

CAUSES AND CONFLICT TRENDS BETWEEN TRADITIONAL LEADERSHIP  
AND THE GOVERNMENT OF ZIMBABWE: THE CASE OF CHIEF SENGWE  
1980-2008.

By

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## **ABSTRACT**

*This dissertation sought to analyse the causes and conflict trends between traditional leadership (the case of Chief Sengwe 80 to 2008) and elected authorities of the modern state of Zimbabwe in order to establish the extent to which democratic laws have impeached and eroded the roles and functions of traditional leadership. In this study twenty five ordinary people of the Sengwe Community, ten councilors, ten members of the Chiefs Council, ten councilors, six VIDCO Chairpersons, four WADCO Chairpersons, Chairman of the Chiefs council, a district administrator, a provincial administrator and the permanent secretary in the Ministry of Local Government and National and National Housing were used as the research subjects. Questionnaires and interviews were used as research instruments. The documentary review method was also used to provide in depth information of the causes and conflict trends between traditional leadership and the democratic state. The study showed that the major causes of conflict trends between traditional leadership and the modern state border around the imperatives of tradition and the legislative framework guiding the activities of governance. As a way forward the study recommended that state and representative bodies of traditional authorities should jointly review the myriad legislative provisions as a way of educating the traditional authorities and elected leaders about the implications of these legislations for their roles and for knowledge building purposes. Concrete steps should be taken to move beyond coexistence and cooptation towards integration and mainstreaming of both types of leadership into the priority setting, legal process, monitoring and evaluation to include well-defined mechanisms for strengthening the relationship between the two components.*

**DECLARATION**

I David A Mlambo do hereby; declare that this dissertation is my original work except where sources have been acknowledged. The work has never been submitted, nor will it ever be, to another university in the awarding of a degree.

STUDENT.....DATE.....

Signature.....

SUPERVISOR.....DATE.....

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## **DEDICATION**

To my wife Beauty, who supported and motivated me while I was in despair while writing this project.

This is truly yours. You missed a husband who was present.



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**LIST OF ACRONYMS:**

DC .....District Council

MDGs.....Millennium Development Goals

TC.....Traditional Council

TL .....Traditional Leader/ship

VIDCOs .....Village Development Committees

WADCOs ..... Ward Development Committees

ZANU (PF).....Zimbabwe African National Union (Patriotic Front)

## **CHAPTER 1: INTRODUCTION**

1.0 The state and the citizen. Stewart *et al* (1994) say that, the current opportunities for democratic. The context and rationale for this study are the current democratization process and commitment to good governance in the modern state of Zimbabwe. Against the background of democratization in Zimbabwe, traditional forms of authority have come back into the spotlight of interest, especially with respect to the role of traditional chiefs as an intermediary between participation and good governance in Zimbabwe seem unprecedented, yet there have been many failures. A significant part of this lies in the overlooked relationship between the contemporary Zimbabwe state and traditional authority and the opportunities these institutions provide for bringing development, leadership and good governance to the generality people. There remains a disconnect between State structures and civil society, and while the view is held that Zimbabwean democratization should draw from its cultural traditions, more needs to be done to analyze systematically the extent to which this can or does occur.

Matumbike (2009) says that traditional Chieftaincy in Zimbabwe is not only an integral part but is also a vital element in the social, political and cultural establishment of the traditional communities. It is a dynamic institution that reflects and also responds to the evolving political and social transformations of society. The institution of chieftaincy and the institutions of the modern state are located along the line where the traditional world meets the modern-state administration and governance. Therefore,

as Zimbabwe continues to develop its political institutions to serve the demands of a democratic government in the modern state, the position of traditional chiefs will continue to attract the attention of policy makers of the democratic state.

This study sought to analyse the causes and conflict trends between traditional leaders and the modern state of Zimbabwe. The state portrays traditional leaders as having strategically exploited the democratic decentralization policy reforms to reassert themselves as a dominant force in grassroots politics and administration in Zimbabwe. In the same vein traditional leaders perceive elected political leaders as competitors and want to erode traditional leadership and governance. The modern state of Zimbabwe through acts of parliament and other legal instruments has made laws and institutes of government tailor-made to favour the running of the state. This analysis is situated within the context of the debate about the relevance of traditional leadership institutions or alternatively culture in the twin processes of democratization and governance. In this instance therefore, it is interesting to note for example that Chief Sengwe can claim that the Sengwe Community still rally more behind the chief than behind the politician while the politician claim the opposite.

While one side of the debate dismisses traditional leaders as sheer obstacles, the other side argues that they are a resource that can be tapped into in order to effectively domesticate the reforms, since traditional leaders embody values and virtues of

political accountability, transparency and probity ( Matumbike 2009).The underlying argument of this analysis is that while research findings demonstrate that traditional leaders have indeed the potential to play a “midwife role” in the efforts to domesticate and customize the reforms to the exigencies of local conditions, their ill material circumstances or lack of knowledge in democratic administrative and governance issues render them overwhelmingly easy targets for politicians bent on satisfying their own strategic political considerations.

### **1.1 Background to the study**

The role of traditional leaders in modern Africa, especially in modern democracies, is complex and multifaceted. The debate is defined by “traditionalists” and “modernists.” Traditionalists regard Africa’s traditional chiefs and elders as the true representatives of their people, accessible, respected, and legitimate, and therefore still essential in contemporary politics on the continent. “Modernists,” by contrast, view traditional authority as a gerontocratic, chauvinistic, authoritarian and increasingly irrelevant form of rule that is antithetical to democracy (Logan 2008).

In the same vein, since colonisation, there has been a shift of power from the traditional chiefs to central government, including local government. Rural administration and governance is now carried out by the Land Boards, District Councils, District Development Committees and Village Development Committees

rather than by the traditional chiefs. Some chiefs see this as evidence of an erosion of their power base and the lowering of their respect. Government, however, sees these changes as having been made necessary by the rapidly growing complexity of a government which demanded more sophisticated administration and governance issues than that provided by the traditional chiefs.

Consequently there have been conflicts, particularly between the traditional authorities, for example Chief Sengwe and others and elected or appointed leadership like the Village or Ward Development Committees or the District or Provincial Administrators of the modern Zimbabwe. Much of the administrative conflict can be traced back to the combined effect of the Communal Lands Act of 1982 or the Land Tenure Act of 1937 which had divested the chiefs of the land allocation powers vested in them by the Rhodesia Front regime in the 1960s; and the Customary Law and Primary Courts Act of 1981, which had transferred the determination of customary law from the Chiefs' courts to new local bodies, like the District Courts, appointed by the Minister of Justice under the Act.

According to Masendeke (2009) this lack of clarity on the roles and functions of various institutions at the local administrative levels, particularly over issues of tradition, precipitated a crisis of communal leadership in the communal areas of Zimbabwe, whereby, on one hand, elected rural institutions (VIDCOs) (WADCOs etc)

had little real legitimacy according to traditional grassroots perspectives, while traditional leaders were not always acknowledged or respected by the state's elected or appointed officials.

These conflict trends on roles, functions and governance issues and their causes between traditional leaders and the modern Republic of Zimbabwe government did not spare Chief Sengwe and his community. The Shangaan community to which Chief Sengwe belongs has a long history of poverty, underdevelopment and pervasive insecurity. The area has marginal drylands that are dominantly pastoral though some groups farm.

According to the encyclopedia Britannica (2011) Shangaan people are peculiar in that men traditionally attend the initiation school for circumcision called *matlala* (*Kamatlala*) or *ngoma* (*a ngomeni*) after which they are regarded as men. Recently they have also gained a significant amount of attention for their low-tech, lo-fi electronic dance music. The Shangaan community is conserves its traditional customs and ethics. Interfering or trying to neutralize their way of leaving may cause conflict with the perpetrators. The Shangaan are also known for a number of traditional dances such as the *xibelani* dance /. Traditional Belief and Healer Senior n'angas relax and celebrate after an initiation dedicated to the cultural spirit. Like most Bantu cultures, they have a strong acknowledgment of their ancestors, who are believed to have a

considerable effect on the lives of their descendants. The traditional healers are called *n'anga* . Legend has it that the first divine Shanganis culture were a woman called */nkomo we lwandle/* (Cow of the Ocean) and a man called */dunga manzi/* (Stirring Waters). A powerful water serpent, *nzunzu (dhzhundzhu)*, allegedly captured them and submerged them in deep waters. They did not drown, but lived underwater breathing like fish. Once their kin had slaughtered a cow for *nzunzu*, they were released and emerged from the water on their knees as powerful diviners with an assortment of potent herbs for healing. *nkomo we lwandle/* and */dunga manzi/* became famous healers and trained hundred of women and men as diviners. Senior *N'angas* help a new *n'agna* out of the water during an initiation. Among them, symptoms such as persistent pains, infertility and bouts of aggression can be interpreted as signs that an alien spirit has entered a person's body. When this occurs, the individual will consult a *n'anga* to diagnose the cause of illness. If ascertained that the person has been called by the ancestors to become a *n'anga*, they will become a client of a senior diviner who will not only heal the sickness, but also invoke the spirits and train them to become diviners themselves. The legend of the water serpent is re-enacted during the diviner's initiation, by ceremoniously submerging the initiates in water from which they emerge as diviners. The kind of spirits that inhabit a person are identified by the language they speak. There are generally the Ngoni (derived from the word Nguni ), the Ndau and the Malopo. However despite these rich cultural activities and beliefs the Shangaan Community mythically believe the powers of these powerful diviners have been eroded

or subdued by the legislative enactments of the modern state which limit the powers and authority of the traditional leaders.

The Chief who is regarded by the people as the supremo and custodian of the Shangaan traditions and customs is consulted and gives authority in most activities cited above. The Chief combined legislative, military, judicial, economical and religious roles. In this is case therefore introducing the democratic legal systems to the Shangaan community may be a cause of conflict with the modern state.

According to Nyambara (1997) the Shangaan tribe came into being when King Shaka of the Zulu, sent Soshangane (Manukosi) to conquer the Tsonga people in the area of present-day southern Mozambique, during the Mfecane upheaval of the 19th Century. Soshangane found a fertile place inhabited by scattered communities of peace-loving people, and he decided to make it his home rather than return to Shaka. The Shangaan were a mixture of Nguni (a language group which includes Swazi, Zulu and Xhosa), and Tsonga speakers (Ronga, Ndawu, Shona, Chopi tribes), which Soshangane conquered and subjugated. Soshangane insisted that Nguni customs be adopted, and that the Tsonga learn the Zulu language. Young Tsonga men were assigned to the army as '*mabulandlela*' (those who open the road). Soshangane also imposed Shaka's military system of dominion and taught the people the Zulu ways of fighting. Soshangane's army overran the Portuguese settlements in Mozambique, at Delagoa

Bay, Inhambane and Sena, and during the next few years, he established the Nguni kingdom of Kwa Gaza, which he named after his grandfather, Gaza. The Gaza Kingdom comprised parts of what are now southeastern Zimbabwe, as well as extending from the Save River down to the southern part of Mozambique, covering parts of the current provinces of Sofala, Manica, Inhambane, Gaza and Maputo, and neighbouring parts of South Africa. In Mozambique, they are referred to as the *Changana* or *Hlengwe*, while in South Africa, they are known as the Tsonga. The term Shangani is a generic name used to refer to the followers of Soshangana. This straddle of borders has divided the traditional leadership of the Gaza kingdom in that some of Chief Sengwe's subjects, for example, are now in the modern state of Mozambique. Traditional governance been managed by the traditional leaders in the acephalous and decentralized society of Sengwe. Traditional leaders of this community have their own internal hierarchy and are organized to varying degrees. (See figure 2).

Although the authority of traditional leaders has weakened in recent years among the Sengwe Community, they continue to play a role in promoting social harmony, dissemination of information, identifying criminals in the community, disciplining the youths and mediating in disputes.

## **1.2 Statement of the Problem**

Rural local government reform measures adopted by the new Government of Zimbabwe at independence in 1980 were largely inspired by the state's modernization initiatives and the need to create a framework for expanded delivery of services to the local communities in order to redress the imbalances of colonial neglect. In a paper presented at the Sheraton Hotel Harare July (1995) by Sithole, the reform measures also sought to undermine the authority of traditional institutions in judicial and land matters in the communal areas; firstly because of their perceived pre-independence role as functionaries of colonial oppression; secondly, because some elements within the new Government viewed traditional institutions as antithetical to their modernization project to transform rural society; and thirdly because other elements in the new Government perceived traditional institutions as centers of alternative authority to that of the formal state. Madondo (2000) argues that, the failure by the new Government to incorporate and co-opt traditional institutions into formal state governance institutions in the first two decades of independence lies at the heart of the confusion surrounding traditional administration in the communal areas after independence. This governance confusion at the local administrative levels was characterized by a lack of clarity on roles and functions between the traditional institutions of chief, headman and village head, and the elected leadership of village development committees (VIDCOs) and ward development committees (WADCOs). These constituencies were created by the modern state of Zimbabwe in order to influence and implement government

developmental programmes at grass roots level. The guiding philosophy was to sideline traditional governance in the communal areas.

