

dynamics, which cannot be accessed through other research techniques such as quantitative methods (1998: 147). Doing this research in Zimbabwe the researcher considered that qualitative methods were the best way to gather data taking into account the nature of the topic and its political sensitivity. During the interviews the researcher was able to interact with participants in a free environment.

2.4 Ethical Observations

During the research, it was emphasised to the participants that if they did not feel like continuing with the interviews, they were free to discontinue at any stage of the research without being disadvantaged in any way. Among the people interviewed, only a few participants were not comfortable revealing their true identities. The rest did not mind using their real names. It is also worth mentioning that though interviewees were free to disembark from the interviews, none did so. All interviews went on very well without anyone discontinuing along the way. Forms of consent were given to the participants before-hand and the researcher further explained the reasons for doing the interview, emphasising that there were no material gains. All who participated did so freely, knowing that the information they gave was to go towards the researcher's dissertation. Furthermore, permission to interview was received from the organisations prior to the interviews. The participants are professionals who are quite polished 'politically' and some of them have encountered more threatening situations than giving simple interviews to a research student.

2.5 Limitations of the Study

This research is not free from the biases and subjectivity that qualitative research or any other research carries with it. It is only normal to acknowledge that I may have gone into the field with some biases of my own. But in terms of

the reliability of the data, I ensured accuracy in recording and transcribing information in order to maintain objectivity. Another set-back to the study was that two participants were too busy to have face-to-face interviews and only telephone interviews were secured.

Due to the political sensitivity of the study, getting an interview from government was impossible. Thus, only materials from government newspapers were relied upon for establishing the Zimbabwean state's position. At one instance the police, suspecting the researcher of being a journalist, harassed him. Doing this research in Zimbabwe under the prevailing political environment was risky. Under such conditions carrying out research without fear or intimidation is far from possible. However, NGOs and civil society organisations were very willing to assist with information; from that perspective the study received the much needed support.

2.6 Data Analysis Method

In analysing data, recurrent themes were grouped into sub-topics. The contributions of the participants are also criticised in chapter four bearing in mind that they could hardly admit any wrong doing in terms of their political activities.

3.0 Chapter Three

3.1 Literature Review

3.2 Civil Society and an overview on Zimbabwe

Civil society has never carried one simple clear meaning. Its role, meaning and position in society as a whole are contested. On one hand are scholars such as Tocqueville (Lewis 2002), Oomen (2004), Hearn (1999), and Hearn (2001) who see civil society in opposition to the state. In this sense civil society is said to ensure that the state honours its obligations to its citizens: civil society, then, holds the state accountable and makes sure it becomes and remains transparent. Thus, civil society also plays a part in deepening democracy. On the other hand, there are other scholars such as Fukuyama, Robert Putman (Kaldor 2003) Pearce and Howell (2001), White (1999), Cohen and Arato (2003) who see civil society as playing a developmental role by getting involved in the provision of services in partnership with the state or filling up the gaps in areas where the state fails to fulfil its obligations. The distinction between state and civil society in these cases becomes very unclear.

In developing countries - wherein by definition civil society is 'underdeveloped' - the liberal perspective on these roles of development and democracy offered through civil society emerged as a response to the failing state. Therefore multilateral agencies like the World Bank and International Monetary Fund (IMF) preferred NGOs as part of civil society to implement their structural adjustment policies (SAP) because they were seen as trustworthy and efficient. NGOs were expected to take up 'developmental' tasks in some areas that the state was abandoning, and also hold the state accountable. SAP and a strong civil society would take away power from a corrupt state and make it weak. Civil society in this case was meant to support the IMF and World Bank policies. Liberals argued that because states were undemocratic and in most cases

oppressive in nature, it was necessary to shift focus and concentrate on consolidating democracy as a sure way to development (Beckman, 1993: 21). In many cases this has, however, met with resistance from the state, which feels challenged and insecure due to this new dimension taken on by civil society. The focus by civil society on human rights, social justice, holding of free and fair elections, freedom of association and expression, among other things, has put civil society in the spotlight (Beckman, 1993: 21). The Zimbabwean state moved to try and suppress this challenge by enacting prohibitive laws.

This thesis's point of departure will be to trace the evolution of civil society, its changing meanings, and its changing relationship with the state as influenced by external factors such as non-state donors and bilateral and multilateral agencies. This will be facilitated by focusing on two perspectives of civil society; that is, the Marxian and the liberal view. A few examples will be drawn from Africa. The final focus will be on the proposed Zimbabwean NGO Bill (2004) and how it will affect the activities of civil society. According to the state, if passed into law the Bill will seek to regulate the activities of civil society organisations to make them accountable to the people and remain focused on their initial objectives of 'development'. They should not go into human rights and governance issues. It should be emphasised here that this paper recognises human rights and governance issues as part of development but the state in Zimbabwe sees this as interference by foreigners. At the moment it is now important to trace the development of the concept of civil society in order to try and understand this multifaceted concept. Scholars have failed to agree on what civil society is and what it should do.

3.3 The Evolution of Civil Society and Changing Meanings

The concept of civil society has evolved over a long period. According to Kaviraj and Khilnani, Aristotle's sense of the term *societas civilis* allowed no distinction between 'state' and 'society' or between political and civil society:

it simply meant a community, a collection of human beings united within a legitimate political order, and was variously rendered as ‘society’ or ‘community’ (2001:17). Aristotle understood the political order (*polis*) or “association of associations” as the sphere where the ruled and the rulers would share in the human virtue (Foley and Hodgkinson, 2003: vii). Aristotle’s emphasis was on liberty and equality: people were autonomous individuals who possessed fundamental rights by virtue of being human. For him, only a democratic state would guarantee this liberty. An important principle for liberty would be for all (except for slaves) to rule and be ruled in turn (Aristotle, 2000: 106).

In *Politics*, Aristotle argues that:

Democratic justice is the application of numerical not proportionate equality, whence it follows that the majority must be supreme, and that whatever the majority approve must be the end and the just. Every citizen, it is said must have equality, and therefore in a democracy the poor have more power than the rich, because they are more of them, and the will of the majority is supreme (Aristotle, (350B.C.E) 2000: 106-7).

Aristotle’s *polis* (civil society) was the end goal of the political animal - man. Man’s society was supposed to be governed by law. This was an expression of public virtue or the good life; therefore rulers had to put public interest before their own private interests (Aristotle, (350 B. C E). 2000: 107).

For Hobbes, however, the state of nature is a condition wherein all human beings are equal in terms of strength and mental ability. For him freedom was derived from political subjugation. Hobbes saw security and internal pacification as the fundamental characteristics of civil society, something that was compatible with a powerful state (Hampton, 1986: 25). . In Zimbabwe some people have complained that the country gained independence but the people are not free because ZANU-PF government denies them freedom and suppresses them when they try to seek alternatives. But this peace is what has been taken away from Zimbabwean civil society by the state.

Contrary to Hobbes, Locke argued that ‘absolute monarchy is no form of civil government at all but it is worse than the state of nature’ (2000: 387). For Locke, supreme power was in the legislature on which the executive must depend. Locke made a clear distinction between state and society and for him society was far more important than the state. Locke’s argument was “the dissolution of government does not entail that of society, whereas if society is dissolved, it is certain that the government of that society cannot remain” (2000: 387). Of course one has to note that Locke influences the liberal view of democracy.

Locke went further to argue that man is in charge of his own labour and whatever he transforms from the state of nature becomes rightfully his property. This idea was later taken and developed by Adam Smith who developed the idea of the market economy. This became the basis for civilised society which sought to distinguish “between civil society and the state, that is to say the shift from civil society defined in contrast to state of nature to civil society defined in contrast to the state” (Kaldor, 2003: 18). Influenced by the above ideas, Hegel went ahead to define “civil society as the realm of difference, intermediate between family and state” (Kaldor, 2003: 18). Hegel saw civil society as subordinate to the state, accordingly, the state was all and individual fulfilment could only be found in and through it. Kaldor (2003) argues that Hegel’s “civil society was not only a realm of contradiction where a modern state was seen as an expression of settlement of the tensions in civil society, but the state was also the guarantor of this very civil society” (18). Following the discussion of Hegel, this paper will discuss the two views of civil society. One view follows Karl Marx’s theory and another one follows the liberal theory of democracy beginning with de Tocqueville (1835), who studied American democracy.

Before going into the theories of liberalism and Marxism, it is essential to inform the reader why these two have been chosen and how they relate to this dissertation. After Zimbabwe gained its independence in 1980 and having been supported by China and the Soviet Union, it adopted some of the tenets of socialism but maintained an essentially capitalist economy with some social democratic elements such as free education and health (Ranger, 2003: 102). ZANU PF claimed to adopt a participatory form of democracy in line with its rhetorical adherence to socialism, and even claimed to be “Marxist-Leninist” until the age of structural adjustment in the 1990s. Marxist ideas continued to influence the leaders but not on the economic sphere. Therefore, the Zimbabwean leadership has often turned to Marxist ideas that inspired the liberation struggle each time it has been faced with challenges. The fall of communism in 1989 marked a turning point and Zimbabwe had to adopt structural adjustment policies prescribed by IMF and World Bank (Ranger, 2003). Attached to these policies were also governance and human rights issues. It is important to note issues to do with human rights are coming from the liberal view of democracy as part of the aid package. Mugabe associates this with imperialism. NGOs, as prescribed by their donors have been pushing the issue of human rights abuses in Zimbabwe which Mugabe sees as imperialistic. However, it appears Mugabe is not against capitalism as such because since independence he has been trying to build a black capitalist elite in the country through the party. The two theories below are discussed in order to give the reader the two views that have influenced the Zimbabwean state and where each has come from.

3.4 Background to Marxist Theory

In Hegel the state was supreme while for Marx, the state was subordinate to civil society. This is because Marx saw the state as an instrument of oppression in the hands of the dominant class. For him, “civil society was the theatre of history... [embracing] all the material relations of individuals within a definite

stage of the development of productive forces” (Marx and Engels, 2000: 664). Hegel’s political philosophy registers the expansion of the economy in a period where it comes to include and even dominate civil society. Thus for Hegel civil society, which was once synonymous with the state and excluded the economy, now includes the economy and the state emerges as a separate political sphere (Schechter, 2000: 37). For Hegel, public opinion could not find a proper place with civil society alongside the economy although it was still part of civil society. “Thus Hegel insists that the security of property and personal freedom are matters related to what he refers to as abstract rights and the administration of justice but they cannot be confused with a work of art or a social contract” (Schechter, 2000: 38).

3.5 Marxist Theory

Marx’s argument is that in a ‘pure’ capitalist society there were peasants, lords, petty bourgeoisie, the proletariat but the fundamental classes were only two; the capitalists who control the means of production and the workers who own nothing but their labour, and have to exchange it for money, which can buy their means of subsistence. In Marx’s view capitalists are there to exploit the labour of the workers for small wages while they continue to enrich themselves. On the issue of civil society, Marx recognised Hegel’s importance in separating state and civil society but he also criticises Hegel for supposing that the modern state effectively creates political unity out of the conflicts which consume civil society. Marx realised that under capitalist social and economic institutions, the more the state becomes free the more the people become enslaved and biased (Schechter, 2000: 45). Since the state was controlled by the bourgeoisie it would become biased against the workers’ attempt to enrich themselves. For Marx, “the inability of the labouring persons to recognise themselves in the legal concept of the citizen reached an unprecedented high point in the separation of the state and civil society” (Schechter, 2000: 45).

