Non- Governmental Organizations and Land Policy in Zimbabwe

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Dedication

This thesis is dedicated to the people of Zimbabwe who have endured the hardest of times and hope that my three boys Arundel Takundiswanashe, Aaron Tinevimbo and Arsey Tanaka would realize the 'good society' in their lifetime.

List of Abbreviations and Acronyms

AIPPA   Access to Information Protection and Privacy Act

BBC   British Broadcasting Corporation

BAZ   Broadcasting Authority of Zimbabwe

BIPPA   Bilateral Investment Promotion and Protection Agreements

CAMPFIRE   Zimbabwe's Communal Areas Management Programme for Indigenous Resources

CCJP   Catholic Commission for Justice and Peace

CFU   Commercial Farmers Union

CNN   Cable News Network

CIO   Central Intelligence Organization

FTLRP   Fast Track Land Reform Programme

GAPWUZ   General Agricultural and Plantation Workers Union of Zimbabwe

ICSID   International Centre for Settlement of Investment Disputes

JAG   Justice for Agriculture

ISIL   Islamic State of Iraq and the Levant

LOMA   Law and Order Maintenance Act

MDC   Movement for Democratic Change

NANGO   National Association of Non-governmental Organizations

NCA   National Constitutional Assembly

NGO   Non- Governmental Organization

(PF) ZAPU   Zimbabwe African People's Union (Patriotic Front)

POSA   Public Order and Security Act

PVO   Private Voluntary Organization

RNFU   Rhodesian National Farmers Union

SACFA   Southern African Commercial Farmers Alliance

SADC   South African Development Community

UN   United Nations

ZANU Ndonga Zimbabwe African National Union

ZANU (PF)   Zimbabwe African National Union (Patriotic Front)

ZBC	Zimbabwe Broadcasting Corporation
ZCC	Zimbabwe Council of Churches
ZCFU	Zimbabwe Commercial Farmers Union
ZCTU	Zimbabwe Congress of Trade Unions
ZFU	Zimbabwe's Farmers Union
ZJRI	Zimbabwe Joint Resettlement Initiative
ZNFU	Zimbabwe National Farmers Union
ZTA	Zimbabwe Tobacco Association
ZUM	Zimbabwe Unity Movement
ZWFT	Zimbabwe Women Finance Trust

Abstract

There is widespread debate on what constitutes civil society and its importance in development and poverty reduction. The debate has been on-going since the term was coined by Aristotle during antiquity. The concept of civil society has derived much of its significance from Western political and philosophical thought; however traces of the concept can also be found in African notions of community and personhood as popularized by the concept of *ubuntu*. Scholars have struggled to put forward a substantive theory of civil society because it has different meanings for different people, places and historical times. The concept's importance was relegated to the periphery of political and developmental discourse due to the rise of the welfare state in the 1950s and economics in the 1970s. However, civil society's success, particularly in Poland and (former) Czechoslovakia,in the struggles against despotism in the Eastern bloc during the 1980s cemented its reputation as a form of 'third way' which can compensate for the failures of the state and the market. In the 1990s civil society became the 'favoured child' for driving development in third world countries. However since then national and international funding for civil society organizations has not tallied with the results on the ground, thereby prompting scholars to doubt its importance in developmental discourse, especially in sub-Saharan Africa. This study argues that NGOs, which are a subset of civil society, are still important in the development of third world countries, especially sub-Saharan Africa. The study's main line of argument is elaborated by an exploration of how two prominent NGOs, Commercial Farmers Union (CFU) and Justice for Agriculture (JAG), have been involved in land policy in Zimbabwe between 2000 and 2015. During this period, the Zimbabwean government adopted and implemented a chaotic and violent land redistribution programme, thereby creating mayhem in the country's socio- political and economic status-quo. It is in scenarios like these that NGOs become important in safeguarding the interests of the less privileged and supplementing government's failures using different strategies. However these strategies create problems, for NGOs working in sub-Saharan Africa. It is because of these problems that resources channeled to sub-Saharan NGOs often fail to generate meaningful results on the ground.

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CHAPTER ONE: INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction

The importance of civil society is contested (Edwards, 2009), especially in developing countries with repressive and restrictive regimes who endeavor to dismiss or label it as a proxy of Western hegemony and neo-colonialism (Makumbe, 1998).The task of this study is to look at the importance of civil society in the contextual setting of two NGOs which have been involved in Zimbabwe's land policy since year 2000, namely, the Commercial Farmers Union (CFU) and Justice for Agriculture (JAG). NGOs belong to the broader spectrum of associations called 'civil society,' a form of a 'third way' between state and market, which a majority of policy practitioners believe is now essential for development and poverty reduction (Putman, 2000; Edwards & Hulme, 2002; Brinkerhoff and Crosby, 2002; Edwards, 2009). However the voice of skeptics who question the importance of civil society in developmental discourse are becoming louder (Rugendyke, 2007). Contrary to skeptics' views, this study argues that just like the state and business, civil society is essential for development (Brinkerhoff and Crosby, 2002). The majority of scholars believe that civil society organizations, particularly those oriented towards protecting vulnerable groups, are the strong social institutions needed to provide checks and balances against over indulgence of the state and business at the expense of the disadvantaged (Brinkerhoff and Crosby, 2002). Brinkerhoff and Crosby (2002) argue that the failure of the 'first generation' of policy analysts was an over emphasis on economics at the expense of social institutions, of which civil society organizations are part. However the big debate is now on how this can be achieved. This study argues that a pivotal role for civil society best can be achieved through the involvement of NGOs in influencing public policies. Moyo (1999) notes that "the Zimbabwean land reform policy case offers an interesting basis for examining the workings of democratization process in Africa especially in terms of the institutional framework within which the land policy has evolved" (p12). In line with Moyo's (1999) analysis, the study will focus on the involvement of NGOs in the Zimbabwean government land policy between 2000 and 2015.

1.2 Background of Land Policy in Zimbabwe

Land has always been a contested issue in the socio-political and economic landscape of the territory which became known as Zimbabwe. The arrival of whites in late 19th century worsened the situation. Once a white minority government had been established, it adopted laws which enabled whites to benefit from the fruits of land at the expense of the other racial groups. The result was that at independence, more than 85% of prime land was owned by less than 15% of the population (Pazvakavambwa, 2007). It was imperative at independence that there should be an equitable distribution of land if any meaningful development was to be realized. The majority government created after independence adopted the willing seller-willing buyer policy of land redistribution. This policy is believed to have been negotiated at the Lancaster House conference which negotiated an electoral handover of power to a black majority government in Zimbabwe (Phiri, 2011). However, the regime has since argued that the willing seller- willing buyer policy was laden with problems prompting its abandonment at the turn of the millennium (Phiri, 2011). Born out of the abandonment of the willing seller- willing buyer policy was the Fast Track Land Redistribution Programme (FTLRP) which has been dubbed chaotic and the cause of the socio-political and economic problems the country is experiencing today (Dorman, 2001).

1.3 Rationale for Choosing Topic and Preliminary Literature Review

This research has been motivated by scholarly debate about the baffling fact that whilst billions of dollars are channeled towards sub-Saharan NGOs from aid organizations and agencies, funds expended don't tally with results on the ground (Edwards, 2009). Scholars are highlighting a mismatch between resources channeled towards sub-Saharan NGOs and the effectiveness of their work, especially in policy influence (Edwards, 2009). The term 'civil society' has a long history and "has evolved with time, meaning differently at different times" (Fine, 1997: 8). Philosophers from Aristotle through to Thomas Hobbes, John Locke, and Hegel to Marx struggled to provide civil society with substantive theoretical bases (Edwards, 2009; Pietrzyk, 2001). Whatever can be fleshed out as a meaningful theory of civil society in one geographical region and historical era may not apply to other parts of the world or in different historical

epochs. For instance the concept of civil society rooted in the African notion of *ubuntu* is somewhat different from the Western concept. The concept of civil society has been with us since time immemorial with the radical left differing with liberal democrats on the issue. On the revolutionary left, Karl Marx dismissed the concept altogether, labeling it as a way of masking violent social revolts (Edwards, 2009). However with the demise of the Eastern bloc, Marx's arguments against civil society lost credibility. However the debate didn't end there. In the West (dominated by liberal democratic thought), the debate is no longer about whether or not civil society exists, rather it now focuses on questions relating to civil society, what it does, and how it is relevant to the socio-political and economic development of a nation (Edwards, 2009). These questions have been answered in different ways and by different scholars, practitioners, economists, politicians and policy analysts (Putman, 2000; Edwards & Hulme, 2002; Brinkerhoff and Crosby, 2002; Edwards, 2009). The majority of answers centers on the role civil society play in the democratization and development of a country. This dissertation will apply the questions and answers to the Zimbabwean context by focusing on the involvement of NGOs (a part of civil society) in trying to influence the government's land policy. The study argues that NGOs are important in counterbalancing the failures of the state and the market in formulating and implementing public policies. It should be noted however that although these organizations have been the 'favoured child' of funding agencies in the developing world over the past twenty-five years or so, they are not magic bullets which can be fired in any direction in order to find their targets (Edwards, M. & Hulme, D; 2002). Zimbabwean political scholars in the form of John Makumbe(1998), Lloyd Sachikonye (1995) Jonathan Moyo (1993) and Sam Moyo (1992, 1999, 2005) all agree that civil society is important in fostering socio-political and economic development in the country. However they noted that unlike their counterparts in the North Northern hemisphere sub-Saharan Africa's NGOs in general and Zimbabwean NGOs in particular are surrounded by a plethora of problems which cripple their operations, resulting in minimum impact especially on policy decisions. These problems, according to Moyo (1999), stem both from outside and within the NGOs.

1.4 Conceptual Framework upon which the Study is based

The conceptual framework fully presented in Chapter Three sees civil society as "an aggregate of institutions whose members are engaged primarily in a complex of non-state activities-economic and cultural production, voluntary associations, and household life-and who in this way preserve and transform their identity by exercising all sorts of pressures or controls upon state institutions" (Makumbe, 1998: 305). Collectively NGOs, which are a subset of civil society, are not-for-profit organizations. The United Nations defines an NGO as "a not-for-profit group, principally independent from government, which is organized on a local, national or international level to address issues in support of the public good" (UN website). There are different types of NGOs. David C. Korten (1990) identified three: (1) generation one NGOs are involved in relief and welfare services, (2) generation two NGOs focuses on uplifting communities in self sustenance through small scale and self-reliant local development, and (3) generation three NGOs are concerned with the development of sustainable systems at local, national, regional or international level. The study looks at CFU and JAG at the level of third generation NGOs as both have been involved in land policy influence in the country. In trying to influence policy, NGOs have a number of strategies to use, among them are: (1) NGOs partnering government in policy formulation and implementation, (2) NGOs fostering accountability in the way a policy is implemented and, (3) NGOs advocating a total change of the policy or the way it is implemented. Within these strategies are tactics and resources at NGOs' disposal.

1.5 Research Problem and Questions

1.5.1 Research Problem

The beginning of the twenty-first century saw a massive, chaotic and heavily politicized land redistribution exercise in sharp contrast to the previous policy of willing seller-willing buyer entrenched in the Lancaster House agreement of 1980. A majority of commentators blame the chaotic FTLRP for the erosion of the 'good society' (which NGOs attempt to build) in the country (Dorman, 2001). Therefore the study will look into ways in which NGOs have been involved in efforts to influence land policy during this very trying period as a way of answering questions raised in this study. The paper looks at land policy influence from two dimensions. The first is

the actual policy as rooted in the country's constitution and secondly, the way the policy has been implemented. Land has always been a sensitive issue in the geo-political, social and economic landscape of the country dating back many centuries. This is because the country has an agro-based economy and thus, land is the backbone of development. Any form of unequal distribution of land divides the country in terms of development. In this case NGOs come in as watchdogs fostering accountability, fairness and equitable distribution and utilization of the scarce resource of land in order to spur development. They can also partner government at different levels in implementing land policy as NGOs in most cases have capacity: human resources well informed in policy issues and few in the way of bureaucratic hurdles compared to the government.

1.5.2 Research Questions

This paper will address the following questions:

1. What role have NGOs played in policy influence in Zimbabwe?

2. How NGOs can influence policy in Zimbabwe?

3. What problems and challenges are faced by NGOs in trying to influence policy in Zimbabwe?

4. How can NGOs in Zimbabwe deal with these problems and challenges?

1.6 Research Methodology

1.6.1 Qualitative Research

Doing research in Zimbabwe during the current political situation is not easy, more-so on a socio-political and economically sensitive issue like land. Over the years the issue of land has been laden with emotional and political maneuvers rendering it difficult to collect empirical data (Sibanda, 1994). This research limitation is exacerbated by the fact that the political situation in the country since 2000 has managed to instill fear in the minds of the general populace. The researcher thought that this could stand in the way in trying to collect primary data on such a sensitive issue, and instead chose to use qualitative research methodology in the form of content analysis. Qualitative research has the advantage of capturing the emotions involved, which are not easy to recognize using quantitative methodology. Content analysis involves secondary data analysis from the mass media, books, discussion papers, conferences,

academic journals and information from the NGOs' websites. Any information which could have been gathered through, for instance, interviews was easily found on the NGOs websites. The research used thematic analysis to identify, analyze and interpret the data. The data was collated according to two broad themes: (1) strategies involving liberal democratic notions of pluralism, and (2) strategies falling under radical formulations that are aimed at confronting oppressive social forces. The data was then sub-categorized into different strategies under those two broad themes, vis-à-vis problems associated with the strategy in Zimbabwe during the same period.

1.6.2 Case Study

The research was conducted in a form of a case study in which two prominent NGOs involved in the issue of land in Zimbabwe were studied. These are the CFU and JAG. These two NGOs were chosen because they represent two historical backgrounds and ideological orientations about NGOs in Zimbabwe. CFU has over 100 years of experience in serving commercial farmers in Zimbabwe and JAG was formed in 2002 at the height of the FTLRP. More so, both are unique in the sense that their work focuses on land and agriculture, which is the basis of this research. They notably represent Zimbabwean commercial farmers' interests. When the government embarked on the FTLRP, CFU and JAG's members were severely affected prompting the NGOs to be involved in land policy influence since then. The case studies were also chosen for the reason that they direct at "understanding the uniqueness and idiosyncrasy" (Huysamen, 1994: 169) of how NGOs are involved in influencing public policies in Zimbabwe. The researcher is of the view that a thorough study of these two cases assists a clear perspective on the dynamics of the whole system, thereby enabling "understanding, extension of experience, and increase in conviction in what is already known" (Stake, 2006: 126) about NGOs in Zimbabwe. The cases chosen are for aiding our understanding and experience on how NGOs in Zimbabwe have been trying to pressure government to foster development through policy analysis.

1.6.3 Challenges Associated with Qualitative Methodology

Quantitative researchers and reviewers are critical of qualitative methods which struggle with issues of validity and reliability (Ambert, et al, 1995). Validity entails the ability of a study to obtain correct answers to the issue under study and reliability is the ability of research to obtain the same results elsewhere (Bogdan & Taylor, 1990). Moreover qualitative researchers are accused of failing to detach themselves from their prejudices and pre conceptions built before and during the research (Bogdan & Taylor, 1990). Nevertheless, qualitative research is unique in that it seeks "depth rather than breadth", "discovery rather than verification." It enables researchers "to learn about how and why people behave, think, and make meaning as they do, rather than focusing on what people do or believe on a large scale" (Ambert, et al, 1995: 880). Additionally, qualitative research is primarily concerned with refining "the process of theory emergence through a continual 'double-fitting' where researchers generate conceptual images of their settings, and then shape and reshape them according to their ongoing observations" (Ambert, et al, 1995: 881). This enhances the validity of qualitative research (Ambert, et al, 1995). In that regard, the whole issue of how NGOs in Zimbabwe are involved in development through policy influence and the problems they encountered would be mirrored by the two cases chosen for this study.

1.7 Structure of Dissertation

The research will be presented in six chapters which are as follows:

1.Chapter One- Introduction and Background to the Study.

