



Local Government Working Paper Series No. 2

2010

LOCAL AUTHORITIES AND TRADITIONAL LEADERSHIP

Author: John Makumbe

The Local Government Working Paper Series disseminates policy and legal analyses to improve local governance on the African Continent. The papers are short, preliminary studies intending to provide a brief look at relevant and timely topics. For additional information, please contact Prof. Jaap de Visser at jdevisser@uwc.ac.za or visit the Local Government Project website at <http://www.communitylawcentre.org.za/communitylawcentre.org.za/clc-projects/local-government/>

The opinions expressed in this paper are those of the authors. They do not necessarily represent the views of the Community Law Centre or the University of the Western Cape, nor should they be attributed to them.

Introduction:

There are various levels of traditional leaders in Zimbabwe. Traditional chiefs and headmen are the commonest ones, but only the chiefs will be discussed in this paper since headmen have very little, if anything, to do with local government. Chiefs have been part of the African cultural system for hundreds of years in Zimbabwe.¹ As long ago as 1910, traditional chiefs began to be appointed by governors and then later by presidents in accordance with the law. Today, chiefs are appointed by the president in accordance with section 111 of the Constitution of Zimbabwe, and section 3 of the Chiefs and Headmen Act.² The president also has the power to remove a chief from office. Part of the Chiefs and headmen Act reads:

- (1) The President shall appoint chiefs to preside over communities.
- (2) In appointing a chief in terms of subsection (1) the President shall give due consideration to the customary principles of succession, if any, applicable to the community over which such chief is to preside.
- (3) The President may, where he is of the opinion that good cause exists, remove a chief appointed in terms of subsection (1) from office.³

Further, chiefs that have been so appointed are entitled to be paid by the State an allowance or salary that is decided by the government through an Act of Parliament. Section 4 of the Chiefs and Headman Act states, “Subject to this Act, a chief appointed in terms of subsection (1) shall be paid such allowances as may from time to time be prescribed from moneys appropriated for the purpose by Act of Parliament.”⁴ These constitutional and statutory provisions have had a significant impact upon the relationship between successive regimes in Zimbabwe and traditional authorities. The present paper will, however, focus on the relationship, if any, between chiefs and local government units in Zimbabwe.

Relationships between local and traditional authorities:

Both the Constitution of Zimbabwe and the Chiefs and Headmen Act provide for various forms of relationships between traditional authorities, particularly chiefs, and local authorities. The rationale behind this arrangement is essentially that traditional leaders play a significant role in the lives of the majority of the African people of Zimbabwe. Traditional leaders are generally accepted as

¹ Linington 2001

² Linington 2001

³ Chiefs and Headmen Act section 3

⁴ Chiefs and Headmen Act section 4

the custodians of customary law and practice, and their support has always been sought after by successive regimes since Zimbabwe was colonised. Colonial governments, for example, made effective use of chiefs to mobilise the African people to participate in selected government programmes largely aimed at ensuring the people's compliance with colonial rules. This eventually resulted in the alienation of some chiefs from their people during the liberation struggle for the decolonisation of Zimbabwe. Traditional leaders that were reluctant to co-operate with the colonial regimes were often penalised or dethroned, and new leaders installed in their places. The post-colonial Government of Zimbabwe has also sought to make use of traditional authorities to generate and sustain popular political support for ZanuPF. The following are some of the various governmental structures within which traditional authorities interface with local authorities.

