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Faculty of Arts

Department of History

**The role of civil society organisations in promoting democratic process in
Zimbabwe 1980-2013**

BY

Marceline L Mwaradzika

R122175H

*This dissertation is submitted in partial fulfilment of the requirements of the
Bachelor of Arts in History Honours Degree at Midlands State University*

Gweru

Zimbabwe

Approval form

The undersigned certify that they have supervised and recommend to the University to accept the research title entitled '*The role of Civil Society Organizations in promoting democratic process in Zimbabwe 1980-2013*'.Submitted by R122175H in partial fulfilment of the Bachelor of Arts in History Honours Degree .

.....

SUPERVISOR

.....

DATE

.....

CHAIRPERSON

.....

DATE

.....

EXTERNAL EXAMINER

.....

DATE

Declaration

I Marceline Lorraine Mwaradzika (R122175H) declare that this research is a result of my work .It is being submitted in partial fulfilment of the requirements for the Bachelor of Arts in History Honours Degree in Faculty of Arts at Midlands State University.

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Signature

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Date

Dedication

This dissertation is dedicated to my loving father who is so passionate about history and also for his undying support throughout the years, to my mother for her unconditional love and strong prayers which has been my oasis of strength. My special thanks also go to my dear young sister Merilyn and my lovely brother Deliverance and Mrs P Mandikate. I would also want to extend my special appreciation to Tanyaradzwa Mugari for encouraging me throughout my dissertation.

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Abstract

This dissertation focuses mainly on the role of Civil Society Organizations in promoting democratic process in Zimbabwe as of 1980-2013. Civil Society is an umbrella organization which consists of many sub sectors as follows nongovernmental organizations, private sector organisation, labour unions, women's groups, professional associations, religious groups, the marginalized masses, media organizations and other informal groups like cultural and economic groups. In this study the researcher aimed at assessing the role of these Civil Societies in the issues of democracy, their relationship status with the government of Zimbabwe, also examining the draconian laws endorsed by the government to curb the activities of the civil societies and their impacts and also to focus on human rights because there is no way one can manage to talk about democracy without human rights involved. Good Governance is the participation of a variety of groups other than the leading elites in decision making. Democracy is a system of governance in which leaders are held responsible for their deeds, in the civic dominion by populace, acting indirectly through the opposition and collaboration of their elected representatives. Totalitarianism in Zimbabwe has history. Historically, Zimbabwe is more common with absolutism than democracy. In addition Zimbabwe has only known democracy in its ordinary sense. This kind of authoritarianism can be traced back to the colonial period originated more than a century ago. Authoritarianism was not only a central propensity during colonial period but was part of the luggage inherited by the Zimbabwean leaders in 1980.

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Acronyms

ACHPR	African Charter on Human and People's Rights
A I	Amnesty International
AIPPA	Access to Information and Protection of Privacy Act
CCJP	Catholic Commission for Justice and Peace
CCSFH	Church and Civil Society Forum on Healing
CIZC	Crisis in Zimbabwe Coalition
CHRA	Combined Harare Residents Associations
CPIA	Centre for Peace Initiatives in Africa
CSOs	Civil Society Organizations
CZC	Crisis in Zimbabwe Coalition
FODEZI	Foundation for Democracy in Zimbabwe
GNU	Government of National Unity
LOMA	Law and Order Maintenance Act
MAZ	Media Alliance of Zimbabwe
MDC	Movement for Democratic Change
MMPZ	Media Monitoring Project of Zimbabwe
MOPI	Mass Public Opinion Institute
NANGO	National Association of Non –Governmental Organizations
NASCOH	for the disability sector
NAYO	thematic network for Youth Organizations
NCA	National Constitutional Assembly
NGO	Non Governmental Organizations
NGO Bill	Non Governmental Organisational Bill
PAPST	Public Affairs and Parliamentary Trust
POSA	Public Order and Security Act
PVO act	Public Voluntary Organizations act

RCC	Rhodesian Council of Churches
RF	Rhodesian Front
TIZ	Transparency International Zimbabwe
UANC	United African National Congress party
UDI	Unilateral Declaration of Independence
WCC	World Council of Churches
WCOZ	Women's Coalition of Zimbabwe
WOZA	Women of Zimbabwe Arise
ZANU PF	Zimbabwe African National Union Patriotic Front
ZCC	Zimbabwe Council of Churches
ZCTU	Zimbabwe Congress of Trade Unions
ZDI	Zimbabwe Democracy Institute
ZESN	Zimbabwe Election Support Network
ZFTU	Zimbabwe Federation of Trade Unions
ZHRF	Zimbabwe Human Rights Forum
ZRP	Zimbabwe Republic Police
ZUJ	Zimbabwe Union of Journalists

CHAPTER 1

INTRODUCTION

1:1 Background of the Study

The World Bank has defined civil society organizations as “the wide collection of non-governmental and nonprofit organizations that have a presence in civic life, stating the benefit and principles of their associates or others, stand on ethical, cultural, political, scientific, religious or humanitarian concern”.¹The idea of civil society and political society was used interchangeably meaning a politically organized commonwealth.²The mandate of the Civil society organizations is to fill the space that existed between the government and masses. Zimbabwean civil societies manifested around 1920s, by then a lot of factions were created as a reaction to definite conditions. Originally most of these organizations were common non-political groups which promptly altered to political groups mixed up in state politics in Zimbabwe. Non Governmental Organizations Consultancy Africa purported that “political parties were born out of the combination of trade unions and welfare organizations”.³

The phase between the early fifties to seventies also manifest the entrance of faith based organizations that were fashioned to pact with social wellbeing issues but ended up being drawn in the nationalist liberation struggle power and pressure. Subsequent to the triumph of independence, civil society ideas were primarily prone for piloting progress at local level through society involvement. Shortly; after the abduction of white owned farms to deal with the colonial disproportion several civil societies inside and outside Zimbabwe slowly turned towards civil and political rights and democracy issues.

The foundation of civil society is general concentration, independent of the state, through which people can classify themselves and relate to one another. Associations in civil society include labour unions, non-governmental organization, women's groups, private sector organization, professional associations, religious groups, media organizations, special interests and other informal groups together with cultural and indigenous economic groups, the aged, the poor, disabled and the rural population.

Some of the names of the organizations in Zimbabwe which work hand in glove in order to fight for the human rights of the people and also working on promoting free and fair elections ,upholding good governance and ensuring democracy in Zimbabwe are the Zimbabwe Congress of Trade Unions (ZCTU) which was a choral and by far the mainly structured societal faction in Zimbabwe , National Constitutional Assembly created in 1997and it was in support of democracy whose membership consist of both organizational and individual associates. The previous civil society organizations similar to the Catholic Commission for Justice and Peace, church based organizations akin to the Zimbabwe Council of Churches and the church and civil society forum on Healing (CCSF), Human Rights Advocacy such as Zimrights and the Zimbabwe Human Rights NGO Forum (ZHRF), women's groups like the Women's Coalition of Zimbabwe (WCOZ), the Zimbabwe National Students Union, Zimbabwe Election Support Network (ZESN),the Crisis in Zimbabwe Coalition(CiZC) as well as additional thematic groups(NAYO) for youth organization, NASCOH for the disability sector ,the media Alliance of Zimbabwe (MAZ) and Media Monitoring Project of Zimbabwe .

A feasible, strong and sound knowledgeable civil society organization is a requirement for mounting a sound and efficient governance program. The electoral system allow the nation to partake in the affairs of their nation and this makes the electorates autonomous for the reason that they have the influence to put any political party or any politician of their preference in authority. The intensification or empowerments of the civil society organizations will guarantee that governing institutions are kept on their toes and that representative at all levels of authority are accountable, honest and fair. regrettably, elections in many African countries have not motivated the required confidence and in any case, ethnic considerations and deliberate violations of people's basic rights still have an important place in African politics and on several events, the tensions and suspicions have brought distress to the population.

1:2Statement of the Problem

At independence, the government of Zimbabwe worked hand in glove with civil society Organizations but the connection weakened in the early nineties. Contention of human rights abuse and poor governance were now the chorus of the day. This did not go down with the government of Zimbabwe resulting in strained relations between the government and civil societies. Resultantly the government of Zimbabwe accused civil society organizations as agents of regime change. Divergence between the government and civil society organizations has led to suspension and to some extent prohibiting of these organizations. Some of the civil society organization which was suspended is Zimbabwe Election Support Network and the National Constitutional Assembly.

The cold state-civil society organizations relations in Zimbabwe have been described as the hunter and the hunted because of the confusion about civil society and its role partly explains poor relations with government, the unending mutual mistrust and constant harassment by representatives of the state. Contrary to a popular misunderstanding, civil society in

Zimbabwe did not come into view in the last two decades to focus on human rights and good governance or, as government often wants to describe, to embark on a regime-change agenda.

