An examination of the role played by selected civil society organizations in promoting democracy in Zimbabwe, 1980-2007

by

Jephias Mapuva

(2652050)

A Research Report submitted to the School of Government at the University of the Western Cape, in partial fulfillment of the requirements for the Degree of Masters in Public Administration

October 2007

Supervisor

Dr I.U.Ile

Abstract

This Study attempts to examine the role that selected civil society groups played to promote citizen participation in governance processes. A case study of three selected civic organizations, namely the Catholic Commission for Justice and Peace (CCJP), the Zimbabwe Human Rights Organisation (ZimRights) and the National Constitutional Assembly, (NCA) were the centre of the investigation. The Study utilized the methods triangulation comprising interviews with organizational management, questionnaires for the public members of the civic groups and documentary analysis of both policy documents and civic organizational documents. A detailed analysis of policy documents indicated that key legislative framework curtailed citizen participation in public affairs. Despite the restrictive nature of sections of key existing legislation guiding civil society participation in public affairs, the selected civic groups continued to demand public participation in governance processes in order to help strengthen public policy. Through documentary analysis, the researcher established a common trend and a number of links as well as recurrent themes based on common organizational objectives. The existence of common mission statements and objectives between selected civic organizations facilitated the forging of partnerships and linkages intended to strengthen and mobilize public support for citizen involvement in public policy formulation. The forging of working relations between different civic organizations based on common objectives led to the formation of coalitions, which would represent a number of civic groups. Continued demands for public participation in strengthening public policy from the selected civic groups forced government to repel sections of key legislation thereby creating an enabling environment for citizen participation. Concerted effort by civil society coalitions to engage government led to the forging of partnerships between government and the selected civic groups, to address political and constitutional reforms.

KEY WORDS

Civil society

State

Democracy

Rule of law

Human rights

Citizen

Legislative framework

Documentary analysis

Governance

Participation

Dedication

I dedicate this piece of writing to my family Loveness, my late father, Philadelphia, Jephias (Jnr), Kudakwashe, Unique, Sisasenkosi and King 2nd. Knowing you are there for me has always been a source of inspiration.

Acknowledgements

The production of such a voluminous piece of writing would not have been possible without the support of friends and relatives.

I would therefore like to acknowledge and thank the following people:

Loveness, my friend, wife and source of inspiration and guidance, for her unwavering moral support and motivation

Dr. Issy Ile, my supervisor, for her patience, wise guidance and mentorship, all of which gave me encouragement to focus and pursue this Research Study to the end.

Dr Leon Pretorius, for helping me with relevant and insight into what constitutes the subject matter of the Study

Canon Collins Educational Trust for Southern Africa for having funded my studies through a Scholarship

**My parents** for financial and moral support

King Emmanuel 2nd deserves special mention for having stood by me when the going was getting tough.

I thank **Sam**, my brother, for looking after my family when I was away on study leave.

Peter Makaye, a friend who helped me with ideas on coming up with this topic.

The School of Government at the University of the Western Cape for providing such an enabling study environment.

My friends and classmates in the **MPA** 2007 Group for providing the much needed support
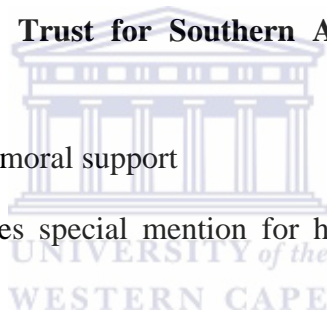
Acronyms used

AIPPA-Access to Information and Public Privacy Act

CHRA-Combined Harare Residents Association

BSAC-British South Africa Company

CCS-Centre for Civil Society

CCJP-Catholic Commission for Justice and Peace

CSOs-Civil Society Organisations

IMF-International Monetary Fund

MDC-Movement for Democratic Change

NANGO-National Association of Non Governmental Organisations

NCA-National Constitutional Assembly

POSA-Public Order and Security Act

PVO-Private Voluntary Organisations (Act)

SZC-Save Zimbabwe Campaign

USAID-United States Agency for International Development

UNDP-United Nations Development Programme

WOZA-Women of Zimbabwe Arise

WTO-World Trade Organisation

ZANU-Zimbabwe African National Union

ZAPU-Zimbabwe African People's Union

ZCTU-Zimbabwe Congress of Trade Unions

ZimRights-Zimbabwe Human Rights Organisation

ZINASU-Zimbabwe National Students' Union

ZUJ-Zimbabwe Union of Journalists

Declaration

I declare that this Research Report entitled: **An Examination of the role played by selected civic organizations in promoting democracy in Zimbabwe, 1980-2007**, is my own, unaided work. It is being submitted for the Degree of Masters of Public Administration to **The School of Government** at the University of the Western Cape. I also testify that it has not been submitted for any other degree at the University of the Western Cape or any other university or institution of higher learning. I further declare that all sources I have used or quoted have been indicated and acknowledged as complete references

STUDENT

……………………………..   **DATE** ……………………………………

Mapuva Jephias

SUPERVISOR

………………………………   **DATE**………………………………

Dr I.U.Ile

TABLE OF CONTENTS

CHAPTER THREE-RESEARCH METHODOLOGY

CHAPTER ONE: THE NATURE OF THE STUDY

1.1 Introduction: Background to the Study

Across the globe, certain issues have always attracted international concern, issues such as political systems involving democracy, good governance and human rights; international capital, environmental challenges, international crime, as well as the HIV/AIDS scourge. It is the intention of this Research to discuss these political systems in the Zimbabwean context. Emphasis will be on the citizen participation in governance processes and how existing key legislative framework has facilitated citizen participation in strengthening public policy.

In recent years, global civil society institutions, namely; the Breton Woods institutions and UN agencies as well as the global donor community have prescribed good governance, democracy and the observance of human rights as qualifications for aid. Similarly, they have urged Zimbabwe to improve its democratic structures and human rights records. The International Monetary Fund (IMF) and the World Bank have encouraged Zimbabwe to address her human rights record, attend to the land question in an orderly manner and rationalize the electoral process to ensure fairness of results. The European Union has also called upon Zimbabwe to improve her human rights and consider property rights in its Land Redistribution Programme. The Commonwealth also encouraged Zimbabwe to incorporate a democratic culture in all its institutions through encouraging citizen participation in governance processes.

At continental level the African Union, through its Human Rights Committee, has also called for adherence to democratic principles among member states. At regional level, SADC approved the SADC Principles and Guidelines Governing Democratic Elections which requires SADC member states that are holding elections to "safeguard the human and civil liberties of all citizens, including the freedom of movement, assembly, association, expression and campaigning during electoral processes." All SADC member states, including Zimbabwe, signed the SADC electoral protocol, and agreed to hold

elections in line with these principles. The SADC Observer Mission introduced the guidelines as a monitoring mechanism to ensure that countries abide by these regulations. All these were attempts by global civil society at different levels to encourage citizen participation in member states.

At national level, a number of civic groups have a history of engaging government to observe human rights of various constituencies. The Zimbabwe Congress of Trade Unions (ZCTU) is known to fight for the rights of the workers. The Zimbabwe National Students Union (ZINASU) has had successes in campaigning for the right to free or affordable tertiary education. The church has incorporated human rights on its agenda by arguing that Christian teachings do not allow for human suffering. The Roman Catholic Church, through the Catholic Commission for Justice and Peace has been conspicuous in its fight for human dignity in colonial and post-independence Zimbabwe. Proactive civic groups and academics came up with the National Constitutional Assembly to help strengthen constitutional reforms through wide public consultation. It is the intention of this Study to establish the extent to which citizen participation in governance processes has helped to strengthen public policy, and to determine the extent to which existing key legislative framework has facilitated public participation in these processes.

1.2 Statement of the Problem

During the colonial times, civil society worked alongside the nationalists in effort to dislodge the colonial regime. At independence, a cordial relationship existed between the state and civil society. The initial fall out started during the Matabeleland civil unrest of the 1980s between former liberation struggle allies-ZANU and ZAPU, in which over 20 000 lives were lost and unprecedented human rights violations were perpetrated by the state. Many civic organizations in and out of the country criticized these human rights violations and the restriction of political activity in the country. The CCJP instituted an investigation and made its findings of human rights violations public. During and soon after the civil unrest, the government banned all political activities. The banning of all political activity in the early and mid-1980s was aimed at creating a one-party state was vehemently opposed

by civil society, mainly students and church organizations (Mandaza and Sachikonye 1991:118). The signing of the Unity Accord in 1987 to end the unrest did not do any justice to the situation because the main opposition political party, ZAPU, was incorporated and co-opted into ZANU (PF) thereby creating a de facto one-party state and further restricting citizen participation in public affairs and confining political space to the ruling party-ZANU (PF). Mistrust between state and civil society began to widen with the state accusing civil society of being an extension of opposition political parties funded by western nations (The Daily News, 12 May 2001). The state began to view anything that civil society campaigned for as serving the interests of western nations, especially Britain the former colonial master. The situation was further exacerbated by the enactment of more restrictive legislation such as such as POSA, AIPPA (2004) and recently, the Interception of Communications Act which were intended to restrict citizen participation in political activities. This has resulted in a widening rift between the state and civil society especially human rights and church groups who maintain that the state has reneged on its obligation to uphold democratic principles and create more political space for citizen involvement and input. Civil society has attempted to take advantage of spaces, which have gradually shrunk in the face of prohibitive legislation. Despite the existence of restrictive legislation, civil society has continued to engage government for legislation that would accommodate public participation in order to strengthen public policy.

1.3 Purpose and Significance of the Study

The Study will aim to contribute to the development of policy that would promote citizen involvement and participation in formulating policy that would strengthen governance processes. Through this research study, the researcher intends to contribute to the formulation and consolidation of key policy framework that would facilitate the creation of an enabling environment for public participation in public affairs. The researcher also intends to contribute to the existing body of knowledge on civil society participation in promoting governance processes and state/civil society relations.

To achieve these aims and intentions, the study will attempt to address the following Research Questions and Objectives

1.4 Research Questions

The questions this Research Study seeks to answer are:

1- To what extent has the activities of selected civic groups helped to promote citizen participation in governance processes?

2- What key legislative framework has government put in place and has these laws facilitated or hindered civil society participation in promoting democracy in Zimbabwe?

3- Has government attempted to forge any partnership with civil society to strengthen public policy?

4- To what extent have the activities of selected civic groups been complementary and are there any linkages between these activities?

1.5 Objectives of the Research Study

The Study will focus on achieving the following objectives:

Primary Objective:

To examine the extent of civil society participation in promoting democracy in Zimbabwe and government's position.

Specific objectives:

1- To establish the extent to which activities of selected civic groups have helped to promote citizen participation in governance processes.

2- To review key legislative framework and assess the extent to which it has facilitated or hindered participation of selected civil societies in governance processes.

3- To determine the extent to which government can, and has attempted to forge a partnership with civil society in strengthening public policy.

4- To establish the extent to which various activities of selected civic groups have been complementary, as well as explore possible and existing linkages that seek to strengthen public participation.

1.6 Delimitation of the Study

Civil society in Zimbabwe is a large body of civic groups so numerous that it would be impossible to explore them all. It is therefore the intention of the Researcher to concentrate on selected civic organizations for in-depth study of their role in promoting citizen participation in public policy. For this Study, the focus will be on three selected civic organizations, taking into consideration the constituency, which the organizations address as well as the period and atmosphere in which the civic groups were founded and operated. The researcher has targeted three civic organisations for investigation. These are the Catholic Commission for Justice and Peace (CCJP), a church-related organization formed in 1972, the Zimbabwe Human Rights Organisation (ZimRights), a human rights organization founded in 1993; and the National Constitutional Assembly (NCA), founded in 1997 and doubling as both a pressure group and a coalition of all pro-democratic forces campaigning for a new constitution for the country. In selecting these civic groups, the researcher has also taken into consideration the fact that these civic organizations were founded at different stages of the Zimbabwe's political, economic and social development.
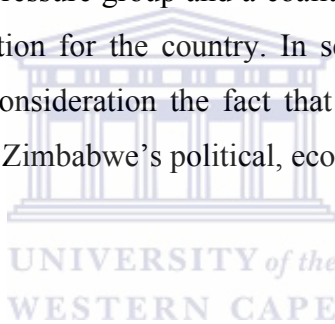
1.7 Definition of key terms

The following terms have been used in this Report:

1.7.1 Civil Society

The concept of civil society arose with John Locke, and it implied a defense of human society at the national level against the power of the state and the inequalities of the marketplace (Comarolf, 1999:3). Locke suggested that there would be chaos in the absence of a regulatory body-the government whose responsibility would be to provide efficient services and security for the people. For Locke, civil society was that part of civilization—from the family and the church to cultural life and education-that was outside the realm of the control of government or market but they increasingly marginalized that. Locke saw the

importance of social movements to protect the public sphere from these commercial and governmental interests. Law guaranteed liberty and property[1].

The term "civil society" is used to denote a central category of the European political philosophy and derived from Aristotle's term *politice koinonia* and its Latin version *societas civilis*, *societe civile*, meaning civil society or that of private proprietors. The notion of the civil society has been interpreted in various ways in the political philosophies of Hobbes, Locke, Paine, Hegel, Marx, Mill and De Tocqueville, as well as those of postmodernists (Butigan, 1996:5). According to Kaldor (2003:7) civil society originates from *societas civilis* which is "…a rule of law and a political community, a peaceful order based on implicit or explicit consent of individuals and cannot be distinguished from the existence of the state". Some Marxist theorists, like Gramsci, question the distinction between the state and civil society altogether, arguing that the former is integrated into many parts of the latter. Others, such as Louis Althusser(1999:78), maintain that civil organizations such as church, schools, and even trade unions are part of an 'ideological state apparatus.
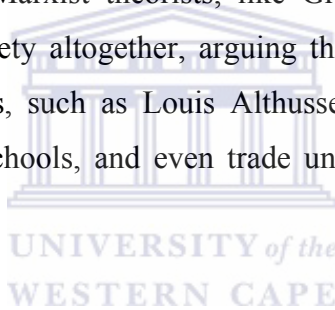
Kador (2003:7) distinguishes four versions of civil society as follows:

The Bourgeois society version, in which Hegel and Marx argue that civil society, was the arena of ethical life in between the state and the family. The activist version or the post-Marxist or utopian version, in which the proponents presuppose a state or rule of law, insists not only on restraints on state power but on a redistribution of power. It is a radicalization of democracy and an extension of participation and autonomy (Kaldor, 2003:8). The neo-liberal version views civil society as of associational life that provides a substitute for many of the functions performed by the state. Thus charities and voluntary associations carry out functions in the field of welfare which the state can no longer afford to perform. Funding for democracy-building and human rights NGOs is somehow

---

[1] (http://www.eff.org/Activism/global_civil_soc_networks.paper).

supposed to help establish a rule of law and respect for human rights (Rieff1998:11).The post-modern version portrays civil society as an arena of pluralism and contestation and a reformulation to encompass other more understandings of political culture (Keane, 1999:9).The foregoing versions of civil society all refer to a symbiotic relationship between the state and civil society.

In the 1970s the term "civil society" was used by the opposition and dissident groups in the socialist countries to denote the strategy of political fight against totalitarianism by forming autonomous institutions beyond the state control and for the sake of establishing a democratic society as opposed to the total state (ibid). By redefining the modern concept of the civil society, a new and contemporary concept of the civil society has been created as an alternative to authoritarian socialism. Thus, a new practical and theoretical political paradigm has been set up to explain ways of the transition of socialist, authoritarian and stagnant societies into democratic and civil societies. These are capable for self-development and are willing to use the civilization achievements of the developed societies as well as the achievements of social and political philosophy and contemporary sciences (Bodin, 1963:80).

Civil society is often portrayed as autonomous pluralism of private and public activities, beyond the state control, expressed in individual freedom, local and regional self-rule, citizens' participation in public affairs and social movements as well as in cultural autonomy and free trade unionism. The political ethos of the civil society springs from the conscience of a free citizen, aware of his rights, interests and duties; it acts through democratic political public opinion (ibid).

New Millennium Project-Zimbabwe (1999:2) defines civil society as "…those organizations through which citizens participate in and exert influence over public life". This definition is supported by Harbeson (1994:287) who maintains that the central function of civil society is its role in establishing bridges between society at large and

government and in seeking harmonization of their respective purposes. Harbeson further asserts that civil society acts as a "buffer between government and society, acts as a broker between government and society, acts as an actual political norm setter, as an agent of change regulator of the processes of participation in societal norm setting, integrator of groups articulating different political interests as well as a midwife of regime change (1994:288). For this Research Study, the definitions presented by the various authorities are applicable because they all centre on state/civil society relations with the goal of improving the lives of the general populace. However, the presentation by New Millennium Project-Zimbabwe (1999:2) and Harbeson (1994:287) is more appropriate for this Study because they refer to the significance of citizen participation in public affairs.

1.7.2 State

Max Weber (1985:221) defines a state as a "…monopoly on the legitimate use of physical force and legitimacy within a given territory". Haines (1997:20) portrays the State as a legitimating social construct for holding the monopoly on violence in a particular society. The state can also refer to one set of ideals and one set of laws have been imposed by force or threat over diverse nations by a civilian and military bureaucracy[2]. For the purposes of this Study, the definition by Hanes (1997:20) is relevant because it refers to the legitimacy and monopoly that a state should enjoy. The state should be a legitimate social construction and should enjoy the support of citizens.

1.7.3 Democracy

Democracy (literally "rule by the people") derives from the Greek words *demos*, "people," and *kratos*, "rule"[3]. It is a form of government. Encyclopaedia Britannica (2002:225) asserts that Plato defined democracy as the rule by the wise, while Aristotle viewed democracy as rule by the privileged few. Both these definitions are an antithesis of a democracy, but refer to an autocracy. Democracy reflects citizen involvement and participation. Leftwich (1993:9) notes that the concept of democracy is based on the simple

---

[2] http://www.cwis.org/state.html
[3] http://en.wikipedia.org/wiki/Democracy

principle that when making an important public decision, the majority vote should prevail because the will of the majority outweighs the wants of the minority. It is a decision-making process that involves all members of the community. Hyden (1992:26) on the other hand, argues that in the West, democracy is often associated with the assumption that decisions reflect the self-interest of the individual and that collectively the pursuit of self-interest. He proceeds by noting that democracy is a political system in which the supreme power lies in a body of citizens who can elect people to represent them.

USAID Democracy & Governance"(2001:32), a think-tank on democracy and governance defines democracy as"…programs that promote the rule of law and human rights, transparent and fair elections coupled with a competitive political process, a free and independent media, stronger civil society and greater citizen participation in government, and governance structures that are efficient, responsive and accountable. For the purpose of this Research, the definitions by Leftwich (1993:9) and the USAID Democracy and Governance (2001:32) are applicable to this Study because they refer to the participation by, and contribution of all members of the community in the decision-making process.
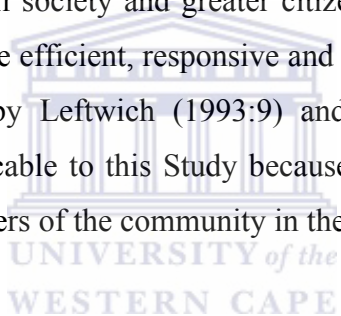
1.7.4 Human Rights

The concept of human rights is derived from the theory of natural law and originates in Graeco-Roman doctrines. The concept of certain individual and collective rights—in particular, civil and political rights—as "natural" or "unalienable" can be traced back to colonial times and reflects the influence of John Locke and other political theorists. It appears in some early Christian literary works and is reflected in the Magna Carta (The Great Charter of 1215). The concept winds as a philosophical thread through the 17th- and 18th-century European and American thought, including the American Declaration of Independence (1776) and the French Declaration of the Rights of Man and Citizen (1789)[4]. According to the UN (2006:1) the United Nation's Commission on Human Rights, created the UN's Universal Declaration of Human Rights (1948), which reasserted the concept of

---

[4] http://www.hrweb.org/

human rights after the horrors of World War II. Human rights have since become a universally espoused yet widely disregarded concept. The Humane Rights Resource Centre defines human rights as those basic standards without which people cannot live in dignity. Human rights are universal rights held to belong to individuals by virtue of their being human beings, and encompasses civil, political, economic, social, and cultural rights and freedoms, and based on the notion of personal human dignity and worth. For this Research human rights imply those political, economic and social rights and freedoms as enshrined in the Constitution of Zimbabwe and in other international protocols and conventions, and which people should enjoy at any given time.

1.7.5 Governance

Governance is a generic term that can be applied to any form of collective action. It is about decision-making, direction and roles as well as about *where to go*, *who should be involved* in decision-making and *in what capacity* (Graham and Plumptree, 2003:2). Hyden and Court (1992:7) define governance as "…the conscious management of regime structures with a view to enhancing the legitimacy of the public realm". Lynn, Heinrich, and Hill (1999:17) argue that governance is a process that links values and interest of citizens, legislative choice, executive and organizational structures and roles, and judicial oversight in a way that suggests interrelationships among them that can have significant consequences for performance. March and Olsen (1998:6) bring out the salient point of state/civil society relations by defining governance as a product of human agency, and an activity that helps to define the relations and interactions between state and society, and involves the framework within which citizens and [the] state act and politics occur.

The World Bank's recent recognition of human rights as an essential aspect of governance has manifested an extended operational use of the concept. The World Bank defines governance as "…the manner in which power is exercised in the management of a country's economic and social development" (World Bank, 1992;1994:18; UNDP, 1997:45), with emphasis being on the maintenance of rule of law, accountability, public participation and the observance of human rights. This school views governance as a

10

manner in which polities manage, utilize or abuse power vested in them, intended for social and economic development. Hyden and Court (1992:19) views governance as "… the formation and stewardship of the formal and informal rules that regulate the public realm, the arena in which state as well as economic and social actors interact to make decisions. This definition focuses on the importance of rules rather than results. It portrays governance as both an activity and a process that reflects human intention and agency and sets parameters of how policies should be implemented. Governance becomes a *meta* activity that influences outcomes (ibid). Kooiman (1993:59) concurs with this definition by noting that "… governance is composed of purposeful action to guide, steer and control society".

Hyden and Brato (1993:7) argue that governance can be judged as either good or bad based on the degree of trust in government, the degree of responsiveness in the relationship between government and civil society, the government's degree of accountability to the electorate as well as the nature of authority that the government exercises over its society. From the foregoing argument, it can be derived that good governance is all about facilitating citizen participation and interaction with the state in strengthening public policy.

Ferguson (1990:87) views governance as the process of decision-making and the process by which decisions are implemented (or not implemented). Hereby, public institutions conduct public affairs, manage public resources, and guarantee the realization of human rights. He further qualifies this by asserting that good governance accomplishes this in a manner essentially free of abuse and corruption, and with due regard for the rule of law. The relevant and salient factor about all these definitions is their emphasis on civil participation and involvement in decision-making and interaction between the state and civil society, and the subsequent creation of an atmosphere of mutual trust between the two. For the purpose of this Report, the various definitions are applicable because of their emphasis on public involvement in policy-making and decision-making processes.

1.7.6 Rule of Law

The term was first used by Socrates in Western philosophy and has come to denote the principle that governmental authority is legitimately exercised only in accordance with written, publicly disclosed laws adopted and enforced in accordance with established procedural steps that are referred to as due processes. The principle is intended to be a safeguard against arbitrary governance, whether by a totalitarian leader or by mob rule. Thus, the rule of law is hostile both to dictatorship and to anarchy (John, 1997:48). According to the US Information Centre for Democracy and Governance (2007:6), rule of law means that no individual, president or private citizen, stands above the law. Democratic governments exercise authority by way of law and are themselves subject to law's constraints (http://usinfo.state.gov/products/pubs/principles/law.htm). For purposes of this Report the researcher adopts both of the above definitions.

