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The Conflict between Tradition and Modernity: The History of the Relationships between the State and Traditional Leaders in Gutu District, Zimbabwe from 1960 to 2010

By

Nicholas Govo

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The Conflict between Tradition and Modernity: The History of the Relationships between the State and Traditional Leaders in Gutu District, Zimbabwe from 1960 to 2010

Research Submitted at the University of Venda in Fulfillment of a Masters of Arts in African Studies Degree

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Declaration

I, Govo Nicholas, hereby declare that this work is originally mine. It has not previously been submitted to this or any other university and I have tried to the best of my knowledge to acknowledge the views and ideas of other scholars.

Signed (i) Researcher.....**Date**.....22/05/2014.....

(ii) Supervisor.....**Date**.....26/05/2014.....

(iii) Core-Supervisor.....**Date**.....22/05/2014.....

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Dedication

This work is dedicated to all those who celebrate unity in diversity and institutional pluralism.

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Acknowledgements

My greatest thanks go to Prof. R.R Molapo and Mr. P. Dzimiri for their untiring, extremely efficient and conscientious contributions for this work. I also owe a lot of thanks to many interviewees who generously gave their time for this research. Many may never see this thesis but they will hopefully, all benefit from the development ideas that may arise from it. Lastly, I want to thank Mr. B. Tavuyanago for encouraging me to undertake a research on traditional institutions.

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Abstract

The study investigates the relationship between traditional leadership and the local government in the theoretical framework of the conflict between tradition and modernity. The study examines the relationship between two institutions which cannot be merged, but at the same time cannot be thrown away. As a case study, the study seeks to investigate the relationship between the state and traditional leadership in Gutu District, Zimbabwe. The District is found in Masvingo Province and it is predominantly rural. As such, traditional institutions are still influential or intact. Qualitative research methodology will be employed to gather data of the stakeholders and establish the causes and nature of the conflict between traditional institutions and modern forms of governance. The research will contribute to African Studies discourse, especially on the nexus between tradition and modernity in understanding issues of governance and management of communal areas. It is hoped that this will provide some insights in addressing some of the pressing problems which retard rural development. On the whole, this work posits that traditional authority and modern forms of governance are parallel and there is a need for engagement in serving the communal areas in the best interests of development and poverty alleviation.

Key words: Traditional authority, Modern governance and Development.

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ACRYNOMS

ANC	African National Congress
DA	District Administrator
DC	District Commissioner
DNC	District Native Commissioner
DLC	District Land Committee
DO	Delineation Officer
CLA	Communal Lands Act
CLLCA	Customary Law and Local Courts Act
FTLRP	Fast Track Land Reform Programme
LAA	Land Apportionment Act
LTA	Land Tenure Act
MDC	Movement for Democratic Change
MDC-T	Movement for Democratic Change-Tsvangirai
MDG	Millennium Development Goals
NC	Native Commissioner
NGO	Non-Governmental Organization
NLHA	Native Land Husbandry Act
PNC	Provincial Native Commissioner
RDC	Rural District Council
RF	Rhodesian Front

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SADC	Southern African Development Community
SAFAIDS	Southern African HIV/AIDS Information Dissemination Services
TLA	Traditional Leaders Act
TTL	Tribal Trust Lands
TTLA	Tribal Trust Lands Act
UDI	Unilateral Declaration of Independence
UNECA	United Nations Economic Commission for Africa
VIDCO	Village Development Committee
WADCO	Ward Development Committee
ZAPU	Zimbabwe African People's Union
ZANU-PF	Zimbabwe African National Union-Patriotic Front

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1.1 Introduction

This study examines the relationship between the state and traditional leaders in Zimbabwe, with special reference to Gutu District. The relationship between the state and traditional authority has proved to be characterized by conflicts in many societies. In Zimbabwe, the conflict between tradition and modernity started to be visible soon after the establishment of colonial rule in 1890. The major area of contestation was the control of land and other natural resources. Colonialism brought with it Western models of local governance carefully crafted to perpetuate the capitalist interests. The pre-colonial roles of traditional chiefs in presiding over courts and collecting fines were also undermined and this intensified tension between traditional leaders and courts run by the state. It can be argued that the conflict between traditional institutions and the state is basically over the control of land, hegemony and recognition; hence a struggle of accumulation and power.

The conflicts between traditional leaders and other political forces, namely, the nationalists and guerrillas during the liberation struggle, created a culture of mistrust which shaped the relationship between the traditional leaders and the post-colonial state. Despite improved relations between traditional leaders and the state in the post-independence phase, traditional leaders and institutions continue to be manipulated by the state for political ends. By the same token, it is argued that the perpetual manipulations of traditional leaders by the state have rendered them powerless and their meaningful contributions to the development of their communities have been hampered. Such a development brings into question the legitimacy of some traditional leaders who were imposed on their communities by the colonial and post-colonial state for political reasons, without embracing the customs of the land in the appointment and installation of a traditional leader.

The research adopts a broader examination of the relationship between the state and traditional leaders from 1960 to 2010. This period has been considered because it gives a comparative approach on what took place in the socio-political and economic dynamics of rural communities

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during and after the colonial period. Two totally different states namely the colonial and post-colonial will be examined. Within this time frame the forces of continuity and change on how the colonial and post-colonial states have approached the issue of traditional institutions are explored. The period 1960 to 2010 saw the establishment of two extremely radical governments in Zimbabwe, (the Rhodesian Front (RF), from 1962 to 1979 under Ian Douglas Smith and ZANU-PF under Robert Mugabe from 1980 to present). The nationalists and the RF fought a protracted war between 1966 and 1979 and the war which was mainly fought in rural areas. Since the authority of traditional leaders is deeply rooted in the rural areas, it makes the theme of the relationship between traditional leaders and the state a pertinent research area. More so, the legacy left by the colonial state and the liberation struggles shaped the relations of the traditional leaders and the state after independence.

Whilst the colonial regimes across Africa viewed African indigenous political systems with contempt, it must be noted that post-colonial African leaders were no better. Soon after independence, little was done to correct the distortions left by the colonial legacy. This exacerbated conflicts with traditional leaders who hoped that independence was going to address their problems. In a similar way to the colonial regimes, ZANU-PF refers to traditional leadership and institutions when they want to solicit for political support, mainly during election times. This has compromised the position of the African since the erosion of their powers translates into loss of legitimacy.

The policies followed by the new government of Zimbabwe since 1980 also leave a lot to be desired. The nationalists who took over from the RF instituted policies which undermined the powers of the traditional leaders since independence. The explanation proffered by scholars on such a development is that traditional leaders acted as functionaries of the colonial state, especially during the liberation war and they had to be dealt away with.[1] Furthermore, the nationalist leaders who took over governments in Africa at independence had received Western education and they viewed tradition as anachronistic and antithetical to progress.[2] They tried to create Nation-States using alien models and this further undermined the powers of traditional

[1] J. Makumbe. 1998. *Development and Democracy in Zimbabwe.* Harare: SAPES Books, p. 18 and G.T Ncube. 2011. "Crisis of Communal Leadership: Post-colonial Government Reform and Administrative Conflict with traditional authorities in communal areas of Zimbabwe, 1980-2008". *Journal of History and Culture Volume 3 (6)*, pp. 89-95

[2] B. Davidson. 1970. *The African Genius: An Introduction to African cultural and social History.* Boston: Atlantic Mothly Press, p. 51

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leaders.[3] However, traditional leaders have shown that they could not be easily thrown out of rural politics.

Rural communities are different from urban areas in that they still practice and believe in the hereditary powers of the traditional leaders. In Zimbabwe, the element of totems, kinship and clans is still highly regarded as it gives the rural societies a sense of belonging. Given that the institution of traditional authority is deep-rooted in kinship, totems and clans, traditional leaders continue to influence the social, political and economic life of rural communities. On the other hand, the local government, through its elected councilors and village committees claim to be democratic leaders of rural areas as they argue that they have the blessings of the government as provided by the constitutions. Such a scenario widens the rift between the two institutions. Thus, the relationship between the state and traditional leaders in Africa at large and Zimbabwe in particular, should be of considerable interest to historians and social scientists as a way of understanding society. It is important to note that the conflict between the state and traditional leaders is not peculiar to Gutu District as there are wrangles between the two institutions in other districts like Makoniin Mashonaland East Province.[4]

1. 2 Description of the Area under Study

Gutu District is the third largest district in Masvingo Province and was named after Chief Gutu (*Chinemukutu*) which literally means 'one who always carries a quiver.[5]*Chinemukutu* was the founder of the Gutu ruling clan (*Dzinza*) of the *Gumbo* totem of *Madyirapazhe* clan praise name.[6] Some brief notes prepared by Latham[7] in 1965 show that Gutu District had the highest tribal population in Rhodesia and also that chief Gutu had 17 recognized headmen and a tribal population of some 34 000 male tax-payers.[8] Currently, there are nine (9) substantive chiefs and

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[3] *Ibid.*
[4] T.Ranger. 1985. "Tradition and Traversty: Chiefs and administration in Makoni District, Zimbabwe, 1960-1980". In Africa Volume 52 (3), p. 51
[5] D.N Beach. 1994. *A Zimbabwean Past.* Gweru: Mambo Press, p. 146.
[6] *Ibid.*
[7] C.J.K Latham was a Senior Delineation Officer and made a report in March 1965. *Gutu Volume 5. National Archives of Zimbabwe (NAZ) file S2929/8/3, March 1965.* Salisbury: Rhodesia, p. 5.
[8] *Ibid.*

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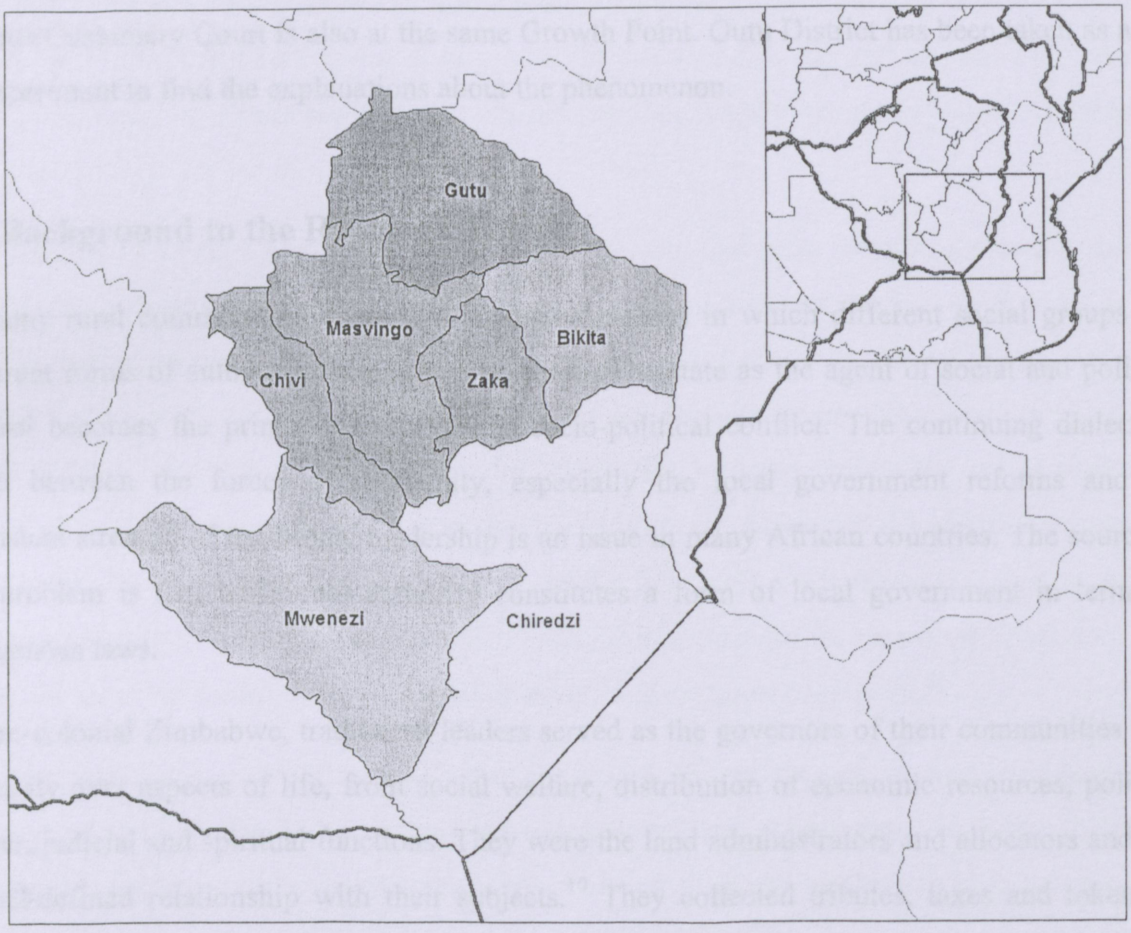
eighteen (18) headmen in the district, making it one of the largest districts in Masvingo Province.[9]

1. 3 Figure 1: Map of Gutu and other districts in Masvingo Province, South-Eastern part of Zimbabwe.



Adapted from: http://www.en.m.wikipedia.org/wiki/Gutu

[9] J. Mujere. 2010. 'Livelihoods after Land Reform in Zimbabwe: Land, Graves and Belonging: Land Reform and the Politics of Belonging in Newly Resettled Farms in Gutu, 2000-2009'. University of Edinburgh: June 2010, p. 9.

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Gutu District's boundaries stretch to Munyamba River bordering Masvingo District in the South. In the north it stretched to Nyazvidzi River, bordering Buhera District. To the East, it shares boundaries with Bikita and Zaka Districts.

The local government offices are at Mupandawana Growth point some 250 kilometres from Harare along the Harare-Chiredzi highway. The same offices were used by the Department of Native Affairs during the colonial period. The District Magistrate's Court and Chief Gutu's defunct Customary Court is also at the same Growth Point. Gutu District has been taken as a test or experiment to find the explanations about the phenomenon.

1.4 Background to the Research Theme

In many rural communities, there is a contested process in which different social groups and different forms of authority contend and co-exist. The state as the agent of social and political control becomes the principle focus of this socio-political conflict. The continuing dialectical clash between the forces of modernity, especially the local government reforms and the persistent strength of traditional leadership is an issue in many African countries. The source of the problem is that traditional authority constitutes a form of local government in terms of indigenous laws.

In pre-colonial Zimbabwe, traditional leaders served as the governors of their communities with authority over aspects of life, from social welfare, distribution of economic resources, political power, judicial and spiritual functions. They were the land administrators and allocators and had a well-defined relationship with their subjects.[10] They collected tributes, taxes and tokens of allegiance from their subjects and they controlled mineral resources in their areas and they also did environmental management.[11] They collected fines from offenders and used such items as revenue for the upkeep of their communities.[12]

With the establishment of colonialism and modern forms of government, most of what used to be the prerogatives of the traditional leaders were taken by the state organs. The local government,

[10] D.N Beach. 1984, pp. 21-22
[11] *Ibid.*
[12] *Ibid.*

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through its municipalities took over the land rights and allocation powers. They collected taxes and levies from the local communities and traditional leaders paled into insignificant structures. The magistrate courts (established in all districts of Zimbabwe) collected fines from offenders on behalf of the state. People stopped paying tributes to the chiefs and the relationship between the chief and the subject was distorted. The revenue base of the traditional leaders was eroded. Instead of paying tributes to the chiefs, Africans were now compelled to pay various taxes to the colonial government. Migrant labour also pushed people out of the rural areas and they were no-longer bound to traditional customs and laws. It can therefore be argued that the source of conflict between the chiefs and the state organs was about capital accumulation, recognition and influence.

The establishment of Christianity as a modern religion also took away some of the spiritual powers of the traditional leaders. The church provided the safety valves especially to those who felt that they were being exploited by the African political system like women. Priests and other church leaders took over the role of a 'father' of the community and they even presided over some matters, undermining the powers of traditional leaders. Before the establishment of Christianity, the traditional leader was the living supreme object of the African cosmos. In describing the spiritual importance of the chief's functions, Davidson notes that it was to "maintain harmony between society and its natural environment by means of ritual action".[13] Thus, the chief embodied the spiritual and material well-being of his people.[14]

The colonial legacy of undermining the powers of the traditional leaders continued after independence. Soon after independence, the new government of Zimbabwe side-lined traditional leaders by enacting various laws, doing away with much of the traditional roles of traditional leaders. The Customary and Primary Court Act (1981) did away with the judiciary authority of chiefs and headmen.[15]The Communal Lands Act (1982) gave the District Councils power over land administration and allocation.[16] The Rural District Act (1988) also created a local government that excluded the traditional leaders.[17] The Chiefs and Headmen Act (1988) did not

[13] B. Davidson. 1970, p. 192
[14] G.B.N Ayittey. 1992. *Africa Betrayed.* New York: Transaction Publishers, p. 52.
[15] Government of Zimbabwe, The Customary and Primary Court Act (1981). Harare: Government Printers.
[16] Government of Zimbabwe, The Communal Lands Act (1982).Harare: Government Printers.
[17] Government of Zimbabwe, The Rural District Act (1988) Chapter 29:13.Harare: Government Printers.

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recognize the institution of the village head. This shows how the post-colonial state trembled over the powers of the traditional leaders during the first decade of independence.

It is also important to note that the discourse on the conflict between traditional authority and modern systems of government is made more complex by the former's reluctance to accommodate women in the mainstream of traditional leadership. Creating a home for traditional leadership in the modern dispensation remains one of the difficult areas, especially as the institution side-lined women and as it is founded along patriarchal lines.

Makumbe (1998) argues that all these legal enactments were part of the process of disempowerment of traditional institutions, a measure purportedly designed to punish them for their pre-independence role as functionaries of colonial oppression.[19] It is however important to note that there was tension between the newly appointed RDCs as most chiefs, headmen and village heads defied the laws and continued to allocate land to the people and to preside over community courts.[20] Villagers continued to refer land matters and village disputes to the traditional leaders, exacerbating the tension.

The sharp turn which was taken by the government after 1997 has baffled many, and as such its explanation presents problems. A government which started by circumscribing the powers of the traditional leaders suddenly started to give them more powers and this was a strategy employed by the ZANU PF government to curtail the influence of the MDC in rural areas.[21] By exploring the forces of continuity, this study makes a comparative approach to explain why, for example, the Smith Regime gave chiefs some concessions during the 1960s with the way the ZANU-PF government made an acrobatic turn and started to restore the powers of the chiefs in the late 1990s. Mugabe's government increasingly engaged in brinkmanship and demagoguery that kept ZANU-PF in power through hook and crook.

Traditional leaders were targeted to assist Mugabe achieve his goals. In that way, traditional leaders have always been used as a tool by whichever government is in power. This chameleon-

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[18] Government of Zimbabwe, The Chiefs and Headmen Act (1988).Harare: Government Printers.
[19] J. Mw. Makumbe. 1998, cited in G.T Ncube. 2011, pp. 89-95
[20] D. Dore. 1995. 'Critical Analysis of Land Reform Recommendations', Future Land Tenure Systems in Zimbabwe's small-holders areas; Implications on investment, Resources conservation and Productivity. Harare: Unpublished, cited in G.T. Ncube. 2011, pp. 89-95
[21] Makumbe.1998, cited in G.T Ncube. 2011, pp. 89-95

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type of relationship between the state and traditional leaders shows that something went wrong somewhere and needs to be corrected and make chieftaincy an acceptable partner in a genuine political environment. Raftopoulos and Mlambo (2009) rightly point out that critically confronting the past in all its dimensions in Zimbabwe is an essential part of 'becoming better Zimbabweans'.[22] To remove the conflicts and revitalize the traditional leaders, an inquiry into the issue is needed. This is possible when the conflicts between tradition and modernity are explained and a purposeful harmonization of the two is considered.

It is from this background that this research is being carried out to establish the nature of the relationship between the two totally different states and traditional leaders between 1960 and 2010.

1.5 Statement of the Problem

One of the problems confronting policy-makers in Africa is the issue of traditional authority. In Zimbabwe, as in most parts of Africa, the key issue is not whether traditional leaders should exist as most African governments have recognized their existence in their constitutions, but how they can participate in the delivery of services and the development of rural areas.

The major problem is the incompatible relationship between democratically elected organs of government and traditional (mainly hereditary) structures of social order. The two institutions derive their power and legitimacy from totally different angles and sources, with traditional leaders using traditional laws of the land and customary laws while local government organs claim their power from elections and the constitution and this has provided a surface for conflict. Rural communities are still largely in the hands of traditional leaders who are the custodians of the land and other resources according to custom and tradition.

With the establishment of local government boards, land rights were transferred to the local municipalities who assumed a new role of Rural District Council (RDC) which made the RDC the de jure land authorities in communal areas.[23] Friction over the ownership and allocation of

[22] A. Mlambo and B. Raftopoulos. 2009. *Becoming Zimbabwe*. Harare: Weaver Press, p. xxxiv
[23] Government of Zimbabwe, Rural District Council Act (1988), Harare: Government Printers

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land between the RDCs and the traditional leaders became visible as the latter viewed land as their birthright. The clan system and the belief in totems which mold kinship relations which are prevalent among the Shona of Zimbabwe give a sense of oneness to the people of the same locality and they view their traditional leaders as the legitimate custodians of the land of their ancestors. District Councils, which are represented by elected councilors, become irrelevant in this equation of kinship and this brings problems in the administration of communal areas. This problem has been evidenced by how chiefs, headmen and village heads have continued to allocate land to the people, even though they are not the legal owners' according to laws like the RDC Act (1988) Communal Lands Act (1982)[24] which transferred powers over land to Rural District Councils.

The problem is over the administration of the Resettlement areas. According to the Communal Lands Act (1982), traditional leaders should only have power in communal areas and the Act makes the resettlement areas out of bounce for traditional leaders. Whilst the traditional leaders took the Fast Track Land Reform Programme (FTLRP) as an opportunity to reclaim ancestral land lost during colonialism, the government and other socio-political forces like war veterans do not view the land reform from a restitution angle.[25]

The other problem is over the traditional courts. Both the colonial and post-colonial states have codified the laws in such a way that customary law became vague and inapplicable in most cases. People in rural areas continue to refer their cases to traditional courts which in the eyes of modernity do not possess the qualifications to preside over some cases and come up with reasonable verdicts. In the pre-colonial times, and an idea they still perceive to this day, traditional leaders presided over all cases and they collected fines and other damages for their own use. Given that the magistrate courts are now trying almost all cases and get fines on behalf of the state, traditional leaders find themselves at a loss and they have tried to compete with the magistrate's courts, and again creating problems. It also becomes difficult to come up with precise cases to be dealt with at the Customary Courts, for most cases committed in rural areas including murder, adultery and rape have penalties based in customary laws.

[24] Government of Zimbabwe, Communal Lands Act (1982), Harare: Government Printers
[25] J. Mujere. 2010, p. 7

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The failure by the African institutions to accommodate women poses a problem. Besides being hereditary, chieftaincy sidelines women and this makes the institution to be viewed by many as conservatively male chauvinistic. Perhaps, the failure of traditional political systems to accommodate women presents one of the major weaknesses when compared to the modern political systems.

Finally, the perpetual manipulation and politicization of traditional leaders in Zimbabwe presents a problem. They have been and are still being reduced to the level of political agents for political leaders and this is diluting their mandate of serving rural communities in a non-partisan manner. The stipends and salaries chiefs are getting have made some to side with the state even if some of the policies are detrimental to their communities. Godfrey Phiri[26] notes that a new culture has emerged where chiefs who are supposed to owe allegiance to spirit mediums and ancestors were leading lives that revolved around the dollar orbit defused by those in political power. Such a trend, as Phiri notes was problematic in as far as the chiefs may be induced not to challenge some government decisions.[27]

1.6Research Assumption

The overall assumption for the study is that the contestation between traditional authority and modern governance structures is a result of the perpetuation of the colonial legacy of exploiting traditional systems for political ends. It is the assumption of this study that as long as traditional leaders do not own land, they are likely to influence their communities not to cooperate with the local government and other development agencies, making it difficult to develop rural areas. This work argues that modern models of governance should be complemented with African indigenous forms of governance to achieve rural development.

[26] Godfrey Phiri is the chairman of the National Association of Non-Governmental Organizations (NANGO) in Zimbabwe, cited in The Zimbabwean, 25 March 2013, Harare.
[27] *Ibid.*

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1.7 Aim of the Study

The major aim of the study is to unpack the contestations between the traditional leaders, the local government and other socio-political groups which compete for political space in rural areas. The research also provides a comparative analysis on how the two totally different states, (the colonial and the post-colonial) have approached the issue of traditional authority.

1. 8 Objectives of the Study

(i) To find out the contradictions which have taken place between two established orders that are, the institution of African traditional authority and the modern local government structure.

(ii) To find out why and how the powers of traditional leaders were circumscribed during and after the colonialism.

(iii) To examine how the conflict between traditional leaders and government organs have contributed to the delayed rural development.

1.9 Significance of the Study

The main purpose of this study is to make people understand the relationship between the state and traditional leaders. The study also purposefully shows that the two institutions operate at parallels while their mandate is to develop rural communities among other things. It is argued that some royal houses which are holding traditional leadership portfolios are not genuine as they were imposed by the colonial or post-colonial states to serve the interests of politicians, and in the process threw out the rightful ones according to tradition and custom.

It is not the purpose of this study to deny some houses the right to lead, or to undo the efforts of the state in improving the status of traditional leaders, but it is hoped that this work will seek out historical distortions, establish elements of continuity, explore comparisons and evaluate the relationship between the state and traditional leaders in different historical epochs, not for posterity.

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To borrow from De Leon and Vogenbeck (2007), research should shift from being "sterile academic parlor games" to become problem and solution-oriented, focusing on the "real world".[28] Research must;

> Become more than simply addressing big theoretical questions, but encompass the difficult task of clarifying goals, trends and alternatives within the social, political and economic environment.[29]

Thus, this work will be the basis of paving a way to revitalizing (in the real sense) the traditional authority in the modern framework of local government. Although the work is going to open "a Pandora's box" of modernist demand and some sections of the Civil Society who are demanding the abolishment of traditional authority, I consider the risk worth-taking. Finally, the study will contribute knowledge to academics and policy-makers.

1. 10 Research Questions

The discourse of traditional leadership in Zimbabwe has been subjected to polemic and counter-polemic arguments. The following questions therefore need to be addressed;

(i) How can the relationship between traditional leaders and the government organs be explained in the framework of the conflict between tradition and modernity?

(ii) Are traditional institutions anachronistic and antithetical to democracy and rural development?

(iii) Should modernization be the issue of discarding traditional institutions and values; 'Throwing away the baby with bathwater',[30] or there is a need to accommodate and retain some

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[28]P. De Leon and D.M Vogenbeck. 'Back to Square One: The History of Promise and Policy Sciences'. In J. Rabin, W.B Hildreth and G.J Miller (eds). 2007. *Handbook of Public Administration, Third Edition.* New York: Taylor and Frances, p. 514

[29] W. Ascher. 1986. 'The Evolution of Policy Sciences: Understanding the rise and avoiding the fall'. In *Journal in Policy Analysis and Management, 5(2), (Winter 1986),* p. 371

[30] A. Yaw. 2006. 'Chieftaincy and Royalty in Ghana: Are we throwing the Baby with the Bathwater?' Available at: http://www.hanaweb.co/GhanaHome, accessed 26 June 2013.

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of the desirable elements of indigenous African systems to eliminate friction between 'tradition' and 'modernity' and achieve rural development.

(iv) How can development in rural areas be achieved when traditional leaders lack 'real' power, especially in the administration of land, which is the niche of livelihood in the rural communities of Zimbabwe?

1.11 Justification of the Study Theme

The study exposes the contradictions brought about by modern structures of local governance to the indigenous African political system in such a way that it clarifies distortions, set trends and projections and also looks for alternatives within the social, political and economic spectrum of society.

In light of the above, the study highlights the conflict between two institutions that cannot be merged or done away with. The rationale of the study is therefore that the institutions of traditional authority and local government can only work together for the benefit of the rural communities if their dialectical relationship is first understood.

I also find it intellectually valid to embark on the study as it contributes to the body of knowledge on the discourse of African studies, especially on the nexus between tradition and modernity in matters of governance.