It is therefore of greater importance to scrutinize the ability of the civil society organizations in promoting genuine democracy in an unfriendly environment with the congruent and the narrow sphere created by the Zimbabwean government. These civic organizations were concerned and still are for the wellbeing of the citizens to be able to speak and act freely without fear. The Zimbabwe Democracy Institute was also of the view that it was high time for the Civil Society Organizations get a hold of the grass roots and offer real civic education on political civil liberties, media independence and voter education programmes which truly alter the lives of the population.

1:3 Aim of study

The proposed research seeks to highlight the roles of the civil society organizations in helping or promoting democratic process, upholding civil and political rights in Zimbabwe paying close attention to their relationship with the government. The intend of this study is to put together on to the accessible literature that has been placed onward by paying particular attention on the roles which have been played by civil societies in promoting peaceful and democratic elections in Zimbabwe and also to assess to what extent are human rights maintained by the civil society organizations. The research will analyze the impacts of the relationship between the government and civil society.

1:4 Literature review

Literature review refers to the removal of gathered information that is learned from what others have already published.⁶ In this study, assessing related literature will assist the researcher to obtain information on what other researchers have put together and set up

available gaps which the research shall finally fasten. Hart distribute the same opinion by defining literature review as the selection of the accessible documents both published and unpublished which holds information and confirmation written from a particular stand point to complete definite aims on the nature of the topic on the nature.⁷ Burns reflect on the review of related literature as a researcher's roadmap in the pursuit to translate hesitant research problems to a detailed and summarizing plan of action. Therefore, the span of this chapter is to recount the researcher to the activities done by civil society organizations ensuing in being tagged as agents of regime change by promoting democratic process in their countries. The review shall also explore the activities which civil society organizations have done in promoting democratic and peaceful elections and upholding human rights in other countries.

This enabled the creation of a policy of comparative critical analysis in concluding whether civil societies do much to endorse democratic process and also if they are tools meant for regime change agenda. It should be noted that on balance empowerment of civil society organizations is taken seriously in few African countries including Tanzania, Uganda, Ghana, Guinea, Ethiopia, Botswana and Mozambique. One of the key challenges facing political leaders in Africa is how to gain acceptance of the masses, a sizeable proportion of who are regarded as troublemakers, agitator, and ethnic jingoists by some African leaders. It is generally believed that a deep mistrust exists between the government and the citizens in some African countries.⁸ It is very vital to focus also on human rights when focusing on democratic process. Human rights are the rights which every human being is entitled to enjoy and to have protected. United Nations declaration of human rights 1948 includes civil and political rights (usually found in written constitution emphasized by most governments).

Civil Society organizations have been widely acknowledged as an essential sector in a nation, and that its strength can have positive influence on the state and the market which can in turn

shape a nation's development. Civil society is therefore seen as an increasingly crucial agent for promoting more effective democracy. The notion that civil society ensures democracy and that democracy ensures a strong civil society is not always true to oppose the state, even in a constructive democratic manner is regarded as threat to 'national security'.⁹ The study and strategy attention of civil society organizations in Zimbabwe started to flourish in the 1990s as public activism developed after a comparatively inactive era throughout the first decade of independence.

The new aspect in the consideration given to Civic Organizations during 1990s and there was the concentration given to the democratic prospective and prophecy created by the growing of new civic societies in civil and political rights, gender, anti-corruption and governance. Internationally, the crumple of socialism in late 1980s fashioned a favourable academic and political atmosphere for a new discussion on civil and political rights and on good governance. Civil society organizations participated in a major position in evolution in Malawi, South Africa and Zambia during 1990s. The foundation of civil alliance on civil and political rights, constitutional and women's rights decided the background for the study and narrative on Civil Society Organizations in Zimbabwe. Amongst the earliest researches in recording Civil Society Organisations were two periodicals, first by Makumbe, Raftopoulos and Moyo NGOs, the State and Politics in Zimbabwe and the Zimbabwe Human Development Report.¹⁰

These periodicals offered a moderately optimistic evaluation of the ability and likely of Civil Society Organisations in partaking to both improvement and democratic progression in Zimbabwe. The concise political opportunity in the late 1990s stimulated this anticipation. For example, it was pragmatic that the developmental position of Civil Society Organisation

is moderately important; and that the manifestation of tough civic societies has taken care of the thought of political pluralism.¹¹ Various forces of these early mergers was taken from the handy achieved by some of the interpreters being advocated also in the Civil Society Organizations that they premeditated.

These premature investigations were developed by logical and theoretical assistance from contest on civic organizations in the wider Southern Africa region .the premature studies were pursued by several extensive academic examination civic societies. Dorman did one of the studies on Non Governmental Organizations and the state in Zimbabwe, she was of the view that that Non Governmental organizations and government relationship frequently utilize ideas of civic organizations which gave weight to government –civic organizations clash, this was remarkably bi-polar advance.¹²

Civil society groups that opt for autonomy from state cooptation are labelled rivalries of the government. As of 2000, there was a tense relationship between the dialogue of democracy and sovereignty supported by the self-acclaimed democrats opposition political parties and civil society organizations (CSOs) and the so called nationalists. These conversions are altering the language and content of national politics and generating new structures of united social confidence expressed in bolder modes of demand making from and renewed struggle for engagement and participation. This emerging politics is concerned with larger national governance issues, such as constitution making, multi-partyism, representative democracy, and human rights.

1:5 Methodology

Hague argues that qualitative research refers to the generic term to investigate methodologies described as ethnographic, naturalistic, anthropological, field or participant observer

research.¹⁴ under this type of research methods of data collection include observation, interviews. Steer is of the analysis that qualitative research gives the research any aim to work with the ability to be able to do what comes to the researcher.¹⁵This involved the use of Interviews carried out with the members of the civil society. Qualitative research provides relevant and specific information that is needed in order to answer research questions. The researcher used newspapers, internet sources and church records. The researcher mostly used information written by several civil society organisations, books and papers from the internet .Desktop research was a very frequent technique and suitable for the study mostly for the reason that it helps the researcher to justify the chosen methodology and develop a detailed perceptive and insight into preceding work and tendencies that have surfaced. The researcher used materials published by Civil Society Organisations for instance newsletters and monthly reports. Interviews were conducted with members of the civil society of Zimbabwe. The researcher used interviews because they allowed direct contact between the researcher and the participants. Interviews are flexible in set-up and function and can also be configured to produce various types of information.

The negative aspect of interviews might be that appointments had to be made and sometimes the interviewees would delay the interviews to later dates of which the researcher is a full time student also dedicated to other academic facility at the university. Mainly reports from news papers assisted to a larger extent as well as policy documents. I have used the descriptive design where the researcher reported what happened.

1:7 Research Objectives

1. To assess the relationship between the government of Zimbabwe and civil society.

2. To examine what civil society organizations are doing to fight for human rights in Zimbabwe and the problems they have encountered in doing so.
3. To establish the causes of the poor relationship between the government and civil society organisations.
4. To critically analyze the measures which have been put in place by the civil societies to monitor the activities of the government before, during and after elections?

1:8 Research Questions

1. What is the root cause of the poor relationship between the government of Zimbabwe and civic organizations?

It is very pivotal to have the knowhow and to be able to understand what really triggered the sick relationship between the government and the civil society organisations. It's a necessity for this knowledge to be available for the goodness of the topic.

2. What are the major roles and responsibilities of civil society organizations in upholding democratic and peaceful elections?
3. What were the mechanisms used by the civil societies to monitor the activities of government in support of human rights?

It is of great importance to know the methods used by the civil society organisations to observe the actions of the government towards human rights in order understand this topic.

4. What were the effects of the relationship between civil society organizations and the government to the country of Zimbabwe?

It is important to assess the condition of Zimbabwe due to the relationship between civil society organisations and the government on the issue of democracy, good governance,

elections and human rights .To restore credibility in the electoral process in Zimbabwe, a number of basics have been identified. These are: An Independent Electoral Commission which is effectively staffed and equipped to be fully dependable for all aspects of electoral administration and management. Legislation which provide for a review of an opening and consequently final voters' roll in adequate time prior to elections, All parties should pledge to a Code of Conduct regarding the performance of political parties and candidates during the campaign and election period. Regulations governing the use of public media by the parties and a Code of Conduct on media coverage and publicity during the campaign and election period need to be improved. Review of the Constituency delimitation effect and the number of polling stations close to constituencies; and a well-organised and on-going voter education programme carried out by election officials, parties and civil society.

1:9Chapter breakdown

Chapter 1

Historical background, Statement of the Problem, Aim of study, literature review, Methodology, Research Objectives, Research questions, Chapter layout.

Chapter 2

A historical overview of Civil Society Organizations of Zimbabwe

In this chapter the researcher will be looking at the activities of civil society organizations prior to independence and also their role in upholding democracy in Zimbabwe in the post independence era.

Chapter 3

Change in relationships between the Civil Society Organizations and the government of Zimbabwe.

Here the main focus will be on the kind of the relationship between the state and the government of Zimbabwe whether it was lukewarm or hostile towards each other.

The laws passed by the government of Zimbabwe and its impact from 1980-1990.