1.7 Summary

This Study will be divided into 5 chapters as follows:

Chapter one gives the background to the study which investigates the role of public participation both in the colonial era and post independence period to help facilitate public participation in public affairs. The chapter also explores the Problem Statement and gives a delimitation of the Study which involves of three selected civic groups that are the subject of investigation. Both pre- and post-independence civil society engagement in promoting public participation in governance processes are given. Brief overviews of global, continental, regional and national civil society engagement are identified in this chapter. The chapter ends by giving definitions of main terms that have been constantly used in the Study.

Chapter two gives a brief theoretical overview of related literature. Relevant theories and approaches are given and their relevance to the Study highlighted. Both general and policy framework guiding civil society participation is explored in this chapter.

Chapter three explores the methodology to be used in the collection of data which mainly involve methods triangulation comprising interviews, questionnaires and documentary

analysis. The researcher further outlines selected research design; target population, sample and sampling procedures.

Chapter Four outlines the findings, data presentation, data analysis and the conclusion. It attempts to give a detailed presentation of data collected and the necessary interpretation of the research findings and how this impacts on civil society participation in facilitating citizen involvement in strengthening public policy.

Chapter Five concludes this Study by giving findings and highlighting the limitations encountered, recommendations to facilitate more civil society involvement and implications and suggestion of possible areas for further research.

1.9 Summary

This chapter is an introductory part of the study and indicated the nature of the study, the problem statement as well as the research questions that the study will attempt to answer. The chapter also outlines the primary and secondary objectives, which would help and guide the researcher in addressing the research questions. The purpose and significance of the study will indicate the contribution that the study will make in the field of state/civil society relations and civil society participation in strengthening public policy and governance processes. The chapter will confine itself to three civic organizations chosen based on their involvement in civic affairs of the countries and at different historical periods. Key terms were also defined in this chapter. The next chapter will explore and review related literature and debates on state/civil society relations and civil society participation.

CHAPTER TWO – LITERATURE REVIEW

2.1 Introduction:

This section of the Study provides an appraisal of related literature on civil society participation in public policy formulation and implementation. The chapter will give the historiography of Zimbabwe as well as civil society engagement in the pre- and post-independent Zimbabwe. The review contains current debates on state/civil society relations. A number of theories on the participatory approach will be explored with a view to recommend the same for the state and civil society. In addition to the theoretical framework, the Study will also explore the existing key legislative framework guiding civil society involvement in public affairs.

2.2 Historiography of Zimbabwe

Zimbabwe is a landlocked country found in Southern Africa. It neighbours Zambia in the north, South Africa in the south, Botswana in the west and Mozambique in the east (see Map1). It has an abundance of natural resources. It gained its political independence in 1980 from Britain after a protracted liberation struggle. It has a number of political parties and numerous active civil society groups some of which have existed long before the attainment of political independence and have even fought alongside the nationalist parties that brought about political independence. Colonized in 1890 by the British South Africa Company (BSAC), Southern Rhodesia was under colonial rule for 90 years. A number of oppressive and repressive pieces of legislation were enacted by the white colonial regime to disenfranchise Africans and denying them participation in governance processes. The Native-Order-In-Council Act (1898) expelled all those traditional chiefs who did not support the BSAC rule. The Land Tenure Act (1930) forced Africans into reserves where land was unproductive. The Land Husbandry Act (1951) prescribed African utilization of agricultural land. These were some of the many laws that disadvantaged African and fermented a spirit of nationalism in the Africans (Chambati, 1973:25).

MAP: 1   MAP OF ZIMBABWE

Source:

Colonial legislation did not allow for the formation of political parties or any form of organized resistance against colonial rule. Africans had to resort to the formation of resistance movements disguised as civic groups, social clubs and labour movements in an attempt to express themselves. From the early 1900s, the majority of these associations had their social and cultural roots in rural and migrant communities where the majority of black people had been driven through the Land Tenure Act. By the late 1930s, the number of Africans in the urban areas had increased. The colonial state began to take a more active interest in African associational life. The introduced the Native Welfare Society which was formed to supervise African organizations (Yoshikuni, 1996:24).Subsequently social groups such as burial societies, choral and religious groups, dance and savings clubs began to become popular among the black population and it was the only way black people could interact without facing the wrath of the law (Powers. 1999:45).

With the advent of greater industrialization and urbanization in the 1940s and 1950s, new groups like township resident associations emerged initially with the aim of fighting for the rights of urban residents. With the passage of time, these resident associations began to challenge the white economic and political order. They demanded the observance of human rights, enfranchisement, political representation and improved living and working conditions. However, the most important of these black civic organizations was the black trade union movement represented by the African Railways Workers' Union that grew strongly in the 1950s in tandem with the rise of a black working class. Leading trade union activists, such as Dr Joshua Nkomo, Reuben Jamela and Charles Mzingeli became key political figures in cities, towns and mining communities; areas where they were able to mobilize the black workers to demand political representation (Mudenge, 1988:64)

The trade union movement challenged the colonial government and employers in industrial relations and provided an important and organizational backbone for the emerging nationalist movement. While there was anger and frustration among the disgruntled urban workforce because of repressive legislation, in rural areas the peasant farming communities were becoming increasingly restless due to the negative impact of the various oppressive laws on their agricultural production (Mudenge1988:66). The formation of the first quasi-political party-the City Youth League (CYL) in 1955, signaled the beginning of serious political activity by Africans in Southern Rhodesia. The formation of the political party coincided with the formation of the Federation of Rhodesia and Nyasaland in 1953, which was made up Southern Rhodesia (Zimbabwe), Northern Rhodesia (Zambia) and Nyasaland (Malawi) .The Federation, lasted until 1963 when Zambia and Malawi became independent, leaving Southern Rhodesia under colonial rule. The City Youth League continued to demand political representation and the repulsion of prohibitive colonial legislation that infringed on human rights and segregation at workplaces. The City Youth League led workers' strikes and demonstrations demanding better working conditions. When the CYL was banned in 1960 by the colonial administration, Dr Nkomo and other activists immediately formed the National Democratic Party, a fully-fledged political party whose cumulative demands included political, economic and social rights for the black

people of Southern Rhodesia. When it was banned in 1963, the nationalists formed ZAPU and later ZANU.

Zimbabwe African People Union (ZAPU) was formed and together with the Zimbabwe African National Union (ZANU) the leaders went into exile from where they directed a protracted liberation struggle which brought about political independence in 1980 (Chigwedere , 1986:75). In this protracted liberation struggle civil society participated by mobilizing both the workers and rural peasant farmers. Among the civic groups that mobilized people and provided financial, moral and spiritual support were religious organizations, one of the being the CCJP. Another church-related NGO, Christian Care provided moral support to the detainees and nationalist parties right up to the attainment of independence in 1980.This NGO is still operational up to this day. The business community contributed tremendously in funding the struggle and one Tiny Roland of Anglo-American Corporation providing financial assistance to the nationalist parties and even provided financial support leading up to Lancaster House Conference in 1979, which brought about an end to war and a new constitution for Zimbabwe.
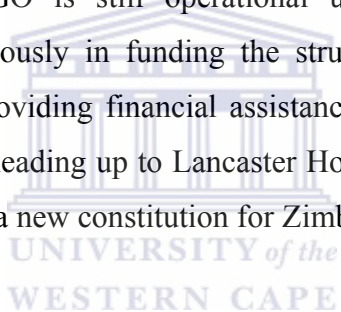
2.3 A general overview of State/Civil Society engagement

This overview will commence by discussing civil society participation from a global perspective. According to Bodin (1963:80) civil society elements comprise an ethical potential with which the society defends itself from aggression and hegemonies of the official state policy by its autonomous political ethics and its moral and political ecology. The author further maintains that the ethos of the civil society springs from the citizens' active potential as well as that of their associations, their readiness for political engagement, self-initiative, respect for general interest and their acceptance of political responsibility for providing a better future.

Kaldor (1999:21) argues that in contemporary usage, civil society involves social movements, associations, NGOs or the non-profit sector. It puts emphasis on self-organisation and civic autonomy in reaction to the vast increase in the reach of the modern

state, and on the creation of independent spaces, in which individuals can act according to their consciences in the face of powerful influences from the state on culture and ideology. Kaldor proceeds by suggesting that civil society constituencies, attuned to how societal problems resonate in private life spheres, distil and transmit such reactions to the public sphere (ibid).

Mamdani (1995:8) concurs that there exists a relationship between State and civil society, but these two try to manipulate each other in an attempt to further their different interests. Both these writers tend to agree that civil society is very popular in the community and therefore more popular than the government. Going by this argument, civil society argues that it is qualified enough to demand good governance from the government. The state on the other hand argues that it has the mandate of the electorate to rule. This has tended to create friction, but civil society maintains that it is its duty to demand good governance and participation in governance processes and public policy formulation from government.
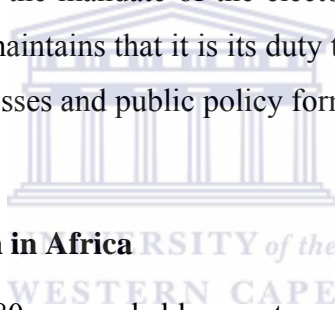
2.3.1 Civil Society Participation in Africa

Since around the end of the 1980s, remarkable events, unprecedented since the massive nationalist politics of constitutional decolonization, have been sweeping through Africa, forcing changes in political arrangements and leading to the emergence of multi-partyism and political pluralism, a new emphasis on the importance of human rights, dialogue between political opponents, and the liberalization of the erstwhile post-colonial polities (Hyden and Bratton, 1992:77; Mamdani and Wamba-dia-Wamba, 1995:67). These transformations are changing the language and content of national politics and polities and creating new forms of collective social confidence expressed in bolder modes of demand and making a renewed struggle for engagement and participation. Like the waves of nationalist protests of the 1940s and 1950s, the origin and centre of these protests and movements are urban based (Wamba-dia-Wamba 1995:69).

If one were to draw a brief historical outline of civil society in Africa it would have to start with a description of how it was, in the beginning, defined as a society of the colonizers. It was created by the colonial state for the white colonial class. This was most obvious in the settler colonies such as Kenya and Rhodesia, as well as in other colonies, and it did not really matter whether the colonies were British, French or Portuguese. There are historical examples of departure from this. One is the Creole societies that existed in the West African cities in the nineteenth century, which also served as the embryo for the first Pan-African movement, and which incidentally partly formed the background for the emergence of the counter public sphere of much of the West-African anti-colonial movement (ibid).

The anti-colonial struggle may thus be interpreted as being directed both against the colonial state and colonial civil society, and it partly took the form of the establishment of a counter civil society by the anti-colonial movement, which in all colonies, suffered different levels of oppression. The demands of the anti-colonial movements implied that fundamental civil and human rights should be extended to all members of society, not only the colonizers (Helge:1996).

The second phase in the history of the notion of civil society in Africa, which dates from independence in Africa, is the birth of the de-racialised state and the establishment of universal rights. The social groups, which were in the forefront of pressing for these changes, were the new black African middle classes. They demanded an entry into both the civil society and the state. In addition, in the new African countries the state became the centre of social relations.

In the post-independence period the problem around state-civil society relationships in most African countries have been centred to a large degree around the role of the rural majority. They were ruled according to colonial structures and systems, even after independence, which implies that their political and legal relations have been decided by local authorities acting directly at the instructions of the urban state structures. This has often taken the form of local societies being organized through the establishment of either

state or party organizations. This means that social institutions in the rural areas, with the possible exception of churches, are either of a "pre-modern" type or a direct inheritance from and prolongation of the colonial state, which did not extend the principle of civil society to the colonized (Mamdani, 1995:65; Wamba dia Wamba 1995:68).

In this context the struggle between civil society organizations and the state often take the form of an attempt by the state to overpower non-governmental organizations [NGOs] by bringing them under government control (Helge:2002).This is in line with the concept of neo-corporatism where the state co-opts part of civil society and neutralizes it. The pretext for the attempt to bringing NGOs into the sphere of the state is often given as their financial mismanagement, the lack of control with their funds. But the reality behind the attempts are linked to a fear by government of the potential NGOs have for organizing people outside the state structures, and secondly that NGOs with the change in donor policies with emphasis on building civil society institutions now receive funds which earlier would go to government projects (World Bank Country Report,2004). Thus NGOs can be seen to be in direct competition with government over donor funds (ibid). And the rural projects of the NGOs may undermine the control which government has established in the rural areas. This fear of civil society dominance has forced governments to enact laws that tend to curtail civil society participation in the attainment of societal goals.

2.3.2 Civil Society Participation: A Southern African perspective

A number of scholars have also written substantially on civil society in the Southern African context. Sachikonye (1995:399) argues that "...the most important institutions of civil society seem to be universities, labour movements, and the church, whereas the media is less important than one might have expected because of widespread state control and state ownership". The SADC, as a regional body has been as instrumental as would have been expected of it and has been able to influence events within its constituency. In an effort to enhance citizen participation in governance processes, it has came up with SADC Guidelines on the Conduct of Democratic Elections and adopted by all member states to facilitate a transparent electoral process in member states.

The revival of multiparty democratic arrangements in Zambia in 1991 and Malawi in 1994, the restoration of a democratic government in Lesotho in 1994, the transition to majority self-government in Namibia in 1990 and South Africa in 1994, and the peaceful elections in Mozambique in 1994, all signify the scope and depth of the political transformation the region has undergone in the last few years (ibid). Various institutions within civil society have demonstrated a capacity to contribute to this process of political transformation. In the post-independence period, business associations have been active in supporting campaigns for re-democratisation. In Zambia and Zimbabwe, sections of the business sector entered into a coalition with labour unions, students, women's groups and professional associations to either overturn the one-party state system as in Zambia or legitimise it as in Zimbabwe (Sachikonye, 1995:402;Makumbe,1991:1-19,Raftopolous,2000;ix).

A number of institutions in civil society have made tremendous contributions to democracy. One of these is the student movement. On student activism, Sachikonye maintains that each of the Southern African states possesses at least one university (if not more) and tertiary institutions of learning and "...these have contributed immensely in enhancing the democratic space (1995:403). The author attributes this to the fact that universities still enjoy autonomy and academic freedom. Mandaza (1995:43) shares Sachikonye's views on student activism and the demand for democracy by arguing that certain university governing bodies were filled with state appointees such as in the case of Zimbabwe where the Vice Chancellor and his deputies at various state universities are appointed by the Minister of Education. He further maintains that in some universities, again giving Zimbabwe as an example, attempts were made by the state to determine research and teaching priorities. In collaboration with students unions, University teaching staff has mounted campaigns against the intended erosion of their autonomy and academic freedom. This has resulted in universities demonstrations in Zambia, Zimbabwe, Malawi, Botswana and Mozambique. Mutambara[5] (1991:410) argues that in all these countries, the state would view tertiary institutions "…as a centre of a counter-hegemonic movement which could undermine the legitimacy of an incumbent government". All this expresses

---

[5] Arthur Mutambara is a one-time student leader and now a politician and the leader of one of the MDC factions

fear of an organized civil society by the state which tends to co-opt those civic groups that have a potential to win support from the public.

It is important to note that another vital set of institutions in civil society, which have contributed to democratic struggles against colonial rule and apartheid system and for the observance of human rights in the post-independence, has been the church (Sachikonye 1995:409). He argues that because of the liberation struggles in Zimbabwe, Namibia and South Africa, as well as peace negotiations and their successful outcome in Mozambique, churches played a pivotal role. Human rights organizations, which sprung up in the post-independence period, have sought to mobilize public opposition to state authoritarianism in the form of draconian laws (such as the *POSA* and *AIPPA* in the case of Zimbabwe) that infringe on civil liberties such as freedoms of association and expression.

Another set of civil society institutions that have influenced events in most Southern African countries have been the chambers of commerce, the various industrial and agrarian and mining interests whose operations are regional in scope, since most of corporations operate in more than one country. Since these institutions often have considerable levels of investment, they tend to have a direct stake in political stability and influence in the decision-making process (Keane, 1998a; 36). In post-independence African states, business associations have been active in supporting campaigns for re-democratisation (ibid).In Zambia and Zimbabwe, sections of the business class entered a coalition with labour unions, women's groups and professional associations to support the opposition. In Zambia, this resulted in the Movement for Multiparty Democracy (MMD) taking over from the United Independence party (UNIP) and in Zimbabwe; the Movement for Democratic Change nearly defeated the ruling party in the elections in 2000 and 2004.

In Southern Africa, the church has been another section of civil society that has made immense contribution to the democratic process in the region. According to Sachikonye (1995:403) an account of the liberation struggles in Zimbabwe, Namibia and South Africa,

and of the peace negotiations and their successful outcome in Mozambique would be incomplete without giving due weight to the contribution of the church. He further notes that the churches' educational and social services buttressed by a humanitarian concern mitigated, to a certain extent, the intensity of suffering of under-privileged social groups. Similarly, Mamdani (2000:43) notes that human rights organizations, which sprung up in the post-independence in Malawi, Zambia, Zimbabwe and Swaziland, have mobilized public opposition to state authoritarianism. Civil society in the region has therefore played a pivotal role in campaigning for human rights and good governance, as well as promoting political pluralism.

2.3.3 Civil society participation in Zimbabwe: a historical overview

In the colonial times, civil society in Zimbabwe operated clandestinely as civic organizations, social associations, labour movements and social clubs. It took the form of passive resistance against colonial rule. From the early 1900s, the majority of these associations had their social and cultural roots in rural and migrant labour communities, and included religious groups. With the advent of greater industrialization and urbanization in the 1940s and 1950s, township residents associations emerged with the aim of challenging the white economic and political order. The increasing number of workers in urban areas during and immediately after the Second World War, coupled with the growing labour crisis of labour reproduction in urban and rural areas, led to the growth of trade unions whose organizational strength was unprecedented (Moyo, Makumbe and Raftopolous, 2000:24-25).

The growth of trade unions in the 1950s and 1960s coincided with the growth of nationalist political organizations and provided Africans with a broad civic forum in which to organize and develop some form of political accountability to constitute a national identity. This saw the formation of reform-minded organizations such as the National Home Movement in Matabeleland, the Rhodesian Bantu Voters' Association, the Rhodesian Native Association, the Southern Rhodesia Native Welfare Association, the Southern Rhodesian Bantu Congress and the Southern Rhodesia Native Missionary Conference. All these

organizations pushed for various aspects of socio-economic and political reforms in their constituencies (Raftopolous, 2000:24).These civic organization fought alongside the liberation movements until the attainment of independence in 1980. Drawing from the experience in former communist countries and in Latin America, the literature on democratic transition suggests that in societies that experience a transition from an authoritarian regime to a liberal democracy the new regime tends to demobilize the very movements and organizations that struggled to bring it into power (O'Donnell&Schmitter, 1986; Ginsburg, 1996 in Klandermans, 2001:112). The CCJP, having fought alongside the nationalist parties during the liberation struggle, found itself creating enemies with the state because of the CCJP's investigation and subsequent publication of the findings of the Matabeleland Massacres.

However, some civic organizations have continued to fight for the rights of the ordinary people in the post-independence period, especially church-related organisations, like the CCJP. Other new post-independence civil society formations, like the ZimRights began to work in league with established organizations like the CCJP to promote human rights, good governance and democracy. The CCJP, ZimRights and the NCA are going to form the basis of this Study.

2.3.4 Selected civil society groups

For purposes of this, Study three civic organizations have been selected for investigation. These are the CCJP, ZimRights and the NCA. These have also been selected due to the fact that they cover periods of the Zimbabwean history dominated by much political activity.

The justification of selecting the three civic organizations is that their activities span across various historical, political, economic and social developments in the country which include the development from colonial to the attainment of political independence, post-independence dominance of ZANU(PF) and a slide towards a one-party state as well as the Matabeleland Massacres accompanied by gross human rights violations. Restlessness at the slow progress of the land redistribution process led to the 2000 Land Redistribution

Programme without government taking due respect for property rights. These developments, as well as the existence of limited political space for dissenting voices and prohibitive legislation guiding civil society participation led to the realization that there was a dire need for a new constitution. Constitutional amendments have not created enough political space for civil society participation and an equal opportunity for opposition political parties. All these events and processes became a challenge for civil society because "…civil society institutions not only provide an important link between citizens and the state, but also ensure accountability on the part of the state" (Foweraker and Landman,2000,in Klandermans, Marlene and Olivier,2001:111)

The Study will briefly explore the participation of a section of the selected civil society groups during the colonial era and the engagement of all the three civic groups in post-independence Zimbabwe. The pre-independence civil society participation was in support of the nationalist objective of liberating the country from colonialism. Post-independence participation centered on consolidating the gains of independence and helping to promote democracy and a more liberal society (Makumbe, 2001:45).

2.3.4.1 Catholic Commission for Justice and Peace (CCJP)

There were also church-related bodies, which were concerned with both the welfare activities and the promotion of ecumenical dialogue. The 1960s and 70s saw the formation of church-related institutions that were responsive to racist policies of the Rhodesian government. These institutions included the Christian Council, formed in 1964 to co-ordinate Christian work amongst the youth, as well as to deal with the broader urban and township issues. These activities were later expanded to include moral, material and financial support for detainees/restrictees and their families during times of strife (Raftopolous, 2000:27).Similarly, Christian Care, founded in 1967, and a successor to the Christian Council, dealt with problems of detainees. A more vibrant and proactive Catholic Commission for Justice and Peace (CCJP), formed in 1972, became increasingly involved in documenting of human rights abuses of the Rhodesian security forces .The CCJP did not only confine itself to human rights issues, but broadened its horizon to include economic and social problems that affect the daily livelihood of the general public. During the second

phase of ESAP (1995-1999), a group of NGOs, under the leadership of the Ecumenical Support Services and the CCJP, embarked on a more proactive campaign by urging government to "…open up national debate, discussion on both ESAP 1 and the process and content of ESAP 2"(Rich,1998:35). The churches, especially the Roman Catholic under which the CCJP falls, and other human rights organizations became consistent in their critique of the state's role in the Matabeleland civil conflict of the early 1980s[6].Together, the CCJP, the religious fraternity and human rights institutions have thus sought to limit the extension of unbridled state power on individual liberties (Mutambara 1991:404).
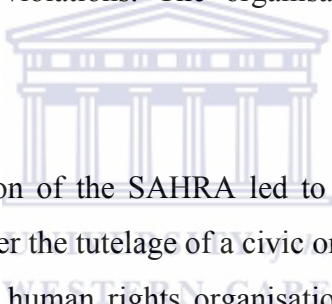
 The civil strife, which broke out soon after independence, provoked memories of the suffering, which people had experienced during the war. However, an altercation between the two major nationalist political parties for supremacy plunged the country into a civil war in the southern parts of the country from 1982-1987.The CCJP was the first part of civil society to challenge the government to take steps to end the civil strife that the country found itself in. Unprecedented levels of human rights violations were perpetrated and many people died and thousands more got internally displaced. To establish the level of human right violation, deaths and displacements, the CCJP carried out investigations into the disturbances and established that over 20 000 people had been killed and many displaced. It also called for government to institute a commission of inquiry into the killings and to bring perpetrators to book. The Church also played an integrating role by facilitating working relationship between and among different political and civic groups, which led to the formation of the Save Zimbabwe Campaign, in 2007, a coalition of church-related organizations, under the leadership of the CCJP. The prayer rally jointly organized by various the CCJP and various affiliates resulted in the brutalization of opposition political leaders, student leaders and leaders of the labour movement on 11 March 2007 and the castigation of church leaders by government. To this day the CCJP have taken and still takes to court deserving cases involving unlawful arrest and detention or other abuses of human rights. It does not fund private actions between individuals but facilitates litigation against the state on behalf of victims of political violence and other social injustices.