2. Chapter Two- Literature review.

3. Chapter Three- Conceptual Framework and Analysis

4. Chapter Four- The Case Studies.

5. Chapter Five- Problems encountered by Zimbabwean NGOs from 2000 to 2015 and Possible Solutions to these Problems.

6. Summary and Conclusion.

1.8 Conclusion

This chapter has outlined the background of the study, the rationale of choosing the topic, the objectives of the study, questions the study tries to answer as well as the research methodology used. At the centre of the study is the role played by NGOs who are part of civil society in development and the problems they encounters especially in the third world and sub-Saharan Africa in particular. The chapter highlighted that this can be answered by looking at how two prominent NGOs in Zimbabwe have been involved in the land issue from year 2000 to 2015.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

There is a rich history of scholarly debate on what civil society is, its purpose, merits and demerits, however scholars have struggled to formulate a substantive theory for the concept. This is because the concept has different meanings in different societies, as well as alternative meanings in the same society at different times. The concept is heavily indebted to the neo-liberal democratic thought of the West, although footprints can also be found in the African notion of *ubuntu*. Throughout its history, civil society has one objective: to emancipate the individual within a group (Edwards, 2009). This chapter will look at the historical development and purpose of civil society by unpacking the views of leading philosophers, political thinkers, scholars, academics and practitioners, as well as from the African perspective. How Zimbabwean NGOs have tried to influence public policies in the past and problems they encountered as highlighted by leading scholars will also be discussed.

2.2 A Brief History of Civil Society in the West

The concept of civil society is deeply imbedded in political and philosophical thought. Although the concept took shape around the 1980s as a result of disillusionment with both the state and the markets in the West (Howell and Pearce, 2001), the concept can be traced back to antiquity; the concept has metamorphosed during the medieval period and Enlightenment through to the present day (Pérez-Díaz. V, 2011). In antiquity, civil society was synonymous with the whole political society; however as time went by, especially during the enlightenment, philosophers and political theorists started separating it from the state and viewing it as an autonomous body independent of the state (Wiel, B.D, 1997). Greek thinker and philosopher Aristotle is widely viewed by many as the first to use the term civil society, although his meaning of the term is not the same as the current meaning. (Wiel,B.D, 1997; Pietrzyk, 2001). In antiquity, the state and civil society were seen as one and the same thing with the task of "governing social conflict through the imposition of rules that restricted citizens from harming one another" (Edwards, 2009: 6). In this view, the purpose of civil society was to maintain order in the Aristotelian *polis* through entrenching 'civility' in citizens (Edwards, 2009). This was

brought about by society as a natural community (Pietrzyk, 2001) through building upon the rational characteristics that are already part of existing experience (Seligman, 1992).This conceptualization of civil society and state as one and the same thing continued up to late medieval period. Thomas Hobbes' assessed the life of men in the state of nature as "solitary, poor, nasty, brutish, and short," (Hobbes, 1996: 14/64) and characterized by survival of the fittest. He therefore argued that individuals must surrender their civic virtues derived from natural law to a body (commonwealth) which, according to Hobbes, will be able to administer peace and safeguard each individual's rights (Hobbes, 1996). This becomes the basis for a social contract between the governor (the state) and the governed (individuals). For Hobbes, this is the only way civil society can flourish. Hobbes' failure to separate civil society from the state encouraged philosophers during the Enlightenment to present counter-arguments.

Spurred on by the French and English Enlightenment (as a result of the horrific experiences of the English civil war and the French revolution) the concept started deviating from its conflation with the state. English philosopher, John Locke, used it interchangeably with political society (Locke, 1965). For Locke, unlike Hobbes, the state of nature through reasoning and arbitration of natural law is already social and political, guaranteeing freedom and equality to all men; however there is no guarantee for the respect and preservation of one's property (Locke, 1965). Hence, "men were led to the state of nature and to set up society and political organization because they had to find a source of power for the regulation of property" (Locke, 1965: 93). One such political organization is the state which is formed when men in the state of nature freely consent to surrendering their natural freedom and legitimate power to a government in order to safeguard and guarantee their own self-preservation (Locke, 1965). Because government is formed out of consent by men, men have the right to dissolve it when it shows signs of being tyrannical and preserving the rights of a few at the expense of the majority. However to minimize such a scenario, men who consented to surrendering their natural freedom to the state should exercise their power in civil society- a form of a political society- to curb and limit the powers of the state (Locke, 1965). In this view, Locke is credited

with propagating a clear distinction between the state, private property and civil society (Wiel, 1997).

The distinction between the state, business and civil society was made clearer by Hegel (although rooted in ethical rather than political life) (Elliot, 2003). Civil society was "an association of members as self-subsistent individuals in a universality, which, because of their self-subsistence, is only abstract. Their association is brought about by their needs, by the legal system, the means to security of person and property, and by an external organization for attaining their particular and common interests" (Hegel, 1942: 105). Hegel accepted the negative side of civil society, which, like a business organization, has the propensity for its members to treat each other only as mere means to their own individual ends, an idea firmly embraced by Marx. The state finds an important place in Hegel's views in as far as it limits the manipulation of civil society by unscrupulous individuals. Nevertheless, Hegel's theme reverberates with Alexis de Tocqueville, whom Edwards (2009) branded the most ardent civil society enthusiast of all. Tocqueville sees voluntary associations as essential in "curbing the power of centralizing institutions, protecting pluralism and nurturing constructive social norms" (Edwards, 2009: 7) He argued that civil society is important for inculcating democratic norms, guarding against state brutality and protecting weaker groups from complete domination by stronger and better resourced ones. The importance of civil society up until Tocqueville's time was to protect the individual from tyrannical states.

Civil society's concept of safeguarding the interest of the majority was severely affected by Marx's arguments. Marx out- rightly dismissed the concept by branding it a vehicle for preserving individual interests by creating a bourgeois society (Marx, 1977). Far from its perceived benefits, civil society stifles man's total emancipation by masquerading as a walk to freedom when in actual fact it merely reduces an individual man to being a member of civil society (Marx, 1977). Thus Marx wrote, "the only bond that holds them together" in civil society "is natural necessity, need and private interest, the conservation of their property and egoistic

person" (Marx, 1977: 54). Hence man can find true emancipation if and only if he "recognize his own forces, organize them, and thus no longer separate social forces from himself in the form of political forces" (Marx, 1977: 54). This necessitates the withering away of all forms of association resulting in the rise of one class- the proletariat (Marx, 1977). Marx's arguments gave rise to two distinct views on civil society: those who were committed to its ideals and those who doubted its importance in human emancipation.

Marx's arguments might seem appropriate if viewed from the angle of the uncivility of civil society, especially in this age of global terrorism and civil wars. For instance, can organizations like al Qaeda on the global stage, Interahamwe in mid-1990s Rwanda, Boko Haram in West Africa, drug cartels in Mexico and Columbia, the Lord's Resistance army in the Great Lakes region of Africa, al Shabab in East Africa and recently Islamic State of Iraq and the Levant (ISIL) be viewed as part of civil society? Furthermore, NGOs in the global South are constantly accused of corruption and unscrupulous conduct (Dorman, 2001), thereby supporting Marx's arguments against them. However, notwithstanding civil society's relative lack of theoretical grounding, we cannot throw away the whole basket of apples because two of them are rotten. It needed Marx's disciple Antonio Gramsci, to revive the concept of civil society in the post-World War Two era (Mutz, 2006), although he deviated from his master's ideas. For Gramsci, civil society was "the cite of rebellion against the orthodox as well as the construction of cultural and ideological hegemony, expressed through families, schools, universities and the media as well as voluntary associations" (Edwards, 2009: 8). Civil society was important in as far as it shaped "the political dispositions of citizens"(Edwards, 2009: 8).

In the mid-twentieth century and 1970s, the role attributed to the importance of civil society received mixed reviews from scholars. In the mid-twentieth's century civil society was competing with the rise of the welfare state; in the 1970s it was competing with the provision of goods and services by business organization. It was synonymous with the struggles in Central and Eastern Europe against the claws of the Soviet Empire. According to Fine, it was thanks to

Civil Society's association with democratic struggles that the concept gained its reputation (Fine, 1997). It distinguished itself as a sphere of social life in which oppressed people can express their liberty and challenge the oppressor in Central and Eastern Europe in the 1980s. The Great Depression of the late 1920s and early 1930s in Europe and North America showed that business cannot be trusted to safeguard individual interests; despotism in the Eastern bloc showed that the state was also not up to the task. Hence a 'third way' was needed and civil society was the utmost answer as an agent of development and redistribution of resources symbolizing freedom and the defense of democracy (Howell and Pearce, 2001). Given the role played by civil society in the collapse of the Soviet Empire in 1989 the concept cemented its place, alongside the state and business, in developmental discourse. For that reason, Marx's arguments against the concept stood on shaky ground.

Coming to the 1990s, with its reputation still intact as a result of its role in the struggles against Soviet despotism, civil society became the 'favoured child' of development across the globe (Edwards, M. & Hulme. D, 2002). Bretton Woods institutions quickly jumped on the bandwagon. On the development agenda, donor countries started citing good governance in the form of human rights issues, democracy and accountability as preconditions for aid (Moore, 1993). Donor countries viewed civil society as a vehicle for promoting good governance (Howell and Pearce, 2001). Scholars quickly pointed out that civil society was all along the missing link in fostering development in developing countries (Brinkerhoff D.W. & Crosby B.L, 2002). In order for a country to develop, Brinkerhoff and Crosby (2002) point out that all the three agents of development (state, business and civil society) need to be strengthened in terms of capacity and interactions in order for them to fulfill their respective obligations. National development requires an interaction between a strong state and a strong society as both are important to development "because networks of intermediary associations act as a counterweight to vested interests, promote institutional accountability among states and markets, channel information to decision-makers on what is happening at the 'sharp end', and negotiate the social contracts between government and citizens that development requires" (Edwards, 2009: 13). Strong

policy analysis "emerges from the bottom up, not just from the top" (Brinkerhoff D.W. & Crosby B.L., 2002: 5). Civil society in this case acts as a vehicle for informing citizens of what their best interests are as civil society organizations are nearer to the grassroots, partnering government and business, and/or holding both accountable in policy formulation, adoption and implementation. This is how the Western concept of civil society found made an imprint in sub-Saharan Africa in the 1990s. However, there are now some doubts pertaining to the importance of this concept as billions of dollars are being channeled towards sub-Saharan civil society but with no recognizable evidence of a difference being made on the ground (Edwards, 2009).

2.3 History of Civil Society in sub-Saharan Africa

If we say civil society's primary objective is to guide the interests of an individual in a group, then the concept also has traces in the African ethics of *ubuntu*. This is a rich notion which is part of life in the Nguni speaking people of Southern Africa. It portrays a human being as being human because of other human beings. This maxim is neatly captured by Desmond Tutu who postulates that, "a person is a person through other persons. None of us comes into the world fully formed. We would not know how to think, or walk, or speak, or behave as human beings unless we learned it from other human beings. We need other human beings in order to be human" (Tutu, 2004: 25). In Nguni languages it is expressed as *umuntu ngumuntu ngabantu* which can loosely be translated as "a person is a person by association with other persons." This association in a way can be construed as a form of civil society in its loose sense for civil society provides "a reassuring oasis of solidarity and mutual support among like-minded people who provide each other with emotional as well as material support" (Edwards, 2009: 13). *Ubuntu* is a way of life which holds communities and societies together and in which vices are scorned and virtues praised, the very foundation on which the concept of civil society is build.

Ubuntu can also be defined as an African worldview based on the values of intense humanness, caring, sharing, respect, compassion and associated values (Broodryk, 2002: 13). This worldview inculcates moral values in the form of "altruism, kindness, generosity, compassion, benevolence, courtesy, and respect and concern for others" (Letseka, 2000: 180). The family,

which can be regarded as part of civil society, is important in this regard. Gyekye notes that "one outstanding cultural value of the traditional African society that is a feature of ever-present consciousness of ties of kinship is the emphasis on the importance of the family - the extended family" (Gyekye, 1997: 150). This extended family is a microcosm of the macrocosm including a broad spectrum of associations in form of children, parents, grandparents, uncles, aunts, cousins, nieces, and other distant relatives (Mbiti, 1975: 176). When these families are brought together they form villages, whose hierarchy of leadership consists of village heads, herd men and the chief.

Quiet close to the family traditional ethos is communitarianism which is a form of interdependence found in African communities. A person is not left to face problems alone and this is evidenced even in greeting. In the African sense, greeting in the morning translates in English as "good morning, how are you?" and the reply is "I am fine, if you are also fine." This means "I am, because we are; and since we are, therefore I am" (Mbiti, 1989: 108). In this regard "whatever happens to the individual affects the whole group, and whatever happens to the whole group happens to the individual" (Mbiti, 1989: 109). So that these maxims are not mere words, Africans would come together to help and taking turns in ploughing each other's fields in preparation for planting, and also during weeding, and harvesting. In times of disaster like sickness or death of a relative, neighbors would come and help in whatever way possible. It's actually taboo to have a private funeral in African societies because "communitarianism immediately sees the human person as an inherently (intrinsically) communal being, embedded in a context of social relationships and interdependence, and never an isolated, atomic individual" (Ramose, 1999: 320). This shows that one's duty to the community and society is more important than one's own personal aggrandizement. The "individual's image will depend rather crucially upon the extent to which his or her actions benefit others than himself" (Wiredu, 1997: 200). However, it should be noted that the individual does not lose her privileges and rights but rather they should be obtained as a community or society (Gyekye,

1987). This again sits well with the idea of civil society whereby emphasis is placed on the success of the wider society though not at the expense of the individual.

Close to the communitarian way of life for Africans is their polity. They govern their affairs in such a way that they always seek consensus, whether at family, village, head man or chieftainship level in order to avoid antagonizing the other. Consensus means that decisions are taken in unanimity after rigorous consultations. This was clearly captured by Zambia's former president Kenneth Kaunda, "in our original societies we operated by consensus. An issue was talked out in solemn conclave until such time as agreement could be achieved" (quoted in Wiredu, 1995: 53). At the highest decision making body which is the chief's council, the councilors were drawn from all corners of the chiefdom, guaranteeing representation to everybody. The main aim of the council meeting was to grapple with interests from different sections of society and reach unanimity (Nwala, 1985). Nwala (1985) argues that "unanimity and all the rigorous processes and compromises ... that lead to it are all efforts made to contain the wishes of the majority as well as those of the minority. In short, they are designed to arrive at what may be abstractly called 'the general will of the people of the community'" (p168). This shows that African communities and societies were arranged in such a way that nobody will feel left out and that their interests were guided and taken into consideration when decisions were taken, which again is the ultimate purpose of people associating with civil society. Civil society "assumes that we will disagree, often profoundly, but calls on us to resolve our differences peacefully" (Edwards, 2009: 78) which, in a way, was the ultimate objective of the African polity. The African way of life shows that it was closer to Aristotle, Hobbes and to some extent Locke's views on the make-up, purpose and functions of civil society. Therefore it can be concluded that there are traces of the Western concept of civil society in African communities and societies since time immemorial.

2.4 Civil Society during Colonialism

This *ubuntu* setting was decimated by colonialism as a way of dismantling the solidarity and communalism among Africans as a tool of subjugation. Colonialism was marked by repression

and domination aimed at extracting rather than distributing resources (Biekart, 1999). European colonial masters used different ways of subjugating indigenous black Africans, one tool being the type of rule which was marked by centralized and decentralized despotism (Mamdani, 1996). Centralized despotism was typified by the use of European law in governance whereas decentralized despotism allowed the practice of customary law (Mamdani, 1996). Both types of governance turned blacks to either being fringe workers in urban areas or peasants in rural areas with no rights whatsoever. The conditions for colonized peoples were harsh enough to decimate their way of life. However out of such brutality emerged a form of civil society "that centered around mitigating the effects of harsh labor controls, challenging colonial rule, and preserving African traditions" (Wachira, 1998: 138). Associations became the rallying platform for disenfranchised black Africans. These associations took many forms like burial societies and community based organizations formed around traditional leaders (Makumbe, 1998), up until the formation of black political parties which took it upon themselves to challenge the white rule sometimes through confrontation.

The conclusion which can be drawn is that "just as the historical forces of capitalism and modernization shaped the emergence of civil society in Western Europe, so too the historical context of colonialism and anticolonial struggle molded states, societies, and civil societies in sub-Saharan Africa" (Biekart 1999: 180). This ahistorical tendency to impose a Western concept of civil society on Africans has been identified as one of the main causes of problems found in sub-Saharan civil societies today (Dorman, 2001; Moyo. S, 1999; Makumbe, 1998; Moyo. J, 1993). There have always been forms of civil society discourse in Africa, however, with differences in conceptualization, composition and modes of operation to the Western discourse.