On this sub topic the researcher will be focusing on the nature of the laws passed by the government in relation with the civil society organisations in Zimbabwe.

Chapter 4

Government crackdown on Civil Society Organizations and why did the relationship change?

On this chapter the researcher will be looking at the ways the government of Zimbabwe treated the civil society organizations.

Human rights issues.

Dealing with democracy it is of paramount importance to also work hand in glove with human rights issues

Impacts of the laws passed by the government of Zimbabwe on Civil Society Organizations.

It is necessary to assess how the ‘draconian laws’ passed by the government had an impact on Civil society organizations.

Chapter 5

Conclusion- it’s a brief conclusion about the main arguments in the study

Endnotes

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Chapter 2

A HISTORICAL OVERVIEW OF CIVIL SOCIETY ORGANIZATIONS IN ZIMBABWE

2.1 Introduction

In order to appreciate the genesis of civil society and its role in politics, it is important to go back to where it began. Civil society can be defined as a set of local Non-governmental Organisations who are separate from the Government; working in partnership with various Government segments supporting common interests particularly those related to human rights, good governance, democracy and development. Civil society in Zimbabwe can be traced back to the 1920s, by then a lot of groups were formed as a response to certain state of affairs. At first most of these associations were social non-political groups which rapidly changed to political groups drawn in national politics in Zimbabwe.

Civil society organizations are preoccupied with democracy, political and civil rights, constitutional and citizen participation. They campaign for transparency accountability, indeed anti-corruption in public and private sectors. Civil society organizations in this sector magnetize higher visibility during election campaign periods when the political temperature rises. Without being exhaustive, the major civil society organizations in governance during this period were Crisis in Zimbabwe Coalition (CZC), National Constitutional Assembly (NCA), Transparency International Zimbabwe (TIZ) and Zimbabwe Election Support Network (ZESN). Other vigorous ones were the Public Affairs and Parliamentary trust (PAPST), the Centre for Peace initiative in Africa (CPIA) and the Bulawayo Agenda, and the Foundation for Democracy in Zimbabwe (FODEZI). The Mass Public Opinion Institute (MOPI) engages in public view study in relation to governance issues.

Media is also a significant factor of civic groups whose watchdog role is vital in the social order. The state-owned media cannot be classified as part of the civil society organizations,

the autonomous media is. The independent media has put up with a big force of state suppression. There a number of media groups that crusade for press liberty as well as democracy. These are some of the media civil societies the media alliance of Zimbabwe (MAZ), MISA-Zimbabwe and the Media Monitoring Project of Zimbabwe (MMPZ) and MISA-Zimbabwe. Also the Zimbabwe Union of Journalists (ZUJ) represents the welfare of the journalists and crusades for their freedom from repression.

The authorized structure inside which civil society organizations functions in Zimbabwe has turn out to be very tense as the years have advanced. The history of civil society in Zimbabwe inaugurated way before the 1967 legislation that aimed to normalize the civil society. At this stage many organizations were run by both white and black communities. These organizations were formed as a reaction to certain conditions. Originally the majority of the organizations were social non- political groups which later on transformed to form the foundation of political groups drawn in nationalist politics in Zimbabwe. Mainly political parties were created out of the blend of these trade unions and welfare organizations.

The role of Civil Societies is to persuade the course of change and ensure that the result is a more egalitarian Zimbabwe. This is the most important test for Civil Society Organizations that is to manipulate the progression of democracy in Zimbabwe and not bring back tough authoritarianism.

2.2 Civil Society Organizations during the colonial period up to 1979

The phase between the early fifties to seventies also marked the entry of church based organizations that where created to pact with social welfare issues but ended up being mixed up in the nationalist liberation struggle.¹⁵ Members of the Catholic missions played crucial roles in resolve with the guerrillas in the rural areas at the time of liberation war; they did so

as individuals rather than on behalf of the church.¹⁶ In common, members of the Roman Catholic priesthood were more inclined to side with the guerrillas because their church was more influenced by international pressures and their personal histories (especially those who had experience of colonialism or fascism), while their unmarried status isolated them somewhat from Rhodesian mores.¹⁷ With respect to the protestant denominations, Terence Ranger has proposed that too many early converts Methodism was inherently political.¹⁸ The church took the less radical position of supporting the inner arrangement supported by Methodist Bishop Muzorewa's United African National Congress (UANC) party, which had discarded the armed struggle.

The partaking of civil society organizations in the political struggle in Rhodesia reinforced after the 1965 unilateral declaration of independence by the Smith government. Church groups like Catholic Commission for Justice and Peace confronted the human rights record of the Ian Smith regime. When Emerson Mnangagwa was imprisoned in 1965 on charges of blowing up a locomotive in Fort Victoria and sentenced to death, groups like Amnesty International (AI) actively campaigned for his life to be secured, which was made because at the time he was under age.¹⁹ During the liberation struggle Amnesty International implemented and fought for the release of 900 prisoners of principles in Rhodesia including Robert Mugabe until his freedom in 1975. In the Rhodesia days, a new civil society activist, Guy Clutton-Brock, the only white man to be affirmed a national hero, founded Cold Comfort Farm Society at St Faith's Mission in Rusape where a number of Zanu PF leaders including Didymus Mutasa worked providing training in farming.

Prior to 1967 Civil Society Organizations were registered and operating in Rhodesia with no use of legislation. The Smith government was clear on the subject why they were passing

legislation to authorize the relationships of civil society organizations. In their observation civil society organizations were concerning themselves in an unacceptable manner in the liberation struggle by supporting the guerrillas in diverse ways. This work of civil society organisations on its own is a apparent proof that their real reason is to fight for human rights and democratic atmosphere for the ill-treated or oppressed citizens whether they are conscious about the situation or not. This also shows that the relationship between Zimbabwe and the civil society was still warm and they had mutual agenda for the good of the citizens.

Legislation amendable Civil Society Organisations in Rhodesia was first passed in 1967. The Civil Society Organisations were playing an important role in spreading information out of the country about the human rights situation in Rhodesia and also raising money for the liberation struggle. Through their wide-ranging networks, Civil Society Organisations also played an important role in taking nationalists out of the country and guaranteed that those who left had an education. At the same time the civil society organizations were against the Smith government on its violations of human rights and calling for the imposition of sanctions. Civil society organizations played a very important role in ensuring that the problems of Rhodesia remained firmly placed on the international arena. The Act was thus enacted in an undemocratic State that was fighting to remain in power. At the time the Act was promulgated, Rhodesia was regarded as a pariah State that did not pay regard to internationally recognized human rights hence the passage of many suppressive laws including the Welfare Organizations Act.²⁰

Ian Smith unilaterally declared the country independent from British rule, in what became known as the (UDI) in 1965 by the Rhodesian Government. The declaration was out of disappointment by the British government policy known as No Independence Before

Majority African Rule, to the anxiety of the white minority Rhodesian front (RF) government, led by Ian Smith this was internationally condemned and international sanctions were applied to Rhodesia from 1965 to independence as Zimbabwe in 1980. Now with the sickness of amnesia it is now a constituent factor of the government as it seeks to successfully to bar civil society organisations from playing any significant role in the social political field in Zimbabwe.

In 1967, in spite of internal apprehensions, the Rhodesian Council of Churches (RCC later ZCC) formed a new society Christian Care to assist the captives and their relatives.

Likewise, the Catholic Bishops fashioned the Catholic Commission for Justice and Peace (CCJP) in 1972, which allowed the Catholic Church to play an encouragement role in documenting the human rights abuses of the Rhodesian security apparatus and civil institutions.²²

2.3 Post –Independence Zimbabwe and the Civil Society Organizations

Relations between the post-independence state and particular denominations depended to some extent on the attitude which they had accepted during the liberation war.²³ However; with few exceptions the churches linked themselves to the states developmentalist ambitions, in both discourse and praxis. Indeed, twenty years after independence church hierarchies continue to be intertwined with the state.²⁴ It has been suggested that some age-groups and factions within the Pentecostal churches sought to distance themselves from the state, also that their hierarchies may risk Presidential support even though this may have transformed with the fame of the Movement for Democratic Change.

The post-independence Zimbabwean state has attempted to establish its hegemony over civil institutions which might have been tempted towards autonomy such as the labour movement, students, NGOs, and churches. Indeed, many of these organizations, with their origins in the struggle for independence, were only too keen to accommodate themselves with the new progressive state.²⁶ At the same time, those churches implicated in support for the UANC internal settlement, such as the Methodists (and by association the ZCC), attempted to regain favour with the government. While the state was not shy of demanding the obedience and participation of the churches in the development process, it stopped short of legislating explicit controls on them.²⁷ Instead, the President, Rev. Canaan Banana (an ordained Methodist) and the Prime Minister, Robert Mugabe (a lay Catholic) both called for unity between the churches and state, in which the churches would co-operate in ‘developing’ the newly independent Zimbabwe.²⁸

The state, on the other hand, did take a more active interest in ZCC relationships. In November 1981, President Banana condemned the ZCC in the countrywide press for taking a ‘wait and see’ attitude towards the government.²⁹ The participation of Bishop Muzorewa who was the President of Rhodesia Zimbabwe for a short time with the ZCC, apparently led the state to see it as a political irritant. In addition, the collapse of communication between the ZCC and its parent body, the World Council of Churches (WCC), which had taken a more accommodating position, led to donor funds being withheld.³⁰ These developments led the ZCC to replace its general secretary, in the hope of restoring relations with both the state and the WCC.