Powers and responsibilities of chiefs:

The primary responsibility of chiefs is to provide traditional leadership to their communities, as well as to perform the duties assigned to them under customary law and the Chiefs and Headmen Act. Under customary law, traditional leaders have custody of communal land. They can allocate that land to local residents for both residential and agricultural purposes. They also play a minor role in the settling of disputes among their people, and these are mainly cases of a civil rather than a criminal nature. This means that apart from settling disputes among the people of their communities, chiefs also have responsibilities in relation to the Council of Chiefs, which is created under the Chiefs and Headmen Act. Each province in Zimbabwe has an assembly of chiefs generally referred to as a Provincial Assembly.⁵ All the chiefs in each province qualify as members of this assembly, and one of the chiefs is normally elected by the chiefs themselves to preside over the meetings. Although the Provincial Assembly is generally regarded as a local government structure, there is little evidence that the substance of its proceedings have any bearing on how the province is governed. For example, unlike Rural District Councils and Urban Councils, Provincial Assemblies do not make by-laws; they do not provide any goods and services to the communities in their respective provinces. It is this author's view that the relevance of Provincial Assemblies to local governance is more imagined than real.

Role and functions of Provincial Assemblies:

⁵ Linington 2001

Operating within the Provincial Assemblies, chiefs have two major functions, namely, to elect from among themselves, representatives to serve on the national Council of Chiefs, and to bring to the Provincial Assembly and to the Minister of Local Government matters of a local or national interest for consideration. The Minister of Local Government may also bring issues of national or local interest to the Provincial Assembly for consideration. In most cases, these would be matters that have a bearing on persons living in the provinces concerned.⁶ An example of this would be the displacement of some people from the area of the traditional leader's jurisdiction for economic reasons such as mining, or for military and security purposes. there is always resistance to relocation among the people, and the traditional leaders will be tasked with persuading their people to agree to relocation. They may demand to be compensated by the central government or by a private company for their losses and inconvenience. A major weakness of the Provincial Assemblies is that they only meet when the Minister of Local Government directs them to do so, or when one-third of the membership requests the Minister to call a meeting. Here again, there is little evidence that the outcomes of their meetings contribute in any meaningful manner to provincial governance. In fact, the Minister of local Government rarely ever calls for these meetings since there are likely to be costs to his ministry as a result.

Council of Chiefs:

Section 1 of the Chiefs and Headmen Act provides for the election of some chiefs to sit on the Council of Chiefs, as has already been noted earlier. Because of the need to ensure a certain degree of ethnic accommodation, the Constitution of Zimbabwe provides for the creation of two councils of chiefs, but to date, only one such council has been created.⁷ The initial assumption may have been that each of the two major ethnic groups – Ndebele and Shona – may have preferred to have its own council of chiefs instead of combining with the other group whose customary principles and practices may be different. The primary function of the Council of Chiefs is to make representations to the Minister of Local Government in respect of the interests of the people that live on Communal Land.⁸ In most cases, this relates to the central government proposed infrastructural development in the respective areas, some of which may disrupt the lives of the people in the communal areas. The building of dams, for example, has always resulted in the need for some serious adjustments to the living patterns of some of the communities in communal areas.

⁶ Chiefs and Headmen Act section 17 (c)(ii)

⁷ Linington 2001

⁸ Linington 2001

Traditional leaders play the role of mediating between the government and the people in their areas. The council also considers the reports submitted to it by Provincial Assemblies.⁹ A third function of the Council of Chiefs is to sit as an Electoral College to elect some eighteen chiefs to sit in the Senate. The Constitution of Zimbabwe (as amended 2005) makes provision for the inclusion of eighteen chiefs in the Senate. They have voting powers and they deliberate fully on all matters that reach the upper house of the legislature. Here again, there is little evidence that whatever the Council of Chiefs deliberates upon impacts in any significant manner on either local or national governance in Zimbabwe. The Council of Chiefs does not make any by-laws, nor does it engage in the provision of any goods and services to the public.

