



Graduate School of Development Studies

**Civil society in Zimbabwe:**

**The National Constitutional Assembly: Emergence and role in  
Zimbabwe's democratization.**

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***GIDEON HLAMALANI CHITANGA***  
ZIMBABWE

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Members of the examining committee:

Prof. M Salih  
Dr. R Brouwers

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***Inquiries:***

Postal address:           Institute of Social Studies  
                                  P.O. Box 29776  
                                  2502 LT The Hague  
                                  The Netherlands

Location:                 Kortenaerkade 12  
                                  2518 AX The Hague  
                                  The Netherlands

Telephone:               +31 70 426 0460

Fax:                       +31 70 426 0799

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## List of Acronyms

CC	Constitutional Commission
CZI	Confederation of Zimbabwe Industries
FDG	Focus Group Discussion
GoZ	Government of Zimbabwe
MDC	Movement for Democratic Change
NGOs	Non Governmental Organizations
ZANU PF	Zimbabwe National Union Patriotic Front
PF ZAPU	Patriotic Front, Zimbabwe People's Union
ZICOSU	Zimbabwe Confederation of Students Union
ZINASU	Zimbabwe National Students Union
ZFTU	Zimbabwe Federation of Trade Unions
ZFU	Zimbabwe Farmers Union
ZIFU	Zimbabwe Farmers Union
ZNCC	Zimbabwe National Chamber Of Commerce
ZITU	Zimbabwe Teachers Union

## Abstract

This study addresses the role of civil society in Zimbabwe's democratization with particular reference to the NCA. It is primarily focussed on the development of the NCA, its role with respect to its relations with political parties, mainly ZANU PF and the MDC. The paper looks at the strategies applied by the NCA during the course of the struggle for a new constitution, a political and citizen rights characterized by broader public participation in government processes.

The regression of ZANU PF into a consolidated authoritarian regime, its flirtation with liberal political economics to avert a potential economic crisis led to the rise of the NCA as an umbrella bringing together labour, students, academics and NGOs, a creating civil society front which did not only give birth to a strong opposition political party, but also contested the legitimacy of the government, demanded a new constitution and collaborated with the opposition political parties in efforts to throw the ruling party out of power.

The paper analyzes whether there is a connection between the role of the NCA and democratization, why the nurture of democracy demand by the NCA does not seem attainable given its current weakness and deference to the MDC. It argues that in the interim Zimbabwe seems poised for a negotiated political transition which is elite and exclusive, instead of a process where civil society take centre stage, it is political parties and political elites who are key players

## Relevance to Development Studies:

*The study of democratization is central to development mainly because after the collapse of the Berlin Wall and Communism nearly all types of political organizations stake some claim to some form of democracy. It would seem that democracy in its various forms is universal.*

*If democracy is loosely defined as the best system of government in terms of its aspiration to involve the public in decision making and distribution of resources, it has the greatest potential to mitigate conflict and maintain peace thus creating an environment conducive for development. The relevance of democratization emanates from the perspective that since the "Third Wave" of democratization democracy is accepted as the most suitable system of government, hence we need to understand the potential and challenges to its realization.*

## Keywords

Democracy, Democratization, Civil Society, Authoritarianism

## Chapter 1 Introduction:

The study sought to examine the role of civil society in Zimbabwe's democratization with particular reference to the National Constitutional Assembly (NCA) in pressing the state for reform. The NCA is a conglomeration of NGOs, students, workers and community based groups to press the government for constitutional reforms. The paper analyzes the civil society state relations in a bid to unpack the role and strategies of the NCA and its relations with political actors as represented by Zanu pf and the MDC.

The National Constitutional Assembly (NCA) was formed in 1997 to campaign for a new post colonial constitution. The NCA argues that the problems in Zimbabwe can only be solved through a people driven constitution culminating in free and fair elections and a legitimate democratic government. Its membership, agenda and activities have broadened to politically threaten Zanu pf by providing critical spaces and platforms to organizations and individuals in both political opposition and civil society thus making it sole legitimate organization paralleling and contesting ZANU PF legitimacy nationally, until the emergence of the MDC.

Since its formation in 1997, the NCA, has successfully campaigned against the partisan government imposed constitutional initiative in 2000, resulting in the Zimbabwe government faltering in a referendum in 2000. The NCA embarked on a parallel outreach programme to gather the views of the people for its own constitution draft and together with the ZCTU and ZINASU facilitated the formation of the MDC.

The emergence of the NCA changed the complexion of the civil society in Zimbabwe. For the first time in the history of the country, Zimbabwe saw what resembled a well organized, vibrant and vociferous civil society, a shift from the early post colonial elite clubs dominated by white commercial farmers and industrial interests, at the time mainly interested in maintaining and sustaining their sectoral interests more than broader civil society concerns. The NCA focused on the political questions arguing that Zimbabwe needed a new constitution to firmly to move towards a strong democratic dispensation. The NCA also advocated for respect to human rights and rule of law.

This paper traces the emergence of a more assertive civil society, evaluates the role of the NCA since its formation in 1997 with respect to its role in Zimbabwe's democratization process through its relations with political parties and fellow civil society members. The paper examines the extent to which the NCA was able to initiate the democratization process, sustain it and whether the NCA was able to assert its political role as an agent for democratization in the face of an increasingly authoritarian state.

It is important to unpack the kind of democracy the NCA called for. The paper seeks to demonstrate that the demands of the NCA went beyond mere demands for electoral tinkering but broader changes to the whole governance framework in Zimbabwe which would re-establish a culture of tolerance, respect of citizens, inclusivity and accountability.

## 1.1 Problem Statement

The research seeks to map out the role of civil society in Zimbabwe's democratization process. Civil society, democracy and democratization have many forms and definitions assigned to them. The concepts are "messy" and "fluid". According to Goll (2006) the terms democracy, democratization and civil society are highly normative and lack a homogeneous definition. In the literature it is not exactly clear whether civil society should be perceived alongside or contra the state, and either way at which stage should civil society confront the state or support the state, thus rendering the role of civil society contestable as to which kind of democracy and democratization is it useful to if it does promote it.

The research analyses civil society- state relations , civil society strategies as employed by the NCA and the role of the NCA with respect to its relations with the MDC and Zanu pf as a way of getting to the kind of role civil society played in Zimbabwe's democratization process.

From the messy meanings of the concepts, the paper curves out the kind of democracy demanded by the civic movement in Zimbabwe conditional to the circumstances obtaining in the country, showing that while the NCA paved the way to the formation and cooperated with the MDC, their vision of democracy though overlapping, in some circumstances differed, with the former more inclined to participatory and the later liberal electoral democracy.

While the NCA emerged from a coalition of social forces which broke away from Zanu pf to become autonomous and confrontational to the state, retrospectively its dominants seem temporal and subject to political parties. There is equally need to establish a connection between the role of NCA, democratization and democracy in the context of Zimbabwe. While there is a strong connection between civil society and democracy, can the same be said for the role of NCA and democratization? If there is a connection, what kind of connection and democracy did the NCA advocate for?



## 1.2 Relevance and Justification:

Zimbabwe finds itself polarized with the government and academics who provide its intellectual backing on one side against civil society and opposition political parties calling for democracy on the other end. The role of civil society in Zimbabwe has been contested because of ideological, political, and economic reasons. The government of Zimbabwe sees civil society as only political to the extent that it supports the historical and ideological thinking advanced in the rhetoric of state actors, while loyal and operating within the ruling party. For Zanu pf civil society promotes peace, harmony and development along the lines of the state's developmentalist thinking dominant in 80s.

This paper privileges the role of civil society in political democratization of the state. The paper traces how civil society broke away from the coalition of forces which constituted the state, to contest it paving the way to the formation of assertive and plural civic and opposition driven politics. The papers traces the development of a critical civil society which amalgamated into the NCA and the formation of the MDC .The paper also adds a nuanced view of the contribution of civil society to the democratization process by arguing that although the NCA and the MDC collaborated in their struggle for democratization ,their vision of democracy was not similar. The paper further argues that the NCA itself was also subjected to power interests of elites in the organization and in the MDC.