Later on Marx and Engels wrote that it was not the state but civil society that was the real stage on which human history played itself out. Their reason for saying this was that “the end of politics was tied to the end of material relations in civil society” (Schechter, 2000: 46). This is the stage in which human beings would be truly free. When the conflicts inspired by material disparities between the bourgeoisie and the workers would cease, civil society, now free from all forms of politics, would triumph. In contrast to Hegel, Marx’s ideal civil society is classless and supreme. Until the material base for conflict is eliminated, however, the state will never be able to absorb the conflict among classes in civil society. For Hegel, however, the state can absorb civil society’s tensions. To be sure, history has proved Marx and Engels’ ideal to be problematic. Classes and their inequalities will always exist in society. Socialism did not manage to abolish classes. Marx’s ideas fell short of realising that politics is a complex arena which his theoretical propositions could not easily address.

As a result of this failure Marxists have come up with new ways of reviving Marx’s ideas in an attempt to address problems in society. A follower of Marxist thinking, Gramsci, revived the concept of civil society as a central organising principle of socialist theory.

The object of this new formulation was to acknowledge both the complexity of political power in the parliamentary or constitutional states of the West, in contrast to more openly coercive autocracies, and the difficulty of supplanting a system of class domination in which class power has no clearly visible point of concentration in the state but is diffused throughout society and its cultural practices. (Ellen Wood, 1990: 62)

Gramsci’s concept of civil society marked a space for the struggle against capitalism from the economic, cultural and ideological foundations.

Gramsci made a distinction between coercion and consent; domination and hegemony. For him, bourgeois society established powerful norms and institutions to sustain the hegemony of bourgeois rule based on the consent of the working classes (1971: 210). Gramsci further observed that capitalism could not be overthrown in the West as in Russia because in the West there were distinct relations between state and civil society. He envisioned political activism in the realms of education, media and other institutions of civil society such as the Church (Gramsci, 2000: 193).

Ellen Wood remarks that the Gramscian concept has also acquired new meanings since his death. First, civil society signals that the Left has learned the lessons of liberalism about the dangers of state oppression, but according to Wood it seems the Left is forgetting the lessons learned from the socialist tradition about the oppression of civil society. In Zimbabwe, for example, the state is suppressing the media, public debate on political issues, and freedom of expression and association. This is being done through enacting repressive media laws and prohibiting public gatherings. Second, the advocates of civil society are strengthening the Left's defence of non-state institutions and relations against the power of the state. But are they, in line with Wood's hints, simultaneously weakening the Left's resistance to the coercions of capitalism (1990: 63)? In the Zimbabwean case what would come closer to the left would be the labour unions who are attempting to resist the coercions of a perverse form of state capitalism that is causing job losses nationwide. Ellen Wood's comments show an acknowledgement by a neo-Marxist that there are no easy solutions in ideologies but what is necessary is to critically look at what lessons can be drawn to help Zimbabwe in its present situation.

Gramsci's conception of the state is also too broad as it includes civil society and endangers the autonomy of both institutions. It appears that civil society for him "comprises not 'all material relationships', but all ideological-cultural relations; not 'the whole of commercial and industrial life', but the whole of

spiritual and intellectual life” (Bobbio, 1988: 83). The Ideological and cultural relations are very much tied to the state since the bourgeoisie control the prevailing ideas in society. These relations may be from a political, cultural and economic view. When talking about civil society ordinary people generally associate it with that realm outside the state, with the space for autonomy, voluntary action, plural identity formation, and even conflict that can only be possible under formal democracy. In her analysis of civil society, Wood argues that it can also be meant to “reduce the capitalist system to one of many spheres in the plural and heterogeneous complexity of modern society” (1990: 63).

Ellen Wood further notes that an attempt to make a sharp distinction between state and civil society ensures, theoretically, that a strong ‘civil society’ stops the state from oppression; therefore there is a need to organise and reinforce pressure against it. State power needs to be limited and its power legitimated especially in terms of freedom of association; secondly, civil society celebrates ‘diversity and differences’ (1990: 67). However, Wood draws attention to the understanding of development by the West as:

A rise of individuality, the rule of law, the progress of freedom or power from below; and the autonomy of civil society. Civil society then acquires its new meaning which is mainly just a transfer of state power of domination to private hands (1990: 71).

Thus, the flourishing of civil society is an indication of a high level of development. This is a dilemma needing careful analysis when considering state-civil society relations in third world countries. Ellen Wood adds that the separation of state and civil society in the West has certainly given rise to new forms of freedom and equality, but it has also created new modes of domination and coercion (1990: 73). Domination of politics by civil society is only one example. Wood comments that instituting civil society has led to new forms of social power, in which many coercive functions that once belonged to the state are relocated in the private sphere, in private property, class

exploitation and market imperatives. Perhaps in Africa, however, where the state is a key site for the accumulation projects of emerging bourgeoisies, Wood's notions of separate spheres is somewhat premature. Borrowing from the broad discussions above, the paper moves to narrow them down to the contexts of Africa.

It may not be surprising that tension rises when some states in Africa or third world countries deal with a civil society seen as trying to dominate it politically, perhaps even using coercion to so do. The state's fragile hold on the monopoly of violence tends to make it guard the use of force very carefully. There is bound to be resistance coming from either the state or civil society itself when there are signs of coercion coming from either side. Due to the limited space that most states give to civil society, the latter has always tried to resist saying civil society is intrinsically democratic and responsive while accusing the state of being oppressive. How then can civil society liberate itself from state control? Beckman pointed out that a range of neo-liberals including the ideologists of the World Bank have sought to liberate civil society from the grips of the state in the name of more freedom for civil society for entrepreneurial purposes (1993:20). In Africa, structural adjustment policies have been handed down to governments through NGOs, and key elements within civil society at large have supported these policies. The idea behind many of the policies of World Bank and IMF was to shift power from state and place it with the bourgeois side of civil society.

Therefore, argues Beckman, shifting power from the state and placing it in the hands of civil society is not only because the state has been inefficient but also because the bourgeois class has a political agenda to push after the post-colonial era (1993: 22). Beckman further observes that the de-legitimising of the state is central to the ideological de-construction of post-colonialism as the state continues to be the locus of resistance to world market subordination. Ultimately civil society is substituted for the nation as the principal locus of

legitimation (1993: 23). If this perspective is applied to the Zimbabwean state, for example, it would be seen as trying to resist world market forces: but it may be doing much more (or much less) than that. Its ruling group may simply be trying to maintain power at all costs. In any case it is still to be seen how far it can go in putting up its resistance to either the 'world market' or to local civil society and the political opposition. The neo-liberal perspective can be seen as an ideology perceiving the civil society project as a deliberate effort to discredit the state in general, rendering it less important and incapable of running its own affairs while making it rely more on civil society and global capitalism. Beckman, however, argues that the state has a central role to play in the construction and liberation of civil society (1993: 30). The functioning of civil society, also its autonomy from the state, depends on state intervention, including the enforcement of the rules which constitute and regulate property, markets and other rights (Beckman, 1993: 30) Whether Beckman's perspective holds up in the Zimbabwean case is an open question.

Neo-Marxists have continued to revive and modify Marx's ideas and came up with a Marxist model inspired by Rousseau's scepticism. Monga argues that the Marxist theory has inspired participatory democracy, defined as:

An equal right to self development [which] can only be achieved in a participatory society, a society which fosters a sense of political efficacy, nurtures a concern for collective problems and contributes to the formation of a knowledgeable citizenry capable of taking a sustainable interest in the governing process (1996: 20).

The key features for this model are:

the direct participation of citizens in the regulation of the main institutions of society, including workplace and local community; the reorganisation of the party system so that political leaders are directly accountable to the membership; a flexible institutional system with political parties much more integrated into parliamentary structure; the adoption of the principle of better distribution of resources; and an open information system to ensure informed decisions (Monga, 1996: 20).

Neo-Marxist views emphasise collective problems and actions assuming that self development can be achieved in a participatory society. Therefore this view will not always accept a civil society that campaigns for basic human rights as this may be seen as protecting the bourgeoisie and their interests against the poor and proletariat. This way of viewing civil society hinders development in areas of human rights and private property. In such instances suppression of the divergent views becomes the state's goal since these views will not be considered collective but individualistic and therefore less important. Individual rights are then sacrificed on that basis, and the state can be seen as supporting participatory rights. The proof of such an assertion, though, would be an assessment of the material and participatory gains of the 'poor' in civil society.

Apart from the neo-Marxist views discussed above, liberals have a different view of what civil society should be and the kind of place it should occupy in society and in politics. Below, Monga also gives a critique of the liberal view of democracy.

3.6 The Liberal view of democracy and civil society

The liberal view is that the state should not interfere with markets and civil society. According to Monga (1996), the liberal model is influenced by the ideas of Hobbes, Locke, Mill and Montesquieu. This model derives from what is called legal democracy. Their argument goes as follows:

The majority principle is an effective and desirable way of protecting individuals from arbitrary government and therefore, of maintaining liberty. For political life, like economic life, to be a matter of individual freedom and initiative, majority rule, in order for it to function justly and wisely, must be circumscribed by the rule of law (1996: 20)

Key features of legal democracy are modelled on the Anglo American political tradition including the clear separation of powers, rule of law, minimal state

intervention in civil society and private life, and a free market society. In addition to these there must be effective political leadership guided by liberal principles with limitations on bureaucratic regulation (Monga, 1996: 20).

Some of the scholars who have argued for this form of governance include, Tocqueville, Oommen and Fukuyama. On 'associational life' in the United States,

Tocqueville stressed the idea of "volunteerism, community spirit and independent associational life as protections against the domination of society by the state, and indeed as a counterbalance, which helped to keep the state accountable and effective" (Oommen, 2004: 111).

This was an emphasis on the role of civil society in creating equilibrium in relation to state and market. Tocqueville also criticised the individualism that this form of democracy created in society.

Fukuyama realises that Americans combated this tendency towards excessive individualism by their inclination for voluntary association (2001: 11). This inclination led them to form groups [civil society] both trivial and important for all aspects of their lives for it was only in civil associations that weak individuals became strong (Fukuyama, 2001: 11). Civil society then became critical in shaping Americans' political, social as well as economic lives in the promotion of freedom and equality. It then makes sense to note what John Keane suggested:

...Without a secure and independent civil society of autonomous public spheres, goals such as freedom and equality, participatory planning and community decision making will be nothing but empty slogans. But without the protective, redistributive and conflict-mediating functions of the state, struggles to transform civil society will become ghettoised, divided and stagnant, or will spawn their own, new forms of inequality and unfreedom (Keane, 1988: 15).

The idea behind this way of arguing is that inasmuch as a state or government can be democratic or authoritarian, so too civil society has the capacity to

become a liberator or an agent of coercive forces. The type and quality of both the state and civil society is what matters. According to Keane (1988: 5) the American state allowed civil society to develop independently and become autonomous in contributing to the welfare of Americans.

However, Fukuyama and Robert Putman see civil society less as check on state and capitalism but view it as a realm between state, market and family, a realm of stability and service delivery rather than advocacy; trust and responsibility and not emancipation (cited in Kaldor, 2003: 2). At this point one begins to wonder whether civil society is normative (an end goal of human development) or merely descriptive, with good or bad features depending on one's perspective. On one hand we have more contemporary writers like Francis Fukuyama (1992) who subscribes to the idea that civil society remains the end goal of human development and this end already exists in the West. On the other hand many leaders of African states may actually see civil society as merely descriptive; or, if 'normative,' carrying bad imperialistic agendas.

Cohen and Arato view civil society as an emancipatory project: they combine the normative and descriptive. They take civil society as an "actual process of deliberation through which individuals can establish the validity of moral claims", a reality of public discord and debate (Cohen and Arato, 2003: 288). It is important to pursue what Cohen and Arato say about the idea of civilised political conversation where individuals secure liberty and become autonomous not as a united front but as disconnected individuals. In this case individuals secure what they call 'communicative interaction of individuals' with one another in the public and private spheres of civil society and the political spheres of society and the state (Cohen and Arato, 2003: 288). Cohen and Arato's views clearly show the individualistic nature of the liberal view. Their ideas are different from those of Tocqueville's associational life since Cohen and Arato emphasise individuals and not associations.