2.5 Civil Society in Post-Independence Zimbabwe

NGOs have proliferated in Zimbabwe since independence in 1980; however, this has not been a blessing in terms of NGO policy influence (Moyo, 1993). Shortly after independence, NGOs found themselves working more closely with government, as the newly installed majority

government tried to show the outside world and its citizens that it was democratic. However, this relationship with government came to haunt civil society as highlighted by Paul Themba Nyathi the former director of Zimbabwe Project: "at independence we laid down our advocacy ... and we have paid a heavy price" (quoted in Rich, 1997: 17). Unfortunately for civil society organizations, this honeymoon didn't last long. The Matabeleland and Midlands disturbances of the early 1980s, which Mugabe himself referred to as 'a moment of madness,' raised their ugly heads. These disturbances, infamously referred to as "*gukurahundi*"- meaning cleaning away chaff- and in which an estimated 20 000 people, mostly of Ndebele origin, were killed, tends to define post-independence Zimbabwe. During the disturbances, government created no-go areas for civil society and media houses in the areas where these atrocities were being committed, with the only accounts of events coming from CCJP (Dorman, 2001). Any NGO working in these areas was seen as a threat and as a sympathizer to the dissidents the government was fighting against (Dorman, 2001). What caused these disturbances is not quite clear, but what is clear now is that the ZANU (PF) regime loves to hate different opinions, whether from other opposition political parties, the general populace or civil society (Tendi, 2010; Freeth, 2012). This is evidenced by the way the government has treated opposition political parties and civil society organizations since independence (Freeth, 2012). (PF) ZAPU which provided pound-to-pound challenge to ZANU (PF) government in the early days of independence was vanquished violently, with its leader being referred to as a snake whose head must be crushed (Marondera, 2013). Government demonstrated the same attitude to Ndabaningi Sithole the leader of ZANU Ndonga and Edgar Tekere of ZUM, who were founding members of ZANU and comrades in arms with Mugabe. They faced numerous criticisms with the former being continuously dragged to the courts on unfounded treason charges (Tendi, 2010). Morgan Tsvangirai, the current president of the main opposition (in terms of parliamentary representation) in Zimbabwe has not been spared either. He has been harassed, assaulted, arrested and jailed numerous times since his days as the Secretary General of ZCTU (Dorman, 2001). Government started consolidating its power, co-opting many NGOs or harassing those who resisted. This was done under the cover of creating a one-party state as a way of minimizing disharmony in society (Moyo, 1993).

The final assault on civil society reached its climax with the enactment of draconian constitutional laws: Private Voluntary Organizations Act (PVO Act), Broadcasting Services Act, Public Order and Maintenance Act (POSA) and Access to Information Protection and Privacy Act (AIPPA). The PVO Act adopted in 1995 requires NGOs who want to operate in Zimbabwe to register with the Department of Social Welfare under the Ministry of Public Service, Labour and Social Welfare. The secretary of the organization needing to be registered under the Act should submit the organization's constitution, curriculum vitae of key board members, public notice in national papers, application and any other documents that may be needed by the Registrar of PVOs within the Ministry of Public Service, Labour & Social Services. Applications to the Registrar of PVOs can be lodged through the District and Provincial Labour & Social Services. If all documents are in order the Registrar will submit them to the PVO Board which will determine whether the application is rejected or accepted. The registration process can take three months to a year. This Act is worded in a way that enables arbitrary application, manipulation and abuse because it gives "the Ministry of Public Service, Labour and Social Welfare the mandate to register and de-register NGOs, and to suspend executive committee members if it appeared to the Minister on information supplied to him that: (a) the organization no longer operated according to the objective specified in its constitution; or (b) the organization was being poorly administered, jeopardizing its activities; or (c) the organization was involved in illegal activities; or (d) it was necessary or desirable to do so in the public interest" (Rich,1997: 17). It has been argued that in passing this Act, government had a sinister agenda because "NGOs are responsible to their membership and donors, who can remove unsatisfactory leadership or cease funding, and criminal penalties for mismanagement, fraud and other illegal activities also can be applied. Therefore, they questioned why NGOs need 'special protection' not required by private businesses or other professional organizations" (Rich,1997: 17). The PVO Act has resulted in numerous NGOs being denied registration, deregistered or its leaders being harassed and detained (Staff Reporter-New Zimbabwe, 2012). This has crippled NGO operations, especially in sensitive areas like policy analysis, because NGO leaders risk arrest from trumped-up charges if the government feels

threatened. For instance, at the height of the economic crisis of 2003 to 2008, civil society accounts were raided by the then Reserve Bank of Zimbabwe governor, Gideon Gono, for foreign currency (Banya, 2009). Gono's action was enabled by the wording of the PVO Act.

Faced by a struggle for its own survival, the ZANU (PF) led government also introduced a number of repressive laws, starting with the Broadcasting Services Act passed on 3 April 2001. The Act gives government sweeping powers over private broadcasters licensing with the Ministry of Information and Publicity. The Act gives government the sole power to appoint the Broadcasting Authority of Zimbabwe (BAZ) board which is tasked with issuing these licenses. Another example is AIPPA adopted in January 2002. AIPPA governs the operation and general conduct of the media in a way that leaves them with little breathing space and independence. It grants wide-ranging powers to a Media and Information Commission, again appointed by the Minister of Information and Publicity, and imposes licensing requirements on both media outlets and individual journalists (MISA-ZIMBABWE, 2004: 3). This Act leaves the media, which is an important component of civil society, to the mercy of government. It has also resulted in a high level of control by government over the flow of information and a corresponding shrinking of the space for freedom of expression for civil society and the citizenry as a whole.

Like AIPPA, POSA was made into law in January 2002. Many legal experts believe it's a reincarnation of the colonial Law and Order Maintenance Act (LOMA), introduced in 1960. LOMA was notoriously used by the colonial regime to lock up leaders of independence movements arbitrarily without charge. Mugabe himself was a victim of it in 1964 and was only to be released eleven years later in 1975. POSA restricts people's freedom of movement, gathering, association and demonstration by providing the police and security agencies with wide discretionary powers which they have notoriously used to crack down on civil society and opposition groups. Notorious features of the Act include: (1) The police may prohibit demonstrations in an area for up to three months if they believe this is necessary to prevent public disorder, (2) Public gatherings will not be allowed unless seven days' notice is given to

the police, (3) The police are allowed to take measures, including lethal measures, to suppress an unlawful public meeting (MISA-ZIMBABWE, 2004: 3). What is more worrisome is that security agencies have sworn allegiance to Mugabe and his ZANU (PF) regime (JAG and GAPWUZ, 2008), meaning whatever they do is to serve the continuation of the status quo even at the expense of the majority. These are the conditions under which Zimbabwean NGOs found themselves working at the turn of the millennium.

According to a majority of leading Zimbabwean scholars (Makumbe, 1998; Sachikonye, 1995; Moyo. J, 1993; Moyo. S, 1992, 1999, 2005), civil society's misfortunes cannot solely be placed at ZANU (PF) led government's door: they themselves played a substantial part in their woes. The majority of NGOs had a close relationship with liberation movements (ZANU PF and PF ZAPU) such that when independence was attained, the majority of these NGOs worked closely with government and according to Rich (1997), it was not surprising to see a government minister opening a conference or workshop for NGOs. While co-operating with the government is not problematic *per se*, however Edwards (2009: 27) warned, "any association that claims to promote the public interest is in dangerous water when it allies itself with a partisan political agenda, since it forfeits its claims to represent the broader agenda of civil society." When the government turned against its people during the Matabeleland and Midlands disturbances, NGOs which used to cooperate with the government like the CCJP and the ZCC found it difficult to report and condemn the purported atrocities committed in the affected areas by government forces. Any attempt to do so received a backlash from government (Rich, 1997), such that those social groups which tried to resist ZANU (PF)'s tactic of 'exclusion by inclusion' (Rich, 1997) under the guise of "'one state, one society, one nation, one leader', were branded as sell-outs bent on working for 'the enemy' as the ruling party publicly touted its commitment to a legislated one-party state, especially between 1980 and 1990" (Moyo. J, 1993: 7). This started an intriguing relationship between government and NGOs which shaped their interaction up to today. This relationship is littered with mistrust: government accuses NGOs of being tools of Western hegemony and neo-colonialism whereas NGOs feel the government is

always poking its nose where it is not needed. Dorman (2001) argues that it is the relationship which was created during the liberation struggle and the early years of independence which compromised Zimbabwean NGOs such that any attempt to break from that vicious cycle is met with the same resolve and vigor from government. The creation of draconian statutes to curb, limit and control NGOs' influence made the territory even murkier. However as suggested by Paul Themba Nyathi, too much blame is habitually laid at the government's doorstep. Themba Nyathi further points out that NGOs played a substantial part just after independence by laying down their advocacy work. This, perhaps, was because of the independence euphoria reverberating across the whole country. However, by the time they woke up from their advocacy slumber, the government had already built the strongest possible foundation for the confrontation. Given that the government always has control over state resources, it can flex its muscles as it pleases and that's the situation NGOs in Zimbabwe have been in since year 2000.

Creating partnerships, networks and collaborations is one way of strengthening organizations' capacity in implementing policies (O'Toole and Montjoy, 1984; Agranoff & McGuire, 1999; Brinkehoff D & Brinkerhoff J, 2001;Brinkerhoff and Crosby, 2002;). Unfortunately, the NGO sector in Zimbabwe is seen as disorganized and fragmented (Rich, 1997). The chief culprit in this messy affair is NANGO, the umbrella body representing NGOs. NANGO is accused of lacking credibility from both the donors and its members such that it no longer functions in a meaningful way. NGOs blame NANGO for lack of consultation during the passage of the PVO Act. It is accused of not informing members or mobilizing them against the proceedings related to the Act. NANGO's only intervention was to state their preference that the Act be referred to as the 'NGO Act' meaning it agreed with everything the Act stood for- which was in total opposition to its members (Rich, 1997). NANGO's reputation has been compromised by heavy infiltration by the Central Intelligence Organization (CIO) which works as the eyes and ears of the ZANU (PF) government (Rich, 1997), meaning there is no credible body coordinating NGOs activities. This lack of coordination on the part of Zimbabwean NGOs means there is lack of pooled resources and duplication of activities. It also means that lack of capacity in one NGO is

not compensated by other similar players. There is power in speaking with one voice, however this lack of coordination, networking and collaboration means each NGO speaks and acts for itself resulting in a lot of noise with no impact, especially in policy advocacy arena.

A serious problem with sub-Saharan NGOs in general and Zimbabwean NGOs in particular is that "they are weak: organizationally, politically and resource wise" (Moyo, 1999: 10) and "they exhibit sharp racial and class divisions, with the high profile NGOs engaged in policy influence tending to be externally and to some extent white dominated (Moyo,1999). This stems from the fact that "civil society organizations in Africa too often are crippled by the same problems of poverty, corruption, nepotism, parochialism, opportunism, ethnicism, illiberalism, and willingness to be co-opted that plague the society in general" (Diamond, 1997: 24-25). The majority of Zimbabwean NGOs lack the necessary resources for their operations such that they always rely on donations from Western donor countries, agencies and even the government. Those donations usually come with stringent obligations which erode NGOs' autonomy such that instead of being accountable to their members, they become more concerned about accountability to their donor masters, and thus become mere implementers of their benefactors' agendas (Makumbe, 1998). For their part, donors fail to realize that "nation-states in much of the developing world are largely a colonial creation and the market economy has only a fragile hold, civil society in the South are bound to differ from those that emerged in the North" (Edwards, 2009: 3).

Lack of resources in Zimbabwean civil society result in NGOs seeing other like-minded associations not as potential partners, but rather as competitors for the few donors available. This competition for resources also extends to government which feels that the resources poured to NGOs should be theirs (Dorman, 2001). This creates a hostile environment, forcing the majority of NGOs to "prefer doing business with the ZANU(PF) government behind closed doors, claiming that they are apolitical organizations and that it is better to co-operate with the government in private than to challenge it in public" (Moyo, 1993: 9). CFU has often been

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accused of only representing the white commercial farmers' cause (Moyo, 1999) and when the going got tough, it chose to work closely with the government. The problem with working with the ZANU (PF) government is that NGOs have to tow government's line, since any deviation prompts vicious retaliations (Moyo, 1993). Disgruntled members of the organization who felt betrayed went on to form JAG (Moyo, 2005) in order to take government head-on. This fragmentation weakens NGOs' cause rather than strengthening it.

One major weakness among the majority of NGOs and other civil society organizations in Zimbabwe is that they lack democratic practices, structures and operations (Makumbe, 1998). The majority of Zimbabwean NGOs "are characterized by undemocratic behavior on the part of their leadership, lack of discussion of issues of concern and matters of operation, hierarchical organizational structures" (Darnolf, 1997: 20). Members lack the necessary information on issues relating to their organization's operations, resulting in loss of interest in its activities. NGO leaders have a tendency to withhold vital information as a way of masking the dark side of their operations. This entails that decisions are taken unilaterally, eroding the grassroots vibrancy which is vital for the strengthening, survival, and growth of NGOs. Members are left with the feeling that it's important to pre-occupy themselves with daily bread and butter issues than fighting a losing cause. Unfortunately this feeling is reminiscent of society in general, with the majority of citizens participating in associational life only during election times and in most cases as a result of fear of victimization. Also of serious concern is that there is rampantly chaotic transfer of leadership among Zimbabwean NGOs (Makumbe, 1998). The majority of leaders constantly try to hang on to their positions even when odds are stacked against them. The most recent acrimonious fallout was witnessed in ZCTU between the Matombo-led executive versus the Nkiwane-led executive. Additionally, Lovemore Madhuku of the NCA has been accused of hanging on to power despite calls for him to give way for younger and fresher leaders (Ndou, 2011).

2.6 Non-Governmental Organizations and Policy Influence in Zimbabwe

Zimbabwean NGOs have struggled to influence the creation of a democratic space in pre- and post-independent Zimbabwe (Dorman, 2001; Makumbe, 1998; Moyo, 1995; Moyo, 1993). Governments both before and after independence have monopolized the policy making process in the country through 'inclusion and exclusion' of NGOs in the political landscape of the country (Dorman, 2001). The politics of inclusion include cooptation of NGOs in the political fabric of the ruling party and the policy making process (Dorman, 2001). The cooptation is usually done behind the mask of creating harmony in society. Furthermore, NGOs are included when piecemeal changes are being proposed: changes which make no significant impact on the political and policy making system as a whole (Dorman, 2001). Before 2000, a majority of NGOs were content with that (Moyo, 1999; Makumbe, 1998; Rich, 1997); however when the stakes were raised after the rejection of the February 2000 referendum 'the honeymoon was over' (Rich, 1997) and this heralded an era of exclusion of NGOs in policy processes (Dorman, 2001).

Sibanda (1994) did intensive research on NGO public policy influence, albeit in areas which do not have much effect on the political landscape of the country. Moreover, this was at a time when the ZANU (PF) regime was fairly considered democratic (Dorman, 2001, Rich, 1997), when the government was still listening to different voices without much hullabaloo. Zimbabwe was regarded as peaceful and prosperous and the government wanted to try and show that it 'cared' (Dorman, 2001; Rich, 1997). Hence NGOs could use numerous strategies and had resources at their disposal as this was the decade during which they were the 'favoured child' of development. Rich (1997) points out that even NGOs themselves were content with the prevailing situation. NGOs could interact with different ministries on a daily basis; both the political environment and government cooperation were positive (Tengende, 1994). NGOs regarded themselves as working hand-in-glove with government and even when NGOs tried to influence policy it was not taken as an opposition stance. As a result, they tried to avoid confrontational approaches to policy influence (Dorman, 2001; Rich, 1997; Tengende, 1994).

Most of NGOs' policy influence happened behind closed doors and the socio-political and economic environment was favorable for such an approach.

Everything changed with the coming together of many civic organizations to form the NCA which subsequently assisted in the formation of the opposition party, the MDC. The total fallout happened when the NCA, in coalition with the MDC and CFU, successfully campaigned for a 'NO' vote during the 2000 referendum. Government rhetoric towards NGOs changed. This was followed by a systematic onslaught on NGOs who didn't tow government's line (Tendi, 2010; Selby, 2006; Dorman, 2001). Policy influence by NGOs become regarded as outright opposition especially on issues which could increase the democratic space in the country like constitutionalism, respect for human and property rights and a clear separation between government, business and civil society (Selby, 2006; Dorman, 2001). Suddenly, NGOs were confronted with an unfamiliar situation. The stakes were even higher with those NGOs working in areas which the government considered essential and non-negotiable like the land issue. The land policy and constitutionalism characterized the policy making process in post referendum Zimbabwe (Dorman, 2001). The reason the former has been chosen for this study and of paramount importance for this dissertation is the question of how NGOs tried to maneuver in their policy influence on such a sensitive subject during such a politically explosive period.

2.7 Conclusion

This chapter unpacked the history and development of civil society from antiquity to the present day, giving the meaning and purpose of the concept during each historical period. The chapter has shown that civil society had different meanings in different historical epochs and to different peoples. The way civil society is understood in the Western political arena is different from the African perspective, with traditional Africans putting more emphasis on their notion of *ubuntu* which permeates the whole African way of life and in a way can be construed as part of civil society. Nevertheless, there is belief that these different perspectives have in a common, namely that the purpose of civil society is to emancipate the individual in a group. It has also been shown with reference to various leading scholars that Zimbabwean civil society faces huge

challenges which stem from both within the organizations themselves and from outside, with the ZANU (PF) led government being the chief trouble maker. Donor agencies also have a tendency to impose regulations which weigh heavily on the operations of Zimbabwean civil society.