The paper focus at the periods 1980- 1995, 1995-2000 and 2000-2009, to analyze how the character of the state affected the genesis of civil society, the development of a critical civil society and formation of the NCA and the MDC, and the role and political relations between the NCA and political parties respectively. These periods mark key political turning points in the role and development of civil society from passively cooperating with the state, to political radicalization and confrontation.

The study of relations between the NCA, opposition political parties and the ruling party is key in understanding the politics of convergence and or divergence between the civil society and opposition political parties .The NCA rejected all elections before a new constitution is written and promulgated, but opposition political parties, while sympathetic to the NCA position, still proceeded to contest elections .The research seeks to analyze how such kind of relations impacted on the democratization process.

The research further seeks to identify and evaluate the strategies used by the NCA and to examine whether these were the best method under the circumstances to set Zimbabwe on an irreversible course towards democratization.

The research seeks to contribute to the already existing studies on the role of civil society in democratization focusing at the Zimbabwean context. Given that democracy, democratization, and civil society are contested terms, the paper analyzes how the role of civil society impacted on democratization in the context and conditions obtaining in Zimbabwe. While there is no doubt about the connection between civil society and democracy, the same cannot be said for civil

society and democratization hence the need to examine the connection between the role of the NCA, the nurture and sequence of democratization with a view to contribute to already available literature largely divided between the Western and Eastern understanding of the role of civil society.

### **1.3 Research Questions:**

What role did civil society play in Zimbabwe's democratization, with special reference to the NCA?

### **1.4 Sub-questions**

How did a critical civil society emerge in post independent Zimbabwe?

In what ways has the NCA influenced the democratization processes in Zimbabwe through its relations with Zanu pf and the MDC?

What mobilization strategies and methods of resistance were used by the NCA?

### **1.5 Research Methods:**

This study was conducted by way of field based interviews carried out in Harare and Bulawayo, representing the distribution of the two major regions and ethnic groups, the Shona and the Ndebele respectively. Focus group discussions and literature review were also conducted with NCA activists.

The research relied very much on qualitative methods. The researcher was aware of various contributions, debates . The researcher's objective was to synthesize the various views, relate them to the views of the leadership and activists in the political parties and the NCA, with a view to explain the role of the NCA. This required the researcher to also conduct interviews and focus group discussions and to explore how the given views related methodologically to those ideas and views already brought forward by scholars on the nature and form of the democratization process in Zimbabwe with respect to the role of civil society.

### **1.6 In Depth Interviews**

In depth interviews were used to get a deeper understanding of the official positions taken over the years by the NCA and concerned political parties with respect to the role of civil society. The intention was to capture opinions, policies and strategies or responses on the changing roles and the challenges faced by the civil society in its relations and role in collaboration or contra political parties. The interviews were conducted with political leaders and civil society leaders in ZANU PF, MDC, NCA and its constituency organizations.

The research is qualitative relying mainly on primary data extracted through interviews and focus group discussions. Secondary data was used on issues relating to ZANU PF because the interviewees were not willing to contribute to

the subject topic. The research methodology section consists of methods of data collection, sources of data and the case study.

## **1.7 Data Collection**

The triangulation method was used to collect data from various sources to expose any different perceptions. I held semi-structured interviews with selected key actors within the two MDC political parties, ZANU PF and civil society actors. I used a judgmental/purposive approach in choosing members for interviews from key constituency institutions of the NCA, like ZCTU and ZINASU since their views largely determined NCA positions and policies. The same organizations had played a critical role in the democratization process before the formation of the NCA proper. I interviewed the two MDC political parties and ZANU PF representatives because they largely shaped the political context as the major political parties.

I also held 4 Focus Group Discussions(FDG) with NCA and political parties activists inclusive of the two MDCs in Harare and Bulawayo in order to capture their motivations , experiences and views about civil society and political parties (dis)engagement with state. The FDGs were attended by 10 activists each, from both urban and rural areas. It was also easier to approach these activists than ruling party members. Although I intended to include ZANU PF activists in both interviews and focus group discussions, they were not available. Literature review was used to extract the views of ZANU PF and its activists. A further follow up semi- structured interviews were conducted with NGOs not necessarily members of the NCA but also involved in the democratization process with a view to capture the views from other actors outside the NCA. A checklist was designed to guide and ensure the discussion remained focused on the key questions related to the topic.

## **1.8 Literature review**

A literature review, which involved going through earlier research, was done by way of perusal of relevant materials and documents to find out how the role of civil society is explained. A deliberate effort was done to decipher the views of ZANU PF from written literature. The sources include books, reports from the NCA, NANGO, NGO FORUM and general literature on democratization in Zimbabwe and the relations between civil society and the government. These writings were critical since they explained the perceptions of the state and its strategies in dealing with the civil society, particularly the NCA. The strategies of the state, just as the strategies of the NCA had great ramifications on the democratization route in Zimbabwe. A broad range of explanations about the nature and character of the ZANU PF regime, and the intellectual stimulation and empirical approaches adopted by the NCA, including the weaknesses were deciphered. Online publications, newspapers like The Daily news, Herald and socialist Worker were used.

## **1.9 Data Analysis**

Analysis of data was done with a critical focus on a review of literature on the role of civil society. The data analysis was largely informed by the literature on democratization and views gathered through interviews and FDG. Views, narratives and discourses captured during interviews and FDG was reflected upon on the basis of mainstream literature on the role of civil society. Data analysis focused on the emergence of a critical civil society, its contribution to the emergence of plural politics and the impact of civil society as shaped by the dominance of the MDC in opposition politics, the intellectual and empirical manifestations of the nature of a ZANU PF, and whether democratization took a bottom-up as advocated for by the NCA or the top-down elite process as later chosen by the MDC.

Views of interviewees and focus group participants are captured in chapter 4.

## **1.10 Sources of Data**

I used online publications, NCA communiqués, NCA reports, NGO forum reports, and published literature by academics on democratization. Electronic and print media were used. There are a lot of reports on civil society and political parties with respect to their activities compiled by organizations such as ZHLR, Zimbabwe NGO Forum and Crisis Coalition also added value to the research. I also used various academic books, journals and articles as secondary sources. I used a lot of academic material from on-line journals and my lecture notes as a source of data.

## **1.11 Case Study**

THE NCA played a critical role in the democratization process by bringing civic organizations together and contesting the state to the point of successfully mobilizing the public to reject its constitutional proposal in a referendum in 2000. Furthermore the NCA have consistently advocated for a new constitution, been a forerunner to opposition politics in Zimbabwe, lending its structures to the formation of the opposition MDC. Its emergence changed the political terrain and complexion in Zimbabwe.

I also had easy access to information and publications of the NCA having participated in some of its programmes as a representative of the Zimbabwe National Students Union in 2005.

## **Research Limitations**

The choice to do focus group discussions in Bulawayo and Harare, particularly in two constituencies of these cities only represented a small geographic party of Zimbabwe where the NCA was active.

There is still widespread fear and polarization after the traumatic outbreak of violence ahead of the June 2009 presidential runoff campaign. An unprecedented spate of abductions, political violence, killings, uncertainty and suspicion engulfed the nation. The country is highly polarized making it difficult to research on political issues as the public is still not yet freely open. The

democratization process is still ongoing with negotiations between the MDC and Zanu pf rendering the process emotional.

Representatives of Zanu pf were reluctant to participate in interviews and FGDs. I wanted to interview the Minister of justice, a Zanu pf member and secretary for justice in the Politburo. He turned down my interview because he wanted me to choose a different case, not the NCA. I had to rely on literature review for Zanu pf actions and views. It was difficult to get official GoZ responses as the composition of the GoZ currently means that political representatives are more inclined to speak from the perspective of their party.