Recently Friedman (2003: 5) argued that the state “provides and enforces the legal framework from which the organisations of civil society derive freedom to associate and which arbitrates the competing claims of civil society; and it is from engagement with the state that civil society derives its rationale.” Howell and Pearce (2001) suggest a partnership in the building of a consensual approach to development among civil society, the market and the state. However, these two authors recognise that this approach is neither coherent nor unified (2001: 17). Contradictions are bound to exist in these relations of state and civil society. The alternative according to them also falls short in its efforts to show that power relations and inequalities are part of development and are a conflictual rather than a consensual process (Howell and Pearce, 2001: 17).

By talking of civil society as ‘associational’, contemporary authors do not only want to make civil society distinct from the state but put it at the centre of democratisation processes. NGOs as part of civil society may become the driving forces of democratisation and development.

3.7 Civil Society Discourse in Africa

In an attempt to influence and possibly weaken the African state, the liberal western donor agencies want civil society to play an active role in implementing their policies as they do not trust the state. These international institutions view the African states as corrupt and lacking capacity to drive development. Chris Allen points out that the IMF and World Bank have been accused of setting political conditions for loans, including a variety of programmes designed to support civil society, especially NGOs. This is a way of diverting resources from a ‘corrupt’ state to ‘honest’ civil society, thus elevating private and public non-state actors (1997: 335). Hearn (1999: 16) argues that the role assigned civil society by the West includes the consolidation of liberal democracy promoting pluralism and deepening

democracy by embedding the values of institutions of liberal democracy within society at large and supporting liberal economic policy in Africa.

The growing presence and capacity of NGOs in all sectors of development and their 'overtaking' of the African states due to the declining state capacity have put the two on a collision path (Ndegwa, 1996: 21). Fowler also indicated that NGO activities that:

Overshadow the state tend to be viewed as direct challenges to the 'imperatives' of statehood - territorial hegemony, security, autonomy, legitimacy, and revenue. [He further argues that] for African states these 'imperatives' have been anchored in the states' inability to 'deliver development' and therefore endangered by its eroded capacity to do so or by presence of alternative suppliers (1991b: 57).

For these reasons the state has come to view NGOs as political challengers because they constitute a network of resourceful organisations that are independent. Some NGOs have also challenged state policies and actions that relate to development and political reform (Ndegwa, 1996: 22). Declining aid to African states and the more recent withdrawal or conditionality of aid has led the African states to view NGOs as imperialist agents. This has led governments to control NGOs.

Ndegwa argues that,

In Kenya, the government responded to NGO political challenges by effecting the NGO Coordination Act of 1991, which sought to monitor and control NGO activities. This legislation was a contentious issue and is one of the areas in which NGOs have enabled civil society expansion and empowerment in Kenya. In Uganda, the government introduced similar legislation that placed NGOs under its internal security secretariat in 1989. Prior to that, in 1987, the Ugandan government had banned the use of radios by NGOs for cross country communication (1996: 22)

Similarly in Zimbabwe in 1983 the government shut down Organisation of Rural Associations for Progress (ORAP)'s regional training centre. The government deemed the development education activities of this popular organisation to be

too sensitive in the context of regional resistance by ethnic minority 'dissidents' (Bratton, 1989: 579-580). "During the general election campaign in 1885, the Zimbabwe government banned all non-official meetings throughout the country, effectively disrupting the work of every rural based NGO for a three month period" (Bratton, 1989: 580). On the same note is the recent introduction of the NGO Bill, which if passed into law will seek to control the activities of organisations involved in human rights and governance issues, and also prohibit foreign funding to any local NGO involved in human rights. Critics have argued that this is a move by a state lacking capacity in service delivery to control its competitors and any group that seeks to expose its human rights abuse record. Therefore African states have not hesitated to respond harshly to challenges by NGOs in the face of their inability to respond to the developmental needs of their population.

Apart from the above, Hearn observes that civil society is expected to campaign for multiparty states, make sure that civil and political rights are guaranteed by law, and assure that the electoral process is transparent and accountable (1999: 16). Civil society is supposed to alter the balance of power between state and society; improving accountability of both politicians and administrators, acting as an intermediary between state and society, and legitimating the political system by promoting the values of liberal democracy (1999: 17). In situations where the political society (state and civil society) works in harmony, both sides are supposed to manage tension between the economic and political spheres (Hearn, 2000: 825). These views are clearly liberal borrowings from notions of legal democracy discussed above.

In some cases, scholars have been tempted to view the 'west's' agenda in Africa as imperialistic. In Kenya, for example, Hearn (1998) argues that the United States Agency for International Development (USAID) is supporting NGOs in the delivery of health care instead of the government. This then gives NGOs a prominent role because they are viewed "as market-based actors able to

deliver social welfare services to poor people at lower cost and higher standards of quality than government” (Hearn, 1998: 89). The funding of NGOs, as Fowler (1992: 16) noted, has also spread not only to bilateral agencies but also to multilateral agencies such as the World Bank because they have to fulfil and implement policies on their behalf. This is not done through the state, making the state irrelevant when it is supposed to be the driving force of development in the country.

In a different matter, some African countries have been accused of being oppressive and therefore failing to guarantee their citizens’ fundamental rights. In fact, how far does civil society go in its attempts to liberalise politics especially in authoritarian African states? In Ghana, civil society has worked hard to lay the foundations of liberal democracy not as a response [to any crisis] but as a source of African political systems of liberal democratic values of pluralism, accountability, transparency and the rule of law (Hearn, 2001: 45). Civil society has been the prime engine for democratisation, but for it to flourish a “state which is limited, non-interventionary, and which furthers the ‘freedoms’ of individual citizens, notably their market freedoms” is required (Allen, 1997: 335). However, this can only be a reality if civil society continuously puts pressure on the state to be more democratic. It means a state has to allow civil society to be part of the democratisation process. This is why critics of liberal democracy view liberal notions of civil society with suspicion: liberals try to limit state power and embrace the neo-liberal package that forces states to relinquish most of their power into the hands of civil society and businesses.

Liberal views of the building up of civil society centre on the rules that regulate the relationship between competing interests in society. The idea is that the state should be dormant and enforce rules in favour of capitalists; their property, businesses and rights are what the state should protect. It is precisely these views that neo-Marxists regard as the agendas of the capitalists

in holding high the civil society flag. This is like relegating the state to some secondary position in issues of development when it should be, according to them, at the centre directing and controlling issues. Normally Marxists want the state to address the needs of the poor and working class people.

In Africa, Western powers intervene in the political processes in the name of aid that they give through civil society as opposed to the state but at the same time attempting to change or reform the state. When bringing aid, donors' talk of civil society groups as helping to broaden political participation of women and rural people, for example. Civil society is said to be doing advocacy work in the name of promoting state reforms and imparting civic values to the society. In this view one cannot deny the political agenda of weakening the state by neo-liberals in promoting civil society especially in the developing world. Nicholas Haysom and others agree that the neo-liberal approach to civil society is designed to create a weak state and a strong unregulated civil society (no date: 35). But this same state should be able to respond to civil society demands such as the enforcement of the rule of law. However, in the context of democracy, is it not possible to see "civil society as a source of a regenerated public sphere ... without suppressing pluralities and differences" (Howell and Pearce, 2001: 60)? Civil society is really a contested arena.

3.8 Conclusion

This section has traced the evolution of ideas about civil society from Aristotle to the present highlighting the changing meanings and roles of civil society. This part of the paper has attempted to give two views of democracy and the role of civil society that is, the 'liberal' and the 'Marxist' interpretations. The liberal view draws from legal democracy and is inspired by the ideas of Locke while the Marxist view feeds from Rousseau's scepticism. Gramsci's ideas have also been discussed. Ellen Wood was able to point at the weaknesses of both the Right and the Left. The liberal view has mainly borrowed its ideas from

scholars such as Tocqueville, Fukuyama and others. The debate has been on the relationship of state and civil society and to some extent, its alignment with and being part of the neo-liberal project in developing countries. The IMF, World Bank and many of the Northern donors have 'hijacked' civil society in the south and used it as the implementing agencies of their agendas that range from development and democracy to regime change. It appears the agenda of NGOs under civil society has been 'hijacked' because it is no longer the mission of civil society that is prevailing but that of international donor agencies. This has however put civil society in confrontation with the state, especially in Zimbabwe.

4.0 CHAPTER FOUR

4.1 Civil Society and the State: The Zimbabwean Perspective

In 1980 Zimbabwe gained its independence from Britain, having fought off the illegal and ‘unilaterally’ independent Rhodesian Front in a liberation war, and established majority rule. Since then, NGOs activities have grown through various stages. Makumbe, Moyo and Raftopoulos (2000) categorise NGO development into four phases of development after 1980. The first phase is from 1979 to 1981. During this first period most NGOs were trying to “reorient themselves and redefine their constituency and their linkages to the state and civil society” (Makumbe et. al., 2000: 3). Most of the NGOs were focusing on hygiene, nutrition, etiquette, sewing and childcare. Some of the NGOs were YMCA for men, YWCA for women falling under the voluntary Organisations in Community Enterprises, The Zimbabwe Women’s Bureau, the Federation of Women’s Institutes, the Association of Women’s clubs and savings clubs (Makumbe et. al., 2000: 3). Other NGOs that emerged were doing rehabilitation, relief, and social services for the reconstruction of the country. Many of these NGOs developed close links with government, for example, the Ministry of Community Development and Women’s Affairs. Most of these organisations took a welfare approach, and most developed links with external donors, ZANU PF and the traditional structures of Zimbabwean society.

During the second phase, from 1982 to 1986, the NGOs adopted a 'developmental role' focusing on income generating projects such as sewing, market gardening, milling, poultry and pig keeping, baking and soap making projects (Ibid, 2000: 4). It seems most of these projects were meant to uplift the life of women, improving children's nutrition and health while generating income to send young people to school. Moyo and Makumbe point out that NGOs such as Organisation of Rural Associations in progress (ORAP) and Organisation of Collective Cooperation in Zimbabwe (OCCZIM) were set up to provide training for development purposes. The Zimbabwe Foundation for Education with Production (ZIMFEP) targeted ex-combatants and cooperatives (2000: 5).

The third phase of NGO development was from 1987 to 1990/91. During this period service NGOs developed such as Zimbabwe Environment Research Organisation (ZERO). Human rights groups such as ZimRights, the Legal Resources Foundation and other specifically focused groups such as Zimbabwe Women's Resource Centre and Network (ZWRCN), Africa 2000 and Women and Law in Southern Africa (WLSA) appeared with their main focus being women and AIDS (Makumbe et al., 2000: 5). The authors make an observation about the development of a 'new wave' of NGOs networked with international and regional organisations such as the African Development Fund (ADF). In an attempt to broaden and link with southern African States, NGOs such as the Southern African Political Economic Series (SAPES) Trust and ZERO were established.

The fourth and last phase suggested by Makumbe et al. is from 1991 to 1994. This period saw the growing 'post ESAP' NGOs focusing on poverty alleviation resulting from Structural Adjustment Programmes. The 1992 drought made NGOs re-focus on relief work. High inflation, liberalisation of imports in 1994, and deregulation of the agriculture markets made some NGOs shift to income generating projects again and financing schemes. This is the period when the

debate on constitutional reform began after NGOs realised that they could achieve very little without serious reforms. In 1995, the government responded by introducing the Private Voluntary Organisations (PVO) Act.