Rural District Councils:

Rural District Councils (RDCs) cover the areas that are designated as Communal Land in Zimbabwe. There are fifty-eight RDCs throughout the country, and they exercise devolved power in theory, but in practice virtually all they seek to do has to be approved by the Central government through the Minister of Local Government, who is accorded enormous power by the Rural District Councils Act. For example, the Minister appoints a maximum of three chiefs into each of the RDCs:

All Rural District Councils have been divided into wards for the purpose of electing councillors. These Councils are headed by a chairman who is elected from among the councillors, by the councillors at their first meeting following a general election which is held every four years. In addition to the elected councillors the Minister also appoints up to three Chiefs from within any given Council area for the purposes of representation of the traditional leaders.¹⁰

Since chiefs are not elected into the RDCs, they can only sit in the council as *ex-officio* members of their respective councils. They do not have voting rights but they can participate in the deliberations of the council. Traditionally, chiefs had the power and authority to allocate land to the people in their areas. In doing this, they were assisted by headmen and village heads who serve under the chiefs. The Communal Land Act, however, changed this arrangement and transferred the land allocation responsibility to the RDCs:

⁹ Chiefs and Headmen Act section 20 (a) and (b)

¹⁰ Ministry of Local Government website

Rural District Councils are also the land allocating authorities within their respective areas of jurisdiction. In terms of the Communal Land Act, Rural District Councils are the land authorities and are therefore responsible for the allocation of land within their areas of responsibility. However, this allocation is carried out within the confines or provisions of traditions and customs of which it is commonly accepted that the traditional leadership are the custodians. This in essence means that whilst the local authority is the land authority, land allocation is carried out hand in hand with the traditional leadership whose role is acknowledged and appreciated.¹¹

As custodians of communal lands, chiefs and headmen do allocate land to their people for residential and agricultural purposes, as noted earlier, except land that is located at business centres or land to be used for commercial farming. This means that there is some convergence in the implementation of the land policy since both the local authorities and the traditional leaders play clearly specified roles.

From the foregoing it is clear that there are institutionalised relationships between traditional and local authorities at the district, provincial and national levels in Zimbabwe. The various structures noted above share some functions, but they each have their responsibilities clearly defined under the law. It must be stated, however, that traditional authorities are allocated very limited service delivery responsibilities compared to those allocated to local authorities. For example, traditional leaders can be asked to officiate at such community functions as funerals and weddings as well as at rain-makers' and other customary rituals.

There is good co-operation between traditional and local authorities in most cases, although the former have sometimes expressed fears that considerable amounts of their power and authority have been whittled away from them and given to local authorities, particularly at the district level. Part of the reason for this is the role that traditional leaders have played during the liberation struggle, as has already been stated. But a further reason was the demand for democratic governance by the people. This essentially meant that undemocratic institutions of governance would be weakened while democratic ones would be strengthened after the attainment of national independence.

¹¹ Ministry of Local Government website

Criticism of traditional authorities:

As noted above, traditional authorities were generally viewed as collaborating with the colonial and settler regimes against the interests and welfare of the African people of Zimbabwe. To reward them and to ensure that they would be effective instruments for the settler regime of Ian Smith, for example, the Rhodesian Government made provision for various benefits targeted at the traditional leaders:

During the frightening years of the Rhodesian Front, the country's traditional leaders and the white regime became strange bedfellows. The illegal regime did not need much effort towards this endeavour. They just saw to it that the chiefs were given salaries and the Council of Chiefs was government-funded. They were also given radios so they could listen to and pass on lies that were peddled by the national broadcaster to their subjects.

Appreciating the generosity of the rulers, the chiefs were reluctant to question the status quo. They became active participants in a plan to win the hearts and minds of the rural people. It was because of this reason that others such as Chief Jeremiah Chakandiwana Chirau became 'analysts' overnight specialising in denouncing 'terrorism'. Then, as now, the chiefs chose to side with people who were facing rising unpopularity due to the style of their rule. The Minister of information of that day, P.K.van der Byl, was later to remark that "chiefs were necessary for preventing the rural black people from stepping out of line and getting subversive."¹²