CHAPTER THREE: CONCEPTUAL FRAMEWORK AND ANALYSIS

3.1 Introduction

The concept of civil society is so broad such that the majority of scholars find it difficult to come up with a unified theory (Edwards, 2009). What is clear, however, is that civil society is separate from government and business, and this is the reason the concept is referred to as a 'third way.' Hence, its main objective is to supplement the failures of the government and business in developmental discourse. This chapter discusses various forms, streams and identities of civil society. The *modus operandi* of each stream is aimed at influencing public policies, inculcating norms which serve the interests of the majority and trying to achieve the common good. One stream which is part of civil society are NGOs which supplement government and business in humanitarian work, self-help sustainability of communities, as well as the focus of this study, namely, public policy influence. NGOS can use a number of strategies and tactics to try and influence public policy. This chapter focuses on the land policy which has been a thorny issue in the geo-political, social and economic landscape of Zimbabwe since the arrival of whites in 1890.

3.2 Civil Society as the Associational Life, the Good Society and the Public Sphere

The history of civil society presented in chapter two revealed how broad the concept of civil society is. Various associations outside of the state and the market can claim to be part of civil society (Fisher, 2007). Scholte (2002: 283) defines civil society simply as "a political space where voluntary associations deliberately seek to shape the rules that govern one or the other aspect of social life." By rules he means "specific policies, more general norms, and deeper social structures" (Scholte, 2002: 283), which are targeted by civil society through "formal directives (such as legislation), informal constructs (such as many gender roles), and/or the social order as a whole" (Scholte, 2002: 283). These voluntary associations include: academic institutions, business forums, clan and kinship circles, consumer advocates, development cooperation initiatives, environmental movements, ethnic lobbies, faith-based associations, human rights promoters, labor unions, local community groups, peace movements, philanthropic

foundations, professional bodies, relief organizations, think tanks, women's networks, youth associations, student associations and various not-for-profit organizations.

In Zimbabwe, Makumbe (borrowing from Sachikonye) sums up civil society as "an aggregate of institutions whose members are engaged primarily in a complex of non-state activities-economic and cultural production, voluntary associations, and household life-and who in this way preserve and transform their identity by exercising all sorts of pressures or controls upon state institutions"(Makumbe, 1998: 305). Makumbe (1998), in relation to Africa, included trade unions, professional associations, churches and para-church organizations, resident's associations, student bodies, business and other special interest associations which include the media, and various types of NGOs. This shows that the term is so broad that it can mean any associational life outside of the state and the market (Fisher, 2007). However, these organizations play a key role in pushing for new laws, programmes, policies or strategies; they hold government accountable by ensuring that national policy making does not forget the majority of citizens especially the vulnerable whose voices may not find willing ears. To put it simply, they ensure democracy, accountability and good governance. For that reason, civil society's role in the twenty-first century is as important as the nation-state was in the twentieth century (Edwards, 2009).

Civil society plays a key role in three areas which are interrelated: economic, political and social (Edwards, 2009: 13). In their economic role, civil society secures livelihoods and provides "services where states and markets are weak, and nurturing the social values, networks and institutions that underpin successful market economies including trust and cooperation" (Edwards, 2009: 13-14). Civil society supplements the failures of the state and markets in providing goods and services. The credit crunch which resulted in a massive global recession in 2008 has shown that markets cannot be trusted to safeguard the interests of the poor majority. The poverty engulfing sub-Saharan Africa regardless of its vast minerals and human resources is also testimony that governments, if left to indulge their whims, only have appetite for

protecting the interests of a few. Civil society provides a way to ensure trust and cooperation between the state, the market and the citizens. It perform a social role by providing care, foster cultural life, intellectual innovation and teaches people "the skills of citizenship and nurturing a collection of positive social norms that foster stability" (Edwards, 2009: 14). In its social role civil society strengthens 'social capital', thus promoting collective action needed to achieve the common good (Edwards, 2009: 14). The common good is what societies endeavor for and it guarantees the preservation of the interests of the majority. On the political side civil society plays a crucial role in providing checks and balances to the power of states and business by promoting transparency, accountability, fairness, rule of law, and respect for human and property rights. Civil society promotes good governance by providing a voice to the voiceless, the weak and the downtrodden. This view is summed up by Edwards (2009: 15) who states that "a strong civil society can prevent the agglomeration of power that threatens autonomy and choice, provide checks against the abuse of state authority, and protect a democratic public sphere in which citizens can debate the ends and means of governance."

Civil society identifies and manifests itself as: (1) Associational Life, (2) the Good Society, and (3) the Public Sphere (Edwards, 2009). Civil society as a form of associational life is joined voluntarily and members are free to leave without forfeiting any of their rights and/or status in society. There are no criteria used to recruit members, and everything is done consensually. Human beings are motivated by their social nature (human beings are social animals) to participate in civil society (Edwards, 2009). The assumption is that life is worse-off without social interaction and "voluntary mechanisms are used to achieve objectives" (Edwards, 2009: 20). There are no legal obligations or rewards binding members to participate. The voluntary nature of civil society is what makes it so exciting and appealing, as compared to the government and business. Government and business have obligations which need to be fulfilled by its members. Failure in government and business incur sanctions, whereas in civil society there are no such sanctions. Members of civil society can come and go as they please.

In civil society as the good society "all could be free to speak their minds and have their voices heard" (Edwards, 2009: 45). It is an arena in which everything done is to promote positive social norms and the relevant bonds essential for institutionalizing democracy, transparency, fairness, equality and good governance. This entails that public policies are made and implemented for the benefit of everyone especially the worse-off. Social capital which is strengthened by civil society enables success in solving public policy issues in a way that is just, fair, transparent and effective "as people of goodwill come to a fair and sensible consensus over matters of pressing concern" (Edwards, 2009: 48). When networks and norms of two or more people are connected they tend to have a strong impact on societal outcomes which depend on coordinated action (Blomkvist, 2003). Coordination of action is achieved easily because people in civil society voluntarily come together and therefore have a high chance of creating an atmosphere which is contains by higher levels of cooperation, equality, fairness and trust than exist in government and business where people are motivated to come together by incentives, rewards, prestige and status in society. Members of government and business discriminate against and compete with each other, sometimes violently, for personal benefits resulting in cooperation and trust being lost. Cooperation, equality, fairness and trust are important ingredients of social harmony; they enable citizens to pull together in one direction in their social, economic and political life. When citizens have a common goal, vision and purpose, they tend to uplift one another as peers and comrades in arms. This enables adoption and implementation of public policies which are meant to uplift the majority. Successes and failures in civil society are shared equally, and each person is an equally important component of the whole.

Civil society as the public sphere inculcates tolerance for the other regardless of different political views, orientation, principles, philosophy, race, religion, ethnicity, sexual orientation, gender *etcetera*. This enables "effective governance, practical problem solving, and the peaceful resolution of our differences" (Edwards, 2009: 64). Civil society gives an opportunity for people to discuss issues which affect them on a daily basis in a free environment, with the

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most rational arguments carrying the day. It is civil society as the public sphere that "enable citizens to sort through their differences and achieve at least a functioning sense of the interests they hold in common so that they can be translated into norms, rules and policies that govern one or another aspect of social and economic life" (Edwards, 2009: 83). This encourages research and innovation which are key to development and poverty reduction. Success is hinged on "equality of voice and access, in particular, and a minimum of censorship so that the relevant information is available to all" (Edwards, 2009: 68). By involving everyone on an equal footing, solutions to societal problems are likely to be achieved effectively as this gives new answers to old questions and challenges what was supposedly considered orthodox (Edwards, 2009). The aforementioned virtues of accountability, equality, fairness and transparency enables citizens to take government, business and their own organizations to task, enabling them to demand and participate in the adoption and implementation of public policies they believe will serve their best interests.

Civil society as associational life is not uniform in its form, operations and objectives. Edwards (2009) identified three schools which enable civil society to make society as a whole strong and civil. The first school, he calls the 'civic culture', which "sees associational life in general as the driving force behind the consolidation of the positive social norms on which the good society is built" (Edwards, 2009: 90). It creates channels of communication which reinforce trust and cooperation. Civic values are cherished and vices scorned, conditioning citizens to pull in one direction in support of economic, social and political reforms which enables them to fight poverty and discrimination. The second school is the 'comparative associational' school, which "sees particular configurations of associational life as the key to securing the public policy reforms that the good society requires" (Edwards, 2009: 90). It enables channeling of information by pressuring government to be accountable in pursuit of the common good. If managed properly by bringing different groups on board, these comparative associations can have a huge influence in "policy advocacy and other forms of action in the public sphere that are simultaneously more effective, authentic and democratic" (Edwards, 2009: 90). The last

school is that of 'skeptics', which "disputes the links between forms and norms" (Edwards, 2009: 85) followed by the first two schools. They favor "more complex interactions between different associational ecosystems and their context."(Edwards, 2009: 85). This study draws on the second school which sees civil society as essential in pushing for the adoption and implementation of public policies which are deemed necessary for development. This perception is elaborated looking at how NGOs have been involved in the land policy issue in Zimbabwe since year 2000.

3.3 Types of Non-Governmental Organizations

NGOs are a subset of civil society which are "organized less formally through grassroots groups and membership associations of many different kinds" (Edwards, 2009: 30), which collectively are not-for-profit organizations. Definitions of NGOs vary depending on the context. NGOs are "mainly voluntary, or non- profit organizations that are found in the realm outside the state and private commercial sectors" (Dicklitch, 1998: 4). The World Bank defines NGOs' as "private organizations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development" (Malena, 1995: 13). In this context, NGOs are high-profile actors in the field of international development, both as providers of services to vulnerable individuals and communities and as campaigning policy advocates (Malena, 1995). According to the United Nations (UN) an NGO is "a not-for-profit group, principally independent from government, which is organized on a local, national or international level to address issues in support of the public good" (UN website). Furthermore, NGOs are task-oriented and made up of people with a common interest, performing a variety of services and humanitarian functions, bringing public concerns to governments, monitoring policy and programme implementation, and encouraging participation of civil society stakeholders at the community level (UN website). The Zimbabwean PVO Act views an NGO as an organization that is not profit oriented. Common features from these definitions are: NGOs are outside the sphere of influence of both the government and business, they are not-for-profit, and they are involved in both humanitarian work and policy analysis.

There are different types of NGOs. David C. Korten (1990) identified three: generation one NGOs involved in relief and welfare services which respond to an immediate and visible need. For example, when an NGO provides humanitarian assistance in emergency cases like wars and natural disasters. The objective is to immediately alleviate the suffering population such that they will be able to live another day and somehow get on their feet and start over. In third world countries, especially in sub-Saharan Africa these relief initiatives are necessitated by many government's lack of resources. Most sub-Saharan countries are poor financially to the extent that governments face a huge challenge in providing public goods and services. Generation one NGOs chip in by providing transport which is able to reach the remotest parts of the region and by providing manpower and financial resources. They are also famous for providing water, sanitation and electricity in remote rural areas. Such NGOs are able to do that because they can source funds from rich donor nations and agencies. However, with specific reference to Zimbabwe, since 2002 the government owing to human rights abuses, has been under smart sanctions, restricting it from sourcing funds from international NGOs, headquartered in the West. In Zimbabwe, such NGOs include churches and organizations like World Vision, Care International, and Save the Children. Although such international emergency aid is worthwhile, they don't offer a permanent solution to the causes of underdevelopment. They deal with symptoms rather than the underlying causes of such dire situations.

Generation two NGOs focus on uplifting communities in self sustenance through small scale and self-reliant local development (Korten, 1990). They empower people at local levels through skills development and education such that even when the NGO ceases operations, people will be empowered through community self-help projects which sustain them in the long run. Second generation NGOs contribute to people-empowerment by encouraging co-operatives and local based community councils with the aim of coordinating operations. The objective is to help communities realize their full potential "through education, organization, consciousness raising, small loans and the introduction of simple new technologies" (Korten, 1990: 119). In

most cases, second generation NGOs give priority to villages or vulnerable groups within these villages like women, children, the disabled or the poor. They form partnerships with local people, and are responsible for providing financial resources and logistics as well as mobilizing and organizing the community to come together. Villages or vulnerable groups are responsible for decision making and implementation of the programme (Korten, 1990). Examples of such NGOs include Zimbabwe Women Finance Trust (ZWFT) which provides credit and savings mobilization facilities to poor and marginalized women, and Musasa Project which empowers women to combat and deal with domestic violence, Jairos Jiri and Danhiko which impart self help skills to the disabled. The most prominent NGO involved in sustenance endeavors is the CAMPFIRE which enables local people to harness resources in their areas for their benefit. Profits from the programme are used for community development or can be distributed to individual households at the discretion of the community.

Generation three NGOs "look beyond the individual community and seek changes in specific policies and institutions at local, national and global level" (Korten, 1990: 120). They seek permanent solutions to the development agenda by focusing on creating sustainable systems at local, national, regional or international level. Generation three NGOs evolved from the realization that generation two strategies are unsustainable especially when the NGO ceases operations or they often when they are not supported by a national agenda and framework aimed at fostering development and accountability (Korten, 1990). Third generation NGOs aim to create changes through capacity building and building alliances by empowering citizens to make demands and inculcate a situation where the system becomes more responsive to people's demands, needs, wants and interests. This sees third generation NGOs working with major national and international agencies with the aim of influencing national policies and empowering citizens to control their resources. This study looks at CFU and JAG at the level of third generation NGOs as both have been involved in land policy influence in the country.

3.4 Strategies and Tactics used by Non-Governmental Organizations to Influence Policy.

In trying to influence policy, NGOs have a number of strategies to use, including: (1) partnering with government in policy formulation and implementation, (2) fostering accountability in the way a policy is implemented and, (3) advocating for a total change of the policy or the way it is implemented.

3.4.1 Partnering with Government

NGOs can help government in formulating and implementing policies. Most sub-Saharan governments lack the necessary resources and skills in policy analysis and are generally handicapped by bureaucratic hurdles which often stall policies' progress. NGOs have a pool of human capital from their membership which is drawn from all walks of life; hence they have the capacity for policy analysis. In policy formulation they can advise government through research on the best alternatives. They can also partner government in the implementation of public policies through working within the structures of both the state and government or they may be contracted to implement policies on behalf of government in what is generally referred to as government by network (Kamarck, 2007). These public-NGO partnerships can take many forms, the most prominent are contracting-out and competitive tendering, franchising, joint ventures and strategic partnering (Skelcher, 2007). Contracting- out involves the separation between a service purchaser and the provider. In this case, the government is the purchaser and the NGO the provider. The government simply defines the services to be provided and the required standards and then gives the contract to an NGO to provide the services. This is done through competitive tendering and bidding (Ibid) to make sure government gets the best possible deal and for combating corruption. Franchising is when government awards a license to an NGO to provide public services and the provider's income is in the form of user fees (Skelcher, 2007). In this scenario government only acts as a public- interest regulator. Joint ventures involve an NGO engaging in collaborative projects and programmes with government without necessarily surrendering its independence (Schaeffer and Loveridge, 2002). Joint ventures enable the co-ordination of important decisions by independent actors in respect of a project that is close-ended in terms of its scope and the commitment of partners' resources (Skelcher, 2007).

Strategic partnering is when an NGO is involved in a partnership with no distinctive boundaries between the constituent parties. Organization and operations permeate both parties in order to yield mutually beneficial outcomes (Grimshaw et al, 2002).

These partnerships enable NGOs to influence the way a policy is implemented. NGOs are closer to the grassroots hence they are generally acquainted with the needs, wants, interests and aspirations of communities, thereby making them the ideal agents for implementing government policies. These public-NGO partnerships minimize public policy implementation failure rampant in most sub-Saharan African countries. Government should set modalities to enable this to work. This requires a lot of networking and building relationships for the two entities (government and NGOS) to trust each other and be able to cooperate. This is enabled by the free flow of information without any restrictions which has not been the case with Zimbabwe. Draconian legislations like POSA, AIPPA, Broadcasting Services Act and the Official Secrecy Act have limited and restricted the exchange of information especially from the government. Coupled with the PVA Act, the majority of NGOs are in most cases suspicious of government intentions. Some NGOs accuse the government of snooping and spying with the intention of harming them (Dorman, 2001). Furthermore, NGOs are suspicious of losing autonomy and being dragged into government's patronage system spurred on by the incentives involved in public-NGO partnerships. Such a milieu is never conducive for cooperation between government and NGOs.

