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WINDS OF SMALL CHANGE: CHIEFS, CHIEFLY POWERS, EVOLVING POLITICS AND THE STATE IN ZIMBABWE, 1985–1999.

ABSTRACT

In 1980, the independence government of Zimbabwe adopted a political and administrative policy which was hostile to chiefs. The charge was that chieftaincy was backward, unproductive, undemocratic, and a “sellout” institution that had sided with the colonial system. Consequently, chieftaincy was relegated to the fringes of the state, whereby it lost its authority over grassroots judicial and land affairs, a key marker of its power and status. However, from 1985 the government began to court the chiefs by, among other ways, ceasing hostile rhetoric and promising to return them their “original” powers. The scholarship has mainly explained this shift in terms of growing political opposition, among other factors that challenged the government’s legitimacy. This article examines the relationship between chiefs and government from 1985 to 1999. Building on literature that has emphasised the government’s motives for turning to chiefs, it considers whether chiefs got their powers back. It argues that the state did not cede back to chiefs the powers they yearned for and continued to keep them at the margins of its administrative processes. It mainly sought chiefs’ legitimating and mobilising capabilities in the context of waning political fortunes. By the close of the 1990s, chiefs were still battling to get their land and judicial powers back.

Keywords: *Chiefs; traditional leaders; government; Zimbabwe; ZANU-PF; history; politics*

1. INTRODUCTION

In 1985, after five years of open hostility against chiefs, the post-independence government of Zimbabwe was compelled by various sets of

circumstances to reconsider its position.¹ It restructured laws and policies that affected chiefs and grassroots judicial and land administration and adopted pro-chiefs rhetoric. The Zimbabwe African National Union-Patriotic Front (ZANU-PF) was set on mending its strained relationship with chiefs.² Its central promise was the substantial restoration of chiefly authority over rural judicial and land affairs – key markers of chiefs’ power and status. Chiefs had lost these powers at independence on the grounds of government’s modernisation and democratisation drive. It was also a retributive exercise against the chiefs’ entanglement with the colonial state, particularly during the Unilateral Declaration of Independence (UDI) years.³ Furthermore, as it advocated a socialist transformation, as David Maxwell noted, ZANU-PF “had little time for patriarchal authorities” like chiefs.⁴

However, from the mid-1980s, in addition to making legal and administrative concessions, the government also abandoned its generalised characterisation of chiefs as colonial collaborators and chieftaincy as a “backward, unproductive, and undemocratic institution” that constrained progress.⁵ In its stead, it deployed for the ensuing 15 years Rhodesian-era-like rhetoric which touted chieftaincy as indispensable, and chiefs as the real representatives of the people, supporters of the liberation struggle, and custodians of Zimbabwe’s land, cultures and values. There was, clearly, a radical break with the past in ZANU-PF’s chiefly politics.

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- 1 Chiefs are the highest embodiment of the “traditional”, cultural and spiritual leadership recognised by the government in rural areas. Therefore, they are considered key social leaders; The terms “chiefs” and “chieftaincy” are a source of political and academic debate. However, they are in common usage in Zimbabwe by government, chiefs and the general public. I adopt them here not to disregard the various connotations that they may carry, but because they allow for flexibility in discussing the subject matter at hand. J Williams, *Chieftaincy, the state and democracy: Political legitimacy in post-apartheid South Africa* (Bloomington: Indiana University Press, 2010), p. 5, also prefers these terms for they “allow for a more fluid narrative”.
 - 2 “ZANU-PF” and “government” are used interchangeably because of the deep conflation of the two in terms of leadership and functions. The party continues to dominate the government and to direct government policy, in addition to its unrestricted access to state resources.
 - 3 The emasculating of chiefs upon attaining independence was common across Africa. See, for example, T Ranger, *Peasant consciousness and guerrilla war in Zimbabwe: A comparative study* (London: James Currey, 1985); E Gonçalves, “Finding the chief: Traditional authority and decentralisation in Mozambique”, *Africa Insight* 35 (3), 2005, pp. 64–70; R Rathbone, *Nkrumah and the chiefs: The politics of chieftaincy in Ghana, 1951-60* (Accra: F. Reimmer, 2000).
 - 4 D Maxwell, *Christians and chiefs in Zimbabwe: A social history of the Hwesa people, 1870s–1990s* (Edinburgh: Edinburgh University Press, 1999), p. 151.
 - 5 J Alexander, “The politics of states and chiefs in Zimbabwe”. In: J Comaroff and J Comaroff (eds.), *The politics of custom: Chiefship, capital and the state in contemporary Africa* (Chicago: University of Chicago Press, 2018), p. 142.

Several factors made it easy for the state to re-establish the lost connection with chieftaincy. First, from the early days of independence, chiefs themselves had protested their relegation and campaigned for closer association with the state.⁶ Second, ordinary villagers, for historical, cultural and existential reasons, largely continued to accord respect to chiefs. Villagers still took their various grievances to chiefs, requested them to settle their disputes, and approached them for land, sometimes by-passing state-supported institutions such as primary courts, Village Development Committees (VIDCOs) and Ward Development Committees (WADCOs). These institutions had been tasked with overseeing grassroots judicial and land affairs.⁷ Third, while a section of the party and government pushed for the weakening of chieftaincy, another element supported the institution, mainly emphasising the state's reconciliation policy and the importance of chiefs to social stability.⁸ Fourth, even those who supported the isolation of chieftaincy did not suggest that the state abolish or completely delink from the institution. In view of the Rhodesian situation, whereby the Rhodesian Front regime resorted to traditional leaders to cushion itself from nationalist politics, it can be surmised that perhaps some had calculated that ZANU-PF would need the help of chiefs in future in the event of political and electoral pressures.⁹ Last, socialism, which ZANU-PF had touted to be the guiding ideology in governing the country, and which it claimed was incompatible with chieftaincy, never actually took off the ground.¹⁰

6 D Lan, *Guns and rain: Guerrillas and spirit mediums in Zimbabwe* (London: James Currey, 1985), p. 14.

7 M Bourdillon, *The Shona peoples* (Gweru: Mambo Press, 1987), p. 111; L Nkomo, *Chiefs and government in post-colonial Zimbabwe* (MA, University of the Free State, 2015), p. 64.

8 See, *Parliamentary Debates*, 11 March 1988, col. 109, Richard Shambambeva-Nyandoro; J Alexander, *The unsettled land: State-making and the politics of land in Zimbabwe, 1893-2003* (Harare: Weaver Press, 2006), p. 167.

9 See, J Frederikse, *None but ourselves: Masses versus the media in the making of Zimbabwe* (Johannesburg: Raven Press, 1982), pp. 76–82 for how the Rhodesian Front enlisted chiefs as political allies in the 1960s and 1970s; After all some independent African states had begun to enlist chiefs for political support under the guise of “authenticity” and “returning to the earth”. See, for example, C Young and T Turner, *The rise and decline of the Zairian State* (Madison: University of Wisconsin Press, 1985), pp. 210–212; I predominantly use the term “chiefs” in the paper. However, I occasionally resort to “traditional leaders” when referring to the entire hierarchy of chiefs, headmen and village heads.

10 See, T Meisenhelder, “The decline of socialism in Zimbabwe”, *Social Justice* 21 (4), 1994, pp. 83–101; ZANU-PF, *1980 election manifesto* (Harare: ZANU-PF, 1980), pp. 4–5, boldly declares the party's commitment to socialism. Broadly, proponents of socialism accused chiefs of being, among other things, elitist puppets of the colonial system, undemocratic, patriarchal, divisive, tribalistic, and backward. See, M Mamdani, *Citizen and subject: Contemporary Africa and the legacy of late colonialism* (London: James Currey, 1996); L Ntsebeza, *Democracy compromised: Chiefs and the politics of the land in South Africa* (Leiden: Brill, 2005).

Therefore, in light of this combination of factors, the state began courting the chiefs at the beginning of the second half of the 1980s, and the base was always set for their return. Neither static nor closed, chieftaincy is perpetually exposed to political pressures. Cyclically, it is co-opted, rejected and reordered according to the prevailing political aspirations of the government of the day. As established by Wim van Binsbergen and Andrew Ainslie and Thembela Kepe, it was not uncommon across Africa for politically-struggling governments to, after initial rejection of chiefs, make a *volte-face* as they sought to exploit the proven mobilising capabilities of chiefs.¹¹ The ZANU-PF regime was no exception.

This article joins the discussion on the post-independence relationship between chiefs and government in Zimbabwe.¹² Scholars largely concur that after its initial sidelining of chiefs in the first five years of independence, from 1985, the state began to make overtures to chieftaincy in search of more cordial relations.¹³ As Maxwell demonstrated, as in the late colonial era, there was a political dimension to this development – ZANU-PF politicians sought to reactivate potential sources of legitimacy that it had previously sidelined.¹⁴ It is revealing that the new direction was made in the run-up to the 1985 general elections. This was mainly because dissident activities and South Africa's destabilisation campaign were affecting Zimbabwe, the struggling economy was beginning to stoke public disgruntlement and the independence euphoria was waning, among other issues. ZANU-PF's hegemony was increasingly being tested. As Maxwell reasoned, the revived concern for chiefs, also

11 W van Binsbergen, "Chiefs in independent Zambia: Exploring the Zambian national press", *Journal of Legal Pluralism* 19 (25), 1987, pp. 139–201; A Ainslie and T Kepe, "Understanding the resurgence of traditional authorities in post-apartheid South Africa", *Journal of Southern African Studies* 42 (1), 2015, pp. 1–14.