The relationship between the state and traditional leaders deserves to be understood by all those who are pre-occupied with the development of communal areas in Zimbabwe and Africa at large, especially given that the plight of the rural 'poor' has been neglected for a long period. Politicians, policy-makers and local government officials will also find the study significant in their work, as traditional leaders still remain influential political actors in contemporary Africa. It can be argued that the power and influence of traditional authorities is such that politicians seeking elected office compete with them at their peril.[31]

[31] J. Beall, S. Mkhize and S. Vawda. 2005. 'Emergent Democracy and 'Resurgent' Tradition': Chieftaincy and Transition in KwaZulu-Natal'. In *Journal of Southern African Studies Volume 31*, p. 755

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Finally, this is a useful investigation because it contributes knowledge to academics and the generality of the people will understand the relationship between the state and traditional leaders and it contributes to the ongcing process of recovering Zimbabwean history and to the advancement of socio-political development in Africa at large.

1.12 Justification of the Period under Review (1960-2010)

The starting point of this study is 1960 and the closing period is 2010. Of course, the background information and other references will continuously be made on the period before 1960; but the focal point of the study is 1960-2010. This period was considered for many reasons. Firstly, the 1960s represent a period of great contradictions and changes on how the colonial government in Rhodesia was operating, especially under the hard-headed Prime Minister Ian Douglas Smith. The Smith Regime was facing challenges from within and from without. Internally, African nationalism was a real threat. It was gradually turning militant and not surprisingly the first shots of the liberation struggle went off in 1966.

Externally, Smith was under pressure from the British government to consider majority rule, of which he was not prepared to give, resulting in his historical Unilateral Declaration of Independence (UDI) on 11 November 1965.[32] The collapse of the Federation of Southern Rhodesia, Northern Rhodesia and Nyasaland in 1963 also posed a serious problem of increasing unemployment in Southern Rhodesia. Coupled with the devastating results of the Native Land Husbandry Act (NLHA), landlessness in communal or tribal land (as they were called), led to deteriorating conditions in the countryside and this produced a conducive atmosphere for nationalist activities. These developments had far-reaching consequences to the traditional leaders.

As a way of mobilizing support for the UDI, the RF government gave some concessions to the traditional leaders, restoring some of their powers. RF also wanted the chiefs to assist the government to curb nationalism which was now changing from being an urban phenomenon to a

[32]On 11 November 1965 the Prime Minister of Southern Rhodesia declared that his country was now independent from Britain, making it an autonomous Settler state with the right to make independent political decisions and one such decision was that there was not going to be majority rule in Rhodesia in the foreseeable future and not even in a 'thousand years'.

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more radical rural one. The formation of the Zimbabwe African People's Union (ZAPU) in 1961 and the Zimbabwe African National Union Patriotic Front (ZANU-PF) in 1963 and their activities in the rural areas posed a real threat to the colonial regime.

The state also wanted to use chiefs to solve the problem of landlessness created by the NLHA (1951). The colonial government increased its influence in appointing only those chiefs prepared to work with it under such difficult circumstances. This created tension between the chiefs and nationalists who accused them of being colonial appointees. There was also tension between the chiefs and the spirit mediums who accused them for the same reason as the nationalists. Spirit mediums and traditional leaders who depended on one another for political power and legitimacy were now pitted against the former as they were more trusted by the guerrillas. From this point on, the nationalists formed an alliance with spirit mediums against chiefs and this explains why the guerrillas, who had the blessings of the spirit mediums, took over most of the roles of the chiefs during the liberation struggle. Many people, with chiefs being most targets lost their lives at the hands of the guerrillas during the war, especially after 1977. In the process the legitimacy of traditional leaders was compromised.

This also explains why the chiefs were abandoned by government soon after independence. Even during the Fast Track Land Reform Program (FTLRP), the war veterans wielded more power in allocating land to the landless peasants, yet this was supposedly a prerogative of the chiefs. From the late 1990s to 2010, traditional leaders have been manipulated by the ZANU-PF government for political expediency and in some cases they pursued undemocratic principles in their areas and in the process, their roles were compromised. These are the major trends why the period 1960-2010 was considered in examining the relationship between the state and traditional leaders in Gutu District.

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1.13Definitions / Clarification of Operational Terms

a. Traditional Leader

This refers to any person in a community who is acknowledged as a leader according to the hereditary customs of that particular community. The person is respected and acknowledged by people in that society as a ruler or leader in political, social and economic aspects of that society. They can also be described as "actors and embodiment of customary decision-making institutions".[33] In most African societies, this is a local arrangement which is inherited from a society's heritage. Traditional leaders perform their duties in a traditional authority that is governed by rules and principles that are deeply rooted in the community. The leadership is hereditary. In most African political systems, spirit mediums and traditional medical practitioners also play leading roles in society, but real political power and decision-making is vested in the ruler with his hierarchy which includes the Council of Elders and other dignitaries. For the purpose of this study, traditional leaders are the chiefs, headmen and village heads.

b. Traditional Authority

This is a structure for decision-making in a jurisdiction area. An authority is headed by the traditional leader whose power is autonomous in the area under his rule. In most African communities, the Elders and spirit mediums provided the checks and balances on the legitimated power of traditional authority.

c. Local Government

[33] A. Blom. 2002. 'Ambiguous Political Space: Chiefs, Land and Poor in Rural Mozambique'. In N. Webster, L. Eng-Pedersen. (eds). *In the Name of the Poor: Contesting Political Space for Poverty Reduction.* New York: Zed Books, p. 102

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Local government can be defined as legal creatures of the state, established in accordance with the state, constitution and statutes.[34] Local government constitutes a body of appointed and elected people to allow citizens of an area desiring local services to create their own unit of local government.[35]

In Zimbabwe, the local government is under a minister who is appointed by the president and he oversees the administration of provinces which are under a Governor and Provincial Administrators (PAs) and districts which are under the District Administrators (DAs). As an attempt at harmonizing the local government and traditional authority, the minister is also responsible for the appointment of chiefs and oversees their roles and functions.[36] The minister with the blessing of the President can appoint and fire a chief where there is 'a good cause'.[37]

d. Chief *(Ishe)*

This is ruler of a larger territory *(nyika)*. In pre-colonial times, he/she could parcel land and power to the headmen. A chief is above several headmen who report to him/her on important matters. He also presides over serious offences brought to him/her by the headmen or headwomen and he/she is the final judge. The post is hereditary.

e. Headman *(Sadunhu)*

This is a ruler of a small territory *(dunhu)*. He/ She have autonomy over his/her area but reports serious matters to the chief. He/ She reign over various clans and in pre-colonial times, he/she had power to allocate land to individuals. The post is hereditary.

f. Kraal head *(Samusha / Sabhuku)*

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[34] R.L Kemp. 1999. *Forms of Local Government: A Handbook on City Country and Regional Options.* London: McFarland and Company, p. 6
[35] Ibid.
[36] Government of Zimbabwe, Traditional Leaders Act (2000). Harare: Government Printers.
[37] *Ibid.*

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This is the head of several homesteads which form a village. He/ She is assisted by household heads to settle minor issues in the village and in pre-colonial times, he/she could allocate land at village level but in constant consultation with the headman. The position is hereditary.

g. State

This is a government of a country. Normally it is characterized by formulated laws which are universal within its boundaries. It is headed by a leader and in many modern states such leaders are elected by the people and they rule according to constitutions which are believed to be representing the hopes and aspirations of the people. A state can also be defined as a 'sovereign government with defined boundaries'.[38]

h. Confederacy

It is a group of societies which are unified by one central thing. In most African pre-colonial chiefdoms there was a unifying factor of various territorial chiefs and headmen under him/her to form a loose-union of federal chiefdoms with territorial chiefs having autonomy over their areas, but paying tribute to the paramount king.[39] This was a common feature in pre-colonial states of Zimbabwe such as the Rozvi and the Ndebele States.

i. Democracy

For the purpose of this study, democracy suggests a society supported by a wide range of associations and institutions capable of articulating the interests of their members as well as being able to mold and constrain the power of the state.[40] For the purpose of the study, I define democracy as a form of political organization guided by the idea that political domination and

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[38] C. Atim et al (Eds). 1996. *Africa Now: People, Policies and Institutions.* Oxford: James Carrey, p. 4
[39] G. C Mazarire. "Reflections on Pre-Colonial Zimbabwe, 850-1880s".In A. Mlambo and B. Raftopoulos.2009, p. 24
[40] Rita Kiki Edozie. 2002. *People, Power and Democracy: The Popular Movement against Military Despotism in Nigeria, 1989-1999.* Asmara: AWP, p. 3

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government should be grounded in the will of the people. The ruled should also be the rulers and political power should be rooted in, and legitimated by the will of the people.[41]

j.Legitimacy

This is the mental condition of accepting the domination of a political group or individual and it can only be achieved with some reference to the past. Every organized form of human life needs legitimacy and this is true for any political system whether traditional or modern. Those who are in position of authority are there because of the trust that those who follow bestow on them.[42]

k. Tradition

The word tradition is originally from the Latin word *traditio,* which means to deliver. Traditions are long established customs or practices which have the effect of unwritten law, which are handed down through the generations, and generally observed.[43] These are normally customs of any given society. They form part of the history and heritage of society. In short, tradition is the old way of doing things and guided by old principles which are passed from generation to generation within the context of a society. It is any cultural product that was created or pursued in whole or in part by past generations and having been accepted and perceived by the present generations.[44]

l. Modernity

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[41] U. Van Beek and J. Rusen. (eds). 2006. *Democracy under Construction: Patterns for four Continents.* Pretoria: Van Shaik Publishers, p. 338

[42] F.G Mabutla. 2001. 'The fate of traditional leaders in Post-Apartheid South Africa'. South Eastern Regional Seminar in African Studies (SERSAS). Spring Meeting, 6-7 April 2001, Northern Kentucky University, Highlands Hieghts: Kentucky. Available at: http://www.ecu.edu/african/series/papers/MabutlaFG26Mar01.htm, accessed on 29 July 2013.

[43] *Idib.*

[44] J. Senyonyo. 2004. 'Traditional Institutions and Land'. Available at: http://www.federo.com/pages/Traditionalinstitutionsandland.htm, accessed on 28 July 2013.

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This is the opposite of tradition. It is the new way of doing things and it is characterized by new trends, conceptions and perspectives. In most African societies it is associated with Western ideas and values. It is also associated with the democratization of societies, especially the destruction of inherent privileges and the declaration of equal rights of citizens. It also implies decentralization of power: that is the process of moving decision-making powers from central government closer to the people.[45] Modernity also implies the development of political institutions that move away from authoritarian rule, toward forms of government that enhance the liberty and welfare of all citizens, rather than a selected few.[46]

m. Indirect Rule

Indirect Rule means ruling through the African chief.[47] This was a system crafted by the British colonial government to administer their colonies. In theory, the system was based on decentralization which sought to preserve African traditional institutions and culture. In theory, the African chief retained their powers and privileges and they became active agents of the colonial governments.[48] In practice, the power of chiefs was limited and always under direct control of the European Officials. On the ground, the chiefs held no real power and in many cases it was direct rule by indirect means.

n. Capitalism

This is an economic system in which property, businesses and industries are owned by individuals, companies and people not the government. In this study, capitalist interests were pursued by the colonial state and this was always conflicting with the communal mode of ownership of resources and land tenure systems of pre-colonial Africa.

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[45] C. Belden. 2010. 'Examining Relations between Customary and State institutions in Ghana's Decentralized Systems.' International Food Policy Research Institute (IFPRI). Discussion Paper 01030, October 2010.
[46] I. Wallerstan. 1995. 'The End of What Modernity?' *Theory and Society 24: 4*, pp. 71-88
[47] H. Moyana and M. Sibanda. 1999. *The African Heritage*. Harare: Zimbabwe Publishing House, p. 38
[48] A.A. Boahen. 1990. (ed). *General History of Africa Volume vii: Africa under Colonial Domination, 1880-1935.* London: James Carrey, p. 314

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o. Capitalist Political Economy

In this work, it implies the political economy based on the control of power and economic resources by a selected few (mainly White Settlers). The majority of the Black population took part in this system as the colonized and the exploited. The system was crafted in such a way that it promoted capital accumulation by the minority Whites, economically and politically disarticulating the majority Black Africans.

p. African Renaissance

African Renaissance is the concept that African people and nations shall overcome current challenges confronting the continent and achieve cultural, political, scientific and economic renewal. It draws attention to the African cultural traits very much worthy of preservation and continuation.[49] In other words, as noted by Thabo Mbeki in his 1996 speech,[50] African Renaissance wants to establish the identity of the African continent as an equal partner on the world stage and that Africa must be treated as such. Mbeki emphasized on the re-birth or re-awakening of the African peoples' self-pride based on norms and values in an African context.[51]African Renaissance was first articulated by Cheikh Anta Diop in a series of essays beginning in 1946.[52]

q. Modernization Theory

This is a theory used to explain the process of modernization within societies. The theory argues that in the modernization process, there is a need to generate democracy and democracies survive in countries that are modern.[53]

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[49] A. J. Okuwu. 2002. *The African Renaissance*. Asmara: AWP, p. 43
[50] Thabo Mbeki made a speech in May 1996, titled, "I am an African" where he drew the attention of the world by emphasizing the need for furthering the African Renaissance.
[51] *Ibid.*
[52] Cheikh Anta Diop wrote a series of essays as a student from 1946 which are collected in his book, *Towards the African Renaissance: Essays in culture and development, 1946-1960.*
[53] S. Martin. 1981. *Some Social Requisites of Democracy, Economic Development and Political Legitimacy.* Baltimore: John Hopkins University Press, p. 37

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r. Rural Community / Communal Lands

A rural community can be defined as a group of people perceiving common needs and problems, acquires a sense of identity, and has a common set of objectives.[54] Dr J.W Green defines a rural community as;

> A locality (a geographic entity) whose boundaries are defined by the people living in it and recognized by them as an entity and in which there are a number of institutions (family, economic, political and religious, etc.), serving their basic needs with a sense of togetherness with outsiders they may have, and a potential to work together in matters of common need.[55]

A rural community can also be defined as those villages which comprise a unit of a common political, judicial and spiritual authority. This in effect is the chief and his subordinates in the form of a headmen (*Masadunhu*), village heads *(Masabhuku)* and Elders (*Machinda*).

s. Community Development

This relates to the process of progression that a society undergoes. One of the principles of community development includes the participation and empowerment of community members.[56] Through participation, a solid, local knowledge is used for development. Local people and their institutions that for years have lived in deprivation have something outsiders do not know. Ruralinstitutions should be empowered because participation without power is an 'empty and frustrating process for the powerless'.[57]

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[54] Roberts. 1979. *Community Development: Learning and Action.* Toronto: University of Toronto Press, p. 27
[55] Dr J.W Green was an adviser on Community Development to the Rhodesian Government and he was the person responsible for the initiation of the Delineation Team. The information was obtained from a Report by C.J.K Latham, Senior Delineation Officer, Salisbury: Rhodesia: CJKL/JC, March 1965, (NAZ. S2929/8/3)
[56] S. Swanepoel. 2005. *Community Development.* Cape Town: Juta and Co. Pvt. Ltd, p. 4
[57] *Ibid.*

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1.14 Conclusion

The chapter introduced the research study, described the research area and established the background of the research theme. The statement of the problem and the questions to be addressed by the research were also discussed. The major problem identified is the incompatibility of traditional authority and modern forms of government as the two institutions are active in rural socio-political organisations, yet their sources of power and influence differ. Traditional authorities derive their power and legitimacy from custom and tradition while modern governance structures derive their power from elections. This has intensified the friction between the two established institutions which are difficult to merge, yet cannot be dealt away with. An overview of the aim, objectives, research questions and the purpose of the study was also given. A tentative assumption that the contestation between traditional authority and modern governance structures is a result of the perpetuation of the colonial legacy of exploiting traditional systems for political ends was also given and it is the assumption of the study that as long as traditional leaders do not own land, they are likely to influence their communities not to cooperate with the local government and other development agencies, making it difficult to develop rural areas. The chapter also expressed the significance of the study and the justification of the period under review and it was shown that the period 1960 to 2010 gives a comparative approach on how the colonial and post-colonial states worked with traditional institutions. Finally, the chapter clarified key operational terms used in the study. The next chapter focuses on the review of some scholarly studies on matters related to the research topic.

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Chapter 2: Conceptualisation of the Study

2.1Introduction

The last chapter introduced the research and this chapter conceptualises the views given by other scholars on related issues as it is a rule of good scholarship that when embarking on some topic of research, the researcher should master existing related studies.[58]There is literature on traditional authority in general, but the issue of their conflict with the state has not been exhausted. For the purpose of clarity, the literature review will explore what other writers have put forward on traditional authority on the African continent. This study is anchored on the insights from the Modernisation Theories and the African Renaissance perspectives. The roles of women in traditional authority in pre-colonial, colonial and post-colonial epochs will be discussed. The arguments by scholars like Ayittey (1992), Davidson (1992) and Falola and Odhiambo (2002) that widespread problems encountered by many African countries are a result of the state system which they inherited at independence will be examined.[59]

The roles of traditional leaders as stipulated in various legislations in Zimbabwe during and after colonialism will be examined and the relationship between the state and the traditional leaders during the liberation war will be examined since they shaped the relationship between the two institutions after independence. The laws which affected the roles of traditional leaders and institutions after independence and what scholars like Makumbe (1998) and Munro (1998) say about them will be reviewed and roles of traditional leaders in the post-independence development discourse and their position in newly established Rural District Councils (RDCs) and the FTLRP will also be explored given their pre-colonial roles as the custodians of the land. In this way, it is hoped that this will lay the foundations upon which the nature of the relationship between the state and traditional institutions can be examined.

2.2 Pre-colonial African Traditional Political System

[58] A. Marwick. 1987. The Nature of History. London: MacMillan, p. 136

[59] G.B.N Ayittey. 1992, p.24, B. Davidson. 1992. *The Blackman's Burden: Africa and the Curse of the Nation-State.* New York: Times Books, pp. 51, 73, 103 and Falola and Odhiambo.2002. (eds). The Challenges of History and Leadership in Africa. Asmara: AWP, p. 358

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Scholars do acknowledge that Africans had political systems which served their social, economic and religious needs from the Late Stone Age to date, (Davidson (1992), Ndlovu-Gatsheni (2008), Mandela (1994) and Ayittey (1992). Such systems were deep-rooted in the African culture. Falola and Atim (1996), notes that, no people lived without a recognized authority which protected land, performed rituals, negotiated peace and resolved conflicts.[60] In most parts of the continent, especially in village-based societies, traditional authority rested on consensus rather than coercion. Studies by Beach (1984), on the Shona speaking people, notes that as in many African communities, ultimate political control resided in the ownership of land, which was vested in the guardian spirits (*mhondoro*) of ancestors, who pass it to chiefs and other traditional leaders as its custodians.[61]Political authority was wielded by a chief who was the leading member of a patrilineal lineage that claimed descent from the spirits.[62] Consequently, the chief's claim to public authority was legitimated by the *mhondoro,* through the voice of his spirit medium (*Svikiro*). The domain of chiefly authority was a territory (*Nyika)*, which was further divided into areas, presided over by a headman and the smallest social unit was the village.[63]

Certainly, a traditional leader cannot exist without land and a tribe. Land was the major basis of economic power. Bourdillon (1979) notes that the land was said to be a property of the ancestors and the king or chief administered it on their behalf and land ownership was communal.[64] The tribe or people owned land and a traditional leader on behalf of the people held it in trust. They were the 'custodians' or 'guardians' of the land (Bourdillon, 1979).[65] Custom and tradition were clear in the indigenous law that a traditional leader be in control of the land (Beach, 1984).[66] It was the duty of the traditional leader to administer the allocation and use of land with agreement with his councilors who enjoyed the trust of the members of the community and land formed the backbone of any traditional authority.[67]

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[60] T. Falola. And C. Atim et al (Eds). 1996. *Africa Now: People, Policies and Institutions.* Oxford: James Carrey, p. 4
[61] D. N Beach. 1984. *Zimbabwe before 1900.* Gweru: Mambo Press, pp. 21-22
[62] *Ibid.*
[63] *Ibid.*
[64] M.F.C Bourdillon. 1979.*Guardians of the Land* . Gwelo: Mambo Press, p. 236
[65] *Ibid.*
[66] D.N. Beach. 1984, p. 22
[67] *Ibid.*

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Studies by Ayittey (1992) showed that in virtually all African tribes, political organization began at village level and each village had its leader chosen according to its laws.[68] Yaw (2006) notes that although the selection of a chief was limited to members of the royal family only, the decision to nominate and anoint a person as a chief was based on the principles which made the whole process meritorious.[69] Studies by Sindane and Liebenberg (2000), on pre-colonial societies in Nigeria shows that among the Nupe, the title of the *Etsu* (king) was mainly acquired through personal achievements, as kingship entailed state duties requiring special abilities or training.[70]

Whilst Europeans demonized African political systems as autocratic and primitive, African writers have tried to justify that indigenous African political systems were democratic and not primitive. Ayittey (1992) explains vividly justifying that Africans had a democratic political system. He emphasizes that in all African indigenous political systems, unanimity and consensus were the central features.[71] The chief could be dethroned by the elders and the ancestors if he failed to rule according to the laws of the land.[72] Among the Yoruba of Nigeria, there was a concerted attempt to diffuse power rather than concentrate it in one person. In fact *Oba* (king) was not often seen in public except at important ritual functions.[73] Institutions such as the *Ifa* oracle, *Ogbani* cult, palace women and war chiefs, all wielded power to the extent that they could direct *Oba* to kill himself if he was found to be incompetent or developing dictatorial tendencies that could pose a threat to their own power or to the society at large.[74]

Chiefs were elected from clan contestants and those who elected the chief also had the power to depose him if he did not perform his duties according to the customs of the land.[75] This is also elaborated by Mandela (1994) where he argued with reference to the Thembu Chiefdom. Mandela posits that all people were free to attend the council sessions and were all free to speak out their mind.[76] He says, "There may have been a hierarchy of importance among the speakers, but everyone was heard: chief and subject, warrior and medicine man..." This for Mandela was

[68] G.B.N Ayittey. 1992, p. 38
[69] A. Yaw. 2006. Available at: http://www.hanaweb.co/GhanaHome . accessed 26 June 2013
[70] J. Sindane and I. Liebenberg. 2000. 'Reconstruction and the Reciprocal Other: The Philosophy and Practice of Ubuntu and Democracy in African Society'. In *Politeia Volume 19 No. 3 2000,* pp. 31-46
[71] G.B.N Ayittey. 1992, p. 41
[72] *Ibid,* p. 45
[73] J. Sindane and I. Liebenberg. 2000, pp. 31-46
[74] *Ibid.*
[75] G.B.N Ayittey. 1992, p. 45
[76] N. Mandela. 1994. *Long Walk to Freedom.* London: Little Brown and Company, p. 20

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pure democracy.[77]Nyerere cited in Simunyu (1987) also alluded to this when he argued that the political authority in a traditional set-up was based on democracy and free discussion among elders; "They talked until they agreed" and for Nyerere, this was 'government by discussion'.[78]

The political organization of the village in pre-colonial Africa offered an opportunity for all the villagers to express their opinions through their lineage or section chief.[79] Among all Kuba states of the Congo for example, there were councils notably the *mbeem, mbyeem* and the *mbaan* who were vested with political authority.[80] Decision-making in all Kuba states was based on the constitutional principle of unanimity; thus leaders tended to reach a consensus through compromise in order to avoid the emergence of factions that would threaten the unity of the village.[81] Since no decision could be taken until unanimity was reached, this process involved long and protracted deliberations prior to the council's formal meetings; opposition was expressed through public statements. Among the Kuba all,

> The people were at the center of the political process, through which they expressed their agreement or disagreement. Nobody, even the king dared go against popular will, but each speaker would endeavour to rally the people to their point of view.[82]

Furthermore, the village's political dichotomy *(mbeem, mbyeem, mbaan)* led to a dilution of power, thus preempting any factionalism or organized opposition to the village chief.[83] This was a remarkable political arrangement.

On the pre-colonial political systems and how useful they were going to be to the post-colonial political systems, it can be noted that there was political representation in pre-colonial Africa and there was also an enrichment of unity of purpose as a necessary condition buttressed by other principles of good governance.[84] Davidson gives an example of the Yam festival in pre-colonial

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[77] *Ibid.*
[78] G. Simunyu. 1987. "The Democratic myth in African Societies". In W.O Uyugi and A. Gitonga. (eds). *Democratic Theory and Practice in Africa.* Nairobi: University of Nairobi Press, p. 49
[79] Mueni wa Muiu and G. Martin. 2009. P. 113
[80] *Ibid.*
[81] *Ibid,* p. 114
[82] *Ibid.*
[83] *Ibid,* p. 113
[84] B. Davidson. 1992, p. 60

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Asante. The festival coincided with the annual meeting of the *Asantemanhyiamu* which was the representative assembly of the Asante nation. This was a 'kind of a parliament' at which 'all matters of political and judicial administration were discussed by the King and Chiefs in Council, and where the latter answers to all questions relating to the provinces'.[85]

Muiu and Martin (2009) note that power was exercised by powerful persons, but with checks and balances to prevent abuse of power; and despots certainly arose but they were dethroned as soon as could be.[86] Between ruler and the ruled, there was an acknowledged recognition of ties and mutual obligation and respect which made centralized power to be exercised within structures that were devolutionary.[87] This was not peculiar to Asante, but was found in many other polities across Africa and based on the preceding expositions, it can be argued that pre-colonial African political systems in general were democratic on the premises that the people were not ruled against their will and also that elements of deliberation and consensus were clearly present (Muiu and Martin, 2009).[88] The powers of the chief were limited because his tenure of office was based on the consent of the people.

Among the Nguni of Southern Africa where centralized power was more prevalent, the territorial chiefs ruled in the king's name and could be deposed for unbecoming behaviour, such as mistreating members of the community.[89] They also tried to satisfy the priorities and needs of their people to ensure that their administration was fair. If the people were dissatisfied, these chiefs lost their right to govern.[90] Chiefs also acted as checks to the king's power. When the king became too oppressive, the people killed him. This became Tshaka Zulu's fate. Again, since land was abundant, the people could easily migrate and, after choosing a more just leader, would create a new settlement.[91] Since the power of the chief depended on how many followers were under his control, he had to be both just and popular to maintain a large following.[92]

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[85] *Ibid.*
[86] Mueni wa Muiu and G. Martin. 2009, p. 142
[87] *Ibid.*
[88] *Ibid.*
[89] *Ibid.*
[90] *Ibid.*
[91] *Ibid.*
[92] *Ibid.* p. 143

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In trying to justify that the Ndebele state was democratic, Ndlovu-Ngatsheni (2008) describes the hierarchy of power in the Ndebele kingdom which according to him made it difficult for the king to abuse power.[93] The king (*Inkosi*) was at the helm followed by the *Indunankulu Yesizwe* (Prime Minister), *Umpakhati* (Inner Advisory Council) and *Izikhulu* (Outer Advisory Council). Fourth was the *Izinduna Zezigaba*(Provincial Chiefs) followed by *Abalisa* (Headmen) and finally *Abamnumnzana* (Homesteads Heads).[94] For Ndlovu-Gatsheni (2008), the king was in theory, the head of state, head of government, commander in chief of the army and supreme judge of all cases.[95] Yet in practice, he was basically a ceremonial head of the state and a source of unity in all these posts.[96] Thus, it can be noted that in some empires, centralized power exist but the route of authority was clear-cut, flowing from a single king through the chiefs, councils, tributary and immediate officials to the village heads.

The above arguments can be true but they can be criticized for trying to romanticize the African past. They do not show that not everything was rosy as witnessed by succession conflicts in most pre-colonial chiefdoms. From Ndlovu-Gatsheni's description, one may have a picture of a democratic system where everything went according to laid principles.