A fifth phase can be added to cover the period of 1995 to 1997. This is when the war veterans “challenged the authority of the party and the president in 1997, by [marching into state house past presidential guards and] demanding gratuities for their role in the liberation struggle” (Raftopoulos, 2004: 11). The war vets formed an association through which they could make their demands heard by government. By forming a voluntary association war veterans can be taken to be part of civil society but in Zimbabwe the dichotomy between them and state is very unclear. One can still add a sixth phase after 2000 where war veterans worked hand in hand with government to repress any opposing forces. Kriger described the relation between the ruling party and the veterans as

characterised by collaboration, conflict, and accommodation. Veterans and the party have used each other to pursue their different, though often overlapping objectives. The party used veterans to build its power and legitimacy. It has sanctioned and encouraged veterans’ violence against its opponents and rewarded them for work well done. It has invoked its role in the liberation struggle to justify its use of veterans and its objectives. Veterans have used their allegedly superior contribution to the liberation struggle to justify their claims for preferential access to state resources - jobs, promotions, pensions, land. In trying to enforce their demands, they have often used violence and intimidation against competitors for resources, as well as party leaders and bureaucrats whom they believed were blocking their progress. For 20 years they have also sought allies within both the party (members of parliament, cabinet ministers, senior party officials) and state institutions (bureaucrats, the army, and the police) (2001: 88 in Alexander and Raftopoulos, 2005)

The challenge to the president in 1997 in the midst of the growing crisis of legitimacy of ZANU PF State, presented a crucial moment for his survival (Raftopoulos, 2004: 12). This is also the period when the Zimbabwean state “came under increasing pressure from the labour movement, students and dissenting members of the middle class to democratise its functions” (Raftopoulos, 2000: 30).

It may be a coincidence that 1995 saw both the emergence of the war veterans as a bothersome NGO type of institution and the promulgation of the PVO Act, which sought to regulate the activities of civil society organisations such as NGOs. Rich points out that it was only then that tensions between the state and NGOs began to surface. The PVO Act required NGOs and civic organisations to register with the Ministry of Public Service, Labour and Social Welfare. Their activities would be suspended if they stopped complying with rules or following their constitution (Rich, 1997: 1). This was a turning point for most of these NGOs.

Two years later, around 1997 after its formation in January the same year, the National Constitutional Assembly (NCA), made up of different interest groups from civil society, set out to raise the level of national consciousness on the need for a new constitution and to lobby the state into playing a facilitative, though not determinative, role in establishing a process for constitutional reform (Raftopoulos, 2000: 36). This indicated a very clear move towards governance and human rights issues in active civil society. The government did set up a commission to draft a constitution. However the NCA and the opposition campaigned against the government draft arguing that the process had been manipulated. When this draft was rejected by a majority in a referendum of February 2000 - after the formation of the Movement for Democratic Change (MDC) September 11, 1999 - ZANU-PF took on the view that NGOs were part of a political struggle against it. From then on the pressure on the government was mounting up to the rejection of the draft constitution, which sought to concentrate power in the President. The public saw this as a manipulation of their views by government,

After the rejection of its draft constitution, the state became more violent and repressive in dealing with its citizens. This became manifest in the 2000 elections and the land invasions, beginning in February 2000. During the June 2000 Parliamentary Elections campaigns, civil society organisations were

involved in voter education and human rights campaigning. The pre-election period in 2000 was characterized by violence which most believed was perpetrated by the ruling Party Zimbabwe African National Union Patriotic Front (ZANU PF). After the election the Movement for Democratic Change (MDC) managed to secure 57 seats in Parliament, the first opposition party to pose a serious challenge to the ruling party since Zimbabwe's independence. Viewing the relationship between the state and NGOs during the postcolonial period up to 2000 in Zimbabwe, Raftopoulos has argued,

It was a period characterized by both continuity and change. Continuity as seen in the increasing interdependence of the two in the context of a weakening state capacity and growing importance of NGOs as a conduit for international aid. Faced with declining resources, a contracting economy and growing poverty levels, the government has been forced to rely on the welfarist interventions of NGOs. However, even as its complementary relationship with NGOs has grown, the state has sought to cover its capacity weakness by introducing greater control over NGO activities ...the change in state-NGO relations can be seen in the greater willingness of sections of the NGO community to develop a confrontational approach in their dealings with the Zimbabwean government' (2000: 21)

Facing a serious decline in resources, the ZANU-PF state sought not only to rely on NGOs but also to control them. At the same time there was pressure from civil society in the midst of the so called fast track land reform programme and growing opposition in the country. The state had to introduce repressive laws such as POSA, AIPPA and now the NGO Bill to deal with all this pressure. The state had to show ability and legitimacy to outsiders by enacting laws that dealt with the growing criticism. This is how the ZANU PF became so repressive. Its efforts to respond to the challenges at hand, foiled by lack of resources and decreasing legitimacy, pushed it into the realm of force.

In a situation where the state cannot guarantee its citizens' safety and security is it not then appropriate for civil society to come in and push the state to honour its obligation? This seems to be the case with civil society in Zimbabwe

when it lobbies for the upholding of the rule of law. Has the state turned against its own people for the sake of remaining in power? Yet neither does civil society have the capacity to provide security to the citizens of the country. Is Zimbabwe witnessing what Gramsci meant when he said “social movements could harness citizens’ energies, freeing the poor from the shackles not only of the market but of the overbearing state” (Friedman, 2003: 4)? In the Zimbabwean context can civil society still be a driving force of change, taking on the form of an essential ingredient of democracy?

The results of the 2000 elections suggest the hand of civil society playing the crucial role of trying to effect change in the country. However, this does not suggest an attempt by civil society to take over the state as Mugabe sees it. For him, the opposition and civil society is one and the same thing. Educating the poor citizens about their rights is only one way of building a strong democracy, which is an essential ingredient for development. This will be the arguments of the liberal view of democracy which should find its roots in the constitution. Liberals would further argue for individual freedom and initiative and less government intervention into private life and civil society.

On the contrary the Zimbabwean state views civil society as one that has neglected its primary role of addressing poverty in terms of service delivery, a task others would suggest, is the state’s responsibility. As Siddhartha Sen points out, states welcome NGO activities which are welfare and modernisation oriented. In general activities that have a component of ‘empowerment’ or ‘conscientization’ are not welcome in countries with state-dominated development politics (1999: 330). In many parts of the developing world, states lack the capacity to perform developmental roles as a result of lack of expertise, resources and financial weaknesses. In the Zimbabwean case, the state lacks financial resources as well as political Will to go the liberal way and open up spaces for civil society to operate without restrictions. According to Friedman (2003: 8) “policy formulations including social ones, which are an

outcome of civil society pressure or participation are said to be effective since they are likely to reflect the needs of citizens and to elicit their willing cooperation.”

But one has to note that civil society can only play this role if the state has the capacity to ‘arbitrate between competing demands within it - and to represent the interests of those who do not belong to associations and are therefore not part of civil society’ (Ibid, 2003: 8). Of course what Friedman does not say is whether the state is neutral in class terms or not. He ignores this fact which is quite important when discussing African states where the issue of class cannot be ignored in the political discourses. Bond (2002: 4) writes that “thirteen million black Zimbabweans suffer under the rule of [a government that is] undemocratic, exploitative elite and of repressive state machinery serving the class interests of a few tens of thousands of well-connected bureaucrats, military, and paramilitary leaders.” The issue of class is in most cases embedded in political struggles. In Zimbabwe there is no clear distinction of the government, the state and ZANU-PF. The ruling party is creating its own class of bourgeoisie. It could be argued that in order to do this the state has to oppress the independent voice of civil society. This is the only way the ruling party can remain in power. Allowing liberal democracy to take root in Zimbabwe at this moment will see Mugabe and his ruling class out of power.

Therefore, the relationship between the state and civil society is quite complex. The state realises that allowing liberal views can only lead to its down-fall. This is why civil society is an arena of serious contestation. One can see why the Zimbabwean state cannot take a liberal view of democracy that says civil society should be left alone and should not be interfered with. Neo-liberals, liberals, leftists and even neo-conservatives such as George Bush are now calling for a vibrant civil society that challenges and pushes the state to uphold the rule of law, protect its citizens and be accountable to the people. It

remains to be seen whether the Zimbabwean state can listen to such liberal voices or not.

Even though Larry Diamond (1999) says that civil society should not seek to “win control over the state or govern the polity as whole,” but pursue from the state concessions, benefits, policy changes, institutional reforms, relief redress, justice and accountability’ all aimed at public ends (p.223), it seems that in Zimbabwe there is a much closer relationship between struggles for civil society and ‘real politics’. Diamond adds that “organisations, movements, and networks that seek to displace ruling authorities from power, to change the nature of the state, and in particular to democratise it, remain part of civil society if their goal is to reform the structure of power rather than to take power themselves as organisations” (1999: 223). One of this thesis’s questions is: have Zimbabwe’s human rights NGOs - etc - gone over Diamond’s dividing line? The Zimbabwean ruling party says that these organisations have gone well over that line, and they are part of an imperialist plot to remove Mugabe and ZANU-PF. ZANU-PF feels justified in seeking total obedience from its members and citizens against what it calls the imperialist move to remove it from power. There is a move by the ruling class to guard its very existence at all costs.

The Zimbabwean State perceives NGOs with suspicion on the basis that they are being used to implement the foreign policies of their countries of origin. However many critics have since dismissed these allegations as false. Muchena (2004: 1) argues that NGOs have been “pivotal in the distribution of food to the hungry, in giving social assistance and in the provision of safety nets to communities under stress.” He further argues that NGOs have been critical in the provision of training, civic education, rehabilitation, leadership development, environmental protection, promotion of sustainable development, HIV/AIDS support programmes, caring for orphans, provision of legal aid, human rights education and protection and small-scale agricultural support, among many other development programmes (Ibid, 2004: 1).

Muchena's assertions are that NGOs as part of the broader civil society do contribute very much to the economic development of Zimbabwe, for example in terms of employment. But then Muchena ignores the fact that civil society's contribution to a country can go beyond economic development to include other motives such as influencing political change in a country. Therefore, minimum regulation becomes necessary as long as it does not go to prohibitive extremes.

In contrast, President Mugabe of Zimbabwe said that "the Americans and the British have a new way of subjecting us to their wishes, this is imperialism they are channelling through civil society and our state must guard against this form of colonisation at all times" (*The Herald*, 2004/05/04). Makumbe et al. (2000: 3) also observed that "stung by the criticism levelled at this government by several civic leaders, Zimbabwe's President Mugabe has taken a swipe at NGOs accusing them of being puppets of imperialist designs used by foreign donors to further their interests." Such accusations levelled against the West by Mugabe cannot be totally dismissed. It seems that the Zimbabwe government does not want to follow the liberal view of leaving NGOs as part of civil society free to do what they want. It appears that the view of government is that NGOs and civil society at large have to be controlled seriously by the state and have to conform and operate in line with what the state stipulates.

Allegations against civil society culminated with an NGO Bill at the close of 2004. According to government the allegations levelled against civil society are the basis for establishing a new law (the NGO Bill), which now awaits presidential signature to become law. What then does the NGO Bill seek to achieve?

4.2 Background to the Non-Governmental Organisation Bill

The government of Zimbabwe charges that the NGOs as part of civil society are partisan. ZANU-PF links the MDC and Civil society to ‘imperialist’ Western interests and money. In addition the government maintains “such organisations use human rights rhetoric to conceal their real objective which is regime change ... undermining state sovereignty” (*Human Rights Watch*, 2004: 3). The Minister of Labour and Social Welfare, Paul Mangwana, was quoted as saying, ‘some NGOs and churches are causing too much confusion to the country because they are converting their humanitarian programmes into politics ... the government cannot allow this to happen, so we are saying they should go under scrutiny where we revise the modalities of their operations in the country’ (*Herald*, 2004/04). Earlier on in October of 2002, President Robert Mugabe announced that the government would scrutinize NGOs and review the laws that govern them (*Amnesty International*, 2003: 1). In his speech when he officially opened the fifth session of parliament, President Mugabe said:

Non-governmental organisations must work for the betterment of our country, and not against us and we cannot allow them to be conduits or instruments of foreign interference in our national affairs. My government will, during this session, introduce a Bill repealing the Private Voluntary Organisations Act and replacing it with a new law that will create a Non-Governmental Council, whose thrust will be ensure rationalisation of the macro-management of all NGOs (CIVICUS, 2004).