3.4.2 Fostering Accountability

NGOs can also influence policy by holding government accountable. According to the Oxford Advanced Leaners Dictionary, accountability is being "responsible for your decisions or action and expected to explain them when you are asked (Hornby, 2010: 11). Accountability simply entails the means by which individuals and organizations report to a recognized authority (authorities) and are held responsible for their actions. NGOs demand accountability in order to improve service delivery, to see that funds are being used according to budgets, to ensure proper implementation of policies and to ensure government cuts its expenditure such that the

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money saved will be channeled towards implementation of public policies which serve the interests of the poor. The most viable tactic under this strategy is policy monitoring and evaluation. NGOs embark on research initiatives, scrutinizing government performance, budgets and how public resources are being used. Research and scrutiny are possible when government is willing to disclose and share information on its operations with NGOs. With the current relationship between government and NGOs in Zimbabwe at its lowest ebb, NGOs face a Herculean task when trying to access such information. The Zimbabwean Official Secrecy Act and AIPPA can be likened to a sword of Damocles hanging over the heads of would-be whistle blowers. Operating toll free lines for reporting corruption and government overspending can be employed to protect whistle blowers. However, NGOs are at risk of being deregistered under the PVA Act, and their officials risk being harassed and arrested on trumped-up charges if the government feels pressurized on accountability. NGOs can also take legal routes in order to access information and lobby for legislation on transparency.

3.4.3 Policy Advocacy

NGOs can also influence policy by lobbying government and its structures from outside. This is generally referred to as policy advocacy. Policy advocacy has many definitions depending on the context. One such definition is provided by Save the Children which defines advocacy as "action aimed at changing the policies, position and programmes of governments, institutions or organizations involving an organized, systematic influencing process on matters of public interest. In addition, advocacy can be a social change process affecting attitudes, social relationships and power relations, which strengthens civil society and opens up democratic spaces" (Save the Children Fund, 2000: 12). It involves a series of actions designed to persuade and influence those who hold governmental, political or economic power so that they will adopt and implement public policies in ways that benefit the poor and the less privileged who have less political power and fewer economic resources. Simply put, it involves trying to influence policy. Policies are characterized by stages which, in aggregate, are referred to as the policy cycle (Colebatch, 2002; Parsons, 1995). The policy cycle involves: policy agenda setting, problem identification and definition, alternative possible solutions and options to deal with

the problem (policy alternatives), decision making on the best possible solution (policy formulation and adoption), application of answers or solutions (policy implementation), policy monitoring and evaluation and possible amendments and adjustments to the policy and/or termination (Colebatch, 2002; Parsons, 1995). NGOs can influence the whole policy cycle or some parts of it. The rationality behind policy advocacy is that "many of the causes of underdevelopment lie in the political and economic structures of an unequal world- in trade, commodity prices, debt and micro-economic policy- in the distribution of land and other productive assets among different social groups; and in the misguided policies of governments and the multinational institutions they control" (Edwards and Hulme, 2002: 60). NGOs embark on policy advocacy as a way of creating public awareness and to improve the people's quality of life through demanding better policy analysis from those who control political and/or economic power.

There are generally two broad views on how NGOs can carry out policy advocacy. The one view represented by Esman and Uphoff (1984) involves liberal democratic notions of pluralism whereby NGOs avoid combative tactics and try to influence policy in a manner that does not create animosity and mistrust with government. Tactics under this view include, (1) collaboration with other NGOs, the private sector or the government, (2) networking and alliance building with other NGOs, the private sector or the government, (3) doing research and providing it as evidence to government showing the trajectory of a policy, (4) negotiations, (5) conducting seminars and conferences in which everyone interested is invited, (6) social marketing, and lobbying. As the ZANU (PF) led government aims to control all the spheres of life in the country, NGOs which employ such tactics risk being co-opted through a well-oiled patronage system operated by the government. The other view is represented by Paulo Freire's ideas of mobilizing and educating the masses sees NGOs involved in radical formulations (sometimes violently) that are aimed at confronting oppressive social forces (Michael Edwards and David Hulme,2002). Tactics under this strategy include: (1) educating the public on the goings on of the policy, with or without consent from the government, (2) use of the media,(3)

demonstrations, (4) use of the courts (litigations), (5) exposure visits, (6) running an active website, (7) campaigning, (8) lobbying for sanctions, and (9) enforcing regime change. Radical formulations of policy advocacy run the risk of creating hostility between the NGO and the government especially in Zimbabwe where the relationship has become hostile and volatile. NGOs employing radical formulations risk being on the receiving end of brutality if they choose to confront the regime's security apparatus. The brutalization of Lovemore Madhuku of the NCA, the disappearance of Jestina Mukoko of the Zimbabwe Peace Project (only to emerge in a frail state three months later) in 2008 and yet to be found journalist-cum-human rights campaigner, Itai Dzamara of Occupy Africa Unity Square being prominent examples.

3.5 Land Policy in Zimbabwe

A policy is simply "a plan of action agreed or chosen by a political party, a business, government" (Hornby, 2010: 1131). It is a statement of intent which is adopted and implemented in the interest of a nation. A statement of intent which is dear to Zimbabweans is the land issue because the country's economy is agro-based. In the past, many wars have been fought as a result of land disputes in the country. Most of the young blacks who participated in the liberation war which heralded independence claim to have been motivated by the need to reclaim their forefathers' land (Phiri, 2011). Land touches the hearts and minds of most Zimbabweans such that there is always need to equitably distribution it. However this has not been the case in the past two centuries, meaning land remains a contested issue in the country. There are basically two angles from which to view the land policy in Zimbabwe. The first is the actual statement of intent as spelled out in the country's constitution. Secondly, the way the statement of intent has been implemented. Therefore NGOs are involved in land policy to try and influence the statement of intent on the land issue and/or how the statement of intent has been implemented thus far.

Land has always been a contested issue in the socio-political and economic landscape of the country. The arrival of the whites in late 20th century exacerbated the situation. The Southern Rhodesian government created thereafter made into law the Land Apportionment Act in 1930.

This act, together with the Land Husbandry Act of 1951 (Worby, 2000), formed the basis of land policy in the country until independence in 1980. One major effect of the two Acts was that families were uprooted and moved away from land they owned for generations, to give way to the whites. The result was that at independence, more than 85% of prime land was owned by less than 15% of the population (Pazvakavambwa, 2007). Overpopulation in tribal and communal lands resulted in the war of liberation which culminated in the Lancaster House conference of 1979. The Lancaster House conference gave birth to the independence of Zimbabwe, however, during the negotiations, land was a thorny issue according to the Zimbabwean president Robert Mugabe (Phiri, 2011). The president contends that the impasse was only resolved when it was agreed that the country would embark on a land redistribution exercise based on a willing seller-willing buyer basis (Chaumba, 2003). Government accused white farmers of inflating the price of their land and hence moved to adopt the Land Acquisition Act in 1992. Its main objective was to remove the willing seller-willing buyer clause, limiting the size of farms and introducing a land tax (Moyo, 1999). The Act gave government sweeping powers to buy land compulsorily for redistribution, with some form of compensation paid. However, landowners could challenge the price set in the courts. Government claimed that court challenges (Moyo, 1999) and the failure of the British government to sponsor what they promised at the Lancaster House conference (which the British denied) (Phiri, 2011) frustrated the process, giving rise to the land invasions of 1999-2000. The British claimed they never agreed to sponsor the willing seller- willing buyer land reform programme. However, up until 1997, they donated to the Zimbabwean government a totals sum of thirty six million British pounds for resettlement. That amount was unaccounted for, forcing the British government to freeze its sponsorship (Phiri, 2011).

A government sponsored referendum was defeated in February 2000 which would have meant compulsory acquisition of land, with compensation only for developments done on the piece of land in question. The government officially announced the Fast Track Land Redistribution Programme (FTLRP) as a policy in July 2000 and stated the need to acquire 3 000 farms for

redistribution. That same year, government, through the Presidential Powers Act, made into law what was rejected in the referendum. This heralded the FTLRP as a government policy embedded in the constitution. However the program has been dubbed chaotic and the cause of the country's socio-political and economic problems. (Dorman, 2001). There are rampant accusations of nepotism, corruption, intimidations, harassments and patronage in the way the FTLRP has been implemented (Dorman, 2001). The former Zimbabwean Deputy Minister of Agriculture, Sylvester Nguni, addressing a meeting of the Zimbabwe Farmers Union (ZFU) admitted that the program had been an utter failure because people without any experience of farming and who lacked capacity got the land, resulting in the decline of agricultural output (Meldrum, 2005) rendering Zimbabwe a basket case instead of being the bread basket of Southern Africa, a mandate the country was given during the creation of Southern African Development Community (SADC). The majority of Zimbabweans have no qualms about land redistribution in the country, what they are concerned about is the way the FTLRP has been implemented. The government itself admitted some errors with the FTLRP as it led to the creation of cell phone farmers and multiple farm owners (Utete, 2003). This created vast tracts of idle land which used to be productive, denying the country much needed foreign currency for development purposes, slowly withering away the good society created between 1980 and 2000. The FTLRP and the politically motivated violence, harassment and intimidation that followed created an internally displaced population of more than 150 000 former farm workers (Refugees International, 2004). The violence, intimidation, harassment and the economic meltdown that followed caused millions of Zimbabweans to flee their country. In 2005, government undertook to destroy settlements- under operation *Murambatsvina*- literally translated as operation getting rid of filth- some of them built on land allocated under the FTLRP, leaving 700 000 households to live in the open during a freezing winter (Tibainjuka, 2005). Hence it is up to NGOs to try and create the good society government has been eroding for the past fifteen years. How they have been doing it is the subject of the next chapter.

3.6 Conclusion

This section gave a definition of civil society in both the global and the Zimbabwean contexts. There are many reasons why human beings associate, want to participate and be involved in civil society. What is clear is that civil society offers a 'third way' in development and poverty reduction (a way outside of government and business). Civil society is not there to compete with government and business but rather to supplement the failures of the two in order to have a higher chance of achieving the common good. What is referred to as civil society is not uniform as it manifests itself in different forms. Edwards (2009) identifies civil society as an associational life, the good society and the public sphere which manifests themselves under the banner of three schools, namely: civic culture school, comparative associational school and the school of skeptics. Of importance to this study is the comparative associational school which sees civil society dealing with policy influence as a way of achieving the common good. What is referred to as civil society is broad, hence the section focused on one aspect which is a subset of the whole, that is, NGOs. According to Korten (1990), NGOs are grouped into three: generation one NGOs which focus on humanitarian issues, generation two NGOs which try to foster development by initiating, organizing and coordinating community sustainability through skills development, education and provision of small loans to start self-help projects. Generation three NGOs are those with the view that real sustainable development is only achieved when community sustainability initiatives are linked with national dreams, interest and aspirations, and the only way that those aspirations will serve the interests of those with little political power and fewer resources is by NGOs participating in public policy analysis. Strategies at the disposal of generation three NGOs are: partnering government in policy adoption and implementation, pressurizing government to be accountable, and working outside the government and its structures by involving themselves in policy advocacy. Two broader tactics characterize policy advocacy: one view represented by Esman and Uphoff (1984) tries to engage government in an open liberal democratic manner whereas the other represented by Paulo Freire's ideas sees NGOs confronting government head-on, irrespective of the implications. This chapter also looked at the history of land policy in Zimbabwe to date, and highlighted how each policy had its own flaws.

CHAPTER FOUR: CASE STUDIES

4.1 Introduction

This chapter will look at two case studies of how NGOs have been involved in land policy influence from year 2000 to 2015. The two case studies are the Commercial Farmers Union (CFU) and Justice for Agriculture (JAG). Land policy influence can take numerous strategies, however these strategies can be grouped into two categories: (1) liberal democratic approaches which aims to lobby government and minimizes animosity and mistrust between the government and the NGO and, (2) radical formulations which are aimed at taking government head-on. This chapter will unpack how CFU and JAG employed these two approaches in their land policy influence. When the land invasions started in 2000, CFU used radical formulations, however the ZANU (PF) led government was up to the challenge. After realizing that radical formulations are counterproductive, CFU turned to liberal democratic notions of land policy influence. However, CFU was fraught with problems such that it splintered in 2002 heralding the birth of JAG. CFU members who went and formed JAG were of the view that using liberal democratic notions of land policy influence when dealing with a rogue regime like ZANU (PF) was going to result in total failure. For that reason, from its formation, JAG was always involved in radical formulations and confrontational approaches.

4.2 Case One: Commercial Farmers Union

4.2.1 Background of the Commercial Farmers Union

CFU has a long history. It was formed in 1943, however its history can be traced as far back as 1892. The Rhodesian Farmers' and Landowners' Association was formed in 1892 by new settler farmers who saw the need for an organized body to represent and advance their interests. As the large commercial agricultural sector grew in the country, the demand for representation also grew, resulting in two main provincial bodies filling the void: the Matabeleland Farmers' Association and the Rhodesian Agricultural Union based in Mashonaland. These two bodies merged in 1943 to form the Rhodesian National Farmers Union (RNFU). At independence in 1980, the RNFU changed its name to the CFU of Zimbabwe. CFU's main objective was to

empower farmers and by so doing ensuring the success of the country's agricultural sector (CFU Website). However, as the land policy became a major government issue in subsequent years, the organization started to be involved in land policy analysis.

4.2.2 Strategies employed by the Commercial Farmers Union

CFU has employed two approaches to its land policy influence. When the land invasions started in 2000, just after the rejection of the government sponsored referendum, CFU employed radical formulations of land policy influence (Selby, 2006). Unfortunately for CFU, government reacted by being tough on its members and engaging in smear campaigns against the organization. When the going got tough, CFU realized that it was going to lose more by pursuing a confrontational approach, hence it changed strategy and started engaging government (Selby, 2006). Government tried to change the land policy in Zimbabwe from the Land Acquisition Act of 1992 through a referendum. The rejected constitutional amendment was supposed to empower the government to acquire land on a compulsory basis and to withhold compensation except for developments made on the piece of land in question. Government accused CFU of working with the NCA and the newly formed opposition party, the MDC, to orchestrate the rejection of the referendum (Dorman, 2001). CFU members were personally accused of bussing their workers and families to polling stations to vote for NO (Selby, 2006). The referendum gave ZANU (PF), as the governing party, its first popular defeat in an election since independence. To make matters worse, there was a parliamentary election looming in June the same year and a presidential election in two years' time. Sensing defeat in the upcoming elections, the ZANU (PF) led government, in alliance with self-styled war veterans, unlashed a campaign of terror against the white commercial farmers of whom the majority were CFU members (Dorman, 2001). For the first time since independence, ZANU (PF) failed to win a majority in the House of Assembly. In a 120 member parliament, ZANU (PF) got 62 seats, the infant opposition MDC 57 seats and ZANU Ndonga 1 seat. ZANU (PF)'s failure to garner the majority in parliament bolstered the regime's resolve leading to subsequent intensification of the FTLRP targeting CFU members and in most cases violently (Selby, 2006).

4.2.2.1 Use of the Media

For its part CFU, resorted to organizing its members to help each other in case of an invasion (Selby, 2006).   Farmers would film invasions of their farms and send the footage to international media houses like the BBC, CNN, and Sky News. They also used the internet to highlight their plight (Selby, 2006). They were doing this to publicize FTLRP's disrespect of property rights in an effort to ensure accountability (JAG and GAPWUZ, 2008). CFU members were also working with international news agencies to gunner solidarity with the international community with the aim of making international organizations to put pressure on the government to stop the carnage on the farms and embark on an orderly land redistribution. One such international body which lived up to CFU expectations was the Commonwealth; however Robert Mugabe blasted the organization and pulled Zimbabwe out of its membership. Government reacted by banning international media houses which it considered hostile like the BBC, CNN and Sky News. Local news houses were harassed. For example, the Daily News printing house was bombed and the paper subsequently forced to close in 2003. It became difficult for white commercial farmers to raise their plight on the global stage (Selby, 2006). The government was taking the fight back to CFU. Government brought in the military and the Central Intelligence Organization (CIO) to dismantle and intimidate the would be participants in the CFU's coordinated response, as well as harassing and intimidating media houses (Selby, 2006; JAG and GAPWUZ, 2008). Thus, CFU's strategy of using the media received a setback.