The body language of my respondents during FGD showed that they were tense, not relaxed enough to openly share their views.

As a student activist, I participated in NCA activities as an ordinary member and also a representative of students. While this led to a close relationship with the stakeholders and easy access to its materials and staff, this relationship raises elements of subjectivity and bias.

## **1.12 Structure of the Paper**

The paper contains five chapters structured as follows, chapter 1 is the introduction, objectives and justification of the research, chapter 2 deals with the concepts and provides the framework for theorizing and analyzing the role of civil society in the democratization process. Chapter 3 deals with the historical background, the emergence of civil society and the thinking behind its vibrant resurgence and Zanu pf views. Chapter 4 is research analysis, chapter 5 is the findings and conclusion.

## Chapter 2      Conceptual Framework:

### 2.1 Introduction

This section sets out the framework which embraces the concepts and tools on which the analysis of the research paper is based. The paper mainly focuses on the role of civil society in initiating and sustaining the democratization process in Zimbabwe. It is important to point out that the concepts are normative; their definitions are fluid and culturally relative in line with their etymology. The practical implications of these concepts will be analyzed in the following chapters. The concept “democratization” means a political transition through elections as well as creation of broader room for citizens to engage and participate in the governance of their country. Studying the role and potent of civil society in the face of failure of governments to guarantee space becomes critical.

### 2.2 Civil Society

The concept civil society is highly contested generating views divided among the academic liberal and radical. Cohen and Arato (1992) argue that the meanings of the term “civil society” vary across time, place, theoretical perspective and political persuasion. The genesis of the term show that it has meant the state or market. Walzer (1992) argues that civil society is the “arena of associations, individuals and community agency”. Hall (1992:2) also says civil society entails social values and set of institutions. These largely liberal views present civil society in top-down hierarchical form, as aiding the minimal state and a check to state excesses. Civil society is mainly defined on the basis of citizen and political.

The radical perspective revolves on the potential of civil society to transform the state and challenge its ideological domination and coercion presided over by a minority ruling class. Bratton (1994:59) says that “as long as a civic actors grant consent, civil society exists in a complimentary relationship with the state, its social institutions serve the hegemonic function of justifying state domination.” For Biekart(1999) this equally marked the understanding of civil society as a counter hegemonic project which can be a means to transform the state. Latin American scholars like Bobbio( 1987) argued that civil society can champion a multi-faceted struggle against both civilian and military dictatorships. As stated by Grugel( 2002 :95) “community activism is a way to challenge unequal power relations and engage with the state.” In the case of Zimbabwe civil society shifted from legitimizing the ruling regime to contest its ideological and structural forms of domination against stringent coercive measures on the basis of the democratic critic.

This research borrows from both the liberal and radical views. Civil Society refers to various NGOs and community groupings involved in Zimbabwean politics, within the NCA inclusive of opposition political parties. Civil society constituencies are NGOs, labor, student movement, women movement, the clergy, academics, rural society enclaves and individuals who came together to constitute the NCA. These groups operated as independent NGOs, and together

within the NCA. Rural communities also became members to this movement which originated in the capital to expand to include diverse ideologies, ethnicities, races and academic traits denominated by a common desire to demand a new constitution. These organizations collectively and separately promoted and supported the struggle for democracy and democratization. The term Civil Society is conceptualized contra the state as both arena and space where actors and citizens organize and confront the state to either reform or push it out of power.

### **2.3 Role of Civil Society**

Given the controversy on the meaning of civil society, it is important to conceptualize the role of civil society. Baker (2009) demonstrates that the East/West intellectual divide have impacted on both the definition and assigned attributes of civil society. In the broader rubric of the radical and liberal dichotomized perceptions of civil society, the former emphasizes the transformative influences of civil society, while the later upholds that civil society should support the state. This paper borrows from both traditions to argue that civil society plays a critical role in the bottom-up transformation of the state which provides the basis for democratic transformation and deepening.

The Liberal view perceives civil society as a product of strong middle class and a partner of the minimal state playing an oversight or supportive role. With respect to democratization, The liberal view argues that civil society plays a minimal strategic role of putting pressure on the political elites, hence political transitions are mainly products of negotiations between political elite opponents. According to Odonell( 1989:67) civil society only provides the conditions necessary for elites to negotiate political democracy by mobilizing and placing high demands on political actors, thus invigorating the position of the democratic opposition. This view, based on the assumption that democracy occurs at the level of the state, is elite centric, procedural and minimalist. It presupposes the emergence of civil society as a product of liberalization and its role as pushing forward the transition process. In line with Diamond (1994) the roles of civil society can be pointed out as holding government accountable, facilitating continuous political discussion, fostering democratic values, information sharing and strategically aligning with the opposition during the negotiation process to put pressure on the authoritarian regime. In the case of Zimbabwe's democratization process, civil society shifted from being contained within the state, thus playing a passive, legitimization role to the state to confronting the state in a bid to force it to reform.

The role of civil society in the democratization process should be broader. According to Federowicz (1993:98) civil society saves more," participation and collective action over the entry or exit possibilities opened up by the pluralists' interest [ liberal political ]representation and its provision of choice for the self interested individual". The role of civil society is thus seen as providing voice, publicity, solidarity and action and democracy is seen as abiding within and outside the state. For Przeworski ( 1986: 50) the consequensialist conceptualization of civil society suggests that liberalization happens before the state is subjected to popular pressure, thus suggesting that mass action and non compliance are products of liberalization. Przeworski (1986) asserts that

liberalization is a product of either internal or external pressure sustained by pre-existent groups. The NCA exerted massive internal pressure on the Zanu pf regime. According to Gruggel(2002:95) the “struggle between between civil society and the state is a means to achieve democracy”. For radical scholars the role of civil society is collective action, protest and social organization. Ekiert and Kubick(1998) see civil society as the custodians of social struggles to facilitate democratization leading to the reform of the state, enrichment of rights and extension of citizenship. Cohen and Arato (1992) state the functions of civil society as to develop identities, provide opportunities for participation and create networks of solidarity to influence reform of the state. For Marion Young(1999: 15) “ the critical and oppositional functions of the public sphere of civil society perform irreplaceable functions for democracy”.

This research borrows from liberal democratic views in its designation of the role of civil society. The paper identifies the NCA, an umbrella of more than 100 NGOs, community groups based in rural areas and urban areas and individual civic actors as representing civil society in Zimbabwe. The NCA initiated and gave more impetus to the democratization process in Zimbabwe by initiating debates for the promotion of both political and citizen rights through constitutional reform . The NCA provided a base for the construction of a civic coalition and an identity of the marginalized majority underlined by a democratic critique to the state’s resort to radical nationalistic exclusivism, while providing space for confrontational social organization against the state. The NCA showed high capacity in mobilization, organization, information sharing, inter-alliance building, gave birth to the opposition MDC, collaborated with the opposition. The NCA called for a bottom-up access and exercise of rights, people’s control over decisions that affect their life in an environment where popular participation is seen less as peril but essential and pluralism is open ended and a contentious process.

## 2.4 Democracy

It is difficult to define democratization without first defining democracy. The definition of the term democracy is contested, fuzzy and value laden. Collier and Letvitsky (1996) capture this situation in their democracy,” with adjectives” arguing that there are hundreds subtypes of democracy. For the purposes of this paper democracy means a political and institutional process which allows for the widest electoral franchise as well citizens participation beyond elections, it means bottom-up engagement with the citizens after elections hence the paper borrows from both liberal and participatory democracy.