However, a closer analysis as purported by Makahamadze, Tavuyanago and Grand (2011), Ndlovu-Gatsheni's ideas cannot be accepted as they are apologetic.[97] The Ndebele kingdom was not democratic as evidenced by the fact that the people feared to question the issue of succession when Mzlikazi was growing older.[98] Ndlovu-Gatsheni's elaborate hierarchy which shows well organized offices with duties to perform also fails to explain why the succession of Mzlikazi almost broke the state apart. It was in deciding upon a successor to the chieftainship that the stability of the State was most severely threatened.[99] It can be concluded that, perhaps, the

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[93] S. J. Ndlovu-Gatsheni. 2008. 'Who ruled by the Spear? Rethinking the form of Governance in the Ndebele state'.In *African Studies Quarterly Volume 2 and 3.*Available at: www.africa.ufl.edu. Accessed on 21 May 2013

[94] *Ibid.*

[95] *Ibid.*

[96] *Ibid.*

[97] T. Makahamadze, B. Tavuyanago and N. Grand. 2011. 'Traditional Leadership and Democracy in Zimbabwe: Past and Present'. In *Journal of History and Development Volume 2.No. 1. March 2011. SSRCT*, pp. 55-74

[98] *Ibid.*

[99] *Ibid.*

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greatest weakness of African dynasties was that they were inconsistent on their principle of primogeniture.[100]

This work does not suggest that African political systems were perfect, nor does it suggest that African democracy was the best. On the contrary, it acknowledges that African democracy did not give provisions for democratic elections, opposition political parties or the participation of women and the youths, but most importantly, there were elements of good governance in pre-colonial political systems given that decisions on issues which affected the community were given after a long process of consultation and deliberation. Therefore, this work posits that good elements of 'tradition' need to be preserved and harmonized with 'modernity' and prompt the development of rural areas. Despite their shortcomings, pre-colonial African political systems involved people in decision-making, especially in decisions that affected their lives directly, and opinions were aired freely among Elders. There is need a therefore, to study African pre-colonial political systems objectively to revive and strengthen those features that can enrich good governance. This will give our contemporary democracy its flavour.[101]

2. 3 The African pre-colonial, colonial and post-colonial Land Tenure Systems

Land formed the backbone of pre-colonial African economies. Studies by Munro (1998) and Beach (1984) show that as in many African communities, ultimate political control in Shona-speaking societies resided in the ownership of land, which was vested in the guardian spirits (*mhondoro*) of ancestors, who passed it to chiefs and other traditional leaders as its custodians.[102] As such, the ownership, control, allocation and management of land was an important issue, just like how the land issue continue to cause problems in present-day politics. Probably, almost every track of land was claimed by some ruler, as far back as the Early Iron Age.[103] The control

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[100] R. Oliver. 1961. *The Dawn of African History*. London: Oxford University Press, p. 100
[101] J. Sindane and I. Liebenberg. 2000, p. 37
[102] A. Munro. 1998. The Moral Economy of the State: Conservation, Community Development. Athens: Ohio University Press, p.73, D.N Beach. 1984, p.22
[103] D.N Beach. 1984, p. 22

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of land, of whatever kind was vested in the ruler as the living leader of the dominant lineage. All land was under the king's "protection", held in trust for the people.[104]

A traditional leader could not exist without land and a tribe. The land was said to be the property of ancestors and the king or chief administered it on their behalf. Land ownership was communal. The tribe or people owned land and a traditional leader on behalf of the people held it in trust. Traditional leaders were therefore the 'custodians' or 'guardians' of the land.[105] Custom and tradition were clear in the indigenous law that a traditional leader be in control of the land. It was the duty of the traditional leader to administer the allocation and use of land with agreement to his councilors who enjoyed the trust of members of the community.[106] In this regard, land formed the backbone of any traditional authority.

Among the Shona of Zimbabwe, the traditional ruler was given clods of the earth at his installation, symbolizing his trusteeship over land grants; that is, his right to grand or cede land from an individual or a group of people under his jurisdiction. He was also given a hoe which symbolized his right to work the land, including digging minerals.[107] There was a well-established hierarchy where the king granted land to territorial chiefs, who in turn grand land to the headmen, who also gave the village-heads some powers to allocate land to individual households. This assured that every household had a share of land.[108]

However, it can be noted that although land was communally owned, it was not equally shared for it was different in terms of quality and quantity, with the royal families benefiting on both. It is Beach's conviction that the basic underlying fact in the pre-colonial political economy was that society was not based on equal sharing of resources or wealth, in spite of the public ideology that often insisted that it was.[109] Taking for example the fundamental issue of land, control and use of land, whether surface or for its underground minerals was the prime basis of relations between the ruler and his subjects. The striking point is that the traditional land tenure system gave the land to the traditional leaders who in turn oversaw its allocation and use in a way that every household had access to this 'niche' of the political economy.

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[104] *Ibid.*
[105] M.F.C Bourdillon. 1979, p. 236
[106] D.N Beach. 1984, p. 22
[107] *Ibid.*
[108] *Ibid.*
[109] *Ibid.*

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Indeed, the traditional land tenure system stressed communal activity in agriculture, with some of the hardest work during the year being done by working parties (*Nhimbe*)[110] in the fields of each household in succession. Grazing lands and hunting grounds were also communally owned, giving each member of the community a responsibility in conservation and sustainable environmental management. To that effect, the capitalist political economy did not only undermine traditional authority over land issues, but it also robbed Africans of their rich indigenous environmental knowledge.

The African traditional land tenure system was subsequently changed by the advent of colonialism. When the white settlers failed to find quality and quantity mineral resources (mainly gold) in Zimbabwe, the British South African Company (BSAC) pioneers pressured the company to compensate them with land grants and large tracks of land were seized and allocated to the white settlers. It is important to note that at this point in time, the white settlers had no legal authority to the land. This created conflicts with Africans and traditional leaders across the country rebelled against the invading settlers in what has come to be popularly known as the First Chimurenga of 1896-98. The defeat of Africans in this war spelt disaster. Politically, Africans were put under colonial rule and economically they were disarticulated and exploited. Colonialism and its 'modern' system of administration subdued the century's established African traditional authority, and in land matters, the white settlers became the *de jure* land authorities. The Native Affairs Department was established and by 1900, two administrative provinces of Mashonaland and Matebeleland were fully established for effective colonial administration.

It can be argued that the codification of the racial division of land through the Land Apportionment Act (1931) safeguarded the interests of the single most powerful political constituency in the country, the white farming community.[111] The racial bias of the colonial state's land allocation became the source of conflict throughout the colonial period. Traditional leaders continued to allocate land but the colonial government had the power to force them out of their traditional land once the land was earmarked for commercial farming or other purposes. By

[110] *Nhimbe* is a Shona word which describes the working parties which are common among the Shona, where villagers help each other in work like cultivation and harvesting of crops. Normally, beer is provided in abundance, making it a 'working part'.

[111] J. Mtisi, M. Nyakudya and T. Barnes. "Social and Economic Developments during the UDI period".In A. Mlambo and B. Raftopoulos. (eds). 2009, p. 115

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1930, a rural population of about 1.3 million found themselves crowded in the native reserves.[112] Conflicts erupted between the colonial administrators, peasants and also between the traditional leaders themselves over the rights to allocate, use and retain land. Some chiefs and headmen collaborated with the Native Administrators (NA) to get favours and recognition and in the process, they partnered in reducing the status of some chiefs to the status of headmen and some headmen were banned, eventually sending them into oblivion.

By 1960, the traditional land tenure system was effectively destroyed. Accordingly, landlessness and overcrowding in the native reserves made it difficult for traditional land tenure system to suffice. The African population had grown to 2.8 million and more than 70 000 African families were forcibly removed from their traditional lands into the new reserves to make way for white-owned commercial farms.[113] Many displaced Africans found themselves living in the farm compounds as sharecroppers and or labourers, outside the scope and influence of traditional authority. In the process, traditional leaders were rendered powerless in the eyes of their people.

The issue of land as private property with individual title deeds was not common in pre-colonial Africa. It can be argued that with the advent of colonization and market oriented production, the spread of private land and individualization of village life undermined the traditional collective management over land and other natural resources.[114] This in turn led to the breakdown of traditional authority and community regulation over common resources. Scholars strongly argue that a return to the traditional land tenure system, when traditional institutions once prevailed, will empower communities to manage their resources more sustainably.[115] The implicit assumption being that traditional land tenure systems were characterized by collective action and common property management regimes for the common good of the community.

The striking point being raised here is that the modern land tenure systems which stressed on private ownership of land are a breakaway from the African traditional land tenure systems, and this had devastating effects on the roles of traditional leaders in issues relating to land. Modern land tenure systems can be illustrative in explaining the origins of rural poverty in Zimbabwe

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[112] *Ibid.*
[113] H.V Moyana. 1984. *A Political Economy of Land in Zimbabwe*. Gweru: Mambo Press, p. 94
[114] D. W Bromely. 1991. Environment and Economy: Property Rights and Public Policy. Oxford: Blackwell, p. 136
[115] B. Sithole. 1997. "The Institutional Framework for the Management and use of Natural Resources in Communal areas of Zimbabwe". Mimeograph.

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and it can also be argued that the legacy left by the privatization of land still lingers around and little has been done to address the issue of land ownership, allocation and use in communal and resettlement areas in Zimbabwe, throwing the traditional leaders and local government in a tug-of-war.

It is against this historical backdrop, beginning from the racially skewed and demographically impractical land tenure systems brought by colonialism and post-colonial government that the present-day conflicts in both communal and resettlement are as 'crisis of land management have emerged. Traditional and modern land tenure systems could not mix well in Zimbabwe's rural areas where the people still practice and acknowledge traditional authority and land tenure systems.

2.4 African Pre-colonial, Colonial and Post-colonial Judiciary Systems

Writers do accept that pre-colonial Africa had indigenous law which was deep-seated in the culture and beliefs of different societies.[116] There were courts at every stage of socio-political order from the household to the king's court. A report by C.J.K Latham[117] notes that in any Shona community, as soon as a dispute of whatever nature became too heated to be settled on a purely personal basis, it was taken before a local kraal head *(samusha)*. Among the Shona of Zimbabwe, every family had a court (*Dare*) where family issues were discussed and if the family felt that there was need for outsiders to intervene, the issue was taken to the village court. The main purpose of these lesser courts was to settle matters by arbitration *(kuenzanisa)*.[118]

From the village court, serious matters were referred to the headman and under normal circumstances, the headman's court tried to come up with a solution before it referred any case to the chief's court which was the supreme court of the land. These courts were presided by the traditional leader of that particular area and he was assisted by his advisors (*Machinda*). Court procedures were open to all people (mainly male members of the community) and everyone was heard. The king was the supreme judge of the people, as well as the commander of the army. A council of Elders, which allowed each member to express their opinion, helped balance power.

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[116] G.B.N Ayittey. 1992, p 38 and B. Davidson. 1992, p. 60

[117] C.J.K Latham was the Senior Delineation Officer in Rhodesia and he reported issues of the Shona judiciary system in NAZ file S2929/8/3. Gutu Vol. 5. Salisbury: Rhodesia: March 1965. p. 5

[118] *Ibid.*

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Verdict was reached by consensus and in most cases, although the traditional leader could use his discretion, he tried to follow the popular will of his advisors.[119] The chief's judgment only came after assessing to the best of his ability at the same time the expression of public opinion. At the chief's court, the main objective was not to punish, but reconciliation between parties.

In most pre-colonial African states, all disputes were adjudicated by the king who was the supreme seat of justice. If the case was too serious for the king to address, he often referred it to an older king in his neighbourhood.[120] Once the offender was found guilty, he was obliged to pay a fine to the king. Every member of the society was regarded as a chief's subject and any assault on their persons was regarded as an assault on the chief himself.[121]Thus, the rule of law was supreme.

The courts of the traditional rulers were supported by taxes on trade and tribute paid by the people.[122] Legal fees paid in court cases were also an important revenue base for any traditional court. As far back as the 1640s, there was increasing evidence that the legal system of the state had become, to some extent, a branch of the economy for both the rulers and the ruled.[123] A successful prosecution of a wealthy defendant brought wealth to the claimant as well as to those who ran the courts. The ideology of leveling compensation which was stressed in traditional courts also brought substantial economic benefits to the wronged persons and the traditional leaders.[124] A good example is on how the case of adultery was dealt with. A man who beds a neighbour's unfaithful wife was made to pay damages to the wronged husband and part of the damages went to the traditional leader.

This made the traditional justice delivery system practically beneficial to the wronged persons and the traditional leaders. Prisoners were also made to provide free labour to the kings and some were pardoned for their good works, especially in war and art. In clear contrast, the modern systems of justice delivery benefit the state in the form of fines paid at the public courts and also in the form of labour provided by prisoners. This can explain the ever-increasing tension between traditional leaders and the state over judiciary roles.

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[119] Mueni wa Muiu and G. Martin. 2009, p 114
[120] *Ibid.*
[121] *Ibid.*
[122] D.N Beach. 1984, p. 22
[123] *Ibid.*
[124] B. Davidson. 1992, p. 84

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One important aspect about the pre-colonial justice delivery system is that although all people were not equal before the law, no-one was above the laws of the land. Even chiefs could be tried and when found guilty, they were forced to resign.[125] Elders and spirit mediums provided the necessary checks and balances to promote some degree of legal equity and the entrenchment of the rule of law. A good example is that of the Asante people where an Asante king was forced to commit suicide when he was found guilty of a serious offence.[126] This is different from the modern scenarios where leaders seem to be immune from prosecution by their own courts and in Zimbabwe for example, Amendment No. 7[127] of the Lancaster House Constitution[128] declared that the exercise of presidential prerogatives could not be challenged in court. According to Savage and Chimhini (2008), this and the gamut of constitutional amendments that followed posed a clear affront to the democratic principles of checks and balances giving the President vast powers.[129]

Both the colonial and post-colonial state codified the laws in such a way that customary law became vague and inapplicable in most cases. In the pre-colonial times, and an idea they still practice to this day, traditional leaders presided over all cases and they collected fines and other damages for their own use. The matters of marriage, adultery, inheritance and murder, just to mention a few are now dealt with at the criminal and civil courts, leaving trivial issues to traditional leaders. Consequently, traditional leaders tend to try even those cases which no-longer fall into their jurisprudence and this is creating problems in rural areas.

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[125] *Ibid.* p. 60

[126] *Ibid.*

[127] Government of Zimbabwe, Amendment No. 7 of the Lancaster House Constitution gave the President executive powers which could not be challenged in any court of law in Zimbabwe.

[128] The Lancaster House Constitution was the first constitution which governed Zimbabwe since independence and it was only dropped in March 2013 when a new constitution was put in place to pave a way for the 31 July 2013 elections.

[110] T. Savage and S.B Chimhini. 2008. 'Zimbabwe: A Hundred Years War'. In E. Doxtader and C. Villa-Vicencio. *Through Fire with Water; The Roots for Division and the Potential for Reconciliation in Africa.* Asmara: AWP, p. 190

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2.5African Pre-colonial Religious Systems and the Impact of Christianity on African Traditional Authority

In pre-colonial Africa, religion served as the basis of political power. Authority was legitimated in religious sanctions and kings represented gods on earth, and many rulers combined political power with priestly duties. Spiritually, the traditional leader was a moral leader who was also responsible for the general welfare of the community.[130] Kings were blamed for famines and other calamities. It was their duty to meet the community's needs during times of crisis.[131] As a religious leader, the chief was the link between the people and their ancestors. If there was famine, for example, the chief was blamed for failing to make the necessary sacrifices to appease the ancestors.[132] This belief was so strong that, among the Swazi, the fertility and virility of the nation were dependent on the well-being of the chief and his divine role was also evident during the celebrations for the new crop, when he and his advisors were treated with medicines and the common people only ate the new crop after the chief had done so.[133]

As in many African communities, ultimate political control in Shona-speaking societies resided in the ownership of land, which was vested in the guardian spirits (*mhondoro*) of ancestors, who passed it to chiefs and other traditional leaders as its custodians. Political authority was wielded by a chief who was the leading member of a patrilineal lineage that claimed descent from the spirits.[134] Latham accepted that investigations and studies by Europeans showed that the unique feature of their (Shona) tribal organization is the fact that the spiritual function and institution is vested in the chief and spirit mediums *(masvikiro)*.

> Very little is known yet about the full role of the spirit mediums. One thing, however, certain is that in many areas, their influence is far more powerful than is usually assumed… It can therefore be

[130] Mueni wa Muiu and G. Martin. 2009, p. 143
[131] *Ibid.*
[132] *Ibid.*
[133] *Ibid.*
[134] A. Munro. 1998, p. 73

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> stressed that all our delineation activities in the tribal areas should be channeled through these orders.[135]

Such a comment from a Rhodesian Delineation Officer can be evidence that the colonial state deliberately undermined the African cosmological and spiritual worldview to complete their political, economic and cultural imperialism.

Christian Missionaries undermined traditional authority and the African belief system. Thomas Morgan described the African in derogatory terms and characterized their systems of governance as nothing but 'manifestations of barbarism, autocracy and a long night of savagery'.[136] To that effect, the Christian Missionaries justified colonization as a 'civilizing mission' in a 'dark continent'. The Christian Church had a superiority complex and it did much to denigrate the indigenous African institutions. The Church leaders took to themselves titles such as 'Father' or 'Sheppard' of the African community, a prerogative of the traditional leaders in the past.

Christianity was more than a religion: together with Western education, it created educated elite who distasted traditional values and later inherited power in the 20th century. Christianity was described by Falola and Atim (1996) as "a veritable companion of colonial rule".[137] Churches also provided some safety nets for those who felt disadvantaged by the political structure, especially women. It can be argued that Christian Missionaries were the earliest representatives of the imperial World that would eventually conquer the Africans and Missionaries were not just the bearers of the hegemonic Christian doctrine, but were also 'human vehicles of a Western Worldview'.[138] Their mission was to engage African communities in a web of symbolic and material transactions that was to bind them ever more securely to the colonizing culture. In the words of Ndlovu-Gatsheni (2009);

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[135] C.J.K Latham. 1965. NAZ file S2929/8/3. Gutu Vol. 5, p. 6

[136] Thomas Morgan was a Christian Missionary who worked in many parts of Central Africa during the 19th century and wrote the book titled, Thomas's Eleven Years in Central Africa in 1873, in which he demonized African political and religious systems.

[137] T. Falola and C. Atim et al. 1996, p. 9

[138] J.L Comaroff and J. Comaroff. 1997. *Of Revelation and Revolution: The Dialectics of Modernity on a South African Frontier, Volume 2.* Chicago: University of Chicago Press, cited in Mlambo and Raftopoulos, 2009, p. 41

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> Christianization by its very nature was dangerous as it entailed the colonization of the Shona and the Ndebele people's consciousness with the axioms and aesthetics of Western culture.[139]

It is also argued that Christian teachings emphasized individual accountability to God alone and this undermined the African ideologies of divine leadership by traditional leaders and practitioners that combined political, judicial and spiritual aspects.[140] Missionaries also promoted the idea of equality of all people before God, thus undermining the status of the chiefs, headmen and village heads. They also dismissed African traditional religion as nothing but paganism, describing the ancestral spirits (*vadzimu/amadlozi*) as demons and evil spirits.[141] This undermined the ancestral spirits and the traditional leaders they anointed and inspired to rule.

Consequently, first few converts to the Christian faith were those people who were critical of some of the customs and traditions of their societies or those who were finding themselves culturally oppressed.[142] Some women, for example detested traditional customs like arranged marriages, child-pledging and the practice of killing twins; and for them, mission stations were the best places of refuge.[143] In some cases, the church leaders even presided over some cases, especially in the domain of Gender-Based Violence directed against women.

The church also took part in some ritual ceremonies like rain-making ceremonies through praying for rain once the rain season approached. In the African political system, the chief was the living supreme object in controlling the African cosmos. In pre-colonial Africa, religion served as the basis of power: authority was legitimated in religious sanctions and kinks represented the gods on earth.[144]In describing the spiritual importance of the chief in the African world view, Davidson notes that the chief's function was to "maintain harmony between society and its natural environment by means of ritual action".[145] To complete this role, the African

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[139] S.J Ndlovu-Gatsheni. 2009. 'Mapping cultural and colonial encounters, 1880-1930s'. In A. Mlambo and B. Raftopoulos. 2009, p. 42

[140] S.J Ndlovu-Gatsheni. 2004, cited in Mlambo and Raftopoulos. 2009, p. 42

[141] *Ibid.*

[142] *Ibid.*p. 43

[143] *Ibid.*

[144] T. Falola and C. Atim et al. 1996, p. 4

[145] B. Davidson. 1970. *The African Genius: An Introduction to African Cultural and Social History.* Boston: Atlantic Monthly Press, p. 192

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traditional leader was to be enhanced by the ancestors of his lineage. Thus, the chief embodied the spiritual and material well-being of his people for he was a spiritual link to the universe.[146]

2.6Preliminary Studies on the Relationship between the State and Traditional Leaders during the Colonial Period

During the colonial period, Africa endured an uneasy relationship between the state and traditional institutions, with each party needing the other, but with considerable inefficacy in their engagement. The pre-colonial states lost their freedom and the new European powers determined how society would be governed and ordered. Europeans with their 'modern' state changed the political landscape of Africa and most of the changes of the period have become permanent legacies in such areas as language, economics and socio-political institutions and culture.[147] Given that traditional leadership has persisted for centuries, there is a need to show how and why the system of colonial administration conflicted with centuries old traditional authority.

New models of governance were gradually and sometimes violently superimposed upon indigenous ones, including such institutions as the army, police, civil service and local authorities. The colonial system was both paternalistic and authoritarian. In Zimbabwe, The Order in Council (1894) conflicted with the African traditional authority and indigenous land tenure systems.[148] It gave the British Crown sovereignty over all land in Zimbabwe and this conflicted with the African communal ownership which had the chief as the custodian of the land and the supreme land allocator.

A blend of the Roman Dutch Law and the English Law imported by the British undermined the powers of the African traditional chiefs. The problem was created by the views of the British settlers on African traditional institutions. Colonialism thrived on discrimination and racism, with limited appreciation for African achievements and indigenous cultures. Their views were

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[146] G.B.N Ayittey. 1992, p. 52

[147] T. Falola and C. Atim et al. 1996, p. 10

[148] The Order in Council was the first preliminary law passed by the British settlers in Zimbabwe soon after the defeat of the Ndebele in the 1893-1894 war. This Order gave the Settlers power to take away large tracks of land from Africans.

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nakedly racist as a newspaper item from the Rhodesian Herald (19 April 1895) made it clear that for the Rhodesians;

> It was absurd to take the untutored savage, accustomed as he was from time immemorial to superstitious and primitive ideas of law and justice, and suddenly try to govern him by the same code of laws that govern a people with many centuries of experience and enlightenment.[149]

What these colonialists failed to perceive about Africa is that every people had a political culture no matter how simple, otherwise the simpler the better.

In Southern Rhodesia (now Zimbabwe), the colonial state used the principle of Indirect rule, whereby they argued that they were 'preserving' African institutions by ruling through the African chief.[150] On paper, the rule was a way of developing Africans so that they could one day administer their affairs. The African chief would retain most of his powers especially over the courts and the British Native Commissioner (NC) would act as an overlord and supervisor. In practice however, the policy of Indirect rule was far from being indirect.[151] The NC had vast powers and he could even dismiss African chiefs.[152] The European figure was the ultimate power in important matters such as land. The chief was only an auxiliary who had to take orders from the NC. As a result, the African chief was reduced to a prefect and this undermined traditional authority. Furthermore, by working with the colonial government under 'Indirect' rule, chiefs sold out their legitimacy and this had far-reaching consequences on the relationships between the chiefs and the nationalists and post-colonial government that took over at independence. It can be argued that there was very little indirect about Indirect rule for it resembled the sentiments of racial and cultural arrogance towards the colonized and colonial mentality of paternalism which saw Africans and their political system as primitive; hence needing a parent-child relationship with the colonizers.

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[149] The Rhodesian Herald, 19 April 1895, Salisbury: Herald Printing Press.
[150] H. Moyana and M. Sibanda. 1999, p. 38
[151] A.A. Boahen. (ed). 1990, p. 314
[152] *Ibid.*

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It can be noted that under white colonial rule, state coercion and assertions of racial and cultural differences were combined with the imposition of decentralized despotism in which 'custom' and traditional authority became both modalities of administration and arenas of contestation and debate. Furthermore, the imposition of settler rule took place within the context of an uneven settler capitalist development that dramatically changed the relations of power, production and land ownership, leading to the emergence of social, economic and political contestations.

Traditional authority was replaced by a handful with the education to understand the new Western political models. This was a far cry from the pre-colonial democracy where everyone was heard. The establishment of the Local Government Boards and Municipalities was a real break with the past. Indirect rule believed in the sovereignty of the Native Commissioner (NC) who became the Chief Executive Officer of the Native Affairs with the power to hire and fire African chiefs. This meant that the sovereignty of the African chief in his/her area of domain was compromised. This created problems which are bedeviling Africa to this day. Describing some of the problems facing Africa, Senghor says that the major problem is "how to inspire our world here and now with the values of the past".[153]Falola and Odhiambo (2002) have also this to say about Africa:

> The basis of African democracy was undermined and most values associated with it were jettisoned… The European midwife having cut the umbilical cord and left the African child adrift.[154]

It can therefore be argued from the on-going that colonialism was not a golden era for indigenous African political systems.

As reaction to European Settlers' racism, Afro-centric writers tried to justify that it was colonialism which distorted the institution of traditional authority and made it despotic (Bell 1986, Mamdani(1996) and Ntesebeza (2006).[155] Madmani (1996) argued that to complete its hegemonic power on Africans and to facilitate the exploitation of Africans for capitalist motives,

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[153]Senghor was the first President of Senegal, cited in Falola and Odhiambo. 2002, p.356

[154] T. Falola and A. Odiambo. 2002, p. 358.

[155]M.Bell. 1986.*Contemporary Africa: Development, Culture and the State.* London: Longman, p. 77 , M. Mamdani. 1996. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism.* Princeton: Princeton University Press. p. 18 and L. Ntesebeza. 2006. 'Chiefs and the politics of Land in South Africa'. Cape Town: HSRC Press.

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the colonial systems of administration made the African chief an arm of colonial government.[156] Ndlovu-Gatsheni (2008) also notes that during the colonial period, the pre-colonial chiefly system of governance was reinvented to serve the colonial interests, with African chiefs occupying the lowest echelons of the Native Affairs Department.[157]Indigenous political systems were manipulated to serve the colonial needs. African indigenous systems of administration and justice were largely replaced by European institutions, so much that local leaders lost their traditional authority.[158] In some areas, they were simply set aside. The chieftaincy system that sustained indigenous Africa either lost its significance or its role was severely weakened. They were entirely subservient to alien officials and became dependent upon them for their status and influence.

Colonialism, like the struggles for independence was not an event but a process. It is therefore imperative for historians to expose the antagonistic forces at play within the different historical epochs. Such a theme will set the tone on showing how the various pieces of legislations passed during and after colonialism clashed with the indigenous political systems. Colonial legal codes attempted to regulate land rights on the basis of private ownership that often mixed uneasily with traditional practices that allowed indigenous groups access without ensuring ownership or title.

In Zimbabwe, Indirect Rule always operated on the 'collaborator system', whereby the functioning of the colonial state depended on the collaboration of the indigenous groups of local rulers.[159] Local leaders assumed new roles for imperial interests. Mamdani (1996)'s argument of the 'bifurcation of the state' is compelling for his ideas about decentralized despotism gives some important lessons. It is true that during the colonial period, many traditional leaders transformed from being custodians of their people and their culture into custodians of the colonial order. They were employed and paid by the state, hence reduced to civil servants. The fact that many traditional leaders were incorporated and acted in the interests of the colonial

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[156] M. Mamdani. 1996, p. 18
[157] S. J Ndlovu-Gatsheni. 2008, cited Mlambo and Raftopoulos. 2009, p. 40
[158] M. Bell. 1986, p. 77
[159] M. Shipway. 2008. *Decolonization and its Impact: A Comparative Approach to the end of Colonial Empires.* Oxford: Blackwell Publishers, p. 24

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order pitted them directly against other progressive social forces that resisted the same colonial order.[160] This paved the way for conflict with nationalist led post-colonial governments.

Mamdani (1996) wants his readers to believe that traditional leadership became despotic only after colonialism and colonialism was responsible for this development. This is not accurate as there is evidence across Africa that sometimes chiefs used force to get into power well before colonialism. Makuvaza of the Gutu Chiefdom, for example, forcefully asserted his power after hiring the Ndebele and Chirumanzi in 1892.[161] There is also ample evidence of incessant fights and pillorying whenever the post of chieftainship fell vacant in many parts of Africa.[162] Mamdani (1996) is also guilty of treating the often very complex relationship between traditional leaders and colonial authorities in an oversimplified manner. There is enough evidence that not all traditional leaders accepted playing their role as despots during colonialism. The suggestion that all traditional leaders were 'decentralized despots' is therefore not accurate.[163]

Van Onselen (1976) and Phimister (1998) emphasize how the colonial regime in Rhodesia extracted labour from the local Africans.[164] They explain how various labour laws compelled the African chief to recruit labour for the Settler mines, farms, plantations and industry.[165] However, their works do not explain the complications this had on the roles and power of the African traditional leaders.