CFU had a running website which it used to post daily updates on the land invasion and those involved. The manner in which the invasions were taking place and the reluctance of the police to act pointed to the fact that the whole process was blessed and sanctioned from the very top of government's corridors of power (Selby, 2006). In some instances CFU posted updates in which government vehicles were used to ferry invaders to farms (CFU Records, 2000). This was a way of showing the insincerity of the government, the corruption and deceit involved and abuse of public office and resources as the same government officials went on to occupy one farm after the other (JAG and GAPWUZ, 2008). Selby (2006) illustrates how the Inspector in

Charge of Concession district coordinated operations with the District Administrator who communicated directly with the Governor of the province. The invasions were well coordinated such that government officials supplied list of farms to be occupied (Selby, 2006). Members of the security agencies (army, CIO and police) were directly involved in some occupations (JAG and GAPWUZ, 2008). ZANU (PF) politicians and their employees were often seen assisting occupiers in the form of food and cash handouts to remain on the land (Alexander, 2003). In the worst cases, these security personnel, government officials, war veterans and ZANU (PF) politicians would vandalize one farm, sell anything that they could get hold of, move to the next farm and repeat the same strategy (JAG and GAPWUZ, 2008). In the initial stages of the invasions CFU would visit the farms affected, document all these episodes and post on their website (Alexander, 2003), as situation reports, in the belief that the government may change course or take those involved to task. Working in conjunction with the website was the CFU monthly magazine, The Farmer. However, when CFU abandoned its political involvement and returned to its pre-referendum apolitical stance it thought the magazine to be too politically involved therefore feared it would jeopardize any meaningful engagement with the government (Selby, 2006). As a result it was discontinued in 2002 only to emerge years later as the AgriZim magazine albeit in a diluted format which was dedicated to farming matters only (Theron, 2010). In 2006 CFU officially announced that it would make efforts to engage the ZANU (PF) led government (Selby, 2006).

4.2.2.2 Litigation

CFU made several challenges in the courts to the laws and policies governing the FTLRP. One such challenge was made in December 2000. The outcome was that the organization succeeded in obtaining an interdict from the Supreme Court- the highest court in the land by then- barring further land acquisition on the grounds that the program was unconstitutional as it was being carried out in a violent and chaotic manner (Human Rights Watch, 2002). However, since 2000, the Zimbabwean government had repeatedly ignored court verdicts which went against the FTLRP and basically resorted to criticizing and bullying the courts for standing in the way of land

reform in the country (JAG and GAPWUZ, 2008). Such tactics resulted in the forcible resignation of the then Chief Justice, Antony Gubbay and all white Supreme Court judges from the bench in 2001 (Human Rights Watch, 2002). The bench was replaced by individuals sympathetic to the regime (Human Rights Watch, 2002). In November 2001 the bench overturned the December 2000 ruling by arguing that the amendments made to the constitution now gave the government powers to lawfully implement the FTLRP (Human Rights Watch, 2002). This was in line with arguments already given by the government that new legislation had retrospectively legalized occupations which had been carried out in violation of what were then the legal procedures (Supreme Court ruling, 2001).

4.2.2.3 Regime Change

The political heat reached its climax towards the winner takes all June 2002 presidential election. By this time, CFU was being accused by the government of peddling a regime change agenda as a strategy to reverse the FTLRP (Selby, 2006). This accusation was substantiated by footage taken from CNN, and continuously floated on national television, of CFU members signing cheques to finance the MDC's presidential candidate, Morgan Tsvangirai's campaign (Selby, 2006). CFU publicly departed from its principles of apoliticism (Selby, 2006). This was as a result of alienation of CFU from decision making processes on the issue of land, hence the organization saw fit to participate in the opportunity, brought by the referendum result, of installing another party in the echelons of power. This is illustrated by sentiments from a young white farmer:

"When you consider the wider picture it was time for change. We had this vision of taking Zimbabwe forward, of moving beyond the political, racial and economic claustrophobia that ZANU (PF) represented and this was the obvious opportunity" (quoted in Selby, 2006: 15).

CFU realized that the only way to influence the direction taken by land policy in Zimbabwe was to participate in the broader public politics and ensure a victory for a different political party. The newly formed MDC supplied the opportunity. The thinking from CFU was that a different regime would listen to their suggestions, which was not the case with the arrogant ZANU (PF) (Selby, 2006). For the first time in the history of the country, blacks and whites were united in

their conviction that ZANU (PF)'s time was up. Even farm workers shared the fear of exclusion with their white bosses. They even joined forces with their bosses in mobilizing and orchestrating a counter eviction process, which was abruptly halted by the intervention of security forces (Selby, 2006).

However CFU has always denied resisting land reform in Zimbabwe by claiming that what they were against was the way it was being implemented (Alexander, 2003) and therefore embarked on strategies to highlight abuses of human and property rights. According to Human Rights Watch, seven commercial farmers were murdered by war veterans before the hugely anticipated presidential election (Human Rights Watch, 2002).

By the time the government of national unity was formed (bringing longtime foes ZANU (PF) and the two MDCs to govern together) after the controversial 2008 presidential election, a dozen white commercial farmers, their family members and farm workers were either murdered, maimed, harassed and/or intimidated with some having fled abandoning everything they had worked for their whole lives (JAG and GAPWUZ, 2008). In 2015, of the nearly 5 000 CFU members less than 300 were still farming (Anglin, 2015).

4.2.2.4 Lobbying and Engagement with Government

As the FTLRP continued to escalate, fissures, cracks and disagreements started emerging in the CFU hierarchy (Selby, 2006). One camp realized that there was no going back on the FTLRP, hence they saw no merit in taking ZANU (PF) led government head-on. They encouraged a cautious approach, compromise and re-establishment of the communication channels with government which had broken down after the referendum (Selby, 2006). It should be noted however that CFU had never been pro-active in the distribution of land in Zimbabwe as illustrated by the CFU spokesperson Jerry Grant who argued that "while commercial farmers can be criticized for not doing enough earlier to avert the current crisis, there was no incentive, because the government was doing even less" (Selby, 2006: 17). CFU provinces like Manicaland

and Midlands proposed subdivisions or co-existence with the newly settled farmers. This heralded a new strategic approach from CFU culminating in the Commonwealth negotiations in Abuja, Nigeria, which gave birth to the Zimbabwe Joint Resettlement Initiative (ZJRI) (Selby, 2006). Under this initiative, CFU offered to give the government 562 farms for redistribution to landless people who would be assisted in their agricultural activities by the more experienced CFU members (Hughes, 2002). CFU members who still had outstanding cases in the courts were persuaded by moderate members of the government and ZANU (PF) to withdraw their cases. However hardliners and rogue elements within the regime resisted the initiative and continued with the chaotic farm occupations such that 31 percent of farms were experiencing total or partial work stoppages by September 2001 (Hughes, 2002). By the start of 2002, 1000 commercial farms had completely stopped operations. Either the owners were denied access to their farms by occupiers or they had migrated to the city or abroad (Hughes, 2002).

4.2.2.5 Partnerships with Government

During the unity government with its ally, the MDC in government, and a new president in Charles Taffs, CFU revived its effort to engage and partner government in land reform. Marc Carrie- Wilson, CFU's Legal Affairs Manager interviewed by Ngoni Chanakira of the Zimbabwean newspaper asserted that many things had changed within the CFU itself and the government (Chanakira, 2011). There was now new thinking within the CFU to work with the government to restore agricultural production (Chanakira, 2011). CFU saw the slight change in the corridors of state and government power as a window of opportunity to implement what they had started in 2001 with ZJRI. Their proposal to the government was still the same with ZJRI, that is, to offer pieces of land for resettlement and co-existence with their new found neighbors (Chanakira, 2011). An outcome of the land redistribution policy was that the commercial farming sector was lacking in financial resources and knowledge. With farming colleges producing fewer farmers, CFU offered to assist the newly resettled farmers with financial backing and farming skills (Agribusiness Reporter, 2013). This sorry state of affairs is clearly highlighted by Charles Taffs (CFU President). Speaking to the Zimbabwe Independent, he said "fourteen years after the start of the fast-track (land reform) programme, people have access to land, but they cannot

raise the capital to farm. Production has consequently fallen and many farms lie idle" (Agribusiness Reporter, 2013). He went further to say, "there can be a skills transfer and co-operation between the current land owners and the former owners, but the starting point is an acknowledgement by government that there is a conflict over land" (Agribusiness Reporter, 2013).The greatest challenge faced by the newly resettled farmers was in the tobacco sector where a lot of resources, skills and techniques are needed to produce a leaf of high quality which is marketable. CFU even went further in proposing the creation of a Federation of Agricultural Unions, however government aligned unions which included the ZFU, ZCFU and the ZNFU rejected the idea (Agricultural Reporter, 2015). CFU wanted its proposals to government to be coordinated from one centre, and saw fit to create an alliance for that cause. Hardliners and rogue elements in the ZANU (PF) government always threw spanners in CFU's works. Charles Taffs observed that the "authorities were aware of the problems in the agricultural sector and CFU's proposal to tackle them, but meaningful progress is being hampered by political posturing ahead of this year's crucial general elections" (Agribusiness Reporter, 2013).

What had kept CFU together over these years was solidarity among its members. However, as the systematic onslaught on farms continued unabated, fissures and cracks started to emerge within the organization. ZANU (PF) employed a divide and rule tactic whereby farms belonging to CFU leaders remained unaffected (Selby, 2006). This angered the evicted farmers who wanted a confrontational approach whereas the leaders wanted to compromise (Selby, 2006). CFU started to fragment along various lines: ideology, region, crop type and farm structure (Selby, 2006). The ideological differences divided farmers into two camps: those who wanted to compromise and those who wanted to continue with the confrontational approach (Selby, 2006). Those in the first camp comprised farmers not yet affected by the FTLRP and those in the second camp comprised farmers already evicted from their farms. The latter group broke away and formed JAG in June 2002. This heralded the institutional breakaway of CFU (Selby, 2006).

4.3 Case Two: Justice for Agriculture

4.3.1 Background of Justice for Agriculture

JAG was formed by disgruntled commercial farmers who thought that CFU was no longer a true representative of their views, interests and aspirations. They thought the organization was being diluted and neutralized by the government (Moyo, 1999). They opined that the route which was chosen by CFU of engaging the government would not yield the intended results. Therefore they formed JAG which is purely an advocacy organization in the area of agriculture (JAG Website). On its website, JAG is described as a crisis management group, set up by concerned Zimbabweans focusing on seeking a clear way forward on the land issue through the judiciary, whilst exposing corruption, callousness and recklessness of the Zimbabwean government's current FTLRP. JAG's mission:

 "*is to secure justice, peace and freedom for the agriculture sector and to safeguard and support people directly affected by the FTLRP and to document and expose the injustices and human rights abuses being perpetrated against them under the guise of land reform. JAG intends to achieve this by offering to* represent *all stakeholders in the agricultural sector. This includes representation of potential new farmers who genuinely want to legitimize their position through the formation of coalitions with representative organizations. JAG incorporates the interests of commercial farm owners, their workers and industries which have anything to do with agriculture and their workers*" (JAG Website).

4.3.2 Strategies employed by Justice for Agriculture

Some of the radical confrontationist formulations employed by JAG in their land policy advocacy include:

4.3.2.1 Litigation

JAG "believes in justice for agriculture in Zimbabwe and the unbiased application of just and constitutional laws that have received international approval" (JAG Website). JAG wants to see "procedural fairness in the way the land reform is implemented by ensuring that human and

property rights are observed" (JAG website). The organization intends to achieve this by the use of the courts. Since its formation, JAG has been involved in marathon court cases against the government within the country, the region and abroad (Zimbabwe Human Rights NGO Forum, 2010). In May 2006, Mike Campbell, through his company, Mike Campbell Private Limited applied to the Supreme Court challenging the constitutionality of Amendment Number 17 which prohibited the courts to deal with acquisition processes. Campbell argued that the amendment infringe the principles of human rights, democracy and the law (Zimbabwe Human Rights NGO Forum, 2010). The Supreme Court delayed in giving judgment. Therefore, together with 77 other commercial farmers aligned to JAG, they approached the SADC tribunal based in Windhoek, Namibia. In a landmark ruling, The Tribunal ordered the government to stop seizing white owned farms and to compensate farmers already affected. Unfortunately for the farmers, the government didn't honor the SADC Tribunal ruling (Zimbabwe Human Rights NGO Forum, 2010). Failure to honor the SADC Tribunal ruling prompted the case to be transferred to the Paris based International Centre for Settlement of Investment Disputes (ICSID) in April 2009 by Dutch nationals and in July 2010 by German nationals.

The Dutch nationals argued that their properties were protected by Bilateral Investment Promotion and Protection Agreements (BIPPA) in which the government promised to pay full compensation in disputes arising out of investments made by Dutch nationals (Bell, 2010). The Dutch group won its case; however the government did not feel obliged to provide compensation (Bell, 2010). Together with the 78 farmers who won their case at the SADC Tribunal, they approached the USA courts in order for the government properties to be attached to the purposes of compensation. In the USA courts, the farmers were demanding compensation as per ICSID and SADC Tribunal ruling, and also challenging the compulsory acquisition of their farms under the FTLRP (Mushava, 2013). The US courts ruled that US$25 million belonging to the government-aligned ZB Bank be seized in order to compensate the farmers (Chigono, 2015). This prompted ZANU (PF) to make a u-turn on acquiring foreign farms at its December 2012 annual conference (Chigono, 2015). John Worsley-Worswick from JAG,

speaking to Alex Bell on Short Wave Radio Africa, elaborated that it was important for rulings to be made, despite the breakdown of the rule of law in the country as this was a temporary issue (Bell, 2010). He went further to say that "at some stage in the future the judiciary will have to be revamped and there will be a return to property rights" (Bell, 2010). Additionally, JAG in partnership with AfriForum approached South African courts to again force the government to abide by the SADC Tribunal ruling (Batt, 2015). They lodged their case at the Pretoria High court where the court ordered certain properties owned by the government in Cape Town to be seized. The Zimbabwean government approached the Supreme Court of Appeal in Bloemfontein where it lost, and finally the Constitutional Court which directed the auctioning of the property worth US$278 000. JAG vowed to continue escalating the fight in the courts giving no room for abandoning that cause (Chigono, 2015).

4.3.2.2 Use of the Media

JAG "will expose and make accountable all persons actively destroying commercial agriculture under the guise of land reform" (JAG Website). JAG intended to achieve this by exposing those who are involved in corruption and clandestine means of land grabs (JAG website). JAG has been doing this by publishing their findings in mainstream media and its website. Working in alliance with the Mike Campbell Foundation, JAG investigated multiple farm owners of the FTLRP and posts their findings on their website or sends them to media houses for general public consumption. High profile investigations revealed that the man at the helm, Robert Mugabe, and his wife Grace have built a secret farming empire under Gushungo Holdings totaling 10 000 acres of land seized from five white owned farms and businesses in the Darwendale area. The investigation was written by Peta Thornycroft and Sebastien Berger for the Daily Telegraph of 25 September 2009 and subsequently posted on both the JAG and Mike Campbell Foundation websites. This was a ground breaking investigation such that by 2013 it was no longer a secret that Mugabe and his wife are now multiple farm owners and doing business under Gushungo Holdings, producing all sorts of milk products (Kuwaza, 2015). JAG also posted the investigations conducted by the Zimbabwe Independent newspaper (30 January

2014) of Grace Mugabe's land grabs in Mazowe District of land belonging to Interfresh Mazoe Citrus Estate (Staff Writer, 2014).

4.3.2.3 Doing Research

In its explosive document entitled "Destruction of Zimbabwe's Backbone Industry in Pursuit of Political Power: A Qualitative Report on Events in Zimbabwe's Commercial Farming Sector Since the Year 2000" (JAG and GAPWUZ, 2008), JAG conducted extensive research documenting individuals involved in land occupations. The research revealed that the government's claim that land was allocated to landless poor is false. The document showed that the majority of land went to members of the political elite and well connected individuals who now own more than one farm. The conclusion drawn by the document is that the whole programme was designed to buttress a well-oiled patronage system run and managed by ZANU (PF). The document also gives a detailed account of human and property rights violations unleashed against commercial farmers, their workers and their families during the occupations. By investigating and exposing corruption and lawlessness with which the FTLRP was undertaken, JAG hope to make government realize that the way the programme has been implemented is counterproductive. According to JAG's estimates, the FTLRP has affected 350 000 families of full-time employees and 250 000 seasonal or casual workers coupled with a net loss in the region of US$8.4 billion experienced by commercial farmers themselves (JAG and GAPWUZ, 2008). This destroyed innocent livelihoods on the farms where a majority of people had nowhere to go as the farms had been their homes the whole of their lives. Zimbabwe has an agro based economy such that the destruction on farms had a devastating effect on the economy which has plummeted since then, resulting in the unwarranted suffering of the majority of people. Some escaped to neighboring countries and overseas with the 2012 census results estimating that a quarter of the population is now living outside the country. The major reasons for leaving are the need to seek greener pastures and running away from human and property rights abuses perpetrated on the farms and the rest of the country (JAG and GAPWUZ, 2008).