This paper curves out a contextualized combination of liberal and participatory democracy as the most suitable for Zimbabwe. Democracy is in lay person’s language defined as the rule by the people for the people. This definition suggests two critical values, participation of the people in the process of choosing their legitimate representation. Schumpeter (1943: 246) defines democracy as a liberal political system characterized by an, “institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote.” Voters hold leaders accountable through regular, competitive elections. Linz and Stepan (1989:xvi) say democracy



is a," system of government which meets three essential conditions:-----extensive competition among individuals and groups, highly inclusive level of participation,.....civil and political rights". Liberal democracy is procedural, representative and minimal, excluding the participation of the masses of the people.

This study combines both participatory and representative strands of democracy as complementary in providing for deeper democracy. The paper privileges the view of Macpherson (1977) which puts emphasis in the participatory influences, securing of rights for all citizens, mainly workers, students movement, women and marginal communities.

The paper's view of democracy captures such aspects as freedom, fairness, transparency, accountability, rule of law. Such a definition goes beyond the election process to other aspects of governance and interest articulation, competition and representation. The view also focuses on the extent of involvement of the citizens in government. According to Gruggel(2002) It means building a democratic state, institutional change, representative change and functional transformation resulting in the substantive transformation of the operations and representativeness of the state . For Rueschmeyer, Stephens and Stephens (1992) democracy occurs when subordinated social groups achieve sufficient access to the state so as to change the patterns of representation contained within it.

## **2.5 Democratization**

The word "democratization" refers to political changes moving in a democratic direction .The concept democratization presupposes that authoritarian states eventually transforms to democracies, becoming more tolerant, participatory and representative. Gruggel (2002) argues that theorization on democratization is concerned "with causation and identification of the main factors that lead to the emergence of democracies". Schmitter, O 'donell and Whitehead (1986) postulate that democratization is a lineal process of liberalization, transition and democratic consolidation, a product of political elite negotiation and pacts resulting in Dahl( 1986)'s "poliyarchy".

Almond and Verba(1971) structure as civic culture. They argue that the beliefs and values held by the political elites and the citizens are not only results of democratization, but functional to it. They also recognize the middle class culture as conditional to democratization. For Grugel(2002) "successful outcomes of democracy occur if elites can learn the "right" way to proceed" adding, community activism is a way to challenge unequal power relations and engage with the state to push the state to use its capacities for the benefit of all citizens. Any explanation of democratization must include and pay attention to the concept of civil society and to the struggles to extend rights and citizenship throughout society.

For the purposes of this paper democratization means the process through which civil society emerged and contested the ruling Zanu pf pushing it towards a liberal electoral system as well as a system of government which embraced and recognized the role of the ordinary people. It is a struggle by civil society for institutional and representative change, the contestation of influence over policy

and the requirement for the state to remain responsible and accountable to the citizens, with the constitution as the entry point. The Paper proceeds from the view that Zanu pf regressed into a consolidated authoritarian political party after 1980. Democratization for this paper is the push for political liberalization, legitimate elections, democratic consolidation characterized by wide citizen participation and government accountability.

## **2.6 Analytical Frame work:**

The paper borrows from a broad range of theories of democratization in its analysis of the role of civil society. Structural and agency based transition theories will be used to analyze how civil society extricated itself from the coalition of forces which constituted Zanu pf. The paper also argues that the nature of the regime which impacted on the character of the state had a bearing on the pace and mode of transition, and hence on the way the NCA influenced the democratization process.

Structural theories as espoused by More(1996) s conflict between coalition of social interest and Verba(1971)s view of structure as civic culture was applied in the analyses of how the liberal democratic critique took root among Zimbabweans demolishing the post 1980 nationalist exclusivist orthodoxy. The liberal democratic critique provided the intellectual and strategic stimulus to the struggle for democratization within the civil society and opposition political parties against the indiginist-radical views propogated by the ruling regime and its sprinkle of intellectuals at home and abroad. The paper thus highlights the views of the local radical left which provided the intellectual and policy anchorage for ZANU PF.

Theories of transition as espoused in Dahl (1986)'s polyarch, particularly the sequence of the democratization process as political liberalization, elections, consolidation were used to analyze Zimbabwe's transitional trajectory. Structural theories were employed in analyzing the role of civil society , particularly the reawakening of Zimbabwean citizens to the politics of protest after a ten year lull since independence in 1980. It is argued that the NCA 's birth is rooted in the struggles against corruption by state officials before liberalization took place. Political liberalization coincided with economic liberalization in 1990, while it was a product of ZANU PF calculations to redeem itself from appalling economic failure, it triggered the coalescence of a critical civil society inform of the NCA around constitutional issues, which catalyzed the democratization process.

On securing independence in 1980, ZANU PF regressed into an elite monolith supported by the formal and informal military structures of the state, an exclusivist ideology and a co-opted loyal "uncivil" society in a political matrix well designed to crush and or marginalize dissent. Combined with the colonial institutional baggage, in the absence of serious political opposition ZANU PF had turned into an authoritarian outfit which was forced to liberalize politically and economically due to potentially threatening political and economic exigencies

characterized by the fall of the Berlin Wall and the rise of Capitalism and the liberal orthodoxy albeit only briefly.<sup>1</sup>

The research focused at the period 1980-200, during which ZANU PF was in power. This period is divided into three phases: 1980-1995, 1996- 2000, 2000-2009 characterized by regime consolidation, the emergence of a critical civil society and politics of contestation and regime erosion and the formation of a coalition government respectively<sup>2</sup>. In capturing the role of civil society with respect to these phases the paper uses Tarrow(1998:19)'s "political opportunity structure", he explains that changes in patterns of political opportunity and constraints determine people 's engagement in politics. People strategically get involved in collective action, create new and more opportunities, widen circle of contention, with a process that leads to the construction of dense connective structures and dense networks. Tarrow(1998:19-25) advances six stages through which such a process materializes.

- Political opportunities or costs
- The repertoire of contention
- Consensus mobilization and identities
- Mobilizing structures
- The dynamic of movement
- Cycle of contention

According to Tarrow(1998:19ff) such a process may lead to "outcomes in the sphere of institutional politics.....or revolutionary change".

Civil society played a critical role in Zimbabwe 's democratization process, although it did not cause a revolutionary change. Using Tarrow 's template of political opportunities in relation to costs and benefits analysis, it comes out that the NCA brought its constituencies to engage the state at a time when the costs were low. Once civil society had gathered momentum the state intensified state repression could not suppress but minimized it at high cost to the state's legitimacy.

An analysis of relations between the NCA and ZANU PF and MDC was done. Zimbabwe is now run by a coalition government combining the two

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<sup>1</sup> Zimbabwe adopted the Economic Structural Adjustment Programme under International Monetary Fund Conditions in 1991, marking the begging of political and economic liberalization

<sup>2</sup> Zimbabwe got in a Coalition Government between ZANU PF and two MDC parties led by Morgen Tsvangirai and Author Mutambara respectively, in February 2009 after the Southern Africa Development Community led negotiations following the violent disputed presidential elections in June 2008

political parties. The constitution of this government took a minimalist form of political transition. Almond and Verba(1971) and Dahl(1986)'s views are applied to argue that Zimbabwe did not have a strong culture of protest and therefore given the militarized nature of the state, a negotiated process in line with the minimalist conditions as laid out by Dahl(1986), but counter to participatory calls by the NCA became necessarily the most promising route to democratization. The MDC as a political party in search of power was thus amenable for power gained either via protest or negotiation.

The paper focused on the role of the NCA, the ideas and actors behind the NCA 's relationship with the state[ZANU PF], and opposition political parties[MDC]. A critical examination of the strategies of the NCA against Zimbabwe's authoritarian regime was done cognizant to the view that there is no single formula to democratization. The democratization process is shaped by the obtaining conditions, the actors and the character of the state.