In the 1985 elections ZANU-PF increased its majority, winning 67 of the 100 seats. The predominance gave President Mugabe the chance to begin to transform the constitution, as well as those regarding land restoration. Hostility did not come to an end until Nkomo and

Mugabe arrived at an accord in 1987 December where ZAPU became part of ZANU-PF and the State altered the constitution to make the country's first executive president Robert Mugabe and Nkomo as one of the two vice-presidents. 1990 March elections outcome was a further awe-inspiring triumph for Mugabe and ZANU PF, which won 117 of the 120 election seats. Election observers anticipated elector attendance at only 54% and found the operation not free or fair, although it met international principles. The state embarked on amending further the constitution. The judges and the human rights advocates ferociously condemned the first amendments passed in April 1991 since they reinstated physical and capital punishment and deprived of way out to the courts in cases of obligatory buying of land by the State.

The partition between the government and the faith based organizations came as the government sent troops into Matabeleland, supposedly to repress rebelling activity instigated by ZAPU, which engaged political potency in the area. The actions of the security forces against the population of Matabeleland, led to several reports of human rights abuses being made to the CCJP. Their attempts to document and publicize the abuses being perpetrated by the security forces were rebuffed and denied by the state.³¹ At the peak of the conflict, the CCJP Director, Nick Ndebele and the Chairman, Mike Auret, were arrested, although they were eventually freed by direct intervention of Prime Minister Mugabe.³² Despite such sanctions, the CCJP continued to pursue cases of human rights violations, and finally in 1997 published a definitive and detailed report on the Matabeleland atrocities. However, the Bishops' Conference, which oversees the CCJP, demonstrated their deference by refusing to release the report without the President's approval.³³ The report was later leaked through the South African weekly Mail and Guardian³⁴. With the exemption of the CCJP, '... politically faith based organizations have circumvented belittling the state directly they sense it is not yet period for direct war of words with the state as they have admission to the government

officials concerned to voice their fears and concerns'.³⁵ Without hesitation the alternative of engaging with the state is frequently more striking than either separating or opposing the state.

The Anglicans, alongside with the Pentecostal group, engaged themselves zealously to Mugabe's movement in opposition to homosexuals in Zimbabwe.³⁶ The Catholic Church has also reserved its close relations with the Mugabe family and two of the President's sisters were employed at Silveira House and Bishop Mutume married President Mugabe to his young secretary, in spite of extensive civic disapproval. The Methodist church, as Banana notes, regrettably kept quiet on the mass execution in Matabeleland and the violent behaviour that transpired in the lead up to the 1990 elections. Banana's study of the Methodist church failed to suggest any cause for this serenity, even though it is understandable that the church was unwilling to censure the state.³⁸ Gifford has also recommended that the negative response of the previous Anglican Bishop of Harare to be pensioned off, limited the church's capability to disapprove of President Mugabe's comparable disinclination to pass on the wheel of power.³⁹

The state of Zimbabwe has also fashioned its own counteract organizations to defuse civic organisations that are excessively critical of its policies. The Zimbabwean Federation of Trade unions was created with the support of the state to counter the Zimbabwe congress of trade unions. The Zimbabwe congress of student unions was also formed with the backup of the ruling ZANU PF to counteract the Zimbabwe national students union. This kind of an activity made it impossible for the relationship between the government and the civil society organizations as the government was making it a goal to make difficult for civil society organisations to perform its roles by forming puppet civil societies who were loyal to the needs of the government.

It is critical to understand that the early legislation passed adaptable civil society was passed not with the view to providing an enabling environment for civil society but rather to enable the state to have adequate control over this sector which was playing a very important role in the political struggle by supporting the liberation freedom fighters. It is also critical to realize that at independence the Non-governmental organizations were embraced by the Mugabe government as partners largely because of the role they had cooperated in the liberation struggle and also because of their ability to lure funding into the country.

2.4 Conclusion

In conclusion conditions of authoritarianism make it difficult for civil society organizations to work well. It has been a different story with the 'hard issues' of democracy, governance and human rights. There has been a little engagement and cooperation between civics and Zanu PF and state associations. As stated above the relationship was still a little warm.

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Chapter 3

CHANGE IN RELATIONSHIPS BETWEEN THE CIVIL SOCIETY ORGANIZATIONS AND THE GOVERNMENT OF ZIMBABWE AS OF MID 1990S

3:1 INTRODUCTION

Civil society organizations can promote good governance by policy analysis and advocacy; also by regulation and observing state performance and activities of public officials, by also enabling citizens to identify and express their ethics, beliefs, public customs and democratic ways and by gathering up particular constituencies, especially the feeble and neglected sections of the masses, to partake more fully in politics and public matters. The consequence of the activities or the agenda of the Civil Society Organizations mentioned or pointed above has been a persistent atmosphere of distrust between the Civil Society Organizations and the government of Zimbabwe. The government of Zimbabwe has remained very watchful of its power and also easily understands the surfacing of Civil Society Organisations as a dispute to its legitimacy hence labelling them as agents of regime change therefore leading to a frosty relationship. The mission of this chapter is to unpack the major reasons why there was change in relationship between the Civil Society Organizations and the government of Zimbabwe.

The Zimbabweans imagined the behaviour towards politics in the Black society to change with Independence in 1980 but it did not take place. As an alternative the ruling party, took the benefit of under-developed civil society organizations by declaring that Zimbabwe African National Union Patriotic Front (ZANU PF) was the solitary legitimate representative of the people. Under the excuse of this declare, the party confirmed itself to be the main organization of all social movements and went about weakening civil society organizations urging them to join the ruling party as a way of proving their revolutionary and nationalistic

devotion. Zimbabwe African National Union Patriotic Front labelled 1981 as 'the year of the consolidation of the people's power' which, according to the President of Zimbabwe African National Union Patriotic Front(ZANU(PF), Robert Mugabe, provoked the ruling party to 'adopt a more inclusive and a more kind view of Government taking on all these pre-Independence revolutionary forces'.³⁹The demand for such an all-inclusive view of government was construed by the Zimbabwe African National Union Patriotic Front leadership and followers to mean the institution of a one-party state.

President Mugabe understood that the various hindrances to a one-party state, especially those deep-rooted in the Lancaster House Constitution, could be a success with the establishment of a government of national unity. The President told the state in his New Year's Eve address: 'As Zimbabweans, our new nation now demanded of us either as individuals, or as groups or communities, a single loyalty that is a proper and logical manifestation of our national unity and spirit of reconciliation'.⁴⁰With 'a single loyalty' President Mugabe believed loyalty not to the country but to ZANU PF. In effect, his appeal was for a legislated one party state for the reason that, in his words, 'we Zimbabweans are one state with one society and one nation, which is the political concept we cherish'⁴¹. Civil Society Organizations who go against the ruling party's method of elimination by addition under the show of 'one state, one society, one nation, one leader', were labelled as traitors serving for 'the enemy' as the ruling party publicized its devotion to a legislated one-party state, particularly between 1980 and 1990.

As an outcome political independence in Zimbabwe enlightened only one part of the state, the government administration and political management which was now in the hands of the black people. Civil Society Organization groups for instance student movements and trade unions, which have functioned secretive for the period of Smith regime and which had

anticipated to conquer authority after Independence were truly disappointed by the ruling party's actions, and some organizations were shattered because they were unsuccessful in finding any political liberty for independent policy act occurring from self-management without state guidance. This is the reason why at present; there is no representation for workers and the masses in the Zimbabwe African National Union Patriotic Front (ZANU PF) central committee and politburo notwithstanding the fact that these populations make up the mainstream in the country.

The uncertain political state of workers and peasants in the ruling party was confirmed in an editorial column on 5 December 1989 in *The Herald*, the supposedly progressive, government controlled daily newspaper, which was assertive that 'there ought to be no back-up of differences among employees and party leaders or the peasants and the party leaders again. There should be no separate electorates but only recognition and sensitivity to the unique interests and problems of the peasants and workers which must be addressed by the party as a whole. That is the peasants and the workers must be part and parcel of the masses. They are the masses and also part of the Civil Society.⁴² This observation is obviously unfriendly to the idea of the mass imposing genuine political power not only in the ruling party but also in national matters. The consequence of this view was to weaken and control the black society.