There are many African civil society members who appear to agree with Mugabe. For example, Onyanyo a journalist in the ‘pan Africanist’ magazine, *New Africa*, which has in the past supported Mugabe very strongly, argues that,

NGOs have become the personification of government structures in much of Africa, influencing policies and the way knowledge is generated and utilised. It is this aspect that enables them to be the self-appointed spokespersons of the poor in these countries, to the exclusion of the targeted population (2005: 20).

He says that “in Zimbabwe, whose government is intensely disliked by Western powers, NGOs are known not to give to vulnerable groups unless they are allowed to distribute it themselves, in so doing passing on their messages”

(Onyanyo, 2005: 21). However, his arguments fall short in recognising that the Zimbabwean government politicises food aid. There are allegations that government denies food aid to members of the opposition. I think the magazine does represent a certain line of thinking in the so-called 'radical African civil society'. Onyanyo further makes assertions that,

No Western donor is willing to provide aid unless NGOs are doing direct distribution. Africa governments are, therefore left with two options: accept the aid and consequently undermining of their institutions, or refuse the aid to the immediate cost of the population affected, and the simultaneous negative impact from the adverse lobbying by the [International] NGOs, with support from their respective governments (2005: 21).

Onyanyo does not realise that some African states want to distribute this aid and lie to the people that they are ones feeding them when they are failing. This is also politicising aid on the part of governments and donors are justified when they refuse to give aid unless 'impartial' NGOs distribute it. Onyanyo's arguments are on the extreme because he paints all the donors and NGOs with the same brush not acknowledging that some states are corrupt and this aid might not reach its beneficiaries if distributed by government. He speaks of African governments as if they are all good. Why should donors or NGOs give aid if it is going to be distributed by ruling party officials to their supporters? Onyanyo forgets that some of these African governments fail to provide social services to the people while they oppress them and do not like other organisations to do what they have failed to do, namely feeding the poor.

Manji and O'Coill share Onyanyo's suspicions of NGOs' agendas in Africa. They argue that "the evolution of the role of NGOs in Africa means that their role in 'development' represents a continuity of their precursors, the missionaries and voluntary organisations that cooperated in Europe's colonisation and control of Africa" (Manji and O'Coill, 2005: 16). However this way of looking at NGOs is not only a lack of appreciation but an undermining of the vast amounts of aid

that have come to Africa to help the poor and the sick in times of need. These authors seem not to see anything good NGOs are doing. For them, imperialism is the prime source of evil and nothing else, and everything from the 'west' is painted with that brush. Their views are very detrimental to development and growth of Africa in this era of globalisation and integrated economies.

4.3 The NGO Bill and its Implications

The Zimbabwean government's response to what it perceives as challenges by NGOs is its prohibitive Non-governmental organisation Bill. The NGO Bill seeks to replace the (PVO) Act of 1995. Major differences between the NGO Bill and the PVO Act are that the new Bill tightens the surveillance and control mechanisms of government on NGOs over the already substantial government powers in the PVO Act. Prohibitions are introduced against the registration of organisations and foreign funding of local NGOs involved in 'issues of governance' (NGO Bill, clause 9 & 17). Issues of governance are broadly defined to include "promotion and protection of human rights and political governance issues" (NGO, Bill, clause 9 & 17). In addition, local NGOs must consist exclusively of permanent residents or citizens of Zimbabwe who are domiciled in Zimbabwe. Consequently, a single foreigner or even a Zimbabwean living outside the country would make the organisation and its funds 'foreign' (NGO Bill, clause 2).

The NGO Bill provides for the composition and appointment of an NGO Council consisting of five members from NGOs whom the Minister considers to be representative of NGOs. Nine other members would come from specified government ministries; the registrar would be an ex officio member (Human Rights Watch, 2004:6). The appointed council may cancel any registration certificate under two conditions: if the organisation has ceased to operate

bona fide in furtherance of the objects for which it is registered and if it is found guilty of maladministration (NGO Bill, clause 11(1) (a) and 1(g)). In this case, maladministration is given a broad definition including not only theft or misappropriation of funds or property but also “any contravention of any provision of code of conduct as may be prescribed” (NGO Bill, clause 23(1)). It is the Council’s responsibility to formulate the code of conduct for NGOs. Further, the NGO Bill provides that the Minister has powers to dissolve the NGOs under certain circumstances and the state may take over the property of the dissolved organisation (NGO Bill, clause 30).

The proposed new law requires organisations to apply to the registrar providing names, nationality and addresses of their promoters, their funding sources, three year plans and their constitutions which must provide prescribed information (NGO Bill, clause 10(2)). In addition to this, organisations must register annually, paying annual registration fees (NGO Bill, clause 11(a) and (b)). These organisations’ annual budgets must identify their local and foreign sources of funds (NGO Bill, clause 16(2)). The NGO Bill does provide for the right to appeal to an Administrative Court against decisions on maladministration (clause 23), the suspension of executive members (clause 24) and the dissolution of an organisation (clause 29). However, the Bill provides no appeal against the refusal to register by the Council, cancellation, or amendment of registration; there the only appeal lies with the Minister of Labour and Social Welfare (clause 15). The Sixth Parliamentary Legal Committee argues that the Minister is an interested party who controls the Council and therefore the outcome of an appeal of an unwanted (de-registered) NGO is a foregone conclusion (2004: 5.1)

In addition, clause 20 of the Bill does not provide any appeal procedure against a decision by the registrar to convert a branch of an NGO into an independent and separate organisation if the registrar determines that a branch is not subject to control and direction of that organisation. As the parliamentary

Legal Committee commented, this clause is unconstitutional for it directs and forces people who have chosen to associate with each other to stop and this violates their constitutional rights to freedom of association. It is the view of the Legal Committee that individuals choose who to associate with in the formation of their organisations and branches and for the registrar to decide that the individuals should not work together in one association is therefore unconstitutional. The decision about whom to associate with lies entirely with the individuals concerned in terms of section 21 of the Bill of Rights (Parliamentary Legal Committee, 2004: 6.2).

Human Rights Watch (2004) argues that the Bill is in violation of the African Charter on Human and People's Rights (articles 10 & 11), the International Covenant on Civil and Political Rights (articles 19, 21 & 22), and the International Covenant on Economic and Social Rights (article, 2(3)) all of which Zimbabwean government has ratified (Human Rights Watch, 2004: 7). It is interesting also to note that the African Union's economic wing, New Partnership for African Development's (NEPAD) declaration on democracy, political, economic and corporate governance puts a lot of emphasis on human rights, good governance and the rule of law as a basis for sustainable economic development. This very African union supports and wants to "facilitate the development of vibrant civil society organisations [in order] to promote and protect human rights" (Human Rights Watch, 2004: 7).

The argument being put forward here is that Zimbabwe's NGO Bill does not comply with these regional and international bodies' expectations. Individual countries are obliged to respect and comply with international law. Unfortunately there is no one to enforce international law which makes it almost useless as countries continue to ignore it. Since Zimbabwe has ratified United Nations, SADC and African Union Charters it should adhere to the stipulations of these laws; its own laws should not conflict with international law. Therefore, those provisions in the NGO Bill in contravention of the

Zimbabwe Constitution and International law need to be repealed. One needs to look at the Zimbabwean constitution and consider those sections that have been violated by the NGO Bill, for example, the right to freedom of association (Zimbabwe Constitution, section 21) and the right to freedom of expression (Zimbabwe Constitution, section 20). The Zimbabwean constitution does not limit or restrict the purposes for which associations are to be formed.

The Zimbabwean Constitution only imposes restrictions on the expression of association in the ‘interests of defence, public safety, public order, public morality or public health’ (Zimbabwe Constitution, section 21(3) (a) and (b)) or to ‘protect the rights of freedom of other persons and they must be shown to be reasonably justifiable in a democratic society’ (International Bar Association, 2004). The Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections are also clear that “human rights, democracy and the rule of law” are principles guiding its members (SW. Radio Africa, 2004). In addition to this, the protocol on Politics, Defence and Security Cooperation says its member states should observe the universal human rights of the charters of the Organisation of African Unity (now African Union) and the United Nations (SW Radio Africa, 2004).

According to Human Rights Watch (2004), one of the government’s reasons for introducing the NGO Bill is that some organisations are receiving foreign funding for human rights work, but then diverting the money to opposition parties. Even if one takes the above statement as true, it is still not justifiable to introduce the Bill in its present form. There is no reason why individuals or organisations should be barred from being involved in politics because they also have their interests to safeguard and promote just like the state. In its presentation, the Parliamentary Legal Committee, reported that the NGO Bill’s [provisions of] clauses 2, 9, 10, 11, 15, 17, 20, 22, 23, 24, 29 and 32 are unconstitutional denying the people of Zimbabwe the rights to organise themselves in the promotion, protection, defence and advancement of their

freedoms and liberties (2004: 1.1-1.2). The Committee (2004) further argued that

to seek to control, circumscribe and prevent the people from organising themselves into such bodies as they may deem fit for monitoring and promoting respect for their constitutionally guaranteed rights is just as good as saying the people do not have those rights (2004: 1).

The International Bar Association argues that freedom of association enshrined in the Zimbabwe Constitution is being denied because the new law infringes and limits free association and assembly and criminalizes the right to associate with whoever one chooses, including those organisations providing foreign funding (2004: 11). Commenting on the dissatisfaction of government over work on human rights in the country, the Parliamentary Legal Committee is of the opinion that human rights violations as reported by the African Commission on Human Rights affected the government so much that it has seen

the work done by NGOs, particularly those doing human rights work, as providing a record of human rights violations in the country. There are allegations that government denies food aid to members of the opposition, contrasting sharply with the government's version of a country at peace with itself and with an impeccable human rights record (2004: 1.4).

Through the NGO Bill, POSA and AIPPA, it can be argued that the Zimbabwean state has become authoritarian in nature and therefore only seeks to dominate civil society. Monga (1996) observed that people get:

angry when they are systematically oppressed, and they develop many ways of escaping repression, some of which may lead to the fragmentation of the most stable countries and the worsening of social conditions; in this new era of democratisation, the vicious legacy of anger is a factor of political instability and democratic sustainability (1996: 5).

This will then be the argument of liberal democrats: legal democracy is a necessary factor for development since it removes the hindrances to development

However it will be misleading to talk of the autonomy of civil society from the state as if it does not need the state. Civil society needs to relate to the state in order to influence policy and politics and the state needs civil society to achieve its goals (Hadenius and Uggla, 1996: 1628). In this sense, these two entities need each other in order to make things work for the sake of the people they both claim to serve. Both state and civil society have to be marked by popularity and legitimacy. While acknowledging the complexity of politics one can still remark that civil society and state in Zimbabwe should respect each other's autonomy while striving to work together in order to realise their goals of serving the people.

5.0 CHAPTER FIVE

5.1 Data Analysis

5.2 Introduction

This chapter will present and analyse the data collected during field work in early 2005. Interviews with a number of representatives from various organisations will be represented in this document and the names of the organisations will be listed in the appendix.