Stoneman (1981) makes a good analysis on the reasons why the Smith regime gave some concessions to African chiefs in the 1960s. He also makes comments on how those concessions brewed conflicts between the chiefs and a rising black middle class.[166] Stoneman (1981) was looking at Zimbabwe as a whole, but this work will focus on Gutu District, giving illustrative evidence to authenticate the conflicts.

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[160] C. Keulder. 1997. 'Traditional Leaders and Comparative Experiences in Namibia, Botswana and Zimbabwe'. In B. De Villiers. (ed). *The Rights of Indigenous People: A Quest for Co-existence.* Pretoria: HSRC, p. 56

[161] D.N Beach. 1986. *War and Politics in Zimbabwe, 1840-1900. Gweru*: Mambo Press, p. 36

[162] Arizona-Ogwu. 2008. "The Problem with Igbo Chieftaincy". Available at: http://www.kwenu.com/publications/Arizona_ogwu/2008/problem_igbo_chieftaincy.htm, accessed 23 march 2013.

[163] C. Keulder. 1997, p. 57

[164] C. Van Onselen. 1996. *Chibaro; African Mine labour in Southern Rhodesia, 1900-1933.* London: Pluto and I. Phimister. 1988. *An Economic and Social History of Zimbabwe.* London: Longman, p. 19

[165] *Ibid.*

[166] C. Stoneman. 1981. *Zimbabwe's Inheritance.* London: MacMillan Press, p. 19

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In terms of political and structural development, colonialism was for most part, wasted years.[167] It was wasted years because in every crucial field of life, the colonizers had frozen the indigenous institutions, while at the same time they robbed the colonized peoples of every scope and freedom for self-development.[168] However, it should be noted that from the 1960s to independence, the colonial state in Southern Rhodesia attempted to work with the traditional leaders as a way of curtailing the nationalist movements in rural areas. A number of laws were passed to restore the powers of the traditional leaders.

It is however important to note that in most parts of Africa, colonial culture did not displace the pre-colonial culture as it failed to completely destroy the African belief system and nowhere was ethnicity, totems and allegiance to clan system destroyed.[169] Rather, by crowding African populations in reserves and homelands, clan relations were further strengthened. In the end, colonialism gave birth to the spirit of nationalism that later destroyed it.[170] Consequently, institutions like traditional authority are continuously in a tug-of-war with modernity to this day.

2.7 Literature on the Legislations Affecting the Relationship between the State and Traditional Leaders between 1960 and 1980

2.7.1The Tribal Trust Lands Act (1967)

The Act restored the chiefs' authority to allocate land; a prerogative previously denied them under the NLHA.[171]

2.7.2Land Tenure Act (1969)

The Act increased land for peasant agriculture from 29 million acres in 1930 to 54 million acres in 1969.[172]

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[167] B. Davidson. 1992, p. 72
[168] *Ibid.*
[169] T. Falola and C. Atim et al. 1996, p 11
[170] *Ibid.*
[171] Government of Zimbabwe, The Tribal Trust Lands Act (1967). Harare: Government Printers.

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2.7.3African and Tribal Courts Act (1969)

The Act gave the headmen and chiefs the power to preside over community courts.[173] This was created as a way of bolstering chiefly authority in response to the growing guerrilla activity in rural areas, and by the time of independence, the system of Tribal Courts had become generally discredited and in some parts of the country, it had virtually collapsed and had been replaced by political courts widely presided by the guerrillas and which came to be popularly known as "Kangaroo Courts".[174]

2. 7.4Chief's Council Act (1970), amended in the 1971 Amendment Act No. 57

The Act gave chiefs executive and administrative powers. They were given delaying power and virtual veto over council decisions. Chiefs also got the power to authorize Council revenues to be used for Tribal Land Authorities, Tribal Courts and Chiefs and Headmen.[175]

2.7.5The African Councils (Amendment) Act (1973)

Section 53 empowered chiefs to perform functions as administrative and executive officers of Councils and to give approval of candidates for election in the Councils.[176] From July 1973, all new Councils were appointed on the chiefs' nominations in consultation with the Provincial Commissioners.

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[172] Government of Zimbabwe, The Land Tenure Act (1969).Harare: Government Printers.
[173] Government of Zimbabwe, The African Tribal Courts Act (1969) Harare: Government Printers.
[174] Kangaroo Courts were informal courts which became popular during the war of liberation and in most cases, the guerillas presided over them and offenders were severely punished instantly by either beating, mutilation of the body parts or death.
[175] Government of Zimbabwe, The Chief's Council Act (1970), amended in the 1971 Amendment Act No. 57.
[176] Government of Zimbabwe, The African (Amendment) Act (1973), Section 53, Harare: Government Printers.

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2. 8 The Relationship between the Traditional Leaders, the State and other Socio-political forces during the Liberation Struggle

A number of scholars make an analysis of the role played by the rural population in the struggles for independence (Ranger, 1985, Kriger, 1995, Lan 1985 and Sithole, 1999).[177] Ranger gives a picture of a homogenous and united African front against the Rhodesian Front.[178] Ranger's work which is apologetic to the nationalist cause falls short on failing to explain that sometimes the traditional leaders were on the spotlight for siding with the Rhodesian Front (RF) and many were murdered by the guerrillas for being 'sell-outs' (*Vatengesi*).[179] That chiefs contributed to the struggle is true, but this may not need to be generalized. Mtisi, Nyakudya and Barnes (2009) contend that it will be misleading to portray a rosy picture of a united front of civil groups with freedom fighters against the RF and the reality according to them is that, the water was not always of the same colour and density, nor did it always flow in a uniform tide.[180]

Alexander*et al* (2000) also elaborates on how the peasants 'sold' each other during the liberation war. She notes that out of personal greed, jealousy, family rivalries and animosities, and even as a survival tactic, peasants 'sell each other out' to either of the warring sides.[181] The larger and wealthier families in rural areas were usually more vulnerable. This places the traditional leaders on the spotlight because by the standards of the times these were usually larger and wealthier families. This is why this work slightly shifts from the 'ordinary' peasant to the 'chiefly' class.

Kriger (1995) also explains the violent nature of the liberation struggles, especially against women and children and she explores how the peasants forged alliances with the guerrillas to

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[177] N. Bhebhe and T. Ranger. (eds). 1996. *Society in Zimbabwe's Liberation War.* Oxford: James Carrey, Alexander et al. 2000. *Violence and Memory*, Ranger. 1985. *Peasant Consciousness and Guerrilla war in Zimbabwe,* Kriger. 1995. *Zimbabwe's Guerrilla War: Peasant Voices,* Lyons. 2004. *Guns and Guerrilla Girls: Women in Zimbabwe's Liberation Struggles,*Lan. 1985. *Guns and Rain: Guerrillas and Spirit Mediums in Zimbabwe* and Sithole .1999. *Zimbabwe's Struggles within the Struggle*. Harare: Rujeko Publishers.

[178] T. Ranger. 1985. *Peasant Consciousness and Guerilla War in Zimbabwe.* London: James Carrey, p. 386

[179] *Mutengesi* (Sell-out) is a term which was used during the liberation war in Zimbabwe to refer to anyone (real or suspected) who was believed to be working with the Rhodesian Front against the guerrillas (revolution).

[180] J. Mtisi, M. Nyakudya and T. Barnes. 'War in Rhodesia, 1965-1980'. In A. Mlambo and B. Raftopoulos. 2009,p.155

[181] J. Alexander, J. McGregor and T. Ranger. 2000. *Violence and Memory: One Hundred Years in the 'Dark Forest' of Matabeleland.* Harare: Weaver Press, p. 152

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reconstruct oppressed village relations.[182] Part of the mobilization by guerrillas involved coercion because of the conflicting agendas of the communities.[183] It is often argued that the Second Chimurenga was as much a civil war as it was a national liberation struggle, given the intensity of many struggles within the struggle.[184]

This work makes a shift to examine the plight of traditional leaders and how they also bore the brunt of the violent war. Royal houses had feuds to settle. Jealousy was commonplace and the desire to take over the throne after the death of a clan relative was a driving force. The RF wanted the support of the traditional leaders in as much as the guerrillas could not do without their communities. Under such circumstances, the traditional leaders were trapped between a 'hard rock' and a 'hard surface', making the liberation war 'a double-edged sword'. They were humiliated and beaten (by both warring sides) in front of their subjects.

The guerrillas viewed traditional leaders with suspicion- as 'appointees of the enemy' and the RF had no reason to trust them as long as their subjects were feeding the guerrillas. To some extent, as noted by Mtisi, Nyakudya and Barnes (2009), the balance of power within the rural areas showed a shift from the traditional leaders who were linked to the RF, to guerrillas who had the blessings of the spirit mediums.[185] These conflicts were the source of numerous conflicts that characterized the liberation movement.

2.9The Modernisation Debate in Relation to African Traditional Authority

One of the major themes that continually emerge in African literature is the contestation between tradition and modernity. Modernity is viewed as western and progressive while tradition is viewed as African, out-dated and black (Muiu and Martin, 2009). Tradition is still very often considered as a 'thing of the past', without any contemporary legitimacy and modernity is often

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[182] N. Kriger. 1995, pp. 208-9
[183] *Ibid.*
[184] M. Sithole. 1999, p. 120
[185] J. Mtisi, M. Nyakudya and T. Barnes. 'War in Rhodesia, 1965-1980'. In A. Mlambo and B. Raftopoulos. (Eds). 2009, p. 156

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mistakenly considered as progressive.[186] Modernisation Theory is a theory used to explain the process of modernization within societies. Modernisation Theorists often see traditions as obstacles to societal progress. According to Muiu and Martin (2009),

> The basic premise of modernity and the modernisation theory is that African societies are, 'in the process of becoming modern rational entities' in which efficiency and scientific logic replace traditional values and belief system.[187]

Modernisation theorists argued that Africa should reform its institutions to aspire to become like the West, through a process of 'modernization' that would replace indigenous ways of life with Western models.[188] According to Falola and Atim (1996), modernisation theories failed to bring answers to Africa's problems.[189]Mazrui cited in Muiu and Martin (2009) thus wrote;

> Who killed African Democracy? The cultural half caste who came in from Western schools and did not adequately respect African ancestors. Institutions were inaugurated without reference to cultural compatibilities, and new processes were introduced without respect for continuities. And ancestral standards of property and legitimacy were ignored.[190]

Based on the above point, much of the modernisation theory has been criticised for treating African societies as if they had no history and for asserting that African indigenous culture, traditions and institutions were an obstacle to socio-political and economic progress. To this effect, Modernization Theorists have been largely criticized by Socialists, Dependency and Reconstructionist Theorists. Critics such as Majid Rahnema[191] argue that modernity destroyed traditional societies without ever giving them the imagined advantages, and among other things,

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[186] I. Parasjindal. 2013. Tradition vs Modernity. Available at: http://www.Studymode.com.essays/Tradition_vs_Modernity_1848011.htm, accessed on 26 August 2013.

[187] Mueni wa Muiu and G. Martin. 2009, p 192

[188] *Ibid.*

[189] T. Falola and C. Atim et al. 1996, p.10

[190] Mueni wa Muiu and G. Martin. 2009, p 192

[191] Majid Rahnema is a Reconstructionist theorist who wrote unpublished articles on modernity and traditional society.

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the net effect of modernization is the replacement of traditional poverty by a modern form of poverty.[192]

Reconstructionist theorists have come up with several explanations and they all attribute Africa's problems to the alienation of traditional institutions at independence. They argue that the modernisation theory fails to explain the African predicament and it also fails to propose a viable way out of this predicament.[193]One of the ways out of this predicament as proposed by Reconstructionist theorists is to replace the present African state with the still functional positive elements of African indigenous institutions in order to create a state that can be both autonomous and democratic.[194]It is also argued that Africa's salvation lies neither in the West nor in the East but in returning to Africa's own indigenous roots and build upon them.[195] The crisis facing African states is primarily a "crisis of institutions" whereby Nation-states in post-colonial Africa led to a negation and rejection of African institutions.[196] Davidson is also of the view that the general ideological poverty in Africa lay in the self-alienation of Africans from the African roots.[197] Thus, it can be concluded that what is required in Africa is nothing less than the invention of a new state based on African traditional culture and historical experiences.[198] It is also Davidson's conviction that Africa should build on its indigenous institutions and that, "modernisation does not mean westernisation".[199]

The modernization initiatives at independence made a lot of false starts because they took the colonial mentality of alienating the indigenous traditional African political systems. The current literature on modernization in developing countries implicitly or explicitly assumes an inherent irreconcilability between traditional values and institutions and modernity. Traditional values and institutions were thought to be incompatible with the requirements of social and political reconstruction. At independence, African governments made a mistake by thinking that modernity meant denying the African past and slavishly accept models drawn from entirely

[192]Majid Rahnema is a Reconstructionist Theorist. Available at: http://www.majidrahnema.co/modernizationandtraditionalsociety.htm, accessed 28 March 2013.
[193] Mueni wa Muiu and G. Martin. 2009, p. 194
[194]*Ibid.*
[195] B. Davidson. 1992, p. 40
[196] Ibid, p. 74
[197]*Ibid.*
[198]*Ibid.* p. 197
[199]*Ibid.* p. 199

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different histories.[200] It can therefore be argued that most African countries are at a crossroads between the progress the Western models of development can offer and what can be offered by the African historical values and cultural heritage.

To many nationalist African leaders after independence, modernization meant the wholesale import of non-African scenarios and solutions.[201]They viewed tradition in Africa as synonymous with stagnation. Sklar and Whitaker (1991) note that nationalist leaders discarded traditional chieftaincy soon after independence for being 'tribalistic' which they condemned as 'an evil practice' and a 'serious obstacle' to the 'unity and political evolution and the rapid liberation of Africa'.[202] The ballast of past centuries were jettisoned as containing nothing of value to the present and yet these convictions can no-longer be held as true, given that the much hailed imported models have proven a dismal failure.[203] It seems clearer that most post-colonial governments have missed the bus. Elsewhere, there is stagnation and decay.[204]

In most African countries, independence was followed by an ever-widening conflict between old nationalists who argued for the resurrection of pre-colonial political systems and prerogatives and the new nationalists for whom the old political systems had no more value, but were mere obstructions to the modernizing progress. It remained that in denouncing the pre-colonial political systems, the new nationalists were obliged to accept another heritage that came from Europe. They were therefore obliged to accept the alienation they had set themselves to oppose and reject.[205]

Accordingly, the whole process of cultural alienation in post-colonial Africa concurs well with the European perspective that pre-colonial Africa had nothing relevant and valid to any process of self-government and this was simply accepted by most nationalist governments across Africa.[206] It seems African nationalists were not interested in modernizing their own institutions, but in discarding them. This heightened the tension between the inherent privileges of traditional

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[200] Ibid.
[201] *Ibid.*
[202] R.L Sklar and C.S Whitaker. 1991. *African Politics and Problems in Development.* London: Lynner Rienner Publishers, p. 13
[203] B. Davidson. 1992, p 51
[204] *Ibid.*p. 292
[205] *Ibid.* p. 73
[206] *Ibid.* p. 74

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leaders and the acquired privileges of western education and has manifested itself as a conflict between tradition and modernity. Chieftaincy was one of the elements which took the center stage in this conflict.

Sklar and Whitaker (1991), notes that modernization theory should buttress political pluralism- meaning that social and political groups in a particular society are diverse and autonomous.[207] That is, if African countries are to develop socially, politically and economically, they have to transcend the long-standing antipathy between tradition and modernity. Real transformation which is beneficial to Africans needs an innovation and reaffirmation of the established values of society. As noted by Sklar and Whitaker (1991);

> The essential impetus to important change or to 'modernization' is not always external. There is a need to master the ability of taming some indigenous socio-political arrangements to withstand or absorb the process and comprehend the full scope of actualities and possibilities inherent in the African experiences.[208]

The prescriptions for modernization and development in Africa are derived from the western values and traditions, and are based on western historical development and democratization experiences.[209] Very little if any account was taken from traditional African patterns of governance and institutions and historical experiences and the aspirations of the African peoples. In the final analysis, this has led to the social decomposition of the African states, democratic recession and the re-birth of an authoritarian political order. In many cases the African modernization process saw military and undemocratic regimes as its managers.[210] This can be one aspect to explain the ineffectiveness of social and political transformation projects in Africa, especially the underdevelopment of rural areas.

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[207] R. L Sklar and C.S Whitaker. 1991, p. 357
[208] *Ibid.*
[209] Y.N Seleti. (ed). 2004. *Africa since 1990.* Pretoria: New Africa Education, p. 196
[210] *Ibid.*

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2.10 The African Renaissance Perspectives in Relation to African Traditional Authority

It is also important to understand the modernization theory in the context of the African Renaissance discourse and how it can apply to the understanding of the relationship between the state and tradition in post-colonial Zimbabwe. It can be argued that what African countries needed at independence was development which had to be deep-rooted in the African past. For Abbott (2002);

> Development is a 'growth from within, not a transformation from outside' and "a frog grows from a tadpole, not a frog being transformed by a fairly god-mother into a handsome prince.[211]

Vilakazi (1991) notes that the present post-colonial state in Africa did not grow organically out of the body of Africa: it is an implant on the African body.[212] The basic tenets of community development should have been followed by adapted techniques and methodologies and the local development effort should also have been in harmony with the local ecology.[213] The local people and their traditional institutions are the experts on that local ecology and traditional leaders are a cornerstone to rural development and to try to separate development from rural political institutions is a vestige from liberal modernization view and is simply impossible to realize in practice.[214]

African Renaissance is about empowering the masses of the poor and creating the conditions for meaningful and beneficial participation in the development process in the community. Mbeki notes that the way forward must be informed by what is, after all, common to all African traditions: that the people must govern, and a climate in which socio-political and cultural empowerment can be effected is a climate conducive to the African Renaissance.[215] In other

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[211] G. Abbott. 2002. "The importance of Activating Indigenous Language in the drive for Development". In *Journal for Information Development*, p.18

[212] H. Vikalazi. 1991. "The Roots of Ubuntu/botho". Paper delivered at a one-day seminar organized by SECOSAF on 30 October, Johannesburg, p. 7

[213] S. Swanepoel and F. De Beer. 1989. *Community Development: Breaking the cycle of Poverty*. Cape Town: Juta and Company Ltd, p. xiii

[214] *Ibid*. 4

[215] T. Mbeki. 1998. "Africa's Time Has Come". In Mbeki. *Africa: The Time Has Come: Selected Speeches*. Cape Town: Tafelberg, p. 201

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words, African Renaissance is a rediscovery of Africa which is centered on the people and in which African people can begin to explore some of their time-tested indigenous values and harness them in the search for new paradigms in the context of modernization and democratization of African institutions.[216] Korten (1984) notes that rural people should have been introduced to the planning, implementation and maintenance of projects and they should contribute indigenous knowledge to the planning package and make sure that decision-making is returned to the people, who have both the capacity and right to eject into the process the richness of their values and needs.[217]In this way, it can be noted that a modernization drive which encompasses the traditional values of the rural communities will be lasting, popular and successful as the people will enjoy ownership of the development projects, which they will execute in a responsible and enlightened way.

It is important to note that the agenda of African Renaissance is also popular with traditionalists who invoke Africa's heritage to entrench vested interests or to gain power or privileges. According to Van Kessel (2001), chiefs posing as standard bearers of African cultural heritage have made particularly adroit use of the African Renaissance discourse and in South Africa, for example, chiefs were widely perceived in African National Congress (ANC) circles as feudal relics of a past age and if they were to be retained in the New South Africa, it would be in a marginal, largely ceremonial role.[218] However, since 1994, the chiefs have made a remarkable comeback, demanding and obtaining a restoration of privileges and vastly improving their own financial remuneration in the name of African tradition and dignity.[219]

To that effect, African Renaissance can and has been used by hereditary chiefs in their resistance against elected local government, which they denounced as something 'un-African.' Historian Eddy Maloka (2000) notes that there is a widespread understanding of the African Renaissance as a movement calling for a return to one's 'roots' and there is more and more interest in the

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[216] *Ibid.*
[217] Korten. 1984. People-Centered Development: Contributions toward theory and planning framework. West Hartford: Kumarian, p. 301
[218] I. Van Kessel. 2001. 'In search for an African Renaissance: An Agenda for modernization, neo-traditionalism or Africanization?' In *Quest Volume XV No. 1-12, 2001,* p. 46
[219] *Ibid.*

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public sphere in what are believed to be traditional African practices and beliefs.[220] Furthermore, people have used the African Renaissance discourse to show their dissatisfaction with the post-colonial state. In fact as noted by Agbese *et al* (2001),

> The African masses are so fed up with the failed post-colonial state, that they try to avoid, evade and cheat it whenever possible… there is no doubt that the state is epicentral to development and democracy in Africa. But, only a democratically reconstructed state that is anchored on a pro-people foundation can promote the twin objectives of development and democracy.[221]

Such sentiments make the issue of the conflict between tradition and modernity a starting point on understanding the relationship between traditional leaders and the government in many African states.

2.11The Gender Perspectives on Traditional Authority in Pre-colonial, Colonial and Post-colonial Period

The discourse of traditional authority may not be complete if its relationship with gender equality is not explored. It is important to examine the institution of traditional authority in terms of its interaction with modern trends like the feminist discourse. The feminist approach is broad and this work only attempts at giving an eagle's eye to the position of women in the institution of traditional authority during the pre-colonial, colonial and post-colonial period. The main reason is that traditional authority has been on the spotlight and facing criticism for not accommodating women. It has been criticised for being selfishly male and for serving conservative male chauvinistic interests. As such, traditional authority has been seen as undemocratic by its critics.

When discussing 'tradition' and 'modernity' and within the gendered context, perhaps the first striking point is to find out the role of women in pre-colonial political systems and how

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[220] E. Maloka. "The South African 'African Renaissance' Debate: A Critique". In E. Maloka and E. le Roux. (eds). 2000. *Problematizing the African Renaissance.* Pretoria: Africa Institute of South Africa, p. 5

[221] P.O Agbese and G.K. Kieh. (eds). 2001. *Reconstituting the State in Africa*, cited in Mueni wa Muiu and G. Martin.2009, p. 103

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colonialism impacted on those roles. From that stand point, the position of women in post-colonial traditional institutions can be comprehended. There is evidence that politically, pre-colonial political systems had roles for women. Across Africa, there were Queen mothers, queen sisters and great wives. These were influential in important political decisions.[222] Although pre-colonial Asante was patriarchal, it was the prerogative of the Queen mother to determine who the next *Asantehene* (Emperor) was to be.[223] In East Africa, among the Buganda and the Bunyoro, queen mothers and queen sisters exercised political power.[224] Again, in East Africa, Queen Nzinga rose to prominence and she offered refuge to all those who were fleeing Portuguese oppression.[225] In Uteve (a vassal of Mutapa Kingdom), women would act as regents on the death of the king.[226] Among the Shona of Zimbabwe, women play important roles in installation rituals and they sanctioned rain-making ceremonies from its preparation to the final day. Thus their roles complemented those of their male counterparts. Although women could not act publicly, the great wives influenced the decisions of their husbands. To that effect, the Shona had an adage *"mush mukadzi"*, which means that for an ideal home to exist, it is because of a wife.

It important to note that although pre-colonial Africa had political roles for women as shown by examples above, the ultimate power was overwhelmingly exercised by men.[227] However, the issue of why women continue to be marginalised in traditional authority in the 'modernized' political systems poses more questions than answers. Whilst it can be argued that it was colonialism which distorted the roles of women by subordinating them to their male counterparts, in Zimbabwe three decades after independence, women are still struggling to be chiefs, headwomen or village heads. This shows that traditional culture is still persistent as in pre-colonial society where they were consulted but not adequately empowered.[228]

Women have been omitted from discussions about politics, economics and social life and they still occupy secondary positions because of traditional patriarchal practices.[229] Gender equality in

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[222] H. Omari Kokole (ed). 1998. *The Global African*. Asmara: AWP, p. 264
[223] *Ibid.*
[224] E. Tidy and D. Leeming. 1979. *A History of Africa: 1840-1914*. London: Anold, p.70
[225] D. Wilson. *A History of Southern and Central Africa.* Cambridge: Cambridge University Press, p. 86
[226] W.L.G Randals. 1978. *The Munhumutapa Empire from the 15th to 19th Century.* Gwelo: Mambo Press, pp. 63-64
[227] H. Omari (ed). 1998, p. 266
[228] Ibid, p. 264
[229] M. Ruiters. (ed). 2008. *Gender instruments in Africa: Consolidating the gains in the SADC.* Midrand: Institute of Global Dialogue, p. 24

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Africa has gained considerable currency in recent years and governments across the continent are attempting to prove to the international community that they have complied with instruments aimed at improving women's access to public sphere.[230] Quota systems alone cannot change the way women experience their lives in a gendered world and gender instrument largely exist on paper only, and women still experience marginalization in the socio-economic and political spheres.[231]This, therefore, makes it necessary to interrogate the masculinity prerogative impacted by the pre-colonial, colonial and post-colonial state on gender balance in traditional authority.

In Zimbabwe, more than three decades after independence, traditional authority and local government still marginalise women. Women remain marginalised in key areas of decision-making at both local and national levels. There are only five substantive female chiefs in the whole country and of the five, three are from Matebeleland and two are from Mashonaland East province.[232] This raises questions on the issue of gender balance in the institution of traditional authority in the Gutu District and the country at large.

Compared to communal areas, resettlement areas have offered better opportunities for women in leadership, but most them are part of ZANU-PF's politics of patronage. Most of them usually hold key positions in ZANU-PF political structures and this is just a continuation of party politics than real modernization. Village committees in resettlement areas are including women. Though their number is not significant, village committees as management units have helped women transcend barriers placed by the traditional institution of chieftainship.[233] In the communal areas where traditional authorities are the major institutional authority, women still have little chance to hold positions of authority which democratic institutions in resettlement areas such as village committees have provided. This was possible because in many resettlement areas, wives and husbands participated together in farm occupations; hence the FTLRP arguably provided women with not only new livelihood portfolios but also with opportunities to assume positions of authority in village committees and other structures.[234]

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[230] *Ibid.* p. 22
[231] *Ibid.*
[232] http://www.Harare24.com/index_id_zk_13017.html, accessed 01/11/2013
[233] A. Goebel. 2005, cited in J. Mujere. 2010, p. 14
[234] N. Marongwe. 2003, p. 182

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Since traditional leaders are well-positioned in fighting the spread of HIV/AIDS and gender-based violence in rural areas, there is a need to consider the participation of women as chiefs, headwomen and village heads. The Southern African HIV/AIDS Information Dissemination Service (SAFAIDS) cited in Ruiters (2008) knowledge for health project's online discussion on the role of traditional leaders as partners in the prevention of HIV/AIDS and GBV noted that government and civil society should acknowledge the importance of traditional leaders in addressing harmful cultural policies to mitigate HIV and GBV.[235] As the custodians of culture, traditional leaders have the required influence to alter underlying values and beliefs including inequitable gender roles that lead to culturally sanctioned gender-based violence against women.[236]

Mathiba-Madibela (2008) examines the gender implications of HIV/AIDS in Southern Africa and shows that for physiological and socio-economic reasons, the pandemic affects and infects more women than men both in SADC region and globally.[237] Because women in rural areas are not empowered, poverty and 'culture' often collude to deny them sexual autonomy and space to negotiate the terms of sexual intercourse and/or safer sex.[238] Traditional authority being deep-seated in patriarchy and certain traditions, it fails to mitigate with some modern legislations like the Domestic Violence Bill of 2008[239] which criminalizes marital rape and domestic violence. However, it can be argued that traditional leaders as the custodians of culture should look critically at their cultures and modify them to uphold the rights of all people including women and address such challenges as HIV and GBV. One way of doing so is by involving women in the administration of rural areas.