12 These include J Alexander, "Things fall apart, the centre can hold: Processes of post-war political change in Zimbabwe's rural areas". In: L Lauridsen (ed.), *Bringing institutions back in: The role of institutions in civil society, state and economy* (Roskilde: Roskilde University Press, 1993), p. 37; A Ladley, "Just spirits?: In search of tradition in the customary law courts in Zimbabwe", Paper presented at the International Symposium on Folk Law and Legal Pluralism, University of Ottawa, 1990; V Chakunda and A Chikerema, "Indigenisation of democracy: Harnessing traditional leadership in promoting democratic values in Zimbabwe", *Journal of Power, Politics and Governance* 2 (1), 2014, pp. 67–78; T Ranger, "Democracy and traditional political structures in Zimbabwe 1890–1999". In: N Bhebe and T Ranger (eds.), *The historical dimensions of democracy and human rights in Zimbabwe, Volume 1: Pre-colonial and colonial legacies* (Harare: University of Zimbabwe Publications, 2001), pp. 31–52.

13 This differs with Jeffrey Kurebwa's contention that the government's stance towards traditional leadership institutions only "changed in the second decade of independence". See, J Kurebwa, "The capture of traditional leaders by political parties in Zimbabwe for political expediency". In: S Chhabra (ed.), *Civic engagement in social and political constructs* (Hershey Park: IGI Global, 2020), p. 206.

14 Maxwell, *Christians and chiefs*, p. 151.

emerged at a time the state's rural development strategy was floundering and its ability to mobilise the rural constituency was weakening.¹⁵ The party feared that the continued marginalisation of chiefs would not only leave rural areas without a base to mobilise against the invasion of radical opposition politics but would also drive them into hostile alliances.

However, this article focuses less on the state's motivations for realigning the relations. Indeed, by adopting the Chiefs and Headmen Act (1988), Customary Law and Local Courts Act (1990), and the Traditional Leaders Act (1998), among other instruments, the state's focus was overwhelmingly on winning wider legitimacy premised on the political support of chiefs rather than ameliorating chieftaincy's pre-1985 position. The article has considered whether the state kept its promise to reinstate chiefly powers. What has emerged is that it did not cede much. As in the first five years of independence, during the subsequent 15 years leading to 2000 chieftaincy remained on the administrative fringes of the Zimbabwean state with roles limited to effecting state-drafted plans. If chiefs endeavoured to gain wider roles in land and judicial affairs, this article argues, it was largely a futile exercise. ZANU-PF sought the revival of the alliance without delivering much on the powers chiefs yearned for, preferring planning on a technocratic basis.¹⁶ What is clear, this article concurs with Maxwell, is that the government recognised that chieftaincy had "far from lost its significance" in the eyes of their people and, therefore, still had significant influence over the grassroots.¹⁷

A wide range of debates concerning chiefs in post-independence Africa has greatly informed this study. Lungisile Ntsebeza and Mahmood Mamdani have led the charge that, hereditary, chieftaincy operates in a "despotic customary sphere", is divisive, reduces rural people to subjects rather than citizens and is, therefore, "a threat to progress".¹⁸ In addition, chiefs are prone to state-sponsored patronage politics which has rendered them more accountable to the state than to the people they lead. Across colonial Africa, in defending their patronage benefits some chiefs, for instance, became

15 Maxwell, *Christians and chiefs*, pp. 174, 222.

16 The basis for chiefs' demands for enhanced powers over land was historical rather than legal. In the pre-colonial era, chiefs were deemed to be "custodians" of the land. Claiming ancestral sanction, they held the land in trust for their people and were the final authority on matters pertaining to the use and possession of land. See L Palagashvili "African chiefs: comparative governance under colonial rule", *Public Choice* 174 (3), 2018, pp. 286–287; Ø Eggen, "Chiefs and everyday governance: Parallel state organisations in Malawi", *Journal of Southern African Studies* 37 (2), 2011, p. 321.

17 Maxwell, *Christians and chiefs*, p. 150.

18 Mamdani, *Citizen and subject*, pp. 109–137; L Ntsebeza, "Democratisation and traditional authorities in the new South Africa", *Comparative Studies of South Asia, Africa and the Middle East* 19 (1), 1999, pp. 83–87.

apathetic to liberation struggles.¹⁹ It is partly for this reason that, as observed by Euclides Gonçalves and Louise Fortmann, Mozambique, Zimbabwe and Tanzania, among other African countries, banned, weakened or stopped recognising traditional leadership institutions at independence.²⁰

In the post-independence era, chiefs have mainly been in alliance with ruling regimes. While sometimes perceived as a crucial agent of social development, stability and peace, Tompson Makahamadze *et al.* have argued that chiefs can also be a source of fear in the eyes of villagers. They have overseen violence, denied people legitimate access to resources and services, and banished villagers linked to opposition politics, among other things, on behalf of beleaguered governments.²¹ By seeking to force people into certain political behaviours, traditional leaders impede development and violate people's rights. Indeed, John Makumbe has demonstrated that, as regime change ideas tend to originate in urban areas, governments will seek to halt their diffusion into the largely conservative and electorally reliable rural areas.²² Therefore, chiefs are considered well-placed for this task, particularly because of "the limits of state power to organise directly".²³ As Lotti Nkomo observed, the value of chiefs to ZANU-PF's power-retention agenda lay in the fact that they were closer to their subjects than most administrative and political officials, who were separated from their rural constituencies by both class and geography.²⁴

Of interest to scholars has also been chieftaincy's remarkable "resilience" and ability to adapt in the context of historical, political and administrative pressures, mainly from the state. Carolyn Logan and Joey

19 A Weinrich, *Chiefs and councils in Rhodesia: Transition from patriarchal to bureaucratic power* (London: Heinemann, 1971), preface; J Holleman, *Chief, council and commissioner: Some problems of government in Rhodesia* (Assen: Royal VanGorcum, 1968), p. 346–348; A van Nieuwaal, "States and chiefs: Are chiefs mere puppets", *Journal of Legal Pluralism* 28 (37), 1996, pp. 39–78.

20 Gonçalves, "Finding the chief", p. 1; Generally, L Fortmann, *Peasants, officials and participation in rural Tanzania: Experience with villagisation and decentralisation* (New York: Cornell University, 1980).

21 T Makahamadze *et al.*, "The role of traditional leaders in fostering democracy, justice and human rights in Zimbabwe", *African Anthropologist* 16 (1), 2009, pp. 33–47.

22 J Makumbe, "Local authorities and traditional leadership". In: J de Visser *et al.* (eds.), *Local government reform in Zimbabwe: A policy dialogue* (Bellville: Community Law Centre, 2010), p. 94.

23 Kurebwa, "The capture of traditional leaders", p. 198.

24 Nkomo, *Chiefs and government*, p. 87; Across Africa the return to chiefs by post-independence governments was often in the context of unsuccessful policies, poor economic performance, exhausted nationalism, and internal conflicts, among other pressures. See, for example, Alexander, *The unsettled land*, p. 183; Broadly, P Geschiere, "African chiefs and the cold war moment: Millennial capitalism and the struggle over moral authority". In: J Comaroff and J Comaroff, *The politics of custom: Chieftainship, capital, and the state in contemporary Africa* (Chicago: University of Chicago Press, 2018), pp. 49–78.

Power observed that despite being disempowered, banned or losing recognition in various post-independence states, chieftaincy, due to varying factors, has survived and re-emerged as an important actor on the socio-political landscape.²⁵ Furthermore, traditional leadership institutions cannot be easily wished away as they are intimately embedded in the African social, cultural and political fabric. This study builds on these debates to tell the story of chiefs and government relations in Zimbabwe between the mid-1980s and the end of the 1990s.

2. RHETORIC AND THE RENEWED INTEREST IN CHIEFS

From the second half of the 1980s, ZANU-PF began to reconsider its hostile position towards chieftaincy. It reconfigured its rhetoric to recast their colonial history in a manner that sought to boost chiefs' deflated political, administrative and social status. The narrative of chiefs as "sellouts" and "anachronisms" began to be replaced by a glut of conciliatory terms such as "real custodians of the land", "heroes of the liberation struggle", "guardians of our culture", "pillars of social cohesion and stability", and "partners in development", among others.²⁶ ZANU-PF members and government officials who were slow in adopting the new position were castigated for lacking appreciation of the historical, cultural and developmental roles of chieftaincy. For example, in August 1987 Senator Patrick Chinamasa was widely rebuked by his fellow ZANU-PF parliamentarians for contemptuously suggesting that, "Chiefs have no role to play in modern administration and politics".²⁷ Indeed, the relationship between chiefs and government had entered another historical phase.