The confusion on roles and functions precipitated a crisis of communal leadership in the Sengwe communal areas of the Republic of Zimbabwe, whereby, on one hand, elected rural institutions had little real legitimacy according to traditional grassroots perspectives, while traditional leaders were not always acknowledged or respected by the formal state's modernization initiatives.

Chief Sengwe, his headmen and village-heads illegally re-acquired some of their defunct authority over traditional administration, customs and proceeded to clandestinely allocate land and presided over cases within their communities. This crisis of communal leadership manifested itself into causes and conflict trends that occurred between the Chief and the modern Zimbabwe State for more than two decades in terms of roles and functions.

## **1.2 Research Objectives**

The objectives of this study were to:

1.2.1 Analyse the various causes and conflict trends between traditional leadership and the modern Zimbabwe State, in particular the case the Sengwe Traditional Authority.

1.2.2 Examine the extent to which the modern state has managed to integrate traditional leadership in existing structures of governance in traditional leadership in the Sengwe Community.

### **1.3 Research questions**

1.3.1 What are the main causes of conflict between the modern state of Zimbabwe and traditional leadership?

1.3.2 How can these conflict trends and their causes be eliminated or controlled?

### **1.4 Underlying Assumption**

The study is underlined by the assumption that traditional authorities do not have the knowledge, skills and expertise to understand and participate in modern governance programs. The study further moves on with an assumption that modern state officials do not appreciate and understand traditional governance and that tradition must not be recognised because it is old fashioned.

### **1.6 Significance of the study**

The objective of this study has been to analyse causes of conflict trends between traditional leadership of Chief Sengwe and the government of Zimbabwe. Generally, it is hoped that this project will contribute to the existing body of knowledge on

traditional governance by linking broad theoretical issues and to some extent scientific evidence coming out of research, by using a case study of the Sengwe community.

This study can be viewed as a governance impact assessment. The impact assessment is through checking the leadership imperatives and legislative issues for both traditional leaders and those of the modern state. This is so because it takes a closer look at the context where leadership processes take place, with a view to facts, norms and practices. The objective is to ensure that policy makers are aware of the relationship between traditional laws and the laws of the modern democracy.

The results of this study were important in ‘measuring’ the level of transformation in relation to democratic and traditional governance. In particular, the study established and added to the debate on how modern state laws have impacted on traditional leadership.

## **1.7 Scope of the study**

### **1.7.1 Delimitations of the Study**

This was a field research study and therefore relies heavily on the analysis of primary data. Most of the accounts from which the study draws its findings are based on events that took place in the Sengwe Traditional Community, which was selected as a unit of

analysis. The literature has also been carefully selected and reviewed in order to supplement the detailed information gathered on the functioning of traditional leadership in the Sengwe Traditional Community.

The Sengwe Community is in Masvingo Province and is located in the South East Chiredzi District. It is situated in ward 16 of the Chiredzi Rural District Council . In relation to magisterial and electoral districts, the Sengwe Community falls under Chiredzi South. See Figure 1 to this study.

The Sengwe Community is made up of five villages, namely, Gwaivhi, Samu, Pahlela, Chinana and Gwenyenye villages. The Chief's homestead is situated at `Gwaivhi village, which is the village identified for in-depth study in this research project. The community has over 435 households, of which nearly half are female-headed. The men, youth and the economically active population migrate to different urban areas and South Africa to seek for employment. They return to the village at certain intervals, mainly for the funerals of family and friends, as well as during Easter, Heroes and December holidays. It is because of this that the Sengwe Traditional Council is composed of elderly men and women. Elderly people and children of school-going age constitute the majority of the population.

The Traditional Council is made up of representatives from the five villages. These are not appointed headmen communities. The study cannot make generalised statements from its findings. A number of traditional authorities would have to be studied and compared to enable one to generalise the causes and conflict trends between the institution of traditional leadership in governance and the modern state of Zimbabwe . . . but representatives who are meant to be elected by the villages at a general meeting of the tribal authority, which takes place at the Chief's Place. Each village must have at least one representative. In the pre colonial era, the Sengwe Community used to have a good structure of governance in the area. However, since the institution of democratic local governance was introduced by the colonial system and now the modern state of Zimbabwe has become more popular because it has structures currently at the centre of development and service provision (Bentley et al., 2006).

The study focused on analyzing conflict trends between traditional leadership of Chief Sengwe of Chiredzi South and his community and the modern state of Zimbabwe State. The researcher selected and interviewed, the Permanent Secretary in the Ministry of Local Government and National Housing, the President of the Chiefs Council, Chiredzi District Administrator, Chief Gudo, Chief Tsovani, and Chief Musikavanhu. Twenty five ordinary members of the Sengwe Community, ten` members of Chief Sengwe's Traditional Council and three headmen were interviewed. The Sengwe Community consists of more than one hundred households and his Traditional Council has twenty eight members.

### 1.7.2 Limitations of the study

Respondents were geographically spread throughout in Chiredzi District, Chipinge District and Masvingo and the administration of the instruments was very demanding. The researcher had to seek for assistance from workmates who are trained researchers to help in administering the instruments. There was a general problem associated with language barrier as the Researcher had to romp in local translators to help. The culture of the Shangani people differs quite significantly from what the researcher is used to. Therefore, it was paramount to have local guides who would do the narration according to the traditional requirements. To achieve a meaningful research travelling and subsistence allowances had to be availed and the source was the Researcher himself. That cash constraint slightly hindered the proper conduct of the research.

- i. The fact that the study was self-funded the researcher ended up using only two instruments, that is, the questionnaire and the interview schedule since they were the cheapest research instruments. Questionnaires and interview schedules are advantageous and convenient for a large and dispersed population sample.
- ii. The researcher was not familiar with the respondents' traditions and customs and therefore had to employ an interpreter as well as learn the basic customs.

## **1.8 Definition of Key Terms**

### **1.8.1 Modern State**

Logan (2008) says that a modern state is an organized territory with definite geographical boundaries that are recognised by other states. It has a body of law and institutions of governments.

It is interesting to note that the boundaries that are being recognised for the modern state of Zimbabwe here are those boundaries demarcated during the colonial and post colonial errors. These boundaries have nothing to do with traditional boundaries. The boundaries are out of the Westphalia concept where sovereign state entities possess the monopoly of force within their mutually recognised boundaries. Relations between the states are conducted by means of formal diplomacy. This implies that there is a separation of the domestic and international spheres such that the status may not legitimately intervene in the domestic affairs of another. The laws and institutes of government are tailor-made to favour the running of the state.

The modern state is dependent on the loyalty of its citizens. The state offers protection order, justice, foreign trade and facilities of inner state trade in exchange for this loyalty. The goal of the modern state is to maintain order, happiness for its citizens is only reached by establishing official courts of law and laws to abide by and soldiers to protect them.

The West's Encyclopedia of American Law, edition 2 (2008) says a state is a people permanently occupying a fixed territory bound together by common habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other states.

### **a. Conflict**

Bentley *et al* (2000) says that conflict is an expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce resources and interference from others in achieving their goals. Conflict stems from unsatisfied needs. In conflict people represent their interests, but not the underlying needs; however they will use power and coercion to meet those needs.

Lederach (1995) says that conflict is parties which stand in each other's way because they are presuming things that they think are incompatible. Conflict is behavior in which people oppose one another in their thoughts, feelings or actions. In this instance therefore a conflict is more than a mere disagreement - it is a situation in which people perceive a threat (physical, emotional, power, status, etc.) to their well-being. As such, it is a meaningful experience in people's lives, not to be shrugged off. Participants in conflicts tend to respond on the basis of their perceptions of the situation, rather than an objective review

of it. As such, people filter their perceptions (and reactions) through their values, culture, beliefs, information, experience, gender, and other variables. Conflict responses are both filled with ideas and feelings that can be very strong and powerful guides to our sense of possible solutions.

As in any problem, conflicts contain substantive, procedural, and psychological dimensions to be negotiated. In order to best understand the threat perceived by those engaged in a conflict, we need to consider all of these dimensions. Conflicts are therefore normal experiences within a given environment. They are also, to a large degree, predictable and expectable situations that naturally arise as we go about managing complex and stressful projects in which we are significantly invested.

#### **b. Traditional Leadership.**

Ntsebeza (2006) definition of traditional leaders is:

“... a group referred to as traditional leaders/rulers or tribal leaders/rulers are individuals occupying communal political leadership positions sanctified by cultural mores and values, and enjoying the legitimacy of particular communities to direct their affairs.”

Their basis of legitimacy is therefore tradition, which includes the whole range of inherited culture and way of life; a people’s history; moral and social values

and the traditional institutions which survive to serve those values. Traditional ruler means the traditional head of an ethnic community whose stool conferred the highest traditional authority on the incumbent.

According to Matumbike (2009) tradition is any cultural product that was created or pursued in whole or part by past generations and that have been accepted and preserved in whole or part by successive generations has been maintained to the present.

Mararike (1995) defines tradition as something done or respected according to generations as something done or respected according to custom from generation to generation.

In this instance therefore Tradition Leadership entails out looks on life, values, and practices and of relating or resolving disputes including various institutions inherited form previous generations. For this reason therefore it may also be argued that every society is traditional in as much as it maintains and cherishes values, practices, outlooks and institutions of previous generations.

## **Conclusion**

This chapter presented the background to the problem, statement of the problem, purpose of the study, objectives of the study, key research questions, assumptions of the study significance of the study definition of key terms and a summary. This study

can be viewed as a governance impact assessment. This is so because it takes a closer look at the context where leadership processes take place, with a view to facts, norms and practices. The objective is to ensure that policy makers are aware of the relationship between traditional laws and the laws of the modern democracy.

The failure by the new Government to incorporate and co-opt traditional institutions into formal state institutions in the first two decades of independence lies at the heart of the confusion surrounding traditional administration in the communal areas after independence. This confusion at the local administrative levels was characterized by a lack of clarity on roles and functions between the traditional institutions of chief, headman and village head, and the elected leadership of village development committees (VIDCOs) and ward development committees (WADCOs). These constituencies were created by the modern state of Zimbabwe in order to influence and implement government developmental and developmental programmes at grass roots level.

## **CHAPTER 2: LITERATURE REVIEW**

### **2.0 Introduction**

This chapter presents literature related to the study of analyzing causes and conflict trends between traditional leadership and the Zimbabwe Government the case of Chief Sengwe and his community. The literature review is presented in two sections. The first section introduces the institution of traditional leadership in Africa then in Zimbabwe and the theoretical framework that undergirds or supports this study. This includes a discussion of some theories of the neo traditional argument that says traditional leadership is compatible with democratic governance. The other neo liberal argument is against the involvement of traditional governance structures because traditional leadership compromises democratic governance.

The second section entails the discussion on the history of traditional leadership structures, their constitutional recognition as well as constitutional right to practice custom and their role in governance. This part also addresses the relationship between traditional leaders and the colonial government, and the people traditional leaders serve.

### **2.1 Traditional African leadership**

Traditional leadership structures in Africa are as diverse as the continent itself, making it impossible to describe an "African" style of leadership. Pre-colonial Africa possessed as many as 10,000 different states characterized by many kinds of political organisation

and rule. These included small family groups of hunter-gatherers as well as larger, heavily structured clan groups and autonomous city-states and kingdoms.

Some traditional leadership systems were relatively egalitarian. Traditional Igbo society, with the exception of a few towns, was based on a quasi-democratic republican system of government. Unlike a feudalistic system, in which a king rules over subjects, the Igbo leadership system consisted of a consultative assembly of common people. (Garbett, 1976).

Other kingdoms were ruled by kings or priest kings: for example the Yoruba city-state of Ife established its government under a priestly ("king") called the Ooni of Ife. Still others had kings that were elected in some form. When the Kongo Kingdom was at its political apex in the 16<sup>th</sup> and 17<sup>th</sup> centuries, the king was elected from among a noble class of descendants of former kings—usually the holders of important offices. The activities of the court were supported by an extensive system of civil servants, and the court itself usually consisted of numerous relatives or clients of the king. The many provinces were often governed by lesser relatives of the king, and sub-provinces were governed by royal appointees or locally dominant families.

Societies like Great Zimbabwe show a high degree of social stratification, which is common of centralized states. Archaeologists and historians have determined that for many societies, the elite held a great deal of wealth in the form of elaborate pottery, sculptures, beads, jewelry, and pendent's made of copper, gold, bronze, ivory, and other revered materials. Common people, on the other hand, would have supported the elite through farming and labor.