---

[6] The CCJP published findings of human rights violations during disturbances in Matabeleland and parts of the Midlands in the 1980s in their Report entitled *Breaking the Silence*

2.3.4.2 Zimbabwe Human Rights Organisation (ZimRights)

The Matabeleland Massacres of the 1980s and various human rights violations that went with it saw the necessity of coming up with a human rights monitoring mechanism. A human rights group, the Southern African Human Rights Association (SAHRA) was formed to monitor human rights violations but it did not last for a long time because of a number of problems. Firstly, its area of jurisdiction was not defined and clear, having to cover the whole of the Southern African region. Secondly, it appeared to have been a regional human rights body and thirdly it did not have recognition in the Southern African region. Eventually it was co-opted by the State because being the first of its kind and formed during the Matabeleland Massacres, the government saw it fit to prevent it from investigating the human rights violations. The organisation eventually fizzled out of existence.

The void created by the co-option of the SAHRA led to the formation of ZimRights in 1992.Initially it had operated under the tutelage of a civic organisation called Church NGO, before becoming a fully-fledged human rights organisation. Different civil organisations that had an interest in human rights began to forge partnerships in providing moral, financial and training support for the formation of the Zimbabwe Human Rights Organisation (ZimRights). In addition to the findings of the CCJP on human rights violations during the Matabeleland Massacres, ZimRights has added its voice on condemning human rights violations of any kind.

Since its inception, ZimRights has adopted a multidimensional approach to the promotion of human rights in Zimbabwe. In addition to decentralising its services to all the national provinces of the country, it has embarked on a number of advocacy projects, information dissemination and research on human rights issues. It is involved in issues of democracy and good governance where it campaigns for a well-managed political democracy. Through its outreach programmes, the organisation encourages citizens to participate in choosing

their own political leaders. ZimRights also conducts voter education; especially among the grassroots people who have limited access to information. The organisation has a legal aid unit through which it offers free legal aid and assistance with special emphasis on human rights test cases and public interest case litigation as well as the use of law to enforce human rights. ZimRights have also engaged government on policy issues. It mobilised other NGOs against the provisions on the Private and Voluntary Organisations (PVO) Act which dictated how civic organisations should be run and how they should manage their finances. ZimRights challenged sections of PVO Act as unconstitutional such as those prohibiting foreign funding for civil society. It also organised other NGOs and began a process of pressing the state to open up dialogue for more acceptable legislation on NGOs (NGO Briefing Paper, undated).

Zimrights is also involved in human rights capacity building through conducting training in basic human rights law. It has also been involved in advocacy for pro-human rights law reform and providing human rights legal services to members, including referral and information. It continues to monitor the law-making process and the enforcement of law in the law courts. It has a research unit, which is currently researching on women's access to land under the Land Reform Programme that was instituted in 2000. ZimRights has developed a human rights resource library where human rights material are made available to researchers, university students, ZimRights members and anyone interested in human rights information. The organisation also gathers documentation from its field officers on human rights issues they are handling at community level, for publication.

The Zimbabwe Lawyers for Human Rights is the legal arm of ZimRights and offers free legal representation for more serious cases. It has brought cases of political violence before the International Court of Justice in The Hague on behalf of people who lost friends and relatives as well as property to politically-motivated violent acts. It aims to foster a culture of human rights in Zimbabwe and to encourage the growth and strengthening of human rights at all levels of Zimbabwean society as well as protects, promotes, and strengthens the human rights legal framework in the Constitution of Zimbabwe. ZimRights has

successfully persuaded government to incorporate human rights in the school curriculum. ZimRights also strives to implementation and protection in Zimbabwe of international human rights norms as contained in important international conventions such as, but not limited to, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the United Nations Convention on the Elimination of all Forms of Discrimination against Women, the United Nations Convention on the Rights of the Child, and the African Charter on Human and People's Rights.

Through all these efforts, ZimRights has helped to build a human rights-conscious society and this has been a positive contribution in promoting a democratic society. ZimRights has also realised the shortcomings of the current Lancaster House Constitution and has argued that people have a right to a constitution of their choice. ZimRights is part of a coalition of civic organisations that formed the National Constitutional Assembly in 1996.

2.3.4.3 National Constitutional Assembly (NCA)

Mounting criticism against the government's intentions to establish a one-party state in the early and mid-1980s met with a lot of criticism. Academics in particular and civil society identified that shortcomings lied with the Constitution of Zimbabwe, which the State wanted to manipulate through amendments aimed not only at flashing out opposition political parties, but create a life presidency with executive powers. The Constitution is such that it gives the State President enormous executive powers to appoint and dismiss senior government officials. The only wartime strong opposition political party, ZAPU (PF) was co-opted into the ruling party, through the Unity Accord, which called for the merging of the two former wartime allies. Through the Unity Accord ZAPU (PF) was co-opted into ZANU (PF), thereby creating a *de facto* one-party state. Civil society kept on blaming the situation of the executive presidency and the manipulation of the Constitution. The notion of coming up with another Constitution began to gain ground in the late 1980s and in 1997 the National Constitutional assembly was founded by a group of civic groups, trade unions, students movements and opposition political parties.

Since its formation, the NCA made tremendous contributions to the promotion of democracy in Zimbabwe. Formed in 1996 and officially launched in January 1997, it is a coalition of NGOs, human rights organisations, social movements and religious groups. Its formation sparked a chain reaction that has shaped a new history of Zimbabwe. The NCA and the ZCTU were the foundation from which the Movement for Democratic Change (MDC) was built. Both the ZCTU and the NCA helped to groom and provide leadership for the MDC. Together with the MDC, the NCA campaigned for pluralism and a new people-driven constitution. According to Raftopolous and Makumbe (2000:37) pressure groups like the NCA had formed in 1997"…to raise the level of national consciousness on the need for a new constitution, and to lobby the state into playing a facilitative, though not determinative role, in establishing a process for constitutional reform".

Having seen the need for a new constitution, the government adopted the idea and in 1998, constituted a Constitution Commission to make nationwide consultations to come up with what should constitute the new constitution, an idea which had been generated by the NCA. The findings of the Constitutional Commission were put to the Referendum where the nation was called to adopt the government's findings. Through its outreach programmes, the NCA campaigned against the adoption of the Constitutional Commission's findings arguing that the Constitutional Commission was meant to strengthen the grip of the ruling party on power through allowing the President to stand for two more terms. Through advocacy, the NCA indicated that the ruling party wanted to maintain its hegemony through the monopolisation of politics (Makumbe 2003:27).The NCA successfully convinced the general population to vote against the Constitutional Commission's findings and recommendations on what the new constitution should comprise. The loss of the referendum vote to the NCA was historic victory for the NCA because it marked the first ever defeat for the ruling party since independence. The victory for the NCA against the ruling party also indicated that the ruling party was gradually losing popularity among the people. The NCA has challenged sections of POSA and AIPPA in the courts of law and in

most cases it has backed down[7].The NCA has always organised a series of demonstrations in various parts of the country in order to publicise its objectives.

However, in an effort to win back the support of the people, the ruling party embarked on a number of measures that would earn it political mileage. Firstly, it embarked on the Land Redistribution Programme, which resulted in the occupation of most white-owned commercial farms. The government argued that this move was meant to economically empower the majority of landless Zimbabweans. Secondly, food distribution was politicised and taken away from NGOs that has been mandated to do so by the UNDP. This move by the ruling party was meant to punish those who were perceived to be sympathetic to the MDC and to buy votes for the forthcoming parliamentary elections due in the next few months. In addition to this, the ruling party instituted an orgy of politically motivated violence meant to intimidate any members of the opposition political parties (Makumbe, 2000:80).
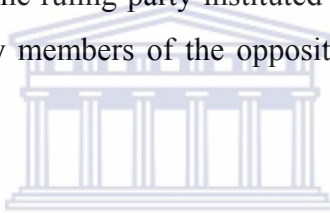
Successive constitutional amendments that followed the formation of the NCA and the referendum were meant to cripple various players, mainly in the NCA. According to Raftopolous (2001:36) the successive amendments "…signalled the eagerness of the state to control the growing NGO sector and, in particular, the funding being channelled into these organisations at a time when its(the government's) political legitimacy was being increasingly undermined by a growing economic crisis". Sachikonye (1998:87) points out that to tighten the screws on civil society operations, government started to amend the PVO, in 1982, 1983,1985,1992,1995 and in 1996 in an effort to come up with strict registration requirements. The link with the measures to control the funding of NGOs through the PVO Act was an attempt to associate the struggle of civic associations for constitutional reform with foreign manipulation (Moyo and Makumbe, 2000:39).

To promote its work, the NCA is engaged in conducting outreach programmes to conscientise the public on the need for a new constitution. This has helped to weaken the

---

[7] NCA won a verdict to flight its advertisements on national electronic and print media.

nationalist struggle argument, which the ruling party has always used when it came to issues of national interest. Because the public have seen the shortfalls of the Lancaster House Constitution, the task on the hands of the NCA to convince the public became easier because people have indicated their readiness to support a new constitution, as was evidenced by the results of the Referendum where the public refused to adopt the Constitution draft given by government (NCA Report: 1999).

The NCA again successfully campaigned against the concept of having senators in the Zimbabwean parliament in 2004. There was a disagreement within the opposition MDC which resulted in the MDC splitting into two factions, the pro-senate MDC and the anti-senate MDC. They argued that the senatorial elections would be a waste of taxpayers' money and that their functions would be a duplication of the current Members of Parliament. A vigorous campaign by the NCA against the incorporation of the senatorial legislative system has been received by the majority of civic society groups who have also joined in opposing the two-tier legislative system of government. The NCA argues that the two-tier legislative system has been adopted by government without wide consultation with civil society and the general public.

2.4 THEORETICAL FRAMEWORK

This part of the Study explores the theoretical framework on state/civil society participatory relations. It seeks to provide an overview of how various theories and approaches relate to the promotion of democracy, good governance and human rights by the state and the role of civil society in this process. Bell (1993:33) concludes that literature review helps to devise theoretical and analytical frameworks that are used as a basis for the subsequent interpretation and analysis of data at hand. Based on Bell's argument, related literature that will be cited in this study will help to provide the necessary framework for identifying the importance of civil society in the community and the need to have it incorporated by government in its structures. The literature review will also help consolidate and conceptualize the study. It will help sharpen the Researcher's analytical skills. Constant reference to the set objectives and research questions will be made so as

not to lose sight of the problem at hand. The theoretical framework for this Study will be made up of the following broad theories and approaches: corporatism, unitary theory, collectivism and systems theory, as well as the rational approach.

2.4.1 Corporatism

Corporatism is the theory and practice of organizing society into "corporations" subordinate to the state. According to corporatist theory, workers and employers would be organized into industrial and professional corporations serving as organs of political representation and controlling largely the persons and activities within their jurisdiction (Encyclopedia Britannica, 2005). Corporatism is based on the assumption that conflicting interests can always be accommodated and consensus reached (Keulder 2000:219). He further notes that "...many of the problems contributing to social tension are related to issues of employment, housing, education and high expectations.

Corporatism is a descriptive and prescriptive theory of government's relations with society. In the prescriptive version, all those engaged in a common enterprise, particularly as a means of making a living, have a common interest and should deal with government through union leaders. In the descriptive version, modern governments deal with organized interests by negotiating with leaders of the great "corporations" of labour and capital (McClelland: 2002:245). It is sometimes termed neo-corporatism to distinguish it from the political theories of fascism. Whereas state corporatism is coercive, neo-corporatism is, in theory, based on voluntary agreement between government and civil society. Neo-corporatism is a theoretical model for analysing relations between the State and society, used sometimes for descriptive and sometimes for prescriptive purposes. In its prescriptive state, it co-opts those organizations that it feels poises the greatest threat to state hegemony in return for preferential treatment. The neo-corporatism consists in the participation of intermediate bodies in social regulation and can be applied as a response to the crisis of legal intervention in the modern State. The essential elements of neo-corporatism are that government grants a monopoly of representation to certain peak associations in exchange for their cooperation in developing policy. In countries like Scandinavia, Germany, Austria,

and Switzerland, where there are major peak associations that dominate their respective economic sectors, neo-corporatism has been successful where major interest groups have struck a deal with the state in exchange for compliance with state (Encyclopedia Britannica, 2005).

Neo-corporatism constitutes a system of interest representation, which is reduced to a limited number of units or intermediaries to whom the State offers a recognized monopoly, in return for the control, which it exercises over their activities (Thomas 1993:7). On the other hand, neo-corporatism embodies a form of participation by recognized groups in the development of public policies such that the formulation and application of policies becomes the product of social concerted effort and a pact based on the exchange of mutual advantages between the State and private groups. This interaction fosters the institutionalization of interest groups and entails the delegation of public authority to private actors, which blurs the dividing line between the private and the public spheres (ibid). In the neo-corporatism model cooperation between government and civil society serves the purpose of maintaining stability to the procedures of developing and implementing policies. Various organizations are involved with government in negotiations about questions of policy and the institutionalized process of negotiations between representatives of these key sectors.

Corporatism was affirmed in South African economic policy-making when the Laboria Minute was signed in which government agreed to enact agreements on labour law between business and labour. The National Economic Forum (NEF) was then established in 1992, as recognition that government could not make economic policy on its own (Roodt 2005:30).However there is another reason for corporatism in South Africa. The discourse of civil society really took hold in South Africa in the early 1990s, mainly among movements opposed to the State. In many cases the fervour of civil society entailed mobilization of community organizations, which is an attempt to include the rest of civil society in the working of the National Economic Development and Labour Council (NEDLAC) (ibid).NEDLAC is a negotiating body of government and civil society in the

broadest sense, which seeks to find co-operation and agreement that would enable a process of social and economic transformation to be carried out (Weekly Mail and Guardian, 17 February 2005:7).Increasing government intervention in the economy produces a shift towards a more centralized or corporatist form of labour relations. This gives rise to institutionalized arrangements whereby capital, labour and the State are jointly involved in the process of socio-economic policy formulation (Goldberg 1994:7).

While corporatism has occurred in many different historical and socio-economic environments, one can distinguish between bargained corporatism, social corporatism and State corporatism. According to Goldberg (1994:7) bargained corporatism refers to the institutionalized arrangement whereby capital, labour and the State jointly formulate socio-economic policy. Social corporatism emphasises the role of corporate bodies in influencing government decision-making. State corporatism refers instead to a process by which the state uses officially-recognized organizations as a tool for restricting public participation in the political process and limiting the power of civil society (ibid). For purposes of this study, both social and state corporatism will be applied to show the extent of civil society participation in promoting a democratic culture. In the Zimbabwean context the state can make mutual agreements with sections of civil society in return for compromise on civil society demands.

2.4.2 The Unitary Theory

The unitarist theory was influenced by the work of Talcot Parsons, who was mainly concerned with how order is maintained in society. Parsons noted that society is a unified system whose various parts are interdependent (1966:46). He further maintains that the integration of society, fundamental to promoting order, is based on shared values, which people hold. In this regard, the State and civil society are interdependent. He argues that there is no conflict or exploitative power relations in society. Power, he notes, is rather viewed as the property of the whole society. In support of this argument, Klerck(2003:63) asserts that "…power is a generalized capacity of a social system to get things done in the interest of collective goals". Similarly, unitarists believe that there is no conflict between

management and employees or between the governors and the governed provided consensus is reached on issues of mutual interest. The unitary approach calls for a unity of purpose, a joint approach by both the government and civil society. Shared values between the two parties would also help to create a unified system whose various parts are interdependent. For purposes of this study, the church is part of civil society that has always played a unifying role, an argument which the proponents of the unitarism have always put forward.

2.4.3 Collectivism Theory

According to Grant (1995:47), in political philosophy "collectivism" refers to any philosophy or system that sees any kind of group (such as a class, nation, race, society, state) as more important than the individual. Collectivism holds that the individual has no rights, which his life and work belong to the group society, tribe, the state, the nation. (Rand.1999:37). Statism is a form of collectivism in which individuals are forced to be subservient to government (Rick Gaber). The primary goal of collectivism (socialism in Europe and contemporary liberalism in America) is to enlarge governmental supervision of individuals' lives (George Will, 1998:48).

At the root of the theory is the belief that a collective is more than just individuals interacting together. It is the belief that the group is an entity in itself, more important than the sum of the individuals. The individuals become secondary to the collective. It requires the individual to sacrifice himself for the alleged good of the group. Although different from altruism, collectivism complements it well. Altruism demands sacrifice for others; collectivism demands sacrifice for the group. Rand (1999:38) refers to altruists as those who hold that there is "a moral and political obligation of the individual to sacrifice his own interests for the sake of a greater social good." Collectivism leads to altruism. Collectivism, unlike individualism, holds the group as the primary, and the standard of moral value. Collectivism means the subjugation of the individual to a group - whether to a race class or state. Collectivism holds that man must be chained to collective action and collective thought for the sake of what is called "the common good". Proponents of

collectivism further note that throughout history, no tyrant ever rose to power except on the claim of representing "the common good". Collectivists argue that collectivism contributes to the family unit and nurtures a strong sense of responsibility towards the group, the family, and the community (Quiroz & Greenfield, 1987:92).

Collectivism can be distinguished from individualism .The foundation of individualism lies in one's moral right to pursue one's own happiness. This pursuit requires a large amount of independence, initiative, and self-responsibility. Individualism declares that each man may live his own life for his own happiness, as an end to himself. Politically, the result of such a principle is capitalism: a social system where the individual does not live by permission of others, but by inalienable right (Branden, 2001:98). Individualism holds that a human being should think and judge independently, respecting nothing more than the sovereignty of his or her mind; thus, it is intimately connected with the concept of autonomy. As an ethical-political concept, individualism upholds the supremacy of individual rights (ibid). Politically, true individualism means recognizing that one has a right to one's own life and happiness. However, it also means "… uniting with other citizens to preserve and defend the institutions that protect that right"(Klein, 2000:102).

 Political or moral individualism is the theory that individuals should be left, as far as possible, to determine their own futures in economic and moral matters. Key proponents of individualism include Ludwig von Mises, Friedrich Hayek, Milton Friedman, Robert Nozick, John Locke, and Herbert Spencer." Klein (2000:103) notes that while individualism fosters independence and individual achievement, collectivism fosters interdependence and group success. Individualism is also associated with the promotion of self-expression, individual thinking as well as egalitarian relations. Individualism emphasises individual ownership of private property and collectivism is associated with the promotion of norms, respect for authority, stable, hierarchical roles and shared property and group ownership.

However opponents of the collectivism theory have argued that the philosophy of collectivism leads to totalitarianism and the subjugation of the individual to a group.

Richman (1997:79 asserts that collectivism can be taken advantage of by tyrants who might want to rise to power on the claim of representing the common good. He further points out that horrors which no man would dare consider for his own selfish sake are perpetrated with a clear conscience by altruists who justify themselves by the common good (ibid).

There are two basic objections to collectivism, which come from the ideas of liberal individualism. One is that collectivism stifles individuality and diversity by insisting upon a common social identity, whether it is nationalism, racialism, feminism, or some other group focus. The other is that collectivism is linked to statism. Those who object to collectivism argue that dictators may take advantage of the concept of collectivism to extend their power, or political influence and to advance, monopolies by making claims that certain governmental actions would be in the national, state, society or interest and justify the need to take precedence over any individual interests whatsoever. Another flaw of collectivism is that practically it resembles individualism by depending on one individual (or small group) to make key social and economic decisions. In contrast, a system based on individualism takes advantage of the aggregate information of the whole society; through the actions of each participant. Closely linked to collectivism is the Systems theory which also encourages interdependence among various components of a system.

2.4.4 Systems Theory

According to Muller (2001:23) Easton's behavioral approach to politics, proposed that a political system could be seen as a delimited (i.e. all political system have precise boundaries) and fluid (changing) system of steps in decision making. He maintained that a system is a collection of part unified to accomplish an overall goal. If one part of the system is removed, the nature of the system is changed as well (ibid). The Political Systems Theory is closely related to the input-output model of David Easton which focuses on the response by the political system to the demands and needs of interest groups (Wissink, 1991:32).He argues that such demands enter the (political) system as inputs and through the political process via such channels as political debates, cabinet memoranda, proposals, counterproposals and consensus and decisions and finally agreement on policy is reached

or output to be made. The systems model can provide perspectives on aspects such as the influence of the environment of political policy and vice versa, the success or ability of the political system to convert demands into public policy, the effectiveness of the feedback process and the extent to which feedback information is incorporated in the adoption of existing or new policies (Hanekom, 1978:81; Wissink, 1991:32; Henry, 1992:290).

According to David Easton every state has a political system, an economic system, a system of social structure, and a cultural system. He argues that political systems can be analyzed by their structures and functions. Functionally, the political systems may be defined as: authoritatively allocating values (David Easton), determining "who gets what, when, and how (Harold Lasswell), the steering mechanism which controls the ship of state (Aristotle, Deutsch), and having a monopoly on the legitimate use of force (David Easton). Structurally, political systems may be defined in terms of input, conversion, output, and feedback operating in at least three different environments.

System theory is basically composed of regularly interacting or interrelating groups of activities (Katz and Kahn, 1966:68). Webster defines a system as a "regularly interacting or interdependent group of items forming, a unified whole, "which" is in, or tends to be in, equilibrium". Negandi (1999:76) notes that "…a system's attributes, which are the interdependence and interlinking of various subsystems within a given system, and the tendency toward attaining a balance, or equilibrium forces one to think in terms of multiple causation in contrast to the common habit of thinking in single-cause terms". A system is a functional whole composed of set of subsystems and components, when coupled together, generate a level of organization that is fundamentally different from the level of each individual subsystem.

Johann Graaff (1999:78) defines the Systems Theory as relationships between parts and wholes. He argues that individuals combined may form soccer, while a number of soccer teams assembled together may form a league. He proceeds by saying that combining institutions like families, political parties, corporations and sports leagues may form a society. Consequently, societies combined may form a world system (Ibid). Subsequently, states need civil society for them to operate smoothly, while on the other hand, civil society

needs the State to put in place enabling legislation for the lawful functioning of civic groups.

2.4.4.1 Open Systems Theory

Open systems theory was developed after World War II in reaction to earlier theories of organizations, such as the human relations perspective of Elton Mayo and the administrative theories of Henri Fayol, which treated the organization largely as a self-contained entity. Virtually all modern theories of organization utilize the open systems perspective. As a result, open systems theories have offered many variances. For example, contingency theorists argue that organizations are organized in ways that best fit the environment in which they are embedded. Institutional theorists see organizations as a means by which the societal values and beliefs are embedded in organizational structure and expressed in organizational change. Resource dependency theorists see the organization as adapting to the environment as dictated by its resource providers. Although there is a great variety in the perspectives provided by open systems theories, they share the perspective that an organization's survival is dependent upon its relationship with the environment (Easton 1993:65).In his behavioral approach to politics, Easton proposed that a political system could be seen as a system if it has precise boundaries and a dynamic system which should engage people in debates and consultations as steps in decision making. This is a 'stable political (open) system', in contrast to a 'dysfunctional political (closed) system' where the political system will have broken down.