Since independence ZANU-PF has relied on history to gain legitimacy. As Terrence Ranger observed, history has been, "at the centre of politics in Zimbabwe far more than in any other southern African country".²⁸ As the party pointed to history in order to justify its exclusion of chiefs at independence, it also resorted to history to explain their reincorporation after 1985. For example, in 1988 ZANU-PF legislator Richard Shambambeva-Nyandoro, in one of the conveniently reworked versions of the liberation war, claimed that

25 C Logan, "The roots of resilience: Exploring popular support for African traditional authorities", *Afrobarometer working paper series*, 128, 2011, p. 1; J Power, "Chieftaincy in Malawi: Reinvention, re-emergence or resilience? A Kasungu case study", *Journal of Southern African Studies* 46 (2), 2020, pp. 263–264.

26 This rhetoric by government and party officials was invariably captured in public speeches, newspapers and parliamentary debates.

27 *Parliamentary Debates*, 8 August 1987, col. 22, Patrick Chinamasa.

28 T Ranger, "Nationalist historiography, patriotic history and the history of the nation: The struggle over the past in Zimbabwe", *Journal of Southern African Studies* 30 (2), 2004, p. 34.

“had it not been for chiefs, this country would not have been independent in 1980. Chiefs played a crucial role, together with spirit mediums, politicians and fighters”.²⁹ Even the history of known wartime “collaborationist” chiefs was redefined to suit the new political agenda. For instance, in the 1970s Chirau Communal Lands’ Chief Jeremiah Chirau was widely presented by ZANU-PF as a “stooge” of the UDI government.³⁰ However, at Chirau’s funeral in 1985, President Robert Mugabe eulogised that Chief Chirau was “quick to learn from his mistakes and realise the true national character of the struggle”.³¹ In the same year, at the funeral of Umzingwane’s Chief Sigola, another perceived loyalist of the Smith regime, ZANU-PF Speaker of Parliament, Nolan Makombe, described him as a person who “refused to be compromised by being co-opted into anti-people alliances with the Rhodesian government. He stood firm on the side of the masses, sometimes at great personal peril, to those who had taken up arms to liberate their army and people”.³² Yet Chief Sigola was among the Smith delegation to Winston Churchill’s funeral, was elected into the Chiefs’ Council, and was a Member of the Most Excellent Order of the British Empire, all this “in recognition of his hard work” on both the political and administrative fronts of the colonial government.³³ Whether such chiefs really became “political born-again” is yet to be established. What is clear, however, is ZANU-PF’s shifting position with regards to chiefs.

Government and ZANU-PF officials took turns to apologise to chiefs for withdrawing their land and judicial powers at independence. The rhetoric came to revolve around the restoration of such powers. In 1990, Minister of Local Government, Joseph Msika, urged chiefs to accept this apology because “people in government are ordinary people, like anyone else they learn things. If they discover that a mistake has been made, the mistake is corrected [...] We learnt by experience that we could not exclude the chiefs completely from the administration of this country”.³⁴ The rejuvenated notions of “culture”, “tradition”, and overstated expressions about a merry pre-colonial past – whereby chiefs were social and political leaders in “harmonious” societies – replaced the adverse characterisation of chiefs.

The government’s new cordiality towards chiefs continued throughout the 1990s. In 1995, Deputy Minister of Local Government, Tony Gara, appealed to Makoni chiefs and headmen “to use all traditional means at

29 Uncatalogued Makoni DA file, Independence Day celebrations speech by Makoni DA, 18 April 1987.

30 Frederikse, *None but ourselves*, pp. 76–79.

31 *Herald*, 28 January 1985.

32 *Herald*, 12 February 1991.

33 Frederikse, *None but ourselves*, pp. 76–82, gives considerable attention to how, particularly the Smith government, used patronage politics to win chiefs like Chirau and Sigola to its side.

34 *Parliamentary Debates*, 12 December 1990, col. 1016, Joseph Msika.

their disposal to pray for rains, given the gripping drought facing Chief Chingaira's territory".³⁵ Chiefly cultural and spiritual ceremonies, for long overseen by junior personnel, became national showpieces attracting senior government and party officials. In 1996, Minister of Local Government, John Nkomo, led a delegation to a traditional cleansing ceremony at Chief Chiduku's Mutungagore Village. It was to seek "guidance" and "assistance" from ancestral spirits and chiefs. Nkomo situated Chief Chiduku at the centre of the process, and described him as "the father-figure in the chieftom. He can speak directly with the ancestors and could intercede with them to ensure the coming of the rain".³⁶ Senior government officials, including the president, became regular attendees at chiefs' installation ceremonies. Chiefs, who for long were eager to be in good books of the state, appreciated these gestures. Explained Chief Makoni,

It is true that ZANU leaders consulted chiefs when they decided to start the war. We thought after the war they would come back to thank us and the gods, but they never did. But now they are beginning to give us attention. This is a sign that the government is awakening to the importance of chiefs and culture.³⁷

While it was not inclined to concede the centrality of political motivations, ZANU-PF sometimes let slip of the reasons for turning to chiefs. In 1996, in the midst of growing anti-government sentiment characterised by labour strikes, its election manifesto responded by stating that, "always in times of stress people return to their roots, to their culture, to look for the right path".³⁸ It had to invoke and deploy "tradition", "culture" and traditional leaders in order to legitimate its rule and to tame hostile political forces.

3. HALF-HEARTED RESTORATION OF CHIEFS' JUDICIAL POWERS

Government's advances towards chieftaincy were also evident on the judicial front. Since 1980, chiefs had explicitly expressed their desire to retain control of rural courts which had been displaced by primary and community courts.³⁹

³⁵ *Herald*, 17 October 1995.

³⁶ *Herald*, 9 June 1996.

³⁷ Uncatalogued Makoni DA file, Minutes of meeting to Makoni District chiefs, 12 May 1998, col. 1659.

³⁸ ZANU-PF, *ZANU-PF presidential election manifesto: ZANU-PF and the 1996 presidential election* (Harare: ZANU-PF, 1996), p. 16.

³⁹ In the context of the intensifying tide of nationalist politics, the Rhodesian government had, through the African Law and Tribal Courts Act (1969), boosted chiefs' judicial powers,

They had always claimed these as their exclusive domain in the pre-colonial era. In 1987 Chief Mangwende, invoking history, said in this regard,

Before the coming of the white man [...] [the chief] was the chief judicial officer [...] the centre of every activity in his district. He passed sentences in the courts. Now one wonders who could have done this sort of job apart from the chief. It is obvious that it is the chief who could do this and that it was his responsibility and duty.⁴⁰

Chief Tandri also reminisced about the judicial status of chiefs in the pre-colonial era, “Chiefs tried criminal and civil cases and their judgments were fair [...] They may take the courts in towns, but those in rural areas should be ours”.⁴¹ Chiefs held that without control of grassroots courts, they were largely “figureheads”.⁴² Occasionally the concerns of chiefs assumed a political dimension. For example, in the late-1980s Katerere chiefs protested their loss of judicial powers to “wild” community courts and pronounced that this was “because of President Mugabe”, and that “what the government did is unlawful”.⁴³ Such sentiments unsettled ZANU-PF and forced it to react.

Unlike in 1980, the 1985 ZANU-PF election campaign highlighted the importance of chiefs to the Zimbabwean society.⁴⁴ This renewed interest was capped by the promise to return to chiefs their old courts.⁴⁵ In 1987 Mugabe announced that his government was “working on legislation so as to assimilate chiefs into the judicial system”.⁴⁶ Indeed, in 1988 the Customary Law and Local Courts Bill was introduced ostensibly to give back to traditional leaders their jurisdiction over community and primary courts. As Moven Mahachi, Makoni West ZANU-PF legislator explained in 1990, this intervention was a “response to practical realities”, a “giant step towards bringing our chiefs and headmen back into their rightful place”, and an encouragement for people to “settle their differences in a system which they understand”.⁴⁷

Despite such legislative overtures, there was negligible change in the overall status of chiefs as regards their roles and powers. Alexander’s assertion that chiefs officially regained control over grassroots courts in

particularly over civil and criminal cases. Chiefs attained a status higher than a police constable.

40 *Parliamentary Debates*, 9 September 1987, col. 558, Chief Jonathan Mangwende.

41 Interview: Author with Chief Tandri, Rusape, 29 July 2014.

42 A Ladley, “Just spirits?: In search of tradition in the customary law courts in Zimbabwe”, Paper presented at the *International Symposium on Folk Law and Legal Pluralism*, Ottawa, August, 1990, p. 15.

43 Maxwell, *Christians and chiefs*, p. 181.

44 ZANU-PF, *ZANU-PF 1985 election manifesto* (Harare: Jongwe Printers, 1985).

45 Alexander, “Things fall apart”, p. 37.

46 *Herald*, 3 March 1987.