4.3.2.4 Collaboration and Regime Change

Due to its quest for a long term sufficient food security for the country, JAG undertook to work with former farm workers for skills transference. The organization, just like every Zimbabwean, believes that land is a precious natural resource which should be used productively if the country is to move forward. The need for productivity on farms has prompted JAG to "work to keep agricultural skills on the land and in the country and to find innovative ways to increase production whilst working towards recovery of the sector" (JAG website). These include good farming techniques and technical knowhow on general farming practices. JAG intends to achieve this by encouraging its successful members to share their knowledge, expertise and skills with those who wish to follow suit (JAG website). Unlike the CFU, JAG works with the former farm workers without involving government. Furthermore, in order to secure long term food security for the country, like the CFU in the early 2000s, JAG is in support of a regime change agenda or transforming the current regime to embrace democratic principles, respect human and property rights and constitutionalism. This is highlighted by the statement on JAG's website which reads, "JAG supports a duly elected and democratic government whilst refuse to be transformed into political apologists" (JAG Website). JAG supports a government ready to embrace democratic principles including respect for human and property rights essential for development.

4.4 Conclusion

CFU and JAG employed different strategies of influencing the land policy in Zimbabwe between 2000 and 2015. CFU, as the mother organization, employed two broader strategies during this time. With the commencement of farm invasions immediately after the rejection of the February 2000 government sponsored referendum, CFU employed confrontational approaches to land policy influence. These confrontational approaches included: the use of the media, the use of the CFU website, the internet and the Farmer magazine, litigations and regime change agenda. However as the reality started unfolding that ZANU (PF) was going nowhere any time soon, CFU realized that it was counterproductive to continue confronting the regime. It started softening its stance and started employing strategies which did not threaten the regime. Such

strategies include lobbying and engagement as well as working in partnership with the government. In 2002, disgruntled CFU members who thought that engaging the ZANU (PF) regime would not yield the intended results, broke away and formed JAG. JAG resolved to have nothing to do with working with the government on land reform. Instead, it used confrontational strategies. Chief among its strategies was litigation. It was involved in numerous court cases in the country, the region and abroad. In the majority of its cases, JAG won but the government rebuffed the court rulings. Some of JAG'S strategies include: the use of the media and the internet, doing research and publishing the findings for public consumption, and the use of collaboration, regime change agenda and calling for sanctions. It's still to be seen how these strategies from both CFU and JAG will influence land policy in Zimbabwe as all have failed, thus far. ZANU (PF) led government is yet to abandon its FTLRP regardless of extensive evidence proving that it has failed.

CHAPTER FIVE: PROBLEMS FACED BY ZIMBABWEAN NON-GOVERNMENTAL ORGANIZATIONS AND POSSIBLE SOLUTIONS TO THE PROBLEMS

5.1 Introduction

Zimbabwean NGOs faced a plethora of problems between year 2000 and 2015. Some problems came from outside and others from within the NGOs themselves. This chapter will unpack the problems faced by Zimbabwean NGOs during this trying period. The problems are grouped into two: those coming from outside of NGOs: most of these are as a result of the environment in which the NGOs found themselves working. They were created by the political situation prevailing at the time. The ZANU (PF) led government had a lot to do with that environment. The second group consists of problems which arose within NGOs themselves. Solutions to these two groups of problems are hard to achieve considering the socio-political and economic environment during this period however, NGOs have to make a lot of effort to try and eliminate some of the problems. Some can be solved easily; however, if left unattended they have devastating effects on the capacity and effectiveness of NGOs in influencing public policies. For that reason, this chapter offers some of the possible solutions.

5.2 Problems from Outside

The biggest problem Zimbabwean NGOs encounter and endure is the political terrain in which they operate. The ZANU (PF) regime devised tactics aimed at crushing dissent and NGOs were often on the receiving end of these tactics. These tactics seriously affected NGOs' operations in public policy influence.

5.2.1 Government's Repressive Laws

After the NO vote in the government sponsored referendum, ZANU (PF) became pre-occupied with its own survival in power (Tendi, 2010). The rejection of the referendum for which the government vehemently campaigned forced ZANU (PF) to press the panic button. The party became determined to win elections at all costs (Selby, 2006). The situation was exacerbated by rural areas which overwhelmingly voted NO, despite being the stronghold of the regime since independence. Government's first reaction was to change the rules of the game. Draconian

legislation like the Broadcasting Services Act, AIPPA, POSA and the Official Secrecy Act were railroaded through parliament. These pieces of legislation had a detrimental effect on the operation of NGOs in the country. POSA made it difficult for NGOs to exercise civil rights as any gathering needed to be sanctioned by the police. The Police Commissioner General, Augustine Chihuri, disclosed openly that he is a staunch ZANU (PF) supporter (JAG and GAPWUZ, 2008). NGOs were left to the mercy of a partisan police force which acted with impunity.

Moreover, the Official Secrecy Act made it difficult for NGOs to gather information especially on government business. Even if NGOs were successful in gathering such information, AIPPA was there to guard against publication and disclosure of such information. The informant and the publisher risked jail sentences, a heavy fine or both under AIPPA. The situation was worsened by the already functioning PVA Act aimed at checking any form of NGO dissent. Freedom of association, movement and speech are the principles which makes NGOs strong, desirable and a possible alternative to government and the market. Therefore, NGOs' impact is generally diminished if their members have no freedom to gather and move: they are restricted in the areas of research, information gathering, publishing of important findings and communicating with the public. As noted in the previous chapter, this is the fate which befell CFU. In the initial stages of the FTLRP, CFU members would take videos and photographs of land invaders and sent them to media houses and the West swiftly reacted by imposing travel bans on prominent ZANU (PF) members. However the government reacted by banning international news agencies like BBC, CNN and Sky News. Local journalists and news houses deemed unsympathetic to the regime were harassed and intimidated (Selby, 2006). The most prominent example of intimidation was the bombing of the Daily News and its subsequent forcible closure in 2003. After both local and international media houses were mercilessly dealt with, CFU's strategy of informing the world about what was happening on the farms was partially crippled. The only form of communication with the masses left at CFU's disposal was the internet to which the majority of Zimbabweans had no access. As gatherings were prohibited without prior consent from the police, internet posting became only an individual affair (Selby, 2006). CFU members

could not visit an invasion scene as a group without raising the eyebrows of the police who would not hesitate to make an arrest for contravention of POSA.

5.2.2 Infiltration

The accusation leveled against CFU by its members who went on to form JAG was that the organization was infiltrated by the CIO which acts as the eyes and ears of ZANU (PF) (Selby, 2006). What troubled members of CFU was the involvement of well-known ZANU (PF) sympathizer, John Bredenkamp, in the co-existence initiative (Pilossof, 2011). CFU members who went on and formed JAG felt that CFU was softening its stance only because it had been compromised. What betrayed CFU was the fact that farms belonging to its leaders were left unaffected, thus raising some doubts about the capacity of the organization, to represent members whose farms were already occupied (Selby, 2006). ZANU (PF) has the intention to control every aspect of Zimbabwean life. It achieved this by deploying a partisan security force hell bent on protecting the regime at whatever cost (JAG and GAPWUZ, 2008). One strategy they use is by keeping in check organizations- business, opposition political parties, and civil society- they feel are troublesome. Furthermore, the regime uses its patronage system to silence NGO leaders (Kuwaza, 2015; Dorman, 2001). The effect of patronage is that the organization in question exists in name without really doing anything to achieve its objectives. Therefore it is up to NGOs and their leaders to remain vigilant by staying away from ZANU (PF)'s gravy train. With the economic hardships experienced since the farm invasions, there is great temptation for NGOs and their leaders to try and keep things afloat by accepting incentives from the regime.

5.2.3 Smear campaign

NGOs and their leaders who resisted being lured onto ZANU (PF)'s gravy train were targeted by well calculated smear campaigns. At the forefront of this strategy was the regime's spin doctor, former Information and Publicity Minister and the perceived author of AIPPA, POSA and the Broadcasting Services Act, Jonathan Moyo (Muchayi, 2014). Anyone who did not tow the party's line was systematically labeled a sellout, working with external forces to derail the people's will and power by peddling a regime change agenda. Immediately after the onset of

the invasions of white commercial owned farms, CFU and its members were labeled 'settlers' who robbed the black indigenous people of their land, hence had no right to own land in the country (Pilossof, 2011; Selby, 2006). The smear campaigns escalated when CFU members were seen on CNN donating cash to the MDC's candidate for the 2002 presidential election. It is believed Mugabe was furious and accused the CFU of biting the hand that feeds them (Shaw, 2005). The incident sparked a well- orchestrated smear campaign to discredit CFU. The organization was labeled the enemy of the people, and accused of being used by Britain, USA and their allies to continue neo-colonialism aimed at plundering the county's resources (Shaw, 2005). The national radio and television, Zimbabwe Broadcasting Corporation (ZBC), and national newspapers run by state owned Zimpapers (The Herald, The Sunday Mail, The Chronicle, and Kwayedza) were transformed into ZANU (PF) mouth pieces. Journalists who did not toe the line were annihilated, replaced by well-known ZANU (PF) sympathizers (Dzamara, 2005). Jonathan Moyo went to great lengths to ensure that ZTV and Zimpapers' top posts were filled with ZANU (PF) lieutenants who initiated a propaganda war against perceived 'enemies' of the regime (Dzamara, 2005). Independent radios and televisions were banned under the Broadcasting Services Act, with their counterparts in the print media enduring everyday harassment and intimidation under POSA and AIPPA. International news agencies unsympathetic to the regime were banned and expelled from the country (Tendi, 2010).

CFU was compelled to adopt a defensive strategy instead of focusing on its mandate given to it by its members. In the eyes of the majority of Zimbabweans, especially the not-so-well informed rural folks, CFU was a sellout with no right to land claims in the country. Even the violent way in which some of the invasions took place is testimony to the fact that the invaders were brainwashed to think CFU members were not part of the Zimbabwean population (Pilossof, 2011 Selby, 2006). In most cases, CFU members were told to go back where they came from regardless of the fact that they were the third or fourth generation in their lineage born and bred in Zimbabwe (JAG and GAPWUZ, 2008). An environment in which national news agencies were turned into being partisan agents of government presents a serious problem for

NGOs working in the country. The situation is worsened by the banning of independent radios and television. With the banning of independent radios- one of the cheapest means of mass communication- the rural poor are deprived of vital information which enables them to make informed choices. The majority of the Zimbabwean population live in rural areas which does not help NGOs' cause. NGOs operating in the country need to come together, speak with one voice and pressure government to loosen its monopoly, open the airwaves and bring in genuinely independent players.

5.2.4 Harassment and Intimidation

Since ZANU (PF) pressed the panic button after the February 2000 referendum, well-orchestrated strategies of making citizens toe its line were put in motion (Tendi, 2010). The strategies were designed in such a way that if one misses the other will get the target. Two devastating strategies unleashed on the people were harassment and intimidation. These two strategies aimed at breaking the resolve of CFU and its members took many forms (Pilossof, 2011; Selby, 2006). The ugliest form of harassment involved physical harm: in worst case scenarios, farmers paid the ultimate price. White commercial farmers, their workers and families were killed during farm invasions (Selby, 2006). *Pungwes* (singing and dancing all night long) were done outside the bedroom windows of CFU members to traumatize them (Selby, 2006). Small kids at school could be abused and harassed by fellow kids whose parents occupied their farms (Selby, 2006). Even pets and animals belonging to white commercial farmers were not spared. Dogs could be severely beaten and killed in front of their owners as a warning. Farmers lost cattle and horses through body mutilation. In cases where the farmers organized retaliation units, the army and the CIO were brought in to crush the initiatives (Pilossof, 2011; JAG and GAPWUZ, 2008; Selby, 2006).

ZANU (PF) leaders encouraged harassment and intimidation of CFU members as evidenced by Mugabe who declared that their party "must strike fear in the heart of the white man. They must tremble" (quoted in Selby, 2006: 1). Joselyn Chiwenga, the wife of the Zimbabwean army commander, declared that she had not tasted white blood for a very long time and she eagerly

wished to do so (Selby, 2006). The former Vice President, Joyce Mujuru encouraged ZANU (PF) youth militia and war veterans to come back from farms with shirts soaked in white man's blood (Selby, 2006). CFU had no one to turn to as the government and ZANU (PF) officials openly declared war against it. In order to save their lives, CFU members would just abandon everything on the farms and migrate to towns, cities, neighboring countries and some even abroad. They couldn't take the harassment and intimidation any longer as it had serious psychological effects on them and their families, the very effect ZANU (PF) wanted (Selby, 2006). NGOs in Zimbabwe have a mammoth task in dealing with the issues of harassment and intimidation. The fact that such tactics are systematically planned, authorized and executed with the blessing from above makes the work even harder to achieve. In most cases involving NGOs or their leaders who don't toe government's line, the police are slow to act if they act at all. The police itself has been involved in cases of harassment of civil society leaders for instance, the assault on Morgan Tsvangirai and Lovemore Madhuku during a rally at the Zimbabwe Grounds (Gonye, 2007).

These problems are attributable to a rogue, autocratic and authoritarian regime lacking legitimacy (Tendi, 2010). As such, they present a huge challenge. NGOs and civil society at large need to come together, join forces and try to dismantle the system. NGOs in Zimbabwe tend to distrust each other, due to competition for resources. Consequently, they are always divided on issues which, if they joined forces, help them. As the old adage says, a house divided won't stand, Zimbabwean NGOs won't withstand ZANU (PF), a well-greased oppressive machine, if they continue being divided. NGOs as people's power can work together and force oppressive regimes to change. The respective cases of what happened in the Eastern bloc and Latin America in the 1980s provide two examples (among others) that a united civil society is able to bring about meaningful change to a corrupt and oppressive political system.

5.3 Problems from Within

As far as the ZANU (PF) led government caused problems for NGOs in the country, some of the problems were created by NGOs themselves. NGOs can easily deal with problems from within if they can be focused and organized.

5.3.1 Lack of Resources

Zimbabwean NGOs are hamstrung by the lack of resources. For NGOs to properly fulfill their membership's mandate, members have to contribute to the day to day running of the organization. The economic meltdown sparked by the FTLRP eroded the economic power of the already poor majority. The general population was left to struggle for daily survival, with nothing left to contribute towards NGOs. Families started surviving from hand to mouth, eroding the time and resources one could spare for NGO activities. Even the once rich farmers whose businesses where disrupted by farm inversions were not spared. As the number of CFU members whose farms were affected increased, monthly contributions to the organization dwindled. Those who broke away and formed JAG stopped the monthly contributions altogether in protest (Selby, 2006). The CFU administration and its Board of Trustees acknowledged that another reason why The Farmer magazine was discontinued was a lack of resources to sustain its continued existence (Pilossof, 2011). It only surfaced in 2010 as AgriZim magazine after CFU had secured funding from the European Union (Pilossof, 2011). This highlights that Zimbabwean NGOs sometimes fail to operate at their full capacity because of lack of resources. Use of the media is one of the most powerful strategies NGOs can use to influence policy and communicate with its members and the general populace at large; however in this case CFU was forced to close its only magazine which was part of itself since 1943.

Just like the general population, after the economic downturn from 2000 onwards, NGOs also started surviving from hand to mouth. The only option left for NGOs was to appeal for financial help from their Northern counterparts and the donor world. However the help would come

with strings attached, adversely affecting the objectives of the NGOs involved. CFU suffered this problem as evidenced by its operations around 2002 being directly the opposite of what the majority of its members wanted. Instead of NGOs fulfilling their members' mandate they would become preoccupied with fulfilling the wishes of their sponsors, creating a conflict of interest. As the economic crisis continued unabated, the most skilled human capital started seeking greener pastures. NGOs were not spared either, although they were better off than the rest of the country as they could attract the best skills because of the incentives they offered in the form of sought-after foreign currency. Nevertheless the skills flight adversely affected NGOs' capacities, just like the rest of the country, especially in third generation NGOs involved in policy analysis. Policy analysis needs different kinds of skills for problem identification, agenda setting, choosing the best possible answer among alternatives, adoption, implementation and monitoring and evaluation of public policies. When these skills are lacking, NGOs work is negatively affected.