Open systems adapt quickly to the environment in which they live by possessing permeable boundaries through which new information and ideas are readily absorbed. By incorporating viable, new ideas, an open system ultimately sustains growth and serves its parent environment. Open systems possess a stronger probability for survival due to this adaptability (Easton, 1993:66). Scott (1997:35) notes that "systems are interdependent activities linking shifting coalitions of participants; the systems are embedded in-dependent on continuing exchanges with and constituted by-the environments in which they operate." The salient characteristics of an open system are a self-maintenance based on a process of resources from the environment and interaction with the environment. Katz and Kahn

summarize the essential characteristics of open systems as follows: "The open-system approach begins by identifying and mapping the repeated cycles of inputs, transformation, output and renewed inputs which comprise the organizational patterns.

2.4.4.2 Closed Systems Theory

Conversely, a closed system resists the incorporation of new ideas and can be deemed unnecessary to its parent environment. A closed system is an isolated system having no interaction with an environment (von Bertalanffy, 1999:3). By not adopting or implementing viable ideas, a closed system ceases to properly serve the environment it lives in. Hall notes that "Whether a given system is open or closed depends on how much of the universe is included in the system and how much in the environment." That is, all parts must be continuously motivated to produce and reproduce in a system. Systems Theory argues that '…all rulers depend on the support of influential social groups to maintain their power Eggertsson 1999:328) and cannot afford to shut these groups out. He further asserts that other things being equal; the political weight of social groups is directly related to the strength of their economic base. Usually, the ruler (or the ruling class) of a state must deal with individuals and factions that possess substantial bargaining power.

2.5 Policy Approaches and framework underpinning civil society participation in Zimbabwe

The theories cited above emphasized the need for a concerted effort to solve societal problems. The literature review attempted to show how civil society can be incorporated in the implementation of public programmes. There are many approaches to civil society participation in promoting democracy. However, for the purpose of this Study the researcher is going to use the Rational Approach.

2.5.1 The Rational Approach

The Rational Approach stems from the Rational-Comprehensive Theory, which underlies multiple bases and reasoned choices that can lead to different courses of action to solve public problems (Dunn 1994:274). The Rational Approach dwells much on the policy-

making process and the role that civil society plays in this process. Ideally in a healthy democracy, the State and civil society need to engage in joint consultations to come up with policy. Hamdok (2003:17) concurs with the need for the involvement of both State and civil society in policy–making by maintaining that:

"The quest for good governance imposes on policy makers and public policy to create an effective State that can enable an environment for economic growth and equitable redistribution, foster civil society participation, cohesion and stability, and enable the private sector to play an independent and productive role in the economy".

The Rational Approach requires that policy should represent maximum social gain, emphasizing that government chooses policies that result in gains to society that exceed costs by the greatest margin (Dye1998:24). Dye divides the Rational Comprehensive Theory into Technical, Economic, Legal, Social, and Substantive Rationality. The technical rational approach addresses technical issues such as those found in medicine and other hard sciences. The legal rational approach explores the rationality of legal decisions, and the economic rational approach attempts to investigate the cost-benefit of policy decisions. For the purposes of this Study, the Social Rationality is utilised because it deals with concepts of the enhancement of democracy, human rights and civil society participation in policy-making and implementation. He further notes that the involvement of several actors like; the mass media, donors, interest groups, political parties, public agencies, NGOs and other civil society organizations; becomes pertinent in the policy- and decision-making processes. Public policy is needed to satisfy human needs and address societal problems. However, the capacity of many Third World governments to fulfill human needs depends on the nature of the social, economic and psychological dimensions of political life and the outlook of major institutions and structures of the political system (Olum 2002:75).

The Rational Approach has also considered the impact of donors as of paramount importance in influencing political decisions and subsequently creating democratic political space. By 1988 only eight African countries had multiparty constitutions compared to forty-five in 1999 when the rising force of neo-liberalism and donor demands for

democracy had taken stronger roots (Addison, 2003:57).This recent emphasis on good governance as a policy framework and an ingredient of Africa's reform process has been spearheaded by donors rather than by nation states themselves.

At global level, multilaterals have been part of the policy-making process and have been "encouraging" African countries to embrace democracy, good governance and observe human rights in their constituencies (UN-World Bank, 2004). Major macroeconomic and sector policy modifications of many developing countries in Africa required consultation, if not approval, from either the IMF, the World Bank, the African Development Bank or other major bilateral donors (Heijden, 2003:86). This is further confirmed by Callaghy (1998:41) when he notes that "...donor countries that encourage Africans to take the democratic path are also the countries that are encouraging Africans to adopt economic policies that alienate the people that make development extremely difficult." Donors have also been known to engage and indulge in national politics as a precondition for financial aid. Addison (2003:56) argues that "…donors can influence countries that are stuck in partial reform equilibrium, but only when internal political dynamics can succeed in changing national leaderships". While in some cases, donors have successfully led policy reforms that have bolstered development initiatives, such as in Uganda, but this has been achieved at the expense of indigenous policy formulation network (ibid).

The Rational Approach notes that the role of media in public policy making is such that it identifies issues and sets the agenda for public discussion; plays arbitrator between citizenry and the decision makers, influences attitudes and values towards policy issues, and assumes power on behalf of the public to watch over policy process, analysis and implementation(Chazan, Harbeson, Rothchild 2004).When dealing with policy issues, government agencies are interested in stable and positive reactions from the public. On the contrary; the media tends to like news that have emotional rhetoric, shocking incidents, dramatic conflict, stereotypes and sometimes overblown problems such as inflation, government spending and foreign policy (Olum 2002:72). This brings them in direct conflict with government machinery, which views the media (especially independent

media) as a mechanism that distorts governments' relationship with the people and creating some form of instability. This has resulted in the enactment of draconian media laws curtailing press freedom. The arrest, torture or murder of journalists and banning of some publications has resulted from all this competition for public attention. These repressive actions of the State have tended to deter the media's role in the policy making process and even frustrate efforts towards rational policy analysis.

Interest groups and political parties form the bulk of civil society, with particular reference to Zimbabwe. These groupings are expected to gather interests from various stakeholders in the population aggregate then, help set the agenda and press demands upon a political system, which will eventually be transformed into policies. The relationship between the State and the rest of the population revolves around promises and trust. The State ordinarily promises to create an enabling environment in the form of policy (stability, public goods and property rights) in exchange for votes and taxes from government (Addison 2003). However, just like in any contract, fulfillment of the agreed positions depends on how well organized the interest groups are. This is where the relationship between State and the population causes dilemmas that eventually affect rational policy making and the success of the entire policy process (ibid).It is unfortunate that parties and interest groups are usually controlled by government through several legal and illegal restrictions, as well as manipulation, all of which deny them viable space for effective participation(Bryner 2003:304).In essence, therefore, citizen participation in decision-making and development programmes remains largely a cosmetic show and a mockery exercise …with very little, if no, effective means of empowerment(Narayani,2002:95). Subsequently, it all becomes patronage and clientage relations that benefit a few elites and strong sections of the society. Mamdani has argued that "...the African patrimonial state has perpetuated a rule over subjects rather than a rule by citizens (1996:102), which implies that the state makes arbitrary decisions with little or no inputs from the citizens, and such does not promote a democratic culture.

Deborah Stone (1997:11-12) notes that policy-making is about changing people's behaviors and that each policy effort takes place within a political arena. This means that

policy making undertakes to capture public order and norms. Since the Rational Approach deals with the policy-making process and the role that civil society plays in this process, the Approach urges government to engage civil society in the policy-making process. The state can best 'capture public order and norms' through informed policies through consultation with the citizens in line with the requirements of democratic principles of civil society involvement. This can be reflected in the type of legislation that a country comes up with.

2.6 Relevant policy framework guiding civil society activities in Zimbabwe

The theoretical framework has provided theories that pertain to state/civil society relations and how these two can develop a democratic culture within a country for the public good. The State, being the overall national authority should create an enabling environment from which civil society can operate with government moral support .The government has done this through the enactment of various legal instruments. These include the Constitution of Zimbabwe (1979),where all laws are derive from, PVO Act (1996), the NGO Bill (2004), POSA, AIPPA (2005),the Zimbabwe Electoral Commission Act (2005) and the Interception Communication Act (2007).These legislative provisions have had varying impact on civil society participation, and the promotion of democracy in Zimbabwe.

2.6.1 The Constitution of Zimbabwe (1979)

The Constitution is the supreme law of the land and it is against this background that all national legislation emanates from, and should conform to it. Constitutional provisions include civil, natural and political rights which all citizens are entitled to, irrespective of religion, colour or political affiliation. Through registering and allowing civil society continued existence, the State is creating an avenue for civil society participation in national programmes that help in realizing societal objectives such as poverty alleviation, the observance of human rights, upholding of democratic principles and even environmental and HIV/AIDS awareness campaigns. The Constitution does this through legal provisions such as Acts and Bills, some of which are as follows:

2.6.2 The Private and Voluntary Organizations (PVO) Act (1996)

The Private Voluntary Organizations Act of 1996 requires all organizations that provide welfare services or treatment or "any activities that uplift the standard of living of persons of families" to register with the government. Registration is not automatic, and the government has a right to deny an organization's right to exist after examining the organizations' financial books and records. Until recently, this last provision had not been enforced, but from November 2002, government requires that all organizations not registered under the PVO Act should immediately cease operations or face arrest. Under the PVO Act, the Minister of Public Service is tasked to oversee the registration/deregistration of civic and private/voluntary organizations and their compliance with the various sections of the Act. Although the Act allows for the formation of a civil society umbrella body-National Association of Non-Governmental Organisations-NANGO- to oversee the running of all civic organizations, but the Minister of Public Service is involved in the appointment of Board members, an issue that civil society has said undermines the autonomy of the whole spectrum of civil society and compromises their decision-making process. The PVO Act makes specific reference to, and reservations about foreign funding for civic groups, and in the recent amendment to the Act, has banned all foreign funding to civic organizations. NGOs have reportedly expressed concern that they were particularly concerned with amendments to the Act since it "…signaled the eagerness of the state to control the growing NGO sector and, in particular, the funding being channeled into these organizations at a time when its political legitimacy was being undermined by a growing economic crisis"(Raftopolous 2000:36).

2.6.3 NGO Bill (2004)

This new legislation attempts to ban foreign NGOs concerned principally with "issues of governance", and NGOs receiving foreign funding for "promotion and protection of human rights and political governance issues" will be denied registration. The changing context of state and NGO relationships will be adversely, especially in cases where international tourism is a revenue generator for both the private sector and government. Environmental NGOs, which have also been carrying out feasibility studies on environmental conservation programmes would also be negatively affected and environmental programmes stalled.

Certain provisions in the bill, which include setting up a regulatory council that can decide whether a particular NGO will be registered or not, will be set up through this piece of legislation.

Meanwhile, NGOs likely to face closure after the law is enacted said they would oppose the enactment of the Bill into laws (Naidoo and Doube, 2006:85-91). If the government proceeds with making some aggressive amendments to the Bill some humanitarian NGOs such as those working to address the needs of disabled persons in Zimbabwe will be affected (ibid). But of concern would be the effect on the beneficiaries, because government alone cannot sustain most of these programmes. It needs input from civil society. Even relations between the Zimbabwe government and many UN agencies will be strained since most of poverty-alleviation and environmental, and HIV/AIDS programmes were being funded by UN agencies.

2.6.4 The Public Order and Security Act (POSA) (2005)

POSA is informed by a number of sections which prescribes certain expectations and compliances. Part 1 interprets the Act, while Part 2 enumerates that action that it regards as 'offences against constitutional government and public security' which include sabotage, acts of terrorism, possession of dangerous weaponry as well as undermining the authority of or insulting the President. Under Part 2 of POSA publishing or communicating false statements prejudicial to the state constitutes an offence. Under Part 3, POSA calls for police clearance for any one or group that intends to hold a public gathering. Public gatherings under this Act include political, religious and social gatherings. In order to preserve public order, police are given the authority to change the venue or other logistical aspects of the meeting, prohibit the meeting entirely, or prohibit all public meetings in a particular police district for up to three months. These sections of POSA have been used to decline or shut down several public meetings, including those held by elected MDC officials to report back to their constituencies. The police are not required to give reasons why meetings are considered threats to public order nor do they suggest conditions under which the meetings could be held.

In practice, police does not sanction any meeting presumed to threaten public order and this is referred to in Section 19 which discourages "gatherings conducive to riot, disorder or intolerance". Part 5 requires that people carry identity documents with them and empowers the police to cordon and search individuals and residences. Part 6 authorizes the Attorney-General to prosecute those suspected of having breached any section of POSA and calls upon the defence forces to assist the police when the need arises. It also gives the police powers of search, seizure and forfeiture. In the face of this legislation, many civic organizations and opposition political parties have found it very difficult to reach out to their constituencies without committing a breach of one of the sections of POSA. Freedoms of speech, movement and association have also been curtailed by sections of this legislation and this has made the work of much of civil society difficult. Some sections of civil society have regarded POSA as a draw back to their attempts to contribute to a democratic dispensation and to engage government on vital issues such as the cultivation of a democratic culture among the citizens and enlightening people o their rights as citizens, through outreach programmes.
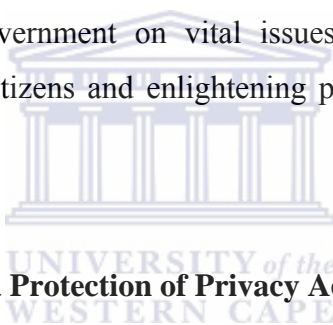
2.6.5 Access to Information and Protection of Privacy Act (2005) AIPPA

Martin and Feldman (1998:1) note that countries"…which are committed to democratic good governance should adopt a legal regime that promotes access to information". They further maintain that access to information is "…the ability of the citizen to obtain information in the possession of the state" (1998:1). AIPPA is a legal instrument that enables the government to monitor and control the flow of information in the country, and takes the publication of falsehoods by journalists and media houses as a very serious offence. Under AIPPA, practicing journalism should be by registration under the Media and Information Council (MIC) which gives or denies practicing licences to both journalists and media stations alike. It also licenses or denies to license radio stations. Under MIC, many prospective radio stations have been denied the chance to practice. Journalists operating without licenses are subject to heavy fines and/or imprisonment. These restrictions on journalism also apply to non-journalists collecting information for other private purposes. AIPPA also bans foreign diplomats from making speeches at their National Day events. Amendment to AIPPA makes the practice of journalism without

accreditation a criminal offence punishable by up to two years in prison. Civic organizations are also not allowed to be involved in politics of the country or to make political statements or to leak any information outside the country.

2.6.6 Zimbabwe Electoral Act (2006)

This Act establishes an independent authority, the Zimbabwe Electoral Commission, to administer all elections and referenda in Zimbabwe. The Act empowers the State President to appoint members of the Commission. The provisions give the Commission far-reaching powers over voter education. The Act also bars all foreign support for voter education activities except through the Electoral Commission. Under the Act, the Commission would be empowered to require anyone, other than a political party, providing voter education to furnish it with detailed information, including funding sources. Failure to comply with any one of these laws would constitute a criminal offence, liable to a fine or to up to two years of imprisonment. Much of civil society and NGOs depend on foreign funding. Civil society has therefore tended to view this Bill as government attempts to flash them out of existence and to cause cash flow problems for civic groups. A free election is one in which voters can freely vote for the candidates of their choice. The electoral laws themselves must create a set of rules that allow all contesting parties to compete fairly in the elections and all eligible voters who wish to do so to exercise their right to vote. A fair election is one in which all the processes of the election are fairly and impartially administered. These processes include the registration of voters and election candidates, the voting process and the counting of votes and the announcement of the results. Election candidates and parties contesting the election must also be given a fair and substantially equal opportunity before the election to campaign and inform the electorate of their principles, policies and promises. This includes equal opportunity for airtime on the electronic and print media.

2.6.7 Interception of Communications Act (2007)

The Act seeks to "establish an interception of communication monitoring centre whose function shall be to monitor and intercept certain communications in the course of their transmission through a telecommunication, postal or any other related services

system".Through the Interception of Communications Act, the government strives to regulate the interception of communications through constitutional provisions protecting the privacy of communications, and requisite laws and regulations to implement the constitutional requirements regards the Act with apprehension.. The Act violates the human rights of Zimbabweans and many international Conventions such as the Universal Declaration of Human Rights which states that "No one should be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks on his integrity or reputation. Everyone has the right to the protection of the law against such interferences or attacks." Various civil society groups have rejected the Interception of Communications Act citing its infringement on fundamental human rights and contravening S*ection 20* of the Constitution of Zimbabwe which prescribes that every individual has a right to privacy**.**

2.6.8 Urban Councils Act (1996)

This is an enabling Act of Parliament which empowers rate payers in urban areas to form resident associations that would represent ratepayers' interests. These can even summon political leadership to discuss rate payers on issues affecting them, such as the unwarranted hiking of rates, as well as poor service delivery. These residents' associations have in recent years assumed political powers which include fielding mayoral candidates, as well as showing direct interest in the running of city councils and rural district councils. The Rural Councils Act is the rural counterpart of the Urban Councils Act and functions in almost the same way, but for purposes of this Study, the focus will be on the Urban Councils Act.

2.7 Summary:

This Chapter has attempted to display the relevance and applicability of cited theories on civil society participation in set goals and nation building. The Study has selected three civic groups, namely the CCJP, ZimRights and the NCA. The activities of these civic organizations and their relationship with the State were explored in depth and relevant theories discussed. Theories and approaches that were applied to the study included the Systems Approach, Collectivism, Corporatism and the Rational Approach. All these have

indicated the state/civil society relations. The chapter also explored legislation guiding civil society participation in promoting of good governance and how these have impacted on the operations of various civic groups. These include the PVO Act, the NGO Bill, POSA and AIPPA as well as the Urban Councils Act(s). These pieces of legislation allow civil society to operate, and the government determines the modus operandi and parameters within which civic groups should be confined. It is from the theoretical and policy frameworks that the researcher will now be in a position to collect organizational data and carry out interviews with key organizational informants, which is the main purpose of the preceding chapter.

CHAPTER THREE- RESEARCH METHODOLOGY

3.1 Introduction

The major purpose of this Chapter is to identify the research methodology which is going to be applied to this Study. This Chapter also intends to deal with research approaches, research design, research tools, data collection procedures and data sources, as well as, sampling and sampling procedures. The Study utilizes a case-study approach and data collection instruments are going to be guided by the methods triangulation which incorporates interviews; questionnaires as well as documentary analysis. The value as well as limitation of each data collection instrument used will be explored

3.2 Research Methodology

According to Webster (1998:67) Research Methodology is "…the analysis of the principles of methods, rules, and postulates employed by a discipline; the development of methods; procedure or a set of procedures to be applied within a discipline". The above definition implicitly expresses the gathering of data via surveys, and the assumption that this collection of data produces accurate results. The inquiry has got to be compliant with the principles or rules of research, which are the quest for validity, reliability and objectivity of research findings.

Research methodology determines how research should be planned and carried out. It refers to the implementation of scientific methods in studying phenomena (Mouton and Marais,1990:15).This means that the research methodology is focused on the most appropriate method that will assist the researcher in achieving the objectives of the study as well as answering research questions that the researcher seeks to address.

The Research methodology also includes selecting a theoretical framework within which would be most suitable to carry out an investigation through data collection and encompasses considerations regarding the value and limitations thereof (Henning, van

Rensburg and Smith, 2004:36). For the purposes of this Study qualitative and quantitative approaches have been selected.

3.2.1 Qualitative research methodology

Brynard and Hanekon (1997:29) point out that qualitative methodology refers to research which produces descriptive data. Qualitative research methodology involves methods of data collection and analysis that are non-quantitative (Lofland & Lofland 1995). The qualitative research technique is more detailed and allows for the description of how actions can be evaluated to enable the researcher adopt a well-informed position. It also describes the process of policy implementation. Weiss (2004:92) asserts that "…qualitative research does not only seek to evaluate, but implement". The author proceeds by maintaining that qualitative research does not measure but understand and "…get a hold of interactions among phenomena" (Wess2004: 93). This allows for comprehensive and valid descriptions of contexts and content.

Kerlinger (2000:37) classifies qualitative data collection into three categories which are interactive, written descriptions and observations as follows:

- Interactive interviewing is where people are asked to verbally describe their experiences of a phenomenon
- Written descriptions at which participants are requested to give written submissions of their experiences of a phenomenon, as well as
- Observation: where respondents are requested to submit descriptive observations of verbal and non-verbal behaviour.

Myers (1996:97) notes that qualitative research are study tools used in understanding and describing the world of human experience, and it is impossible to escape the subjective element. The major strength of the qualitative approach is the depth to which explorations are conducted and descriptions written, usually resulting in sufficient details for the researcher to grasp the idiosyncrasies of the situation (Myers 1996:97). Qualitative methods permit the researcher to study selected issues, cases, or events in depth and detail

(Patton 1987:9).The fact that data collection is not constrained by predetermined categories of analysis contributes to this depth and detail.

Qualitative data also provide depth and detail through direct quotations and careful description of programme situations, events, people, interactions, and observed behaviours (Layder, 1995:11). Layder further maintains that the detailed descriptions, direct quotations, and case documentation of qualitative methods are collected as open-ended narrative without attempting to fit programme activities or people's experiences into predetermined, standardized categories such as the response choices that constitute typical questionnaires.

Direct quotations are a basic source of raw data in qualitative research in that they reveal the respondents' levels of emotion, the way in which they have organised the world; their thoughts about what is happening, their experiences and their basic perceptions (Paton, 1987:14). The task of the qualitative researcher is therefore to provide a framework within which people can respond in a way that represents accurately and thoroughly their point of view about the research.

Due to the descriptive and prescriptive nature of qualitative data, it has succumbed to subjectivity in its attempt to give the researcher's viewpoint and analysis and this is echoed by (Adler & Adler 2003:27) when they maintain that qualitative research methodology involves a subjective methodology with the researcher as the research instrument. To overcome this, the researcher is going to utilize methods triangulation which incorporates interviews, questionnaires and documentary analysis. This helps to eliminate subjectivity by using more that one research method of source of data.

However, some of the qualitative data collected might involve quantifiable data and techniques. This is echoed by Struwig and Stead (2001:4) who argue that some "...interpretation of quantitative data is often of a qualitative nature." This means that quantifiable data was also used but interpreted qualitatively to suit the design selected for this Study. The quantifiable data can be critical in providing a comprehensive

understanding, analysis and interpretation of findings in a qualitative Study. For this Study quantitative data collected from selected organizations will be transformed to qualitative material to determine the participation that civil society made in promoting democracy and good governance in Zimbabwe.

3.2.2 Quantitative Research methodology

Quantitative Research, on the other hand, is an iterative process whereby evidence is evaluated, theories and hypotheses are refined and technical advances made (Miles and Hubberman,1994:4).The aim is to classify features, count them, and construct statistical models in an attempt to explain what is observed. Implicitly expressed, quantitative data is measurable while qualitative data cannot be put into a context that can be graphed or displayed as a mathematical term (Layder, 2004:19). Alternatively, qualitative research differs from quantitative research in that largely qualitative research is exploratory, while quantitative research is conclusive.