47 Chief Chipunza’s personal file, Speech by Moven Mahachi at a ZANU-PF campaign rally, Rusape, 19 March 1990.

1990 should be qualified.⁴⁸ From the early days of the introduction of the Customary Law and Local Courts Act the sentiment in the chiefly ranks was that the powers given to them were more apparent than real.⁴⁹ For instance, they had no jurisdiction over many types of cases, including those involving incest, bride price, and child maintenance and custody, which were reserved for magistrates' courts. Chiefs raised both practical and cultural objections, particularly against restrictions in family law. In Makoni district, for instance, they queried how, in the case of incest, "young boys [magistrates] in Rusape, full of only book knowledge, could have the power to cleanse the culprits".⁵⁰ Ancestors, they claimed, would disapprove of magisterial processes in such issues. Chiefs could not also handle a wide range of criminal cases, including stock theft, rape, murder, assault, poaching, among others. In 1990 Chief Chipunza protested through the District Administrator (DA) that "magistrates, not chiefs, have now become more powerful", as the Local Courts Bill did not permit them to preside over those cases which "most of our people regard as falling under traditional law".⁵¹ Even if a case was within the jurisdiction of chiefs, people were not compelled to initiate cases with them. As such, some village litigants by-passed the chiefs' courts to initiate their cases at higher courts.⁵² They could also appeal chiefs' judgments at "modern" courts. Chief Chipunza recalled an incident in 1991 when a villager refused to be tried by his court, accusing the chief of targeting his livestock "to satisfy his insatiable appetite for meat".⁵³ The villager, instead, chose to be heard by the magistrates' court. Another one was told by a villager he had found guilty that his court was "full of uneducated people who do not know what they are doing". He told the chief's court that, as such, he was going to appeal against the judgement "at proper courts".⁵⁴

The monetary jurisdiction was also restrictive for chiefs. In 1992, for example, they could not preside over cases involving a monetary value of

48 Alexander, *The unsettled land*, p. 166.

49 Makoni DA files, Minutes of a meeting between Makoni chiefs and RDC chairman, 22 September 1991.

50 Interview: Author with Chief Tandri, Rusape, 25 February 2015.

51 Uncatalogued Makoni DA file, Minutes of the Manicaland PDC meeting, 30 April 1990; Chiefs were already grappling with the Age of Majority Act (1982), which they wanted repealed for it challenged the broader patriarchal system by allowing marriages without the consent of in-laws and women to enter into legal contracts, and by reducing the age of majority from 21 to 18, aspects they claimed encouraged social decay.

52 Interview: Author with Chief Tandri, Rusape, 25 February 2015.

53 Interview: Author with Chief Chipunza, Rusape, 23 September 2014. At chiefs' courts, fines are usually paid in the form of livestock. While some of it goes to the complainant, some of it is retained by the chief. However, the guilty party sometimes have to provide a goat for consumption by the gathering.

54 Interview: Author with Chief Chipunza, Rusape, 23 September 2014.

more than \$1 000, either in property involved or in fines.⁵⁵ Such cases were the jurisdiction of magistrates' or higher courts. The fines were normally in terms of livestock. In 1992 the average cost of a cow in Makoni District was \$600.⁵⁶ Chiefs could not, therefore, impose fines of more than one cow. While the government periodically reviewed such monetary limits in response to inflation, the process was highly bureaucratized. Figures set upon by a review would almost instantaneously be eroded by inflation. Consequently, the hamstrung chiefs' courts were forced to refer even petty cases to higher courts. According to Chief Chipunza, their courts were left "with no job to do" while magistrates' courts were "flooded with cases that belonged to us".⁵⁷ This situation continued throughout the 1990s.

It appears the government was reluctant to cede to chiefs any significant judicial powers. In addition to the factors mentioned in preceding paragraphs, there was a great deal of foot-dragging in passing or implementing even those pieces of legislation that only marginally enhanced the powers of chiefs. A relatively long period passed before each stage of a bill was cleared, that is, introducing the bill, debating and passing it, and getting the presidential assent. For example, when Mugabe promised chiefs new legislation in 1985, it took five years for the Customary Law and Local Courts Bill (1990) to be adopted by Parliament. Two more years lapsed before presidential assent could be obtained. As regards the Bill, Chief Rusambo of Rushinga District was concerned that "the pipeline seems to have got longer and longer".⁵⁸ It is in this vein that some frustrated chiefs unilaterally and illegally assumed some judicial roles in their areas. Said Chief Mangwende in 1991,

Last year a bill was passed which enabled the chiefs to get back their powers, but up to now it is still in the pipeline [...] When shall we get back our powers? Right now some chiefs are already practicing these powers, but if caught practicing before the powers are warranted, they will be sued.⁵⁹

The bill only received presidential assent in 1992, seven years after the idea had been formulated.

55 *Herald*, 24 March 1992; All currency mentioned is in Zimbabwe dollars.

56 Interview: Author with Chief Chipunza, Rusape, 23 September 2014.

57 Interview: Author with Chief Chipunza, Rusape, 26 August 2015.

58 *Parliamentary Debates*, 8 August 1989, col. 151, Chief Patrick Rusambo.

59 *Parliamentary Debates*, 5 July 1991, col. 755–756, Chief Jonathan Mangwende.

4. THE “TECHNOCRATIC” STATE AND CONTINUED EXCLUSION OF CHIEFS FROM LAND ADMINISTRATION

Chiefs' relations with the post-independence government were also defined by their desire to retain effective control over rural land. At independence in 1980, ZANU-PF divested chiefs of all the authority they had over land. In 1967 the Rhodesian state had, through the Tribal Trust Land Act, returned to chiefs the power to allocate land in “communal” areas.⁶⁰ The appeasement was not least in order to entice chiefs to help ward off the forces of African nationalism. So chiefs' demands for power after independence were two-fold. Short of the restoration of their pre-colonial era powers, they demanded a return to, at least, their 1967 position.

Yet, the independence land administration strategy introduced by Eddison Zvobgo, the Minister of Local Government and Housing, barred chiefs from allocating land, whether for grazing, ploughing or settlement. Chiefs could not also dispossess villagers of their land or shift them around. In this respect, as David Lan opined, the government subjected traditional leaders to more rigorous and hostile legislation than “they had ever experienced in the past.”⁶¹ The Tribal Trust Land Act was replaced by the Communal Land Act (1981), which transferred their land responsibilities to Rural District Councils (RDCs). The District Councils Act (1980), whose main import was to consolidate the 220 African Councils into 55 district councils, further curtailed the role of chiefs in rural administration.⁶² For chiefs who participated in RDCs, their status was merely *ex-officio*.

This administrative philosophy was within the framework of VIDCOs and WADCOs. Being “on the ground”, they became the basic unit of administration in rural areas. They were important in mobilising the grassroots for development projects largely drawn by technocrats and the party hierarchy. Beyond this, VIDCOs and WADCOs, composed mainly of ZANU-PF cadres, were partly a product of the party's quest to substitute individuals and institutions that previously worked against it. But ZANU-PF preferred referring to their emergence as a fulfilment of its promise of grassroots democracy.⁶³

60 See, P Nyambara, “Immigrants, “traditional” leaders and the Rhodesian state: The power of “communal” land tenure and the politics of land acquisition in Gokwe, Zimbabwe, 1963–1979”, *Journal of Southern African Studies* 27 (4), 2001, pp. 778–781.

61 D Lan, *Guns and rain: Guerrillas and spirit mediums in Zimbabwe* (London: James Currey, 1985), p. 228.

62 V Thebe, “New realities and tenure reforms: Land-use in worker-peasant communities of south-western Zimbabwe, (1940s–2006)”. In: D Moore *et al.* (eds.), “*Progress in Zimbabwe?*”: *The past and present of a concept and a country* (London: Routledge, 2013), p. 113.

63 *Herald*, 23 June 1984.

Referred to by Ranger as the new “chiefs”, VIDCO and WADCO leadership appropriated many of the responsibilities known to belong to traditional leaders.⁶⁴ Consequently, chiefs did no more than, for example, ensuring that land identified for settlement did not contain graves or was not sacred.⁶⁵ As their recommendations to district councils were disregarded, chieftaincy was largely rendered titular.⁶⁶

Chiefs never hid their disdain for the “exclusionary” land policy of the government. They had always claimed to be the “autochthonous owners” of the land.⁶⁷ In 1988 Chief Tandji told the Manicaland Development Committee’s (MDC) Provincial Strategic Review Workshop that “you cannot be a chief without the powers to administer and allocate land, these two go hand in hand. Without these powers we are reduced to nothing”.⁶⁸ In 1995 Chief Mangwende, mobilising his peers to protest their diminished status in land affairs, told an RDC meeting that “the chief is the soil and the soil is the chief. It is wrong to separate the two, why are you removing us from issues of land”.⁶⁹

However, while the government was not keen to enhance chiefs’ authority over land, and insisted on a technocratic approach to rural governance, political imperatives demanded that it responds to chiefs’ concerns. But it had to win chiefs through little more than promises. This generated within government ambiguities and contradictions between policy, practise and rhetoric. Pro-chiefs and largely populist rhetoric by ZANU-PF politicians continued to sit side by side with the rejection of chieftaincy-based claims to land.⁷⁰ ZANU-PF Senator Adam Wenyimo lamented that without land powers,

It is going to make it very difficult for any chief to function. At installation processes, the chief is made to handle the soil. You hold the soil, but you cannot administer it [...] You will have to stop calling an area [for instance] Mutasa’s area because it means that is where chief Mutasa administers.⁷¹

64 Ranger, *Peasant consciousness*, p. 340.

65 Interview: Author with Chief Chiduku, Rusape, 22 July 2014.

66 Interview: Author with anonymous former Mukuwapasi VIDCO secretary, Rusape, 27 July 2014.

67 J Alexander, “Modernisation, tradition and control. Local and national struggles over authority and land: A case of Chimanimani District, Zimbabwe”, Manuscript, Oxford University, 1990, p. 2.