In the 1990s, it was not shocking to see Civil Society Organizations collaborating with the government in issues concerning local development, access to public services and food. Nevertheless, it has been a different issue with the tough matters of democracy, governance and human rights. The Catholic Commission for Justice and Peace (CCJP) continued to voice their concern about human rights violations throughout the 1990s.⁴³ Zimbabwe did not have real opposition to the ZANU PF rule in the 1990s and at one instance the state was debating

about the formation of a one party state. The Catholic Commission for Justice and Peace (CCJP) presented a significant voice to the government, disapproving a one party state as abuse civil and political rights.⁴⁴ The Catholic Commission for Justice and Peace (CCJP) circulated the information that condemned one party state and disagreed that real peace will be there when citizens are permitted to opt for leaders freely.

The relationship between the government of Zimbabwe and the Civil Society Organizations was worsened when President Mugabe took an unpopular decision of involving Zimbabwe in the Democratic Republic of Congo war in 1997. He sent off thousands of Zimbabwean soldiers on a military escapade without the consent of Parliament or his cabinet⁴⁵The war portrayed President Mugabe as a leader without the wellbeing of his people at heart. Many Civil Society Organizations criticized the war telling the government of Zimbabwe to invest its little resources on its people rather than a foreign war with greater chances of winning

In 1997 the Zimbabwe Council of Churches founded the National Constitutional Assembly (NCA), which became the main body challenging for a new people motivated and democratic constitution for Zimbabwe. The National Constitutional Assembly (NCA) was the reason for the government's defeat in a referendum that situated the arena for a violent election in June 2000. When the National Constitutional Assembly (NCA) achieved trustworthiness and influence to defy the government, the Zimbabwe Council of Churches vacated from the constitutional body. The relationship between the church and government of Zimbabwe was to a great extent mutual even though the church sometimes can be of assistance to the Civil Society Organizations to meet head-on the government on essential matters of vital human requirements and human rights.

The war veterans were recognized as the ideal driving force to lead the battle against opposition political parties, Civic groups and the white professional farmers. War veterans had effectively compelled the ruling party to award them monthly retirement funds and a Zw\$50 000 reparation for each of them in 1998. The rule of law was inefficiently pending in order to allow the liberation fighters to thrash up, hassle, rape and even kill people who were assumed to be following opposition political parties or refuse to give in to violent land redeployment.

There has been little commitment and cooperation between Civil Society Organizations and Zimbabwe African National Union Patriotic Front and state organizations. Civil Society Organizations has been more very much associated to opposition parties on these matters such as Zimbabwe Congress of Trade Unions (ZCTU), National Constitutional Assembly (NCA) and Combined Harare Residents Association (CHRA) were energetic in the progression that piloted the origin of the Movement for Democratic Change (MDC) in September 1999. In 1999, the need to find a substitute to the ZANU PF government was now the chorus of the day. ZCTU was a vocal as well as extremely the most well organized workers group in Zimbabwe. Morgan Tsvangirai, who was therefore the leader of the Zimbabwe Congress of Trade Unions, was much known for criticizing the ZANU PF government and was really well-liked for his courageousness in promoting the interests the workers. The Movement for Democratic change was a labour sponsored political party with Morgan Tsvangirai as the President. With the abuse of human rights and democracy it is likely that the government and the Civil Society relationship will be full of tensions as it is democracy that truly guarantee human rights. Where there is democracy there is the honouring of human rights and where there are human rights there are peaceful and democratic elections in a country.

The Movement for Democratic Change was capable of magnetising in a very short period of time alarmed the ruling party that they become conscious that racism, violence, intimidation and land question were the only useful weapons that could be used in opposition to political rivals who President Mugabe referred to as ‘enemies of the Country’. The civic showing off of red cards as followers of MDC and elements contained by civil society organizations enraged Mugabe himself and the ruling party that an individual or group of people was to be detained for such an act.

That connection motivated a close effective relationship between Civil Society Organizations and the Movement for Democratic Change (MDC). Even though there was no official coalition between the Civil Society Organizations and the Movement for Democratic Change (MDC), their mutual aid helped with referendum defeat and heightened the Movement for Democratic Change electoral performance in 2000 and 2002. Indeed, the composition of the Movement for Democratic Change (MDC) parliamentary teams in 2000 and 2005 mirrored the existence of activists and leaders of some of the Civil Society Organizations such as National Constitutional Assembly (NCA) and Zimbabwe Congress of Trade Unions (ZCTU) amongst others.

In February 2000 the negative response of the state –backed and influenced draft constitution infuriated President Mugabe and his faithful subordinates. The success by the people against a stressed government was a delayed wakeup call for the serving administration. The predominance ‘No’ vote also gave the citizens of Zimbabwe great expectation that the indefensible political social economic conditions could be transformed.

The Citizens of Zimbabwe had abandoned the ruling party's suggestions and implemented their democratic preferences at the ballot box for the first time ever since 1980. That victory further indicated to President Mugabe and his party that except radical ways were engaged to seize the condition, their iron grip on political supremacy would end in an uncomfortable way, therefore the alternative to undemocratic ways. The land subject was the ideal way to apply given that for two decades after independence the state had completed little to resolve the land crisis, a basic complaint for the mainstream of the black Zimbabweans.

The role of Civil Societies in all these progressions desires to be highlighted if we are to tint a total image of the catastrophe in Zimbabwe. The National Constitutional Assembly was influential in coercing the government to concur to introduce the futile constitutional change procedure that resulted in the draft constitution so deeply unwanted by Zimbabweans in February 2000. The National Constitutional Assembly refused to partake in the state chosen constitutional reform process. The cause was that, in characteristic dictatorial style, the ruling party had wanted to trick the citizens by cautiously influencing the system of the Chidyausiku Constitutional Commission. That Commission was dominated by ZANU-PF rudiments. It made a sketchy draft constitution that amounted to a charade of justice and an affront to the intelligence of the Zimbabweans. For instance whereas the existing Constitution makes terms for the presidential protection from trial during the incumbent's term of office, the draft constitution extended the protection further than that time. That was completely intolerable to the Zimbabweans, as the referendum results signified.

Unfortunately, Civic groups successfully 'returned home' after the parliamentary elections of June 2000, thus opening an opportunity for the war veterans to seize back a bunch of political room that civic groups had earlier domesticated from the ruling party. Massacres, rapes, civic

harassment, universal mayhem and farm incursions and continued unabated after the parliamentary elections of June 2000. Sorrowfully, the ZRP has turned out to be a disgrace law enforcement agency, since it did not manage to endorse the rule of law in the Nation as of the month of February 2000. Undeniably, the Zimbabwe Republic Police has been politically forced into pay no attention to cases of deliberate lack of control by the ruling party supporters and it has accordingly acted in accordance with that demands. That progress has successfully worn out the citizens' confidence in the Zimbabwean police force a depressing progress in any country that declares to be democratic. Nonetheless, the role of Civil Society Organizations in increasing civic consciousness on issues of democracy, Human Rights and good governance has been admirable.

In spite of these remarks, Civil Society Organizations are dynamic and energetic in the political field. Policy support is one of the assorted customs in which civic involvement in issues of good governance is undertaken by Civil Societies. The state of Zimbabwe frequently vigorously oppose efforts by Civil Society Organizations to alter several policies, which often end in altercation by means of streets protest, job strikes and rallies . Several Civil Society leaders have had operation conflicts with the government coercive equipments, but the state has not always had its own way. Most Civil Society Organizations accept charitable financial support from donors from Western democratic countries such as Europe and North America. Being the reason that they focus mainly on democratic issues, governance and Human Rights, these associations are generally viewed by the Zimbabwean ruling party as helping the welfare of the so called Western imperialists.

Obviously, Civil Society Organizations disagree with these allegations and maintain to stand for the people's welfare against a government that has long since stopped leading and has started ruling by an iron fist while opposing, if not overturning, the democratic of Zimbabwe.

It is ironic that some of the Zanu PF leaders and yester-year civil society leaders are today's crusaders against civil society and also establishing false impressions that civil societies subsist to disregard the government and fight against the wellbeing of the people. The Zimbabwe Republic Police have often taken a leading role in the maltreatment of civil society activists. In November 2012, a senior police officers' conference held in Nyanga declared that civil society organizations had negative influence in the country and were involved in subversive activities. The conference then set on to "successfully make use of the intelligence units in monitoring the actions" of NGOs and "take appropriate action against NGOs that are found to be operating outside the provisions of the law"⁴⁶. The emergence of the Movement for Democratic Change in 1998 and the prominence of civil society activists within its leadership have additionally worsened the situation forcing government to enact harsh laws on Civil Society Organizations.

The citizens of Zimbabwe by and large concur that the problems in the nation are basically one of leadership. They felt that the ruling party have been in bureau for a long time to administer in an apparent and responsible conduct. The ruling party appear to contain no ideas on how to resolve a lot of economic, social and political troubles that face the country. For that reason they must create a path for youthful Zimbabweans who understand the fundamental mechanisms of a contemporary state in globalized world. The state's unwillingness to ease up the political system by accepting a democratic constitution has successfully forced a argumentative advance on the people. The coming out of a convincing

opposition political party, the Movement for Democratic Change, which had support from Plumtree to Mutare and from the Zambezi River to the Limpopo, has set the stage for the structured overthrow of the ZANU PF party from the office throughout the ballot box.