Ironically, the post-independence ZanuPF government began to lose popular political support in the early 1990s as a result of its inappropriate policies and poor economic management systems. The poor performance of the Zimbabwe economy was generally blamed on Mugabe and his party's socialist policies. Realising the general acceptance of traditional leaders by the majority of the citizens, the Mugabe regime decided to harness this component of customary governance for its political ends. Various schemes were devised to ensure that traditional leaders would, not only support ZanuPF and Mugabe, but would also ensure that their people in the rural communities would also do the same. This author remembers attending a chiefs' meeting where one of the chiefs ignorantly stated, "We are President Mugabe's representatives in our areas". Writing in the *Financial Gazette*, Manyukwe captures more of these political distortions more succinctly thus:

¹² Manyukwe 2003 <http://www.fingaz.co.zw/>

Today, Smith's manipulation of tribal leaders has come full circle. Faced with the same fate of having to deal with a restive population, the ruling party has decided to turn back the clock by revisiting a classic case of how those who were expected to stand with the people decided to sell out. Sensing imminent defeat in the last parliamentary election, the party suddenly remembered the chiefs. By awarding them allowances, by subsequently installing electricity in their homes, by periodically increasing their allowances without them having lifted a finger, history began repeating itself. Again grateful of this generosity, chiefs have since helped in making rural areas a no go area for the opposition. The rural areas have become places for political purges and retribution, flashpoints for those considered not loyal to the 'revolution'. In a recent bizarre case, Chief Chiweshe allegedly barred the burial of a National Constitutional Assembly member from his home area.

During this year's annual meeting of the Zimbabwe Council of Chiefs held at Bulawayo's opulent Rainbow Hotel, promises and demands were made. The government promised to drill boreholes and give them cars. Chiefs also requested phones. It was at the same meeting that Chief Serima of Gutu said, "VaMugabe rambai muchitonga kusvikira madhongi ava nenyanga" (Mr Mugabe, continue to rule until donkeys have horns) to howls of misguided approval. It is scary to imagine what such men will do when they get what was promised. It is not far fetched that they are sure to shut out the opposition from their areas regardless of the fact that the winds of change cannot be confined to the towns any longer.¹³

This should not be taken to mean that all the traditional leaders in Zimbabwe co-operated with the settler regime during Smith's time. There were a few chiefs, for example, who strenuously resisted and opposed the Rhodesian Government, especially for its policies of land alienation against Africans. Chiefs Tangwena and Mangwende are good examples, as Manyukwe aptly notes:

It is also heart-rending to note that we do not have a chief who is prepared to distinguish himself the same way Chief Reikai Tangwena did in the face of Smith's tyrannical rule. Not a single one is like Chief Mangwende who was deposed in 1960 for 'insubordination'. Then, Chief Mangwende said: "If the government is honest about its claims they should leave me on my father's land. I cannot be bought." Chief Mangwende did not allow any offers to distract him from issues at hand. He stuck to his guns and his actions made a lasting

¹³ Manyukwe 2003 <http://www.fingaz.co.zw/>

significance to us all. Unlike Chief Tangwena and Chief Mangwende, our chiefs today have remained silent in the face of violence, torture and human rights abuses by the government.¹⁴

Apart from making it extremely difficult for opposition political parties to operate in their rural areas, traditional chiefs that sat in Parliament have always voted in support of ZanuPF regardless of the merits and de-merits of the issue. Because they are appointed by the President, and they are paid monthly allowances by the state, chiefs feel obliged to politically support the President's party at all times. It remains to be seen whether this situation will change now that there is an inclusive government comprising both the MDC and ZanuPF. We note, however, that the ministry responsible for local government under the inclusive government is still headed by a ZanuPF minister, and that the president is still responsible for the appointment of chiefs. These two factors are likely to mean that the chiefs will still feel obliged to politically support ZanuPF as opposed to the MDC. Indeed, this alone highlights the need for legislative and other related reforms in relation to the role and functions of traditional leaders in Zimbabwe.