According to the United Nations Economic Commission for Africa (UNECA 2007), women constitute more than 52 per cent of African population, now estimated at 800 million, 340 million of whom live on less than one US dollar a day.[240] More than 60 per cent of those 340 million are women, many of whom are found in the rural areas where they are condemned to

[235] Southern African VIV/AIDS Information Dissemination Services (SAFAIDS), cited in M. Ruiters, 2008, p. 86
[236] *Ibid.*
[237] Mathiba-Madibela, in M. Ruiters. 2008, p. 82
[238] L. Mugambe. 2006. "Rethinking culture in the face of HIV/AIDS in East Africa". In *Agenda 68*, pp. 73-78
[239] Government of Zimbabwe, The Domestic Violence Bill (2008).
[240] United Nations Economic Conference for Africa (UNECA), 2007, "Accelerating regional integration in Africa and gender issues". Unpublished.

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abject poverty through cultural and traditional practices that exclude them from benefiting from economic growth and development.[241] From this backdrop, there is a need to address the position of women in institutions like traditional authority and local government and find ways of upgrading those institutions in line with the virtues of gender equality.

When women are absent from the political structures and institutions at local and national levels, their collective voices and interests in the running of rural communities are also omitted.[242] The Beijing Platform for Action in 1995, institutional mechanisms for the advancement of women and the issue of women in positions of power and decision-making topped the priorities.[243] Since women constitute the majority of the poor in the world and given that most of the poorest of the poor women are found in rural areas, there is a need to improve their socio-economic and political participation in the affairs of rural communities and one way of doing so is through encouraging traditional leaders and local government to reform toward gender equality. The emancipation of women is a must and not an act of charity. Women are an indivisible part of society. Their struggle is part of society's struggles for progress. Women should enjoy equal rights with their men folk. No progress can be reached without effective participation of women. Only through the conscious participation will Zimbabwean women gain the confidence of their men.[244]In light of the above, the roles of women in development and leadership in rural areas where most of them live calls for attention.

2.12 The Relationship between the State and Traditional Leaders after Independence

Almost everywhere, independence was greeted with euphoria and expectation of freedom and development. However, on a sad note as Falola and Atim (1996) argue, independence did not become a revolution, but only a change of rulers.[245] The colonial machinery of government was inherited and its symbols of power and authority were retained in most countries. In the greater

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[241] *Ibid.*
[242] J. Ahikire. 2004. "Towards women's effective participation in electoral processes: A review of the Ugandan experience". In *Feminist Africa Volume 3,* pp. 8-26
[243] *Ibid.*
[244] T. Lyons. 2004. *Guns and Guerrilla Girls: Women in the Zimbabwean Liberation Struggles.* Trenton: AWP, p. 45.
[245] T. Falola and C. Atim. 1996, p. 13

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part of post-colonial Africa, traditional leaders were either banned or their powers substantially circumscribed. Gould (2001) gives an example of Mozambique under Samora Machel, where the slogan against traditional leaders after independence was, "kill the tribe and build a nation".[246]

The general pattern of distaste of traditional authority in the post-colonial era was largely attributed to the intermediary and facilitatory roles chiefs played at colonization and during the colonial interlude which saw their legitimacy heavily eroded and tainted.[247] The tendency for colonial regimes to replace non-compliant and rebellious chiefs with hand-picked loyalists regardless of their status in their respective communities in a bid to facilitate the process of subjection and domination was in contrast with the nature of chieftaincy in pre-colonial era where chiefs derived their power and legitimacy on the basis of descent and collateral.

Ayittey (1992) argues that although colonialism was evil, it offered comparatively more freedom to indigenous African institutions than did many independent African countries in the 1980s and that Africans are squarely to blame for some of the problems the continent is facing including the undermining of African culture and political system.[248] Whilst Ayittey (1992)'s arguments holds water, it needs to be borne in mind that colonial systems of administration only gave freedom to African traditional systems on paper. In practice, Africans had no freedom. They were under the sovereign power of the European governor who wielded unquestionable powers. In most cases, Europeans perceived a paternalist approach whereby the African was always viewed as a child who could not think and make reasonable decisions. African chiefs were also viewed in this manner and they had to take orders from the European Native Commissioner. The African chief was reduced to a constable of the colonial regime.

That the post-independent African leaders are no better in suffocating the African traditional leaders is correct but perhaps the two systems can best be described as two sides of the same coin. Ayittey (1992) wants to shift the argument that Europeans through colonialism trampled over the African institution because of the superiority complex they brought with them and wants

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[246] J. Gould. 2001. "Pluralism and Localization: Chiefs as Political Actors in Zambia's Third Republic". Paper presented at the Interrogating the New Political Culture in Southern African Conference, 13-15 June 2001. Harare: Zimbabwe.

[247] J. Ribot. 2002. "African Decentralization: Local Actors, Powers and Accountability". UNRISD Programme on Democracy, Governance and Human Rights.Paper Number 8. Stockholm.

[248] G.B.N Ayittey. 1992, pp. 24-37

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the blame to be squarely leveled on independent African leaders. For this, he can therefore be criticized for being a colonial historian in a refurbished manner.

A research by Monde Nkasawe in 2012 on the conflict between traditional leaders and councilors in Malawi shows how the two contestants attempt to justify their authority and legitimacy and strategies they use to assert their influence. Councilors take recourse to democracy (since they are elected representatives of the people), as the basis of their influence, authority and legitimacy, while traditional leaders appeal to cultural heritage.[249]

In South Africa, research by Tshehla (2005) shows that a common feature in any discussion with traditional leaders is their dissatisfaction with local councilors.[250] Elected councilors see traditional leaders as an obstacle to democratisation and service delivery while the latter see councilors as a threat to their hereditary authority. Mabutla (2001) also notes that in the Republic of South Africa, traditional authority still represents institutions that are vibrantly portraying the enormous culture of the nation, though there is need not to underestimate the hardships the institutions have gone through that kept them disorganised and confused and distracted them from matters of importance.[251] Mabutla (2001) stresses the importance of traditional leaders in South Africa as follows:

> Rural development is supposed to work in conjunction with traditional authority of such a jurisdiction area. This body will be able to provide the government with information related to prioritization of developmental needs and coordination of delivery plans. Traditional leaders still remain the national heritage on matters of culture, language and the historical context of the past, present, and future.[252]

[249] Monde Nkasawe. "Traditional Leaders and Councillors in Malawi".In C. Logan. 2009. "Selected Chiefs, Elected Councillors and Hybrid Democrats: Popular Perspectives on Co-existence of Democracy and Traditional Authority". Cambridge: Cambridge University Press. 47 (1). pp. 101-12

[250] B. Tshehla. 2005. Institute of Security Studies. Available at: http://www.boyane@iss.org.za, accessed on 03 March 2013.

[251] Mabutla. 2001, p. 1

[252] *Ibid.* p. 2

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The South African government is struggling to confront the ambiguity of its position with regard to traditional authorities and their control of tribal lands, mostly in the former homelands. On the one hand, it relies on traditional leaders in many provinces to deliver the rural vote. On the other hand, the constitution commits to modern land tenure systems to residence of the former homelands. Traditional leaders want to hold their control while government and Non-Governmental Organisations (NGO) are advocating for a democratic and transparent tenure framework. The roles of the two organs overlap and as a result they struggle for space, influence and legitimacy.

A study by Ncube (2011) shows that the post-colonial government of Zimbabwe borrowed much from its predecessors in as far as the treatment of the African traditional leaders is concerned, because while retaining the appearances of indigenous authority, many chiefs were effectively coerced into becoming agents of the state.[253]Makumbe (1998) also shows that soon after independence, little was done to correct the distortions left by the colonial legacy and in its efforts to establish a one-party state on the Marxist-Leninist Socialist models; the ZANU-PF government relegated traditional leaders to the periphery.[254] The Village Development Committee (VIDCO) and the Ward Development Committee (WADCO) took the center stage in mobilizing the rural communities towards a Socialist state and members of these committees were drawn mainly from ZANU-PF Youth and Women's Leagues.[255] They became de facto community heads by relegating the traditional leaders, ZANU-PF wanted to create a 'strong state' and a 'weak society' to pave way for one-party state. In this way the state penetrated right away to the village level.[256]

Makumbe (1998) also makes valuable comments on how the introduction of VIDCO and WADCO compromised the power and position of the chiefs in independent Zimbabwe. This work will go further in drawing comparisons with the Smith regime and articulate more on the conflicts which led the post-colonial government to abandon the chiefs at independence and then co-opted them in the late 1990s (Makumbe, 1998).

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[253] G.T Ncube, 2011, pp. 89-95
[254] J. Makumbe. 1998, p. 62
[255] *Ibid.*
[256] *Ibid.*

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A comprehensive understanding of the relationship between the state and traditional leaders can be better achieved if we take a glance on some of the laws which were passed after independence. It can be noted from the various Acts that between 1980 and 1994 little was done to empower the traditional leaders. Instead, the new government of Zimbabwe legally discarded the institution of traditional authority from 1980 to 1994.

2.13 The Legislations Affecting the Relationship between the State and Traditional Leaders in Zimbabwe from 1980 to 2010

Studies by Makumbe (1998) show that the Customary Law and Local Courts Act (1981) purposefully put to an end the activities of the "Kangaroo Courts", but the Act also reflects the move from indirect to direct rule, a transfer of judicial authority from traditional leaders to Village Community Courts which were elected and dominated by the VIDCOs and the Act also transferred the customary law to non-customary institutions by creating a single hierarchy from the Village Court to the Magistrate Court to the High Court and finally to the Supreme Court.[257]According to Makumbe (1998), through the Act, the Village Court became the Primary Court, limited to civil cases in which customary law was applicable and the law also did away with the judicial authority of chiefs and headmen power was given to ZANU-PF loyalists.[258]

The Chiefs and Headmen Act (1982) stipulated that chiefs and headmen could only exercise authority in communal areas, meaning that farms and resettlement areas were out of bounce for the traditional leaders. The act also excluded the traditional leaders in land administration and did not recognize the institution of the village head.[259] This Act did much to undermine the position of traditional leaders in post-colonial Zimbabwe and according to Ncube (2011), the reform measures adopted by the new government of Zimbabwe at independence sought to undermine the powers of traditional leaders in judicial and land issues.[260]

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[257] Government of Zimbabwe, The Customary Law and Local Courts Act (1981), Harare: Government Printers.
[258] *Ibid.*

[259] Government of Zimbabwe, The Chiefs and Headmen Act (1982), Harare: Government Printers.
[260] G.T Ncube. 2011, pp. 89-95

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Mandondo (2000) notes that the Communal Lands Act (1982) took away the powers of the chiefs to allocate land, a prerogative vested in them by the Smith Regime during the 1960s through the TTLA (1967).[261] The act also vested control over land in the president and the RDC, then later becoming the rightful land authorities. The RDC could 'fine, imprison or remove rights of access to land'.[262] Traditional leaders were side-lined on most important matters and they were left with spiritual functions only.

Mlambo and Raftopoulos (2009) showed that the Communal Lands Development Plan (1988) left the traditional leaders with little more than a spiritual function as they were not made part of the planning of communal lands.[263] It important to note that in spirituality, the traditional leaders also contested with the Church. The RDC Act (1988) established a local government that excluded the traditional leaders. The RDCs were made the legal authorities of land in communal areas. Chapter 29 (13) also provides for the powers and functions of the Rural District Council (RDC) and their committees.[264] Item 25 of the Act, which is on allocation of communal land states that the District Administrator (DA)'s office prepares the land use plan for the village and issues a settlement permit to the head of each household in the village.[265] The RDC and the DA shall keep an accurate record of all settlement permits issued to each household. Item 26 states that no land shall be allocated except with the approval of the appropriate RDC, which shall be the administrative authority with overall control over the use and allocation of all communal land.[266]

The Land Tenure Commission (1994) recommended that traditional leaders be re-empowered and this was fulfilled in the Traditional Leaders Act (1998) and (2000), where traditional leaders became direct appointees of the president and returned the power to oversee collection of rates and levies for the RDC.[267]Section 26 (1) states that no land shall be allocated except with the

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[261] A. Mandondo. 2000, cited in Ncube. 2011, pp. 89-95
[262]Government of Zimbabwe, The Communal Lands Act (1982),Harare: Government Printers.
[263] A. Mlambo and B. Raftopoulos. 2009, p. 199
[264] Government of Zimbabwe, Rural District Council Act (1988), Section 29 (13)
[265] Ibid, Section 29 (25)
[266] Ibid, Section 29 (26)
[267] The Land Tenure Commission was appointed by the President of the Republic of Zimbabwe and it was led by Professor Mandivamba Rukuni to make an inquiry on the best ways to improve Land Tenure Systems in rural areas. In some texts, it is referred to as the Mandivamba Rukuni Commission.

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approval of the appropriate District Council.[268] Section 26 (4) state that no inhabitant shall dispose communal land by himself without the approval of the village head.[269]

The Traditional Leaders Act (2000), section 5 stipulates that the chief shall be responsible for taking traditional and related administrative matters in resettlement areas, including nominating persons for appointment as headmen by the minister. According to the Act, the minister has the power to authorize a chief to exercise authority over certain resettlement areas provided that the declared area is a single resettlement ward and does not fall under the authority of more than one chief.[270] By side-lining traditional leaders from the management of resettlement areas, a gulf in the management of these areas was created and according to Ncube (2011), this precipitated a crisis of management in communal and resettlement areas.[271]

Chapter 29:17 states that the president shall appoint chiefs to preside over communities inhabiting communal land and resettlement areas using the prevailing customary principles of succession, if any, applicable to the community over which the chief is to preside. The president may, where he is of the opinion that good cause exists, remove a chief from office. The section also provides for the payment of such salary, allowances, gratuities and pensions as the president may fix from time to time.[272] This according to Ncube (2011) was a political courtship of traditional leaders by the state after the formation of a formidable opposition party- the MDC in 1999.[273]

2.14Conclusion

There is a general consensus that although the pre-colonial African political system was not the best, it offered a high degree of legitimacy and sensitivity to the needs of the society. For more than three decades since Zimbabwe attained independence, there is evidence that the post-colonial state have failed to cater for the needs and aspirations of the people in as far as

[268] Ibid, Section 26 (1)
[269] Ibid, Section 26 (4)
[270] Government of Zimbabwe, The Traditional Leaders Act (2000), Section 5
[271] G.T Ncube. 2011, pp. 89-95
[272] Ibid, Chapter 29 (17), describes the duties of the chief, headman and village head.
[273] G.T Ncube. 2011, pp. 89-95

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traditional institutions are concerned, given the relationship of manipulation and exclusion. Post-colonial governments in most African countries side-lined African traditional political indigenous knowledge and went on to borrow alien models of governance. Consequently, the state has become irrelevant and distant from its own citizens.

Studies by Bourdillon (1979) and Beach (1994) showed that among the Shona of Zimbabwe, ultimate political control resided in the ownership of land, which was vested in the guardian spirits who parceled it to traditional leaders in trust of the community. Land formed the basis of economic and political power and it was the duty of traditional leaders to allocate and administer land in agreement with the Council of Elders. Ayittey (1992) and Yaw (2006) made it clear that in virtually all African tribes, political organization began at village level and traditional leaders were chosen according to the customs of the land and this made the whole process meritorious. In pre-colonial judiciary systems, it has been noted that traditional leaders tried to rule by the popular will of the court advisers and court proceedings always followed the principles of consensus and unanimity. The legal fines which were paid were also meant to support the courts and they acted as a revenue base (Beach, 1984). The way the colonial and post-colonial states have codified the laws made customary law vague and inapplicable and in most cases intensified the conflict between the modern courts and traditional courts.

Religion in pre-colonial African societies also served as the basis of political power and it has been shown that by undermining the African belief system, Christianity did much to erode traditional authority (Comaroff and Comaroff, 1997 and Ndlovu-Ngatsheni, 2004). During the colonial period, traditional authority was further eroded because the colonial government imposed Western modes of governance. Indirect rule gave the European NCs sovereign powers and reduced African chiefs to prefects and workers of the colonial government. The Acts which were passed by the colonial and post-colonial states had negative impacts on traditional institutions and for this reason, the two states resemble two sides of the same coin. The liberation war in Zimbabwe had devastating effects on the rural populace and for traditional leaders, it was a 'double-edged sword' given how jealousy from clan members contributed in 'selling' them out to the warring parties. The modernisation Theories and the African Renaissance perspectives have also been coined to the discourse of traditional and modern forms of governance and scholars do argue that what African countries needed at independence was a blend of

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modernisation and returning some of the constructive elements of pre-colonial African political systems (Davidson, 1992, Ayittey, 1992 and Muiu and Martin, 2009).

Finally, the way the government of Zimbabwe did little to correct the distortions left by the colonial legacy on traditional institutions was also discussed. Makumbe (1998) showed how the government's efforts to establish a one-party state relegated traditional leaders to the periphery and gave the VIDCOs and WADCOs power in communal areas. The way the ZANU-PF government made a U-turn and started to give cosmetic powers to traditional leaders when confronted by the opposition MDC highlighted how traditional powers continue to be pawns in the political survival strategy of ZANU-PF. Given this review of some scholarly views on pre-colonial, colonial and post-colonial discourses on the state and traditional leaders, the research now progresses to the methodology which was used to conduct the research.

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CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

This chapter discusses the research methodology; that is, the approach and data collection tools, study sample, data analysis, limitations, delimitations and the ethical considerations. The purpose of the chapter is to make the study consider all those factors, from methodology to ethics which will make it academically acceptable. Neuman (2003) defines methodology as the ideas, rules, techniques and approaches that are used when undertaking a research.[274] For Kerlinger and Lee (2000), it is the characteristic of self-correction that builds checks all along to scientific knowledge and these checks verify and control activities in order to attain dependable knowledge.[275] In Social sciences, methodology is valued as a research skill.

3.2 Data Collection Methods

Basically, there are two paradigms used to carry out a research in social sciences: qualitative and quantitative research methods. According to Hennink *et al* (2011), quantitative research is an approach that allows the researcher to examine people's experiences by using a specific set of research instruments such as in-depth interviews, observation, content analysis and group discussion. Qualitative research seeks to embrace and understand the contextual influences on the research issues and it is more useful in exploring complex issues like people's beliefs and behavior and for identifying social and cultural norms of society. According to Pierce (2008), quantitative research is a systematic way of research which involves figures to quantify and authenticate the research findings.

For this study, a qualitative approach was used because this is about feelings, behaviour, interactions, attitudes and aspirations of the people. Qualitative research was seen as the most

[274] Neuman. 2003. *Social research methods: Qualitative and Quantitative approaches. Sixth Ed.* Boston: Pearson Education Inc, p. 10

[275] F.N Kerlinger and H.B Lee. 2000. *Foundations of Behavioral Research.* London: Wardsworth Thomas Learning, p. 7

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preferred for this study because it is considered best suited for understanding and explaining the complexities of social and political life. Issues relating to chieftaincy and government are complex and sensitive and as such, a qualitative research method is appropriate when dealing with such issues. One of its strengths as noted by Pierce (1998) lies in its unique capacity to learn and understand the underlying values of society through interviewing and observation and it enables theory to be created by induction and by learning the social meanings that subjects apply to their world, researchers are better able to 'see the world through the subject's eyes'.[276] It is also Babbie (2007)'s conviction that qualitative research 'provide measures with greater validity than do quantitative surveys and experimental measurement.'[277] In essence, quantitative research was not utilised because of its inadequacies in accounting for the dynamics and complexities of the socio-political settings of the relationship between traditional leaders and the state as it only seeks to quantify phenomena.[278] Bryman (1994) notes that while quantitative research is hard and reliable, qualitative research is deep and rich as it allows further probing and flexibility in the field.[279]

Qualitative research also allows the participation of individuals and groups in the study, making it friendly in gathering information. Qualitative research is also holistic to this topic as it aims at exploring and understanding interactions and social contexts without the use of quantification. It is observational and the researcher gets closer to the subject being studied.[280]. Individual experiences of the participants and the researcher's observations were blended to achieve a deep description and analysis of the relationship between the state and traditional leaders in Gutu District. Observation is beneficial in carrying out research in Social sciences because it discovers the silent social and political norms and values and it complements other methods of data collection.

A case study approach was used and this as Pierce (2008) notes is the essential 'building block' of empiric research.[281] In this research, it provided the basic minimum of information that

[276] R.Pierce. 2008. Research Methods in Politics: A Practical Guide. London: SAGE, p. 45
[277] E. Babbie. 2007. The Practice of social research, 11th Edition. Belmont: Thomson Wardsworth, p. 313
[278] *Ibid.*
[279] A. Bryman. 1996. Quantity and Quality in Social Research. London: Routledge, p. 94
[280] E. Babbie. 2007, p. 313
[281] R..Pierce. 2008, p. 53

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enabled the researcher to address questions to be answered and to formulate a research assumption to be tested by future researchers. The Case Study Approach is defined as an empirical inquiry that investigates a contemporary phenomenon within its real life context in which multiple sources of evidence are discussed to gather evidence from a selected area.[282] One of the most important methodological points in this study is that it developed not only knowledge of society, but also knowledge in society.[283] The researcher was empathetically in the society, doing fieldwork research. Fieldwork can be defined as primary research that transpires 'in the field' – that is outside the controlled settings of the library or laboratory.[284] One of the distinguishing characteristic of field work in Social Sciences is the inclusion of the observer in the subject matter itself.

African Studies as an inter-disciplinary discourse can also use oral means to gather data. As noted by Belcher (1999), in Africa, history and oral tradition are intimately linked; as much of the continent's past is recoverable only through the use of oral sources.[285]Oral interviews were used to collect data from participants and the chief strength of using interviews is that information is obtained from people's personal experiences, life stories and feelings and this is useful for sensitive topics. The other strength is that the respondents were able to explain their feelings in a language they understood. The researcher observed and read the feelings of the respondents through their expressions and gestures. Semi-structured interviews aided by an interview guide were used and having a semi-structured guide beforehand ensured that specific information required for the purpose of the study was collected, but at the same time leaving room for probing.

According to Professor Barraclough, a research is deemed scholarly and reliable according to the extent it is based on 'primary' sources, that basic, raw, imperfect evidence.[286] As such oral primary sources were used in the form of interviews. The use of primary sources gave diverse interpretations and analysis, making the work academically acceptable. Archival material was

[282] R. Yin. 2003.*Case Study Research: Design on Methods, Third Edition.* Thousand Oaks, CA: SAGE, p. 23
[283] P.D Leedy and J.E Ormrod. 2005. *Practical Research: Planning and Design.* New York: Pearson Merrill Prentice Hall, p. 282
[284] D. Hobbs and R. Wright. 2006. *The Sage Handbook of Field Work.* London: Sage Publishers, p. 1
[285] S. Belcher. 1999. *Epic Traditions of Africa.* Bloomington: Indiana University Press, p. 1
[286] A. Marwick. 1987, p. 136

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considered as part of the primary sources. Reports, Newspapers and other official documents from the National Archives of Zimbabwe were used as primary sources. Such material authenticated the information obtained from interviews and secondary sources. This helped in coming up with a chronologically accurate record. Unpublished seminar papers, occasional papers and theses by other scholars were also consulted. Acts as stipulated in Government gazettes were used to understand their implications on local government and traditional leadership. Secondary sources, especially published books, were used to substantiate the points put forward in the study. Published text books, journals and articles were accessed from the libraries and the internet. These materials gave the research its flesh and flavour.

3.3 Population Sample

According to Pierce (2008), a research sample is the set of individuals who form the participants or informants.[287] A volunteer sample was used and this is whereby the participants voluntarily consented to take part in the research process. The greatest advantage of using volunteer sample was that the participants were relied upon to cooperate fully.[288]Given the nature of the study, there was a need to select a sample of people who had experienced and lived in Zimbabwe's communal and resettlement areas and had knowledge on the nature of the roles of traditional leaders and how they conflicted with the modern governance models in communal areas. With reference to qualitative research, Cresswell (2007) advises that the participants in the study need to be individuals who have all experienced the phenomenon in question.[289] In line with this, I applied purposive sampling to select people who could give testimony of their experiences and understanding of the relationship between traditional leaders and the state between 1960 and 2010. McMillan and Schumacher (2006) note that samples are chosen because they are likely to

[287] R. Pierce. 2008, p. 91
[288] *Ibid*, p. 99
[289] J.W Cresswell. 2007. *Qualitative Inquiry and Research Design: Choosing among five approaches.* London: SAGE, p. 62

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be knowledgeable and informative about the phenomenon the research is investigating.[290] To this effect, village heads, headmen, chiefs, villagers and RDC personnel were targeted as informants.

3.4 Data Analysis

Having used digital voice recorders, the data was then transcribed by writing it down verbatim. After that, the data was translated from Chishona into English and this assured accuracy in the analysis of data as recorded information was used for reference and clarity. The raw data was then organised or coded into categories that matched before the final analysis was done. As a quantitative researcher, I mediated between the different meanings the participants gave and my direct observations and distilled them into the findings of the study. Moss (2004) advises that in qualitative research, observations and narratives given by informants are put together and form the integral part of the research findings.[291] In Chapter Four where I discussed the research findings, I organized them into sections which catered for the relationship between traditional leaders and the state between 1960 and 1980 and then their relationship after independence up to 2010. Within the sections are also sub-sections like the factors which made the colonial government to accommodate traditional leaders during the 1960s, the liberation war period and the FTLRP era. This makes it easy to follow up the progression of the research.

3.5 Limitations to the Study

Some people feared to participate in the data collection process because of political victimization given the polarized nature of rural communities in Zimbabwe, especially when the political crisis in the country is still a pressing issue; and also given that some of the questions tended to test the feelings of individuals in matters relating to the government. Some traditional leaders who were supposed to provide important information on how they related with the state withheld such

[290] J. M. McMillan and S. Schumacher. 2006. *Research in Education: Evidence-based Inquiry*. Boston: Pearce Education, p. 319

[291] G. Moss. 2004. "Provisions of trustworthiness in critical narrative research: Building inter subjectivity and fidelity". *The Qualitative Report, 9 (2)*, p. 359-374

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information for fear of political persecution and also for fear of losing their salaries and allowances. The study has connotations on political leadership, war veterans and people who have benefited in the FTLRP and in most cases; these people view strangers with suspicion.

3.6 Delimitations to the Study

The researcher is quite familiar with the area under study. I worked as a high school teacher in Gutu District for five years and my experiences in the area made my work easy. I also understand the language and most of the customs of the people in the district. The research was carried out in a professional manner without indulging in political activities. The interviewees were made aware that the study was strictly for academic purposes and the need to keep their information in the highest confidentiality was emphasized.

3.7 Ethical Considerations

Ethics are the rules of conduct in research aimed at causing no harm and preserving the possible beliefs.[292]Ethics can also be defined as a system of moral beliefs about what is right and what is wrong and a system of moral beliefs about what a researcher can and cannot do to research participants, human and animal and assure professionalism.[293]Ethical issues were addressed to protect the rights of the respondents. For the purposes, of the study, the researcher used the following ethical guidelines:

(a) Informed Consent

Obtaining informed consent implies that all possible or adequate information on the goal of the investigation be communicated to the participants before engagement (Williman, 2006). For participants to freely participate in a research study, they must have appropriate information about the study and its implications. It is be best if they volunteer to participate. Participants should also have the freedom to decline or withdraw anytime during the course of the study. Formalization of consent, usually in writing is also important. The purpose of seeking the

[292]M. William, et al. *Research in social work: an introduction.* Itasca: Peakock. 1995, p. 30
[293] N. Williman. 2006. *Social Research Methods*. London: SAGE, p. 148

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uncovered agreement from subjects to participate in the research project is based on their full understanding of the procedures involved and their likely effects.[294]Informed consent is a norm in which subjects base their voluntary participation in research projects on a full understanding of the possible risks involved during and after the research proceedings.[295]Before the interviews commenced, participants were made aware of the purpose of the study and they had to sign consent forms as evidence of their willingness to participate in the study.

The researcher used informed consent to seek an agreement with the respondents on whether to participate or not. The researcher informed the respondents so that they could have full knowledge of what the study entailed. The researcher met the respondents for the first time and informed them about the topic and told them that he wanted them to participate in the study. The researcher informed the respondents about the questions and possible implications or risks which could be encountered during the research exercise.

(b) Confidentiality

Confidentiality deals with the protection of information as provided by the participants; particularly sensitive and personal information should be protected and should not be made available to anyone other than the researcher, research assistants and supervisors. Data collected from participants was at all times kept under secure condition.

(c) Anonymity

A respondent's data must not be associated immediately and obviously with the name or any other identifier. The right of the respondents to provide information on the basis of anonymity was observed. Anonymity in this case meant that no one including the researcher would identify the participant with certain information. Where possible, pseudonyms were used if the respondent wanted to give information on the basis of anonymity. Finally, the rights of participants to withdraw from the study were respected.