3.2 The laws passed by the government of Zimbabwe on Civil Society Organizations from 1990-2005.

The government and the civic society's relationship have been categorized by distrust as well as intolerance in Zimbabwe. The post independence period there was a quite discontentment over civic societies as verified with efforts to calm several groups or failing that to guarantee state control of them. As of late 1990s ahead the government has stridently voiced its dissatisfaction with the volume mounting as years goes by. The Welfare Organizations Act of 1967 was therefore the first legislation to be passed in Zimbabwe to govern Civil Society Organizations⁴⁷. It was passed just two years after the UDI by the Smith regime⁴⁸. The Act was passed chiefly for the state to have power over Non Governmental Organizations who were supposed of being associated with the liberation fighters fighting colonial rule in Rhodesia. Non Governmental Organizations played a very pivotal role in circulating information overseas regarding the human rights condition in Rhodesia as well as raising funds for the liberation struggle. With their wide connections, Non Governmental Organizations managed to take nationalists who were against the Smith regime out of the country as well as guarantee that those who were left behind were educated. Civil Society Organizations also condemned the settler regime on its gross violation of civic and political rights and also campaigning for the imposition of sanctions. The Welfare Organizations Act was therefore passed in an autocratic regime that was struggling to staying power. When the Act was broadcasted, Rhodesia was considered to be an outsider State that did not pay look

upon internationally acknowledged Civil and political rights thus the way of various oppressive laws counting the Welfare Organizations⁴⁹.

The Act was altered and the name was changed to the Private Voluntary Organizations Act in 1995, it did not abolish the exploitive sectors but to a certain extent engaged them and supplemented new sectors that provide government superior authority above Civil Society Organizations. Civil society has always and continues to make valuable contributions to the development of this nation and that Government has on numerous occasions committed itself to promoting good governance, democracy and the rule of law. The Private Voluntary Organisations Act runs contrary to these commitments. In 1996 the Civil Society Organizations were determined to have the Private Voluntary Organizations Act abolished. They demanded for a democratic environment free of the threatened government interference for meaningful Civil Society Organizations participation in Zimbabwe. They wanted State representatives to institute an open and serious discussion with Non Governmental Organisation so as to involve them in the drafting an acceptable Non Governmental Organization legislation⁵⁰.

A meeting was held on 4 September 1996 at the Holiday Inn hotel by the northern region in. These meetings have been followed by many other meetings too numerous to mention. However, nothing came out of these meetings and the tensions continued to simmer and concluded in the NGO bill being drafted without consultation with the NGO sector and its subsequent passing into law by parliament⁵¹.

Tensions took place in the mid-1990s as soon as students from the University of Zimbabwe did a number of protests not in favour of the mounting food prices and the wide-ranging status of the country. The creation of Movement for Democratic Change in 1999 with the great help from the civil society organizations was the instant when relationships fractured

between the government and various civil society organizations. Ever since 2000, the government of Zimbabwe has portrayed the civil society organizations, especially advocacy and human rights organizations as awing of the opposition.

The growing of tough civil society organisations, vivacious and voiced media organization in Zimbabwe was not conferred by some compassionate leadership. The civil society replicates the willpower of the people to grasp the leadership of the country liable. This vivacity of the Civil Society Organizations was the reason for the need to hold governments accountable that most civil society organisations have been embattled by restricted laws and aggressive political atmosphere.

Human Rights Watch has been monitoring, investigating and reporting on its concerns about serious human rights violations in Zimbabwe. The government has increasingly turned to repressive and at times violent means to suppress criticism from the opposition and civil society. Some of the violations Human Rights Watch has documented include the excessive use of force by members of the army and police, reports of ill-treatment and torture by the police and other state-sponsored agents, disregard for the rule of law, restrictions on the rights to freedom of opinion and expression, peaceful assembly and association, and discrimination in access to food aid. Human rights abuses continue to take place with impunity with few perpetrators being brought to justice.⁵²

Police and other state-sponsored agents routinely attack and harass government critics including members of civil society organizations, human rights lawyers, journalists and trade unionists. The police have applied oppressive laws like the Public Order and Security Act of year 2002 to silence critical or rebellious voices inside the civil society⁵³. In a democratic nation the prison services, the police force, the trial services, the military and the secret services will be politically impartial specialized organizations that will serve the civic welfare. Every person allowed having equivalent security from the law and the law will be

applied evenly to all with no prejudice. The Zimbabwean ruling party has set out to change the law enforcement organizations, the prosecution services and the courts into adherent groups that will serve and progress the welfare of the ruling party. It is quite embarrassing for a 'democratic' nation to be using the police force as tools of instilling fear on the activists and even the masses.

The private voluntary act (PVO act) of 1995 and Non Governmental Organizational bill (NGO bill) 2004 were endorsed chiefly to give government power over the Civil Society Organization who were alleged of being related to the regime change agenda. At the beginning, it was significant to note that while the introduction to the Bill states that it is for the registration of non-governmental organisations, to provide a healthy atmosphere for the actions, supervising and regulating of all non-governmental organisations, an analysis of the bill proposed that it is far extensive and draconian law obviously planned to put forth full and absolute control over non-governmental organizations and other human rights and development organisations in Zimbabwe. The NGO Bill was intended to negatively have an effect on and efficiently do away with all groups occupied in upholding as well as protecting civil and political rights. A condition in the NGO Bill outlawed admission to outside endowment to civil society organizations. Prohibiting local civic groups to accept endowment from western donors was also a method to restrain the matter of regime change agenda in the country given that the majority of civic organizations were operating on promoting civil and political rights along with governance matters whilst not having much focus on development issues they are supposed to do.

The PVO Act is approximately the same as the Bill, save for certain blatant additions. Therefore, at the same time the requirements of the Bill to be draconian in form and in keeping with what is normally alleged to be an tyrannical regime in Zimbabwe, it is

important to bear in mind that the PVO Act, in almost matching terms, has been on the Zimbabwean ruling book since 1967. The PVO Act was drawn up during the Ian Smith government at the time the liberation war in Zimbabwe was commencement to gain thrust and in the perspective of enormous military and police involvement to contradict that rebellion. In Zimbabwe, the Non Governmental Organizational bill (NGO Bill) of 2004, which was not approved, was supposed to be the most important law that would control the performance of civil society organizations.

Decrees such as Access to Information and Protection of Privacy Act (AIPA) and the Public Order Security Act of 2002 amongst others furthermore had effects on civil society organizations. Article 15, section of Public Order and Security Act declare that: Anybody who, issued or discuss with any other person whether in or outside Zimbabwe a speech that is entirely or significantly not true with the purpose or understanding that there danger or likelihood of stirring civic chaos, or public violence or jeopardize civic wellbeing shall be responsible of an crime or to incarceration for a period not more than five years. In Zimbabwe, the minister accountable for Civil Society Organizations on one occasion subjected a memorandum that stopped the actions of the civil society organizations. This evidenced that at times government might not want to endorse a law to regulate the behaviour of civil society organizations. Civil society organizations protesters encountered brutal accusations in the High Court at the same time as other activists were consistently arrested or if not stressed by the police. Sadly civil society organizations did a lot to put across change in Zimbabwe together with the Movement for Democratic Change (MDC) in thorny conditions in the trust that appeared the new political allowance, legislation would be approved that do the accepted thing to the constitution and generate and facilitate a better atmosphere for the

civil society organizations .All this is what earned the Civil society organizations the title agents of regime change.

In 2005 at National Association of Non Governmental Organizations , it was settled that the root for the government to target the Civil Society Organizations was because of double factors that were the evident troubles with the Private Voluntary Organization Act and the government craving to restrain the actions of Civil Society Organizations mainly those that focused with governance and democracy. It was approved that the most excellent way to get to the bottom of the troubles surrounded by the division was to bring in a intentional self controlling authority for the section so that ought to the government try to interfere with the segment could at all times answer by saying that it was in detail taking care of the worry and consequently there was no grounds for the government to get in the way.

3.3Conclusion

In conclusion it is crystal clear that the hostile relationship and the passing of laws on Civil Society Organizations by the government of Zimbabwe was that it had uncovered and dispersed news concerning civil and political rights violations and dishonest exercises by the government. In several instances the government controlled media have performed thorough unfriendly propaganda operation not in favour of different associations. Those crusades were hostile. However the state also denied that the laws they enacted were repressive but went on to say that these part of the national security and information that can endanger the country's security must be withheld from public scrutiny.

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Chapter 4

IMPACTS OF THE LAWS PASSED BY THE GOVERNMENT OF ZIMBABWE ON CIVIL SOCIETY ORGANIZATIONS.