Many African communities were governed and administered by a council of elders. The council would be responsible for mediating conflict, governing the town, and making all important decisions within the community. For many tribes, such as the Balanta people, a person would be initiated into the Council through a ceremony. Elders still play an important function in many African communities today. Like most leadership structures around the world, traditional African communities were often patriarchal in power structure. In Igbo culture, for example, law began with the male line of descent, and closely related families were headed by the eldest male member.

Leadership was often reflected in the artwork of a culture. For example, the Yoruba people in present-day Nigeria depicted important leaders in their community as sculptures with large heads because the artists believed that the Ase, or inner power of a person, was held in the head. Their rulers were also often depicted with their mouths covered so that the power of their speech would not be too great. Elders in Dan society

often wore masks that served as agents of social control, enforcing the council's rules and orders. The masked figures were believed to be incarnate spiritual beings capable of rendering unbiased judgments.

## **2.2 Colonialism and Independence**

In the late 19<sup>th</sup> century, the European imperial powers occupied and colonized most of the continent, leaving Ethiopia and Liberia as the only two fully independent states. (Liberia, in fact, is the only country in Africa rooted in U.S. colonization; beginning in 1820, the region was colonized by African Americans from the United States, most of whom were freed slaves). Colonial rule drastically transformed traditional African leadership structures. In places where traditional rule had been fairly decentralized and egalitarian, such as regions inhabited by the Igbo, the British introduced new centralized leadership systems and incorporated their own "traditional leaders." In most cases, European colonizers disregarded native political and cultural systems, influencing current systems or imposing new systems upon people under their military control. Arbitrary borders were drawn with little concern for the pre-existing ethnic, cultural, or political groups. (Mohamed-Katerere, 1996)

With independence from colonial rule in the mid-20<sup>th</sup> century came further changes in leadership. Today, Africa contains 54 sovereign countries, several of which have been hampered by instability, violence, and authoritarianism as native populations fought to

capture territory and regain what had been lost during colonialism. Great instability was mainly the result of the marginalization of ethnic groups, some of which had been exacerbated, or even created, by colonial rule. Today, the vast majority of African states are republics that operate under some form of the presidential system of rule. However, few of them have been able to sustain democratic governments on a permanent basis, and many have instead cycled through a series of coups, producing military dictatorships. Fortunately, the 21<sup>st</sup> century has seen the number of armed conflicts in Africa steadily decline.

The African Union (AU) is a 54-member federation consisting of all of Africa's states except Morocco. The African Union has a parliamentary government, known as the African Union Government, consisting of legislative, judicial, and executive organs, which is led by the African Union President and Head of State. The aim of the African Union is to facilitate greater co-operation and peace between the continent's many countries.

## **2.3 Zimbabwe and the Institution of Traditional Leadership**

### **2.3.1 The Pre-Colonial Period**

In Zimbabwe the two main political entities before the arrival of the Europeans were the Matebele (Ndebele) to which the Shangaan tribe was born and Shona Kingdoms. Patrilineal ancestry was the basis of the political, administrative, religious and social systems of these people. Each clan had a common ancestor who united its members,

and from whose name the hereditary title of the Chief was derived (Garbett, 1976). The people were politically organised in relatively autonomous Chiefdoms. These were usually subdivided into wards made up of several scattered villages and controlled by a headman. Chiefs were entitled to tributes, which included leopard skins, the hearts of all lions killed, women and youths captured as slaves during raids, and labour. They ruled with the help of advisors and councillors, and received further advice from ward and village headmen and senior family members. Ward headmen, who were responsible for a number of villages making up a ward, heard important cases referred to them by village headmen. Serious allegations of murder, arson, witchcraft and offences against the Chief were generally heard by the Chief himself. The Chief's court was open to outsiders, and his role was that of adjudicator rather than punisher (Garbett, 1976). Unlike the loose system of independent Chiefdoms found among the Shona, the Ndebele were organised into a strongly centralised Kingdom. Within it, the King had great power and full control of land and cattle. The King was also the commander of a powerful and well-trained army and supreme judge. As a ruler he was assisted by three "great councillors" and two councils. One council consisted of the headmen and represented the interests of the commoners, and the other consisted of important kinsmen of the King and represented the interests of the royalty (Keulder, 1998). The control by the King over various substructures was facilitated by the "Queens' settlements". These were small independent courts run by the wives of the King and his daughters, who married important leaders in the regiments. They were an important source of information for the King as he travelled through his domain (ibid.).

The Ndebele kingdom like the Shangaan was geared to military conquest. Raids for cattle, grain and slave capturing were frequent. Various non-Ndebele groups were conquered and incorporated into the Ndebele kingdom. The Ndebele raids disrupted the Shona political system, which was much more loosely organised and less prepared for military conquest and self-defence (Garbett, 1976).

### **2.3.2 The colonial period**

The colonial rule in Zimbabwe, as elsewhere in the region, destroyed large parts of the pre-colonial system of governance, through war and through imposing a repressive modern administration on the indigenous population. In Zimbabwe, the war against Soshangani resulted in the dismantling of the well-organised administration of the Shangaan Kingdom. Thereafter, the colonial administration systematically intervened in what remained of the pre-colonial order as it extended its social and political control over the black people. The number of traditional leaders was reduced, they lost their status and power, and the traditional mode of life was severely disrupted. However, the colonial administration relied on the traditional leaders to maintain social control. By enlisting and appointing traditional leaders, the colonial administration hoped to exercise authority over the African society (Keulder, 1998).

### **2.3.3 The post- independence period**

After independence, traditional leaders lost almost all the powers they had received from the colonial rulers. As the new democratic state embarked on a strategy to monopolise social control, traditional leaders were replaced either by popularly elected officials or by government-appointed leaders. This was in line with the government's avowed socialist principles. The modern state took control of the administrative and legal structures, thereby achieving victory over the traditional forms of government. However, the state was weak at the local level, and struggled to remain the sole supplier of survival strategies to the communities. To compensate for this, it had to fall back on traditional leaders to enhance its ability to provide efficient legal services (Keulder 1998). Although the institution of traditional leadership was extremely weak immediately after independence, it appears that it was not totally without influence. Furthermore, the popular election of traditional leaders to village courts suggests that in certain areas, at least, they had the support of the local rural population (ibid.). The government of Zimbabwe has since partially restored the powers of traditional leaders in local governance.

### **2.4 Theoretical Framework**

Contrary to claims through several years of Eurocentric histories, which infantilized Africans and doubted their innovative ability, there is now a general consensus that state formation in Zimbabwe is not a post-colonial development. For instance, a

functional state of the Great Zimbabwe existed in pre-colonial Africa. Matumbike (2009) say that, recent archaeological findings at this site prove that pre-colonial Africans were innovative and had well-organized political institutions of power.

Consistent with the communalist nature of traditional society, at the base of traditional governance during this period was the institution of the family and kinship which defined the social and economic positions, especially access to land by members of society. The heads of these dynastic families often used their control over resources like land, cattle, and the bride price through strategic political marriage alliances to establish themselves as a privileged economic and social stratum. Moreover, religious beliefs and practices, which at this time were tribally based in the form of ancestral worship, were used by the family to mobilize and discipline members during the state formation. Despite the resilience of traditional governance structures and the fact that they vary greatly from highly centralized to decentralized systems, there is still no consensus on the desirability of integrating them into modern democratic governance structures.

#### **2.4.1 The Neo-Traditionalist Argument**

Essentially, two main divergent views are discernible in the existing literature, namely, those liberals who contend that traditional leadership is compatible with modern democratic governance because it possesses certain democratic elements. The other

view by the modernists is that traditional systems are relics of the past and may actually impede democratic development.

Traditional leaders once held a firm grip on the social, economic and political system that governed society. There were systems in place to regulate behaviour, and rules were well enforced to ensure a safe and orderly society. They had an adequate revenue base through taxes and other donations and royalties to support families and meet their societal obligations.

While the hierarchy characteristic of most traditional governance structures was only a means to maintain order and stability in society, they upheld democratic principles in the sense that everything was done in the open (Bentley (2006). Makumbe (1999) admits that African traditional leadership has always been hereditary and therefore not subjected to the electoral process that characterizes modern governance. He notes that power was traditionally exercised only through Council, which helped to negate absolutism.

Thus, according to this view, traditional leaders have helped to maintain a system of government based on accountability, consultation and decentralization. Supporting Makumbe's view, Matumbike (2009) noted that, the democratic aspects of traditional leadership and authority systems were instrumental in mediating the autocracy of the

kingdom but were undermined by colonialism. “Physical force” as the means by which leaders exerted their authority was apparently exceptional before colonialism. Potentially highly exploitative practices such as polygamy and taxation were possible because of citizen deference to kingly authority and via specific ceremonial procedures and limitations.

#### **2.4.2 The Neo-Liberal Argument**

These neo – liberal arguments about the democratic nature of traditional governance notwithstanding, some scholars have argued against the involvement of traditional governance structures in modern governance structures because to them by its very nature, traditional authority compromises the democratic governance underway in many Zimbabwe communities. Among the arguments of this view are that chieftaincy was corrupted by the colonial state and by the clientelism of the post-colonial mode of governance; the populations under traditional authorities live as subjects rather than as citizens of the state and democratic governance would not be achieved while such systems continued to exist; and that traditional institutions impeded the pace of development as they reduced the relevance of the state in the areas of social services (Ntsebeza, 2005). This group therefore rejects any notion of accommodating traditional leadership in a modern democracy.

## **2.5 Theoretical Models of Traditional Leadership**

The models or better: ideal types are theoretically possible for the characterisation of the position of traditional leadership in a given society: These theories helped in analyzing how traditional leadership is evolving by discussing significant areas of inquiry that represent current pillars in leadership research, some understandably taller than others (Bentley *et al* 2006).

### **2.5.1 The Model of Strong Modern Monism.**

In this model, African traditions are, by way of legislative act, abolished. Where the model of strong modern monism is adopted, the society could still know traditional leaders. They would, from the political viewpoint however, be at no other level than other stakeholders and opinion leaders in the society. Traditional leaders would not form part of the overall governmental structure of the society.

### **2 5.2. The Model of Unregulated Dualism.**

In this model, the state ignores (explicitly or implicitly) the existence of traditional governance and African customary law, but tolerates both without formally confirming or recognising their existence, performance and acceptance.

### **2.5.3 The Model of Regulated (Weak Or Strong) Dualism.**

According to Weber, in this model, the state confirms traditional governance and African customary law. Both enjoy their own places apart from the authority structures of state government and the law of the state. In other words, the overall political and legal system would be a dual, or better, plural system with the state-run system on the one side and a plurality of traditional systems on the other. Dual or plural systems are systems in which traditional governance and African customary law represent officially recognised semi-autonomous social fields as defined in the theory of legal pluralism. Whether a given dualistic situation will be called weak or strong, will depend on the degree of autonomy the state accepts to grant to those semi-autonomous social fields.

### **2.6 Responsibilities of Traditional Leadership – (Pre-colonial era.)**

Traditional leaders have displayed resilience from pre-colonial through colonial and post-colonial times. During the pre-colonial era Chiefs used to combine executive, legislative, judicial, military, economical and religious roles. The important role of traditional leaders in the pre-colonial era was to lead his people to war and defend, protect and extend their territories.

The traditional leaders as secular leaders exercised executive, legislative and judicial powers by making laws, interpreting and implementing them. And as the commander – in chief of the armed forces, he reserved the right to declare and wage wars of defence or offence against the enemies of the state (Ncube 2011). The chiefs also had the power and authority to allocate land to the people in their areas. In doing this they were assisted by headmen and village heads who serve under the chiefs. The Communal Land Act, however, changed this arrangement and transferred the land allocation responsibility to the Rural District Councils:

### **2.7 Duties of Traditional Authorities – Post Independence**

The Chiefs and Headmen Act [Chapter 29:01] of 1982 stripped traditional authorities of most powers they had prior to independence in 1980. Further, the Act excluded village heads from rural governance and allocated only three functions of a customary nature to chiefs and headmen. Powers at district and sub-district levels were transferred to elected officials in the District Council and in Ward and Village Development Committees. This new arrangement created tension and role conflict in communal areas. Traditional leaders, despite being legally stripped of functions, such as allocation of land and resolving customary law disputes, continued to carry out these functions. Local people recognised them as community leaders and accorded them the status they had always had. Conflicts arose with the elected leadership on the control of land. The Rukuni Commission on land tenure of 1998 recommended the need to harmonise

traditional and elective offices by allowing the chiefs limited powers in land allocation. The chiefs had to consult the District Land Commission before allocating land. The Traditional Leaders Act [Chapter 29:17] of 2000 was a process of trying to harmonise structures at grassroots level. Chief's functions were increased from three to twenty two.