[294] E. Babbie. 2007, pp. 26-27
[295] *Ibid.*

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(d) Collaborative Partnership

This principle requires that the research is conducted in collaboration with the target community or population. Ideally, such research is driven by an expressed community need and it involves the community which shares the benefits of the research.[296] The research was also sensitive to the values, cultural traditions and practices of the community. Benefits of the research should also accrue to the participating community and not just to the researcher.

(e) Social Value

The research addressed questions that were raised and added value to society. Questions like how the conflict between tradition and modernity explains the relationship between traditional authority and modern forms of governance and how the control of land in communal and resettlement areas has caused a crisis of community management have been explained. The recommendations on how the state and traditional leaders can play complementary roles in developing rural areas in Gutu District have been given. Thus, the study has led to knowledge and/or interventions that can be of value to the participants and or society.

(f) Scientific Validity

The design, methodology and data analysis applied in the study were rigorous, justifiable and feasible. Unreliable and invalid methods are unethical and they yield invalid and unusable results and as such, the researcher ensured that the methodology used was appropriate.

(g) Fair Selection of Participants

Gender balance needs were considered. The vulnerable and the under-privileged were also given attention and those who were directly affected by the research were given preference. Furthermore, those who were most likely to benefit from the outcomes of the research were those who bore the largest burden of the research.

[296] *Ibid.*

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3.8 Conclusion

The chapter summarized the research methodology used to carry out the research process and qualitative research method was preferred because it is the best when dealing with complex and dynamic phenomena like the relationship between the state and traditional leaders over a period of time (1960 to 2010). The use of a case study enabled the researcher to obtain the minimum information, addressed the questions and formulated a research assumption to be tested by future researchers. Oral interviews, in the form of semi-structured interviews were used to gather data from informants and information obtained was from the life experiences of participants, leaving room for the researcher to probe and where necessary to make useful observations. A purposeful study sample was made to ensure that the informants were people with relevant information and knowledge about the research topic. Data analysis was done in a rigorous manner which involved transcribing verbatim, translating and coding according to the study themes. The chapter also expressed the limitations and delimitations of the study. Finally, the researcher discussed how he met the required ethics to make the study ethically accepted, and the following ethics were considered: informed consent, confidentiality, social value collaborative, scientific validity and fair selection of participants. Having shown the methodology used in the research, the next chapter focuses on the research findings and how they were interpreted to give meaning to the research.

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Chapter Four: The Relationship between the State and Traditional Leaders in Gutu District from 1960 to 2010.

4.1 Introduction

The previous chapter discussed the methodology applied to carry out the research and qualitative research was preferred. This chapter examines the relationship between traditional leaders, the state and other socio-political groups which were competing for political space from 1960 to 1980. Research findings from Gutu District were used in collaboration with the general atmosphere that prevailed in Zimbabwe during the period under discussion. Discussions of the reasons why the Settler state made some concessions and started to incorporate traditional leaders are made. The way the traditional leaders became unpopular with the nationalist movements and the guerrillas are discussed within the complexity of the rural politics during the liberation war which was characterized by a tug-of-war over the control of the rural populace between the warring parties and the traditional leaders. Animosity, hatred and jealousy between clan members during the war also need to be understood as this shaped the relations between traditional leaders and other political actors during the period under discussion.

In explaining the relationship between the state and traditional leaders, forces of continuity and change from the colonial period to the post-colonial period are explored. The role of traditional leadership in the FTLRP also needed attention as the land issue is both a matter of 'tradition' as well as 'modernity', especially given the divergence of the views over the land reform in Zimbabwe. Finally, a gendered perspective of traditional authority in the post-colonial era and its relationship and relevance in the feminist discourse is investigated.

4.2 The Relationship between the State and Traditional Leaders from 1960 Up to the outbreak of the Liberation War in 1966

In understanding the position of the colonial state and its policies towards traditional leaders, it is important to first examine the way how the Colonial state/Settler state was carefully crafted to

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achieve capitalist goals.[297] One of the characteristics of the Settler state was that while the black population as a whole was not incorporated into the state, the colonial regime had to rely on some collaborators to exercise its control over the population.[298] To this effect, the Settler state had a role for chiefs, especially during the 1960s to 1979. Between 1960 and 1980, traditional leaders became the anchor of rural local government, being assigned duties of tax collection, land allocation and judicial matters. What is important to note at this juncture is that from 1890 to the late 1950s, the Colonial state had done everything possible to undermine the power of traditional leaders, as evidenced by how they were made ineffective in policy matters and the management of land (Stoneman, 1981).[299]In light of this, this work posits that there were real socio-political considerations which forced the colonial government to change its policy and start to accommodate traditional leaders.

Perhaps, the effects of the Native Land Husbandry Act (1951) (NLHA) continue to be part of the explanation why the Rhodesian state changed policy after 1962. It is therefore important to understand why the Act has a significant impact to the events which followed. The NLHA was based on the premise that production in African reserves would be boosted through a system of private ownership of land rather than the communal or customary rights to land that existed hitherto.[300] Its implementation which included reducing the size of land units and the number of cattle that individuals could hold, undermining the power of the chief's control of the land (the source of their power), as well as various conservation measures such as contour-ridging antagonised the African rural population and provided a fertile recruiting ground for the nationalist movements.

The attempts at changing the African land tenure systems through the privatization of land ownership failed to address the problems of overcrowding and landlessness in the rural areas. The NLHA as noted by Moyana (1999) a 'leap in the wrong direction' as it was 'a wrong prescription for the wrong illness'; because what the Africans in rural areas needed were not contour-ridges, but more land to settle the African population which was ever-

[297] H. Moyana and M. Sibanda. 1999, p. 38
[298] *Ibid.*
[299] C. Stoneman. 1981, p. 18
[300] A. Mlambo and B. Raftopoulos. (eds). 2009, p. 86

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increasing.[301]Because of the NLHA, by the 1960s, 30 per cent of Africans living in Karangaland owned no cattle, 23 per cent had over six head and in 1977, half a million adults living in the reserves had no land.[302] Between 1945 and 1979, the land question continued to dominate all issues in Southern Rhodesia and it was the mention of land that brought thousands to political rallies.[303] Of course there were other factors that led to the rise of mass nationalism, but it was undoubtedly the land issue that brought political consciousness to the masses.[304]The devastating results of the NLHA and the growing agitations of the nationalists in both the rural and urban areas brought the issue of traditional authority on the table for the colonial state and it was hoped that granting traditional leaders some powers in rural areas was going to assist in warding off nationalism.[305]

The failures of the NLHA to solve the problems of landlessness in rural areas forced the settler state to forge a relationship which was accommodative to the traditional leaders. The colonial state was forced to make a revision on the position and powers of the traditional leaders. According to Munro (1998),

> The death knell of the NLHA signifies the failure of the colonial state's attempt to remold the ethnic-political relations of production and accumulation in rural Rhodesia, and its failure to secure the state's own authority as the final arbiter to those relations.[306]

Indeed, the failure of the NLHA fuelled rural resistance and it demanded a new normative language of social management and relations. Mr. Chambe[307] said that he had difficulties in doing his work as a Demonstrator especially during the 1960s and he also thinks that the colonial

[301] M.V Moyana. 1999. *A Political Economy of Land in Zimbabwe.*Gweru: Mambo Press, 92
[302] N. Makgetla and A. Siedman. 1980. Outposts of Monopoly Capitalism: Southern Africa in the Challenging Global Economy. London: ZED Press, p. 267
[303] M. V. Moyana. 1999, p. 106
[304] *Ibid.*
[305] C. Stoneman. 1981, p. 21
[306] W. Munro. 1998, p. 110
[307] Mr. Chambe worked as a Demonstrator (Farming Extension Services) in many parts of Gutu district until he resigned in the late 1970s. Some of his work during the 1960s was to encourage African peasants in the reserves to practice contour-ridging.

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state was forced by deteriorating conditions in the rural areas to make traditional leaders solve the mess it had caused.[308]

The major consequence of the NLHA was extensive landlessness, exacerbated by heightened unemployment as the Central African Federation faltered. In a situation of threatened, if not actual unrest due to nationalist agitations in the rural areas, there was need for a more liberal policy allowing democratic participation and re-empowerment of traditional leaders in the countryside. As a result, the 1960s saw the colonial state's determination to entrench the chiefs as the sole recognized local authorities in Tribal Trust Lands (TTL).[309] This is one among many explanations why the colonial state shifted to the support of the traditional leaders since the 1960s.

By the beginning of the 1960s, the Rhodesian state was moving into a profound and comprehensive crisis in its capacity to manage the socio-political order of the rural areas.[310] Nationalism was now a real threat and the unpopularity of the NLHA gave nationalism the most conducive breeding conditions in the rural areas. During the 1960s, Rhodesia experienced far-reaching economic, demographic, social and political changes. And the gradual process of transformation in the political consciousness and self-perception of the African population was reflected in a change of attitude towards white colonial rule; a form an earlier position of asking for fair governance to one of wanting self-rule.[311] The forces of change in the form of nationalism helped to shape the trajectory of Zimbabwean history; hence a significant period in understanding the relationship between the state and traditional leaders during the colonial period.

To bring the traditional leaders closer to the state than before, the compromise solution adopted was to follow a concept of 'institution-building' as put forward in the Howman Report[312] of 1955. The Report recommended the need to retain the functions of the chiefs in their purely traditional role, namely, in the allocation of land and judicial matters, whilst leaving secular

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[308] *Ibid.*
[309] W. Munro. 1998, p. 119
[310] *Ibid.*
[311] A. Mlambo. "From the Second World War to UDI, 1940-1965". In A. Mlambo and B. Raftopoulos. (eds). 2009, p. 113
[312] R. Howman was the deputy secretary for Internal Affairs in Southern Rhodesia until 1969 and he was awarded an MEB for his report on African local government for Southern Africa.

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development in the hands of the elective local government.[313] Weinrich (1971) notes that as early as the 1950s, senior civil servants in the Native Department had suggested the need to counter the influence of nationalism in rural areas by 'increasing' the powers of the chiefs.[314] Instead of genuinely accepting the influence of traditional authority in rural areas, the colonial state's efforts at improving African rural areas were part of a raft of measures to curb the rise of nationalism and one strategy which gained prominence in the UDI period was the ploy to use traditional leaders.

When the RF won elections in 1962, the new government stressed a need to come up with modalities of managing rural areas. According to Munro (1998), there was "the modus operandi for effective state withdrawal from the administration of rural communities".[315] The new government drew up a rural development plan which was to be guided by three principles, namely, Communal Land Tenure, Central government participation in administration and tribal traditional authority in respect to judicial issues, land occupation and use, local government, spiritual and political matters.[316] The government reduced its control on traditional tenure arrangements and the RF state also sought to withdraw from direct confrontation with the rural population over access to land.[317]

Thus the principles of enhancing traditional tribal authority showed "the modus operandi for effective state withdrawal" and in line with this, the RF government began according token power to chiefs.[318] The colonial state hoped to present the traditional leaders as opposed to nationalists as the legitimate representatives of the Africans.[319] This policy had mixed results because during the liberation struggles, traditional leaders had to compete vehemently with the guerrillas for political space in the rural areas, of which the latter were more influential because they had the blessings of the spirit mediums.[320]

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[313] *Ibid.*
[314] A.K.H Weinrich. 1971. *Chiefs and Councils in Rhodesia: The Transition from Patriarchal to Bureaucratic Power.* London: Heinemann, p. 20
[315] W. Munro. 1998, p. 161
[316] *Ibid.*p. 262
[317] *Ibid.*
[318] J.Mtisi, M. Nyakudya and T. Barnes.In A. Mlambo and B. Raftopoulos. 2009, p. 131
[319] *Ibid.*
[320] *Ibid.*

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In 1962, largely as a result of African opposition, the Rhodesian state abandoned the NLHA which had regulated land allocation in the African areas since the early 1950s and replaced it with the Tribal Trust Lands Act (1967)[321] through which the state began to emphasize the power of 'communal' land tenure in the hands of traditional leaders, in part as a way of dealing with the perennial land shortages in African areas and also to ward off the rising African nationalism in rural areas. The Act restored the chiefs' authority to allocate land; a prerogative previously denied them under the NLHA. For the same reasons, the Land Tenure Act (1969) increased land for peasant agriculture from 29 million acres in 1930 to 54 million acres in 1969.[322]

The African and Tribal Courts Act (1969) gave the headmen and chiefs the power to preside over community courts.[323] This was created as a way of bolstering chiefly authority in response to the growing guerrilla activity in rural areas. A report by C.W Collett[324] in 1969 confirms that Headman Nyamandi presided over cases in his area on Thursdays and Saturdays. Nyamandi also referred cases to chief Gutu and he was the land authority in his area, authorising new allocations and solving all land matters.[325] On development projects, Collett (1963) confirmed that permission was obtained from Nyamandi for any new project. Collett (1963) stressed that all developmental activities in the tribal areas had to receive the sanction of the headmen and chief. The chiefs and headmen, according to him, were the "owners of the country" and it would thus be "a case" if any development took place without their approval.[326] The chiefs and headmen were also recognized as 'the people' and as such they were the 'voice and opinion of the majority'.[327]

The Chief's Council Act (1970), amended in the 1971 Amendment Act No. 57[328]gave chiefs the executive and administrative powers. They were also given delaying power and virtual veto over council decisions. Chiefs also got the power to authorize Council revenues to be used for Tribal Land Authorities, Tribal Courts and Chiefs and Headmen. The African Councils (Amendment)

[321]Government of Rhodesia, The Tribal Trust Land (TTL) Act (1967).
[322]Government of Rhodesia, The Land Tenure Act (1969).
[323]Government of Rhodesia, The African and Tribal Courts Act (1969).
[324]C.W Collett was the Council Development Officer (C.O.D) between 1963 and 1970.
[325]*Ibid.*
[326]*Ibid.*
[327]*Ibid.*
[328] Government of Rhodesia, The Chief's Council Act (1970), amended in the 1971 Amendment Act No. 57

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Act (1973), Section 53[329] empowered chiefs to perform functions as administrative and executive officers of Councils and to give approval of candidates for election in the Councils. This Act extended to the chief the power, 'to direct a Council to defer its deliberations on any matter for consultation between the Council and the chief and such other bodies or persons as he indicates' and from July 1973, all new Councils were appointed on the chiefs' nominations in consultation with the Provincial Commissioners.[330]

The RF state also set a fund aside to the tune of 25000 pounds which was to be used to set up schools for sons of chiefs and headmen to train these potential leaders in the work that would fall on their shoulders in due course when they assume the office of chief or headman.[331] This courtship of traditional leaders was meant to bolster their social and political control in rural areas and check the nationalist movements. When confronted by the nationalist movements in the countryside, the power and status of the traditional leaders were further strengthened as the first line of defense. This made the traditional leaders unpopular during the liberation struggles. The Smith regime hoped that it could diffuse the African nationalist agitations in rural areas by fostering loyalties to the tribal groups through empowering the traditional leaders. The chiefs became salaried officials of government, and so were in danger of losing their legitimacy in their communities. Their alignment with unpopular colonial policies resulted in their corruption and illegitimacy, leading to the decision to strip them of virtually all powers at independence.

It is however, important to note that the chiefs had to carry out the orders of the government or risk dismissal and loss of their salaries and this shows how they were manipulated. Again, although there is a generalization that the colonial state changed policy towards traditional leaders from the 1960s for reasons given above, it is important to point out that the colonial state only worked with those traditional leaders who cooperated in promoting capitalist interests. A senior member at chief Makore's court said that it was not easy to deny the orders of the White Native Commissioners because they could simply create a "case for you to be dethroned".[332] Those who appeared to be threats to the colonial order were removed from power. The colonial state silently maneuvered to subjugate some traditional leaders while removing others from

[329] Government of Rhodesia, The African Councils (Amendment) Act (1973), Section 53
[330] *Ibid.*
[331] A. Munro. 1998, p. 168
[332] Interview with a senior member at chief Makore's court, at Hunduza Shoping Center, 28/08/ 2013

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power.[333] The colonial government designed and employed underground policies that were strategically and tactically ideal to keep it in power while using traditional leaders for their own benefit, doing away with those who did not cooperate.[334] One of the tactics used to disengage certain traditional leaders was the use of artificially revived traditions, where the DA and the DC would manipulate the succession systems of the area in favour of their candidate.[335]

Giving an example of the Makoni chieftaincy in the 1970s, Ranger (1985) shows how the DC invented some traditions as a way of blocking an un-cooperating incumbent to the post of chief for the colonial government's favourite. Ranger notes;

> When determined to do away with the Chiendambuya chieftainship in Makoni in the early 1970s because of the family's involvement with ZAPU, the DC argued that it had been a mistake in the first place to have Chiendambuya house for chieftainship because the Chiendambuya spirit medium was erroneously appointed to be chief of Weya and Tanda during the early days of colonialism, but a spirit medium should not become chief. In this atmosphere of artificially revived tradition, a Mwendazuya headman was elevated to chief in 1974, but out of 40 of the kraal heads, 30 refused to endorse Mwendazuya's house to the frustration of the settler government.[336]

Linked to the above, Mr. Mutonga (not real name), a 76 year-old man under chief Makore in Gutu South remembered how in the 1960s a member of the Mundondo family bribed the then DC of Gutu District, Mr. Menzies, and took over the Mutema headmanship even though all the houses representing the Mutema royal families had agreed that Chigwarire of Makadho's house was the rightful successor. According to Mr. Mutonga;

> All those who were present, including me, knew that Makadho's house was the rightful one for chieftaincy, but surprisingly, the

[333] Mabutla. 2001, p. 1
[334] *Ibid.*
[335] T. Ranger. 1985. "Tradition and Travesty: Chiefs and the administration in Makoni District, Zimbabwe, 1960-1980". *In Africa Volume 52(3),* pp. 20-41
[336] *Ibid.*

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> DC, whom everyone suspected to have been bribed and whom everyone knew was against Chigwarire who was discouraging people to comply with the orders of the NLHA, declared that Chigwarire was from a 'senior' house which according to the Mutema chieftaincy was not supposed to be appointed as the chiefly house, but had the duty to oversee the other houses and install them as chiefs. This role all of us knew was a prerogative of the house of Mhanda, which according to our tradition up to now shall oversee the installation of any Mutema headman.[337]

Thus, it can be argued that artificially invented traditions could have contributed in sending some genuine houses into oblivion, deliberately distorting the traditional systems of succession to serve the interests of the colonial state. This continued during the liberation struggle and those who supported the nationalist movement were likely to face the axe. Such precedence still continues as some chiefs who are known to be aligned to opposition parties are dethroned. A case in point happened in Gutu South where a losing MDC-T councilor who was at one time a headman was dethroned by the minister of local government for unclear reasons in 2011.[338]

On another note, it will be lopsided to throw away the fact that increased salaries facilitated accumulation by some traditional leaders at the expense of their people. This was a break away from the traditional political system where chiefs accumulated wealth that would then benefit the rest of the community, especially in times of droughts and famine. The colonial system brought about individualism and individual accumulation which divided the people, replacing the traditional 'redistributive accumulation'.

The element of accumulation mentioned above heightened jealousy and hatred among the chiefly houses. This animosity later manifested itself during the liberation struggle, where chiefs were targets of harassment from the guerrillas and the masses. Furthermore, accumulation through government salaries and other privileges distorted the succession system because individuals in the royal families were now paying bribes to the District Administrators and Native Commissioners to become chiefs. This has also sent a wrong precedence in the post-colonial era

[337] Interview with Mr. Mutonga, a 78 year old man from Mashate village under headman Mutema, 25/08/2013
[338] Observation

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where individuals bribed the District Administrators to be appointed chiefs, negating the customary succession laws. In many instances, chiefs and headmen are no-longer being appointed on the basis of collateral (that is when all members of the contesting houses agree and choose a successor).

4. 3 Traditional Leaders and the Liberation War in Gutu District

This section explores the role of traditional leaders and other socio-political groups during the war. Major emphasis will be on how traditional leaders and their communities were trapped between the warring parties and how the jealousy among clan members, especially over chieftainship made traditional leaders vulnerable to violent attacks from the RF, nationalists and guerrillas and their own fellow community members.

It is argued that the ultimate goal of colonial policy during the liberation war was to systematically convert the institution of traditional authority into an extension of the colonial government in rural communities making the chief's position a precarious one.[339]In many cases, the liberation war in Zimbabwe saw the traditional leaders playing an auxiliary role to the colonial state in warding off the nationalist threat. Traditional leaders were expected to act as the 'eyes' and 'ears' of the colonial government. During the war, chieftainship had become an instrument of oppression instead of welfare.[340]As result, a gulf was created between traditional leaders and their people, as the leaders were then accounting to the colonial government and not to their people.[341]

In Gutu, as in most rural areas in Zimbabwe, tension also emerged over the role of the chiefs. Both nationalists and the RF sought to lure the traditional leaders to their side. In the case of the RF, where the 'carrot' of increased salaries did not entice the traditional leaders, the 'stick' was used and a good number of traditional leaders found themselves dead or in detention for their alleged support of guerrillas.[342] It is also important to note that the use of violence towards

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[339]D.J. Murray. 1970. *The government system in Southern Rhodesia.* Oxford: Clarendon Press, p. 279
[340]*Ibid.*p. 359
[341]*Ibid.*
[342] J. Mtisi, M. Nyakudya and T. Barnes. In A. Mlambo and B. Raftopoulos. 2009, p. 157

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traditional leaders was not limited to the RF alone because traditional leaders who were perceived to be in support of the RF government were brutally killed by the guerrillas.[343]

The guerrilla armies and nationalist parties were never democratically structured and did not operate in a democratic fashion for they were highly commandist and authoritarian.[344] It can be noted that they mostly operated in the rural areas where there was a highly established and strengthened authority of traditional leaders. This obviously created a surface for friction. In fact, as noted by Katiyo (2006), the liberation movement as a whole was being pulled in opposite directions by different social and political interests and it was more of a civil war as well as a national struggle.[345]

The nationalist struggles were characterized by complex ambiguities and contradictions to the extent that the liberation war became fraught with intense intrigues, frictions, factionalism, violent purges and assassinations.[346] There was a lot of witch hunting and intimidation and enemies, 'real' and 'imagined' were summarily liquidated. Interviews conducted in the district show that the traditional leaders, who in the 1960s became more aligned to the Smith regime were vulnerable targets during the struggle. A respondent who provided information on the basis of anonymity narrated how the nationalist movement devoured some chiefs for unjustified accusations. Gondo (not real name) had this to tell:

> It was in 1978, when the war was about to come to an end and my father was gruesomely killed by the *Mujibhas* and comrades. My father was the acting chief and his clan relatives were jealousy of him and they told the comrades that he was a *Mutengesi* (Sell out). They even lied that he was responsible for the death of civilians at the last *pungwe* held in our village, where the RF forces attacked the gathering after a tip-off. To say the truth, my father was against the whites and he had been on record assisting the comrades before because he was a man of status by the standards of the time, for he

[343] T. Ranger. 1982, pp. 20-41
[344] Sithole and Mair. 2002, p. 22
[345] T. K Katiyo. 2006. "Zimbabwe's military historiography". In *Journal of Southern African Diaspora Review, (Summer)*, p. 117-121, C. Stoneman. (ed). 1998. *Zimbabwe's Prospects*. London: Macmillan, p. 12
[346] M. Sithole. 1984. "Class and Factionalism in the Zimbabwean Nationalist Movement". In *African Studies Review, Volume 27 (1)*, p. 122

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> owned a Kombi and he had a lot of cattle. His clan relatives also accused him for using his status and wealth to pay the then DA a bribe to get the acting chieftainship. On the day he met his fateful death, he had just arrived from Vhitori (Masvingo) and three *Mujibhas* told him that he was wanted at the base. This was the last time we saw our father. We were only told the next day by a *Mujibha* who was part of the team and at the same time a close relative that my father was brutally killed in a nearby mountain. We started to search and we found his decomposing body the next day hidden in a shallow cave. To this day, I fail to come to terms with the death of my father and no any effort was made after independence to inquire on his death but even if you may ask people, my father was killed because of his jealousy kinsmen. Up to now, we fear to contest peacefully whenever chieftaincy falls vacant in our clan…[347]

Indeed, several studies show how the war in general and the guerrillas in particular became more brutal in the final stages of the liberation war. It is from such narratives that this study investigates how traditional leaders related to modern events and ideologies such as the liberation struggle and nationalism. Mrs. Ngara also gave a story about how her father was killed for feeding the guerrillas.[348] She said,

> My father was a village head and he used to moblise the villagers to feed the guerrillas as was required. His cousin brother exposed him to the RF and the soldiers came and took him. There were four white men and two blacks with guns and before they took my father, they called everyone in the village so that people could witness the death of a terrorist. My father was killed in the presence of all villagers and the killers told the villagers that my

[347] Interview with Gondo (not real name) who resides under chief Makore on the 29/08/ 2013
[348] Interview with Mrs Ngara, Chief Nyamandi area, 31/08/2013

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father's cousin brother was their 'eye' in the village and from that day on he was the new village head.[349]

Based on these sentiments, it can be seen that the plight of traditional leaders during the liberation struggle in Zimbabwe presents an area for future academic research. On the whole, the rural population's losses were significant and the traditional leaders had to bear the brunt of all the sufferings inflicted on their societies by the war, but with hope for a reconfiguration of their power and legitimacy after the war. The purpose of this work is only to show the dichotomy of the relationship between traditional leaders and other forces of change and modernity in shaping and developing a new society which respects institutions and transformation in Zimbabwe and not to open wounds as history can be sometimes known for being 'injurious' to society.

It can be noted from the foregoing that the increase of guerrilla activities and the increasing state coerciveness in rural Rhodesia which in some cases pitted the traditional leaders against the freedom fighters, rural authority and power came for grabs, leaving an ambiguous political legacy for the post-colonial state. In a similar way as the RF state tried to mitigate its crisis of socio-political rural control in the 1970s, the post-colonial state set out to establish its own hold on power by playing its triumph cards on traditional leaders from the late 1990s to the present.

4.4 The State and Traditional Leaders in Gutu District after Independence, 1980-2010.

The section examines the relationship between the state and traditional leaders after independence paying special attention to the steps taken by the nationalist-led ZANU-PF government to circumscribe the powers of traditional leaders. In post-colonial Zimbabwe as elsewhere in Africa, the modernization initiatives which were implemented through the decentralization process did much to arm-twist the powers of the traditional leaders. Mr. Chisema[350] explains that the decentralization process started by the government after independence aimed at promoting democracy through public participation and civic

[349] *Ibid.*
[350] Mr Chisema is the Acting District Administrator of Gutu District, Interviewed on 03/09/2013

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responsibility and it was also meant to increase efficiency in local services provisions and management, reducing the role of central government in rural areas.[351] A closer analysis however shows that much of the imagined goals were not achieved. Instead, the decentralization process increased the control of the central government on local communities, undermining and distorting the powers and roles of traditional leaders.

Local government was made an extension of the state (central government) with the RDC placed under direct supervision of the minister of local government.[352] The Traditional Leaders Act (2000) went on to put the traditional leaders under the direct control of the president and the minister of local government who is also an appointee of the President.[353] The Act also gives the president, who through the minister could dissolve any RDC and could dismiss a chief to pursue 'public interest'.[354] It can therefore be argued that the modernization drive and the decentralization process failed to mitigate and harmonize the elected and traditional institutions in the running of rural communities. The traditional institution was continuously at a loss as it was put under direct control of the state, living little room for customary initiatives to suffice.