68 Uncatalogued Makoni DA file, Minutes of the Manicaland PDC, Provincial Strategic Review Meeting, March 1988.

69 Uncatalogued Makoni DA file, Minutes of the National Chiefs’ Council meeting, 18 May 1995.

70 Alexander, *The unsettled land*, p. 115.

71 *Parliamentary Debates*, 5 December 1989, col. 909, Adam Wenyimo.

However, chiefs' land aspirations had to continue to contend with the government's insistence on planning led by "trained and knowledgeable people".⁷² In addition to rural land, chiefs also demanded authority over resettlement land adjoining or near their areas. As regards Makoni District, soon after independence the government acquired land in Mayo and Romsley areas for resettlement purposes.⁷³ When Chief Makoni tried to assume jurisdiction over these lands, the government declined, insisting on "planned and organised" management of land.⁷⁴ As early as 1981 the Minister of Lands, Resettlement and Rural Development had advised that it was "not in the interest of sound administration to cede such processes to chiefs. The government already had the best machinery to do that".⁷⁵

When the Rural District Councils Act Bill was tabled in the late-1980s, it reignited chiefs' hopes of enhanced participation in land administration. They believed that since their relations with the state were on the mend, the reworking of various legislation governing land would be in their favour. As Chief Mangwende stated in late 1986, "I would like to thank President Mugabe for listening to us. As soon as this new Act they are working on is passed, these boys [councillors, land committees and technocrats] will know who the real owners of the land are".⁷⁶ However, they were disappointed when they discovered that the subsequent Rural District Councils Act (1988), with its emphasis on technocratic planning, continued to place them at the periphery of land administration, behind councillors and resettlement officers. This provoked a sharp reaction from Chief Charumbira,

We are surprised to know that this resettlement is carried out without the help of chiefs. The chief no longer has any rights over the people whom he used to guide. Do you think that our ancestors are happy about this, that now we have taken over the land, you still refuse us the right? The Resettlement Officer now has power over the chief who is the sole owner of that area. He tells me that "this area is no longer yours".⁷⁷

72 Uncatalogued Makoni DA file, Makoni RDC chairman, Minutes of the Manicaland PDC, 30 April 1990.

73 J Karumbidza, *Fragile and unsustainable miracle: Analysing the development potential of Zimbabwe's resettlement schemes, 1980–2000* (PhD, University of KwaZulu-Natal, 2009), p. 248.

74 Interview: Author with anonymous former deputy DA, Makoni District, Rusape, 27 August 2015; N Mutizwa-Mangiza, "Local government and planning in Zimbabwe: With special reference to the provincial/regional level". In: N Mutizwa-Mangiza and A Helmsing (eds.), *Rural development and planning in Zimbabwe* (Sidney: Averbury, 1991), p. 389.

75 Interview: Author with former deputy DA, Makoni District, Rusape, 27 August 2015.

76 Uncatalogued Makoni DA file, Independence Day speech, Murehwa, 18 April 1986.

77 *Parliamentary Debates*, 10 July 1990, col. 791–792, Chief Zephania Charumbira.

At the 1991 Makoni District Development Coordinating Committee (DCC) meeting Chief Tandri appealed to the government to revise the hierarchy of land administration in resettlement areas. Read the minutes,

The Resettlement Officer should not have the sole right to allocate land. He should ask the chiefs what to do. He urged Agricultural Extension officers to respect the ancestors by involving chiefs instead of just planning things without them. The government should educate the officers and councillors about who the chiefs are and what the land means to them.⁷⁸

Similar sentiments emerged from elsewhere across Zimbabwe. Chief Mangwende of Murehwa District suggested that the Rural District Councils Bill “be torn into pieces”⁷⁹ while chief Sogwala of Lower Gweru lamented that “it fell short of what we expected”.⁸⁰

Chiefs’ protests against their weakened status in land affairs were not only expressed in rhetoric. Some stopped supporting government-sponsored development projects in their areas. Makoni DA reported in 1989 of chiefs who took a “deliberately apathetic position to development initiatives” and seemed to have “a strong attitude against councillors and politicians involved in land planning and allocation”.⁸¹ Consequences of such a posture by some chiefs were evident. The DA observed that, as regards environmental protection, some chiefs “had stopped reprimanding villagers or causing their arrest for cutting down trees and other environmental transgressions”.⁸² If chiefs did reprimand or punish villagers, a former aide to Chief Tandri reported of the situation in the mid-1990s, “it was mainly to boost their status in the eyes of their subjects”, not a demonstration of fervent support of government’s environmental policy.⁸³ Chiefs also stopped encouraging villagers to come to development and planning meetings. Others disregarded the state’s restrictions on their participation in land processes by continuing to allocate land. According to Chief Chipunza, there were good reasons for their “illegal” acts,

We do not need anyone to tell us that this is our land. We know it very well because it has been ours for ages. People always come to us with their social problems and we help them. Why is it that they do not go to the police or the councillors for help?

78 Uncatalogued Makoni DA file, Minutes of the District DCC meeting on the drought situation, 14 November 1991.

79 *Midlands Times*, 11 February 1991.

80 *Midlands Times*, 11 February 1991.

81 Uncatalogued Makoni DA file, DDC minutes on the district’s food security status, 11 March 1989.

82 Uncatalogued Makoni DA file, DDC minutes on the district’s food security status.

83 Interview: Author with anonymous former aide to Chief Tandri, Rusape, 26 July 2014.

They know that chiefs are the real owners of the land and they govern better than anyone else.⁸⁴

As regards Chief Makoni, in 1995 he unilaterally extended his chieftaincy to Mayo, where he resettled people and appointed headmen. This prompted Makoni RDC Chief Executive Officer, Edward Pise, to advise people

not be fooled by so-called chiefs or headmen who were persuading them to move with them to resettlement schemes and at the end make them suffer humiliation after being evicted. There is no one called a chief or headmen we recognise [in Mayo].⁸⁵

Indeed, there was no legal provision for traditional leaders in the administration of resettlement schemes in the 1990s. These were acts of disgruntled chiefs.

Chiefs' anger was also directed at those above them in the hierarchy of a highly technocratic land administration system, especially councillors, resettlement officers and DAs. They accused them of disrespecting them, added to general incompetence. The 1992 minutes of the Provincial Development Committee (PDC) reported thus, "Some chiefs queried their status in the community *vis-à-vis* VIDCO chairmen and councillors. They complained that when VIDCO chairmen convened meetings [...], they were not informed. They were also worried about councillors who looked down upon them".⁸⁶ In Makoni, they accused councillors of land fraud, wastage of resources, lack of appreciation of grassroots aspirations, and for staying in, and operating from, Rusape town, far from the villages. Concerning the last point, Chief Tandí advised that as the district council was located "some 30 miles away" from his area,

[T]hese people can never see what happens here in the night. They can only see after the damage is done. I know it is government's policy that such powers be given to councils, but do you not think that it is better to give some of the powers to the local leadership in those areas rather than to conferring powers to men who live in remote areas.⁸⁷

At the other end, councillors, averse to chiefly involvement in key land matters, pointed to chiefs' limited technical capabilities.⁸⁸ In 1992 one Makoni District Council member had observed,

84 Interview: Author with Chief Chipunza, Rusape, 23 September 2014.

85 *Herald*, 17 October 1996.

86 Uncatalogued Makoni DA file, Minutes of Manicaland PDC Minutes, 30 April 1992.

87 Interview: Author with Chief Tandí, Rusape, 29 July 2014; *Moto*, 6 July 1982, p. 6.

88 N Kriger, *Struggles for independence: Rural conflicts in Zimbabwe's war for liberation* (PhD, Massachusetts Institute of Technology, 1985), p. 448, notes that a significant number of

Relations between chiefs and councillors are very strained. The two have no direct link with each other. Chiefs seldom appreciate the administrative thrust of the government. They do not want to work with their DAs, councillors or other people engaged in the development of their areas.⁸⁹

Occasionally, such tensions elicited the intervention of the central government.

Seeking to please both sides, government's intervention was ambiguous and contradictory. At the 1995 meeting of RDCs in Kariba, Minister of Local Government, Nkomo, castigated councillors for excluding chiefs from broader council affairs. He said, "For RDCs to be worried about the inclusion of chiefs into civic matters suggests that there is a lot they want to keep to themselves".⁹⁰ In another message that resonated with chiefs' interests, in 1998 ZANU-PF's Binga Member of Parliament, Sikajaya Muntanga argued that,

Instead of honouring the chiefs, we have created VIDCOs [...] VIDCOs have power which cannot be challenged by chiefs [who] were there before the whites came in. There is now a councillor [...] When the chiefs give advice they do not accept. They say the land and everything else should be solved by councillors.⁹¹

Nkomo presented another of the by now typical government responses,

The days are long gone when VIDCOs and WADCOs first chose the best fruits out of food relief, fertiliser supplies and settlement land for themselves and their kith and kin. The [chief-led] village assembly must now overtake these corrupt tendencies. We are [...] moving away from the system where mere political committees of an elective nature can lay exclusive claim to being representatives of the people.⁹²

Despite such pronouncements by senior ZANU-PF officials, little changed about the situation of chiefs as regards their claim to enhanced roles in land administration.