The duties of a chief are described in section 5(1) of the Act and these included, performing the functions pertaining to the office of a chief as the traditional head of the community under his jurisdiction; and promoting and upholding cultural values among members of the community under his jurisdiction, particularly the preservation of the extended family and the promotion of traditional family life. The chief was also responsible for supervising headmen and Village Heads in the performance of their duties as well as discharging any functions conferred upon him terms of the Customary Law and Local Courts Act [Chapter 7:05].

## **2.8 Appointment of Chiefs**

Chiefs have been part of the African cultural system for hundreds of years in Zimbabwe. As long ago as 1910, traditional chiefs began to be appointed by governors and then later by presidents in accordance with the law. Today chiefs are appointed by the President in accordance with Section 111 of the New Constitution of Zimbabwe,

and Section 3 of the Chiefs and Headmen Act.<sup>2</sup> The President also has the power to remove a chief from office. Part of the Chiefs and Headmen Act reads:

(1) The President shall appoint chiefs to preside over communities.

(2) In appointing a chief in terms of subsection (1) the President shall give due consideration to the customary principles of succession, if any, applicable to the community over which such chief is to preside.

Colonial governments, made effective use of chiefs to mobilise the black people to participate in selected government programmes largely aimed at ensuring the people's compliance with colonial rules

### **2.9 The Relationship Between Traditional Leadership and The Colonial State**

The traditional leaders' institution has been at the centre of rural local governance before and after independence. Between 1910 and 1980 traditional leaders became the anchor of rural local government, progressively being assigned tax collection, judicial and land allocation functions, and associated powers. For instance, the 1967 Tribal Trust Lands Act restored their land allocation powers, the 1969 African and Tribal Courts Act restored their powers to try some cases, and the 1973 African Councils (Amendment) Act granted them executive and administrative powers.

As noted their alignment and identification with unpopular policies of the colonial government resulted in their corruption, leading to a decision at independence to strip them of virtually all formal administrative and political powers. This eventually resulted in the alienation of some chiefs from their people during the liberation struggle for the decolonisation of Zimbabwe.

Traditional leaders that were reluctant to co-operate with the colonial regimes were often penalised or dethroned, and new leaders installed in their places. The post-colonial Government of Zimbabwe has also sought to make use of traditional authorities to generate and sustain popular political support for Zanu-PF.

Further, (in both pre and post colonial eras) chiefs that had been so appointed were entitled to be paid by the State an allowance or salary that was decided by the government through an Act of Parliament. Section 4 of the Chiefs and Headman Act states:

*‘Subject to this Act, a chief appointed in terms of subsection (1) shall be paid such allowances as may from time to time be prescribed from moneys appropriated for the purpose by Act of Parliament.’*

These constitutional and statutory provisions have had a significant impact upon the relationship between successive regimes in Zimbabwe and traditional authorities.

Today, Rhodesia Prime Minister Ian Smith's manipulation of tribal leaders has come full circle. Faced with the same fate of having to deal with a restive population, the ruling party has decided to turn back the clock by revisiting a classic case of how traditional leaders who were expected to stand with the people decided to sell out. Sensing imminent defeat in the parliamentary election, the party suddenly remembered the chiefs.

Mamdani (1996) concedes that by awarding them allowances, by subsequently installing electricity in their homes, and by periodically increasing their allowances without them having lifted a finger, history began repeating itself in post independence era. Again grateful of this generosity, chiefs have since helped in making rural areas a no go areas for the opposition. The rural areas have become places for political purges and retribution, flashpoints for those considered not loyal to the Zimbabwe revolution.

In the recent past, some chiefs that supported the main opposition movement, the MDC-Tsvangirai, have had these privileges withdrawn. For example, Chief Sengwe of Chiredzi District, in the Southern Masvingo Province, had his monthly allowances withdrawn for backing the MDC party in the run up to 2008 Presidential and Parliamentary elections (BBC News, 11 August 2008). Such developments underline the serious adulteration that the institution of chieftainship has undergone in the postcolonial period, and the extent to which it has been patronized by the ruling party

since 2000. In the process, chiefs lost their historical role as custodians of tradition and culture, and became political agents and puppets of the post-colonial state, often participating in the oppression of their subjects.

### **2.10 The Causes of Conflict Trends in Zimbabwe**

The restructuring of government at the local level took three forms in Zimbabwe. First there was a significant de-concentration of central government activities by the creation of new Ministries, such as the Ministry of Local Government, Rural and Urban Development, and the Ministry of Community Development and Co-operatives, which were formally represented down to the district level (Stewart *et al.*, 1994).

Secondly, a series of legislative enactments and directives were introduced by the modern state of Zimbabwe, which sought to democratize and strengthen local government. The major post-independence legislative enactments in local government reform have been: the District Councils Act of 1980 (amended in 1981 and 1982); the Communal Lands Acts of 1981 and 1982; the Customary and Primary Courts Act of 1981; the Prime Minister's Directive on Decentralization of 1984 and 1985; the Provincial Councils and Administration Act of 1985; the Rural District Councils Act of 1988; the Chiefs and Headmen Act of 1988; the Customary Law and Courts Act of 1990; and the Traditional Leaders Act of 2000 (Mandondo, 2000)

Thirdly, a participatory organizational structure was established to permit local participation in development planning. The participatory structure was established following the issuance of the Prime Minister's Directive on decentralization (1984/1985), which outlined the structure through which peasant communities at sub district level fitted into the district local governance framework. The directives created VIDCOs and WADCOs, units based on popular representation and envisaging a democratic orientation to the process of planning for local development (Stewart *et al.*, 1994).

The most important piece of legislation that was passed to restructure local government at independence was the District Councils Act of 1980. Through this Act, the new Government of Zimbabwe reconstituted and consolidated over 220 previously fragmented colonial African councils into 55 district councils. By and large, the post-independence local government structures were crafted from colonial forms (Helmsing, 1991). The District Councils Act 1980 (amended in 1981 and 1982) set up elected district councils as key institutions of rural local government in the communal lands. Each district council was an apex of a local governance structure that encompassed peasant communities. The Act helped to revive rural local government after the decade-long guerrilla war against the Rhodesia Front regime which had led to the collapse of many African Councils in the early 1970s (Stewart *et al.* 1994). The district councils became the principal planning and development agencies in the communal lands, while the district administrator, as the Chief Executive of the council,

was responsible for overall planning, development and co-ordination. Although the traditional leaders, who had dominated local government during the colonial era, were not removed, their powers of adjudication and land allocation were transferred to the district councils (Mandondo, 2000). The District Councils Act 1980 (amended 1981, 1982) and the Communal Lands Act of 1981 (amended in 1982), were the two most important pieces of legislation that governed land use and land allocation in the communal areas of Zimbabwe soon after independence.

The Communal Lands Act of 1981, vested ownership and control of communal land in the President and devolved its administration to district councils and district administrators under the then Ministry of Local Government, Rural and Urban Planning. The Communal Lands Act of 1982 divested the chiefs of their land allocation powers vested in them in the 1960s by the Rhodesia Front regime, and gave them to the district councils. In the new district councils, which consisted predominantly of elected members, the traditional leaders became ex-officio members nominated under the Act, with greatly reduced powers (Stewart et al., 1994; Mandondo, 2000). District councils were given new powers to grant permits to occupy land for residential or agricultural use, with due regard being given to customary law and customary rights to land. The district councils therefore became the rightful land authorities (Nyambara, 1997).

The District Councils Act was later complemented by the Rural District Councils Act (1988) which sought to eliminate the colonial dualism in local government structures, which was based on the separate development of the Black and White races, by combining the structures into a single system of local government.

The Act amalgamated the rural councils, which formerly represented White land owners, with the district councils, which represented African interest in the communal lands, into rural district councils (RDCs). The Act gave the RDCs, the power to enact land-use and conservation by-laws in their jurisdictions (Mandondo, 2000). Thus, it further endorsed the RDCs as the 'de jure' land authorities instead of the traditional leadership structures. The Rural District Council Act [Chapter 29: 13] established a local government structure that excluded traditional leaders. It is somewhat ironic that many of these structures were inaugurated with the blessing of traditional leaders.

Traditional authorities including Chief Sengwe were further dis-empowered by the Customary Law and Primary Courts Act of 1981, which formally transferred the determination of customary law from the Chief's Courts to District and Provincial courts appointed by the Minister of Justice, under the Act. While the government affirmed its support for customary law regarding access to and use of land, it removed the authority for its allocation from customary institutions (the traditional leadership of Chiefs and Headmen), and vested it in elected local government institutions. The

application of customary law was thus vested in non-customary institutions: the district councils. It has been observed that the combined effect of the District Councils Act (1980/81/82), the Communal Lands Act (1981/82), and the Customary Law and Primary Courts Act of 1981, introduced profound changes in the land tenure situation in the communal lands that left the traditional leaders with little more than a spiritual function (Nyambara, 1997). All these legal enactments were part of the process of the dis-empowerment of 'traditional' institutions, a measure purportedly adopted in order to punish chiefs for their pre-independence role as functionaries of colonial oppression (Makumbe, 1998).

Another reform measure which was adopted in order to further disempower the traditional leadership in the communal lands was the creation of a participatory structure for peasant communities at sub-district level that excluded traditional leaders in the district local governance framework. These participatory structures entailed the creation of Village Development Committees and Ward Development Committees under the provisions of the Prime Minister's Directive on Decentralization of 1984 and 1985. As elected bodies, the VIDCOs and WADCOs excluded traditional leadership structures and were generally accountable upwards to the rural district council, and not to their local constituencies. The VIDCO became the lowest unit of government administration which was expected to identify the needs of the village and articulate the needs through the development of a local village plan. The VIDCO normally consists of 100 households and is presided over by an elected chairperson. The

WADCO is usually comprised of six VIDCOs per ward and draws its membership from leaders of its constituent VIDCOs. It is presided over by an elected councilor representing the ward at the district level.

The WADCO receives the plans of its constituent VIDCOs and consolidates them into a ward plan. Councilors then forward the plans to the district where they are submitted to the rural district development committee, which is the supreme planning body of the district that consolidates the various ward plans into annual and five-year plans for the district (Stewart et al.1994).

As a consequence of this lack of downward accountability by the state as its obligatory function, the VIDCOs have little credibility at the local level. This may be attributed to the fact that the traditional leadership, despite their history of involvement in the colonial administration, continued to have significant support at the local level (Mohamed-Katerere, 1996). Thus, there is evidence of an increasing struggle between traditional leadership and the VIDCOs, WADCOs, RDCs around issues of authority and power.

A land tenure commission which was set up in the early 1990s to investigate appropriate land tenure and agricultural systems for various parts of the country, reported in 1994 that many administrative conflicts were taking place between

traditional leadership structures (chiefs, headmen, and village-heads) and elected local government institutions (VIDCOs, WADCOs) throughout the country. The Commission cited one of the causes of the administrative conflict between customary institutions and elected local government institutions as the coexistence, side by side, of VIDCOs and WADCOs with traditional institutions of chief, headman and village-head at the local level, making administrative overlap inevitable. It further observed that the two systems did not have clearly defined mandates and communication processes, and relied on different sources of legitimation (that is the state for VIDCOs/WADCOs, and tradition for the customary institutions), making conflict between them inevitable. While VIDCOs derived their land allocation powers from a statutory instrument, the Communal Lands Act, traditional leaders, on the other hand, derived their land allocating powers from custom, claiming that the land belonged to their clan for generations, from whom they had inherited ownership and authority. There is evidence countrywide that for this reason, some traditional authorities, for example Chief Sengwe, continued to allocate land independent of the VIDCOs (Report of the land commission, 1994).

Conflict with the VIDCOs was also caused by the fact that although the Chiefs and Headmen Act (1988) had defined the roles and functions of chiefs and headmen, and restored some of the original powers that had been vested in them by the colonial regime in the 1960s, e.g. limited judicial functions, it nevertheless did not recognize the institution of village-head, which both the chiefs and headmen considered to be

vital in customary administration. From evidence gathered by the Commission, people repeatedly stressed in the Shona Language that, “*Hapana ishe kana sadunhu asina masabhuku*”, which translates to; “there is no chief or headman without a village-head”. Despite their non-recognition by law, village-heads under Chief Sengwe and others enjoyed wide traditional support in the communal areas over the VIDCOs, and continued to perform wide-ranging functions, including land allocation and conflict resolution.