Local government reform measures adopted by the new government of Zimbabwe at independence in 1980 were largely inspired by the state's modernization initiatives which sought to undermine the authority of traditional institutions in judicial and land issues.[355] Although the traditional leaders were not removed soon after independence, their powers of adjudication and land allocation were transferred to the district councils.[356] The failure by the new government to co-opt traditional leaders into formal state mechanism in the first two decades of independence lies at the heart of the confusion surrounding local government and land administration in communal areas.[357]

Most of the legislations passed after independence (especially after 1998) shows a dichotomy between traditional institutions and the new government's modernisation drive. Just like the

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[351] An interview with Mr. Chisema (Acting District Administrator for Gutu district), at Gutu DA's Offices, 03/09/2013

[352] Government of Zimbabwe, Rural District Council Act (1988)

[353] Government of Zimbabwe, Traditional Leaders Act (2000)

[354] *Ibid.*

[355] G.T Ncube. 2011. pp. 89-95

[356] A. Mandondo. 2000. "Situating Zimbabwe's Natural Resources Governance Systems in History; Center for International Forestry Research, Occasional Paper No. 32, cited in Ncube. 2011, pp. 89-95

[357] *Ibid.*

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colonial state during the close of the colonial era, the ZANU PF government created a schizoid division in the local government, in which two opposite lines of action were pursued simultaneously, one promoting democratically elected structures in local government and the other promoting a false notion of an autonomous traditional authority.[358]

Mr. Rukondo[359] observed that the confusion which is mainly caused by a lack of clarity on the roles and functions of traditional institutions of the chief, headman and the village head and the elected leadership of VIDCO, WADCO and RDC councillors in land and development matters and this has precipitated a crisis of leadership in the villages.[360] Elected rural institutions lack legitimacy among the rural people who are so deeply accustomed to their kinship relations which translates into seeing communal areas the as lands of their ancestors.[361]The attachment of land as a birth right and part of belonging makes it difficult for elected organs of government to have enough space to foster development in the rural areas. In Zimbabwe, traditional leaders have a connection to the land and in the eyes of the public; they are often seen as the rightful custodians of the land.[362]

Disputes over land issues in the district are evidence of the hostility between the old and the new administrative structures. There is evidence in Gutu District that traditional leadership is still powerful in Zimbabwe's rural areas and in practice, chiefs, headmen and village heads allocate land to the people, a function that legally belongs to the district councils. Traditional leaders in the district, as in other parts of the country were defiant to some of the Acts passed by the government. The Communal Land Act (1982) which vested control over land in the President and the RDCs was ignored by most traditional leaders who in practice continued to allocate land to their people on the basis of their tradition.[363]

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[358] A. Mlambo and B. Raftopoulos. (eds). 2009, p. 199

[359] Mr Rukondo is a teacher as well as a villager under chief Nyamandi in Gutu North. Interviewed on 31/08/13

[360] *Ibid.*

[361] *Ibid.*

[362] M.L Daneel. 1996. "Environmental Reform: A new venture of Zimbabwe's traditional custodians of land". In *Journal of Legal Pluralism and Unofficial Law: Special issues of new relevance of traditional authorities to Africa's future, pp. 37-38.*

[363] A. Mandondo. 2000, cited in G.T Ncube. 2011, pp. 89-95

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Village heads Dhumukwa, Mashate and Madzivanyika shared among themselves an area which used to be a water chain and allocated it to landless newly-weds in their villages in 1985. Dhumukwa explained how they went about it and the argument as he put it was as follows:

> This land used to be the fields of our fore-fathers during the colonial period and we do not see any sense in keeping it as a water chain while our children need land to plough. The demonstrators who demarcated it as a water chain during the 1960s did not even consult our elders.[364]

It can be noted that whilst the formal resettlement programme was taking its shape during the early years of the 1980s, there was also informal resettlement which was going on in the villages, mainly as a way of reversing the much hated NLHA of the 1950s and address landlessness in the rural areas. On the FTLRP, Mr. Rukondo explained that the fact that the land invasions were started by Chief Svosve and his people in areas around Marondera speaks volumes about the way traditional leaders wanted to be resettled on their ancestral lands.[365]

What makes it even more disturbing is that even the newly established VIDCOs were at some points working together with the village heads in allocating land unofficially. The Communal Lands Act (1982) gave the RDCs the legal rights to land use and allocation. The acts of the village heads in continuing to allocate land during the 1980s was also unstoppable as almost everyone thought that the end of the war meant that all the land which was vacant outside the commercial farms and which was made water chains by the NLHA was now for grabs. It also needs to be remembered that by giving the RDCs land rights, the new government was failing to fulfill the promises it made during the war of liberation. The land issue was well articulated at every *pungwe*[366] for it was indeed the rallying point during the second *chimurenga,* and the masses thought that the end of the war signifies the rectification of the NLHA. This situation

[364] Interview with village head Dhumukwa, Dhumukwa Village, 06 /09/ 2013
[365] Interview with Mr Rukondo, Nyamandi, 31/08/2013
[366] *Pungwe* were gatherings (rallies) held by the guerrillas with the masses during Zimbabwe's war of liberation. The main purpose of *pungwe* was to mobilize support from the rural population and also to educate them on the purpose of the revolutionary war. *Pungwes* were characterized by morale and singing of revolutionary or chimurenga songs. On a sad not however, *pungwes* were the platforms to discipline and punish all those suspected of sabotaging the war.

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gave birth to a plethora of problems and conflicts between the traditional perspective of land and belonging and the new government's modernization drive.

Dore (1995) notes that even when the Chiefs and Headmen Act (1988) excluded the traditional leaders in land administration, the inhabitants of the communal areas continued to refer most land matters and requests to the traditional leaders.[367] The same Act also failed to recognize the position of the institution of the village head, but village heads continued to assume their duties in land allocation and they were encouraged by the chiefs and headmen.

An elder who is a member of the Mutero family in Mutero village under chief Nyamandi said that they were not even intimidated by the banning of the institution of the village head. He said,

> We were village heads and we still remain village heads no matter what comes. Governments come and go, but our right to lead this village was bestowed upon us by our foregone fathers. We don't resist any government of the time, but we need to be accorded our due respect.[368]

Such sentiments shows how gravitated is the conflict between tradition and modern systems of government in rural societies. As shown above, in the past, the chiefs, headmen and village heads crafted defiance as a tactic to resist the modernization process and this on its own as a tactic had devastating effects in the development and transformation of rural areas.

The confusion surrounding communal leadership in Gutu District is also characterized by lack of clarity on the roles and functions between the traditional leaders and elected councilors. Mr. Mazhindu (not real name) accused elected councilors for always demanding money from the people, yet they do not see any development.

> Whenever these councilors call for a meeting, we simply know that they are going to tell us of such and such money which is needed for such and such a project, but the truth is that they are robbing the people in my village. In 2008, when we had serious food

[367] D.Dore. 1995, cited in G.T Ncube. 2011, pp. 89-95
[368] Interview with a member of the Mutero family of Mutero village under chief Nyamande on the 10 /09/2013

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> shortages, a councilor collected money from every household in the ward and now we are in 2013 and we have not received the maize we were promised. Can't you see that this is daylight robbery which is being done by these councilors? Now we have vowed not to cooperate with them in all matters.[369]

The expressions above were given by many in all wards the researcher visited. Conversely, when a councilor who gave information on grounds of unanimity was asked to clarify the way they are working with traditional leaders, she said that their relations were cordial:

> It is only that sometimes politicians, mainly from the ruling party, create confusion between the councilors and chiefs. From my experience, chiefs know very well that we the elected representatives of the people have the mandate to represent them at local government level, but some people who want to be both civil servants and politicians at the district office create most of the confusion.[370]

The above feelings show that even when the constitution contains some of the regulations governing the administration of local government, the conflict between hereditary traditional authority and the modern democratically elected government organs is not sufficiently mitigated and what exacerbate the situation is that in Zimbabwe some people tend to confuse the role of a political party and government. Elected councilors mainly from the ruling party have a strong liberation war background and use this political clout to disrespect traditional leaders who only claim their legitimacy in rural areas using hereditary anointment and not the war credentials.

[369] Interview, Mr. Mazhindu (not real name), Chagwiza Village, 02/09/2013
[370] Interview, unanimous, Chivasa Village, Chief Nyamandi. 02/09/2013

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4. 5 A Critique of the Laws Affecting the Relationship between the State and Traditional Leaders in Zimbabwe after Independence, 1980-2010

To understand the relationship between post-colonial state and the traditional leaders, especially between 1980 and 2000, a summation of the Laws which were passed during this period is needed. Mrs. Butayi said that the laws which were put in place by the government were not meant to undo the influence of traditional leaders, but to "bring modalities on effective administration of rural areas in line with development priorities of the nation".[371]

> How can development be achieved when individual chiefs are allowed to do things in their areas. Development needs to be coordinated from the centre and I think the RDC has done enough to ensure that there is uniformity in rural development.[372]

As noted by Mr. Mudavanhu, though local government justifies the laws passed after independence as indispensable vehicles for development, the truth that no meaningful development in Gutu's rural areas occurred and that the laws were in part meant to do away with the traditional leaders remain a point.[373] Mr. Mudavanhu argues that the RDCs are ill-funded and not well-managed and instead of bringing the so-called development, they are "milking us of the little that we have".[374]

> We pay rates and levies to the RDCs, but look at the state of our roads, schools and clinics. You do not need to be told that our money is channeled elsewhere not to the development of our areas. I think that it will be a good idea to include chiefs and the locals in the management of the funds we pay every month.[375]

On the inclusion of the chiefs, headmen and village heads in the administration of funds paid to the RDCs, Mr. Gora (not real name) argued:

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[371] Interview, Mrs. Butayi (Records clerk at the DA office), Gutu, 15/10/2010
[372] *Ibid.*
[373] Interview, Mr. Mudavanhu (a prominent businessman at Nerupiri Business centre), Gutu South, 18/10/2013
[374] *Ibid.*
[375] *Ibid.*

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> The difference is the same or it will be worse because once traditional leaders are involved in the management of rates and levies, the first thing they will do is to increase their salaries and allowances…[376]

Customary Law and Local Courts of 1981 reflect the move from indirect to direct rule, a transfer of judicial authority from traditional leaders to Village Community Courts which were elected and dominated by the VIDCOs.[377] The Act transferred the customary law to non-customary institutions. The law also did away with the judicial authority of chiefs and headmen. The Chiefs and Headmen Act (1982) stipulated that chiefs and headmen could only exercise authority in communal areas, meaning that farms and resettlement areas were out of bounds for the traditional leaders.[378] The act also excluded the traditional leaders in land administration and it also did not recognize the institution of the village head.[379] This Act did much to undermine the position of the traditional leaders in post-colonial Zimbabwe.

The Communal Lands Act (1982) took away the powers of the chiefs to allocate land, a prerogative vested in them by the Smith Regime during the 1960s through the TTLA (1967). The act also vested control over land in the president and the RDC, the latter becoming the rightful land authorities. The RDC could 'fine, imprison or remove rights of access to land'.[380] Traditional leaders were side-lined in land matters. They were left with spiritual functions yet in spiritual issues, they had to contest with the Christian churches. The Communal Lands Development Plan (1986) further undermined the powers of traditional leaders in land issues.[381]They were not made part of the planning of communal lands.

The Provincial Council and Administration Act of 1985 created the office of provincial governors who were political appointees of the President. This was a move geared towards the consolidation of the ruling ZANU-PF party's power in the rural areas.[382] Provincial governors reported directly to the President. This process of extending the reach of the state marginalized

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[376] Interview, Mr. Gora (not real name), Nerupiri Business Centre, 18/10/2013
[377] G.T Ncube. 2011, pp. 89-95
[378] Mujere. 2010, p. 13
[379] *Ibid.*
[380] Government of Zimbabwe, Communal Lands Act (1982).
[381] Government of Zimbabwe, Communal Lands Development Plan (1986).
[382] J. Makumbe. 1998. Cited in G.T Ncube. 2011, pp. 89-95

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traditional authority and it was also a sign of a confident new regime forging its vision of modernity for the young nation. What is important to note however is that most of the appointed governors were staunch ZANU-PF supporters, with a liberation war record and in carrying their duties, there was a strong element of 'command', reflecting the continuing influence of the often militaristic policies of the liberation movements; negatively impacting on the decentralization process, making it the opposite (a centralized state).[383] In the process, the powers of traditional leaders were undermined.

The RDC (1988) established a local government that excluded the traditional leaders. The RDC Act (1988) endorsed RDCs as the 'de jure' land authorities instead of traditional leadership structures. The RDC (Amalgamation) Act of 1988 was also accompanied by the transfer of the traditional leaders' power to the new councils. These powers included rural planning and land allocation. Through the same Act, Community Courts were also put in place to take the judicial powers of the traditional leaders. Most of these legal enactments were part of the process of disempowerment of traditional institutions, as a measure purportedly designed to punish them for their pre-independence roles as agents of colonial oppression.[384]

Some elements in the government saw traditional leaders as antithetical to their modernization project to transform rural society. VIDCOs and WADCOs were part of an effort to embed the modern state in rural areas and quicken development.[385] The essential aim was to make these bodies the moral, political and institutional core of community, providing a conduit for establishing the party's power at the grassroots level and at the same time side-lining the traditional leaders.[386] As the grassroots organizing institutions, VIDCOs and WADCOs would also become the nexus for control and mobilization between the state and rural communities in the envisaged construction of a one-party state.[387]

The Land Tenure Commission (1994) was a landmark in the dynamics of the relationship between the traditional leaders and the post-colonial state in Zimbabwe as it marked the turning point from relegation to re-empowerment of the traditional leaders. The possible explanations of

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[383] *Ibid.*
[384] *Ibid.*
[385] Munro. 1998, p 247
[386] *Ibid.*
[387] Munro. 1998, p. 256

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that acrobatic turn will be discussed in the proceeding paragraphs. The recommendations of the Commission included the re-empowerment of the traditional leaders and this was fulfilled in the Traditional Leaders Act (1998) and (2000).Traditional leaders became direct appointees of the president and returned the power to oversee collection of rates and levies for the RDC.

The ruling party's dominance of state institutions and processes after independence was meant to strengthen the state's hold of the rural areas, side-lining the traditional structures of local governance. The local government's decentralization process started in the 1980s was not allowed to take root because of the party's overbearing presence over the project.[388] The VIDCOs and WADCOs, which were supposed to spearhead development and democracy in rural communities, were not allowed to evolve into inclusive structures of governance.[389] They remained as Amanda Hammar (2003) notes;

> Local ZANU-PF party committees and cells carried over from the liberation war and whose partisan and authoritarian practices pervaded both popular participation and democratic developmentalism. [390]

VIDCOs and WADCOs who took over much of the planning and mobilization in rural areas soon after independence were mainly former political commissars and ZANU PF combatants.[391] However, despite VIDCOs and WADCO's history during the liberation struggles, they still found it difficult to dislodge the traditional leaders from rural politics. They were viewed as illegitimate structures by communities and in most cases they gave up.[392] Even the RDCs which were treated as autonomous units did not serve the interests of the rural communities, but the central government and they remained an appendage of central government, severely

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[388] J. Muzondidya. "From Buoyancy to Crisis, 1980-1997". In A. Mlambo and B. Raftopoulos. (eds) 2009, p. 178

[389] A. Hammar. 2003. "The making and unmaking of local government in Zimbabwe". In A. Hammar, B. Raftopoulos and S. Jensen.*Zimbabwe's Unfinished Business: Rethinking land, state and nation in the center of crisis.* Harare: Weaver Press, pp. 119-54

[390] *Ibid.*

[391] E. Masunungure and N. Musekiwa. 2005. "Local government policy Review". Policy Document prepared for Zimbabwe Institute for Policy Studies, pp. 10-11

[392] *Ibid.*

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marginalized, under-resourced and dependent on central government for both funding and staffing.[393]

The District Administrators who replaced the District Commissioners were not accountable to local communities but to central government and as a result the government's top-down approach was often resisted by rural communities and their traditional leaders, who sometimes failed to co-operate with civil servants deployed to their areas without local consultation.[394] This created conflicts and confusion in rural administration, retarding rural development in post-colonial Zimbabwe at large and Gutu District in particular. Asked why their area is not developed compared to other villages, Mrs. Zvenyika attributed their problems to the failure of government officials to work with traditional leaders after independence. She said,

> Many things which were supposed to benefit us could not reach the intended beneficiaries because the councilors were not working well with the chief and the village heads. I remember at one stage when the chief and his advisors refused to peg a community garden which was to be funded by donors, citing that the donors and the local government had by-passed him in the planning process. The donor took the project to the next ward and we were at a loss because of that lack of cooperation.[395]

Government policy as indicated by the Acts passed during the 1980s shows that the powers of traditional leaders were clipped. The modernisation initiatives rendered traditional leaders irrelevant. However, evidence on the ground shows that traditional leaders continued to influence life in their communities. What need to be addressed at this juncture are the reasons why the ZANU-PF government made a U-turn and started to re-empower traditional leaders. In discussing the issues, it is important to note how the ZANU-PF government made policies similar to the Smith regime during the 1960s. The discussion brings the study to its climax as the policies of totally two different states seem to converge. A good example is how the TTLA (1967) survived largely intact after independence as the Communal Lands Act of 1982. Except

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[393] *Ibid.* p. 13
[394] Muzondidya. 2009, p. 182
[395] Interview with Mrs Zvenyika of Mutimhodyo village under chief Munyikwa on the 11/09/ 2013

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for the provision of the newly elected District Councils which became the land allocating authority in place of the chiefs during the 1960s, the Communal Lands Act of 1982 was virtually a replica of the TTLA of 1967.[396] It can be argued from this stand point that in many ways, the post-colonial government of Zimbabwe was in many ways a replica of the colonial state in as far as the relationship with the traditional leaders was concerned.

The ZANU-PF government turned to the chiefs because there was evidence of the party losing its support base in the rural areas (Makumbe 1998).[397] The devastating results of the Economic Structural Adjustment Programme (ESAP) led the party to lose support in both the towns and the rural areas. In the towns, there was massive unemployment as a result of the retrenchments which laid-off labour from the private and the public sector. Most of those retrenched were forced into the rural areas and they were critics of the government's adoption of ESAP. There was also a marked increase in landlessness in the rural areas. It can be argued that confronted by these challenges, the government turned to the traditional leaders as the first line of defense in a similar fashion to what the Smith regime was confronted by the problems created by the devastating consequences of the NLHA, unemployment and the increase of nationalist activities during the 1960s. From 2000 to date, traditional leaders have proved indispensable to the ZANU-PF's survival strategies.

Political courtship of traditional leaders by the state further continued in 2000 after the formation of a formidable opposition party; MDC in 1999. The Traditional Leaders Act (2000) made chiefs very powerful actors in Zimbabwe's political landscape, usurping that role from the elected councillors.[398] Chiefs at some points (especially during the run to elections) received untaxed allowances, 15 times higher than the elected councilors in addition to benefits from rural electrification schemes and subsidised vehicles (Ncube 2011).[399] The effect has been to elevate the status of chiefs above that of elected councilors who mostly belonged to the opposition MDC. This exacerbated the tension between elected councilors and the traditional leaders.

The Traditional Leaders Act (1998) which was effected in 2000 restored the jurisdiction of the traditional leaders in aspects relating to rural communities, most of which have been removed in

[396] D. Dore. 1993, cited in G.T Ncube. 2011, pp. 89-95
[397] E. Masunungure and N. Musekiwa. 2005, p.26
[398] G.T Ncube. 2011, pp. 89-95
[399] *Ibid.*

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1982.The Traditional Leaders Act (2000)completed the so-called re-empowerment of the traditional leaders in judicial and land issues in the communal areas. It is however important to mention at this juncture that the Act was a mere political courtship of traditional leaders by the ZANU-PF led government, without giving them meaningful roles in the development of rural communities. It can be argued that in many cases the roles conferred on chiefs by this Act were a replica of the colonial roles of chiefs. The Act also pitted the traditional leaders against the elected councilors who were mainly from the opposition MDC party. By keeping and maintaining population records from the village level and by influencing the day-to-day lives of their communities, the traditional leaders were made to play a role in twisting voters towards ZANU-PF and as such it was hoped that they were 'vote banks' for the ruling party.[400] An MDC councilor who provided information on condition of unanimity thus said:

> Chiefs were used by ZANU-PF to threaten all MDC supporters in their areas during the run to elections since 2000. Our supporters were threatened by expulsion from their villages if ever they voted for MDC. On a sad note, agricultural inputs and drought relief support have been politicized to the extent that village heads are supposed to identify from their rosters all MDC supporters and make sure that they don't receive assistance. Something has to be done to stop traditional leaders from partisan politics.[401]

Threats were not limited to villagers alone. Traditional leaders who supported the MDC were under constant threats from the security organs of the state. Some were either dethroned or had their privileges withdrawn. As noted by Ncube (2011),

> Such developments underline a serious adulteration that the institution of chieftaincy has undergone in the post-colonial period. In the process, chiefs have lost their historical role as custodians of the land and culture, and become political agents and puppets of

[400] *Ibid.*
[401] Interview, MDC Councillor, 27/07/2013

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> the post-colonial state. Instead of protecting their subjects, they often participate in their oppression.[402]

It can be argued that from 2000, chiefs became very powerful actors in the Zimbabwean political landscape, usurping that role from the elected councilors. Chiefs at some points (especially during the run to elections) received untaxed allowances, 15 times higher than the elected councilors in addition to benefits from rural electrification schemes and subsidised vehicles.[403]This is a sad and perhaps one of the greatest betrayals of the people by their traditional leaders and the state.

Perhaps, Max Gluckman's argument that in African political life, men were rebels and never revolutionaries holds water.[404]According to this school of thought, there was no meaningful overthrow of an old socio-political order in favour of new socio-political structures and values. In Zimbabwe, as noted by Dieter Scholz,

> Despite the rhetoric of a glorious socialist revolution brought about by the armed struggle, the colonial structures and Rhodesian way of life persist. Up until post-2000 era, the post-colonial period did not resemble a revolution.[405]

The Tribal Trust Lands (TTL), for example, were renamed the Communal Lands and African Purchase Areas became Small-scale commercial farms, but the colonial structure and administration pattern remained largely intact.[406] Furthermore, the manipulation of traditional leaders in both the colonial and post-colonial states has continued to undermine traditional authority.

As both the state and the ruling party's legitimacy began to slip during the 1990s, ZANU-PF sought to consolidate its power in the rural areas. The government moved to rekindle its alliance

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[402] G.T Ncube. 2011, pp. 89-95

[403] *Ibid.*

[404] Max Gluckman was an imminent social anthropologist who made a striking speech about Africa's post-colonial problems in the 1953 Frazer Lecture at the University of Glasgow, where his major argument was that no meaningful revolution took place in Africa. Gluckman, Max. 1963. *Order and Rebellion in Tribal Africa.* London: Cohen and West, p. 127

[405] D. B. Scholz. "Robert Mugabe: Revolutionary or Rebel?"In A. Hammar. 2005. (Ed). *Zimbabwe: The Past is the Future.* Harare: Weaver Press, p. 23

[406] *Ibid,* p. 26

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with chiefs and reasserted chiefly authority over rural populations.[407] It can be argued that the Land Tenure Commission of 1994 marked a turning point in the relationship between the state and traditional leaders in Zimbabwe. The commission which was appointed by the President to investigate how land tenure policies in communal areas could be improved was an official courtship of the chiefs by the state. One of its main recommendations was the re-empowerment of the traditional leaders; an aspect which was to be fully accomplished in the Traditional Leaders Act (No. 25 of 1998) which was amended and given much recognition as the Traditional Leaders Act (2000).

Through the Act, the chiefs became direct appointees of the President and they were given power in land and administrative issues.[408] This effectively side-lined the popularly elected VIDCOs and WADCOs and reversed the little progress that has been made to democratize rural governance in the 1980s.[409] Traditional leaders were now supposed to play an important role in consolidating what Mamdani (1996) have described as 'decentralized despotism'.[410] This was a clear back-throw to the colonial era during the 1960s.

It is however important to note that the Traditional Leaders Act (2000) has further exacerbated the tension between the traditional leaders and the elected local government organs. Lack of clarity on the duties of the two institutions made land ownership and allocation a contentious issue. Section 26 (1) states that 'no land shall be allocated except with the approval of the appropriate District Council'.[411] Section 26 (4) states that 'no inhabitant shall dispose communal land used by him without the approval of the village head'.[412] Section 9 (19) provides for the chiefs and headmen to have a role in land allocation.[413] Munro (1998) notes,

> Many years after independence, the question of who controls the land in Zimbabwe's rural areas; the state or the people, individual

[407] A. Hammar. 2003, cited in A. Mlambo and B. Raftopoulos. 2009, pp. 198-199
[408] Government of Zimbabwe, Traditional Leaders Act (2000)
[409] E. Masunungure and N. Musekiwa. 2009, pp. 17-23
[410] M. Mamdani. 1996, p. 18
[411] Government of Zimbabwe, Traditional Leaders Act (2000), Section 26 (1)
[412] *Ibid*, Section 26 (4)
[413] *Ibid*, Section 9 (19)

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or community, RDC or traditional leaders remained complex, conflictual and unresolved.[414]

This has widened the surface area for friction and in reality, village heads through the encouragement of the chiefs and headmen have continued to allocate land while the RDC is side-lined. Traditional leaders are closest to the resource and they also claim that it belongs to them by birth.

The rural areas became the center-stage of ZANU-PF's political activities with the traditional leaders and war veterans championing the path for the ruling party. The relationship between the state and traditional leaders unfolds characteristically with even serious ambiguities during the FTLRP; with the ZANU-PF government attempting to satisfy both war veterans and traditional leaders but failing to clarify their roles in the land reform process.

4. 6 Traditional Leaders, the State and War Veterans in the FTLRP in Gutu District

There is an ever-ending debate on what really prompted the land invasions. What is clear however is that; by the beginning of the 1990s, it was clear that the country faced a crisis of land use and allocation.[415] By 1987, the population in the country's Communal Lands had risen to 5.1 million and the national average population density was 36 people per square kilometer, up from 3.9 million and 27 in 1982.[416] The failure of the government to deliver land in the wake of continued land hunger posed a challenge to the national stability as peasants and traditional leaders became more militant in their demands. During the 1990s, land occupations expanded in form of content, as peasants, sometimes led by chiefs and local war veterans, and sporadically invaded not only private land but also state land.[417]

[414] W. Munro. 1998, p. 257
[415] Muzondidya. 2009, p. 190
[416] *Ibid.*
[417] S. Moyo. 2004. "The Agrarian Question in Zimbabwe". Paper presented at the Conference on Agrarian Constraint and Poverty Reduction. Addis Ababa, 17-18 December 2004, p. 8

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The role of traditional leaders in the resettlement areas is characterised by tension. What makes the problem more acute is the difference between traditional leaders and other social forces on the angle of the resettlement programme. For many traditional leaders, the FTLRP was an opportunity to reclaim their traditional land alienated during the colonial period. Traditional leaders wanted the process to take the restitution angle which would see them re-establishing their traditional boundaries which existed prior to colonialism.[418] This was in contrast with the policy-makers and war veterans who saw the FTLRP as a way of giving landless people land to correct the imbalance created by colonialism. They did not attach the traditional claims of belonging and land was to be given to anyone in need of it without necessarily relating to the claims of ancestral land.[419] As a result, resettlement areas have become a melting pot as traditional leaders and other socio-political forces are fighting for space to administer and control the resettlement areas. The lack of a clear policy on how resettlement areas should be administered also contributes to the conflict between traditional leaders, war veterans and the RDC's Lands Committees as will be shown in the discussion below.

As the FTLRP and farm invasions gained momentum from 2000, a complex and conflicting relationship ensued, especially between the traditional leaders and the war veterans. It has to be noted that the farm invasions were started by Chief Svovse of Hwedza when he and his people invaded the white-owned farms around Marondera District. The case of Chief Svosve and his people shows the vital yet neglected trajectory of the role of traditional leaders and their angle of restitution and return to the ancestral lands in the land reform discourse. Traditional leaders around the country followed suit and to them, the FTLRP was reclamation of the land of their ancestors lost during the colonial era.[420]

The issue of belonging is central to the land issue in many societies across Africa. In this case, belonging is linked to the traditional attachment or connection of an individual or clan to the ancestral graves. Ancestral graves and other traditional sacred places provide stages where belonging and boundaries are negotiated. The Shona cosmos strongly believes in the living dead, who form part and parcel of the functioning of the family and the clan. Graves are the symbolic focal point of human attachment to place: the living and the dead, the social and the material all

[418] J. Mujere. 2010, p. 7
[419] *Ibid.* p. 8
[420] J. Mujere. 2010, p. 15

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connect 'here'.[421] The matrix of land and belonging is shaped by a sense of origin which is rooted in the location where ancestors are buried and propitiated.[422] The desire to return to the traditional land alienated during the colonial period was one of the major factors that fuelled land occupations and to traditional leaders the FTLRP took the angle of reclamation and restitution of ancestral land.[423] This was in direct conflict with what the policy-makers, war veterans and other socio-political forces practically wanted.