# **Chapter 3            HISTORICAL BACKGROUND: DEVELOPMENT OF CIVIL SOCIETY IN ZIMBABWE**

## **3.1 Introduction**

This chapter traces the development of civil society in Zimbabwe from the colonial era. Zimbabwe had a frail civil orientation in form of community based solidarity systems existent in the colonial era. The post colonial regime sought to absorb all forms of civil society into its agenda, shaped by preponderance to a rhetoric couched in ideologically leftist thinking and nationalist exclusion presented as a developmentalist state project. It is resistance to such thinking which bred a critical civil society which fed into vibrant opposition politics. The chapter is thus divided into three sections 1980-1995 featuring a retarded and conformist civil society, 1996-2000 and 2000 – 2009 characterized by a critical and confrontational civil society.

## **3.2 From Subjects to Citizens**

In order to objectively trace and analyze the development of civil society and its relations with the Zimbabwean state, one has to look back at the genesis and metamorphosis of civil society in Zimbabwe. The civil society in Zimbabwe was pre-conditioned by historical factors, particularly the colonial state character. A combination of colonial institutions and African traditions and the liberation war shaped and constrained the development of the civil society in Zimbabwe until the late 90s.

Civil society within the colonial state structure developed as small and weak groups of interest articulation within the state or the market, manifest mainly as the entertainment, funeral and localized labor unions. The African communities did not have any constitutionally secured rights hence they were largely subjects. Moyo(1993:6) argues that the repressed nature of the colonial system put very high cost on community organization which was negatively seen as stoking or abetting African nationalism as the liberation struggle relied on extensive community organization. Moyo(1993) further states that within the liberation movement civil society remained thoroughly constrained and repressed since all societal networks were obliged to be loyal to the liberation cause and subservient to the liberation war structural machinery. The colonial state 's desire to create a conducive climate for capital while stemming African nationalism, shaped the historical nature of the political community to which the colonial civil society was conditionally imbedded. According to Beach(1986) Civil society in colonial Zimbabwe was in a state of paralysis as politics among Africans was criminalized if not ethnicized to divide and rule them. Africans could only collectively organize and coordinate their affairs behind closed doors and under life threatening conditions. Social movements such as trade unions, student unions, community

organizations and political parties were proscribed and trampled to political irrelevance.

At independence in 1980 Zimbabwe's civil society manifested itself in form of a plethora of partisan week associations emerging from the shadow of colonialism, staunchly loyal to ZANU PF. Among the manifestations of civil society were urban workers, village development committees and students, which were part to the coalition of forces which constituted ZANU PF. The first secretary of ZANU PF stated that there should be no distinctions between the party[leaders] and the workers.<sup>3</sup> Moyo(1993) points to former constituencies of the colonial regime which strategically chose to be politically apathetic and acquiesce with the new ruling party so long as their economic interests were not disturbed. A notable paradox was the continued existence and high level influence of sectoral elite professional organizations which continued to wield so much influence on government policies since the colonial times. Moyo cites such groups as confederation of Zimbabwe industries(CZI), The Zimbabwe National Chamber of Commerce(ZNCC),the Commercial Farmers Union(CFU), and the Employers' Confederation of Zimbabwe. These groups were not interested in broader civic and political issues which went beyond their business/policy interests which until the late 90s were secured by Zimbabwe's Lancaster House constitution of 1979.<sup>4</sup> They chose to cooperate with the government than oppose or confront it in public. Until the late 90s there was no Black social group which was well organized and enjoyed so much policy influence as the Whites and few Black elites controlled professional groups.

### **3.3 ZANU PF and Civil Society 1980-1996**

This period is characterized by a retarded and conformist civil society. According to Sithole (1988) the post colonial era featured typical African empirical typologies of a retarded or conformist civil society which is loyal to the state, promotes internal cohesion, solidarity, unity and development. Radical and liberal literature agrees that African states are a failure albeit for different reasons. Moyo (1993) states that radical scholars criticize post colonial state for failing to radically revolutionize the colonial socio-economic structures in favour of the weakest classes in society, while liberal scholars indict the state for its corrupt tendencies which forestall development. It is important therefore to start by analyzing the attitudes and discourses which shaped the pliant nature of the civil society in the 80s and 90s.

There is a divergence of scholarly views on the development of civil society in Zimbabwe pitting the leftist "patriotic agrarian", pro-state and pro Zanu pf scholars and the leftist global "critical cosmopolitan" scholars. Both strands of scholarly views are agreed on the need for government to restructure the post colonial socio-economic and political structures but they differ on the extent to

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<sup>3</sup> The Herald 5 December 1989

<sup>4</sup> The Lancaster House Constitution is Zimbabwe's independence constitution negotiated between leaders of nationalist political parties and the Settler regime led by Ian Smith.

which the ZANU PF government is committed to this process. The Leftist Agrarian scholars accordingly endorse a developmentalist state, with civil society as a partner. For them civil society are groups outside the state but loyal to government, they include spontaneous movements which calls government attention to otherwise neglected issues of the community .They Are critical of the late 90s civil society movement for deferring their “civic” role to pursue an externally driven regime change agenda .The global cosmopolitan scholars point to the failures of ZANU PF to redress socio economic disparities and it regression to an authoritarian political outfit. They converge with the liberal view which sees civil society as an agent for democratization.

The intellectual and ideological face of the GoZ is represented by an array of local and international leftist scholars. Such scholars, who are mainly products of the liberation movement ideological debates, influenced by Sino-Soviet ideologies propagated political economic analysis of the post colonial state in Africa and strongly supported state centric interventions. Brickwall (1999:35) argues that, “the direct exposure to socialist regimes and parties of various types, including-----political training in socialist ideas, had a profound and meaningful impact on political debate within the liberation movement”. Tandon(1983) asserts that Platforms such as the Dar es Salaam Debate became the locus of statism in post colonial Africa. For Raftopoulos (2006) Academic think tanks and publishers like African Association of Political Science, Southern African Political and Economic Series and the Zimbabwe Economic Society took a lead at a local level in advancing a nationalistic ideology rooted in the legacy of the liberation struggle, anti- imperialism, the statist development project and support for “indigenous” national economic project. Yeros (2002) states that for these intellectuals civil society means the “uncivil” movement of war veterans and other extra-legal ZANU PF structures and organizations fighting for the restitution of colonial injustices.

The radical nationalist view only explains the retarded nature of civil society in Zimbabwe until the late 1990s. Pro ZANU PF scholars advance a conspiracy theory accusing the West of sinister machinations to topple the ZANU PF led government and rubbishing civil society actors outside the state and the ruling party as reactionary stooges of the West in order to justify the clampdown and violation of democratic ethos by the state . They equally choose to ignore evident manifestations of unproductive primitive accumulation by the political class. More importantly the ZANU PF leadership has lost all its leftist pretensions save for the limited rhetoric. In reality the civil society movement emerged on the bandwagon of economic disillusionment and political marginalization buttressed on repressive authoritarian state machinery.

The ZANU PF regime in post colonial Zimbabwe monopolized legitimacy by appropriating the responsibility to represent the people. Henning Melber (2003:xiv) points out that the political elites usurped legitimacy by employing “selective narratives and memories relating to their liberation wars, has constructed or invented a new set of traditions to establish an exclusive postcolonial legitimacy under the sole authority of one particular agency of forces [ ZANU PF] . All “legitimate” civic groups were challenged to join ZANU PF, the ruling party to demonstrate their revolutionary and patriotic commitment. In 1981 President Mugabe impelled the party to”a more comprehensive and a more

generous view of government embracing all these pre-independence revolutionary forces.”<sup>5</sup> In ZANU PF’s view this meant a one party state as later explained by President Mugabe, our nation demands of us as individuals or groups, ”a single loyalty that is a proper and logical manifestation of our national unity and spirit of reconciliation”.<sup>6</sup>

Zimbabwe’s nationalist government operated within the logic of its predecessor, the colonial government which was contrived to limit and ultimately eliminate the political participation of the ordinary people. According to Moyo(1993) [African] civil society which had operated underground during the colonial rule had to be extensions of the ZANU PF structures or they were squeezed out of the civic space ensured for politically loyal groups.