Although the law excluded traditional leaders in land administration, the inhabitants of the Sengwe communal areas still referred most land matters and requests to traditional leaders. Furthermore, although traditional leaders were not clearly mentioned in the land laws and legal systems, the requirement that land administration was to be done by the VIDCOs and WADCOs with regard to customary law, implied some role for traditional leaders, given their status as executors of customary law ( Sithole, 1997).

Consequently, in practice, Chief Sengwe and headmen continued to clandestinely allocate land on the basis of customary claims to the land (Mandondo, 2000). The conflict surrounding the institutional administration of communal land manifested itself in the form of numerous land dispute cases that occurred at district level throughout the country, where there was clear evidence of hostility between the new and old land administration structures (Nyambara, 1997).

Conflicts also emerged as a consequence of spatial and jurisdictional overlaps between the domains administered by the traditional village-heads and VIDCOs. Most people interviewed by the commission in the communal areas complained that the delineation of VIDCO boundaries had ignored the existence of traditional villages and often split traditional villages. This had damaged relations between traditional village heads and VIDCO leaders (Frost and Madondo 1999). These communal land disputes were further complicated by the superimposition of the ruling party ZANU-PF's local structures in land allocation. Although VIDCOs and WADCOs were elected local governance bodies, in many cases regular elections were not held and the VIDCOs and WADCOs were imposed in accordance with ZANU-PF party cells at the local level. As a result VIDCO and WADCO boundaries tended to ignore traditionally accepted social and administrative units such as village boundaries. The strategy employed was aimed at usurping the role of traditional leaders on the land. The resultant crisis of communal leadership in land matters created land anarchy, serious land disputes within communities, and increasing conflicts between village-heads and the VIDCO over the allocation of land (Reynolds, 1996).

### **2.11 Opposition Politics And The Restoration Of Chiefs' Powers**

It has been observed that democratic considerations did not feature highly in the decision to re-empower chiefs in the late 1990s, and that chiefs were most probably courted to shore up sagging political fortunes of the ZANU-PF government which was

facing a serious political challenge from an emergent popular opposition movement in the late 1990s, which culminated in the formation of the Movement for Democratic Change (MDC) in 1999. Faced with the real threat that the growing opposition would garner support from the communal lands; the traditional support-base of the ruling party. The state opportunistically moved quickly to incorporate the traditional leaders, as an important, but hitherto alienated, political constituency. It has also been noted that the Land Tenure Commission (1994) was part of the official political courtship of chiefs and allied traditional institutions because chiefs were heavily represented in the composition of the commission which was appointed by the president, thereby giving them an unfair advantage over other sections of society in defining the shape and form of the powers that were eventually vested in them through the Traditional Leaders Act (1998) (Mandondo, 2000).

The report of the land tenure commission made the following observations and recommendations with regard to powers of traditional leaders since independence. It reported that “traditional leaders used to carry more meaningful authority over the use of natural resources but this has now been eroded” (Government land commission report, 1994). The commission also found overwhelming evidence of serious conflicts within the communal areas which had been worsened by the acute breakdown in administrative structures, and the erosion of traditional authority and responsibility. It reported that senior authorities in the Ministry of Local Government down to the lowest units of local government (VIDCOs) believed that they had the ‘de jure’

exclusive authority over communal land. While the rural district councils were expected to take cognizance of customary law in administering communal land, in practice traditional leaders were not expected by the RDCs to play a role in land administration. Despite this, chiefs, headmen and village-heads in many areas had illegally reacquired some of their defunct authority over land and were allocating land in return for fees, thereby creating tension and conflict with the VIDCOs (Government land commission report, 1994). After presenting its findings, the Commission recommended that traditional villages under village-heads were the legitimate and appropriate units for local natural resource management in the Communal Areas, and that village-heads should be given exclusive legal authority over natural resources in their areas (Government land commission report, 1994). The recommendations of the land tenure commission (1994) culminated in the formal re-empowerment of chiefs, headmen, and village-heads through the Traditional Leaders Act of 1998.

The roles of chiefs, headmen, and village-heads under the Traditional Leaders Act (1998) were an exact reenactment of the colonial roles of chiefs and allied traditional leaders. Under the Traditional Leaders Act 1998, chiefs became presidential appointees who were tasked to supervise headmen, promote and uphold cultural values, oversee the collection by village-heads of taxes and levies for the rural district council, and ensure land and natural resources were used in accordance with national legislation, especially legislation prohibiting over-cultivation, overgrazing, and deforestation (Mandondo, 2000). The political courtship of the chiefs increased in 2000 following

the emergence of a very powerful opposition party, the Movement for Democratic Change in 1999, which posed a serious political challenge to the ZANU-PF government in the rural constituencies. In this political atmosphere, chiefs' powers were further increased by the Traditional Leaders Act 2000, and chiefs became very powerful actors in Zimbabwe's development, usurping that role from locally elected councilors who were now considered to be weak. The Traditional Leaders Act 2000 sought to strengthen the role of traditional leaders over local planning and development issues. It gave the chiefs, headmen and village-heads the powers to coordinate development, allocate land as agents of the RDC, manage natural resources, preserve and maintain family life, culture, health and education, keep population records, try a range of crimes, and collect all levies and taxes payable to the RDC. The Act also gave chiefs a wide range of powers in the planning system. Nevertheless, it has been debated whether the Act can successfully link traditional leadership to the democratically elected RDC structures in a manner that can remove rivalry, tensions, and conflicts in the planning process (Masendeke *et al.*, 2004).

The political move to re-empower chiefs and allied traditional leaders in 2000, paid huge political dividends for ZANU-PF, by guaranteeing the support of chiefs in rallying rural constituencies as vote banks for the ruling party in the elections of 2000, 2002 and 2008. Since 2000, traditional leaders, led by the President of the Zimbabwe Chiefs' Council, Fortune Charumbira, have repeatedly openly expressed their support for the ruling party (Padera, 2007). The political expediency inherent in the new wave

of flirtations between the state and chiefs is betrayed by the array of privileges that have been given to chiefs, including a salary equivalent to that of a university graduate; Mazda B1800 pick-up trucks; and homesteads constructed by the Ministry of Rural Housing; all of which underline the perceived importance of chiefs as sources of political mileage.

However, in the recent past, some chiefs that supported the main opposition movement, the MDC-Tsvangirai, have had these privileges withdrawn. For example, Chief Ziki of Bikita District and Chief Sengwe of Chiredzi District, both in the southern Masvingo Province, had their monthly allowances withdrawn for backing the MDC party in the run up to 2008 Presidential and Parliamentary elections (BBC News, 09 July 2008 ). Such developments underline the serious adulteration that the institution of chieftainship has undergone in the postcolonial period, and the extent to which it has been patronized by the ruling party since 2000. In the process, chiefs have lost their historical role as custodians of tradition and culture, and become political agents and puppets of the post-colonial state, often participating in the oppression of their subjects.

It is interesting to note that this literature focuses on some interrelated themes on traditional governance. Firstly, it deals with the attempts to build and strengthen the postcolonial State, and secondly, it discusses the attempts to dismantle decentralised

systems and replace it with democratic structures and procedures. Both of these themes of the post colonial state and the democratic structures have implications for the future role of traditional leaders in the administration of the country.

Also traditions, like customs and culture, are dynamic social artifacts. They are constantly being reviewed and altered to meet the demands of changing times and contexts. This has prompted some scholars to describe traditions as socio-cultural and political “inventions” (for example Logan (2008). As traditions are exposed to change, so are the models of governance which they underpin.

## **2.12 Conclusion**

This chapter presented literature related to the study. The review centered on the “traditionalist” and “modernist” view point on traditional leadership in general, models of traditional leadership, the neo traditional and liberal arguments, responsibilities of chiefs appointment of chiefs, causes and conflict areas in Zimbabwe, and opposition politics and the restoration of Chiefs powers. Literature presented above however does not suggest any major improvements in traditional governance as compared to the pre-colonial era. Also the literature shows that traditional leadership is weakened by the legislative acts and it does not form part of the overall government structures of the modern society of Zimbabwe.

## **CHAPTER 3: RESEARCH METHODOLOGY**

### **3.0 Introduction**

A qualitative methodology using a case study method was employed to analyse phenomena in this study. Babbie and Mouton (2007) define qualitative research as “... an approach in which research takes its departure point the insider perspective on social action”. The causes and conflict trends between the modern state of Zimbabwe and the Sengwe Community are social actions; therefore, qualitative approach allowed the researcher to study the lived experiences of the subjects, and the meaning the subjects attached to the state- tradition relationship. The reason to employ qualitative methods (as opposed to quantitative) was to place people to be interviewed in their social context and this had a benefit of interviewees in understanding the perceptions they had of their own activities and how they impact on them.

Qualitative methodology is guided by the interpretivist paradigm which was employed to understand what general concepts such as traditional leaders’ laws and how they are applied mean in their specific operation with reference to the modern state. The purpose was to uncover the conscious and unconscious explanations the Sengwe community have for what they do or believe, to capture and reproduce this particular social action so that actions people take become intelligible. Leedy (2004) argues that qualitative research design should be thought of as a rough sketch to be filled in by the researcher as the study proceeds. I tend to agree with Babbie and Mouton (ibid) when

they further argue that, in essence, the researcher makes the design more concrete by developing a sampling frame.

### **Sampling**

The term sampling frame in this project was loosely used to mean criteria for selecting sites and/or subjects) capable of answering the research question, identifying specific sites and/or subjects, and securing their participation in the study. The term sampling as used by Leedy (2004) have similarities with sampling procedure. The research design was then developed with this understanding to focus on how to select key respondents to answer questions provided in the interview guide as well as to select Chief Sengwe and his community as a case study. Sites or subjects for research are not always homogeneous as in traditional leaders and their communities in Zimbabwe. Some traditions and laws that affect Chief Sengwe and his community are heterogeneous and therefore suitable to be used as a case study.

### **3.1 Research Design**

The case study method employed in this research also relied on the use of unstructured interviews. The purpose of using unstructured interviews was to build an understanding of the basic social phenomena of Chief Sengwe and his community about the causes and conflict trends between them and the state of Zimbabwe. This case study method combined with unstructured interviews was relevant here as “field

studies provide a practical level of understanding of local circumstances” (Zikmund (2003).

A case study was used because it allowed for a close reading of individual examples of a society and focus on the system of actions and relations, rather than a one-time cross-section of individuals (Yin 2003). Chief Sengwe and his community located South East of Chiredzi District in Masvingo Province have been studied and used as case for the purposes of this research project. It was selected because the Community observes a system of customary law under the authority of a traditional leader. In addition, the information is sufficient to enable one to get a better view of the status quo with regard to traditional leadership and the role it is currently playing in governance. The community is defined as a traditional community as it is prescribed by the Traditional Leadership Act of 1982.

To enhance the information from the case study, the interviews and the questionnaires were administered. Questions of clarity were asked by respondents where issues were not clear. These questions came from the interview guide and the questionnaire to ensure consistency and adherence to the research questions.

According to White (2000) research design is a general term that covers a number of separate but related issues associated with research study. White (2000) further

reiterates that these issues are the aims of the research, the final selection of the appropriate methodology, the data collection techniques intended to be used and the chosen methods of data analysis including interpretation. Zikmund (2003) in support say that research design is a master plan specifying the methods and procedures for collecting and analysing the needed information. Research design is also known as research methodology. Methodology according to Brown and Saunders (2006) is the philosophical framework within which a research is conducted or the groundwork upon which it is based.

Leedy (2004) defines a case study as a strategy for doing research which involves an empirical investigation of a particular contemporary phenomenon within its real life context using multiple sources of evidence. Yin (2003) adds that in using a case study, a wide range of people and activities are invariably examined. It entails assessing or evaluating the situation as it is on the ground. It allows respondents to express their opinion, perceptions, attitudes, emotions, behaviour and experiences.

The population under study bore salient characteristics among others, including a long history of on job experience in traditional and democratic leadership. This would provide the chance to consider the leadership sustainability measurement through a progressive analysis.

The case study focused on the accurate description of the variables. It also provided a straight approach to the study of attitudes, values, beliefs and motives as it enabled the researcher to interact with participants in their own language and settings. A case study is a good way to document experiences that provide a mark for other projects as it gives a realistic feel of the world that can otherwise not be experienced in numerical data. The rationale for choosing the case study was the need to analyse conflict trends between traditional leadership and the modern state in Zimbabwe.

### **3.2 Data Collecting Instrument**

Although the data collection instruments, that is, the questionnaire and the interview guide, used tried to reveal the causes and conflict trends between traditional leadership and the modern State of Zimbabwe, main focus was on the current practices. An interview guide was used to gather data from key informants. This was done during the fieldwork that was conducted in May 2013. An interview guide containing the main topics and questions was used (see Appendix 1). Responses were recorded and transcribed at the end of data collection process. The guide was redesigned to capture causes and conflict trends that affected their tradition. It was then fundamental in ensuring the dialogue with interviewees and in helping to organise and analyse the collected information.