Another advantage of the quantitative approach is that it measures the reactions of a great many people to a limited set of questions, thus facilitating comparison and statistical aggregation of data (Patton,1990:9). According to Bryman (1988:1) quantitative research is typically taken to be exemplified by the social survey and experimental investigations, while qualitative research is associated with participant observation and unstructured, in-depth interviewing.

Considering research approach alternatives leads directly to consideration of the relative strengths and weaknesses of qualitative and quantitative data. Bryman (1988:1) further notes that quantitative methods, on the other hand, use standardized measures that fit diverse, varied opinions and experiences into predetermined response categories. The advantage of the quantitative approach is that it measures the reactions of a great many people to a limited set of questions; thereby facilitating comparisons and statistical aggregation of the data (ibid). This enables the production of a broad, generalized set of findings. By contrast, qualitative methods typically produce a wealth of detailed data about a much smaller number of people and cases. For the purpose of this Study, quantitative

research methodology is going to be used to collect numerical and statistical data that would then be interpreted into qualitative material and findings.

3.2.3 Co-existence of qualitative and quantitative research methodologies

On the co-existence of quantitative and qualitative approaches, Hamersley (1992:89) notes that "...the qualitative-quantitative divide is artificially polarized, disguising both methodological similarity and diversity in consequence". The bottom-line is the transformation of accrued data into information, insights, knowledge and above all to address the research questions.

It is because of the defining nature of qualitative and quantitative research methods given above that this research utilizes both techniques for the sake of rationalization of findings. Most of the data is quantitative in the sense that the variables (both external and internal) and concepts were predetermined and developed at the design stage prior to data collection. External variables would include the impact of legislation guiding civil society participation as political and economic environment. Internal variables would involve the level of literacy of participants as well as well as the groups' continued registration by government and their ability to sustain outreach programmes that are meant to reach out to the grassroots rural population. These variables would help determine the correlation coefficient which might help to suggest the effects of external and internal variables. This is illustrated by the close-ended questions where interviewees were expected to provide specific responses as can be noted from the Research questionnaires.

Hall and Hall (1996:46) note that there is a difference between qualitative data collected from responses to open-ended questions and quantitative measurement-based on scales composed of standardized questionnaire items. They argue that "…quantitative measures are succinct, parsimonious and easily aggregated for analysis; they are systematic, standardized and easily presented in a short space. By contrast, qualitative responses are longer, more detailed and variable in content; analysis is difficult because responses are neither systematic nor standardized (ibid).Yet the open-ended responses permit the researcher to understand the world as seen by the respondent.

However, these two methods vary in three main aspects. Firstly, in quantitative research, due to its experimental nature, variables are predetermined and converted into specific action during a planning stage and separate from data collection and analysis, while measurement of qualitative research is done during data collection process (Neuman, 2006:171).

Secondly, quantitative research develops data collection techniques which can produce quantitative numerical data to empirically representative abstract ideas, whereas qualitative data is sometimes in the form of spoken words, expressed opinions which cannot all be converted into a single medium like numbers. Alternatively, data can be presented using flexible expressions and forms. The difference lies in how the two methods link empirical data to concepts. In quantitative research, all concepts are thoroughly developed and considered before the actual research commences. Conversely, while qualitative research also makes preliminary reflections on the concepts at hand, most of them are developed during data collection (Brynard and Hanekon, 1997:29).

However this does not mean that numerical data cannot be used in a qualitative study. This Study utilises quantifiable information for deeper inquiry of findings and validating. Quantifiable data can therefore be used critically to provide a more comprehensive understanding, analysis and interpretation of findings in a qualitative study, like this one.

3.3 Research Design

Research design provides the glue that holds the research together (Miles and Huberman, 1994:40). It is used to structure the research, to show how all of the major parts of the research project- samples or groups- measure treatments or programmes, and methods of assignments- work together to try to address the central research questions.

Hammersley (1993:6) asserts that a good research design should be theory-grounded, feasible, flexible and efficient. He further explains that good research designs should reflect the theories which are being investigated, can be implemented, have some flexibility built in them; and should strike a balance between redundancy and tendency to over design.

Creswell (1994:21) explains a research design as a "…sequence of events which connects the procedures for collecting the empirical data to the initial research questions on the one hand, and to the subsequent data collection, analysis and conclusions on the other". It is then this design that relates to the practical aspects of how the Study is conducted in order to answer the research questions to be addressed. For the purposes of this Study, a predominantly qualitative research design was predominantly used because it was able to facilitate the exploration, comprehension and assessment of the context within which the activities of civil society in Zimbabwe since 1980 can be assessed to ascertain if they were pro-democratic.

Research designs fall into two broad classes: quasi-experimental and experimental. Experimental studies are characterized by their ability to randomize subjects into treatment and control groups. This randomization goes a long way toward controlling for variables which are not included explicitly in the study. Because comparison groups are not true, randomized control groups in quasi-experimental studies, this type of study has to control for confounding variables explicitly through statistical techniques. For this reason, quasi-experimental studies are sometimes labeled correlation designs (Cook and Campbell, 2005:25).

The nature of the Research is such that it is going to be a blend of qualitative and quantitative research methods of data collection. The qualitative and quantitative research methods are going to reciprocate each other in that the numerical (quantitative) data derived from interviews, questionnaires and document analysis is going to be used to explain the (qualitative) findings of the Study. The Study is going to be based on a case study of three selected civic organizations.

3.4.1 Case Study

For this Study a case study research strategy is going to be used .The Case Study is going to depict a target population and sample that are going to be used to facilitate and give direction to the delivery of the necessary action plans for the subsequent conduct of the research.

Case studies are able to investigate real-life events in their natural settings (Yin, 2004: xi).Yin further maintains that"…one (of the) strength(s) of the case study method is its usefulness when phenomenon and context are not readily separable, a condition that occurs in real-life but cannot easily be duplicated by laboratory research" (Yin, 2004: xii). Another strength is that the method enables the researcher to address "how" and "why" questions about real-life events, using a broad variety of empirical tools such as direct field observations, extended interviews, and review of documents and archival as well as quantitative records (Yin,2004:xiii). Case studies are designed to bring out the details from the viewpoint of the participants by using multiple sources of data.

For this Study a case study would be valuable in that it enables the researcher to interact with selected civic groups and interview them on issues pertaining to their mandates and objectives insofar as the promotion of democracy in Zimbabwe is concerned. A Case Study as a research strategy is going to be applied to depict real-life operations of the targeted civil society groups and how these have impacted on the promoting democracy in Zimbabwe. The use of the case study method will also enable the researcher to determine the target population that is to be used in the Research Study.

3.4.2 Target Population

The population is the entire collection of observational units that the researcher is interested in examining (Van Dalen 1979:77). Miles and Huberman (1994:40) note that a target population is the set of people or entities to which findings are to be generalized, and that the population must be defined before a sample is taken. Guba and Lincoln (1995:5) indicate that when identifying a target population for a Study, it is important to ensure that it consists of people who have the relevant information sought by the researcher. In this regard, the Study will target those people who are directly involved with the CSOs that the Study seeks to investigate. The target population of 100 respondents will be used. Among the broad spectrum of civic groups, the Study will streamline them on a representational basis. This Study has targeted the CCJP, ZimRights and the NCA as representative of the whole spectrum of civil society. The researcher will target leadership of these bodies with interviews schedules and questionnaires will be given to ordinary membership.

3.4.3 Sample and Sampling

A sample is a finite part of a statistical population whose properties are studied to gain information about the whole (Webster, 1985:76). When dealing with people, it can be defined as a set of respondents (people) selected from a larger population for the purpose of a survey. For this Study three selected civic organisations will be taken as the sample representing the whole family of civil society in Zimbabwe.

According toMiles and Huberman (1994:41), "Sampling is the process of selecting units for instance; people or organizations; from a population of interest so that by studying the sample, we may fairly generalize our results back to the population from which they were chosen." Narins and Hiller (1999:27) concur with this definition by indicating that sampling is the procedure which a few subjects are chosen from the universe to be studied. This means that a sample is portion of a larger group and consists of constituent parts selected randomly.

A sample should be adequately representative of a larger entity. Friedrich (1997:18) argues that sampling involves the selection of some part of the whole in such a way that we can use the part to inform us about the whole. He maintains that sampling is desirable when it is less useful, impractical, or impossible to deal with the whole of something. A study population is that aggregation of elements from which the sample is actually collected (Friedrich, 1997:18)

In this Study, purposeful sampling procedures will be used through the identification of organisational members of the public as well as organisational management. Struwig and Stead (2001:123) maintain that purposeful sampling is concerned with providing a sample of "information-rich participants". For purposes of this Study, organizational management and organizational general membership have been selected as a sample to investigate because they do have the required information for the researcher to use in the Study to determine the extent of civil society involvement and participation in promoting strengthening citizen participation in governance processes in Zimbabwe. The Researcher chose sampling as a data collection method because of its advantages. It is less costly and if selected properly, gives with known accuracy, results that can be calculated mathematically

even for relatively small samples, accuracy does not suffer, though precision, or the amount of detailed information obtained might (Narins and Hiller, 1999:27).

A total of one hundred participants will be identified from the three selected civic organisations. The researcher chose to utilize a hundred participants given the varied nature of civil society. A smaller number of participants would not adequately represent all civic groups, especially given that some of the civic organizations being explored share membership with sister organizations with whom they share similar objectives. The sample was chosen in such a way that it is representative of much of civil society. Participants will be evenly distributed among the three groups to ensure that each group is accorded an equal opportunity and platform to participate in the Study. The researcher has also attributed equal status to all groups as vital constituent parts of civil society. In this respect; the participants selected are relevant and have particular characteristics such as detailed information about specific civic organizations, which is relevant to the Study. Participants will be entirely drawn from organizational membership (questionnaires) and management (interviews) selected from designated civic groups. Administering 25 questionnaires and conducting 25 interviews for each target civic group is feasible, given the large membership of each of the selected groups under investigation.

3.5 Data Collection Instruments

Data collection instruments refer to the tools that will be employed in the collection of relevant information to address the research Study questions. Primarily, three data collection instruments will be used in this study and they will be accompanied by triangulation which a way is meant to minimize subjectivity to research findings.

3.5.1 Triangulation

Social scientists have realized the advantages of using a variety of research strategies so that the problems associated with one strategy may be compensated for by the strengths of another. Researchers have also utilized triangulation to derive maximum validity and reliability from research findings. Triangulation is the use of different research methods or

sources of data to examine the same problem (Denzin 2005:44). Denzin distinguishes between five types of triangulation as follows:

Data triangulation, which entails gathering data through several sampling strategies, so that slices of data at different times and social situations, as well as on a variety of people, are gathered; investigator triangulation refers to the use of more than one researcher in the field to gather and interpret data; theoretical triangulation, utilises more than one theoretical position in interpreting data, and methodological(methods) triangulation, refers to the use of more than one method for gathering data. For purposes of this Study the methodological (methods) triangulation is going to be utilized.

Bryman (1992:43) concurs with the foregoing argument by maintaining that qualitative and quantitative research methods can be combined for purposes of triangulation. Kraemer (1991:26) argued that while survey research may be very useful but it is greatly improved when used in conjunction with other research methods. The use of more than one data collection method is meant to facilitate validation of information. Neuman (2006:265) asserts that the combination of several qualitative and quantitative methods assist in countering the weaknesses that one method may bring into the Study when used individually. Using several methods also assists in the verification of information gathered, and any such Study that employs a single data collection method risks coming up with invalid study findings Brewer and Hunter (1989:14). In this Study, triangulation will be achieved through the utilization of interviews for internal organizational management as well as questionnaires for ordinary membership. The analysis of both legal and organizational documentation was meant to determine the extent to which these promoted created a conducive civil society participation environment, while organizational documentation helped in giving an insight into the operational objectives of these organizations. Collection of both qualitative and quantitative data will also count towards triangulation.

Guba and Lincoln (1988:75) stated that all research must have "truth value", "applicability", "consistency" and "neutrality" in order to be considered worthwhile through the use of more than one analytical method for purposes of reliability and validity.

Onwuegbuzie and Leech (2004:77) concur with this argument and indicate that seeking convergence and corroboration of findings can be done by using different methods that investigate the same phenomenon. Silver, (1997:201) emphasizes the use of a multiplicity of data collection methods for the sake of accuracy and authenticity of information. Contradictions observed are important to note and evaluate in a qualitative Study like this one as they may point to important aspects of the subject in question. This approach that was used in this Study was done through the concurrent use of civic organizations' literature and other records as well as through interviews (Singleton, 1993:328).

The data collection instruments for this Study are informed by the following:

- interviews –face-to-face, telephonic ;
- questionnaires –open-ended questions and multiple choice
- policy and organizational documentary analysis ;and

3.5.2 Interviews

Data is seen not as something 'out there' to be collected or captured but as something created through a social process (Hall and Hall 1996:43). Data is produced or generated through social interaction between the researcher and the informant, so that research itself becomes a creative process which the researcher becomes part of, as he/she designs and negotiates the research, frame research instruments and carry out fieldwork (Patton 1997:67).This explains the need for the researcher to be a participant in the interview process.

Interview questions will be specifically targeted at organizational management and other employees of the organizations because, in addition to the demanding nature of the questions, some of the questions require detailed information of the civic organizations such that ordinary members may not be in a position to satisfactorily respond to them. These will be primarily targeted at the management levels of selected civic groups because of the management's involvement in the policy-making decisions of their respective organizations and their constant interaction with government on policy issues. Individual interviews with key informants are going to be conducted to bring out experiences,

perceptions, organizational visions, missions and goals on how best civil society can work with government to promote democracy, good governance, improve human rights and help alleviate poverty in the country.

Interviews as a research tool have been chosen because they have a number of advantages. Some of the advantages are that one is able to ask long questions and the ability to provide room for probing for clarity. Interviews are good for both qualitative and quantitative data and are very fast to implement. The interviewer can ask open-ended and sequenced questions. Interviews also enable the researcher to measure the reactions of a great many people to a limited set of questions, thus facilitating comparison and statistical aggregation of the data (Patton, 1987:9).Lastly; interviews are interactive in nature and gives room for a friendly intercourse between the interviewer and the interviewee. However, for a large sample, the method can be slow to implement, costly and may have a high potential of interviewer and moderator bias.

The researcher intends to utilize a number of interview options to balance up on any bias as well as to reach out to the maximum number of targeted respondents. Structured, face-to-face, interviews, telephonic, mail, written and focus group interviews will be conducted. Cost-effectiveness, cost-benefit analyses and viability determine the data collection method to be used at each stage. Lofland (1987:109) argues that research interviews enable the interviewer to interact easily with people in a variety of settings and be able to generate rapid insights, formulate questions quickly and guard against asking questions that impose interpretations on the situation. Bell (1993:91) explains one of the advantages of the interview as its adaptability, where an interviewer can "…follow up ideas, probe responses and investigate". Interviews will be conducted with people who work in targeted civic groups as well as ordinary members of these civic organizations.

However, literature points out that sight must not be lost of the possibility that information provided by some respondents may be heavily influenced by personal biases of individuals. Guba (1978), in Paton (1987:166) has noted that all kinds of data should be reliable, factual, and confirmable. Patton suggests that,"… the practical solution may be to replace

the traditional search for truth with a search for useful and balanced information and to replace the mandate to be objective with a mandate to be fair and conscientious in taking account of multiple perspectives, multiple interests, and multiple possibilities**".**

Referring to interviews conducted strictly for research purposes, Patton (1987:67) points out that '...researchers now typically doubt the possibility of anyone or any method being really objective". Silverman (1997:137) concurs with the existence of bias by maintaining that "...the sticky problems of bias (on the interviewer's part) and truth-telling (on the witness's part) come to the fore". He further emphasizes the importance of objectivity which helps to ensure validity and reliability in social science research. In addition to interviews and questionnaires, documentary analysis has been employed as an additional data collection method. The use of a variety of data collection methods helps to minimize subjectivity and increase chances of validity on the findings.

3.5.3 Documentary analysis

Documentary analysis has been selected to provide an insight into organizational objectives. Hall and Hall (1996:213) maintain that "…a fruitful source of available data comes from documents, not intended for public consumption but produced by organizations as a record of their activities". Through organizational documents, information pertaining to mission statements, visions, goals and areas of focus can be identified and articulated. The analysis of documents can provide insights into important social and political issues (Denzin, 2005:119).

Hakim (1987:37) points out that organizational documents and individuals can provide a basis for studies of organizations as well as the policy process. By this assertion Hakim implies that documentary materials are indeed a valuable source of information for a Study like this. The selected civic groups have documents that pertain to their core functions, vision and mission statements, as well as their programmes of action. Organisational documents are useful secondary records made or collected by others and covering a wide range of material (Hall and Hall, 1996:212). Chief advantages are that they can be processed at greater speed and with lower cost of retrieval, compared to primary data

gathering. However, chief disadvantages are that material recorded by people for other purposes may not be entirely suitable for current needs, and there may be inherent biases in the material which might threaten validity (Singleton, 1988:326).

The Researcher will visit the targeted civic groups and review relevant documentation pertaining to their core functions and objectives, and conduct interviews with organizational management. Organisational documentary analysis will be done alongside the appropriate policy documents that guide civil society participation in public affairs. The Researcher will explore those documents that provide goals, visions and missions of the organizations since these documents "…are used by organizations to record the development and implementation of decisions that are central to their functions" (Hakim, 1987:36). The documentary analysis for this Study will be made up of both relevant legal instruments and organizational documents.

3.5.3.1 Legal Instruments

Legal instruments are an integral part of this Research Study because they have a direct bearing on both the State and civil society. Civil society should operate within a policy framework and it is the duty of the State to enact appropriate legislation that guides civil society participation in achieving its objectives. It is through legal provisions that civil society and the State interact. The purpose of the analysis of legal documents is to establish the extent to which the state has created an enabling environment for civil society involvement in public affairs and the impact of the legislation on civil society operations. The following policy documents are going to form the centre of legal document analysis:

- The Constitution of Zimbabwe (1979)
- The PVO Act (1996)
- POSA and AIPPA (2002)
- The NGO Bill (2004)
- The Zimbabwe Electoral Commission Bill (2004) in conjunction with the *SADC Principles and Guidelines Governing Democratic Elections* (2004)
- The Interception of Communication Act (2007)

- Urban Councils Act (1996)

3.5.3.2 Organizational Documents

Many of the civic organizations have a lot of literature that describe organisational core functions. According to Friedman (1999:67) the role of organizational documents is to provide scope for good (organizational) governance, while at the same time placing limitations on the arbitrary operations of the institutions. Hall and Hall (1996:213) maintain that "…a fruitful source of available data comes from documents, not intended for public consumption but produced by organizations as a record of their activities"

For the purpose of this Study the following organisational documents are going to be utilized:

- Registration Certificates
- Organisational constitutions
- Policy Statements, Strategic and Action Plans
- Statistical membership data (Membership Registers)
- Advocacy Reports, Memoranda, Circulars and Letters
- Outreach Programme Preparatory materials(agendas)
- Workshop and seminar Reports and Agendas
- Register of donors

It is given that most studies utilize documentary analysis as supplementary (secondary) sources of data, and it has become commonplace among literal works to "…combine literature engagement with empirical works"(Bak, 2004:25).The author's position is that analysis of documents can facilitate the identification of trends or patterns that may assist in drawing up relevant questions for the interview sessions. The inference is that documentary analysis should be used in conjunction with other documents as a main source of information in any given Study, just like quantitative and qualitative methods can be used in the same study to complement each other.

However a different school with divergent views argues that "...documentary materials may also be the main topic of qualitative research in their own right"(Atkinson and Coffey,1997:47).They further maintain that in such a case where documentary analysis is the sole source of information for a study, a methodological framework for the analysis of documentary reality must be developed. The same view of utilizing documentary analysis as a method in research is strongly supported by Bell(1999:25-28) who asserts that using organizational documentation as a source of collecting data has advantages in that it is the most efficient way of obtaining information in condensed form. Documentary evidence is also time-saving in that data on a wide range of issues pertinent to the research can be collected in a very short space of time. However, certain classified and confidential documents may be inaccessible to the researcher and this may have a negative impact on the overall result of the Study (Miles and Huberman, 1994:9).

On the contrary, Miles and Huberman (1994:11) maintain that while documentary analysis plays a pivotal role of identifying organizational structures and vital information, documents perform other functions in organizations which include being used as communication tools within and between organizations. Documents can also be used as a database for all organizational information-operational and budgetary-as well as objectives of the organization. The functions that organizational documents perform are essential in a Study like this one. On the importance of documents and organizational material, Silverman (1997:5) observed that organizations are highly dependent on paperwork at all levels of their operations. These include written reports, records and any other materials that pertain to the well being of the organization.

The indication in research, when considering the practicality of collecting data, documents are suitable as sources of information because concerning numerous, different activities and people can all be sourced from a single comprehensive report. On the contrary, having to get information from individuals may prove to be more costly, time consuming and cumbersome in regards to accessibility and other ethical considerations. Documents therefore have a fair advantage over other methods of accessing organizational information.

In addition, "intertextuality"- the systematic relationship between and amongst documents- is an important factor that requires due consideration. This "intertextuality" explains that documents do not exist in isolation but are often part of a collection, sequence or simply refers to other similar-minded documents (Hiller and Narins, 1999:59). Documents may also be compiled by using other existing literary materials. Therefore, analyses must take into account such relationships. This means therefore that in document analysis, it is not only the content in the document that must be analyzed, but how these documents relate to one another -the extent of inter-textuality.

Analyzing the relationships also assists in pointing out patterns, recurrent themes, issues, contradictions within an organization, or links with similar-minded organizations in the production of the official documents. Just as important, analyzing the relationships amongst documents provides for the interpretation of how different activities influence one another. This will enable the researcher to find a common objective to the different civic organizations. This particular aspect of document analysis is useful in addressing the requirements of the first research question which reads:

- To what extent have selected civil societies helped in promoting citizen participation in governance processes in Zimbabwe?

This means that to establish the extent to which civil society has been involved in the realization of societal goals such as promotion of democracy, good governance and observation of human rights, there is need to analyze individual organizational documents democracy and human rights. The relationship between previous and current levels of success may then help in explaining how successful organizations have been in campaigning for democracy and human rights; in engaging government on the need for good governance.

On the contrary, Hiller and Narins (1999:61), urge researchers to be cautious when analyzing organizational documents. They argue that official documents are not necessarily a transparent representation of organizations' actual operations, and may not contain detail

about functions of the institution. Despite these sentiments, organizational documents still remains the most efficient may of determining the activities of organizations. In light of the shortcomings of documents, the advantages of employing the methods triangulation in this Study become evident involving questionnaires and interviews data collection instruments.

3.5.4 Questionnaires

The questionnaire has been selected to be one of the data collection methods. For this Study, questionnaires will be distributed among ordinary members of the public who hold membership or have interest in the organizations' operations and also because the questions do not require any specialist knowledge of the organization. Questionnaires have been structured in such a way that they are easy to understand and fill in. The questionnaire has been found to be suitable in this Study because it involves low costs, little interview bias and uniform presentation (Denzin 2005:45). It is also good for quantitative as well as qualitative data. However, the method is slow to implement and questions must be carefully crafted to make them more comprehensible.