5.3 'We are not trying to effect regime change in Zimbabwe'

In all the interviews, none of the organisations said or gave a hint of wanting a regime change in the country¹. However what all of them said was that they wanted a democratic process to take root and they were part of the process of ensuring that the ordinary people were aware of the reality in the country. Mr. Chaumba, chairman of the Catholic Commission for Justice and Peace said:

There is perception or suspicion on the part of government that we are working to have a regime change in this country and that is not true, NGOs here are not on that agenda, they are just trying to give democracy education and to use the constitution to get what is their right from the government. There is no single organisation that has been charged before a court of law of trying to effect a regime change in Zimbabwe so it means what we are doing is legal. But the message we get from government ministers is that we are planning a regime change. They are just planning a situation so that they have the reasons to force those organisations to wind up. That is our challenge; we must be transparent in our operations. We have even invited members of the police, CIO to our meetings and sometimes they leave because what they hear in our meetings is not what they will be expecting since we mix the bible in our discussions²

¹ Organisations could have denied any political involvement leading to regime change simply because they were not sure if I was a government spy.

² All Interviews were conducted in June, 2005.

The words of Mr Chaumba reflect what NGOs feel. They feel victimised by the government and unjustly condemned because ZANU PF fears losing power to the opposition if many people in the country become aware of their rights. He was supported by David Harold Barry, research director of Silveira House, who agreed that it is not in the interest of NGOs to change any regime or meddle in the politics of the country. However, their concern as NGOs is the quality of life of the citizens of the country. He summed up by saying:

We are not trying to effect regime change, it is not our business. All we are trying to do is to help people discover their own channels to use, desires and express their own feelings and come out clearly on many issues that affect them. For example if people have no water in the rural areas and an NGO is trying to put a borehole for the people then a politician suddenly comes along and says putting down a borehole is a political matter; it's not a political matter it has to do with drinking. And so it is very easy to accuse NGOs of political interference. What we are concerned with is the quality of life of people. If an NGO wants to sink a borehole in a rural area and the chief comes along or district administrator who is a ruling party man says if you want to put borehole you have to start at my place. If an NGO says we have not come to put a borehole at your place because you have other sources of safe drinking water; we are putting it where the need is greatest. And then one says it's political. This is what they are saying is political interference or an attempt to effect a regime change. I do not think this is in any way trying to change the government; their fears are not real³ (Interview, June 2005)

What is or what is not political depends on who is interpreting which action and the interests at hand. What Mr. Chaumba is saying is not politics is exactly what ZANU-PF calls politics. Making people know that their government is not delivering and making them aware that there is an alternative is raising their political consciousness. Therefore one cannot argue that it is not politics. Of course the NGOs are worried that anything they want which may not be in the interests of the ZANU-PF leadership is labelled 'political'. If an organisation is seen by ZANU-PF as 'political', it will likely be victimised for supporting the opposition. Mr Chaumba would like to believe that all accusations against NGOs by government are baseless since none of these have been brought to court for

³ It was also in June that operation 'clean up' began so it is possible that organisations were not comfortable saying they want a regime change in Zimbabwe.

trying to effect regime change in Zimbabwe. Mr Chaumba argued that “surely under Zimbabwean law, the state has such powers to charge such organisations and why has it not done so”? As things stand at the moment, however, it seems the accusations are not only rhetorical. The state has moved to draft a law to control these organisations. Yet an official from the United States Agency for International Development (USAID) whose majority of programmes are implemented through NGOs said that on many occasions the US Embassy has been accused through the media of trying to remove the present regime from power but no official complaint has been lodged with them (Interview, June 2005).

A founding member of a women’s organisation, SEWAZ (Self Employed Women’s Organisation of Zimbabwe) said;

As NGOs we have nothing to fear, if government wants to meet with us as individual organisations or as a board through NANGO (National Association of Non- governmental Organisations). I think we are prepared because we have nothing to hide.

The information gathered during the data collecting process points to the fact that NGOs and civil society organisations are being overly criticised by government for something they have not done. It seems reasonable to accept what the CCJP said - that “all these accusations are aimed at forcing some organisations to wind up their business and leave the country”. The only possible reason for forcing organisations out is the threat these organisations pose to ZANU PF’s grip on power. This researcher’s evidence shows that most targeted organisations are those dealing with human rights issues, voter education and those trying to raise the consciousness of the people. They are targeted because these organisations have been documenting the state’s human rights abuses. Organisations such as NCA, ZESN, CCJP, Amani Trust, Zimbabwe Lawyers for Human Rights and so many others are the first target of the state repressive machinery. The president of the National Constitutional Assembly was clear, echoing the comments of the interviewees above that “government wanted to keep people ignorant therefore [the NGO Act is] a well-planned attack on all organisations that attempt to help people see that

they are being taken for a ride”. The next section will discuss what the interviewees said about their commitment to democratic values.

5.4 ‘We are not interfering in Politics, but we support democracy’

The above is rather a contradictory statement. How can one say s/he supports democracy while at the same time not interfering in politics? Democracy is a political process. How can one separate it from politics? The mission statement of USAID clearly states a political position that they support and strengthen democracy. Indeed this is one of their worldwide missions: to support and promote democracy and enhance citizen participation. During the interview the USAID official said:

The way we do it is through enhancing the capacity of the people to participate in national issues on political and economic levels as well as through government structures such as parliament. On the first level we try to empower the people through our implementation partners in the civil society or some United States organisations based in Zimbabwe, that is, State University of New York ... and Urban Institute and many local civil society organisations. At parliamentary level, we help develop effective government institutions such as the parliamentary reform committee; we also help improve the legislative process by encouraging more interaction with civic organisations country wide.

USAID does more than just work with institutions promoting or cultivating democracy in Zimbabwe. They are also doing other works such as HIV crisis mitigation. They try to raise awareness among people about the disease in order for them to change their sexual behaviour. According to their official, in this area they have been working with the Ministry of Health and Child Welfare, the HIV, STI and TB Unit, Zimbabwe National Family Planning Council, University of Zimbabwe, National Aids Council and local non-governmental organisations. The USAID website mentions that;

A Program Agreement covering all aspects of support under this program has been signed with the Ministry of Finance. USAID in Zimbabwe provides its assistance through agreements with organisations such as Population Services International (PSI), Futures Group and Catholic Relief Services (CRS) (USAID, 2005).

On the economic front USAID acknowledges that in the Zimbabwean economy a lot of inequalities exist affecting mostly the rural poor, women, orphans and young people. USAID therefore strives to improve economic opportunities for vulnerable groups through increased financial access for affected groups and an endeavour to increase business capacity for the disadvantaged people (USAID, 2005). On the same note, Mr Ruswa from Konrad Adenauer Foundation also stressed that his organisation works with parliament and other local organisations to strengthen democracy in the country. Briefly he said:

We cannot deny that our work is not about political involvement because our mission is to strengthen democracy at all levels from parliament to the grassroots people. We partner with other organisations that we fund, especially those that are involved in educating people about democracy. We signed a memorandum of understanding with the government of Zimbabwe and this is why we are not among the initial 13 NGOs listed by government as being involved in politics. [These organisations are: Zimbabwe Civil Education Trust, Zimbabwe Election Support Network, Combined Harare residents Association, Crisis in Zimbabwe, Humanistic Institute of Development Cooperation with Developing Countries, National Constitutional Assembly, Media Institute of Southern Africa, Zimbabwe Liberators Platform, Zimbabwe Lawyers for Human Rights, Amani Trust, Zimbabwe NGO Human Rights Forum, Bulawayo Agenda and Women of Zimbabwe Arise⁴]. They know that this is our work and we came here to promote and sustain democracy. We mainly work with parliament though.

This is one organisation that did not deny their work being political, but surprisingly the government has not said anything about this organisation's activities as being out of order. Even though Konrad Adenauer and USAID are not NGOs they do give money to NGOs. Of course they will not be affected by the NGO Bill but the organisations they fund will and indirectly their projects will be affected. The government did not list these two organisations on their unwanted list though through the public media Mugabe condemns USAID and the western countries for trying to remove him from power. However Mr Ruswa did not see their work as interfering in politics as they are not directly linked to the opposition except in parliament. He commented that:

⁴ Source: Zimbabwe Independent of 26/11/2004

Democracy is what Zimbabweans need at this moment and nobody can say that an organisation that teaches or talks of democracy is an enemy of the state. We are not trying to remove anybody from power but we are giving Zimbabweans what their constitution demands, that is, freedom and empowering them with tools that help them make good choices and determine their future.

The CCJP Director remarked that people should decide their own destiny and choose who they want to support, but in Zimbabwe they are punished for that;

People should be allowed to decide their own destiny. Organisations only empower people to find solutions to their challenges and in Africa most of these challenges are coming from the political level where the state fails to deliver. At the moment we are talking of the politicisation of food and the government is denying what is happening. People who were seen wearing MDC T/shirts are now being told to be given food by MDC. But here the government is giving money to MDC from the taxpayers' funds. On the grassroots level they say the MDC is a puppet of the West. This is double standards and unacceptable.

It appears that the ruling party says one thing on one level and another thing at another level. ZANU-PF says there is democracy and yet represses opposing views or opposition parties. It makes sense, then, for organisations to argue that promoting and sustaining democracy cannot be called political interference and an attempt to effect regime change. People must not be held to ransom but must freely interact with each other and be free to hold their own opinion. What CCJP, USAID or Konrad Adenauer is doing is just part of a normal democratic process or trying to let people make informed choices. Of course this is an aspiration that is almost impossible to achieve under the current leadership. The CCJP Director said;

We are raising the national consciousness of the people to know what they must demand from their government. The government would like people to live in ignorance so that they can take advantage of them. But we are saying no, people should be made aware of their rights and responsibilities. We are also saying that rights go along with responsibilities; one has rights but also has to respect other people and other organisations.

Mr Chaumba added that all Zimbabweans were loyal and patriotic but that does not mean they should not be free to choose what they want. Patriotism has nothing to do with sticking to one party. Diversity should be celebrated.

I have responsibility as a citizen of Zimbabwe, we are all patriotic but we cannot say other organisations or certain people are more patriotic than us. This is our Zimbabwe, the majority of people we deal with do not even have a passport so to say that they are not patriotic when they don't even intend to leave Zimbabwe is to undermine their intelligence. They are Zimbabweans; and Zimbabwe will remain their home so they must be engaged so that they play a meaningful role in their country. But we cannot do that if people do not know what they are supposed to be doing.

Along the same lines, a USAID official observed that:

On issues relating to local governance we are saying that we are here to enhance the Zimbabwean citizens' participation in all matters from economic to political, and our idea is to increase the competition of ideas from all sectors and all corners of the country so that people can participate at all levels. We try to do it through enhancement of civil society organisations to represent their areas and push peoples' interests up to local authorities while at the same time enhancing the capacities of these local authorities both in rural and urban areas.

The USAID website makes it clear that the beneficiaries of all these programs are the Zimbabwean civil society organisations, urban and rural local authorities.

It is envisaged that civil society organisations will become more representative of their constituencies and articulate member interests better. At the same time local authorities will be more open to increased input from local stakeholders and improve their service delivery (USAID, 2005).

Even though the USAID official does not see anything wrong in the work of his organisation, Mugabe sees them as agents of imperialism who are there to promote the interests of their home governments, and in the case of Zimbabwe, regime change. It is therefore conceivable that the Zimbabwean government should be suspicious of its activities in the country especially at this time, when ZANU-PF's hold on power is seriously challenged by the

opposition MDC. In Zimbabwe due to the suffering of the poor under the current political leadership citizens would like to see a change of regime. This includes NGOs and donor agencies. The USAID is unlikely to be an exception. However this is not to say these organisations are working for a regime change. Due to the socio-economic conditions in the country at the moment many organisations including USAID might want to see a regime change

The above examples of what NGOs and donors agencies are doing to try and improve the lives of ordinary Zimbabweans are only indicative of a broad range of organisations and activities. In the interviews eight representatives of organisations were interviewed in order to get a picture of what was happening on the ground. None of the collected information could complement government accusations in the media that some NGOs and civil society organisations were being sponsored by Britain and the United States Governments to try and push the opposition Movement for Democratic Change into power. Indications were that organisations were just doing what they initially came into the country for, mainly service delivery and human rights or what the government calls governance issues. There was a general shift or emphasis on human rights issues after the mid 1990s.