The foot-dragging that affected the reworking and implementation of legislation that was touted by the government as seeking to enhance chiefs' judicial powers also characterised the issue of chiefs and authority over land. Throughout the 1990s chiefs doubted the state's interest in translating rhetoric into practice. In 1992 Chief Chiduku told a DDC meeting that, "We are told that powers are being restored to the chiefs but we do not see where these

councils in Melsetter District resisted the participation of chiefs in their operations.

89 Uncatalogued Makoni DA file, Minutes of Makoni District Council meeting, 11 February 1992.
90 *Sunday Mail*, 5 May 1995.

91 *Parliamentary Debates*, 11 March 1998, col. 4029, Sikajaya Muntanga.

92 *Parliamentary Debates*, 13 October 1998, col. 924, John Nkomo.

powers are. Although they persist in saying that [...] we the chiefs who are supposed to exercise these powers do not see them”.⁹³ Frustrated by the delays, chiefs sometimes exercised authority over land outside the dictates of the law. In Makoni District, Chief Chipunza was threatened with prosecution in 1992 for illegally allocating land and for charging allocation fees.⁹⁴ As with the Customary Law and Local Courts Bill (1990), they had hoped that the Chiefs and Headmen (Amendment) Bill, introduced in 1992, would eventually restore their land powers. However, the bill was only adopted by Parliament in 1995. It was never signed into law as it was overtaken by the Traditional Leaders Bill (1998), another piece of legislation whose tenets were not different from those of the previous bills. In 1998 ZANU-PF legislator, Moses Mvenge, expressed his frustrations over his government’s failure to expedite the processing of laws relating to chiefs,

Up to this day in 1998 it [the Chiefs and Headmen (Amendment) Act] has not seen the light of day. I do not want to say this is criminal, it is unparliamentary [...] This is really ridiculous when we get bills that were supposed to be debated in 1995, in 1998 they are still outstanding, and the president puts them on his speech year in, year out.⁹⁵

Indeed, year in, year out chiefs were fed promises than actual power. In 1998 opposition parliamentarian, Margaret Dongo, observed that, frustrated by being restricted to “ritual functions”, some chiefs began to reminisce that “Smith was better”.⁹⁶ For them, Smith enhanced their authority over land and broader rural administration in the late-1960s in a much substantial manner than, as Chief Chiduku lamented, “we are experiencing today”.⁹⁷ Such sentiments were certain to unsettle ZANU-PF.

5. OPPOSITION POLITICS AND THE RETURN OF CHIEFS

As hinted earlier, the state’s realignment of its relations with chiefs had a political context. It had to contend with various hostile political forces and needed all the support it could muster, including from chiefs, to repel them. The political factor in this regard had two dimensions. First, the disgruntled chiefs could potentially shift their support away from ZANU-PF to opposition politics. As political opposition and challenges from Civil Society Organisations (CSO) gained momentum, there was need by the government to tame the

93 Uncatalogued Makoni DA file, Speech by Chief Chiduku on the occasion of World Environment Day, 5 June 1992, p. 2.

94 Interview: Author with Chief Chipunza, Rusape, 23 September 2014.

95 *Parliamentary Debates*, 29 July 1998, col. 59–60, Moses Mvenge.

96 *Parliamentary Debates*, 13 May 1998, col. 4747, Margaret Dongo.

97 Uncatalogued Makoni DA file, Minutes of Makoni District Council meeting, 3 March 1992.

chiefs. Second, chiefs sometimes considered using their perceived grassroots social clout to make claims on the politically anxious state. As early as 1987 Chief Mangwende cautioned ZANU-PF that if it continued to ignore chiefs' concerns, "sooner or later, you will hunt for us in our little huts" begging for political support.⁹⁸ This became chiefs' refrain in their dialogue with the state throughout the 1990s.

At different moments since taking over power in 1980, ZANU-PF was challenged in different ways by various political and social movements. For instance, up to the signing of the Unity Accord in 1987, the government was anxious of the presence of Zimbabwe African People's Union (ZAPU) on the Zimbabwean political landscape. ZAPU had Matabeleland regions as its electoral stronghold as reflected by both the 1980 and 1985 elections.⁹⁹ From another angle, the government also accused ZAPU of being behind dissident activities that mainly afflicted Matabeleland and Midlands regions between 1980 and 1987.¹⁰⁰ Many other constituencies operated outside, or were not fully within, ZANU-PF politics. Some felt excluded from the state-making project. Added to chiefs were, among other groups, war veterans, with their demands for war gratuities, land-hungry peasants, and labour unions.¹⁰¹ As the 1980s progressed, and as the risk of these interest groups joining hostile politics increased, it became imperative for the state to make overtures to them. With their widely-acknowledged devotion to social stability and law and order, ZANU-PF reckoned, if well-mobilised, chiefs would be vital not only for wider state security considerations but also as an electoral instrument for the party in rural areas. It is in this respect that Minister of Home Affairs, Enos Nkala, conceded in 1987 that "Chiefs [are] the eyes and the ears of the government".¹⁰² This was a narrative also previously used by the UDI government.

For a brief moment, as the 1980s drew to a close, it appeared key political formations that sought to unseat ZANU-PF were either collapsing or increasingly weakening. This was particularly signified by the merger between

98 *Parliamentary Debates*, 9 September 1987, col. 564, Chief Jonathan Mangwende.

99 For example, while ZANU-PF scooped 64 of the 94 common roll parliamentary seats in the 1985 election, ZAPU claimed all 15 Matabeleland seats on offer. See, M Sithole and J Makumbe, "Elections in Zimbabwe: The ZANU-PF hegemony and its incipient decline", *African Journal of Political Science* 2 (1), 1997, pp. 126–127.

100 M Htun, *The struggle for political hegemony and a one-party state in Zimbabwe* (Stanford, CA: Stanford University International Relations, 1991), p. 89; While it did not instantaneously end dissident activities, which continued but with waning potency, the Unity Accord appeased many of Nkomo's supporters.

101 N Kriger, "ZANU-PF strategies in general elections, 1980–2000: Discourse and coercion", *African Affairs* 104 (414), 2005, pp. 1–34, for instance, considers the involvement of war veterans from being uneasy bedfellows with the government to being reliable electoral partners.

102 *Herald*, 16 September 1987.

ZANU-PF and ZAPU in 1987, after seven years of deep acrimony. Indeed, the development was important for the ruling party as it eliminated its most substantial challenge to its hegemony.¹⁰³ Yet, other political formations still emerged with verve and enthusiasm to contest Mugabe's rule. Most notable was Zimbabwe Unity Movement (ZUM), formed in 1989 and led by former ZANU-PF Minister Edgar Tekere.¹⁰⁴ With its politics primarily anchored on confronting growing corruption, human rights violations and authoritarianism, it presented ZANU-PF with an electoral scare in the 1990 elections. In an era that also signified the rise of post-independence "urban associational life",¹⁰⁵ ZUM mobilised students, churches, labour and human rights activists, among other constituencies, to gain 18 per cent of the national vote.¹⁰⁶

While ZANU-PF resoundingly won the 1990 election, public disgruntlement over the worsening national socio-economic outlook was clear. From the early 1980s, the struggling economy was bedevilled by widespread company closures, increased job cuts, and acute inflation, among other indicators.¹⁰⁷ It is in this context that some people began to talk nostalgically about "Makore aSmith – the years of Smith – when money had value and a secondary-school education would almost certainly lead to employment".¹⁰⁸ Government's adoption of the Bretton Woods-prescribed Economic Structural Adjustment Programme (ESAP) in 1991,¹⁰⁹ and the food and labour riots that afflicted the country between 1996 and 1998 significantly revealed the depth of the unfolding economic crisis in Zimbabwe. The disgruntlement was also expressed by, among other groups, labour movements, intellectuals,

103 Other political formations such as UANC and the Zimbabwe African National Union-Ndonga (ZANU-Ndonga) seemed to be falling further out of relevance, particularly judging by their poor electoral performances or failure to field candidates in some constituencies.

104 For ZUM politics see, Kriger, "ZANU-PF strategies", pp. 13–20.

105 Maxwell, *Christians and chiefs*, p. 210; Kriger, "ZANU-PF strategies", p. 14.

106 In some areas ZUM scored as high as 30 per cent of the vote; Despite not winning any parliamentary seat in the 1990 election, and largely failing to penetrate rural areas, ZUM clearly mounted a considerable electoral challenge to ZANU-PF; See, S Chan, *Robert Mugabe: A life of power and violence* (New York: Michigan University Press, 2003), p. 44.

107 C Sylvester, *Zimbabwe: The terrain of contradictory development* (Boulder: Westview Press, 1991) gives a more nuanced analysis of Zimbabwe's political economy in the first decade of independence.