4:1 Introduction

Zimbabwe's Civil Society Organisation has mostly developed and progressed in reaction to communal, economic and political affairs that have taken place in the country since 1980, even though not many official associations did operate prior to independence. Sovereignty and the achievement of political, social and economic privileges are vital to attain efficient and sustainable improvement. In several countries civil liberties are not sheltered and the masses face most important challenges not more than to their usefulness, but in addition to their security, sustainability and living. These disputes are frequently experienced mainly in harsh circumstances of unsteadiness, clashes and vulnerability. The majority of Zimbabwe's opposition parties emanated from Civil Society Organizations. Civil Society Organizations like National Constitutional Assembly has even got to the extent of registering to be a political party with the aim of putting their ideas into practice as it is a pro-democracy organization.

In the midst of the amplified persist for autonomous space and change in Zimbabwe, Civil Society Organizations became the goals of country provocation through augmented legislative and governmental meddling when they were alleged as wing of supporting opposition. The ruling party by that time consistently acknowledged that Civil Society Organizations as well as church based organizations and any person who is not a politician; hold no position in the political affairs of the nation. These sensations have sustained to be

repeated ever since the Civil Society Organizations engaged themselves in political matters turning their backs to their issues of development.

With the forecast of being defeated in the political arena, as early as 2000 the ZANU-PF government has changed Zimbabwe to where the decree of regulation was not simply selectively useful, however draconian laws were created and used the same as instruments of oppression. The majority citizens of Zimbabwe are completely conscious that the Public Order and Security Act (POSA) of 2002 is far-off extra exploitive at present more than the Law and Order Maintenance Act (LOMA) of 1971 which was passed by the Smith government. Mutually the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act(AIPPA) of 2002 are evidently products of terror of the masses' influence.

These two are draconian policies that were initiated by Professor Jonathan Moyo to suppress opposition parties and also a press censorship to contain Civil Society Organizations as it is a suppressive policy that was meant to apprehend freedom of expression. With POSA democracy in Zimbabwe was sent to intensive care unit. Media became State controlled while independent media was banned for instance The Daily News in 2003. Zimbabwe observed what Terrence Ranger expressed as Patriotic history. When Jonathan Moyo was announcing POSA and AIPPA in parliament in 2002 Dr Eddison Zvogbo said that 'Cde what you have introduced is a direct insult to our freedom and rights'. So POSA and AIPPA were legislative pieces that were intended to restrain operations of Civil Society Organizations that were seen as a threat in the eyes of Zimbabwean government besides these two draconian policies there was also the Broadcasting Services act of 2002. Under these Civil Society

Organizations were regarded as enemies of the ruling party were civil society meetings were categorized as political meetings hence democracy was limited with the coming of POSA.

In Zimbabwe political tensions between the state and Civil Societies, particularly independent media, Non Governmental Organizations, churches and trade unions increased rapidly before and after the 2000 general election. The State blamed Non Governmental Organizations of initiating opposition political action and threatened to compress those which did not obey the Private Voluntary Organizations Act a colonial remnant which gives the state major authority to manage Civil Society Organizations.⁵⁷ The African Commission for Human and People's Rights in its report in 2002 on Zimbabwe, suggested that the government abolish the PVO Act for the reason that it narrowed human rights.⁵⁸ As of 2002, Civil Society Organizations considered to be occupied in opposition politics and resulted in being the targets of State's exploitive laws, remarkably the Public Order and Security Act and the Access to Information and Protection of Privacy Act.⁵⁹ In 2002 13 September, the Zimbabwean government put a notice in the state newspaper, The Herald, cautioning Non Governmental Organizations to act in accordance with the PVO Act and intimidating that failure to stick to the law they would be arrests.⁶⁰ The PVO Act made it a crime to intentionally handle or run unregistered organizations or gather aid from the community for an unregistered organization.

In 2004 many Non Governmental Organizations closed businesses or displaced as a direct outcome of the Non Governmental Organizational Bill. The triumph rang void for the reason that with the moment President Mugabe declined to concur, Civil Society Organizations had previously been devastated by the closures and additionally, it was obvious that the bill had simply been put on hold and was not removed permanently. The supremacy that the government had on the bill as control by making it swing above Civil Society Organizations as a chopper in air on the basis that Civil Society Organization dragged the line. The control

that the government had over Civil Societies then determines if the chopper must come down with rage. The Civil Society Organizations singled out at one instance was the Amani Trust, CCJP and the Transparency International and also the CiZC offices were raided in Harare in mid February 2008. These Civic organizations were portrayed as being intimately associated with the Movement for Democratic Change and as endorsing hard work to weaken and get rid of the existing government.

The State of Zimbabwe has always stated that nearly all Civil Society Organizations actions, particularly on the issues of democracy and good governance, emerge not to be in the development wellbeing of the country, public order and public safety. Hence, it has set in position these safety laws the Public Order and Security Act (POSA) and the Criminal Law Reform and Codification Act (the Code). The state has constantly advised Civil Society Organizations to stop meddling in state affairs. It is being imposed throughout the legislation quoted above which magnetize different consequences akin to de-registration, incarceration, fine, or deferment.⁶¹ Many opposition parties and journalists have undergone these consequences for instances Jestina Mukoko, Lovemore Madhuku, Learnmore Jongwe and Morgan Tsvangirai etc.

Civil Society Organizations have also held responsible the state for politicizing development for concealed motives. Throughout tutorials, workshops and exchange of ideas with government representatives, the Civil Society Organizations have attempted to influence the government to become conscious that it is some of its agencies and officials who have constantly politicized development and connected programmes. It has been experimented in different occurrences that stakeholders would like to obtain mileage out of programmes that are hypothetical to be aid organization. This mileage has aggravated different players to be

interested in politicizing development. To concentrate to this distress, it might be significant that societies trust in socialism as basis for development and accomplishment.

The government of Zimbabwe has a long history of circumventing and at times blatantly disregarding the rule of law, with state officials on occasion ignoring high court orders. The judiciary has been severely weakened and compromised, and in several instances, judges have reportedly been threatened, harassed or attacked by police and ruling party supporters.

4:2 Government crackdown on Civil Society Organizations

The relationship between the Civil Society Organizations and the state in Zimbabwe was and is still contained by distrust and prejudice. The relationships keep on worsening instead of getting better. In the post independence period there was and still discontentment over Civil Society Organizations as verified by efforts to shush number of associations or failing that to guarantee state command of them. As of the late 1990s forward the government has stridently articulated its disapproval with the volume rising with each momentary year. Allegations have been exchanged between the state of Zimbabwe and Civil Society Organizations. The government claimed that Civil Society Organizations are occupied in political actions instead of doing the job they are registered to do. President Robert Mugabe has commented that Civil Society Organizations are hatcheries of political opposition. The moment they seek Governmental power and office, the State begin to view them differently as political opponents. Political rivals are treated with politically they ought to not cry, for they have redefined the regulations of commitment.

On one juncture when the President was attending to the parliament, he signified that ‘CSOs ought to be tools for the good of the country and not against it. The country cannot tolerate them to be conduits of national efforts’.⁶² The Minister responsible was also referenced in the media saying that some Non Governmental Organizations and churches are the reason for too

much puzzlement in the country because they are switching their humanitarian programmes into politics, the State cannot permit that to occur so we are saying they should go under inspection where we amend all modalities in the country.⁶³

In other instance Civil Society Organizations have been choral in its disapproval of the state for so-called unpleasant abuse of civil liberties.⁶⁴ In reaction to this debate, the ZANU PF regime introduced the Non Governmental Organisational Bill which was voted for by Parliament on 9 December 2004.⁶⁵ The Non Governmental Organisational Bill was to reinstate the Voluntary Organizations Act had the President not decline to sign it into law.⁶⁶

By the time the 2005 elections were held, the level of self-confidence and sense of purpose in the broad opposition movement was beginning to dissipate. The split in the MDC in October 2005 ostensibly over Senatorial elections, but clearly over long-standing internal differences, reflected this sense of disillusionment as much as weaknesses in intra-party democracy.⁶⁷ Civil Society Organizations could not remain distant towards this development since most of them had pinned their hopes for a democratic alternative through the Movement for Democratic Change. The state repeatedly criticized Civil Societies for their assumed close cooperation with the MDC. The Non Governmental Organizational Bill in 2004 had been planned to weaken particularly Civil Society Organizations that were in promotion of good governance and human rights matters. A condition in the Bill outlawed admission to outside subsidy to Civil Society Organizations. This stimulated Non Governmental Organizations under the sponsorship of NANGO into thorough lobbying which incorporated a gathering among them and a higher Politburo member.⁶⁸

Regardless of the bill not having been signed into decree, the government's unfriendliness in the direction of Civil Society Organizations sustained to amplify. At the opening assembly of

the human rights council in Geneva 2006, Patrick Chinamasa said that Zimbabwean Civil Society Organizations which are functional in the human rights and governance are set up and sponsored by developed countries as tools of their foreign policy. Their objectives consist of deterioration and intrusion with Zimbabwean political processes, constructing and nourishing opposition groups and encourage division and resentment between the citizens against their prevalently elected regime.⁶⁹

In 2008 4 June, the Minister send a letter asserting that all ground performances of all Civil Society Organizations functioning in the country should be suspended until additional notice. The herald and chronicle of 7 June 2008 reported that the Deputy Minister of Information said that the state had suspended the licenses of all Civil Societies and requested them to reapply for re-registration. It is with this history in mind that the unfolding events must be analysed.