### **3.3. Interviews**

According to Saunders, C. (2006) an interview is a purposeful discussion between two or more people. Recording of data was done by taking notes on a separate sheet of paper.

Interviews are one of the important sources of case study information. There are several forms of interviews such as open ended interview, focused, and structured. The researcher used open ended interviews to the key respondents who were asked to comment about causes and conflict trends between traditional leadership and the democratic state of Zimbabwe, propose solutions or provide insight into events and issues. The open ended interview questions were structured in such a way to avoid bias that is usually associated with questions that were suggestive to the respondents. Once this happened, this brought some bias and thereby compromising the data quality.

#### **3.3.1 The Merits Of Interviews**

During the study the interviews allowed probing of questions when the respondents half answered or failed to understand the question in order to give the appropriate responses.

Data collection was immediate unlike in the questionnaires that needed more time to surf through the information that made the responses.

Clarification of questions and verification was made possible during the interview.

### **3.3.2 Documentary Review:**

Documents include letters, memorandum, agendas and administrative documents among many others. According to Yin (2003) archival documents can be service records, organisational records, list of names, survey data and other such records. Saunders *et al* (2007) documentary data refers to written documents such as notices, minutes, diaries, policies as well as reports. Saunders, C.(*ibid*) further advocate that documentary reviews can be used to help to collate findings based on other data such as primary data collected through observation, interviews or questionnaires. In this study archival documents were retrieved in order to get a deeper understanding on the origins and location of Sengwe community.

### **3.3.3 Questionnaires:**

According to Haralambos and Head (1993) a questionnaire is a formalised list of questions and answers used to soliciting information from the respondents. A set of similar questions was asked to selected individuals in the sample especially the key respondents. Questionnaires were used in soliciting information from the Chiefs, Headmen, the general public and civil authorities.

Questionnaires according to Yin (2003) are advantageous and convenient for a large population. It is also a simple method to administer without giving pressure to the respondents. The researcher self administered the questionnaires to all the key

respondents who completed them within time. This was useful as it ensured hundred percent responses within a short space of time.

### **3.4 Unit Of Analysis:**

According to Zikmund (2003), a population is a total collection of elements about an inference. It is the possible personnel from which a sample can be obtained. Best and The sample of the study was drawn from the two thousand five hundred and ninety seven (2597) people making up the Sengwe Community Zimbabwe( Statistical Agency 2012) . The population was divided into Headman level from which samples were drawn. Given, the population of this size, the researcher used critical purposive sampling method to get the sample among the population of the five headmen. The researcher also through purposive sampling sought to interview ten members of the Sengwe's Chiefs council and three headmen.

Outside this population, the researcher purposive sampling targeted an “information rich” case that is individuals or groups that were believed to be in a position to provide the greatest insight into the causes and conflict trends between Chief Sengwe and his community and the State of Zimbabwe. The researcher selected and interviewed, the Permanent Secretary in the Ministry of Local Government and National Housing, the President of the Chiefs Council, Chiredzi District Administrator, Chief Gudo, Chief Tsovani, and Chief Musikavanhu.

Babbie, E and Mouton (2007) say that the main goal of purposive sampling is to focus on particular characteristics of the population that are of interest, which are best to answer the research questions.

### **3.5 Data Collection Procedure**

As mentioned above data was collected from responses gathered by using an interview schedule/guide and questionnaires, and responses were recorded. Data on the analysis on causes and conflict trends between tradition and modern Zimbabwe state were then interpreted and inferences were made to determine the implications to both. This is to say, data analysis was carried by using content analysis approach, largely based on the congruency of rules at different levels of authority and its implications thereof. Data collection however, followed a strict and important logic, beginning with the State and Chiefs to establish the causes and conflict trends between tradition and the modern Zimbabwe State.

### **3.6. Sampling Techniques:**

According to Leedy (2004) purposive sampling represents a group of different non-probability sampling techniques. Also known as judgmental, selective **or** subjective sampling, purposive sampling relies on the judgement of the researcher when it comes to selecting the units (e.g., people, cases/organisations, events, pieces of data) that are to be

studied. Usually, the sample being investigated is quite small, especially when compared with probability sampling techniques.

In this study purposive sampling was employed on the 'information rich' subjects like the selected Chiefs, Chairman of the Chiefs Council, Permanent Secretary, Wadco and Vidco Chairpersons.

Convenience sampling was employed to source data from the twenty five subjects of the Sengwe community, councilors and members of the Chief's council.

A convenience sample is simply one where the units that are selected for inclusion in the sample are the easiest to access. This is in stark contrast to probability sampling techniques the selection of units is made randomly. Yin, R. K (2003)

In the study the researcher was only interested in achieving a sample size of 63 out of the 2597 subjects of the Sengwe Community who would have taken part in the research. As such, the researcher invited respondents to take part in the research until the sample size of 63 was reached.

### **Advantages of Convenience Sampling**

- Convenience sampling is very easy to carry out with few rules governing how the sample should be collected.

- The relative cost and time required to carry out a convenience sample are small in comparison to probability sampling techniques. This enables the researcher to achieve the sample size wanted in a relatively fast and inexpensive way.
- The convenience sample may help in gathering useful data and information that would not have been possible using probability sampling techniques, which require more formal access to lists of populations. See Figure 2.

This study used purposive and convenience sampling as a way of managing the limited time available as well as a way of keeping the expenses related to the study at minimal level. The sampling method also ensured easy data management as well as improved accuracy in data analysis which could have been difficult had the study focused on the entire study population of the Sengwe Community.

### **3.8 Ethical Considerations**

Since this type of research could be of benefit to both the society and individuals within it, the researcher was obliged to consider important ethics.

An attempt then was made to conduct the study in the light of moral and legal order of the Shangaani people and Chief Sengwe and his community in particular. One way of doing this was to maintain scientific standards employed in collecting and analysing data to ensure that data collected would serve rather than threaten the interest of the Sengwe society.

The researcher also strived to protect subjects from undue harm that might have been a consequence of their participation. This required that subjects were fully informed about the reason/s for conducting this research. This included letting them know that this research differs from others (mostly government funded researches) because it is for the partial fulfillment of the degree. These ethical issues were achieved by:

Fully informing the participants of the nature and purpose of the research, the procedures to be used, and the expected benefits to the participant and/or society, the potential of reasonably foreseeable risks, stresses, and discomforts, and alternatives to participating in the research. There was also a statement on the questionnaire that described procedures in place to ensure the confidentiality or anonymity of the participants.

The participants were made to understand what had been explained and given the opportunity to ask questions and the researcher answered accordingly. The informed consent documents were written in lay language, avoiding any technical jargon. The participant's consent to participate in the research was voluntary, free of any coercion or promises of benefits unlikely to result from participation.

An attempt was made to uphold professional integrity without fear or favour. However in order to remain focused and understand the requirements of the research and need to conclude the study in a reasonable time I had to make use of a Shangaan translator.

Also in an effort to confide with the study sample I had to learn some of their customs and language.

### **3.9 Conclusion**

This chapter presented the research methodology, research design, data collection instruments, unit analysis, data presentation procedure and the ethical considerations. This case study employed and relied on interviews and questionnaires to collect data from the respondents because they accurate description of variables. These instruments revealed current practices on the causes and conflict trends between Traditional leadership and the modern state.

The study adopted a case study approach to examine the functioning of the institution of traditional leadership and the modern state in detail. The case-study approach was selected because it was effective in bringing the researcher to an understanding of a complex issue. The case study emphasized on a detailed analysis of a limited number of events or conditions and their relationships. The researcher made wide use of this qualitative research method to examine contemporary real situations and to provide the basis for the application of ideas and extension of methods.

## **CHAPTER 4: DATA PRESENTATION, ANALYSIS AND INTERPRETATION**

### **4.0 Introduction**

This chapter presents data as it unfolded in the field in order to understand the causes and conflict trends between traditional leadership, in the case of Chief Sengwe and his community. Data collection was carried out during the month of May 2013. The aim was to follow a strict but important logic of data collection to ensure that the researcher gets to the bottom of the problem. Data presentation therefore represents field notes as they were recorded during interviews/questionnaires at different levels of traditional authorities and key respondents.

Selected respondents were approached and interviewed using the interview schedule mentioned in the previous chapter. Two major sources of conflict trends between traditional leaders and the modern state of Zimbabwe can broadly speaking be distinguished. According to the findings of this study, the conflictual relationship between the modern state and traditional leaders, in case of Chief Sengwe borders on what could be characterized as the imperatives of tradition and the legislative framework guiding the activities of governance.

### **4.1 Imperatives of Tradition**

Interviews with Chiefs and some remarks by village headmen from the study sample showed that tradition vests ownership of villages or broadly said land in customary

authorities. By implication therefore all people whether councilors, MPs or even the President are subjects of traditional leaders in which case they have to be primary institutions of leadership at local level otherwise nothing can happen on our land. The position of most traditional leaders therefore is that they cannot operate under the guidance of elected officials who are their own subjects and most of them are “young boys” who still have to go to school and be educated on traditional leadership issues. Their relationship is further worsened by the fact that elected leaders view themselves as being at the same level or even higher than traditional leaders. The main reason why elected leaders view themselves as superior is that their areas of jurisdiction are bigger than those for Village Headmen and the Chiefs. Some Chiefs further argued that state officials consider themselves superior because they are elected and hence think they are rightful leaders. This was nevertheless challenged as the basis for their legitimacy by some chiefs arguing that if one looks at the number of people that elected them, then, their legitimacy is pretty questionable. Their argument is based on the fact that very few people voted for them during elections as compared to those under the traditional leadership of Chief Sengwe. As such traditional leaders often evoke the posterity of their positions contending the role of elected leaders is undermining their position as proven custodians of culture, tradition and development.

## **4.2 The Legislative Framework**

Within the legislative framework of the modern state and traditional leaders, a conflictual relationship between the two prevails because the chiefs feel the election of state officials has considerably diminished their authority. Traditional leaders, in fact perceive state officials as competitors because they are stripping them off of their once expansive domain of power, influence and authority. The feeling among them is that this is a strategic ploy on the part of the state officials to systematically downplay the importance of chiefs.

## **4.3 Position of Chiefs on Causes and Conflict Trends**

Chiefs consistently argued the fact that they being non-voting members of Development Committees as quite unfortunate. They argued that they should have been voting members because “they are the ones who understand people’s needs better, unlike councilors whose motive for development is political”. Unlike them, they argued, elected officials are partisan hence it is difficult for them to mobilize people from other political parties rather than their own to take part in development. The conflict between traditional leaders and state officials is even more pronounced where the leadership of the district governance structures has been taken over by popularly elected leadership. They strongly feel the drive to introduce elected leadership in these structures has been instigated by state officials who want to substantially undercut their power, authority and influence in grassroots politics. According to Chief Gudo, the

Chiefs resisted the introduction of elected leadership in the district governance structures because it would have further reduced the chiefs powers since they no longer preside over their own courts and are non-voting members of the Development Committees.

Chief Gudo stressed that the traditional ways of arriving at decisions have always been inclusive than generally acknowledged, taking into account the views of all people, including women and the youth. Hence decisions arrived at are in sync with democratic principles, and indeed have generally enjoyed more legitimacy than those foisted on the rural community by the ‘enlightened’ government officials. For this reason, attempts at bypassing traditional authorities in the formulation and implementation of development policies and programmes will render those government efforts ineffectual in the final analysis.

#### **4.4 Causes of Conflicts between Chief Sengwe and the State Officials:**

- a. **Unclear Roles.** Government authorities do not always understand their own role or that of traditional leaders, making it difficult for them to either take initiative or reach out to their counterparts when leadership wrangle occurs. This may be due to lack of training, overlapping or unclear jurisdiction between traditional and formal authorities, and the rapid pace of change in the role of the

elders in the Sengwe society. This lack of role clarity is exacerbated both by the lack of communication between leadership and variations in structures.

**b. Parallel justice systems.** As the presence of the formal government has grown in Sengwe, tensions between customary and formal law have risen. The tension is expressed by interference into the running of courts by either parties. The community and traditional leaders have limited knowledge of the formal legal system, including police procedures, while government leaders who are not from the area rarely understand their customary law and the legitimacy with which it is viewed by many community members. The existence of two parallel, often incompatible justice systems has led to role confusion, disputes over the jurisdiction of customary versus formal authorities, and inconsistencies in the provision of justice. During this study, for example, a local who was fined five herd of cattle by Chief Sengwe opted to appeal to a District Court where he was fined one hundred dollars by the District Magistrate. This has also perpetuated misunderstanding and lack of respect between customary and formal authorities, precluding effective collaboration. For example in the Shangaani tradition, headmen Samu stated that only males who have been circumcised get “promoted”. After getting “promoted” the circumcised men are advised (in cultural meetings) to get married. Only ‘promoted’ and married men can apply for land. This is contrary to the government’s policy which does not discriminate along circumcision.