108 Maxwell, *Christians and chiefs*, p. 178.

109 The concept, predicated on government austerity, largely entailed cutbacks on public expenditure. For an in-depth examination of the impact of ESAP in Zimbabwe see, A Mlambo, *The Economic Structural Adjustment Programme: The case of Zimbabwe, 1990–1995* (Harare: University of Zimbabwe Publications, 1997); N Kanji, "Gender, poverty and economic adjustment in Harare, Zimbabwe", *Environment and Urbanisation* 7 (1), 1995, p. 39; For example, upon the implementation of ESAP, substantial user fees were either increased or introduced in public health and educational institutions, the cost of living for low income families increased by 45 percent between mid-1991 and 1992, and 60,000 mainly parastatal workers were retrenched by the end of 1993.

churches, students, war veterans, and the broader “sinking middle class”.¹¹⁰ The political dimension was also emphasised by CSOs such as the International Socialist Organisation’s (ISO) slogans such as “Smash ESAP, Smash ZANU-PF”,¹¹¹ and its characterisation of its efforts as a struggle “against poverty, ZANU-PF lies and [...] the land issue”.¹¹² The 1990s, described by Joseph Sutcliffe as “a decade of activism”, further alerted ZANU-PF to its growing unpopularity in urban areas.¹¹³

While dominated by ZANU-PF, the political terrain in rural areas was not entirely in favour of the ruling party. Rural areas were not immune to the growing economic challenges. They also bore the brunt of general maladministration, corruption, policy shortcomings and failure by the government to deliver development. In a small way, they occasionally made known their feelings by such acts as resisting payment of various fees and taxes. To cushion themselves from the harsh economic environment they resorted to, among other things, poaching, illegal tree cutting, and illegal gold panning. Maxwell observed that the majority of Katerere youths supported ZUM, while Judith De Wolf established in 1996 that many Ruwange villagers “display[ed] apathy towards everything concerning ZANU-PF”.¹¹⁴ ZANU-PF was dicing with losing “its most valuable electoral constituency”.¹¹⁵ It ill-afforded to.

ZANU-PF’s situation in rural areas was further complicated by the fact that, in some instances, the concerns and aspirations of chiefs coincided with the issues raised by some opposition parties. In 1989 ZUM bemoaned that the question of chiefs’ powers, particularly over land, “has been an area of disappointment for our traditional leaders”.¹¹⁶ Its 1990 manifesto promised to “restore and secure the dignity of chiefs” and invited them to “contribute [...] to the running of our country”.¹¹⁷ Tekere’s 1992 tour of Mhondoro “communal” lands and parts of Manicaland, his home province, was largely meant to mobilise the rural vote through establishing rapport with chiefs.¹¹⁸ He met several chiefs throughout Manicaland and other provinces. In fact, during the period under study, several other chiefs across the country had been linked

110 Alexander, *The unsettled land*, p. 183.

111 National Constitutional Assembly (NCA) Resource Centre, *Flyer* by ISO, 1995.

112 NCA Resource Centre, ISO and ZCTU poster, 1998.

113 J Sutcliffe “Shinga mushandi shinga! Qina msebenzi qina!” (Workers be resolute! Fight on!): The labour movement in Zimbabwe”, *Journal of Politics and International Studies* 8, 2012, p. 9.

114 Quoted in Maxwell, *Christians and chiefs*, p. 178.

115 Alexander, *The unsettled land*, p. 182.

116 *Parliamentary Debates*, 18 July 1989, col. 335, Edgar Tekere.

117 ZUM, *The manifesto: Towards a democratic Zimbabwe* (Gweru: ZUM, 1989), p. 7.

118 Chan, *Robert Mugabe*, p. 44.

to opposition parties. Earlier, in 1985, Chief Mugabe of Masvingo District was linked to the United African National Congress (UANC).¹¹⁹ In 1991 Mutoko Districts' Chief Mutoko was linked to the Zimbabwe Democratic Party.¹²⁰ In 1993 Chief Maduna Mafu of Insiza District was forced to publicly declare his allegiance to ZANU-PF after being linked to the newly-established Forum Party.¹²¹

In 1998, in the context of unfavourable political conditions to ZANU-PF, Chief Makoni suggested that if the government continued to exclude them from land administration, this would have implications on their electoral mobilisation efforts. He warned, "you will not win without us".¹²² This was during the period Zimbabwe was experiencing a spurt of invasions of white-owned farms by thousands of land-hungry people frustrated by the slow pace of land redistribution. Chief Svosve is one of the chiefs who in the period 1997 to 1998, delved into populism and supported the invaders. His people invaded farms near Marondera town, arguing that the government was taking long to respond to their plea for land they lost through colonial processes.¹²³ Beyond identifying with the struggle of the landless, chiefs saw in the invasions opportunity to create or strengthen constituencies of support and to seize the initiative in the battle over broader land processes, without which, Maxwell had observed, they struggled for authority.¹²⁴ In 1998 in Makoni District Chief Makoni encouraged people to claim land adjacent to commercial farms such as Romsley and Mayo, not least for historical reasons.

These local strategies not only demonstrated the ambition of chiefs as regards power and authority but also provoked concern in ZANU-PF and other elements within the land administration hierarchy.¹²⁵ ZANU-PF became concerned that land-hungry people and chiefs would form a hostile alliance that would open the way further for opposition politics in rural areas. As Eric Cabaye wrote in the case of Cameroon, those in control of land and land processes also control the politics of those tied to it.¹²⁶ The state had to strike a delicate balance between ensuring that it did not lose the initiative over land to chiefs and that chiefs firmly remained on its side. This was particularly so as

119 *Herald*, 2 June 1985.

120 *Herald*, 28 June 1991.

121 *Herald*, 17 April 1993.

122 *Parliamentary Debates*, 30 July 1998, col. 68, Chief Naboth Makoni.

123 *Sunday Mail*, 21 June 1998; *Herald*, 29 June 1998.

124 Maxwell, *Christians and chiefs*, p. 179.

125 Maxwell, *Christians and chiefs*, p. 174.

126 E Cabaye, *Land use in eastern Cameroon* (Yaounde: Institute of Natural Resource Policy, 1999), p. 11; In Makoni District, interviewed villagers acknowledged the centrality of chiefs to land allocation and that they are, to an extent, bound to them by their fear of losing access to land.

political opposition and civil society organisations had begun to speak strongly against ZANU-PF's failure in social reform, including land redistribution.¹²⁷

ZANU-PF's political concerns continued to worsen as the 2000s approached. The emergence and instant popularity of the Movement for Democratic Change (MDC) in 1999 to challenge ZANU-PF's hegemony radically transformed Zimbabwe's political landscape. It presented ZANU-PF with its most formidable electoral challenge since 1980.¹²⁸ This was a culmination of what Alexander and De Wolf observed of ZANU-PF in the 1990s, that the party was rapidly declining at a local level, including in rural areas.¹²⁹ The vibrancy which characterised its politics in the 1980s gradually decreased, so were turnouts at local rallies and election victory margins, a consequence of a mix of exhausted independence euphoria and nationalism, growing economic challenges, and more confident opposition politics. In this respect, ZANU-PF had to turn to chiefs for a base of political mobilisation in rural areas.

6. THE QUEST FOR SOCIAL CONTROL AND STABILITY

While political motivations were central to the government's advance towards chiefs, the desire to enhance social stability also came into play. After all, chiefs'-led social stability would enhance political control. Even councils and technocrats, despite their general disdain for chiefs, would sometimes seek to tap into the local influence of traditional leaders. They often struggled with villagers in the implementation of development plans, including the collection of levies, which in 1993 the Makoni RDC conceded, was "rather disappointing".¹³⁰ A former Mayo councillor remembered how villagers hated both councillors and resettlement officers for compelling them to pay levies. Council coffers, he said, "were often depleted because villagers simply refused to pay. They threatened violence, and to stop supporting ZANU-PF".¹³¹

Councils also faced challenges in enforcing environmental conservation measures, as some villagers claimed that the independence Zimbabwe

127 See, for example, NCA Resource Centre, flyer by ISO.

128 That MDC's launch rally, attended by an estimated 20,000 people, was one of the biggest by an opposition party in many years is revealing. Furthermore, MDC successfully campaigned for a "No" vote in the constitutional referendum of February 2000 against the government's wish for a "Yes" vote, inflicting on ZANU-PF its first major electoral defeat since 1980. In June of the same year, MDC won 57 of the 120 contested parliamentary seats. Yet in the previous two elections ZANU-PF had won 117 and 118 seats, respectively.

129 Cited in Maxwell, *Christians and chiefs*, pp. 183–184.

130 Makoni District Council minutes, quoted in I Dande, *Changing oral memory, identity and chiefly politics in Makoni District, 1850–2004* (BA, University of Zimbabwe, 2005), p. 50.