5.3.2 Absence of the Culture of Volunteerism

NGOs in Zimbabwe are affected by the erosion of the culture of volunteerism. Sub- Saharan Africans in the past were well known for caring for the welfare of the other through their notion of *ubuntu*. However since 2000 when the economy started shrinking, inflation and unemployment rate sky rocketing, most people were severely affected. As earlier noted, people were concerned and pre- occupied with putting bread at their families' table. No time was left for doing other things outside the sphere of fending for one's family. NGOs as organizations joined voluntarily suffered considerably. Lack of volunteerism was the Achilles heel of CFU at the height of the FTLRP. As farm invasions went on unabated, CFU members did not have the time to participate in the organization's activities as they were pre-occupied with their future on the farms. Some started selling their merchandise and farming equipment to clear the way to start a new life elsewhere. ZANU (PF)'s victory in the 2002 presidential election gave some members no hope for the future in farming. Their future was completely obliterated with the only hope in life elsewhere. That exhaustion affected their zeal and will-power to continue taking part in CFU activities. According to Selby (2006), they saw participation as a waste of

time as they had realized that they were dealing with an animal (ZANU (PF)) which has no regard, whatsoever, for the rules of the game. They realized that there was no value in dealing with a regime which continues shifting goal posts willy-nilly.

NGOs in Zimbabwe have to revive the culture of euphoria, zeal and willingness to volunteer, a situation which prevailed between the campaigns for a NO vote during the government sponsored February 2000 referendum and the March 2002 presidential election. During this period, there was unanimity among Zimbabweans, from all walks of life, for the need to create a good society in which everyone benefits. Besides being disillusioned by the presidential elections results, people started losing hope in NGOs as they were seen as having failed to end ZANU (PF) oppressive rule. NGOs in Zimbabwe have substantial work to do in order to win people back to the volunteerism culture which prevailed prior to the 2002 presidential election. They need to be seen operating in ways which doesn't leave question marks in the minds of the general public. One way of achieving this is for NGO leaders to listen to the will of their members. Failure to listen to the views and wishes of members resulted in the split in the rank and file of CFU.

5.3.3 Lack of a Clear Vision

Zimbabwean NGOs are plagued by a lack of vision (Moyo, 1999; Makumbe 1998). This is because many of their leaders are would-be politicians. They join NGOs to build their curriculum vitae which they think will propel them into national politics. The problem is that NGOs, just like Zimbabwe's political system, built their success around individuals such that their departure unravels the organization in terms of vision and a way forward (Sachikonye, 1995). By the time they rebuild the organization around another individual, the damage created by a lack of vision has been done. Unfortunately the damage is very difficult to reverse as the general public has been disillusioned with NGOs since the 2002 presidential election results. Another factor which confuses the vision of Zimbabwean NGOs is the issue of donors (Makumbe, 1998). When an NGO is formed it usually has a clear vision. However, when it seeks partnerships with Northern NGOs and donor agencies, visions are changed or tilted by trying to

accommodate the demands, wishes and aspirations of new found partners (Makumbe, 1998; Sachikonye, 1995). Given a choice between changing, tilting or confusing their visions and objectives and leading themselves to extinction due to lack of resources, leaders of Zimbabwean NGOs opt for the former. They are further motivated by incentives which come with partnering Northern NGOs and donor agencies, to sacrifice the independence of their organizations (Pilossof, 2011). The same problem also befalls those who want to partner the government. As a regime with the intention to control its destiny, it makes every effort to dilute visions and objectives of NGOs it partners and thinks will jeopardize its ambitions (Moyo, 1993). NGO leaders tend to change the trajectory of NGOs for personal aggrandizement, creating an environment conducive to a head-on collision with the organization's members (Selby, 2006). For example, the lack of a clear vision caused by leaders who wanted to save their farms created problems in the CFU leading to its fragmentation (Selby, 2006).

NGOs operating in Zimbabwe in most cases are reactive rather than pro-active (Moyo, 1999, Makumbe, 1998; Moyo, 1993). They rarely initiate policies, they wait for government to roll whatever it is prepared to offer and then start criticizing, in some cases without giving substantive alternatives. When the PVA was being debated in parliament, NANGO failed to even inform its members on what was happening (Dorman, 2001). Likewise since 1980, CFU is accused of having done nothing to help government in land reform programmes (Selby, 2006). It only sprang into action when things started going wrong for its members. Unfortunately, it went into uncharted territory without a clear vision such that in a space of two years, from 2000 to 2002, it had employed numerous and divergent strategies to try and influence the land policy. By the time it proposed the co-existence strategy, the damage on farms had already been done. If CFU had been pro-active, it would have known what was coming, however it was in the dark as it was not involved much in previous land policies. Zimbabwean NGOs need to be pro-active in policy analysis rather than sitting back and expect things to just happen. Being pro-active means NGOs are always well-informed about what is happening in policy arenas, thereby avoiding a situation where they are caught unaware and unprepared. Being pro-active

also offers a rogue regime like ZANU (PF) assurances that NGOs are there to help and not just to try and effect regime change.

Zimbabwean NGOs need leaders who always contact themselves in an above board way, leaders who always consult their members before making important decisions. CFU administrators and the Board of Trustees were accused by the organization's members for acting unilaterally on the closure of The Farmer magazine (Pilossof, 2011). People who participate in NGOs are running away from lack of consultation in government and business. It's unacceptable to subject them to the same conditions they are running away from. NGOs' case is made even worse since membership is by choice, members are free to withdraw if they feel sidelined. It's not evil in itself to partner Northern NGOs and donor agencies which come with their demands and expectations, but members need to be consulted and agree to the proposals. If sufficiently consulted, they feel that they part of the decision making process, which is the very motive people are involved in NGOs. Nevertheless NGOs need to make efforts to source their own resources. Although hamstrung by skills flight, they should try to venture into consultation work in order to raise funds on their own without surrendering their independence. The same applies to leaders who build personality cults in NGOs. They sideline members who are the heartbeat of their organizations. Members' failure to participate ends life of these organizations. NGOs should have constitutions which govern everyday operations of their organizations, and should be adhered to. This prevents a situation where one or a few leaders take the whole organization as their personal property. Constitutions prevent abuse of office and resources which have the propensity to negatively affect NGOs.

5.3.4 Fragmentation of Zimbabwean Non-Governmental Organizations

The majority of third generation Zimbabwean NGOs starts as tribal, regional or racial pressure groups (Moyo, 1999; Makumbe; 1998; Moyo, 1993). This is another reason why they at times lack a clear vision as they try to incorporate members from the broader spectrum. Squabbles usually arise when the original tribal, regional or racial members feel that their voices are being ignored. When CFU was formed it was an amalgamation of different farmers' organization, such

that when things got tough, the original regional farmers' organizations started operating as independent entities (Selby, 2006). For instance, when other members rejected the co-existence proposal, CFU regions of Manicaland and Matabeleland went and negotiated with government alone. They were followed by tobacco growers, daily farmers, cattle ranchers, safari owners and eventually estate farmers (Selby, 2006). Those whose farms were already re-possessed saw no merit in all these endeavors and went on to form JAG, which they thought would represent their interests. At independence there was only one organization, CFU, representing commercial farmers' interests, but by 2005 there were five: CFU, JAG, ZTA, SACFA and Agric Africa. Even before that internal split, CFU was always accused of representing the interests of white commercial farmers at the expense of their black counterparts (Moyo, 1999). Black farmers went on to form their own organizations in order to represent their own interests (Moyo, 2005). CFU's proposal to merge all farmers' organization into one entity was shot down as black organizations thought they would be working with the 'other'. A house divided wouldn't stand the test of time and an oppressive regime like ZANU (PF) would use such fragmentation as well as regional, tribal and racial based orientations as an excuse to refuse engagement. NGOs need to have a national appeal by uniting around a common purpose.

5.3.5 Power Hungriness of Non-Governmental Organizations' Leaders

As the economy continued plummeting, because NGOs were partnering their Northern counterparts or donor agencies, they became one of the sectors which offered lucrative incentives (Dorman, 2001). Professionals were attracted by the incentives and viewed joining NGOs as a career prospect. Most NGO leaders became entrenched in their positions for fear of losing the benefits which came with those leadership positions (Dorman, 2001). Some continued clinging to their leadership positions as a way of covering up their malpractices and financial mismanagement (Dorman, 2001), and others for using their organizations to pursue a personal agenda. This was the accusation leveled against the CFU leadership by those who broke away and formed JAG (Pilossof, 2011; Selby, 2006). JAG itself has not been spared from leadership differences. Since its formation, JAG has been rocked by leadership differences which severely affected its operations with its future hanging in the balance (Pilossof, 2011).

Leaders of Zimbabwean NGOs need to put their organizations' interests before their own personal interests. General members are encouraged when they see that their leaders are also personally sacrificing for the sack of the organization. This can be achieved by realizing that NGOs are not for personal gain like business but rather for the good of everyone involved. People who participate in NGOs are running away from the government and business because those entities have been transformed into personal properties. It will be unfortunate for NGOs to meet the same fate.

5.3.6 Leaders of Non-Governmental Organizations Performing Multiple Roles.

Often, NGO leaders are involved in many activities outside of the organization. Some professionals see NGOs as part-time employment. They usually have their own jobs and become involved in NGOs as a way of broadening their careers or earning extra cash. Because of the skills flight in the country, NGOs were forced to look for professionals doing other things elsewhere in areas which needed technical expertise. Such leaders most often would not care much if the organization goes under as they are only there for personal gain. Of course, NGOs are formed and joined by people doing other things elsewhere; however, in their case it's voluntary. Members volunteer to be part of NGOs and as such will always have the interest of the organization at heart, unlike members who are looking for career prospects. They may be dedicated to the organization's cause, but if push comes to shove, they won't hesitate to look after their own interests and, at times, at the expense of the organization. NGOs need to look from within for leaders, in other words, from members who joined the organization voluntarily. Such members in most cases will put the organization first. When the CFU leadership of David Hasluck, Tim Henwood and William Hughes realized that they were hampering progress, they offered to resign (Selby, 2006). They realized that they had to sacrifice themselves for the sake of the organization. Such has been the strength of CFU as it chooses its leaders from within.

Problem of NGO leaders performing many roles is catastrophic when one of the roles has to do with national politics. ZANU (PF) does not care if such leaders are aligned to their party; it becomes a problem if they are in opposition politics (Dorman, 2001; Moyo, 1993). If NGOs are

in opposition politics, they are blackmailed and treated just like opposition parties are treated in Zimbabwe. The fallout between ZANU (PF) led government and CFU was precipitated by CFU members' involvement in the MDC (Selby, 2006; Dorman, 2001). Plenty of CFU members were heavily involved in opposition politics by the turn of the millennium. The most prominent ones were Roy Bennet, MDC MP for Chimanimani (2000- 2005) and MDC Treasurer General (2005-2014), and Ian Kay MDC MP for Marondera Central (2008- 2013) and MDC Social Welfare Secretary (2009-2013). Roy Bennet was subsequently jailed for a year for pushing ZANU (PF) legislator, Patrick Chinamasa, in parliament. Since then he has been living in exile in South Africa. His nomination for the post of Deputy Minister of Agriculture during the unity government, between 2009- 2013 was vehemently opposed and subsequently derailed by Robert Mugabe and ZANU (PF). In a politically volatile milieu like Zimbabwe, NGO leaders need to choose where they want to belong. If they fail to do so, they risk a situation whereby the organizations they lead are viewed as opposing government and peddling a regime change agenda. Any policy influence initiative they want to venture into will be viewed by government as a strategy of trying to effect regime change.

5.4 Conclusion

All the problems cited in this chapter, when put together, weaken Zimbabwean NGOs institutionally. These problems make NGOs entities built on quicksand, making their sinking a *fait accompli*. The most challenging problems are those created by government. Government is always miles ahead of NGOs in terms of resources, hence NGOs need to do more in order to deal with such challenges. Some of the problems created by government hindering and restricting NGOs between 2000 and 2015 include: repressive laws, infiltrations, smear campaigns, harassment and intimidation. However, other problems came from within NGOs themselves. These include: lack of resources, absence of a culture of volunteerism, lack of clear visions, tribalism, regionalism and racism, having leaders who are power hungry and who often perform many roles. Problems stemming from within NGOs can be dealt with. The most powerful tool in that endeavor is their membership. Members should take control of their organizations and prevent them being transformed into personal entities by unscrupulous

individuals. When organizations are weak institutionally, the end result is dismal failure. All the possible solutions presented in this chapter serve to strengthen Zimbabwean NGOs institutionally which in turn makes their public policy involvement much easier.

CHAPTER 6: SUMMARY AND CONCLUSION

The term 'civil society' was coined by Aristotle who saw civil society's purpose as that of maintaining order and entrenching civility in his *polis.* At this stage civil society and the state were synonymous with each other. Since then the concept has metamorphosed in Western philosophy and politics to mean something separate from government and the market, a position existing today. In sub-Saharan Africa, a concept of civil society can be traced in the African notion of *ubuntu* in which individual interests are safeguarded within a group. Civil society in the West became prominent in the 1980s as a result of disillusionment with government and the market. It came as an alternative, a third way, to supplement the failures of the government and the market.

Civil society manifests itself in many forms, this paper discussed three: civil society as the associational life, the good society and the public sphere (Edwards, 2009). The paper chose NGOs as a subset of civil society and looked at how they are able to make society strong. NGOs became the 'favoured child' of development in the 1990s with Western governments and donor agencies using them as agents of development in the third world. Korten (1990) identified three types of NGOs: generation one, two and three which take different approaches in trying to create the 'good society.' The study identified three approaches (schools) which enable NGOs to make society strong: the civic culture, comparative associational school and the school of skeptics (Edwards, 2009). The dissertation chose to draw on which it dwelt on the comparative associational school which enables NGOs to pressure governments to adopt, implement and monitor policies to meet the interests and demands of the majority.

The study looked at the question of what role NGOs played in policy influence in Zimbabwe. The study noted that through the notion of *ubuntu* civil society had a considerable influence on the way of life in African societies. It shaped the way Africans contacted and governed themselves which was aimed at creating harmony. This way of life was dismantled by

colonialism which strived to make civil society irrelevant in shaping policies concerning black people. However, out of that oppression arose a form of civil society which was aimed at resisting subjugation and oppression and ultimately gave rise to resistance movements who fought for independence and freedom. After independence, in the case of Zimbabwe, NGOs were overwhelmed by the euphoria of attaining independence. The ZANU (PF) led government co-opted a majority of NGOs in the policy making process. NGOs did not complain as they viewed this as cooperation with government. However, the period of cooperation did not last long as the turn of the millennium ushered in a whole new relationship between NGOs and government. The period is characterized by mistrust and outright hostility. During the period on which this study focused, NGOs found it difficult to influence national public policy as any deviation from the government way of thinking was viewed as a way of trying to effect regime change. This was demonstrated by CFU and JAG's struggles in trying to influence the land policy.

Land policy was chosen for the reason that Zimbabwe is an agro-based society, and therefore, land is important in trying to meet the interests and needs of the majority. Zimbabwe has had numerous land policies since 1890. Before independence, the land policy was meant to benefit one race at the expense of the others, therefore it was imperative for the country after independence to make sure that land was equitably distributed. After independence, the government embarked on land distribution based on a willing seller-willing buyer policy. The government argued that the willing seller-willing buyer policy was laden with hurdles making it impossible to achieve any meaningful success, resulting in it being abandoned. At the turn of the millennium, government adopted the FTLRP which has been dubbed chaotic and the cause of the hemorrhaging of the economy and the general socio-political ills besetting the country. Thus, NGOs were important players in guiding against unscrupulous government business and in this case by making sure that land goes to the right people through the right channels.

The study also tried to answer the question: How can NGOs influence policy in Zimbabwe? NGOs generally have three strategies to use in influencing public policies: (1) partnering with government in policy formulation, implementation and evaluation (2) fostering accountability, that is, holding government accountable and answerable for its actions during the whole policy cycle, and (3) policy advocacy, which is lobbying from outside for the adoption of policies favourable to the majority. The paper looked at two prominent NGOs which have been involved in the land issue, CFU and JAG. The study found that the two NGOs used all three strategies: partnering with government, demanding accountability and policy advocacy in trying to influence the land policy. However this had little success as the government perceived the two NGOs as working against it and as a result it created numerous problems and challenges for the NGOs. The majority of problems arose as a result of the political environment in which the NGOs are working. However, some arose from the way the NGOs conducted themselves. The study then looked at how these problems and challenges can be addressed. It has been noted in the dissertation that they can only be addressed by NGOs themselves, in most cases by creating the environment which is conducive for their work.

The conclusion which can be drawn from this study is that sub-Saharan NGOs especially those in Zimbabwe are still relevant and important in developmental discourse. Scholars are right in pointing out that resources channeled towards these NGOs don't tally the results on the ground. This has been the case with CFU and JAG which have failed thus far to influence the land policy in Zimbabwe for the past fifteen years despite the fact that the majority of citizens and leading scholars agree that the current policy is counterproductive. However, the study has noted that this mismatch is because of a plethora of problems which hamstring their operation. If these problems are dealt with, the work of NGOs in sub-Saharan Africa and Zimbabwe in particular especially in policy analysis will greatly improve, and make NGOs as important as government and business in development and poverty reduction.

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