Whilst the traditional leaders took the restitution angle in the FTLRP, President Robert Mugabe and most war veterans saw the land reform as the 'Third Chimurenga',[424] where they were in a real war with the enemy and this time around the enemy was the MDCs and its so-called Western sponsors. There was a need to contain, coerce and demobilise the structures and support of the opposition in rural areas and the politics of land took the centre-stage. Mugabe thus expressed the land issue in the following terms:

> We knew and still know that land was the prime goal for King Lobengula as he fought the British encroachment in 1893; we knew and still know that land was the principal grievance for our heroes of the First Chimurenga, led by Nehanda and Kaguvi. We knew and still know it to be the fundamental premise of the Second Chimurenga and thus a principal definer of the succeeding new Nation and State of Zimbabwe. Indeed, we know it to be the core issue and imperative of the Third Chimurenga which you and me are fighting, and for which we continue to make such enormous sacrifices.[425]

Such sentiments dominated the feelings of most war veterans and ZANU-PF supporters during the FTLRP. All those who differed with such sentiments were dubbed 'enemies of the state'.

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[421] P. Shipton. 2009. *Mortgaging the Ancestors: Ideologies of Attachment in Africa.* New Heaven and London: Yale University Press, p. 20

[422] P. Chabal. 2009. *Africa: The Politics of Suffering and Smiling.* London: Zed Books, p. 49

[423] N. Marongwe. 2003. "Farm occupations and occupiers in the New Politics of Land in Zimbabwe". In A. Hammar, B. Raftopoulos and S. Jersen. (eds). 2003, p. 184

[424] Third Chimurenga has become a name for the FTLRP especially among ZANU-PF as the party saw the land reform as a continuation of the unfinished chapter of the First Chimurenga (1896-98) and the Second Chimurenga (1966-1979).

[425] R. Mugabe. 2001. *Inside the Third Chimurenga.* Harare: Government Printers, pp.92-93.

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Local government officials considered to be opposition supporters were dismissed by local war veteran committees.[426] Traditional leaders who were suspected to side with the opposition were not spared the axe and some were dethroned. War veterans asserted their leadership over the implementation of the FTLRP, side-lining local development structures of the RDCs and traditional leaders.[427]

The farm invasions were then hijacked by the war veterans and some ZANU (PF) youths. During the fast-track process, the role of traditional leaders in beneficiary selection was dramatically overridden by war veterans who, together with many other landless people, saw the FTLRP as a way of correcting the imbalances created by the colonial system and the issue of restitution was far-fetched.[428] The FTLRP provided traditional authorities with the opportunity to pursue an agenda akin to land restitution as they have been making a number of claims both substantiated and unsubstantiated over the new resettlements which they viewed as their *matongo* (old homes).[429] Thus the non-recognition of such claims by the policy-makers on the one hand and the war veterans on the other brewed conflicts. This created a surface for friction between the war veterans and the traditional leaders and up to now, the powers of war veterans and traditional leaders in most resettlement areas are highly contested.

Savage and Chimhini (2003) assert that far from being a genuine correction of colonial land imbalances, the FTLRP was not done to reclaim the traditional lands taken away by the White Settlers.[430] For them, land invasion was a way of formalizing violence against the opposition and whites as the disgruntled citizens were developing coalitions to oppose the state.[431] The Mugabe administration adopted a militant attitude, evocative of its history as a liberation movement, which allowed it to define its violence as an unfinished chapter in the national story; hence regarding the land reform as 'the Third Chimurenga'.[432]

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[426] B. Raftopoulos. "The Crisis in Zimbabwe, 1998-2008". In A. Mlambo and B. Raftopoulos.2009, p. 213.
[427] *Ibid,* p. 214.
[428] S. Moyo and P. Yeros. 2007. "The radicalized state: Zimbabwe's interrupted revolution". In *Review of African Political Economy Volume 34 (111),* pp. 103-123.
[429] N. Marongwe. 2003, p. 174
[430] T. Savage and S. Chimhini. 2003, p. 208
[431] *Ibid.*
[432] *Ibid.*

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In an open letter to President Bakili Muluzi (President of Malawi and the then Chairman of SADC), Africa Rights[433] puts it this way:

> Under the smokescreen of asserting the rights of the Black Zimbabweans to the land stolen from them under colonialism, ZANU-PF presented the land invasions as a popular uprising against white domination. There was and remains a fundamental need to restore land rights to Black Zimbabweans and to reserve the plight of the rural poor… But the land invasions were not directed at these aims. Instead, they were a key element of the ruling party's strategy to remain in power, providing a condition which human rights abuses could be perpetrated with impunity.[434]

Such sentiments shed light on the conflicts between the traditional leaders, war veterans, District Land Committees and the politicians on the angle the FTLRP took. This can also be illustrative in showing that there were divergences and differences in the purpose and scope of the FTLRP.

Formerly, the government through the Chiefs and Headmen Act (1982) stipulated that traditional leaders could only exercise authority in communal areas meaning that farms and resettlement areas are out of bounce for the traditional leaders.[435] Even the Traditional Leaders Act (2000) is not very clear on the position of traditional leaders in resettlement areas. The Act emphasises on traditional leaders to ensure that communal land is allocated in terms of the Communal Land Act (Chapter 20:04). This limits the powers of traditional leaders to communal areas and is in direct conflict with the new trajectory brought by the FTLRP, where traditional leaders seek restitution and want to recast their authority in those formerly alienated lands.

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[433] Africa Rights is a pressure group which fights against Human Rights abuses and it produces a series of publications in Africa Confidential Volumes.

[434] *Ibid.*

[435] S. Mubvumba. 2005. "The dilemma of governance: Government policy on traditional authority in resettlement areas, 1980-2004: The case of Guruve". B.A Special Honours in History, History Department, University of Zimbabwe, p. 37

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The FTLRP provided the traditional leaders who are the custodians of cultural heritage places with the opportunity to reclaim lost ancestral lands and sacred places and in some instances demand restitution.[436] As Chakanyuka (2007) puts it,

> For the government, FTLRP was meant to return land to the dispossessed indigenous people; yet, for most rural communities it was not only access to fertile land but also restorations of cultural links with the land of the ancestors. Hence from the beginning, the FTLRP was accompanied by claims based on ancestral links to the land.[437]

Traditional leaders have genuine reasons for reclaiming the sacred place of their ancestors as the Traditional Leaders Act (2000) gives them that mandate as the custodians of the cultural heritage of the nation.[438] One of the aims of the traditional leaders as outlined in the Act is to promote and uphold cultural values, particularly the preservation of extended family and the promotion of traditional life.[439]

The FTLRP has led to the general marginalisation of traditional leaders as the management of the newly resettlement areas has been the responsibility of Village and District Committees as well as war veterans and Base Commanders and the government seems to have continued with its policy of side-lining traditional leaders in the actual administration of resettlement areas, choosing to work with the elected village committees and councilors.[440] Traditional leaders have had to compete for space with the elected committees and councilors, making the resettlement areas a melting pot in as far as tradition and modern forms of rural administration is concerned.

The supreme land authority in the resettlement farms is the District Lands Committee which is chaired by the DA. The committee has the responsibility of identifying land and allocating it to other beneficiaries without relating to any customary law. It also has the power to withdraw offer

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[436] C. Chakanyuka. 2007. "Heritage, land and ancestors: The challenges of cultural heritage management in the face of the fast track redistribution programme in Zimbabwe, 1999-2007". M.A in Heritage Studies, History Department, University of Zimbabwe, p. 4

[437] *Ibid.*

[438] Government of Zimbabwe, Traditional Leaders Act (2000)

[439] *Ibid.*

[440] J. Mujere. 2010, p. 10

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letters given to plot holders in the event of the violation of the offer conditions or absenteeism from the plot. The new village committees in the resettlement areas strongly resemble the VIDCOs created during the early 1980s. According to Goebel (2005),

> The committees are to be secular and democratic, a departure from the traditional local institutions, which were based on ancestral religion and lineage membership… the chairman is elected by democratic vote and can be disposed if performance is unsatisfactory.[441]

What is important to note is that the elected committees work with almost complete disregard for traditional authorities and this has heightened the tension between traditional leaders and the elected organs. A committee member in Mazare resettlement area which is directly under the jurisdiction of chief Makore explained their relationship with the traditional leaders as follows:

> There is no way people may want us to work with the chiefs and headmen. We are an elected body mandated by the government through the District Lands Committee to manage this resettlement area. Chiefs and headmen must not forget that their powers are confined to the communal areas where authority is hereditary and lineage based. This area is composed of people who came from various chiefs and some from towns and who then can claim to be our chief. We are more concerned with production and development not customary issues. We have left the villages of our own ancestors so that we are free from unnecessary issues like rituals.[442]

This shows the depth of the conflict between the traditional leaders and the elected organs in the resettlement areas.

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[441] A. Goebel. 2005. Gender and Land Reform: The Zimbabwean experience. Montreal and Kingston: McGill-Queens's University Press, p. 106

[442] Interview with Mr. Mazhou (not real name), a newly resettled villager in Mazare on 26 July 2013

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The other source of conflict in resettlement areas is over the appointment of village heads. Traditional authorities are pushing for the establishment of village heads *(maSabhuku)* in the resettlement areas that would be answerable to the chiefs and headmen and would ensure that the authority of traditional leaders is not neutralised by that of the village committees.[443] At the moment though no village heads have been legally appointed in the resettlement area of Velosi in Gutu west, headmen Mutema and Musara appointed representatives in the villages as designates who work towards ensuring that traditional customs such as sacred holidays and sacred places are respected.[444]

The headmen see this as the precursor to the appointment of substantive village heads under their authority. Interestingly, headman Zimuto makes historical claims of the same resettlement areas using old homes and ancestral graves to legitimise his claims. The three traditional leaders are therefore appointing village representatives in the areas making the resettlement areas a melting pot not only between traditional leaders and village committees but even amongst traditional leaders themselves.

There are heated problems especially between Headman Mutema and Headman Musara over the control of Velosi resettlement. The duo makes claims of the area with Musara arguing that the area is in Masvingo District and not Gutu according to the delimitation exercise undertaken by the government between 2003 and 2005. Mutema maintains that the area is under his jurisdiction because the delimitation exercise was only a recent issue which also failed to respect his official pre-colonial and colonial boundaries.[445] This has witnessed bad blood being drawn between the two headmen.

Putting Headman Mutema's claims into consideration, it can be noted that the government had little respect on the pre-colonial boundaries of traditional leaders and this illustrates how the state always trembles on the powers of traditional leaders. This also makes a throw-back to the actions of the Delineation Officers who had little respect for traditional leaders during the 1960s.This brings home the argument that in many ways, the post-colonial state is a replica of the colonial state in so far as the undermining of the traditional leaders is concerned.

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[443] J. Mujere. 2010, p. 12
[444] Observation
[445] Interview, Mr. Mupositori, Velosi resettlement, 16/10/2013

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In some instances, the land reform brought conflicts between those who viewed themselves as the autochthons and those they viewed as outsiders or strangers.[446] The so-called strangers are accused for not respecting the traditional authorities in resettlement areas because they hail from different areas and therefore do not have a sense of belonging in those areas. They fail to observe the sacred *chisi*[447]holidays and prefer observing religious days such as the Sabbath or Sundays. In some cases they do not respect the sacred places such as pools and mountains. Some mainly from the apostolic churches and the Seventh Day Adventist Church do not participate in traditional rituals such as rainmaking.

A village head under Headman Musara (one of the headmen who successfully invaded farms around Mutimurefu Prison in Gutu south using the claims of ancestral graves), complained that the Apostolic people who are strangers in the area are holding their church services in sacred mountains around the resettlement area.

> They use sacred pools along Pokoteke River for their baptism sessions (*Jorodhani*) and the river is drying up because the water spirits are not happy. This is also contributing to the drought spells the area is experiencing.[448]

In a research carried out by Fontein in 2009 in Chief Makore's area, the issue of 'new-comers' not respecting sacred places was expressed as follows;

> The senior Chief Makore (the acting chief' father), blamed poor rains and failing harvests on 'those fast-track people' who 'do not know the land'; and was particularly angry about how a local councilor who occupied Zishubwe [Zishumbe hill], Makore' sacred *mapa* (ancestral burial place), where their founding ancestor Risipambi lies (dried) buried, and near his birth place.[449]

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[446] C. Chakanyuka. 2007, p. 76

[447] A *chisi* is a sacred day put aside by traditional leaders in consultation with spiritual ancestors of a particular area for people to rest. On the day, people are not allowed to do any form of work.

[448] Interview with a village head under headman Musara near Mutimurefu prison on 28/07/ 2013

[449] J. Fontein. 2009. "We want to belong to our roots and we want to be modern people: New farmers, old claims around Lake Mutirikwi, Southern Zimbabwe". In African Studies Quarterly 10 Volume 4, p. 22

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Such a scenario has brought new settlers from other areas and not belonging to the kinship relations of the resettlement areas into a collision course with those who claim direct links with the land they reclaimed during the land reform.

In many instances, war veterans, prominent ZANU-PF activists and members of the ZANU-PF Youth Wing largely dominate the village committees and determine policy in the village and they combine their political clout and the authority they have as elected members to command respect in villages and determine policy.[450] In the process, they manage to side-line the traditional leaders in the whole administration of the resettlement areas. In fact, they have become chiefs and headmen in their own right assuming all the duties of the chief, headman and the village head.

What make the whole scenario more complex are the continual agitations by the traditional leaders for the re-establishment of the traditional boundaries that existed prior to colonization. In an interview, acting Headman Mutema argues that if the pre-colonial boundaries are considered, his area will cover most parts of what Headman Musara has resettled, and for him, instead of being a headman, he is supposed to be a chief with those new resettlements given to headmen who should be under him.[451]

The confusion and lack of clarity brought about by government legislation also exacerbate the conflict between traditional leaders and elected government organs in resettlement areas. Section 5 of the Traditional Leaders Act (2000) stipulates,

> The chief shall be responsible for taking traditional and related administrative matters in resettlement areas, including nominating persons for appointment as headmen by the minister.[452]

According to the Act, the minister has the power to authorise a chief to exercise authority over a certain resettlement area provided that the area is a single ward and does not fall under more than one chief.[453] This is proving difficult to implement as most resettlement areas fall under the boundaries of more than one chief. In spite of all these pronouncements, the traditional leaders

[450] Goebel. 2005, p. 106
[451] Interview, Acting headman Mutema, Mutema, 13/10/2013
[452] Government of Zimbabwe, Traditional Leaders Act (2000), Section 5
[453] *Ibid.*

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have continued to play second fiddle to village committees who are responsible for the day-to-day running of the resettlement areas and are answerable to the District Lands Committee.[454]

The section maintains that every new trend in the management of land either in communal areas or resettlement areas denotes the perpetual side-lining of the traditional leaders by the state. By leaving out traditional leaders such as village heads, headmen and chiefs in the administration of most resettlement areas, the post-colonial state has continued with its policy of disempowering traditional leaders on more important matters while it manipulates them for the much needed political support and electoral votes. The Ministry of Lands and Resettlement disempowered the traditional leaders in a similar fashion as the 1980s when they were often portrayed as the 'conservative guard' of the old and 'unproductive' system in the communal areas. This time around the major reason for side-lining the traditional leaders was to reward the war veterans and ZANU-PF activists for successfully carrying the banner of land reform in line with the party's indigenization philosophy which has seen the party managing to recover its support base in the rural areas.

It becomes clear that the government was not keen to involve the traditional authorities in the agrarian reform.[455] This also explains why the government was reluctant to give the land reform a restitution angle which would have created political space for traditional leaders as the legitimate claimants of the ancestral lands lost during the colonial period. The FTLRP has also brought new challenges to traditional authorities in Gutu District who have continued to be locked in disputes over the re-alignment of their boundaries, making meaningful development of their communities further retarded.

However, it is important to note that though the land reform did not take the restitution slant, traditional leaders have continued to make efforts to regain control over people and their formerly alienated lands, further causing tension between traditional leaders, lands committees and other elected government organs.

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[454] S. Mubvumba. 2005, p. 18
[455] *Ibid.*

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4. 7 Women and Traditional Authority in Gutu District

The discourse of traditional authority may not be complete if its relationship with gender equality is not explored. It is important to examine the institution of traditional authority in terms of its interaction with modern trends like the feminist discourse. The feminist approach is a broad one and this work only attempts at giving an eagle's eye to the position of women in the institution of traditional authority during the pre-colonial, colonial and post-colonial periods. The main reason is that traditional authority has been on the spotlight and facing criticism for not accommodating women. It has been criticised for being selfishly male and for serving conservative male chauvinistic interests. As such, traditional authority has been seen as undemocratic by its critics.

Women have been or omitted from discussions about politics, economics and social life and they still occupy secondary positions because of traditional patriarchal practices.[456] Gender equality in Africa has gained considerable currency in recent years and governments across the continent are attempting to prove to the international community that they have complied with instruments aimed at improving women's access to public sphere.[457] Quota systems alone cannot change the way women experience their lives in a gendered world and gender instruments largely exist on paper only, and women still experience marginalisation in the socio-economic and political spheres.[458]This, therefore, makes it necessary to interrogate the masculinity prerogative impacted by the pre-colonial, colonial and post-colonial states on gender balance in traditional authority.

As already noted in the literature review, women remain marginalised in key areas of decision-making at both local and national levels. There are only five substantive female chiefs in the whole country and of the six, three are from Matebeleland, two from Mashonaland East Province and one from Midlands.[459]The President of the Chief's Council of Zimbabwe, Chief Fortune Charumbira said that it is his wish to see an increase of female chiefs. He said that there is an improvement because in 1990, there was not a single female chief in Zimbabwe and for him having six female chiefs out of about 270 chiefs in the country is an improvement.[460] This leaves

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[456] M. Ruiters. (ed). 2008. *Gender instruments in Africa: Consolidating the gains in the SADC.* Midrand: Institute of Global Dialogue, p. 24
[457] *Ibid.* p. 22
[458] *Ibid.*
[459] http://www.Harare24.com/index_id_zk_13017.htm, accessed 03/11/13
[460] *Ibid.*

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a lot to be desired as women are expecting more.[461] All the nine substantive chiefs and twenty-seven headmen in Gutu District are male and there are few female village heads.[462] Under headman Mutema, out of about thirty village heads, only two are women.[463] Under chief Nyamandi in Gutu north, there are no female head women or village heads.[464] This raises questions on the issue of gender balance in the institution of traditional authority in the district and the country at large.

An interview with one female village head under Headman Mutema shows that women are still looked down upon in traditional leadership. Asked how she took over from her late father in the late 1980s, she said;

> It was not easy although I was the only surviving child of my late father. I had to fight for the book (*Usabhuku*). My father's brothers' sons wanted to take over after my father's death. Though I was older than them, they felt that a woman could not reign over them. Even the then headman was reluctant to approve my installation. Up to now, I have problems with my brothers who sometimes make decisions on village matters without my knowledge just because I am a woman.[465]

In a similar fashion, before Sibongile Mabhena was appointed chief in Umuzingwane, there was a hullabaloo with some conservative males saying that the Ndebele culture strictly forbade women from presiding over men in any capacity and she had to fight court battles for her to succeed her late father.[466] Conservative male chauvinists always revert to tradition and culture as a way of disarticulating women politically, socially and economically. This brings home the point that traditional authority in Zimbabwe at large needs to reconsider the plight of women if the institution is to be considered democratic. Although there is no law which disallows women from being appointed chiefs or headmen, the insignificant number of women in traditional

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[461] Interview, Mrs. Chara, Nerupiri, 18/10/2013
[462] Observation
[463] Observation
[464] Information obtained from DA Gutu's office, but no official document was available to substantiate this. The experiences of the researcher in the district can confirm that the information is true.
[465] Interview with a female village head, Sarikai area, 15/10/2013
[466] http://www.Harare24.com/index_id_zk_13017.htm, accessed 03/11/13

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leadership in Gutu District sends volumes of messages to policy-makers and the Chief's Council who sit in the parliament and senate of Zimbabwe.

4.8 Conclusion

The findings sum up that the colonial state was forced by circumstances to give token concessions to traditional leaders after 1960. The failures of the NLHA in resolving the problem of landlessness in rural areas and the rise of African mass nationalism were the most influential factors which forced the Smith regime to start to accommodate traditional leaders in the management of communal areas. What needs to be emphasized however is that the Smith regime was not genuine in its policies towards traditional leaders. To a large extent, traditional leaders remained prefects of the colonial state with little if any meaningful influence on important matters. Instead, the colonial government turned the traditional leaders against their own people and this had far-reaching consequences in shaping their relationship with the nationalists and the post-colonial government.

The complexity of rural politics during the liberation war and how the war proved to be a 'double-edged sword' for traditional leaders has also been shown. The major argument being that the liberation war was characterized by jealousy among clan members who used it as a platform to resolve chieftaincy feuds. Clan members sold each other out to the guerrillas and the RF and many chiefs, headmen, village heads and the generality of the people were either beaten or killed. This work posits that chiefs, who by the standards of that time had accumulated wealth through salaries and other privileges, were vulnerable to attacks after being labeled sell-outs by their own relatives who were jealousy of their status.

The work has also shown how forces of continuity can be drawn up especially on the way the colonial and post-colonial states have perpetually sidelined traditional leaders on important issues. The colonial government manipulated traditional leaders for political reasons during the 1960s in the same manner that the post-colonial state has used traditional leaders to regain its support-base in rural areas after the formation of a formidable opposition after 1999. The courtship and manipulation of traditional leaders by totally two different states has distorted the role and significance of traditional leaders.

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Modern trends in the Zimbabwean trajectory have seen the roles and powers of traditional leaders clipped. The FTLRP which did not take the reclamation and restitution of ancestral lands alienated during the colonial period led to the marginalization of traditional leaders in the management of resettlement areas. It can be argued that by giving the war veterans and ZANU-PF political activists' power in the land reform process, the state betrayed traditional leaders who thought that they were going to re-establish their pre-colonial boundaries. The divergence of policy, imagination and interests provided a surface of friction between traditional leaders and the government organs.

As shown in the chapter, lack of clear policy and the politics of manipulation and patronage have led to conflicts between traditional leaders, RDCs, Land Committees and elected councilors in the administration and development of rural areas; making one to argue that the development of underdevelopment in rural areas is partly a result of the perpetual manipulation and marginalization of traditional leaders. The way traditional leaders have been lured and sometimes coerced to work for the state has left a dent on their legitimacy and instead of maintaining the tradition of overseeing the well-being of their societies they have worked for the oppression of their communities. The next chapter sums up the whole research and comes up with recommendations.

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Chapter Five: Recommendations and Conclusion

The previous chapter gave an elaborate discussion of the research findings, attaching meaningful interpretations to such findings. This chapter, therefore, proffers some recommendations and serves as the conclusion of the study.

5.1 Recommendations

- For further research, government organs and traditional leaders should realise that without cooperation, resources are likely to be pulled in different directions with very little effectiveness.
- Political participation should encompass osmosis from modernity as well as from traditional good sense. By the same token this work recommends that there is need to stop the politicization of traditional leaders so that they can deliver their duties fairly, impartially and in a non-partisan manner.
- The argument being made is that traditional authority and modern forms of government should complement each other for rural development. Power from inheritance should be balanced by power from elections on a partnership basis.
- There is need of fostering good working relations between the royals and elected councilors.
- Traditional leaders are not placed in councils to compete but to complement government structures in order to realise the goals of the nation's growth and development trajectory. It can be argued that tradition and modernity are not contradictory or exclusive. They are merely two different institutions which can however, interact beneficially.
- For local government to be lasting, popular and effective it should work through the centuries established systems of traditional authority and by so doing, harness and guide it into an orderly structured pattern of social change.
- There is a need for facing tradition squarely; remove from it what is unwanted and retain what is good. Through that, society will be able to preserve and revive old virtues and celebrate new values.

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- If the full goals and aspirations of Zimbabwe's independence are to be realised, meaningful development should be a matter of priority in the communal areas; and this is possible when grassroots institutions like traditional leadership are taken into serious consideration. Traditional leaders can be used effectively to mobilize local support for development projects.
- Decentralization should denote the principle of local autonomy; leaving the solutions of local problems to members of the local order and the members of the communal areas should take responsibility of their proper concerns and interests and become agents in the process of development and societal change.
- Given that the colonial period led to an uneven development, especially between the rural areas and the towns, government should pull all the resources and institutions available to improve the lives of rural communities. One of the most established and available institution at grassroots level is the institution of traditional leaders. Traditional leaders have a potential to improve the rural areas as well as ensuring that rural development remains a prominent feature in the nation's development plans.
- If chiefs are to have real power, they should retain the power over land and other resources in their jurisdictions. They should have real say on the funds raised from their areas in forms of taxes, levies and other payable charges to the RDC. They should also have a say in the Constituent Development Fund (CDF) given to parliamentarians. Their involvement will bring the much needed transparency and accountability to the fund.
- This work recommends that for traditional authority to be revitalized and relegitimised, there is a need to revisit the distortions brought on the institutions by colonialism and restore chieftaincy to the deserving royal families as some of them were deliberately sent into oblivion for resisting the colonial order.
- Those who are in power because of political affiliation to any political party should be given the chance to join politics and leave the office of traditional authority as they distort the role of traditional leaders because of clashes of interests. In that way, traditional leaders will serve their communities and not take part in oppressing them for political expediency.
- Finally, traditional authority should consider accommodating women so that it mordenises itself. Gender equality will ensure a more democratic environment in the

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institution and it is hoped that if grassroots institutions take the forefront in empowering women, then women will have confidence in national politics instead of expecting a top-bottom scenario of women in parliament when they are not in leadership at village level. This will go a long way in fighting HIV/AIDS and Gender Based Violence in rural areas.

Given the recommendations proposed above, a conclusion which sums up the whole study is given below.

5.2 Conclusion

The study focused on the relationship between traditional leaders and the state from 1960 to 2010. Qualitative research method was applied to gather, analyse and interpret the research findings. The work posited that one cannot understand Zimbabwe's predicament without analyzing pre-colonial, colonial and post-colonial political systems and how socio-political groups interact within that matrix. The colonial and post-colonial states changed the nature of traditional authority by giving it specific administrative responsibilities; hence undermining its pre-colonial role of overseeing the social, political and economic well-being of communities. Traditional leaders have been reduced to civil servants and in the process they have been politicised, making them illegitimate in the eyes of their communities. After being used as instruments of control and coercion by the colonial and post-colonial states, the roles of traditional leaders have not materialized and their inputs in developing rural communities have been rubbed off.

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Both the colonial and post-colonial states have done little to modernise the institution of traditional authority, especially in the arena of gender balance. Instead the governments have manipulated the traditional leaders in a way that leaves their communities less developed. It can be noted that the relationship between traditional leaders and the state has been characterized by collaboration, conflict, exclusion, accommodation and manipulation. However, on the whole, traditional authority lost its value and significance. During the colonial period, the state used traditional leaders to curb nationalism in the rural areas; but some traditional leaders also used the state to further their own agendas. After independence, traditional leaders and the ZANU-PF led government have also used each other to pursue their different, though overlapping

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objectives. The state has been using traditional leaders to build its power and legitimacy on the one hand while traditional leaders also used the state which they often served on partisan lines to claim for preferential access to state resources like electrified rural homesteads, cars, salaries and farm mechanization implements.

As the institution of traditional authority and local government claimed its influence and legitimacy from totally different angles, it has proved to be difficult to create functionary chemistry between traditional leadership and local government. A local government institutional system with an integrated development methodology promoting people-centred local development and a clear clarification of the roles of traditional leaders has proved difficult to attain.

On the whole, the assumption of the study was that colonial and post-colonial states embraced the panacea of the state's quest for hegemony and how it appealed to institutions such as that of traditional authority to accomplish its goals. Traditional authorities' relationship with the state largely remains one of prefects to implement policy from above without much space to manoeuvre. This is a breakaway from pre-colonial political system where the traditional leader formulated policy with the advice of councils of elders in their communities. At the heart of the socio-political relationship between the state and traditional leaders is the notion of inclusion and exclusion. By and large, there is a persistent tendency of the authoritarian nature of the state in local government, making traditional leaders semi-autonomous players in local politics. The study defined the relationship between traditional leaders and the state, and the reconstitution of the relationship between the rulers and the ruled and found out the effectiveness of the present institutional arrangements in transforming rural lives in Zimbabwe's rural communities.

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