5.5 Repressive Laws Compromise Democracy

ZANU-PF, which gained state power when Zimbabwe gained ‘majority rule’ in 1980, has not been able to let democracy take root for all these years. It is in relation to the two laws passed in 2002 and the pending NBO Bill that most observers have raised their concerns. The first ones were the Public Order and Security Act (POSA) and Access to Information and Protection of Privacy Act (AIPPA). Mair and Sithole (2002: 2) argue that “these two pieces of legislation combine to constrict civil liberties and human rights in the most vulgar manner.” Alexander and others have argued that,

POSA has impacted negatively on NGO activities since its advent. The Act states that if more than two people hold a formal meeting in a public venue, they need to inform the police of their intention four days in advance. The police have frequently used this information to prevent or disrupt such meetings. While the Act has mainly been used to prevent or inhibit rallies and other opposition group gatherings, it has also been used to prevent or interfere with NGO meetings. In 2002, a group of civil society activists were arrested in a restaurant take-away for allegedly holding an unauthorized gathering (Physicians for Human Rights, 2002). In 2004, NCA members meeting in Gweru to discuss the issue of constitutional reform were tear-gassed in their hotel room. Private executive meetings of the Zimbabwe Congress of Trade Unions (ZCTU) have been invaded and disrupted by the Central Intelligence Organisation (CIO) (2005: 79).

AIPPA forces local journalists to be accredited to a government-appointed commission and it also officially bars foreign correspondents from working full time in Zimbabwe. Alexander and others further argue that,

The state has primarily used AIPPA to target journalists and the media. However, it contains clauses that entitle the State to act against anyone, including NGOs, who release information into the public domain. For example, organizations claiming human rights abuses that the state refutes. Immediately prior to the 2005 Election, Lovemore Madhuku of the NCA was taken in for questioning by the police in Harare after the Assembly released a report alleging violations in the pre election period. Madhuku was given 24 hours to support the allegations or face charges (2005:79).

These are some of the laws that NGOs and civic organisations have been lobbying government to remove, arguing that they restrict their activities and that they are not democratic in nature. The National Association of Non-Governmental Organisations (NANGO) has specifically complained that laws such as POSA and AIPPA were already rendering the works of many organisations almost impossible. Mr Ngirande from NANGO added,

If people are not allowed to gather, how can organisations go and meet with the people to talk about voter education, for example? Therefore POSA in that regard restricts the freedom of assembly and association. These laws all limit the space for civil society organisations to operate.

POSA forbids anyone to “talk about the President or other public officials in derogatory manner that could, in the opinion of the police, cause public alarm and despondency” (Mair and Sithole, 2002: 3). Faced with these two pieces of legislation, civil society organisations and NGOs are trapped between two hard rocks. The threatening NGO Bill will leave them with no breathing space at all.

5.6 NGO Bill scares away Donors

During the research it was the view of all except one organisation that the NGO Bill will affect funding for projects as well as activities of civil society organisations. NANGO’s information officer summed it up by saying that “the NGO Bill will limit the funding of NGOs in as much as it prohibits foreign funding which makes it impossible for organisations to operate”.

When SEWAZ tried to raise some funds in Europe, the donors said they could not commit themselves because of the NGO Bill. Most of the donor agencies were leaving the country due to the proposed Bill. Mrs Musendekwa, a SEWAZ official summed it up by saying “we have been affected very much because all donors we sent our proposals to say they were leaving the country because of that Bill and the prevailing political situation” (Interview, June 2005).

This is a clear testimony to the effects of the proposed NGO Bill; although it is not a law, its effects are already being felt. Considering the information gathered during interviews, organisations are concerned about their future activities in the country if the NGO Bill is finally made law. There is so much uncertainty about the future of most of the civil society organisations and some NGOs who were doing governance work around the country. The CCJP chairman said they have devised new ways of going around government’s repressive laws. Whenever they hold their meetings he said,

Normally we have these on our church premises we give them various names, for example, bible crusade. This is how we have managed to evade the law but at the end of the day we cannot separate politics from the day to day living because as the church we are just affected by the general politics. Therefore we encourage our members to participate in politics but if they are very active in party politics they must not take leadership positions within the church to avoid conflict of interests. But if they are practising politicians we encourage them to make a difference from those who are not Catholics because we want them to be inspired by the Catholicism which they have gone through. We are saying they must become better politicians. But we are still to evaluate the effectiveness of Catholic politicians because the current example from the highest office is not encouraging. We have seen that their actions do not conform to the teaching of our church. But we still encourage our members to take part in general politics as this affects them one way or the other.

5.7 The future of Civil Society in Zimbabwe

Many organisations expressed optimism about their future working relations with the state in Zimbabwe. Their hope was that the state would try and accommodate and acknowledge their efforts to better the lives of ordinary Zimbabweans and respect the space that all civil society organisations need to operate freely without intimidation or false accusations. David from Silveira House remarked:

NGOs have a role to play in every society. Any government recognises that it cannot do everything. States should create an environment for the other people and organisations to work. Small organisations should be allowed to do what they can do and should not be interfered with.

Again CCJP did not fall short of words to highlight the importance of NGOs in Zimbabwe given the current situation. Checks and balances are needed and so its representative said,

for as long as the government is doing good work we commend it and for as long as they are not doing well we say it. All depends with the prevailing situation at any given moment. For example, at the moment we are talking about the electoral field that it is not fair. It is tilted in favour of the ruling party and government. Under such circumstances we cannot

say elections conducted under those conditions do express the will of the people if basic fundamentals are not being observed.

Similar sentiments were also echoed by an official from Zimbabwe Election Support Network (ZESN) who concluded that:

The future of Zimbabwe hinges on the democratic structures that we as Zimbabweans put in place right now and the space given to civil society organisations by the state. These are fundamentals that we cannot afford to do without if we are serious about advancing in economic, social and political spheres (Interview, June 2005)

The NCA Chairman argued that:

The future of civil society in Zimbabwe did not look very bright considering the lack of tolerance and the authoritarian nature of the present regime and the supporting mechanism that it has put in place in the form of AIPPA and POSA, which are the two pieces of legislation passed in 2002.

At the moment, it seems the future of civil society organisations depends on what the government decides to do with the NGO Bill that has been put aside temporarily pending reconsideration by parliament in the current sixth session. If it does become law then many organisations will be forced to wind up their operations and leave the country. What it then means for the country is suffering for the poor who depend more on NGOs for various forms of assistance. Considering the current economic and political crisis in Zimbabwe, the winding up of some NGOs and civil society organisations will impact on ordinary people very negatively.

The chapter has attempted through its discussion of the NGO Bill to ascertain how the Zimbabwean state reacted to what it perceives as a new form of imperialism by Western states by enacting prohibitive laws to try and control this civil society's perceived threat. At the moment the relationship has become complex and messy. The state has put forth many allegations against

civil society while civil society denies them, claiming that the state only wants to suppress critical voices by enacting undemocratic prohibiting laws.

In addition, civil society claims the state does not want it to be involved in issues of governance because it is in the forefront of abusing its citizens and depriving them of their fundamental rights. These allegations call for research to establish whether the state's accusations have any basis or if they are simply a way of shifting focus to a scapegoat (civil society) because it cannot deliver basic services and democracy to its citizens.

6.0 CHAPTER SIX

6.1 Results and Findings

The field research generally revealed that the state allegations against civil society and NGOs in Zimbabwe are baseless and unfounded. It appeared that the state is afraid of high level of political awareness among its citizens resulting from public forums and voter education conducted by civic organisations. It is therefore, attempting to clamp down on these groups to stop increasing awareness. This is for obvious reasons. Once these people become aware of their rights then they will begin to demand service delivery and possibly vote ZANU PF out of power if elections are not fraudulent. The allegations that NGOs are on the path of trying to change the regime through working with the opposition MDC were not confirmed by the research. On the contrary NGOs are just doing what they have been doing since 1980 while incorporating or expanding into issues such as human rights, which they clearly argue are not political. This expansion has become necessary as the Zimbabwean government's authoritarian nature has been revealed. As Joseph Raj of Young Africa said,

Human rights are not political at all, we cover them here when we teach domestic violence and civic education and the government through the Ministry of Gender and Youth Development has approved our programme and the courses that we teach including human rights. These are skills that a young person should have.

NGOs or civil society organisations at large have always been teaching human rights as part of their broader programmes and the government has never raised concerns about this though it is questionable to argue that human rights are not political. Therefore, the question remains 'why now'? Civil society in Zimbabwe is clearly willing to discuss any issue with the government, and to find solutions to the problems not only of their relationship but also those of the country at large. These organisations are only working to serve the people

of Zimbabwe, for example, in the provision of services, AIDS drugs, food, HIV awareness programmes and strengthening the democratic structures of the country. The only major threats to their work are the repressive laws that the government has passed in order to control the activities of civil society organisations and any opposition. The pending NGO Bill is also a big threat to these organisations. Speaking during a debate on the NGO Bill in Parliament, Hon. David Coltart (MDC) argued,

Let us use the organisation of World Vision as an example...I am just assuming that World Vision's constitution includes a provision that its work includes the promotion of human rights...My question to the Hon Minister is does he not now have very serious concerns that because of the wide definition of governance in Section 2, that will now lead to the closure of virtually every single foreign NGO in this country? (Parliamentary Debate, 23 November 2004: 2111 cited in Institute for (Alexander and Raftopoulos, 2005: 81).

Paul Mangwana (Minister of Labour and Social Welfare) responded that,

The agreements that we have with the bodies of the donors and other NGOs is that they can only come and operate in our country in full conformity with the laws of our country...If our laws are saying you cannot have a constitution whose objects [sic] are to deal with matters of governance and human rights, they have to comply...they are urged to amend them if they still want to operate in our country (Parliamentary Debate, 23 November 2004: 2112 cited in Alexander and Raftopoulos, 2005: 81).

Even though it appears that widespread concern has been around those organisations directly linked to documenting political abuses, humanitarian NGOs have also been subject to similar government interference and will continue to be. "In 2004, the government ignored appeals by the World Food Programme (WFP) to feed the people after widespread hunger and crop failure" (Alexander and Raftopoulos, 2005: 81).

The question to be asked is why the government is refusing to allow organisations to document human rights abuses because these do exist according to them. In other words, by virtue of the fact that they are not allowing human rights abuses to be documented the government is acknowledging human rights abuses. If the government was not violating any human rights then there would be nothing to document and therefore nothing to fear on the part of government. It brings to question the government's interpretation of 'political interference' by NGOs in the country.

It is nearly possible to interpret anything as 'political' depending on who is saying so. Some NGOs have argued that talking about human rights is not political, but the government sees it as political. Almost anything can be political. Feeding the hungry can be interpreted as political as long as one questions why people are hungry. This means someone somewhere has to take responsibility for the hunger. This is where the government comes in. If it fails to provide for those who cannot feed themselves and NGOs come along and offer food then government takes it as a political challenge. This means politicians have failed to do their job. If people realise this, and the ruling party perceives that they have, then this is a challenge to their power and their political survival. If even serving the people's basic needs is thus 'political' then, as this paper has tried to show, the Zimbabwean case is quite complex.

In the interviews, some organisations have accepted that their actions are political, but they deny an agenda of regime change in the country. This distinction is hard to conceive, because it is difficult to separate the two. Some organisations might genuinely believe their work is not 'political', but the results of their activities may yield political implications. If their work on human rights and democracy was being done outside the crisis that is currently rocking the country, probably the government would not raise an eyebrow. Feeding the hungry has happened during times of drought (e.g. 1984, 1992) in

the country but the state has not complained although it often took credit where credit was not due. It appears since the advent of MDC on the political front in 1999 the state has never felt secure. Under the current events, especially the rising popularity of MDC, the government feels threatened even by organisations which are not aligned to any opposition party. This is why the government-party apparatus has reacted by enacting various repressive laws. It is trying to save itself from being overtaken by the opposition (MDC). Of course, the result of its increasing repression was more negative international publicity for ZANU-PF. The withdrawal of aid contributed to the general suffering of the people in the country, this raising the spiral. A way forward is suggested below in the form of recommendations.