Three key deep seated attitudes, until the late 90s explain the underdevelopment of the civil society in Zimbabwe. According to Weltzer(1984:529-57) the continued existence of the institutional and legislative prejudices of colonialism which have saved as institutional precedents, persistent norms and beliefs of the African traditional society and the lingering socio-psychology and culture of the liberation war has impinged the development of a vibrant civil society in Zimbabwe.

The ZANU PF government also used the African traditional values to restrict political space of individuals by creating and granting a cultural legitimacy to politics of monopoly disguised as national unity. According to Moyo(1993) the nationalist government deferred to cultural virtues of chieftaincy which extolled the reign of one chief at a time under one clan with the whole society bound by the politics of consensus. This was clearly applied in 1987 and 1990 with the imposition of officials who should have been elected. Potential challengers to this arrangement would have been denounced and ostracized for disrespecting the elders and therefore a disgrace to the African traditions. Oyugu(1988) cites Nyerere as arguing that African family life was everywhere based on certain practices and attitudes which together mean basic equality, freedom and unity. Unfortunately ZANU PF was able to impose its view on the Zimbabwean society breeding a certain level of passivity and shrinking civic action by individuals or organized community groups.

The socio-psychological impact of the liberation war characterized by violent culture, intimidation, fear, terror remains pervasive within the Zimbabwean society. Government invokes images of the liberation war experiences whenever faced with serious political threats. Guerrilla training in the camps opposed the tenets of tolerance of individual values and identities during and even after the war . According to Moyo(1993) ZANU PF has retained intimidation and fear within its strategic political tool kit thus forestalling the inclination of individuals and groups towards independent civic action outside the party or government. Within the first two decades of independence the ZANU PF government had successfully established its political hegemony using iron fist measures, combining both legal and extra legal measures. Legally the ZANU PF amended the Lancaster

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<sup>5</sup> The Herald, 01 January 1981

<sup>6</sup> Ibid, 5 January 1982



house constitution 16 times to consolidate the power of the state in the hands of the party elites and the country's executive president. Sachikonye( 2002) states that military force was used to crush the potential political threats in Matabeleland resulting in the murder of more than 20 000 peasants culminating in unity with ZAPU which literally resulted in an informal one party state.<sup>7</sup>As at 1990 the Zanu pf government had established itself as the sole voice of the people of Zimbabwe with ZANU PF and PF ZAPU now united under ZANU PF got 117 of the contested parliamentary sits in the 1990 plebiscite confirming an unlegislated one party status in Zimbabwe.

### **3.4 Rise of a critical civil society**

A critical civil society emerged in the late 90s out of the labour, students and women movement. It is a paradox that a movement which emerged on the back of a critical discourse to liberalization would soon find its intellectual expression in the liberal democratic thinking.

According to global "critical cosmopolitan" scholars among them Raftopoulos, eminent materialist historian Phimister, Bond, Hammer, Jenson the Zimbabwean state has become a "contradictory site of both accumulation and hegemonic construction" characterized by an authoritarian ruler, his possible dauphin and party. Moore(2005) argues that the Patriotic Agrarianists,"advocate a series of rights contingent on the construction and consolidation of domestically based ruling classes and property rights underpinning their power and rights .A combination of strong claims to the sovereignty of the state and violence are used to coerce the citizens and to keep them in line. Here lies the logic of ZANU PF authoritarianism which a robust civil society emerged to contest in the late 1990s.

It is important to note that a combination of a relatively relaxed political environment due to failure of the few political parties to seriously challenge ZANU PF and the unity with PF ZAPU in 1987 and mounting economic and social problems saw a slow but sure emergence of a more well organized ,autonomous and robust civil society. Between 1990 and 1998 Civil Society organizations expanded in quantitative and qualitative terms. They included labour unions, human rights and women's organizations, student and journalist unions . It is these groups of people who eventually came together as individuals and or institutional bureaucratized NGOs to form a robust and vibrant civil society which drove the democratization process in the two decades following 1990. Like elsewhere in Sub-Saharan Africa the fall of the Berlin Wall and the subsequent fall of the Socialist Eastern Block triggered a wave of political liberalism which gave more impetus to civic political organization in Zimbabwe as well. Thus while the first decade of independence was hopeless for civil society in Zimbabwe, the nineties were a turning point. The capacity for collective political action increased as the disparate organizations emerged to confront government on various issues which increasingly brought to the fore issues of state failure and mis-governance

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<sup>7</sup> The killing of more than 20 000 people happened in 1983 -1987. The conflict only ended when ZAPU joined ZANU PF in a unity government in 1987

as demonstrated by revelations of scandalous cases of corruption by public officials which went unpunished, impunity and lack of transparency and accountability.

Between 1997 and 1998 the labour movements with the support of other civic groups were able to organize general strikes over economic and political grievances, thus eloquently demonstrating their growing credibility and strength. It was apparent that at this point Zimbabwe had a vibrant civil society which was fragmented and lacked coordination, ideological and methodological clarity on how to engage or to confront the Zanu pf government. The Zimbabwean population was showing increasing disgruntlement as demonstrated by increasing voter apathy in the 1990 and 1995 parliamentary and presidential elections. There was a slump of interest in partisan politics as people concentrated on various initiatives offered in the civic society. All possibilities pointed to the need for a well coordinated civic entity which would give direction to the political activities of the civic movement.

### **3.5 Origins of the Constitutional Assembly (NCA)**

The formation of the NCA should be understood as a process and not an event. The roots of civil society in Zimbabwe are deeply anchored in the early struggles by labour and students against the economic structural adjustment, corruption, lack of accountability, transparency within state structures and marginalization of the citizens from governance issues. Scholars like Davies (2005), Moore(2005) have exposed some of the destructive economic policy choices made by ZANU PF while putting emphasis on the democratic question as well. Lawyer and socialist Munyaradzi Gwisai( 2008), traces the roots of the NCA to the radicalization of the ZCTU, its restructuring and professionalization which saw the labour union slowly shifting away from a coalition of forces with ZANU PF. Gwisai notes that “between 1988 and 1992, there was a radical leftward shift in key sections of the labour bureaucracy, reflecting the tension created by the regime [ZANU PF]’s adoption of free market policies-----labour developed growing ties with radicalizing university students”. The student demonstrations of 1989, followed by the arrest of student activists and leaders of the ZCTU marked an irreversible tide towards the emergence of a robust civil society outside the gamut of government.

Spurred by the harsh effects of ESAP and motivated by a desire to fight for impoverished worker and the man on the streets , ZCTU was to lead more strikes in 1996,1997 and 1998. Gwisai further states that,” in 1997 there were 55 recorded strikes involving more than 1 073 000 workers”.<sup>8</sup> These strikes exploded in demonstrations supported by a broad range of civic and professional organizations , including the women movement and human rights NGOs resulting in complete closure of business for several days.<sup>9</sup> It is important to note that by the time the NCA institutionalized the working class had immensely

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<sup>8</sup> Socialist Worker May-June 1999

<sup>9</sup> Ibid February 2008

grown in militancy and consciousness. For Raftopoulos (2006) it is the amalgam of these trends which coalesced into the broad politics of the constitutional movement which gave birth to the NCA.

The NCA evolved as a local initiative by Zimbabweans in response to constitutional and governance deficits which resulted in a multi faceted crisis in Zimbabwe. At the time of the formation of the NCA , Zimbabwe was evidently embroiled in a deep sited crisis which manifested itself in a social, economic and political conundrum the state could not deal with. For many civil society organizations the root of the problems lay in the inherited constitutional colonial baggage and the multiple amendments made by the GoZ. There was evident need for a common front upon which the civil society would engage amongst themselves, with or contra the GoZ .The NCA became a coalition bringing together NGOs, labour, students and sectors of the rural people into political activism. It emerged as a civic driven ideological, socio-economic and political democratization driver anchored on the demand for new constitution, human rights and accountable governance. The struggle for a new constitution epitomized the Zimbabwean citizen's demands for economic and political liberties. It was the basis behind the genesis of the NCA from a small NGO to a mass movement which charted the national constitutional initiative as well as giving birth to Zimbabwe 's biggest opposition party, the MDC.