It is important to note that open-ended responses on questionnaires represent the most elementary form of qualitative data. Patton (1990:11) argues that there are severe limitations to open-ended data collected in writing on questionnaires, limitations related to the writing skills of respondents. Even at this simple, elementary level of inquiry through the questionnaire, the feelings revealed by respondents illustrate the power and depth of qualitative data. It is noteworthy to bear in mind that the purposes and functions of qualitative and quantitative data on questionnaires are different yet complementary (Hall and Hall 1996:46). The statistics from standardized items make summaries, comparisons, and generalizations quite easy and precise. The narrative comments from open-ended questions are typically meant to provide a forum for elaborations, explanations, meanings; and new ideas. Layder (1995:57) draws contrasts between closed-ended questionnaires and open-ended interviews by pointing out that "…a structured, multiple-choice questionnaire requires a deductive approach because it must be predetermined based on some criteria about the research question". An open-ended interview, by way of contrast, permits the

respondents to describe what is meaningful and salient without being confined to standardized categories.

3.6 Data analysis

Data analysis is the act of transforming data with the aim of extracting useful information and facilitating conclusions.It includes decoding, presentation and analyses of results. Hall and Hall (1997:193) note that data analysis explains how the data has to be presented in sections which bring together the relevant themes. They further maintain that in data analysis the researcher should desist from giving a blow by blow account of each question or lengthy, undigested information on individuals, but should give comparisons and contrasts of informants, piecing together responses to form a coherent result.

With specific reference to this Study, content analysis (or textual analysis) is the approach to be utilised in analysing data. Babbie (2003:69) defines content analysis as "the study of recorded human communications, such as books, web sites, paintings and laws". Harold Lasswell (1992:14) formulated the core questions of content analysis as: "*Who says what, to whom, why, to what extent and with what effect*?".

Denzin and Lincoln (2000:15) note that content analysis allows for "thick description" in the analysis of data. Implicitly, thick description would refers to the giving of comprehensive explanations and discussions based on existing data.This means that data gathered in a study as presented, is raw data, and contains several meanings or could be interpreted in different ways based on one's understanding, perceptions or context in which the data is collected. Denzin and Lincoln (2000:15) argue that in research raw data does not hold meaning until it is analysed. Holliday (2001:100) asserts that in content analysis, the raw data is analysed, interpreted and finally presented in a descriptive manner to give meaning to the situation in question. Descriptive data will be analysed in a descriptive manner in an attempt to provide a comprehensive report on whether various targeted civic organisations' activities address the same theme-that of promoting democracy,human rights and good governance in Zimbabwe.

3.7 Summary

This Chapter dealt on methodology that will be used in this Study. It defined and described qualitative and quantitative approaches to research and the strengths and limitations of each as well as the intertextuality that can exist between the two research methods. Interviews, questionnaires and documentary analysis will be used to collect data from selected civic groups. A discussion of the methods triangulation will be given since it is vital in providing validity and authenticity to the research results. The target population of the Study will be three selected civic groups. The rational approach has been selected as the basis for the argument on the need for a participatory approach to societal problems. This will be alongside the collectivism, corporatism and systems theories. A descriptive analysis of the various kinds of organisational documentary literature will be cited and the advantages and disadvantages of each given. Ways will be explored on the possibilities of establishing common patterns, relationships and themes from documents from different civic organisations through the use of their relative organisational documents. With all this exploratory having been done, the next chapter therefore focuses on the presentation and analysis of data and the discussion of information gathered from both interviews and the analysis of organisational documentary materials.

CHAPTER FOUR: DATA PRESENTATION AND ANALYSIS

4.1 Introduction

The purpose of this Chapter is to present the data that was collected during the field work and to come up with an analytical result on the role which civil society has played and continues to play in promoting democracy and good governance in Zimbabwe. Data analysis can be translated to mean "…the process of transforming 'raw' data into variables that can be analysed to produce the information found in the results of reports (Swift 1996:153). The results presented include whether a shift in State policy can cause a corresponding shift on the operations and participation of civil society. Given that civil society is dependent on existing legislation for its participation, different pieces of legislation may have different connotations for civil society.

Furthermore, it has been determined that a range of elements can affect civil society participation. These include age of participants, gender, levels of literacy and social status of participants, political attitudes and political mobilization and economic background. All these elements have a bearing on the level of participation by citizens. Key existing legislative framework that determines the level and extent of civil society participation have also been discussed.

4.2 Data presentation and analysis

Out of the initial 100 participants that had been enlisted, 96 actively participated in the study while 4 did not return their responses or were not available to participate. Of this number, 68 were male and 28 female, of which 71 were in the 18-55 age range and 25 were in the 56-80 age range. A total of 75 participants held a minimum of an "O"Level qualification. In response to questionnaires and interviews it was found that age, gender, level of education and social status of participants were variables that determined the type of responses and level of participation. The researcher noted that participants in the 18-55 age range showed more enthusiasm about the activities of their respective civic organizations and were knowledgeable about political developments in the country. They

showed support for opposition politics and political reforms through the adoption of a new constitution for the country. Participants in the 56-80 age range preferred the status quo, arguing that they appreciated the work of those who had executed the liberation struggle and the ideals of independence. To them, campaigning for political reforms would be tantamount to betraying the gains of the liberation struggle, hence their support for the ruling party and nationalist politics.
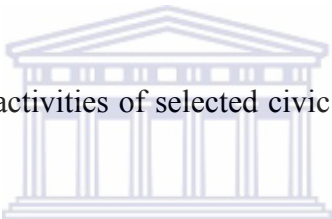
Gender also had an impact on the responses from participants. Of the total participants, 75% were male and the remaining 25% were female, both for organizational management and ordinary organizational members. Male participants showed a general understanding and awareness of political developments in the country and supported political reforms and a new constitution for the country. For the female participants, 5% indicated that they were aware of campaigns for a new constitution while the rest showed a general disinterest with political developments. However, they showed much interest on issues of human rights, but their understanding of rights tended to be confined to women's rights and gender equity.

The level of education of participants indicated that those with 'O' level qualifications and above tended to be more informed about political developments, not only in Zimbabwe, but in other countries. The respondents showed that they were conversant with such terms as democracy, human rights and good governance because of their high literacy levels. They indicated that they were not concerned with historical achievements of the ruling party but whether it can deliver services and dispense good governance and observe human rights. They indicated that they were more concerned about immediate needs such as the availability and affordability of basic commodities and education for their children. Of the participants from this group, 85% supported the idea of political reforms while the remaining 15% indicated that they preferred the status quo because the ruling party had liberated the country from colonial rule. They also credited the ruling party for having embarked on the Land Reform Programme to economically empower the black majority.

Closely linked to the level of education was the social and economic status of participants. It follows that those who had a fair to high level of education were in the high social stratum and had access to information on economic, social and political developments in the country. This possibly explains their general dislike for the ruling party which they accused of being responsible for the current economic and political crises and human rights violations in the country. These participants called for urgent political reforms and supported the imposition of sanctions to force the ruling party to concede to political reforms and a new constitution for the country. In attempting to determine the extent of civil society participation in promoting democracy, the results have been organized according to objectives, and utilise the responses of selected civil groups, namely the CCJP, ZimRights and the NCA

OBJECTIVE 1

To establish the extent to which activities of selected civic groups have helped to promote citizen participation.

ORGANISATION	Large extent	Limited extent	Not sure	Not at all	Non- return
CCJP (25)*	18 (72%)	5 (20%)	1 (4%)	- (0%)	1 (4%)
ZimRights (25)	17 (68%)	5 (20%)	1 (4%)	- (0%)	2 (8%)
NCA (50)	35 (70%)	14(28%)	- (0%)	- (0%)	1 (2%)
Total Returns	70	24 (24%)	2 (1%)	-	4 (4%)
	70%	**24%**	**2%**	**-%**	**4 (4%)**

* Total number of questionnaires/interviews

Responses from both organizational management and organizational members of the public indicated that civil society has played a vital role in promoting citizen participation in governance processes in Zimbabwe. This is indicated by the various activities of selected civic organizations.

With regard to the CCJP, various provincial dioceses and parishes comprised the management of the CCJP that provided information on behalf of the organization. The CCJP draws its management from the Zimbabwe Council of Churches where various Christian denominations are represented. Ordinary Christian Church members familiar with the humanitarian and human rights work of the CCJP also provided information through verbal interviews and questionnaires. A cumulative total of 72% of the CCJP respondents maintained that the civic organisation has played (and continues to play) a major role in promoting democracy, human rights and poverty alleviation since the 1970s.Through the Catholic Relief Services, it had sourced and distributed (and continue to distribute) food handouts during drought and help alleviate poverty. The CCJP indicated that they instituted an historic investigation and compiled a report on the atrocities perpetrated by the government army during the Matabeleland civil war of the early 1980s between government and ZAPU forces. The CCJP indicated that they had brought these human rights violations to the attention of the international community. The CCJP asserted in its response that it facilitated talks between the warring factions and a ceasefire, which led to the signing of the Unity Accord in 1987 where ZANU and ZAPU incorporated into one political party-ZANU (PF).

Personal interviews with both organizational management and ordinary members of the public noted that despite the existence of prohibitive sections of AIPPA and POSA, which guide civil society participation in the country, the NCA has made a lot of progress in mobilizing public support for new constitution. The unique nature of the NCA is that being a coalition of many civic groupings, it draws its membership from other similar-minded civic organizations. Raftopolous (2000:39) notes that the NCA hade made a significant impact by managing to unite a wide body of groups ranging from the labour movement, the churches, human rights organizations, women's associations, political parties and individuals into a working coalition. This has helped to broaden its base and facilitate citizen involvement in public affairs. The NCA (70% respondents) agreed that despite the fact that government had resisted the NCA's idea of a new constitution, they succeeded in coming up with the first ever Draft Constitution. In addition to their unsuccessful effort to engage government to adopt the new Constitution, the NCA also indicated that they

successfully mobilized the nation to reject the Constitutional Commission's Draft Constitution in a National Referendum in 1999, citing that the government-funded constitution gave enormous executive powers to the State president. They pointed out that their main objective remains to continue campaigning for constitutional reforms. This has been prompted by the realization that the political, social and economic problems affecting Zimbabwe are mainly a result of the Lancaster House Constitution, which in its current state, gives the ruling party executive powers. The NCA maintain that these problems can only be resolved through a new and democratic constitutional process. It revealed that it would achieve this through wide consultation and public participation. However, the NCA expressed optimism given that the government has agreed to a new constitution and had appointed a Legal Committee made up of the NCA and the Attorney-General's Office to consider the NCA Draft Constitution and if necessary to adopt it. The NCA indicated that they were part of the delegation that approached the AU for drafting, rationalization and adoption of the SADC Guidelines on the Conduct of Democratic Elections, by the SADC member states. They pointed out that they were part of a team of civic groups that engaged government to harmonise the Presidential and Parliamentary Elections. The NCA argued that such a move would minimize chances of rigging and vote buying, as well as politically motivated violence.

NCA pointed out that a new Constitution would benefit the population because it will be a result of wide consultation. They pointed out that in the current Lancaster House Constitution, Zimbabweans did not make any input and therefore the constitution was not serving their interests. From both its documents as well as from interviews conducted, the NCA indicated that its principal mandate was to come up with a people-driven Constitution for the country since the current Lancaster House Constitution was "...defunct and has outlived its usefulness...since it was a surrender document, which put an end to the protracted liberation war". They also alluded to constant state abuse of the Constitution through invoking repressive legislation to suppress and civil society activities that the government deems a threat to its hegemony.

The NCA criticised the current Constitution and accused it of being in favour of the ruling party. The NCA elaborated that under the current Constitution, the ruling party benefited at the expense of other political parties, especially through the Political Parties Finances Act[8] and in the use of state facilities during elections. It was in such instances of abuse of the Constitution that the NCA suggested that there be a transitional government six months before an election to give competing political parties equal chances of winning the election. The NCA argued that citizens have a constitutional right to participate in choosing political leaders of their choice and not be coerced into supporting the ruling party. They alluded to *Article 21* of the Universal Declaration of Human Rights which stipulates that "Everyone has a right to take part in the government of his country directly, or through freely chosen representatives". The NCA claims that it is therefore justified to demand for a new Constitution. The civic organization criticised the numerous constitutional amendments made since independence in 1980. Because of the numerous amendments that have been made on the original Constitution since independence; the NCA argues that people cannot be governed on a 'patchy' constitution, and that became their basis for a new constitution. They noted that the constitution-making process should be a "long, deliberate, consultative and enduring process" where stakeholder and citizen participation is of paramount importance. The NCA referred to the Ugandan constitutional-making process, which took up to seven years to accomplish, and made comparisons to the Zimbabwe Constitutional Commission, which attempted to come up with a Draft Constitution within a period of six months. The NCA noted that in this latter case, there was not enough consultation and citizen participation.

Personal interviews with ZimRights management and ordinary members provided information about the successes that the organization has achieved over the years in campaigning for human rights in the country. In its revelations, 68% of the respondents indicated that ZimRights had successfully held human rights workshops, outreach and human rights programmes. An increase in the number of people claiming compensation from the State for damages to their properties or for political violence perpetrated against

---

[8] Under the Political Parties Act, the political party that has a parliamentary majority gets a hefty budget from the government

them were indicators that the organization had succeeded in educating people about their constitutional rights and litigation procedures. ZimRights noted that it had engaged government on many occasions on the need for the establishment of a Human Rights Commission for Zimbabwe and that the government has eventually agreed. A Commission to draft the necessary legislation guiding the establishment of the Zimbabwe Human Rights Commission was appointed and the AU Human Rights Commission has endorsed the idea. It noted that the establishment of the Human Rights Commission would further strengthen the investigation of any human rights violations, with a view to bringing perpetrators to book.

Zimrights also indicated that as a background partner, it successfully worked with the CCJP, in investigating the Matabeleland Massacres of the 1980s where unprecedented human rights violations were revealed. It is one of the civic organizations which called for the perpetrators to be brought to book. It pointed out that the experience that it gained in the investigations of the Matabeleland Massacres helped it to establish itself as a fearless human rights organization. ZimRights concurred with other civic organisations that sections of POSA, AIPPA and the Interception of Communications Act contravene sections of the Constitution of Zimbabwe which gave citizens a number of rights and freedoms.

ZimRights noted that it had facilitated the current talks between political parties and had engaged the ruling party to allow the opposition to participate in the decision-making process as required in a democracy. It pointed out that it was one of the delegates that approached the SADC for the enactment and adoption of the SADC Guidelines on the Conduct of Democratic Elections in 2004 by SADC member states. It argued that it had engaged government to dispense good governance and peaceful co-existence within Zimbabwe and in the region, respect for human rights, and the need to create a political environment that is conducive for development. The organization also indicated that it was working with government to create a society that is conscious of its political, economic and individual rights as enshrined in the United Nations African and Human Rights Charters. ZimRights maintained that it hold political leaders accountable for any human rights

violations. ZimRights indicated that they had achieved their objectives through advocacy and lobby meetings, community training workshops, and mass mobilization.

To strengthen their citizen mobilization strategies, the selected civic groups have forged working relationships. Through personal interviews with organizational management, the researcher was able to get more details on how the selected civic organizations have managed to facilitate citizen participation. The NCA(70%) and the CCJP(52%)concurred that they were part of civic groups under the Save the Zimbabwe Campaign, a coalition of pro-democracy civic groups, that had on numerous occasions mobilized public support and confronted government to report human rights violations. The CCJP, ZimRights and the NCA pointed out that they were successful in bringing to the attention of the international community the extent of police brutality experienced in the country, especially during industrial action, strikes and demonstrations. They said that it was these police brutalities against dissenting voices, which attracted the attention of the AU, which then requested the SADC to appoint a mediator between the ruling party and the main opposition, the MDC to bring a long-lasting solution to the current political and economic crises in Zimbabwe. This has resulted in the current mediation efforts led by President Mbeki of South Africa between ZANU (PF) and the MDC to make the two political parties agree on political reforms and a new constitution for the country.

OBJECTIVE 2

To review key legislative framework and assess the extent to which it has facilitated or hindered participation of selected civil societies in governance processes.

The Study will start by reviewing key legislative framework that guides civil society participation.

In attempting to address the requirement of Objective 2, the study is going to give a brief review of key legislative framework guiding civil society participation in Zimbabwe. These are the Constitution of Zimbabwe, the Private and Voluntary Organisations (PVO) Act, Public Order and security Act (POSA), Access to Information and Protection of Privacy

Act (AIPPA), the Zimbabwe Electoral Commission Act, Interception of Communications Act and the Urban Councils Act. The Constitution of Zimbabwe is the supreme law from which all legislation in the country should abide by. It stipulates the rights, freedoms and privileges that citizens are entitled to. These include freedoms of movement, expression, association, and assembly as well as the right to life, choice, housing, education and food and prevention to arbitrary search, among others.

The Constitution also provides for the registration of private and voluntary organizations under the PVO Act (1996). This Act requires that all organizations that help to uplift the standard of life of people be registered with government. Until recently, government has accused civil groups of being used by foreign powers as conduits through which funds are channeled into the country for destabilization purposes. This has resulted in stricter controls and stringent registration requirements for civil society groups, with some having been de-registered and later re-registered for noncompliance with the registration requirements, such as desisting from receiving foreign funding or declare all such funding to the state. The government has justified the prohibiting of foreign funding for civic groups by arguing that it "… want[ed] to stop dubious foreign donations which come in the form of 'democratisation'"(The Herald, 5 February,1999, cited in Moyo, Makumbe, Raftopolous, 2000:39). This requirement has crippled many civic groups who receive foreign funding for operational purposes. Civil society has accused the government of wanting to gradually stop them from receiving donor funding for operational purposes. The Act allows for the formation of a civil society umbrella body-National Association of Non-Governmental Organisations (NANGO) to oversee the running of all civic organizations. However, government retains the authority to appoint Board members because "…in terms of implementing the Act, the registrar and the Board have relatively marginalized roles, since the Act gives the responsible Minister a central role in the way the provisions are applied" (Raftopolous,2000:35).

The POSA, (especially Parts 1, 2 and 3) is another constitutional provision, which puts strict controls on the lives of the general public and civic groups. It has a number of

sections, which prescribes certain expectations, and compliances, most of which are unattainable. Part 2 of POSA incriminates most of human activities such as getting together for a social, religious function or consultative meetings. Police clearance is required for any gathering involving 2 or more people. According to Makumbe (2001:42) the use of terms such as 'sabotage acts of terrorism, possession of dangerous weaponry as well as undermining the authority of or insulting the President'gravitates any action that a person does in good faith. The Act gives the police arbitrary powers such as the authority to change the venue or other logistical aspects of a meeting, prohibit the meeting entirely, or prohibit all public meetings in a particular police district for up to three months. These sections have been used to decline or shut down several public meetings, including those held by many civic groups for consultative purposes with their constituencies. The police are not required to give reasons why meetings are considered a threat to public order nor do they suggest conditions under which the meetings could be held.

In practice, police have been known to deny permission to any meeting presumed to threaten public order and this is referred to in Section 19, which discourages "gatherings conducive to riot, disorder or intolerance". The ambiguous nature of sections of POSA such as "gatherings conducive to riot, disorder or intolerance" have led the government to manipulate these laws to prohibit civil society meetings and outreach programmes. Part 5 of the Act empowers the police to cordon and search individuals and residences, seize and forfeit property. This is in contravention of the Constitutional provision that protects citizens from arbitrary search. By allowing the police to call on the army 'when the need arises', the government is instilling fear in civil society activists. This discourages citizen participation in public affairs because the presence of the army is synonymous with violence and war. In the face of this legislation, many civic organizations and opposition political parties have found it very difficult to reach out to their constituencies without committing a breach of one of the sections of POSA. Some sections of civil society have regarded POSA as a draw back to their attempts to contribute to a democratic dispensation and to engage government on vital issues such as cultivating a democratic culture among the citizens and enlightening people of their rights as citizens, through outreach programmes.

The Access to Information and Protection of Privacy Act (AIPPA) is another piece of legislation under review in this Study. It facilitates the monitoring and controlling, as well as the flow of information in the country government. In enacting the legislation, the government argued that it wanted to prevent the publication of information that is "…manufactured and can be manipulated into a lethal weapon for our downfall" (Raftopolous, 2000:39). Under Part V, sections 38, 39 and 42, the Act prohibits the publication of unverified stories. The Act is also empowered to register and deregister journalists or deny them a practicing licence without giving reasons. This is implies that journalists can be co-opted or taken advantage of in order to retain their practicing licences, in contravention of ethics. These ethics are further compromised in that the government can determine what should be reported and what should not. Prohibitive punishment for breach of these laws has seen many journalists getting arrested and independent newspapers closed down, like in the case of The Daily News, which was closed in 2004, after it was accused of reporting falsehoods. The government has also taken advantage of AIPPA to deny prospective independent newspapers and radio stations practicing licenses, arguing that "…the local media should not be owned by foreigners" (Makumbe, 2000:39). This is in breach of citizens' right to information. AIPPA has also adversely affected relationships with other countries because it does not allow foreign diplomats to make any speeches. Civic organizations are also not allowed to be involved in politics of the country, to make political statements, or to leak any information outside the country.

The Constitution of Zimbabwe makes provisions for the creation of Zimbabwe Electoral Commission (ZEC) whose main function is to oversee all elections in the country. The fact that ZEC empowers the State President to appoint members of the Commission means that he is likely to appoint his supporters. The government can manipulate the electoral process since ZEC provides that only the government should conduct voter education and does not involve civil society participation in the voter education processes because much of civil society is accused of working with western nations for a change of government in Zimbabwe. Civil society has questioned the fairness of such elections where only the government is involved in voter education.

Another legal provision, the Interception of Communications Act enables government to monitor and intercept certain communications in the course of their transmission through a telecommunication, postal or any other related services system. However, the Act violates Zimbabwean and many international Conventions such as the Universal Declaration of Human Rights, which states, "No one should be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks on his integrity or reputation". Various civil society groups have rejected the Interception of Communications Act noting that it infringes on fundamental human rights and contravenes S*ection 20* of the Constitution of Zimbabwe, which prescribes that every individual has a right to privacy**.**

The Urban Councils' Act empowers ratepayers in urban areas to form resident associations that would represent ratepayers' interests. They are empowered to summon political leadership to discuss ratepayers concerns such as those pertaining to rates, and service delivery. These residents' associations can also be involved in the civic affairs of their respective urban centres and can even field mayoral candidates. The Urban Councils' Act facilitates citizen participation in the affairs of urban councils through involving ratepayers in such civic matters as the design, and implementation of the budget process. However, through the Act, government retains much of the decision-making powers. The Minister of Local Government is empowered to decide on the suitability of an elected Mayor and to dismiss him/her as well as to appoint a Commission to run the affairs of a given Town or City. This has tended to discourage citizen participation because ratepayers' choice of a Mayor should not necessarily be the one preferable to the Minister of Local Government

The following are responses from participants on the extent to which key existing legislation has promoted civil society participation in democracy and good governance.

ORGANISATION	Large extent	Limited extent	Not sure	Not at all	Nil Return
CCJP (25)	5 (20%)	4 (20%)	1 (4%)	14 (52%)	1(4%)
ZimRights (25)	2 (8%)	5 (28%)	1 (4%)	15 (60%)	2 (8%)
NCA (50)	3 (6%)	8 (16%)	-	38 (76%)	1 (2%)
	11	20	3	66	4
	11%	**20%**	**3%**	**66%**	**4%**

The general consensus among the selected civic organizations was that the existing key legislative framework does not provide enough space for civil society participation in public affairs. This is indicated by the 66% cumulative response. From the three selected civic groups 11% of the participants were supportive of key existing legislation and pointed out it facilitated civil society participation in public policy formulation and implementation. A sub minimum of 20% noted that although the selected key legislation encouraged civil society participation, but government needed to show more commitment by creating more space for citizen participation in public policy matters. A cumulative 3% maintained that they were not convinced by the extent to which the selected key legal provisions were creating an enabling environment for public participation in policy issues. They expressed reservations about government's commitment to promoting citizen and stakeholder involvement in public processes. The majority of civic groups constituting 66% pointed out that the selected key legislation did not facilitate citizen participation in strengthening policy processes.