6.2 Recommendations

- ❖ I would recommend that the government completely withdraw the NGO Bill.
- ❖ Government should also repeal the POSA and AIPPA, which are very restrictive pieces of legislation as far as allowing a democratic space to civil society organisations and individuals.
- ❖ It will be fruitful if the state can come out in the open on the organisations it claims are working for regime change and deal with them under the existing laws. It should not create a separate law targeting NGOs specifically.
- ❖ NGOs should continue to be transparent and accountable in their work to minimise suspicion from the state.
- ❖ If problems arise the state should call NGOs through their representative organ NANGO and air its grievances.
- ❖ Both government and NGOs should strive to work together for the betterment of Zimbabweans' lives.

6.3 Conclusion

The Zimbabwean situation compels us to go back to old theories and search for solutions to the problems between state and civil society in that country. John Locke's civil society is placed in the context of capitalism where rights to private property are emphasized very much. In so doing this civil society is contrasted to the state. Locke needs to be complemented by Hegel who argued for the subordination of civil society by the state but still sees a realm of difference between the two. For Hegel, the state remains a guarantor of civil society.

Putting civil society in the Zimbabwean perspective one realises that for civil society to function properly it needs the blessing of the state even though it has to work independently. Without this blessing there is very little civil society can do to push for its agenda of development or human rights activism. But one has to realise that for this to happen, there has to be a struggle between the state and civil society. The state cannot easily surrender its power, control or influence into the hands of civil society. The 'freedom' for civil society in Zimbabwe has to be born out of a struggle.

Karl Marx realized that civil society has to be rescued from the state which he saw as being controlled by the dominant class. For him this state was oppressive to the peasants, workers and the poor. Again the Zimbabwean case reveals the oppressive nature of the state but the solution that Marx offers cannot solve Zimbabwe's problems at this moment. The Zimbabwean state has often abused some of Marx's ideas of a revolution by appealing to the poor to rise up against the white population in the country in such cases as the land grab of 2000. As long as Marx is so easily manipulated by Zimbabwe's ruling

party, it would seem he is not adequate to the task. Apparently Marx does not offer much to the third world countries.

The lesson that can be drawn from this is that the state either uses force or coerces people to act in a certain direction for it to achieve its goals. It helps to see how Gramsci's concept of civil society marked a space for struggle against capitalism. In Zimbabwe this is not the case, the struggle is not against capitalism but a repressive state. In this case the state is probably acting in the interests of the greedy capitalist class that uses the state and the party to accumulate. This might be what Ellen Wood alludes to when she noted that the socialist tradition oppressed civil society.

The suppression of the media and democracy in general in Zimbabwe leaves one wondering what options are available for civil society there. In as much as Marx's ideologies remain impractical one can certainly agree with him that a repressive state is not only unfortunate at this point in Zimbabwe but an impediment to development. Scholars such Keane (1988), Fukuyama (2001), and Oomen (2004) agree that without a secure and independent civil society and autonomous public spheres one can hardly talk of freedom, equality and participation. But it still remains arguable as to how independent civil society should be. Certainly the goals of freedom, equality and participation are far from being realized in Zimbabwe at the moment. It appears that since the state argues that it is under threat it cannot guarantee the above goals. Cohen and Arato go even a step further to say civil society is an emancipatory project. How far can Zimbabwean civil society emancipate itself or anyone from the state considering that the state has the power to legitimise civil society's very existence? Or does the Zimbabwean state need civil society to legitimise it?

It still remains very difficult for one to see how civil society and the state in Zimbabwe can harmonise their operations and effectively deal with their differences. The western theorists have come up with some very interesting

ideas but their practical applications to African contexts or more so to the Zimbabwean case remain elusive. What makes everything more complicated is the politics in Zimbabwe and other African countries. Zimbabwean democracy is very 'cosmetic' and therefore the western views meet with resistance from the ruling class. The western theorists do assist one to understand the complexity of the state and civil society relationships. Of course in Zimbabwe, most of these theorists' ideas are just dismissed by government as foreign and western.

The way forward for civil society activists remains uncertain. All civil society can do in Zimbabwe is to put up a serious struggle against all forms of oppression and suppression. It appears this is the only feasible way to deal with a government that has become very authoritarian. The activists should not get tired by the intimidation of the state. They should realise this is going to be a very long struggle and they can only win it if they remain vigilant. I certainly think that the theories that are already there are relevant and provide good lessons for Zimbabwe and other countries like it. If activists would use them to construct a 'working model' of state and civil society relations in Zimbabwe's future, progress down the long road democracy could be furthered

However, this paper has attempted to argue that a space for civil society is vital for democracy. In countries such as Zimbabwe, NGOs are the most visible manifestation of civil society. For them to be able to perform their 'state watching' function the state must acknowledge and allow civil society to operate freely. Tension arises when authoritarian states fail to deliver or allow democratic processes to take root, alleging these to be threatening state security and sovereignty. Alternative views allow accountability on the part of civil society as well as the state. The theory of civil society of 'watching' the state finds itself in opposition to the authoritarian state which dismisses it as imperialist or merely a front of other powers.

The state and civil society relations in Zimbabwe are problematic for a couple of reasons. The ZANU-PF government feels threatened and has reacted by a number of repressive laws that seek to control and limit the space for civil society to operate. The two laws that violate a number of human and civic rights are POSA and AIPPA. POSA restricts people's ability to assemble and associate. AIPPA makes it a criminal offence for a journalist to operate in the country without accreditation and also prohibits foreign journalists from working permanently in the country. The aim of that discussion was to show how repression and closing of the democratic space has denied the people an alternative voice.

The NGO Bill was discussed at length. It has been pointed out that the Bill is not only unconstitutional in many aspects but does not even synchronise with other SADC guidelines and protocols. This Bill, though not yet passed into law, threatens to violate civil rights and close up the small space that was still left after AIPPA and POSA. The research does not justify the government's imagined feeling of being threatened by NGOs. The new law has become a tactic aimed at silencing those organisations that are doing human rights work exposing the state as a violator of these rights.

The research attempted to investigate if some organisations were involved in acts that are not in line with government requirements as stipulated in the PVO Act of 1995. Results show that government could not even identify one organisation and bring it before a court of law charging it with operating outside the Zimbabwean law. It can, therefore, be concluded that government accusations of NGOs' involvement in opposition politics are unjustified in terms of the liberal-democratic canons of political practice. The introduction of the new laws to control individuals and civil society organisations cannot be

justified in any way except to say these are actions of a desperate and oppressive state.

However, civil society in Zimbabwe has proved to be a strong force to be reckoned with. It has campaigned successfully to have the NGO Bill put to rest. It appears that civil society has managed to convince the government that the legislation is not only a barrier to development but as a result of it the little aid still trickling into the country can dry up. Commenting on this issue, David Harold Barry said, "I think the government has listened to us". It is still to be seen if the government goes ahead in pushing for the enactment of this law or it has realised how much this Bill will affect the country. Controlling civil society in the form of the NGO Bill could hurt the society further and so the government realises how that will in turn affect it. If the electorate are not happy the chances of the government losing power through elections become high and therefore it does not want things to go that way. In this sense it can be said that civil society is a strong force in Zimbabwe and the state realises its capacity. Therefore the Zimbabwean state has made these attempts to put civil society under control. There are power struggles between the state and civil society all over the world. Zimbabwe is no exception. However, in Zimbabwe these struggles end up affecting the ordinary people, over whom these entities with different interests strive to influence.

7.0 Appendices

7.1 Appendix 1

7.1.1 Young Africa

Raj Joseph email
Joseph (Project Coordinator)
YASC (Young Africa Skills Centre)
Stand 21468, Mharapara Road
Unit L Seke
Chitungwiza

7.1.2 Silveira House

David Harold Barry (Research Director)
Silveira House
Box 454
Harare
Zimbabwe

7.1.3 Catholic Commission for Justice and Peace (CCJP)

Alouis M Chaumba (National Director)
Catholic Commission for Justice and Peace in Zimbabwe
Africa Synod House
31 Selous Avenue
Cnr 4th Street
Harare
Zimbabwe
Email: ccjpsz@mango.zw/
amchaumba@yahoo.com

7.1.4 Self Employed Women's Organisation (SEWAZ)

Mrs H. V. Musendekwa
Chairperson and Founder member
6th Floor, Room 606
Anlaby House
Nelson Mandela/Angwa St
Harare
P O Box 4523
Harare

Fax 263 (4) 771998

Email: sewa@mweb.co.zw

7.1.5 National Constitutional Assembly

Lovemore Madhuku (Chairman)

348 Herbert Chitepo Avenue

Harare

Zimbabwe

7.1.6 Konrad Adenauer Foundation

Mr. Goodhope Ruswa (Programme Officer)

Konrad-Adenauer-Foundation

26 Sandringham Drive

Alexandra Park

P O Box 4325

Harare

Zimbabwe

Tel/Fax: 263-4-745395/ 745397

Cell: 263-91436646/091342053

7.1.7 Zimbabwe Election Support Network (ZESN)

Official⁵

10 Rochester Crescent

Belgravia

Harare

Zimbabwe

7.1.8 United States Agency for International Development (USAID)

Official

USAID/Zimbabwe

P. O.Box 6988

Harare

Tel +263-4-250992/3

Fax +263-4-252478

⁵ Official (in place of name) has been used where individuals preferred to remain anonymous.

7.1.9 National Association of Non-Governmental Organisations (NANGO)

Mr Fambai Ngirande (Information Officer)

National Association of Non-Governmental Organisations (NANGO)

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Selous Ave/3rd St

P O Box CY 250

Causeway, Harare, Zimbabwe

7.2 Appendix 2 Research Questionnaire

University of KwaZulu Natal - Masters Dissertation in Development Studies.
Research Questionnaire - Unstructured Questions (Open Ended)

Questionnaire Number	
Date	
Duration of Interview	
Name of Respondent	
Position	
Name of Organisation	
Address	
Telephone	
Email	

How do you describe your work, is it 'developmental' or something else?

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.....
.....

How do you describe your working relationship with the state at the moment?

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.....
.....

Do you enjoy this relationship? If not, why? If yes, why do you say so?

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.....

How do you perceive the PVO Act, which was introduced in 1995 by the government? Did that legislation restrict or provide an enabling environment for your organisation?

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.....

If the NGO Bill that may become law soon replaces the PVO Act, how will this new law affect you as an organisation?

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The State is alleging that civil society/NGOs are trying to effect regime change in Zimbabwe. What is your comment on that?

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.....

Why do you think the State is introducing the NGO Bill at this moment?
Does the civil society have other agendas in Zimbabwe as alleged by the State?
If so, what are these agendas and whose interests are they serving?

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.....
.....

Can NGOs and other civil society organisations still play a major role in strengthening Democracy and development in Zimbabwe in the present situation?

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.....
.....

What would you say are threats to democracy and development in Zimbabwe at the moment, if there are any?

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.....

Do you think some organisations have abandoned their primary objectives in pursuit of governance issues like the promotion of democracy and human rights, if so, why do you think this is the case?

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.....

Is the State action justifiable by any means, I mean in terms of the introduction of the new law (NGO Bill)?

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.....
.....

How would you describe the state fears, are they just rhetoric or they are real?

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.....
.....

What is your general comment on the future of NGOs as part of civil society working in Zimbabwe?

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In your opinion how can the state/civil society/NGOs relations be improved?

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