The institutionalization of the NCA can be well understood when analyzed within Tarrow (1998) 's "political opportunity structure". Borrowing from Tilly (1984) 's concept of parallel development of democratic consolidation and social movements, Tarrow ( 1989: 19) argues that, "people engage in contentious politics when patterns of political opportunities and constraints change and then, by strategically employing a repertoire of collective action, create new opportunities, which are used by others in widening cycles of contention." Tarrow further says when they can bring people together, construct dense networks and connective structures the episodes of contention results in sustained interaction with the opponents (state). In the case of the NCA political liberalization which came with the economic structural adjustment in the 1990s opened up opportunities for formation of many NGOs which came together at the turn of the millennium to constitute the NCA. The NCA as a movement got to its peak in 2000 after which it found itself together with opposition political parties and fellow civic partners thoroughly constrained by the state. The survival of the NCA from the politics of repression and its momentum can thus be explained by the role it played in the defeat of the ZANU PF constitutional initiative in 2000. The victory by the civil society and opposition raised optimism that ZANU PF could be defeated.

The formation of the NCA traced to various ideological, religious, gender, class and academic dispositions. Maddock Chivasa stated that Prominent activists and academics, among them Morgan Tsvangirai, Tendai Biti, Dr Lovemore Madhuku, Professor Welshman and the leadership of the Zimbabwe Council of churches had been instrumental in various civic organizations joined together to form the NCA.<sup>10</sup> The ZCTU, ZINASU and the women's movement, because of

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<sup>10</sup> Chivasa, Op cit

their long experience in dealing with GoZ gave the main impetus to the launch of the NCA.

The NCA represented institutional civic actors and not individuals. Kagoro(2008) lists organizations which attended the first meeting as the Zimbabwe Council of Churches (ZCC), Zimbabwe Congress of Trade Unions (ZCTU), Catholic Commission for Justice and Peace (CCJP), Zimbabwe Women Lawyers Association, Youth groups, Media Institute of Southern Africa. An advisory team of seven consultants namely Priscilla Misihairabwi (WASN), Mrs. E.J.Win (Gender Issues), Tendai Biti (ZLHR), Professor Welshman Ncube (UZ Law School) Dr Lovemore Madhuku (UZ Law School) and Mrs Lupi Mushayakarara (media consultant) was also put in place.

### **3.6 Organization of the NCA**

The organization of the NCA at its formation took the form of bureaucratized NGOs. According to Kagoro(2008) the NCA was run by a secretariat provided by the ZCC 's Justice, Peace and Reconciliation Department which was responsible for administration and staff. He further states that the secretariat and the advisory team were responsible for the day today running of the NCA. They reported to the taskforce which in turn was accountable to the General Assembly. The General assembly consisted of the founding organizations and individuals. At its inception, all positions in the NCA were either voluntary or by consensus. Both organizations and individuals volunteered to save the organization at different stages.

In two years the NCA evolved into a mass movement focusing on issues beyond the constitutional making process. The NCA set structures taking the form of political parties cascading to local communities in both rural and urban areas. Kagoro (2008) states that in 2000 NCA expanded its structures to provinces, districts and villages. The organization also changed its constitution to give more say to individual members who elected their leaders at all levels after every two years. The NCA occupied critical civic space, engaging in different ways with both the government and opposition political parties.

The drawing of programmes for the NCA shifted from the experts to the taskforce, taking a purely political form. At the core of the founding of the NCA was the need to launch a movement which would educate Zimbabweans on the flaws of the independence Lancaster House constitution at the same time mobilizing citizens to demand the writing of a democratic constitution. Clearly, the NCA took a political position, although it claimed to be non partisan. In line with its mass movement form the NCA shifted from a focus on workshops, seminars, public meetings to demonstrations and strikes. The NCA stimulated the democratization process by confronting the state. The organization provided Zimbabweans with space and platform to collectively make demands during people's conventions and to press their government to respond. The NCA was an avenue through which Zimbabweans could engage in non partisan politics. This brought more people who were fed up with partisan politics into political activism.

The NCA ideologically invoked liberal and neo liberal views of a limited state, residual power of the citizenry expressed in non violent action against the state.

During its nascent stages the NCA used this ideological outlook to justify the inclusion of political parties and the business entities amongst its membership. It further went on to buttress its drive for civic actors to embark on a parallel constitution making process on the same view. Kagoro ( 2008 ) states that the NCA applied social Contract theories to argue that if the government failed to honor its terms of the social contract with the citizenry, the citizenry would not be obligated by the same terms of the social contract to obey the government. Here lay the roots for radicalization of the NCA which eventually went beyond the remit of liberal theories as the argument empirically took on a broader definition of citizenry, allowing all social classes and creeds into its membership to be confrontational whenever they saw need to. In the context of dictatorial Zimbabwe such an ideological leaning had far reaching transformative if not revolutionary consequences. Kagoro( 2008) argues that the NCA transgressed from liberalism by refusing to resort solely to legal means in challenging the state, but rather arrogated to itself the right to disobey laws which it deemed immoral and therefore illegal. The NCA put emphasis on allowing ordinary people to be involved in a bottom-up approach to governance.

The NCA also marginally invoked notions of Marxist Leninist paradigm driven by sprinkles of leftists within the coalition. The NCA distinguished classes, labeling the middle class with complicity and latent support for the status quo. The debate about what the constitution sought to achieve was informed by radicalism of the leftist paradigm as much as liberal notions.

## Chapter 4 RESEARCH ANALYSIS

### 4.1 Introduction

This chapter discusses the findings of the research. This chapter reveals that the NCA was the forerunner to substantial political opposition in Zimbabwe, remained consistent to the call for a new constitution and became a common voice and platform for its institutional and individual members thus triggering a democratization wave in Zimbabwe. The NCA maintained a strategic relationship with the MDC. This resulted in confrontational relations with Zanu pf which branded both organizations as treacherous alien entities bent on illegally removing government. The close ties between the MDC and NCA eventually undermined and weakened the NCA as it increasingly came to depend on the MDC for its mobilization. The culmination of the negotiations and the formation of the coalition government have pushed the NCA to the periphery of Zimbabwean politics.

### 4.2 Relations between the NCA and the ZANU PF Government:

The role and relations of the NCA with ZANU PF were shaped by the later's nature of political organization and mobilization. A key factor in the Strategies of ZANU PF was the political interests of its leaders to politically stay in power. Accordingly ZANU PF resorted to coercion and patronage/cooptation, including the deploying of colonial institutions and statutes couched by a nationalist rhetoric for the purposes of regime consolidation in the 80s and to curtail the demands and pressure from the NCA since 2000. This was aptly captured by Mwonzora in stating that, "colonial laws, liberation war strategies refined during the armed struggle and nationalism were combined in a vicious assault on civil society and opposition political parties".<sup>11</sup> According to Mafa the NCA mobilized, organized and reawakened Zimbabweans to participate in the affairs of the state and to contest ZANU PF thus providing for citizens engagement in a bottom-up contest against political elitism. Mafa pointed out that the view of the NCA emerged from the realization that Zanu pf had systematically fostered political passivity and marginalization of the public, on the basis of loyalty and peace conducive to a developmental state.<sup>12</sup>

The position of the NCA saw the ruling party as illegitimate and authoritarian. Constituencies of the NCA had a long history of confrontation with