It is regrettable and at the same time revealing that the similarity in the advance of Zanu PF and MDC concerning the NGO division in Zimbabwe has been exhibited so premature into the Government of National Unity. Regrettably the Movement for Democratic Change has determined to turn its back on its long time associates at a period when there was still a great deal that needed to be done to put Zimbabwe on the highway to success. Lacking the assistance and support of the sector, it is improbable that the dream of a Zimbabwe for all will be achieved.

Zimbabweans applauded for the Prime Minister's commitment with the Civil Society organizations when he came into power during the period of the Government of National Unity, after that they were wondering if the dialogue was only a trait. Apprehensions were imminent to the forefront between the Movement for Democratic Change and the Civil Society Organizations concerning the fresh constitution, which the Movement for Democratic Change (MDC) emerged to have resolute, must be completed by itself and ZANU PF at the

elimination of everybody. Enlightening because the approach demonstrated the reason why Civil Society Organizations had to be cautious. The Movement for Democratic Change (MDC) undoubtedly views the Non Governmental Organisations not as a development associate, or essential watchdog in a little democracy but quite mirrors it in the course of ZANU PF's eyes as an adversary of the government. Civil society organizations had a responsibility to participate and have to take part in it even if it signifies disagreement with Movement for Democratic (MDC).

Instead of endorsing an atmosphere in which Civil Society Organizations contributions and political acceptance are tolerated, the state of Zimbabwe has over the past years occupied in a methodical crackdown on Civil Society Organizations and the human rights society, as well as arbitrary confinement of protesters along with opposition followers, and widespread infringement in opposition to civil liberties and admittance to information.

Civil Society Organizations and other political parties to have a say in this democratic procedure the Zimbabwean government ought to warranty, encourage and guard the civil liberties, freedom of expression, legislative body and association as stipulated in its constitution. The Transparency International of Zimbabwe advised the state, through Zimbabwe Electoral Commission, to authorize all domestic and global election observers to observe the impending polls, guarantee an electoral atmosphere that is accordingly reliable with the SADC ideologies and strategies governing democratic elections.

Civil Society Organizations strengths were to work close relationships and in solidarity. This is mainly continued through Coalitions in exacting effective areas such as electoral work, human rights and constitutional matters. The saying that there is force in numbers and the more the merrier have been accepted in diplomacy of civic coalitions. This is intended at making Civil society organizations little susceptible to government intimidation compared to

function individually. Undertaking lobbying and advocacy on matters as organizations has reinforced their critiques and messages. The Transparency International pushed the state of Zimbabwe to value international legal principles to which Zimbabwe is a party or state participant, together with, the Universal Declaration of Human Rights (UDHR), the African Charter on Human and People's Rights, and the Declaration of Principles of Freedom of Expression in Africa, the International Covenant on Civil and Political Rights.

They have been vulnerable to economic and social decline, and more intensely to harassment, detention and torture. A major weakness of Civil Societies has been an obvious lack of a medium and long term scheme not in favour of the authoritarian state. Such a scheme would involve a huge deal of planning, considering up of pros and cons of plans and methods to be used. It would also presume that Civil Society Organizations have guaranteed right of entry to property to allow them to fit into place in medium and long term strategic planning. This has not been the case. Most Civil Society Organizations function on a hand to mouth foundation. This weakness compels them to operate on a short term project and programme basis. Hence there is a propensity towards impulsive militant activism in short remote eruption.⁷⁰ Although this make media hype for the worried Civil Societies and the matters like constitutional reform or women's rights, the momentum created dissipates quickly. Some Civil Societies that might have wanted to partake in combined protests feel left out because they were not consulted. This deteriorates solidarity links and action amongst Civil Societies. A related weakness of civics is structural. This relates to a tension between activism and voluntarism on the one hand, and careerism and professionalization on the other in civics. This apprehension affects the actions and orientation of civil Society Organizations.

4.3 The role of Civil Societies in upholding Human Rights in Zimbabwe

Near Zimbabwe Campaign in year 2002 said that as of 2000 an overall of 170 people had been murdered in a government supported violence and Zimbabwe has one of the highest torments in the world, illegal corruption, widespread state violence and regular demolition of the rule of law.⁷⁰ Human rights groups such as Zimbabwe Lawyers for Human Rights and the Zimbabwe Law Society have been occupied in a sour divergence with the state on the channel of draconian laws and the universal turn down in the rule of law. It will be very hard for Civil Society Organizations to register considering the draconian laws endorsed by the government. Accordingly, many civil society organizations have altered their advance from conflict to collaboration with the state, for terror of being de-registered. This resulted in narrowing the activities of the civil societies as thereby compromising their position.

The main thrust of the Civil Society Organizations has been in the area of human rights associated with matters democratization and the rule of law. They have engaged different approaches to press on civil rights, together with advocacy, public information, training, legal action and protests. These associations, on the other hand, have functioned in an intimidating atmosphere and the ruling party has very much refused to give in to any changes that would deteriorate its stronghold. The creation of the inclusive government in 2009 was believed to escort in constructive transformations in relation to civil rights, but evidently was unsuccessful to bring the usual improvements.

The major limitation on the fight for human rights has been frequently politically abusive use of power by the government. This has resolute the nature of the challenges to power arrangements by Civil Societies for the reason that the extensive and systematic and violent oppression that has occurred, many human rights Civic groups such as ZLHR, ZHR NGO

Forum, and the counselling services unit have had to focus on spontaneous and counteractive work in relation to the penalty of violent exercise of power. They have acknowledged human rights abuses, to confront the government's rejection on violating human rights. They also offer medical and legal aid to the victims, bring authorized challenges constitutionality of authoritarian legislation and reported human rights abuses to external organizations such as ACHPR and the UN agencies.

This effort has been chiefly in the ground of civic rights, even though groups akin to Women Of Zimbabwe Arise have increased demonstrations to hoist alarm concerning social, political and economic matters. In addition several of the lawsuit accumulated by the Zimbabwe Lawyers for Human Rights has alarmed social political and economic matters such as the legal actions demanding the validity of activities engaged by the government during the attack on the urban underprivileged during Operation Murambatsvina.

The demands for democratization and giving up an opportunity of political room have been accompanied by the insistence for media rights. The persistence for media rights is mostly a reply to state control of both print and electronic media and the government's bias of media that articulates views that are opposing to the existing state propaganda. The intolerance has resulted in being detained, prosecuted and imprisonment of local and international journalists on false accusations and shutting of newspapers and radio stations. Several foreign journalists have been deported. Civil Society Organizations that have been struggling for media rights comprise of MMPZ and MISA-Zimbabwe.

4.4 Conclusion

In conclusion it is a very difficult and impossible task for the government and Civil Societies to be allies and work together aiming for the same achievement for the wellbeing of the

citizens as their relationship is one of the hunter and the hunted. The frosty relations between these two kept on deteriorating as of the mid 1990s and the tensions were seriously sky rocketed in 2013 elections when the president said that the Civil Societies has made a choice to involve themselves in political matters so they shall be treated like wise. Civil Societies has gone beyond their capabilities in upholding for good governance and human rights to the extent of soaring relating with the government instead of just advising it to improve its ways.

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Chapter 5

Conclusion

Civil Society organizations started to operate way before the Zimbabwean independence. They began to manifest during the settler government because of the gross violation of civil and political rights of the Black Zimbabwean majority. They did a lot in upholding democracy in the Smith regime which ended by the sanctioning of Rhodesia and the 1980 independence of Zimbabwe. Civil society which were active back then were the CCJP, ZCC, Christian Care ,Amnesty international etc. The decade years after independence were calm with no apprehensions and the relationship between the government and Civil society was lukewarm and they even work together for the betterment of Zimbabwe. The turning point in their relationship started in the 1990s. It was provoked by the amendment of the PVO act in 1995 which was known as the Welfare Organizations Act of 1967 which was passed during the colonial rule. It was also worsened when the President took a decision which was not favoured by the people when he sent the military to the DRC war. Many civil society organizations were created and they therefore pioneered the emergence of the MDC and the relationship between the government and the civic societies became hostile. So the purpose of this study was to assess how the civil society organizations are doing or how are they operating in a very unfriendly environment and how are they coping with the draconian laws that are being passed by the government and how the government is saying about those laws. The issues of human rights are being addressed in the study as they walk hand in hand with democracy.

With the fact that the civil society engaged itself more on the side of the opposition parties this really exacerbated their relationship with the government of Zimbabwe as they have shifted from their registered roles and drawn themselves in the arena of politics. Hence President Mugabe said that the civil society organizations had chose to be in the political

field so they should be treated likewise as they made their bed so they should lie in it. All this created a very hostile and unfriendly environment and atmosphere for the civil society organizations to promote or uphold democratic process and civil and political rights in Zimbabwe.

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