The selected civic groups expressed concern that selected legislation had adversely affected their attempts to mobilize public support and citizen participation in public affairs. They also criticized the arbitrary powers given to the police to use their discretion in the application of force or in allowing or denying civic groups to hold such meetings. In the

case of a denial, the police are not obliged to disclose reasons of such denial contrary to the fact that the police should be accountable to the citizens. This has seen many of the CCJP, ZimRights and NCA outreach programmes being abandoned. This has, in turn, indefinitely adversely affected such organisations in coming up with long-term plans for themselves and their members. Personal interviews with both management and ordinary members revealed that there was selective application of sections of POSA and AIPPA where those organizations sympathetic to the ruling party either did not seek police clearance to hold consultative meetings with their members or were guaranteed police clearance and protection. This also went for journalists from state-controlled media houses who are not prosecuted for publishing unverified stories. At the same time journalists from the independent media houses are arrested for publishing unverified stories, a serious offence under AIPPA. The selective application of these laws has frustrated the civic groups to such an extent that they have decided not to seek police clearance anymore when holding consultative meetings with their members. This has often resulted in arrests and detention of management and ordinary members of the cited civic groups accompanied by threats of deregistration from the government for non-compliance with sections of AIPPA.

Through personal interviews with organizational management, the researcher was able to probe further about the attitude of selected civil society organizations to existing legislation. Generally, the CCJP expressed dissatisfaction at the government's non-committal attitude towards citizen participation in civic issues. This was shown by the 52% of the CCJP respondents who pointed out that government should show more commitment to facilitate the work of civil society in civic affairs. The NCA (76%) commended government for allowing civic groups to register under the PVO Act to allow them to operate but needed to make more commitment making a commitment to ensure that they operated in a safe and enabling environment. They also pointed out that the existence of such legislation as the NGO Bill, and the Interception of Communications Act, cast doubts about the government's commitment to facilitate citizen participation in public affairs. It noted that the government's attempts to tighten registration requirements under the PVO Act, the Zimbabwe Electoral Commission were deliberate attempts to discourage civil society from active participation in public policy formulation. The three selected civic

organizations criticized the recent introduction of stringent registration requirements that NGOs and other civic groups should satisfy before being registered. These include disclosing the source of their funding and desisting from indulging in, or making any political comments. It maintained that such a requirement was aimed at discouraging civil society from active participation because civil society participation is all about citizen involvement in public affairs and governance processes.

In addition to the role played by civil society in promoting citizen participation in public affairs, the Study also sought to determine the position of government in working with civil society in public policy formulation and implementation and whether government has attempted to forge a partnership with civil society in an attempt to strengthen public policy. Objectives 3 address this.

OBJECTIVE 3

To determine the extent to which government can and has attempted to forge a partnership with civil society in strengthening public policy

The following are responses from participants on the extent to which government has facilitated civil society participation in promoting public policy-making.

ORGANISATION	Large extent	Limited extent	Not sure	Not at all	Non-returns
CCJP (25)	7 (28%)	2 (8%)	1(4%)	14 (64%)	1 (4%)
ZimRights (25)	8 (32%)	2(8%)	1 (4%)	12 (48%)	2 (8%)
NCA (50)	10 (20%)	7 (14%)	-	32 (64%)	1 (2%)
	25	**11**	**2**	**58**	**4**
	25%	**11%**	**2%**	**58%**	**4%**

From the responses given by the target civic groups, they all expressed the feeling that the government has done very little to facilitate civil society participation in the formulation of public policy. This view is expressed by 58% of the participants. All the civic organizations concurred with the fact that the only enabling piece of legislation was the

PVO Act, which is concerned with the registration of organizations. However, a few respondents comprising 12% commended the government for having recognized the importance of civil society by accepting to register them and even made efforts to involve civil society to participate in governance processes such as referenda and regular electoral processes. They also argued that civic organizations were allowed by the police to hold consultative meetings with their members unless there was a likelihood of violence between and among members of different political groups. However, these were in a minority comprising 25% of the respondents.

Through engaging some civic organizations, government has attempted to forge a partnership with civil society in strengthening public policy. After the NCA had mobilized public support against the government-appointed Constitutional Commission, the findings of this Commission were rejected in a Referendum in 1999. It was after this rejection that government decided to engage civil society for constitutional reforms in the country. Government then appointed a Constitutional Review Commission comprising the NCA, stakeholders and the Attorney General's Office to review the NCA's Draft Constitution with a view to make the necessary recommendations for its adoption with or without amendments. The Constitutional Review Commission has also come up with a Legal Committee comprising various stakeholders.

Another instance where government has forged a working relationship with civil society has been in the creation of the Zimbabwe Human rights Commission. ZimRights had approached government on many occasions to establish the Human Rights Commission, but it was only after a concerted effort from the whole spectrum of national, regional and global civil society that government has eventually agreed to establish the Commission. The Commission is made up of government, civil society and other stakeholders and has been endorsed by the African Human Rights Commission and the UN High Commission for Human Rights.

The CHRA an affiliate of the NCA and is a national residents' association. For this Study, the CHRA's opinion reflects that of the NCA. Although the CHRA expressed gratitude at

the Urban Councils' Act, which allows for the creation of residents' associations, but it expressed reservations at the executive and arbitrary powers that the Minister of Local Government has over the residents association's operations. The CHRA indicated that the meddling in the council and municipal elections by the Minister of Local Government has resulted in the dismissal of some popularly elected mayors and councilors mainly because they belonged to opposition political parties[9]. CHRA indicated that they breached POSA and AIPPA during their march to Parliament to present a petition demanding that government re-instate the dismissed Mayor of Harare. By detaining the leadership of CHRA and intimidating members, the government was making it difficult for CHRA to express its opinion or put forward its demands. The civic organization bemoaned that council and municipal elections have become a mere formality because the Urban Councils' Act empowers the Minister of Local Government to over ride the decisions of the electorate. CHRA also concurred with other civic groups, which noted that government was not doing much to enact laws that empower and encourage citizen involvement in civic affairs such as the municipal electoral and budgetary processes. They also recommended the amendment of sections of the Act so that the powers of the Minister of Local Government should not over ride a popular decision by citizens on a mayoral candidate of their choice.

The three selected civic organizations expressed the same sentiments about the negative impact of key legislation guiding civil society participation and how the attainment of their missions and objectives has been adversely affected. The NCA pointed out that the refusal by government to repel sections of POSA and AIPPA, and the further enactment of more repressive legislation such as the Interception of Communication Act (2007) indicated that government was not committed to create an enabling environment for citizen participation in civic affairs. The selected organizations indicated that to strengthen their resolve to confront government, they have designed their objectives in a way that would make it possible to forge linkages and working relationships. A trend emerged which revealed the existence of common missions and objectives which complemented each other, as well as

---

[9] A case in point is that of Engineer Elias Mudzuri who had been elected as the Mayor of Harare on an opposition political party ticket, but was dismissed by the Minister of Local Government in 2004

linkages among selected civic groups, which addresses the requirements of Objective 4 which reads as below.

4.3 Linkages between and among selected civil societies

OBJECTIVE 4

To establish the extent to which various activities of selected civic groups have complemented each other and explore possible and existing linkages that seek to strengthen public participation.

The existence of common mission statements and objectives between selected civic groups has facilitated the forging of partnerships and linkages which are meant to strengthen and mobilize public support for citizen involvement in public policy formulation. Hiller and Narins (1999:59) noted that in document analysis, it is not only the content in the documents which must be analyzed, but how these documents relate to one another. They further maintain that analyzing the relationship between documents also assists in pointing out patterns, recurrent themes, issues, contradictions or links with similar-minded organizations. In the civic organizations targeted for this Study, the Researcher established a trend and a number of links as well as recurrent themes in the targeted organizations through both document analysis and interviews with key-informants.

The establishment of linkages between selected civic groups can be determined through the exploration and analysis of their mission statements and objectives as indicated below;

ORGANISATION	MISSION STATEMENT	OBJECTIVES
Catholic Commission for Justice and Peace (CCJP)	To actively give witness to this concern for justice and peace To see that the Church is working for justice and peace To make positive suggestions for the enactment of just civil laws and their impartial administration by involving of all citizens of goodwill	To inform people's consciences; to make people aware of their rights and duties as citizens To investigate allegations of injustice which it considers to merit attention, and to take appropriate action To advise the Bishop's Conference on the human rights situation and democratic practices pertaining from time to time
Zimbabwe Human Rights Organisation (ZimRights)	To promote, protect and defend human rights in Zimbabwe in order to empower people through networking, education programmes, publications, legal aid and lobbying.	To promote human rights and provide information in order to empower all citizens to be active participants in a democratic society. To lobby Government to be committed to good governance and ratify international human rights instruments.
National Constitutional Assembly (NCA)	To facilitate constitutional debates through broad-based participation and consultation for a people-driven constitution	To initiate and engage in a process of enlightening the general public on the current constitution of Zimbabwe and identify shortcomings of the current constitution and to organize debate on possible constitutional reform

From the document analysis of the target civic groups, the researcher observed that missions and objectives connected well. The CCJP identified itself with a campaign for the enactment of laws that would promote justice and peace. A just and peaceful environment would be ideal for public participation in attempts to strengthen key legislation that promotes, protects and defends human rights, which is in line with the objectives of ZimRights. The NCA also endorses the idea of citizen involvement in the writing of a constitution that would contain various human rights and a just and peaceful society. To reinforce the existing linkages and strengthen partnerships, the selected civic groups have

established working relationships through the formation of coalitions or being members of the same coalitions. Some of the coalitions that have been created because of the existence of complementary missions and objectives include Christian Alliance, Save Zimbabwe Alliance, Zimbabwe Crisis Coalition. All the target civic organizations are members of these coalitions.

The study sought to establish the extent to which the selected civic groups' objectives and mission statements complement each other through the forging of working relationships and operational linkages. The responses from participants on the extent to which the activities of the selected civic groups complement each other in line with the requirements of Objective 4 above are given below:

ORGANISATION	Large extent	Limited extent	Not sure	Not at all	Non-Returns
CCJP (25)	21 (84%)	2 (8%)	1 (4%)	-	1 (4%)
ZimRights (25)	18 (72%)	2 (8%)	2 (8%)	1 (4%)	2 (8%)
NCA (50)	44 (88%)	5 (10%)	-	-	1 (4%)
Total Returns	**83**	**8**	**3**	**1**	**4**
	83%	**8%**	**3%**	**1%**	**4%**

Many of the civic groups indicated that they were guided by a common goal of restoring democracy and good governance through mobilizing public support to achieve their objectives. This is shown by the fact that 83% of the participants agreed that there is a strong working relationship among the target civic groups, in particular, and the whole spectrum of civil society in general. This accounts for the formation of coalitions to strengthen citizen participation in promoting a democratic culture among citizens. Indications from responses showed that civil society in Zimbabwe has forged working relationships among different civic groups and this has strengthened their resolve to campaign for the promotion of democracy, good governance and human rights through

public and stakeholder involvement. They have also encouraged government to show more commitment and enact more enabling legislation that would facilitate input from the public on policy issues.

Responses from various civic groups targeted for this Study indicated that human rights, justice and constitutional concepts of democracy and good governance are common concepts that feature on the objectives of the selected civic groups. This has resulted in the establishment of linkages among these groups bordering around these common objectives and linkages. These linkages have enabled the target civic organizations to mobilize public support in an attempt to achieve their goals. Common themes derived from documentation and interviews have emerged. From various responses the recurrent themes are democracy, human rights or good governance. The NCA aimed to mobilize public support for 'a new people-driven constitution', and to 'promote …constitutional freedoms...political democracy and good governance...' The CCJP sought '… to take a lead in mobilizing pro-democratic forces…and to act against human rights violations.' Zimrights indicated its involvement as a campaigner for human rights through education and public participation.

The ZCTU, CHRA, ZINASU and WOZA are affiliates of the NCA and for this Study; their opinions are those of the NCA. The Study also found out that these organizations had forged links and shared ideas and strategies on the execution of their programmes. They had also established working relations around these common themes. While ZimRights has human rights as its principal mandate, ZINASU (a student movement) seeks to address students' rights; the ZCTU (a labour movement) have engaged government about the rights of the workers and WOZA (a feminist groups) has fought (and continues to fight) for women and children's rights. All these civic groups utilize public support and involvement to achieve their goals. These organizations were able to mobilize public support through advocacy, a trend which featured prominently in the objectives of the organisations. The essence in advocacy is to reach out to the people and educate them on issues which would empower citizens to be active participants in a democratic society. This implies that by opting for advocacy, the organizations were attempting to help strengthen existing democratic structures.

Civil activism, a confrontational strategy, was used by these organizations to achieve their objectives as well as reach out to their respective constituencies. Affiliates of the NCA, especially ZINASU, CHRA and WOZA, indicated that civil activism has helped them to gain publicity, sympathy and support from the public. The ZCTU indicated that it has engaged in civil activism through strikes, demonstrations and sit-ins to press for better working conditions. For ZINASU, WOZA and CHRA, civil activism has often resulted in clashes with the police, destruction of property, looting and subsequent arrest of 'perpetrators'. Even the Church, through coalitions such as the NCA, Save Zimbabwe Campaign and Christian Alliance have also engaged in civil activism through prayer meetings that had not been sanctioned by the police as required under POSA. This has resulted in police beatings and arrests of participants.

The research has also established that some civic organizations play complementary roles by addressing the same issues differently. Whereas NCA attempts to promote "...democracy, prosperity and human dignity and social justice…" ZimRights' vision is based on the need to "…promote and defend human rights ...in order to empower people..." ZCTU combines the visions of the NCA and ZimRights which aim to "…advance and safeguard the socio-economic and constitutional freedoms… and securing good governance framework". The CHRA expresses its main objective as being able "To lobby Parliament for the rationalization of rates through the creation of an Advocacy Centre..."

The research found out that the target groups represented members from different social and economic backgrounds. While the ZCTU addresses the needs and requirements of the formally-employed, CHRA addresses problems of rate-payers, both formally employed and unemployed alike. ZimRights whose membership is voluntary, campaigns for the rights of both the formally employed and unemployed. Membership of the ZCTU is mandatory and work-related. WOZA comprised mainly of women from urban areas because these are well-informed about their rights and are the most affected by the economic hardships in the country as opposed to their rural counterparts who have access to most basic needs-food and energy- easily. ZINASU draws its membership from tertiary students. The target

organizations and their affiliates, through their individual efforts and as coalitions, are led by the desire to influence public policy through citizen involvement.

4.4 Summary

For its data collection process, the Study made use of the methods triangulation comprising interviews, questionnaires and documentary analysis to determine the extent of participation of selected civic organizations in influencing and strengthening public policy. Responses from the target groups indicted that government, through key policy framework, has not shown full commitment in facilitating public participation in public affairs. The selected civic groups pointed out that government needed to show more commitment to citizen involvement and participation in public policy formulation through enacting appropriate legislation. Complementary objectives and missions of target civic groups facilitated the formation of solid coalitions that were better positioned to mobilize more public support and participation. Despite the existence of the restrictive legislation that hinder civil society participation, the selected civil society groups have remained committed to continue to engage government for long-lasting solution to the repulsion of repressive legislation.

 While membership to some organizations was voluntary and uncoerced, to others, membership was by virtue of being an interested party to the organization. Faced with similar challenges and having the same objectives, the targeted civic groups have forged working through the creation of coalitions. These organizations selected for investigation have pursued similar themes aimed at strengthening public policy formulation, which is the central theme of this Study.

CHAPTER FIVE: CONCLUSIONS, RECOMMENDATIONS, LIMITATIONS AND SUGGESTIONS FOR FURTHER RESEACH

5.1 Introduction

The focus of this Study was to establish the extent to which activities of selected civic organizations have helped to promote citizen participation in governance processes. The study also wanted to determine the extent to which key legislative framework has facilitated citizen participation in strengthening public policy. In an attempt to attain these tasks, the Study was guided by the Primary Research Objective which it had to address, which reads:

To examine the extent of civil society participation in promoting democracy in Zimbabwe and government's position.

The literature review that the Study analyzed highlighted the relationship between state and civil society. A case study of three civic groups was used to determine the extent of civil society participation in facilitating public participation in public affairs. For data collection, the researcher used the methods triangulation involving interviews, questionnaires and documentary analysis. The Study also explored various data collecting methods, both quantitative and qualitative. Organizational documentary analysis and key-informants interviews proved to be the most appropriate data collection methods for this Study. A detailed study of organizational documentary materials, objectives, mission statements, visions and goals enabled the researcher to establish the existence of linkages among the selected civic organizations and the formation of coalitions to strengthen their position. Personal interviews of key organizational informants enabled the researcher to probe further for clarity on aspects that were not clear enough.

Having collected all the appropriate data which the researcher regarded as necessary to make informed conclusions; the data was then analyzed and synthesized. This chapter provides conclusions based on data collected, and further presents the necessary

recommendations, as well as draws attention to limitations that the researcher encountered during fieldwork. Possible areas for further research will also be suggested.

5.2 CONCLUSIONS

Through analysis of civic organizational documents and key legal framework, conducting of interviews of key informants and administration of questionnaires, the researcher made the following conclusions;

The selected civic organizations have played, and continue to play a pivotal role in mobilizing public support for citizen involvement in governance processes. An example of successful public mobilization was the rejection of the Draft Constitution in 1999 by the majority of Zimbabweans in a National Referendum in which the NCA accused government of not having made adequate public consultations in coming up with the Draft Constitution. This resulted in government appointing a Constitutional Review Commission consisting of the NCA, the Attorney General's Office and other stakeholders, to review a parallel Draft Constitution, which the NCA had drawn up after wide consultations countrywide.

The analysis of key legal and organizational documents enabled the researcher to appreciate the operations of the target civic groups in the face of existing legislation guiding public participation in public affairs. The researcher found out that the existing key legislative framework did not provide an adequate enabling environment for citizen participation in policy formulation and implementation. Sections of POSA, AIPPA, the Urban Councils' Act and the Interception of Communications Act have hindered civil society involvement by restricting freedoms of speech, movement, assembly and association. It was also observed that with each amendment to existing key legislation the government attempted to tighten conditions under which civil society should work. In retaliation to this deliberate attempt by government to curtail civil society activities, many of civil society organizations have resorted to civil disobedience. This has resulted in the arrest and torture of many organizational members by police.

However, government has shown some limited commitment by providing for tax incentives such as tax exemptions from profit tax for donations to charity organizations[10]. Furthermore, the researcher observed that government has forged a partnership with the NCA and other stakeholders in reviewing the constitutional-making process by appointing a Constitutional Review Commission consisting of the NCA, the Attorney General's Office and other stakeholders to consider the Draft Constitution that the NCA had presented to government. By conceding to NCA demands on the need to deliberate on the NCA's Draft Constitution, the government has created an enabling environment for input from civil society and other stakeholders, thereby allowing citizen participation.

The Study found out that as civic organizations become more focused on their objectives, they began to form coalitions based around common objectives. Some of the coalitions are the NCA, Save Zimbabwe Campaign and Christian Alliance, all of which are closely interrelated. It was found out that civil society in Zimbabwe has played a significant role in promoting democracy despite existing prohibitive legislation. This can be seen in the results of the 1999 Referendum where various civic organizations cooperated with each other to campaign against the Constitutional Commission. The decision to approach the SADC to intervene in Zimbabwe's electoral process and the subsequent introduction and adoption of the SADC Guidelines on the Conduct of Democratic Elections by Zimbabwe was a collective effort by a coalition of civic groups that had approached the SADC.

The Study indicated that in the face of enabling legislation civil society would play a very vital and complementary role in building a strong democracy founded on the principles of the observance of human rights, upholding the rule of law and good governance. Some sections of existing legislation such as Sections 24, 25 and 26 of POSA restrict freedoms of movement, expression and association. These sections prohibit people without police clearance from convening meetings, or making speeches and this has impacted negatively on civil society participation in promoting a democratic dispensation, cultivation of a human rights culture and embarking on poverty alleviation programmes.

---

[10] NGO Bill,2004,Part 5,sections 37-41

Government is committed to either co-opt sections of civil society or cripple their financial sources through the banning of all foreign funding for civil society by means of legal provisions. An example of such legislation is the latest amendments to the PVO Act which refuse registration or threaten de-registration to any civic organization which receives foreign funding for its operations, yet the government does not make any financial commitment to civic organizations.

Despite the existence of restrictive and prohibitive legislation, civil society has played a tremendous role in campaigning for, and promoting citizen and stakeholder participation in civic and public affairs. It was because of pressure from sections of civil society that the SADC Guidelines on the Conduct of Democratic Elections were enacted and subsequently adopted by Zimbabwe. It was also after civil society challenged sections of AIPPA and POSA in law courts that some sections were either repelled or amended, especially the one which required that citizens should carry along their identity documents.

5.3 RECOMMENDATIONS

The researcher has made an examination of the contributions made by the selected civic groups in facilitating citizen participation in strengthening public policy. Despite the sterling work that these civic organizations have done to promote public involvement in governance processes, the researcher would like to made the following recommendations for both the civil societies and policy-makers in order to further strengthen existing legislation guiding civil society participation in policy formulation.

- It is recommended that government engages and consults with civil society more frequently in policy formulation and implementation. Government should show more commitment to civil society engagement through the enactment of more enabling legislation to facilitate more civil society participation in all spheres of public life. Government should not only create an enabling environment for civil society participation in public affairs, but should also incorporate civil society in governance structures.

- The researcher also recommends that restrictive and prohibitive clauses of existing key legal provisions should be repealed to create a congenial working space for civil society. The State and civil society should be encouraged to consider their relationship as complementary and reciprocal in the attainment of their respective objectives and in strengthening public policy.

- The researcher also encourages the cultivation of a culture of citizen participation and stakeholder involvement in public affairs through referenda and public forums where citizens are allowed to express their opinion in public and through secret ballot. Concepts of governance such as democracy, good governance, citizen participation, human rights and even poverty alleviation should be inculcated among the youths by incorporating these into the education curriculum at various levels. This would enable the creation of a generation of future leaders who are conversant with the vital importance of citizen participation in governance processes.

- The researcher recommends that a spirit of tolerance be cultivated and be allowed to prevail between the State and civil society, and an impartial arbitrator should be engaged where there is a stalemate. Joint engagement of regional and international bodies such as the SADC, the AU and the UN should be established. The current state of affairs where the State and civil society engage these bodies separately is not conducive to nation-building. For example, the ZCTU would lobby the ILO where labour disputes remain unresolved, or the ZCTU and the state-funded Zimbabwe Federation of Trade Union would send separate teams to attend the same ILO meetings, instead of coming up with one national labour team.
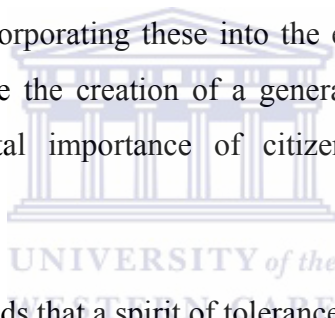
5.4 LIMITATIONS OF THE STUDY

A number of limitations were encountered during the execution of this research study. Getting the necessary permission to collect data at some of the targeted civic organizations' sites was muddled by bureaucracy and red tape, thereby causing delays. Due to the classified nature of certain documentary material the researcher could not have sufficient access to it, especially information that involved the funding of the selected civic organizations. Such material could have added insight to the results of the Study. However, this inaccessibility to classified information was not prevalent as in most of the targeted civic organizations, accessibility was readily available. Only the NCA, which is externally funded, initially expressed reservations about availing their documents, but upon further explanation, they were able to understand the purpose of the Study.