#### **4.5 Role of the Council of Chiefs.**

Section 1 of the Chiefs and Headmen Act provides for the election of some chiefs to sit on the Council of Chiefs, as has already been noted earlier. Because of the need to ensure a certain degree of ethnic accommodation, the Constitution of Zimbabwe Section 15(6) provides for the creation of two councils of chiefs, but to date, only one such council has been created. The assumption here is that, Chiefs and Headmen of the Shangaani people preferred to have their own council of chiefs instead of combining with the other groups whose customary principles and practices are different. The primary function of the Council of Chiefs is to make representations to the Minister of Local Government in respect of the interests of the people in their communities.

#### **4.6 Land Allocation.**

Following the issue of land allocation headman Mkwakwami in Chipinge under Chief Musikavanhu, stated that headmen do not have direct, legal role in land allocation. In many instances, respondents (the Chiefs) in this study alluded to the threat of having their 'cultural way' of administering leadership eroded by the new system called 'democracy'. On the other hand, there are many examples coming from literature of cultural laws engaging with processes of change. These examples show that cultural

laws can be flexible and capable of change and based on this case study, it seems that although cultural laws are difficult they are not impossible to change.

As highlighted during the interviews, the respondents indicated that some of the causes of the conflict trends emanated from;

a. **Poor Communication Between Traditional Leadership And The State.**

Communication was limited between the actors. Poor communication has had a number of ill effects, including limited information sharing, limited knowledge of government actions on the part of the community, and poor coordination of responses.

b. **Limited Understanding Of And Respect For The Role Of Elders.**

The Shangaani culture is poorly understood and often viewed as primitive by people who are not from the area, including many of the district-level government officials. As a consequence, the role of elders and traditional conflict management practices are neither valued nor respected by key elements of the formal government.

c. **Lack Of Respect** displayed by government authorities had both undermined the traditional leaders' authority. In the case of Chief Sengwe, for example, the problem emanated because he could not understand the laws. The LAND ACT of 1998 became a source of conflict because it provided that all the land belongs to the government – a Chief could not do anything on the land without the

approval of the Lands Committee. Sengwe hated this Act because he felt that one cannot be declared Chief if he does not have control over his own land. Related to this, traditional authorities are not formally integrated into government structures; while elders may sit on government committees, they are not a part of the decision making process but are more on the advisory role.

d. **The Lack Of Knowledge** among government actors about the role of elders and traditional practices in resolving disputes and negotiating peace in the Sengwe Community, coupled with a relationship characterized by mistrust and resentment, constitute key barriers to effective collaboration between customary and formal authorities. According to Headman Samu government officials do not understand or appreciate traditional ways of solving disputes among the locals through the Chiefs Council or paying fines like cattle through the Chief.

The Chiefs also emphasised that, traditional leadership is an important relic of the pre colonial and colonial political orders that poses a special challenge to post colonial and independent states. Over time the institution of traditional leadership went under many changes in its procedures and rules of appointment, in its roles and functions and in its jurisdictions and powers. Some of the changes resulted from the natural evolution of the institution

whereas others resulted from outside interference (especially during the colonial period) Colonial governments, for example, made effective use of chiefs to mobilise the people to participate in selected government programmes largely aimed at ensuring the people's compliance with colonial rules. This eventually resulted in the alienation of some chiefs from their people during the liberation struggle for the decolonisation of Zimbabwe. Traditional leaders that were reluctant to co-operate with the colonial regimes were often penalised or dethroned, and new leaders installed in their places. The postcolonial Government of Zimbabwe has also sought to make use of traditional authorities to generate and sustain popular political support for the ruling party Zanu-PF. The Traditional leaders should not participate in party politics and should not hold any party political office, nor should they stand for elections as candidates for any party, nor as independent candidates. This would entail the amendment of the current Constitution of Zimbabwe, which allows all citizens the freedom to form or join a political party of their choice.

On institutional duality, one villager made the following statement in which he contrasted the mechanisms of accountability under the two systems of governance:

*“...that is the best way of ensuring accountability, which I want to say is missing from the present, modern, local government setup. You know it's*

*getting away, there's no system where for example every year the elected councilors are called and account to the community on what they've done. The only thing that happens is when they talk about budgets and what have you. To me it's not enough to give the community sufficient room to say "but hang on comrade councilor, we elected you, you were just an ordinary man, suddenly you are driving a big 4 x 4, how did you manage? Can you share with us? Where did you get this money because we are still suffering, we are still the very same society that elected you, but you are a few/far hundred metres away from us; tell us, why did you make magic out of this thing?"*

In attesting to the adaptability of the institution of the modern state to changing circumstances, one the youth in the Sengwe community said the following words:

*"I was saying we should allow the community, to have, you know their own chosen people to come and serve in the council as a development orientated structure that will be driving us from that particular understanding, because I had to appreciate and acknowledge that it does not mean that by virtue of being where I have been, by virtue of being a chief, I have got every knowledge that the world wants. Therefore let us allow other people to come and spice us and help us you know to have a better way of thinking. But, from tradition and cultural point of view, the elders could not swallow that pill easily..."*

The villager further elaborated that there was clear evidence that traditional institutions have embraced state-led development and thus combine modernity and tradition in their structures. Unlike in the past when the council of elders would be constituted by the chief's relatives, distinguished tribal warriors, traditional healers and loyal wise men, today recognition is also given on the basis of new statuses and roles. For example, traditional councilors include teachers, businessmen and retired civil servants within the chief's jurisdiction. In several instances people who have certain competencies are appointed to serve on the Council from outside the accredited families, regardless of age, class or gender. This is akin to the modern democratic system where a president can appoint to his cabinet a person from across the political divide if they are deemed to possess certain technical competencies.

#### **4.7 Position of the Chiefs Council**

In his input on the role of traditional authorities in modern local government and traditional authorities involvement in local governance the Chairman of the Traditional Chiefs Council said that the claim by traditional leaders that “they are the local government” is based on the role the institution has played historically and, in many instances, continue to play today in many Zimbabwean societies. There is a great deal of variability in the organizational structure of traditional leadership across the continent, ranging from those that are highly hierarchical to those that are based on

consensual decision making. However, the common thread that runs through all the institutions is the roles they have played as the custodians of ancestral and community land; the custodians of culture, customary laws and traditions including history; the initiators and champions of development activities in their respective areas of jurisdiction; and their role in the maintenance of law and order including presiding over and settling non-criminal civil disputes.

On party political involvement of traditional leadership, Chairman of the Chiefs Council, stated that the preferred position is that traditional leaders should not be involved in party politics “while they are in office.” To encourage non-involvement however requires certain preconditions, most of which should be met by governments. This included clearly defining the roles of traditional leaders to both parties’ mutual satisfaction.

Furthermore, houses of traditional leaders must be established at all levels of government to ensure their effective participation in processes of policy-making and legislation. Where houses of chiefs have been established, these must be reformed to do away with the current practice of rendering traditional leaders mere government advisers. As an integral part of decision-makers, he argued that, “traditional leaders are the advised rather than advisers”

On public service delivery, the Chairman to the Chiefs Council asserted that traditional councils are ideally placed to facilitate the delivery of services to rural communities. The councils or their subsidiaries, the headmen, are much closer to the people they serve. This process would greatly be facilitated if government departments and other organs of State establish offices and relevant personnel in the Council establishment. Thus, rural citizens will be accorded the same rights and privileges that their urban counterparts currently enjoy.

The Chairman of the Chiefs Council further argued that as custodians of cultural values, the formal recognition of traditional institutions by the state would encourage traditional leaders to add their voice and efforts in the fight against illnesses. He noted that some cultural practices followed by some communities were aimed at promoting proper and morally sound behavior on the part of especially the youth. To this end, he enjoined the State to provide adequate resources to enable traditional councils to maintain and uphold law and order and to dispense justice efficiently and effectively.

#### **4.8 Position of the Ministry of Local Government and National Housing**

The permanent secretary warned that the longer governments delay the recognition of traditional institution the more the rural community in particular will be deprived of much-needed public services, hence undermining MDGs.

He voiced his concern at the inclination of post-colonial leaders to dismiss traditional governance structures in favor of strenuous attempts to acquire the knowledge of “colonial masters” with regard to legislative and administrative forms of government “as if pre-colonial Zimbabwe never had governments.” He warned that since traditional establishments continue to be the gateway in rural areas, any state institution, which seeks to introduce its programmes or projects, is well advised to consult the local traditional leaders if these initiatives are to have salutary effects on rural development. This is because rural communities remain respectful of their traditional leaders as custodians of culture, history and their land.

The critics of traditional leadership institutions argue that traditional authority is an anachronism that should not have survived the twentieth century let alone exist in the twenty first. Traditional leaders are thus characterized as leftovers from a time that is swiftly fading away. Also traditional institutions are thus seen as instruments of social oppression entirely devoid of progress especially in such areas as political organization, women’s rights, social mobility and economic rights. Customary institutions are further criticized as being undemocratic principally on the grounds that the right to choose one’s representatives is a fundamental and basic human right in contemporary democracies. This is the case because chieftaincy is more or less “a caste in which only birth members can postulate to the role of chiefs”

Chief Sengwe captures these sentiments even more crisply. He points out that:

*“Traditional leaders such as me rose to power through birthright; my father was a Chief, and I was his heir. Elected officials on the other hand get their authority by means of a popular vote”.* (Interview with Chief Sengwe 08 June 2013)

The issue here therefore is that as long as chieftaincy is based on heredity and ascription then it is inherently undemocratic. The possibility of rural residents having the freedom to choose which institutions or individuals should rule is automatically excluded. The major concern is that ascendancy to chieftaincy on the basis of ascription makes incumbents hardly accountable to their subjects, and as such, empowering or working with them may not serve the efficiency, equity or development aims so often strongly idealized by somewhat naïve decentralization advocates. The hallmark of this school of thought therefore is that traditional and modern forms of leadership cannot co-exist because they draw their legitimacy from two distinct sources. Traditional leaders derive their claims to legitimacy, authority and, indeed, sovereignty from their pre-colonial roots while the contemporary state is a creation of, and a successor to, the imposed colonial state.

#### **4.9 Conclusion**

The distribution of vital societal resources in pre-colonial Zimbabwe societies was organized through various structures of traditional governance. With the inauguration of the colonial project in the country these traditional leadership structures have lost a

considerable amount of the administrative, legislative, judicial and religious powers they wielded prior to the time. Even though many of the colonial powers tried to maintain these traditional governance structures, especially under their indirect rule system, in the absence of any independent resource base to provide services to their communities, chiefs and their elders were left without much influence. Because of the intensity of the colonial exploitation, based largely on race, there was virtually a wholesale adoption of the socialist paradigm of development by the post-colonial elite upon the attainment of national independence in 1980.

Because of the new Zimbabwe elite's reasoning that traditional leadership was feudal in nature and did not include the mass of the people in governance, several of the new leaders sought to reduce the powers and influence of the traditional leaders further and in some instances even sought to abolish the institution altogether. The failure of the socialist experiments in Zimbabwe led to the adoption of market reforms and their concomitant democratization processes in the 1980s and 1990s. However, these reforms too have not yielded the expected benefits as far as the improvement in standards of living are concerned leading to renewed interest in indigenous knowledge systems in general and traditional institutions of governance, in particular.

This renewed interest in traditional governance is reflected in the increased rate with which Zimbabwe is adopting political decentralization to ensure efficient and effective

delivery of services, especially at the local community level. While following the renewed interest in traditional governance structures and decentralization the Republic of Zimbabwe has moved to recognize traditional leadership institutions through constitutional and legal frameworks, their roles and powers with regard to service delivery at the local level are vaguely defined.

The aim of the study was to analyse causes and conflict between traditional leadership; the case of chief Sengwe and the modern state of Zimbabwe. Specifically, the study sought to analyse governance issues between the traditional leadership of Chief Sengwe and the modern Zimbabwe. The data for the study were based reviews of existing literature, interviews with representatives of local governments, traditional leaders, and civil as well as inputs from key informants. The results of the study confirmed the duality of the Sengwe community culture. In other words, even though traditional leader not wield the considerable administrative, legislative and judicial powers he used to exercise over the chiefdoms, he is still very much part of the institutional culture of the modern state of Zimbabwe. According to most respondents, traditional leadership enjoys both constitution and legal protections but however conflict arises where there are laws that contradict the traditional structures and governance issues.