Another way that traditional leaders have been compromised by ZanuPF has been frequently demonstrated during election campaigns. State agents have often been accused of urging traditional leaders to ensure that their subjects vote for Mugabe and ZanuPF. Both threats and incentives have been employed in relation to traditional leaders in this regard:

As the June 27 presidential run-off approaches, opposition officials say the ruling party, ZANU-PF, is targeting village chiefs in an effort to reverse the losses suffered by President Robert Mugabe in the first round of voting in areas previously considered his stronghold. Abednico Bhebhe, deputy spokesperson for the Movement of Democratic Change, MDC, faction led by Arthur Mutambara, said the politicisation of villagers by headmen is in full swing ahead of the crucial second round. 'They are calling meetings disguised as genuine village gatherings with nothing to do with politics. But once the villagers congregate, the gospel of ZANU-PF is preached,' Bhebhe told IWPR. In Zimbabwe – as elsewhere in Africa – traditional leaders have always commanded profound respect among rural communities, where they preside over everything from the resolution of disputes to the sharing of resources. Some chiefs and headmen are still revered within some political circles for having worked with nationalists and freedom fighters in the 1960s and 1970s during the bloody and

¹⁴ Manyukwe 2003 <http://www.fingaz.co.zw/>

protracted guerrilla war against Ian Smith's white minority government. As noted earlier, there were many chiefs who also worked closely with and supported the colonial regimes prior to the advent of national independence. There were, therefore two groups of traditional leaders during that time, but the situation has become more monolithic now, with the majority of chiefs politically supporting Mugabe's ZanuPF.

However, critics and analysts say that with the emergence of a powerful opposition in 2000 the traditional leaders have been blatantly threatened, bribed, politicised and used by ZANU-PF to rally villagers behind the party. Traditional leaders receive a generous monthly government stipend as part of Mugabe's brazen strategy to keep them at his beck and call. In the run-up to the March 29 general and presidential elections, they were also recipients of the bulk of the 200 off-road vehicles doled out by the Mugabe government. But bribery is not the only method of inducement used by Mugabe's supporters.

In its regular pre-election monitoring updates before the March 29 poll, the Zimbabwe Election Support Network, ZESN, observed that chiefs who had given the MDC permission to hold campaign rallies in their locality had been harassed by state security agents, who threatened to withdraw government support if they continued to do so. These rural communities, which, according to aid agencies, are bearing the brunt of the country's economic decline, constitute a bloc that could swing the vote in favour of the opposition. The MDC, formerly Zimbabwe's major opposition political party, but, since the March elections, now the majority party in parliament, claims that in remote rural areas, ravaged by hunger and poor harvests and far from the probing eyes of the outside world, freedom of choice has been infringed, with villagers too frightened to vote for the candidates of their choice. According to Bhebhe, those villagers who have shunned the recent village meetings, recognising them as ZANU-PF gatherings, have suffered dire consequences.¹⁵

The denial of food to starving villagers simply because they are alleged to be supporters of political parties other than ZanuPF is the height of hypocrisy. Mwando aptly notes, "At the same time, human rights groups, aid agencies and the MDC allege that traditional leaders are denying starving villagers food aid, accusing them of working against government efforts because they support parties other than ZANU-PF."¹⁶ In some extreme cases, villagers have been threatened with "deportation" or expulsion from their traditional rural homes because they were alleged to support the MDC or other opposition political parties. What is perhaps even more unfortunate is that there

¹⁵ Mwando 2008 [Institute for War and Peace Reporting \(IWPR\)](#)

¹⁶ Mwando 2008 [Institute for War and Peace Reporting \(IWPR\)](#)

have never been actual cases where the traditional leaders have proved beyond doubt that the specified villagers had in any way been disloyal to their traditional leaders. This mixing of political and traditional roles and allegiances has caused some people in modern day Zimbabwe to view traditional leaders as necessarily a negation of democracy. Here again, the need for well thought out reforms cannot be over-emphasized.