131 Interview: Author with anonymous former Mayo Resettlement Scheme councillor, Rusape, 19 February 2015.

attained in 1980 entailed unrestricted access to, and exploitation of, the country's resources. In Mayo in the 1980s, as Ranger noted, there was widespread overgrazing, riverbank cultivation and indiscriminate felling of trees by villagers.¹³² Attempts at intervention were sometimes met with the response that these resources were "the gifts of our ancestors", "fruits of our independence" and that no one could stop them from enjoying them. Another former Mayo councillor corroborated, "We were not effective because chiefs were not in good terms with us. Also, the government was afraid of using a heavy hand against the villagers for fear of losing political support. To villagers, independence meant doing as they pleased with the land, the trees and the rivers".¹³³ In Makoni district areas like Bingaguru, Bamba and Nyahawa suffered extreme deforestation in the 1980s and 1990s, and rivers like Bonda, Chikobvore and Magokwa were exposed to intense siltation.¹³⁴ Protesting chiefs blamed the government for preferring "young men [who] think the chief is not capable of doing anything".¹³⁵ Sometimes chiefs sided with their villagers on rejecting fees for, among other things, land, school and cattle dipping, and they became reluctant to punish environmental offenders.¹³⁶

Such challenges compelled the government to consider bringing chiefs closer as an administrative ally. It was sometimes argued by both chiefs and those sympathetic to them that the social problems that afflicted rural areas, including crime, child delinquency, divorce, abortions and extramarital affairs, were due to the fact that chiefs had been stripped of most of their powers. In making this connection, Gara reflected in 1995,

It was a mistake to take away some of the powers of chiefs [...] we have watched the general decay of traditional society over time and we have come to the realisation that the loss of cultural identity of our people, the absence of Africanness among our younger generation is partly traceable to our downgrading of traditional leadership structures at independence.¹³⁷

In 1996 he lamented thus,

Today's chief is a mere figurehead who has no real leadership responsibilities and powers [...] he has been sidelined to watch processes of government from afar while society under him falls apart. The ordinary person is left with no focal point of loyalty, obedience and protection.¹³⁸

132 Ranger, *Peasant consciousness*, p. 311.

133 Interview: Author with anonymous former Makoni RDC member, Harare, 2 February 2015.

134 Interview: Author with Chief Chipunza, Rusape, 23 September 2014.

135 *Parliamentary Debates*, 9 September 1987, col. 565, Chief Jonathan Mangwende.

136 Alexander, *The unsettled land*, p. 163.

137 *Herald*, 19 August 1995.

138 *Herald*, 8 June 1996.

Bringing chieftaincy back in, he added, would “avert what may lead to a complete breakdown of law and order in the rural countryside”.¹³⁹ As van Binsbergen observed in independent Zambia, chiefs were “an indispensable part of the ideology that defines social order”.¹⁴⁰ As regards Makoni District, Chief Chipunza believed that they needed to play a more direct role in, among other things,

[T]he maintenance of useful traditional customs, control the use of land and natural resources and generally to maintain law and order in the society. If nothing is done about it our people will not understand us and there will be chaos which will not spare even the politicians.¹⁴¹

Evidently, both chiefs and ZANU-PF politicians were aware of the interplay between social and political forces in rural areas.

As the 1990s came to a close, there was little doubt that chiefs had to be brought back in to help with social control and to avert costly political consequences. The Minister of Local Government acknowledged the nexus,

The stability of the state cannot be assured unless the elective governance structures that govern people at the local level are made to pay due respect to the traditions and institutions that distinguish us as Africans and have bound local communities together since time immemorial [...] The people are demanding a leadership that attracts their traditional respect, not one that demands respect with no corresponding positive return for society [...] We must therefore acknowledge the existence of traditional institutions [...]¹⁴²

As ZANU-PF Member of Parliament for Pumula-Magwegwe, Norman Zikhali, warned his party,

If we do not do something [about the chiefs] now, our people will not understand us. If our people do not understand us the next thing is chaos, chaos which will [...] threaten the rulers who are Ministers and perhaps members of Parliament [...] We cannot afford that.¹⁴³

As in the colonial period, the idea that customary leaders were a base for social stability and policy implementation, and a buffer against the invasion of hostile politics, was beginning to gain traction. In the hope of appeasing the disgruntled chiefs, in 1998, the government repealed the

139 *Parliamentary Debates*, 13 October 1998, col. 914, John Nkomo.

140 van Binsbergen, “Chiefs in independent Zambia”, p. 14.

141 Interview: Author with Chief Chipunza, Rusape, 23 September 2014.

142 *Parliamentary Debates*, 13 October 1998, col. 921, John Nkomo.

143 *Parliamentary Debates*, 30 July 1998, col. 74, Norman Zikhali.

Chiefs and Headmen Act and enacted the Traditional Leaders Act. It touted it as an offer of “respect, status and responsibility to our traditional leaders who were humiliated and marginalised before [...] independence”.¹⁴⁴ It simultaneously amended the Rural District Councils Act, which now placed occupiers of resettlement land under the jurisdiction of traditional leaders.¹⁴⁵ For example, the Mayo resettlement area was placed under Chief Makoni, so that “those people are answerable to the chief”.¹⁴⁶ It is partly in this respect that the Traditional Leaders Act gave chiefs enhanced roles in environmental protection. Government officials “celebrated” this development, particularly as “it does not take time for the chief to know what has happened” in his area.¹⁴⁷ Clearly, there was a shift in the attitude of ZANU-PF politicians, councillors and DAs towards chiefs. However, it was only minimal for they still could not allow chiefs advanced roles in land and broader administrative affairs.

Despite new and revised legislation, and a flurry of pro-chiefs rhetoric, chiefs continued to complain that they were still emasculated.¹⁴⁸ Innocent Dande and Kurebwa’s respective contentions that the Traditional Leaders Act intended “to give back to chiefs the power to allocate land”¹⁴⁹ and that it restored “most of the powers of the institution”¹⁵⁰ are rather overstated. As was the case over the years, despite the 23 functions granted by the Act, chiefs remained on the fringes of the state with “Rhodesian-era-like list of duties”.¹⁵¹ Their roles still did not go beyond basic environmental policing and reporting crime. They were limited to, for instance, helping to identify those in need of land, ensuring that land permits generated by RDCs and DA-led land committees reached successful land applicants, and identifying sacred and burial sites.¹⁵² The Act demonstrated enhanced state recognition of chiefs but there still was little space for cultural and spiritual sentimentality in a technocratic state. ZANU-PF preferred winning chiefs over by means other than returning to them effective authority over rural judicial and land affairs. In its modest responses to chiefs’ concerns, the government’s hand was forced by the changing and pressing political circumstances. Key was the desire to

144 ZANU-PF, *The people’s manifesto. The Third Chimurenga: Land for economic empowerment* (Harare: ZANU-PF, 2001), p. 48.

145 *Rural District Council Act*, 1998.

146 *Parliamentary Debates*, 27 October 1998, col. 1314, Tony Gara.

147 Speech by DA Makoni, on the official installation of Rivai Mbaimbai as Chief Chiduku, 22 March 2000; Uncatalogued Makoni DA file, Speech by Deputy Minister for Local Government, Rural and Urban Planning, Tony Gara, on the official installation of Rivai Mbaimbai.

148 Cited in Karumbidza, *Fragile and unsustainable miracle*, p. 206.

149 Dande, *Changing oral memory*, pp. 49–50.

150 Kurebwa, “The capture of traditional leaders”, p. 207.

151 Alexander, *The unsettled land*, p. 183.

152 Interview: Author with Chief Chipunza, Rusape, 23 September 2014.

tap into chiefs' mobilising capacity and to deploy them in a manner observed and described by Mamdani as "decentralised despotism".¹⁵³ Save for the endearing rhetoric by the state, their position with regards to the powers they craved for remained largely as it was in the first five years of independence.

7. CONCLUSION

The political, economic, social and security challenges that converged in the mid-1980s to threaten ZANU-PF's hegemony forced the party to reconsider its strategies. After five years of restricting chiefs to the fringes of the state on account of their being "backward" and "undemocratic" "agents" of the UDI regime, the government made a *volte-face* and began to make overtures to traditional leaders. This new direction was underscored by enhanced attention to, and revival of, notions of "tradition", "Africanness" and "culture". Throughout the rest of the 1980s and through to the end 1990s, the government realigned its rhetoric, legislation and policies in order to re-establish and strengthen relations with chiefs and the rest of the traditional leadership hierarchy. The most fundamental promise carried by these overtures was the restoration of their land and judicial powers. Building on literature that has considered the state's motivations for turning to chiefs, this article has examined the extent to which the government lived up to its promise to give chiefs back their land and judicial powers. It has established that despite adopting a pro-chiefs posture, the government never ceded any substantial powers to chiefs. It does appear it never intended to. It walked a delicate line of seeking to co-opt them, and to tap into their legitimating power and proven grassroots mobilising capabilities, while simultaneously rejecting their "excessive" claims on the state. By the end of the 1990s, proclaiming itself to be a technocratic government, it practically kept chiefs out of land processes, and only gave them restricted judicial powers, a situation chiefs consistently protested about.

Politics, rather than a desire to address chiefs' concerns, was central to the state's rejuvenated interest in chieftaincy. It never went beyond seeking to use chiefs as an accessory in the context of waning political fortunes, and the need to protect rural areas from the invasion of hostile politics which largely originated in urban areas. If chiefs thought endearing themselves to the state would regain them their powers, it was an exercise in futility. Continuing to be fed promises, as in the 1980s, their status remained largely unchanged by the end of the 1990s as they still struggled with regaining authority over land and enhanced judicial powers. The various overtures made to chiefs by the state

153 L Hadzoi, Continuity and change in the powers of chiefs, c.1951–2000: A case study of Gutu District (BA, University of Zimbabwe, 2003), p. 8; Mamdani, *Citizen and subject*, pp. 109–137.

were, in borrowed parlance, “winds of small change” as the state continued to emphasise land planning and allocation on a technocratic basis, with chiefs as mostly implementers of state-drafted programmes.