In the Sengwe Community, where data on the causes and conflict trends between the modern state of Zimbabwe and traditional leadership was available and analysed, the renewed legitimacy which traditional leaderships enjoys in modern Zimbabwe was shown by the high level of trust from all sections of the society regardless of residence, age and gender.

## **CHAPTER 5: KEY FINDINGS, RECOMENDATIONS AND CONCLUSIONS**

### **5.0 Introduction**

This Chapter discusses the main findings of the study based on key conclusions that were drawn from questionnaires and the interviews conducted on causes and conflict trends between traditional leadership - the case of Chief Sengwe, his community, and the modern state of the Republic of Zimbabwe.

### **5.1 Key Findings**

The study has shown that from colonial era through to independence there has been a shift of power from traditional chiefs to government by legislation some proved imperatives. Rural administration is now run by District Councils or Village Development Committees rather than by the Chiefs. The lack of clarity on roles and functions of various institutions at the local administrative levels precipitated a crisis of communal leadership in the modern Zimbabwe.

The government has particularly targeted Chief Sengwe and others as avenues for consolidating legitimacy where its electorate has been considerable weak when trying the adage on votes. It appears that politicians are fully aware that Chiefs exert tremendous power, influence and authority over their subjects especially during when canvassing for votes. In order to lure and win the hearts and minds of traditional authorities the government has used strategies including, building houses and offices

for the Chiefs, putting them on government pay role, or reinstating those Chiefs that were deposed during the colonial era.

Two major sources of conflict trends between traditional leaders and the modern state of Zimbabwe can broadly speaking be distinguished. According to the findings of this study, the conflictual relationship between the modern state and traditional leaders, in case of Chief Sengwe borders on what could be characterized as the imperatives of tradition and the legislative framework guiding the activities of governance.

## **5.2 Imperatives of Tradition**

The position of most traditional leaders is that they cannot operate under the guidance of elected officials who are their own subjects and most of them do not understand what tradition is all about. The relationship is further worsened by the fact that elected leaders view themselves as being at the same level or even higher than traditional leaders. The main reason why they view themselves as superior is that their areas of jurisdiction are bigger than those for Village Headmen and the Chiefs. Some Chiefs further argued that state officials consider themselves superior because they are elected and hence think they are rightful leaders.

### **5.3 The Legislative Framework.**

Within the legislative framework of the modern state and traditional leaders, the conflictual relationship between the two prevails because the Chiefs (Chief Sengwe in particular) feel the election of state officials and the application of state laws has considerably diminished their authority. They in fact perceive state officials as competitors because they are stripping them off of their once expansive domain of power, influence and authority. The feeling among them is that this is a strategic ploy on the part of the state officials to systematically downplay the importance of chiefs.

### **5.4 Recommendations**

The following specific interventions are recommended in order to harmonise the causes and conflict trends between Chief Sengwe and the modern state of Zimbabwe.

- a. The state and representative bodies of traditional authorities should jointly review the myriad legislative provisions as a way of educating both the traditional authorities and government officials about the implications of these legislations for their roles and for knowledge building purposes.
- b. Concrete steps should be taken to move beyond coexistence and cooptation towards integration and mainstreaming of traditional leadership into the priority setting, legal process, monitoring and evaluation to include well-defined mechanisms for strengthening the relationship between the two components.

As part of the formalization and integration process therefore, it would be cost effective in the long run for the state to provide resources for the codification customary law for Chief Sengwe and his council.

## **5.5 Conclusion**

The case study has illustrated that the causes and conflict trends between traditional leadership and the modern state of Zimbabwe are legislative and imperative. The other intriguing finding of this study is that in the eyes of the Sengwe community, traditional authorities are considered far more legitimate catalysts for development and change compared to government officials. The reasons given in this regard included that traditional authorities are the owners of the villages and that they live with them right in their villages, hence fully appreciate their problems. However, in some communities the situation is different since some traditional leaders are formally employed and work in cities outside their constituencies.

Traditional leaders are also in charge of such tasks as conflict resolution, crime prevention; they preside over various ceremonies, and play a critical role in the moral restoration of society. They are thus largely regarded as custodians of local traditions and culture and this aspect is recognised by government officials.

While this might have been previously the case, there is at least evidence that such powers for traditional leaders have substantially waned. For instance, Chairman of the Chiefs Council provides some evidence of the decline and erosion of the religious powers of traditional leaders especially in so far as rainmaking is concerned, observing that “The calling ritual that used to be carried out in February in times of drought or excessive rain, has given up... people no longer stick to the rules laid down by the ancestors.

The apparent prominence of Sengwe traditional authorities among the grassroots as demonstrated in this study underlies, *inter alia*, the implicit close relationship between culture and politics. It is therefore compelling to argue that this relationship must be taken as a starting point in any efforts geared at domesticating the twin processes of democratization and decentralization, more especially given the unprecedented resilience traditional institutions have demonstrated amid attempts to either suppress or abolish them altogether. The challenge however for the Sengwe traditional authorities to effectively play a midwife role in the efforts to domesticate and customize these processes to the exigencies of local conditions is their ill material circumstances, which render them easy targets for politicians bent on satisfying their own strategic political considerations, thereby entrenching the upward rather than the downward pattern of accountability which is the hallmark of democratization and decentralization. Understanding the implications of decentralization therefore requires a detailed understanding of the actors being created, supported and empowered in the resulting

political landscape and their relationship to both the central state and the local population.

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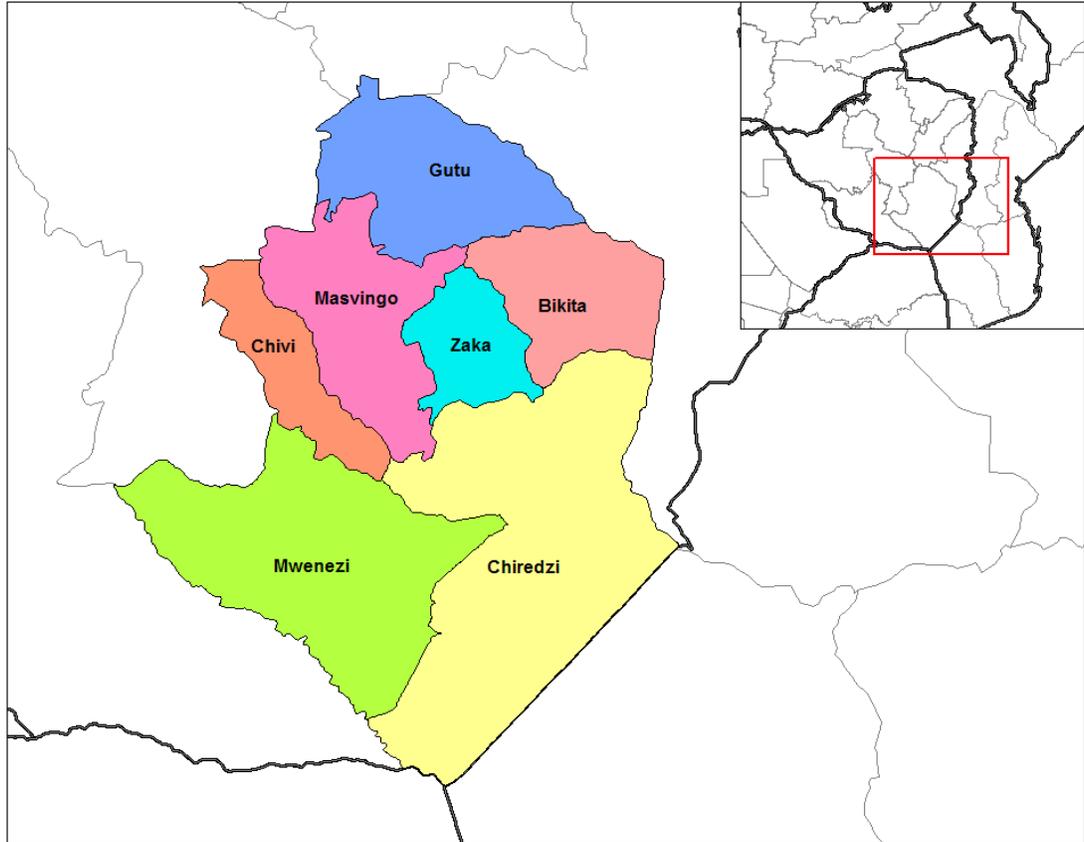
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**Figure 1: Map Location of the Sengwe Community in Chiredzi**



*Reference: MAP ZIMBABWE 1982 edition 2: 1:50000 Masvingo Province*

**NB.** Chief Sengwe and his community are located in Masvingo Province South East of Chiredzi District.

**Figure 2: The Chieftainship Structure of the Sengwe Community.**



**Figure 3: Sample**

<b>Target Group</b>	<b>Methodology</b>	<b>Sample Size</b>
Permanent Secretary (Ministry of Local Government)	Key Information	1
Chairman of the Chiefs Council	Key Information	1
Provincial Administrator	Key Information	1
Chiefs	In depth information	4
Chiefs Council	In depth information	10
Sengwe Community	Focus group	25
District Administrator	Key Information	1
Councilors	Focus group	10
VIDCO Chairpersons	Focus group	6
WADCO Chairpersons	Focus	4
<b>Total Sample Size</b>		<b>63</b>

## APPENDIX 1: Letter of consent



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# INSTITUTE OF PEACE LEADERSHIP AND GOVERNANCE

15 April 2014

TO WHOM IT MAY CONCERN

**Re: Permission to Undertake Research for Dissertation at Africa University**

**David Mlambo** student registration number **107738** is a student at Africa University. He is enrolled in a degree program in Peace, Leadership and Governance and is currently conducting research for his project, which is required for completion of the program in June 2014. The research topic is "The Effects of Eroding Traditional Leadership in the Modern State: The Case of Chief Sengwe and his Community (2000-2012)". David is expected to undertake this research during the period January- April 2014 before the dissertation can be submitted to the Faculty in May 2014.

The student will share with you the results of this research after its approval by the Institute.

We thank you for your support and cooperation regarding this research.

Yours sincerely

**Prof. P. Machakanja**  
Director

*"Living our Vision in Faith, Embracing Diversity, Developing Leaders for Africa"*



## **APPENDIX 2: INTERVIEW GUIDE FOR KEY INFORMANTS [SAMPLE]**

### **OPENNING**

a. **Establish rapport-** My name is David Mlambo and a student at Africa University on a Executive Master Programme in leadership Governance and peace. I thought it would be a good idea to interview you so that I can be better informed about conflict trends between traditional leadership and modern democracy in Zimbabwe.

b. **Purpose-** I would like to ask you some questions about your background, some experiences you have had as a traditional leader and have views the future of traditional leaders

c. **Motivation-**I hope to use this information to help the state authorities and traditional leaders have a better understanding and proffer solution to the causes of conflict trends between the two.

d. **Timeline-**The interview should take about 30 minutes. Are you available to respond to some questions at this time?

How long have you been in your current post?

What is the estimate population in the Sengwe community?

How many Member(s) of Parliament represent the Sengwe community?

How many councilors are representative of this community?

What are the roles and functions of Chief Sengwe?

What are the roles and functions of the Sengwe Chief's council?

What are the roles and functions of the elected state officials? For example councilors.

Are there any governance conflicts between the Sengwe traditional leadership and the elected state officials and if there are any how can they be resolved?

### **APPENDIX 3: INTERVIEW GUIDE FOR FOCUS GROUP [SAMPLE]**

#### **OPENNING**

- a. **Establish rapport-** My name is David Mlambo and a student at Africa University on a Executive Master Programme in leadership Governance and peace. I thought it would be a good idea to discuss with you so that I can be better informed about conflict trends between traditional leadership and modern democracy in Zimbabwe.
- b. **Purpose-** I would like to ask you some questions about your background, some experiences you have had as a traditional leader and have views the future of traditional leaders
- c. **Motivation-**I hope to use this information to help the state authorities and traditional leaders have a better understanding and proffer solution to the causes of conflict trends between the two.
- d. **Timeline-**The interview should take about 30 minutes. Are you available to respond to some questions at this time?

Who is the Chief of this area?

How many headmen are under Chief Sengwe?

Do you understand the roles and functions of councilors?

What are the roles and functions of headmen?

What role does Chief Sengwe play in governing this community?

How are grievances channeled through to the Chief's court?

In your opinion are there any governance differences between state elected officials and the local leadership?

Are there conflicts in governance between state officials and the local leadership?

What can be the structural causes or pervasive factors that have become built into the policies, structures and fabric of society that may create the precondition for conflict?

Are there any proximate causes or factors contributing to the climate conducive to conflict?

If there are any conflicts what could be the causes and how can they be resolved?

What can you recommend in order to solve the causes and conflict trends between local authorities, the community and state officials?