Trends in other African countries:

The role and functions of traditional authorities have been both varied and controversial in most of post-colonial Africa. Pasteur cites a report on Traditional Leadership in Africa prepared for the Commonwealth Local Government Forum in 1995, which suggests the following conclusions:

- Traditional leadership is playing a role beyond its function in customary and tribal affairs...and that role is expanding rather than declining;
- Modern democratic or appointive structures have resulted in the removal of chiefs from political and administrative roles (except for limited representation on councils and committees), but in some cases, they retain judicial and land administration roles. The essence of the traditional leadership role is leadership of rural communities at grassroots level based on tradition, respect and community solidarity.
- At the same time, it has to be recognized that traditional leadership is not necessarily politically neutral, and chiefs have been drawn into alignment with political parties.
- Traditional leaders operate side by side with various forms of non-traditional grassroots or community-based structures and/or activities such as village meetings, committees and civic associations. Both enjoy a degree of legitimacy and support, and they need to be seen as complementary rather than competitive.
- The area in which the role of traditional leadership seems to have the greatest potential is in building a bridge for two-way communication between the community and the governmental system at central and local levels for the purpose of promoting development and change. This area could include the following:
 - Facilitating the consultation and bottom-up planning process in the formulation and implementation of public policies, district and area development plans, and rural development projects.

- Mobilizing public opinion to support policies of economic and social development and mediating the change process.
 - Mobilizing labour and financial resources for the provision and possibly also management of services and projects at community level, drawing on traditional self-help practices.
 - Maintaining family and community bonds in rural society in order to promote social cohesion and prevent delinquency and crime.
 - Assisting in the process of community education, for example in primary health care.
- A variety of structural arrangements have been used to support the institutions of traditional leadership:
- Recognition of the institution and definition of roles in either the constitution or a parliamentary act.
 - Creation of a national house of chiefs with a consultative role.
 - Representation of chiefs in local government councils and district or area development committees.
 - Creation of consultative forums bringing together civic and traditional at local and community level.
 - Provision of training and logistical support for chiefs.¹⁷

Needless to state that only some of the foregoing conclusions would be relevant to the Zimbabwe situation given the special circumstances that the southern African country finds itself in. Perhaps these special circumstances are the very reason why Zimbabwe may need to learn from other African countries in relation to the role and functions of traditional authorities and local authorities. Some effort in this regard has already been taken by the relevant authorities. While opening the Fourth Parliament of Zimbabwe on 2nd May 1995, President Mugabe informed the House that both the RDC Act and the Chiefs and Headmen Act were to be amended, “...to provide for the restoration of administration and traditional powers to chiefs, headmen and village heads.”¹⁸

¹⁷ Pasteur 1999

¹⁸ Parliament of Zimbabwe 1995.1

Subsequent to this announcement, the then Speaker of Parliament, Hon. Cyril Ndebele, authorised a Parliamentary Study Tour (PST) by four MPs to Botswana, Namibia and Zambia. We summarise below some of the recommendations made by the Parliamentary delegation at the conclusion of its tour. The Government of Zimbabwe has largely ignored most of the recommendations contained in this report.

Select recommendations of the Parliamentary delegation to Botswana, Namibia and Zambia:

The PST was able to identify four approaches to the handling of the relationship between traditional and local authorities in the three countries they visited. The non-regulated dualism is where elected structures exist side by side with traditional authorities, and either one or both are not comprehensively governed by legislation. This usually leads to struggles for power between traditional and elected structures, and this can be inimical to local governance and development. The second approach is termed parallelism or regulated dualism. This is where both traditional structures and elected councils exist side by side, by law, and are equal and independent of each other. They operate parallel to each other.¹⁹ The major problem with this arrangement is that it can easily lead to unhealthy competition for power, duplication of effort, and wastage of scarce resources.