There was also some element of suspicion on the part of some key informants, especially given that some of the participants had recently been arrested for not having obtained police clearance to hold consultative meetings with their membership on the need for constitutional reforms, as is required by POSA. Therefore, at first some respondents suspected that it was a police follow-up on the demonstrations that had taken place previously. It took time for the researcher to convince the participants that it was not the case, but purely for research purposes.

Another limitation was that some ordinary members of civic organizations were hostile to the researcher, and this discouraged the researcher from making follow-ups to get their responses. However, this constituted a very negligible number of about 4 participants.

5.5 SUGGESTIONS FOR FURTHER RESEARCH

Based on the fact that civil society is such a broad concept, it could not be practical to incorporate all the different constituent parts of civil society. Considering the findings and conclusions from data collected, this research report would provide a starting point from

which other possible research topics could be drawn. This would either be in terms of conducting studies of a much wider scope and depth into other aspects that did not fall within the jurisdiction of this particular research, or alternatively, narrow down on one aspect. Possible topics for further research could be:

- Investigating the role played by labour movements in strengthening democratic processes in Zimbabwe
- Evaluating the effectiveness of student activism in contributing to political reforms within a specified period.
- Evaluating the impact of key existing legislation on the operations of selected civic groups in Zimbabwe within a given time frame.
- Investigating the challenges facing human rights organizations in Zimbabwe: A case study of 1 or 2 civic organizations.
- A comparative study of student and labour politics in Zimbabwe in strengthening citizen participation in public affairs.
- The role of churches in promoting justice and human rights in Zimbabwe within a given time frame.

REFERENCES

Addison, H. (2003). <u>Writing the Qualitative Dissertation: Understanding by Doing</u> (2ed). Lawrence Erlbaum: Colorado

Adler, J. and Adler, J. S., (2003), <u>Quantitative Methods in Social Science Research</u> Continuum: London

African Governance Inventory (AGI) network, http://www.unpan.org/agiportal (retrieved 17 June 2007)

Afrobarometer (AFR), (http://www.afrobarometer.org)(retrieved (16 June 2007)

Atkinson, R(1998).<u>The life story interview</u>.SAGE Publications: Thousand Oaks, California

Babbie, E. & Mouton, J, (2001), <u>The Practice of Social Research</u>: Oxford University Press Southern Africa .Cape Town

Bak, N (2004). <u>Completing your Thesis: The Practical Guide</u>: Van Schaik Publishers, Pretoria

Beach, D.N (1979). 'Chimurenga: The Shona Risings of 1896-97'in,*The Journal of African History*, Vol.20, No.3:395-420.

Bell, J (1999).<u>Doing your research project: a guide for first-time researchers in education and social science</u>. Open University Press, New York

Bidi, M (2003). 'Multi-Party Democracy in Zimbabwe: Multi-Partysm and the Rise of Civic Virtue, 1990-2002', Occasional Paper presented at the Election Institute of Southern Africa, 13 September 2003, Uganda

Bodin, J.(1963). <u>Six Books, Masters of Political Thought</u>. Jones: London

Bond, P.(1999). 'Political Reawakening in Zimbabwe' in <u>Monthly Review</u>, April 1,1999

Brewer, J & Hunter ,A (1989). <u>Multi-method Research: A synthesis of styles.Bringing Institutions Back</u>, SAPES Books: Harare

Brynard, P. A., Hanekom, S.X (1997). <u>Introduction to research in Public Administration and related academic disciples</u>, Van Schaik Publishers: Pretoria

Butigan, V.(1996) . <u>Political philosophy: The Political Ethos of the Civil Society</u>. Lynne Rienner Publishers, Colorado

Center for Civic Education, National Standards for Civics and Government, (1999): United States Department of Education.

Chambati,A.(1973). 'Africans and the struggle for their rights in Rhodesia, 1923-1972' in Wilner et al (eds) Zimbabwe Now, Collings: London

Chazan, N, Harbeson, J. W, Rothchild, D.S *(*eds)(2004).Civil Society and the State in Africa. Lynne Rienner Publishers: Colorado.

Chazan N, Mortimer R, Ravenhill J, Rothchild D.(1992). Politics and Society in Contemporary Africa, Lynne Rienner Publishers, Colorado

Civics in Zimbabwe: Are They Making a Difference? Southern Africa Report,

Claire, B; Higson, C; Smith; Kagee, A (2006). Fundamentals of Social Research Methods: An African Perspective, Juta: Cape Town

Coffey,A and Atkinson,P (1996).Making sense of qualitative data:complementary research strategies.SAGE Publications,Thousand Oaks,California

Cook C and Campbell, G (2005). Researching real-world problems: a guide to methods of inquiry, SAGE: London

Creswell, J. W, (2003). Research Design: Qualitative, Quantitative, and Mixed Method Approaches. SAGE Publishers, Newbury Park, C.A

Cunningham, F, (2002).Theories of Democracy: A critical introduction. Routledge: London.

Dahl, R.,(1989). Democracy and its Critics, Yale University: New Haven

Daume, D(2005).The New Encyclopedia Britannica Inc.(18th ed),University of Chicago: Chicago

De Graaf, M, Moyo, S and Dietz, T, (1991). 'Non-Governmental Organisations in Zimbabwe', Unpublished mimeo

Denzin, N.K. and Lincoln, Y.S (2000). Handbook of Qualitative Research (2nd), SAGE Publications: London.

Dew, D (2002), Qualitative Analysis: Practice and Innovation, Allen & Unwin Publishers: Perth

Dhyana Z and Molefi K. A (1992), Thunder and Silence: The Mass Media in Africa. Africa World Press: Trenton

Du Toit, P. (1995). State Building & Democracy in Southern Africa: A Comparative Study of Botswana, South Africa & Zimbabwe, Human Sciences Research Council. Pretoria

Garrick, J. (1999). "Doubting philosophical assumptions in interpretive   research," in *International Journal of Qualitative Studies in Education* Vol.12 No.2 March / April 1999, pp147-157

Guba, E.G and Lincoln, Y.S.(1995).Effective evaluation. Jossey-Bass: San Francisco

Hakim, C (1987), Research Design, Allen & Unwin Publishers. London

Hanekom, S. X. and Thornhill, C(1986).The Functions of the Public Administrator. Butterworth: Durban

Harbeson, J. W; Chazan, N and Rothchild, D,(1994).Civil Society and the State in Africa. Lynne Rienner Publishers: London

Hammersley, L., (1993),Using Documents in Social Research. SAGE, Newbury Park, C.A

Harcourt, M & Wood, G.E,(2006). Trade Unions and Democracy: Strategies and Perspectives, Manchester University Press. London

Helge R, (1994). Media and Democracy: Theories and Principles with Reference to the African Context. SAPES Books: Harare

Henning, E.,van Rensburg ,W. Smith ,B (2004). Finding your way in qualitative research, Van Schaik Publishers: Pretoria

Henry, N (1992).Public administration and public affairs (2nd ed).Prentice-Hall: Englewood Cliffs, New Jersey.

Holliday, H (2001). Doing and writing up qualitative research .SAGE: London
http://www.ualberta.ca~iiqm/bachissues/2 2/pdf/lloydjones.pdf
(Retrieved 14 April 2007)

Hyden,G(1992) "The Study of Governance"pp1-26 in G.Hyden and M Bratton (eds) Governance and Politics in Africa. Lynner Rienner Publishers: Boulder Colorado,USA

Hyden, G and Braton, M (eds) (1993): Governance and Politics in Africa, Lynne Rienner, Boulder, Colorado, USA

Iman, A. Democratization Processes in Africa: Problems and Prospects Review of African Political Economy, No. 54, 1992, pp102-105

Kaldor,M,(2003). Global Civil Society: An Answer to War, Polity Press and Blackwell Publishing, Cambridge
Keane, J. (1988a), Democracy and Civil Society, Verso, London

Keane, J. (1988b), Civil Society and the State, Verso, London

Keulder, C. (2000). State, Society and Democracy: A Reader in Namibian Politics Namibian Institute for Democracy. NID: Windhoek

Lasswell, H.D. (1992), Politics :who gets what, when, how. Meridian Books: New York.

Layder, R (2004). Social Research Methodology: A Critical Introduction. Palgrave Macmillan Publishers, New York

Leftwich, A (1993)."Governance, Democracy and Development in the Third World", *Third World Quarterly* 14(3):605-624

Lloyd-Jones, S.(2003). 'Design and Control Issues in Qualitative Case Study Research': *International Journal of Qualitative Methods.*2 (2) Article 4;

Locke, J (1946). The Second Treatise of Civil Government, Blackwell: Oxford

Lofland,J and Lofland, L.H (1995). Analysing social settings: a guide to qualitative observations and analysis (3rd ed).Wadsworth, Belmont, California

Makumbe, J. (1994). Democracy in Zimbabwe, Human Rights Bulletin, August pp.8-22

Makumbe, J. (1996). Participatory Development: The Case of Zimbabwe, Human Rights Bulletin, March 1996, pp.21-25.

Mamdani, M.(1991), "State and civil society in contemporary Africa; reconceptualising the birth of state nationalism and the defeat of popular movements," in *Africa Development,*Vol.XV,No.34.

Mamdani, M.(2000). 'Democratic Theory and Democratic Struggles in Africa' in (ed) Nnoli, O.(2000),Government and Politics in Africa :A Reader. AAPS: Harare

Martin, R and Feldman, E., (1998). Access to Information in Developing Countries, Transparency International Working Paper, htt://www.transparency.org/publications/ (accessed 27 April 2007)

Miles, M.B and Huberman, A.M., (1994). Qualitative Data Analysis: A Sourcebook of New Methods (2nd Edition).Sage: Newbury Park, C.A.

Mouton, J.(2004). How to succeed in your Masters' and Doctoral Studies: A South African and Resource Book. Pretoria: Van Schaik

Mouton, J.and Marais, H.C., (1990), Basic concepts in the methodology of the social sciences: Human Sciences Research Council: South Africa.

Moyo, J.N. (1993). Civil Society in Zimbabwe, Zambezia XX (1) pp1-13

Moyo, S.,(1997). Land and Democracy in Zimbabwe, SAPES Books: Harare

Mudenge, S.I.G., (1988).A political History of Zimbabwe. Z.P.H: Harare

Mutambara, A.(1991), "The one-party state, socialism and democratic struggles in Zimbabwe: a student perspective," in Mandaza, I and Sachikonye, L.M (eds),The One-party State and Democracy, SAPES, Harare,

Mutharika, B.W.T (1995).One Africa, One Destiny: Towards Democracy, Good Governance, and Development. SAPES Books: Harare

Naidoo, K and Doube, C.(2007). "The Crisis for Civil Society in Zimbabwe", in *Journal of Civil Society Law*, Vol. V, Issue 2, April 2007.Catholic University of America: New York

NANGO,(1992).Directory of Non-Governmental Organisations in Zimbabwe. NANGO, Harare

Narins, H and Hiller, J (1999), Research methodologies in the social sciences, Prentice-Hall: Englewood Cliffs.

NCA, (1999).Task Force Report to Assembly (February, 1999).NCA, Harare

Nealer, E.J (2005). "Access to information, public participation and access to justice in environmental decision-making", in *Journal of Public Administration* 40 (3.2):469-483.

Neuman, W.(2006). Social research methods: qualitative and quantitative approaches Pearson and Allyn and Bacon: Boston

ODAC (2006),Open Democracy AdviceCentre http://www.opendemocracy.org.za, (accessed 28 May 2007).

Onwuegbuzie, A.J. and Leech, N.L (2004) 'Enhancing the Interpretation of 'Significant' Findings: The Role of Mixed Methods Research'. The Qualitative Report Volume. Vol.9, No. 4: pp770-792.

Patton, M.Q.,(1990).Qualitative evaluation and research methods. SAGE Publications, Newbury Park, California

Raftopoulos, B.,(1993). Beyond the House of Hunger: The Struggle for Democratic Development in Zimbabwe. Baobab Books: Harare

Raftopoulos, B. (2000). NGOs, the State and Politics in Zimbabwe: Baobab Books. Harare

Raftopoulos, B. and Phimister, I., (1987). <u>Keep on Knocking: a History of the Labour Movement in Zimbabwe,</u> Baobab Books. Harare

Redfern, P and Desai, M, (1997). <u>Global Governance: Ethics and the Economics of the World Order</u>. Pinter: New York

Rich, Sara.,(1996). 'NGOs in Zimbabwe': MPhil Thesis, Oxford University: Oxford

Rich, Sara., (1998). 'NGOs and the State in Zimbabwe: Implications for Civil Society theory'. Unpublished mimeo

Riddell, R.C., (1990). 'NGOs Projects-Country Case Study: Zimbabwe'. Overseas Development Institute, London

Rubin, H.J & Rubin, I.S (1995), <u>Qualitative Interviewing: The Art of Hearing Data.</u> SAGE Publications: London

Sachikonye, L.M., (1998). Civil Society in Africa: How Democratic and Strong? Southern African Political and Economic Monthly (SAPEM), Vol.11, No.8, June 1998

Sachikonye, L.M. (ed), (1995).<u>Democracy, Civil Society and the State, Social Movements in Southern Africa.</u> SAPES: Harare

Sapsford, R and Jupp, V (eds) (1996. <u>Data Collection and Analysis</u>, SAGE Publications, London

Saunders, R.(1995).<u>Reconfiguring Civil Society in Zimbabwe,</u> African Agenda, August 1995. New York

Saunders, R.,(1996). 'Associational Life and Civil Society in Zimbabwe': Unpublished mimeo.

Saunders. R (1999)."State, Politics and Democracy" in <u>Never the Same Again: Zimbabwe's Growth Towards Democracy.</u> Baobab Books: Harare.

Saunders. R(1999). "Ambiguous Inheritance: Pre-Independence Civil Society and Democracy" in <u>Never the Same Again: Zimbabwe's Growth Towards Democracy: 1980 to 2000</u>. Baobab Books: Harare

Silverman, D. (ed), (1997). <u>Qualitative Research: Theory, Method and Practice</u>. Sage Publications Ltd: London.

Simon, K.W (ed)(2007). *International Journal of Civil Society Law*, CUA: NY

Singleton, H.R, (1993).<u>Approaches to social research</u>. Open University Press, New York

Skalnes, T.(1993). 'The State, Interest groups and Structural Adjustment in Zimbabwe' in *Journal of Development Studies*, Vol.29, No.3:401-428

Smith, F.H (2003). 'Rationality in Policy Making Considered' in *Journal of Public Administration* .Vol.38, No. 3, September 2003

Stoneman, C. and Lionel, C., (eds) (1989). Zimbabwe: Politics, Economics and Civil Society, Pinter Publishers, London

Stoneman, C.(ed), (1988). Zimbabwe's Prospects, Issues of Race, Class, State and Capital in Southern Africa. Macmillan: London

Struwig, F.W and Stead, G.B., (2001). Planning, Designing and Reporting Research, Pearson Education: Cape Town

Thomas, C.S. (ed), (1993). First World Interest Groups: Comparative Perspective, Greenwood Press: Westport

Trauth, E.M., (2001). Qualitative Research in IS: Issues and Trends. Idea Group Publishing: Hershley

UNDP, (2000), Poverty Reduction Forum and UZ Institute of Development Studies, Human Development Report 1999 Zimbabwe, Harare

UNDP, (2000), Human Development Report, OUP: New York

UNESCO, (1999), Education for Human Rights & Democracy in Zimbabwe,UNESCO: Harare

Van Dalen, D. B (1979)., Understanding educational research   McGraw-Hill; New York

Werbner, R., (1991). Tears of the Dead, Edinburgh University: London

Wisker, G., (2001). The Postgraduate Research Handbook: Succeed with your MA, MPhil, EdD and PhD. Palgrave Macmillan Publishers, New York

World Bank 1992: Governance and Development. World Bank, Washington D.C:

World Bank 1994: Governance: The World Bank's Experience, World Bank, Washington, DC

Terre Blanche M. & Durrheim, K. (eds), (1999). Research in Practice: Applied methods for the Social Sciences. UCT: Cape Town

Yin, R.,(1993). Applications of case study research. SAGE Publishers, Newbury Park, CA

Yin, R. K.,(2003). <u>Case study research: design and methods</u> (2nd ed.). SAGE Publishers: Thousand Oaks, CA.

Yoshikuni,T.,(1996). 'Before the Stormy years: Native Welfare, Community Centralisation and Urban Protest in Harare Township, 1935 to 1947'.Unpublished mimeo.

Yoshikuni, T and Raftopolous, B, (eds), 1999).<u>Sites of Struggles: Essays in Zimbabwe's Urban History</u>. Weaver Press, Harare

Zaffiro, J. J. (2002). 'Critical Studies in African Media and Culture' in <u>Media & Democracy in Zimbabwe 1931-2002.</u>International Academic Publishers London

ANNEX 1

INTERVIEW QUESTIONS- (For organisational staff only)

Indicate your organisation ☐ CCJP ☐ ZimRights ☐ NCA

When was it formed? ☐ 1970-1979 ☐ 1980-1990 ☐ 1991-2007

1-Briefly explain your core areas of focus. ………………………………………..

……………………………………………………………………………………...

2-How do you mobilise the general public? ....

………………………………………………………………………………………

………………………………………………………………………………………

3-How do your objectives reconcile with those of other civic organisations?

....

Explain briefly………………………………………………………………………

4-Suggest ways in which your organisation can work with the State to achieve societal
goals such as the promotion of democracy, human rights, good governance

………………………………………………………………………………………

………………………………………………………………………………………

5-Has government consulted you on issues concerning decision-making and policy-
implementation? …………………………………………………………………..
Explain briefly…………………………………………………………………….
……………………………………………………………………………………..

6-Has government created an enough enabling environment for your organisation to
operate in? If so, how ? ……………………………………………………………
………………………………………………………………………………………

7-What progress have you made to date in achieving your objectives?

……………………………………………………………………………………..

……………………………………………………………………………………..

8-To what extent have you facilitated citizen participation in governace processes?

....

……………………………………………………………………………………………………

9-Are you a member to any of the following coalition?

☐ NCA   ☐ Christian Alliance   ☐ Save Zimbabwe Campaign   ☐ Zimbabwe Crisis Coalition

If so, briefly explain the benefits derived from your membership to it and how it facilitates citizen involvement in public processes…………………………………………………..

……………………………………………………………………………………………………

10- What extent has the SADC Principles and Guidelines on Democratic Election improved public participation in the electoral process in Zimbabwe?

☐To a large extent   ☐To a lesser extent   ☐Did not improve anything at all

Briefly explain your view……………………………………………………………………

……………………………………………………………………………………………………

11 – To what extent, and with what success, have the following key legal instruments helped to facilitate citizen participation and involvement in public policy formulation?

☐ to a large extent   ☐ to a lesser extent   ☐ have had a negative effect

Briefly explain for each

 (i) The Constitution of Zimbabwe (1979)……………………………………………….

 (ii)   Private and Voluntary Organisations Act (1996)………………………………..

 (iii)   The NGO Bill (2004)…………………………………………………………..

 (iv)   POSA and AIPPA (2005)…………………………………………………….....

 (v)   The Zimbabwe Electoral Commission Act (2006) in conjunction with *the SADC Principles and Guidelines Governing Democratic Elections* (2004)……………………….

 (vi) Interception of Communications Act (2007)……………………………….......

12-What has been the impact of key legislative framework on the attainment of your objectives? ....

……………………………………………………………………………………………………

13-What achievements have your organisation made to date in enhancing citizen participation in strengthening governance and policy processes? ………………………..
………………………………………………………………………………………………

ANNEX 2

QUESTIONNAIRE (for organisational membership only)

You are kindly requested to respond to the following questions which are primarily for research purposes. Your identity should remain anonymous and feel free to give personal opinion to the questions.

1- What is your gender?   ☐ Male   ☐ female

2- What is your age range?

    ☐18-25   ☐ 26-40   ☐ 41-60   ☐ over 60

3-What is your formal economic status?

    ☐ employed   ☐ unemployed   ☐ student   ☐ no stead income

4- What is your salary range?

☐ No definite income   ☐Z$1m-Z$10m p.m   ☐Z$11m-Z$25mp.m   ☐over Z$26m p.m

5- What is your level of education?

    ☐ Primary   ☐ high school   ☐University

6- Is it a registered civic organisation? ☐Yes   ☐ No

7- Indicate the civic group that you belong to

    ☐ CCJP   ☐ ZimRights   ☐ NCA

8- What does registration of your organisation by government mean to you?

  ☐   operating legally

  ☐   efforts appreciated by government

  ☐   Just a formality

☐   not significant

9-What is your organisation's area of focus?

- ☐   strengthening citizen participation in policy issues
- ☐   campaigning for human rights
- ☐   environmental issues and poverty alleviation
- ☐   strengthening governance processes
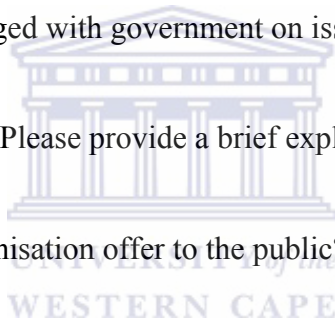- ☐   HIV/AIDS and related issues

10- How long have you been a member of this organisation (years)?

☐1-5   ☐6-10   ☐ 11-20   ☐ over 20

11- Have your organisation engaged with government on issues of public interest?

☐ Yes   ☐   No

If so, what has been the result? Please provide a brief explanation for your response.

12-What services does your organisation offer to the public?

- ☐   Advocacy work
- ☐   Offer free legal representation
- ☐   Human rights campaigners
- ☐   Developmental and relief

Give a brief explanation……………………………………………………………………….

13- What is your impression about key existing legislation guiding public participation in public affairs?

- ☐   it promotes citizen participation
- ☐   it is neutral
- ☐   it is restrictive
- ☐   it does not facilitate public participation in governance processes.

Briefly explain …………………………………………………………………………....

14-What has been the effect of key existing legislation on the operation of civil society in Zimbabwe?

- ☐ had positive impact
- ☐ had negative effect
- ☐ has been very supportive
- ☐ some laws were friendly and others are harsh to civil society

Explain briefly …………………………………………………………………………

15-Do you have any legal instruments that you want repelled or introduced so as to facilitate more citizen participation in governance processes?

☐Yes   ☐ No

Briefly explain your response……………………………………………………………….

16-How effective have you been in your area(s)of focus to date?

- ☐ not effective due to prohibitive legislation
- ☐ moderately effective due to existing enabling sections of some legislation
- ☐ Very effective due to key legislation guiding citizen participation in governance processes
- ☐ Not sure because most of key legislative instruments are restrictive to civil society

17- To what extent has your organisation has achieved its objectives to date?

☐ Yes   ☐ No

Please explain briefly……………………………………………………………………….

………………………………………………………………………………………………

………………………………………………………………………………………………