The third approach is subordination, where either traditional authorities or the elected local authorities are made subordinate and answerable to the other. Usually it is the traditional authorities that are forced to be subordinate to elected authorities. The most likely problem under this arrangement is that the subordinate authority may be reluctant to give up on its autonomy, or may be un-cooperative. The harmonisation approach recognises that although the two types of authorities have each their specific and specialised roles and objectives, they also have common ones that must be harmonised for the benefit of the local area in which they operate.²⁰ It differs from integration in that it does not seek to merge traditional and elected local authorities but aims at involving all the role players in institutions that deal with issues of common interest. Once decisions have been made, they are binding on all those concerned. The PST report aptly states, “Thus, traditional authorities would be represented in council and would argue the traditional point of view...but would be bound by the decisions reached.”²¹ The PST recommended as follows:

¹⁹ Parliament of Zimbabwe 1995.4

²⁰ Parliament of Zimbabwe 1995.4-5

²¹ Parliament of Zimbabwe 1995.5

- ◆ Zimbabwe should adopt the approach of harmonising traditional and elected structures by legislatively stipulating a quota of traditional leaders in all local government structures as well as at the national level. The traditional leaders would be appointed on a rotational basis, and the process would be managed by the Provincial Assembly and the Chiefs' Council.
- ◆ The quota for traditional leaders at the local level should be 10%, while that at the national level should be retained at the current level (i.e. 10 chiefs in Parliament at that time). The traditional leaders would be appointed to the local council by rotation if there are more of them than the stipulated 10%.
- ◆ A House of Traditional Leaders should be created at the national level to provide advice to the government and to the national legislature on matters concerning tradition and culture.
- ◆ Traditional leaders should not be allowed to compete for elections on the open or unreserved roll of institutions in which they have a reserved quota.²²

We note that Zimbabwe has utilised the harmonised approach for a long time, although there may be need for a closer examination of the benefits that may have accrued as a result, and the disadvantages that may have been experienced under that approach. With regard to the creation of a house of traditional leaders at the national level, it is this author's view that the existing Council of Chiefs can be tasked to provide whatever traditional or cultural advice that may be needed by democratic governance structures. Such advice may pertain to sacred sites, traditional customs and practices, as well as issues relating to taboos. Creating another national institution will obviously cost the nation considerable amounts of money which could be used for more urgently needed development. In addition to the recommendations pertaining specifically to the relationship between traditional and local authorities, the PST also made interesting recommendations in relation to such matters as affirmative action, the land, party politics, and the remuneration of traditional authorities. The following are selected recommendations that are pertinent to this study:

- ⇒ Traditional authorities should be required by law to promote affirmative action in relation to the historically and socially disadvantaged in their communities in particular by promoting women to positions of leadership.

²² Parliament of Zimbabwe 1995.5

- ⇒ That the current position with regard to communal land, where the RDC is the land authority, be maintained as long as the role of the traditional chief in council is well defined.
- ⇒ Alternatively, Land Boards, which are created under the Land Acquisition Act for the purpose of managing all issues relating to land resettlement, should be harmonised with other relevant authorities and institutions by including representatives from all interested parties such as traditional leaders, women and youth groups.
- ⇒ Traditional leaders should not participate in party politics and should not hold any party political office, nor should they stand for elections as candidates for any party, nor as independent candidates. This would entail the amendment of the current Constitution of Zimbabwe, which allows all citizens the freedom to form or join a political party of their choice.
- ⇒ Legislation should be passed prohibiting traditional leaders from influencing members of their communities in the direction of their own party political opinions or allegiance.
- ⇒ The remuneration of traditional leaders should be a state function which should be discharged through the local government agents of the state.²³

These are all plausible recommendations, but there will be need for in-depth study of possible implications of some of them on the operations of local authorities.

Vision:

The view of this paper is that traditional chiefs should actually play no role in local governance. Zimbabwe's history is replete with examples of how traditional authorities have been used as political instruments by incumbent ruling parties for their own ends. Chiefs have often been victimised for being suspected of providing political support to opposition political parties. Some chiefs have even threatened to "deport" supporters of opposition political parties from their areas of jurisdiction. Exclusion of traditional chiefs from governance structures would eliminate problems of this nature. The paper proposes the creation of a parallel structure for chiefs as opposed to the

²³ Parliament of Zimbabwe 1995.6-12

current local government structure. At the apex of the chiefs' structure would be the existing chiefs' council, and this structure would have responsibility for national issues. It would also deal with matters referred to it by the next lower level, the provincial assembly, which already exists in Zimbabwe. Below the provincial assembly would be created a district assembly whose membership would be all the chiefs and selected headmen from that district. The functions of these structures of traditional leaders would include providing the democratic structures of governance with advice on traditional and cultural matters.

It is from this backdrop that this paper wishes to make the following recommendations with regard to possible policy reforms in Zimbabwe:

1. Chiefs should not be appointed by the president but by the Council of Chiefs through a standing or select committee of that Council after consultations with the elders in the chieftaincy concerned, and in accordance with the customary practices and traditions of the area.
2. Closely related to this recommendation is that the president should not have power to remove a chief from office. This should only be done by the Council of Chiefs and only after proven cases of misconduct.
3. Traditional leaders should form a parallel structure extending from the village to the national level, but that structure should be limited to handling only matters of a customary or traditional nature. At the apex of that structure should be the Council of Chiefs, and below it should be the Provincial Assembly, the District Assembly, and the Village Assembly. Both the District and the village Assemblies currently do not exist in Zimbabwe. These would, therefore, be new structures.
4. Chiefs should not be involved in party politics at any level whatsoever as long as they are in office. A chief who decides to run for political office should first step down from his/her position as a traditional leader.

5. Chiefs should not be represented in either the House of Assembly or the Senate. They should have no role to play in the democratic governance of Zimbabwe, except the role of advising democratic structures on issues of tradition and customary law.

6. Chiefs should not be represented in the Rural District Council, and should only attend council meetings on special invitation by the chairman of the RDC. They therefore should have no voting powers in council.

7. The issue of whether to allow women to become chiefs, headmen or village heads should be left to the various ethnic groups to decide specifically for their own areas.

Conclusion:

The role of traditional leaders in local governance has persistently been controversial in Zimbabwe. The experiences of other countries in Africa and in the southern African region are varied, but a lot can be learnt from these experiences that can benefit Zimbabwe in the long run. There is no doubt that the demand for democratic governance in Zimbabwe as elsewhere in Africa effectively places the issue of the role of traditional leaders on the table. It is an issue that has to be resolved in the interest of both democracy and good governance. This paper has outlined several areas that can be considered when formulating legislative reforms in this regard. Further study and debate will be needed before any serious policy reforms can be proposed.

References

Books:

Linington, G. 2001. *Constitution of Zimbabwe*. London, Kleuer.

Reddy, P.S. 1999. *Local Government Democratisation and Decentralisation: A Review of the Southern Africa Region*. Kenwyn. Juta.

Book Chapters:

Makumbe, J. 1999. Zimbabwe: Decentralisation, Development and Democracy in *Local Government Democratisation and Decentralisation: A Review of the Southern Africa Region*, Edited by P. S. Reddy. Kenwyn. Juta.

Pasteur, D. 1999. Democratic Decentralisation: A Review of the African Experience, in *Local Government Democratisation and Decentralisation: A Review of the Southern Africa Region*, Edited by P. S. Reddy. Kenwyn. Juta. 31-56.

Websites/online material:

Manyukwe 2003 Zimbabwe: Traditional chiefs or Zanu PF agents? [Online] Available at <http://www.fingaz.co.zw/> Accessed: 12.08.2009.

Ministry of Local Government [online] accessed: 12.08.2009.

Mwando, Y. 04.06.2008 Traditional leaders Mugabe's trump card [online] Available at Institute for War and Peace Reporting (IWRP) Accessed: 12.08.2009.

Acts of Parliament:

Chiefs and Headmen Act

Provincial Councils Act

Rural District Councils Act

Traditional Leaders Act

Report:

Parliament of Zimbabwe. 1995. *Executive Summary: Report of the Delegation of the Parliament of Zimbabwe to Botswana, Namibia and Zambia on the Role of Traditional Authorities in Local Government*. Harare. Parliament of Zimbabwe.