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<sup>11</sup> Interview ,Douglas Mwonzora, Former NCA Spokesperson, MP(MDC) Nyanga Rural Constituency, Co-Chairperson of The Parliamentary Select Committee on Constitution Making , Harare 29 October 2009, Harare

<sup>12</sup> Interview, Magalela Mafa, NCA Taskforce Member, Bulawayo, 26 October 2009

ZANU PF, for example students and labour. It is the protests by the ZCTU and University Students which first challenged ZANU PF hegemony. According to Chinoputsa, the collaboration between the Students and labour triggered an unprecedented critique of the failing social and economic politics, particularly the Economic Structural adjustment which led to widespread poverty. Chinoputsa added that people were willing to confront the government 's brutal machinery as a way of exposing it<sup>13</sup>.FGD participants listed the use of rhetoric of violence, physical attacks, fraud, political corruption, thuggery and demagoguery as characteristics of ZANU PF<sup>14</sup>. Mafa pointed out that after some rapprochement with the GoZ between 1997-2000, the NCA took an equally confrontational stands based on the need to pressure the government to reform by way of mass demonstrations and protests.<sup>15</sup> As stated by Verba(1971) the economic structure of proletarianization which boomed in the 70s and early 80s fostered a nucleus for civil society politics for democratization initially fronted by the ZCTU and ZINASU, maturing into a coalescence of many NGOs into the NCA in 1997 and a civic culture of protest thus challenging the sole hegemony of ZANU PF since the 80s, while the political economics of liberalization saw the flourishing of NGOs working on human rights. This combined to foster a high awareness which fed into citizen activism.

After the formation of the NCA, ZANU PF sought to co-opt or divide the NCA rendering it irrelevant or illegitimate. Mafa pointed out that the other strategy was physical attacks directed at ordinary activists and the leadership.<sup>16</sup> The NCA was lumped together with the MDC for attacks as they were seen as agents of Western countries bent on illegally toppling the government. FGD participants narrated their experiences of arrest, beatings and torture as a result of their activities with the NCA.<sup>17</sup> NCA activists were accused to be members of the MDC and therefore they were "politically" dealt with, however the phase of economic liberalization fostered a tight solidarity amongst civil society constituencies which synthesized and gave more impetus and momentum to civil society organization and mobilization, hence the NCA clearly took a position to confront the ruling ZANU PF and reject its position on the constitution making process, while pressing the government over its record on human rights.

The NCA aligned to the MDC, deviating from the loyalist nationalist ideology as presented by ZANU PF. According to Chivasa the NCA challenged the hegemony of ZANU PF and threatened to cut short its reign on power hence ZANU PF resorted to brutal suppression and generalized repression of all civil society organizations and opposition political parties.<sup>18</sup> As pointed out by Dorman(2003) The process that led to the constitutional referendum in February 2000 catalyzed a shift in rhetorical and coercive politics as ZANU PF strategies

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<sup>13</sup> Interview, Lovemore Chinoputsa, Zinasu Secretary General, Harare, 18 October 2009

<sup>14</sup> FGD, NCA Activists, Bulawayo, 16 October 2009

<sup>15</sup> Ibid

<sup>16</sup> Ibid

<sup>17</sup> FDG, NCA Activists, Harare, 16 October, 2009

<sup>18</sup> Chivasa, Op cit

became more intense and often extremely violent .The discourse over a new all inclusive democratic constitution took a partisan route steeped in competition for political power. Mwonzora noted that the NCA was seen as working with opposition political parties to topple the government on the guise of constitutional reform and an artificial economic crisis.<sup>19</sup> Mwonzora further stated that Government media constantly referred to the “NCA-MDC” to portray the two as one and the same thing hence they both had to be treated as political opponents, meaning in a violent way<sup>20</sup>.The NCA became the forerunner to the formation of the opposition MDC, engaged in demonstrations, strikes, outreach educational programmes thus initiating an irreversible process towards democratization, fostering a fertile environment for plural politics.

ZANU PF tried to rebuild a coalition of forces which had previously constituted the ruling party. Chibhebhe pointed out to the efforts of ZANU PF to destabilize civil society constituencies of the NCA by fueling division and sponsoring violent parallel structures.<sup>21</sup> Among these groups were the ZFTU, ZICOSU, ZIFU and War Veterans all designed to parallel the structures of key constituencies of the NCA for example labour, students, commercial farmers and war veterans respectively.FDG participants noted how the government sponsored actors attacked the members of the NCA in the media and physically with tacit support from the state.<sup>22</sup> According to Chibebe the NCA suffered a serious discord as the ZANU PF aligned entities ran a bloody campaign of dispossession and coercive mobilization to destroy civil society and the opposition through murder, arson, rape, intimidation spearheaded by state security organs.<sup>23</sup> Mafa noted that these groups undercut the NCA by identifying with community problems, intervening in salary issues to weaken the ZCTU, in education to weaken ZINASU and in seizure and parceling out of farm land to peasants to cut off the NCA from rural constituencies.<sup>24</sup> The war veterans who had been massively rewarded by ZANU PF in 1997 after threatening to rebel against the party fronted violent farm seizures and campaigns for ZANU PF totally shutting out the NCA from commercial farms and rural areas. Mwonzora summarized the activities of the state sponsored organizations as harassment of the judiciary calculated to intimidate the bench, extortion and physical attacks. FGD participants also said that ZANU PF forged alliance with loyal churches, mainly indigenous churches while ostracizing churches aligned to the civil society, for example the catholic church which was seen as mixing politics with religion.<sup>25</sup> The relations between the NCA and ZANU PF polarized, as the NCA stacked its autonomy, became confrontational against the ruling party while drawing closer to the opposition and collaborating with the MDC in mass mobilization, organization and protest.

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<sup>19</sup> Mwonzora, Op cit

<sup>20</sup> Ibid

<sup>21</sup> Interview, Wellington Chibebe, ZCTU Secretary General, Harare, 09 October 2009

<sup>22</sup> FDG, Bulawayo, Op cit

<sup>23</sup> Chibebe, Op cit

<sup>24</sup> Mafa, Op cit

<sup>25</sup> FDG, NCA ,Activists,Harare,28 October



### 4.3 Relationship between the NCA and the MDC

The NCA structures, material and human resources played a critical role in the formation of the MDC. According to Chibhebhe the ZCTU created an office within its head office which acted as the first secretariat for the formation of the MDC while the nationwide structures of the NCA were used for mobilization and leadership recruitment in the provinces and districts.<sup>26</sup> Chivasa stated that without having to formalize the form of relationship which existed the MDC and the NCA were natural allies with the first national executive of the MDC being constituted by former national executives of the NCA, ZCTU, ZINASU and prominent individuals.<sup>27</sup> Chivasa pointed out that activists moved within the rank and file of either organization, NCA or MDC. <sup>28</sup>The majority of MDC members of parliament were former NCA officials. Most MDC officials cut their political teeth within the ranks of the NCA. The structures of the NCA and the MDC muted or became identical as members of both entities moved freely from and within the ranks of the two organizations. As argued by Grugel(2002) in her view of the role of civil society, the NCA fostered a rich associational life, supported the formation of the MDC, increased the citizen's efficacy, recruitment, leadership orientation and training. The NCA fostered and buttressed democracy, informing and contributing to vigilant and conscious citizenry. The NCA and the MDC shared information, participatory platforms, consulted and made decisions between themselves, while their key officials and allies negotiated together for key positions within both organizations. The MDC highly depended on the skills and resources from the NCA from its formation until after the split of the in 2005.<sup>29</sup> It is important to note that during the vicious internal fights which emerged within the MDC in 2005, the NCA strongly came out in support of the founding president, Morgen Tsvangirai, thus helping him to redeem and retain what has come to be called the main MDC.

The long term effect of the nature of relations between the NCA and the MDC were to undermine the role of the NCA. The MDC took an instrumental view towards the NCA. Nelson Chamisa said that the party was a member of the broader democratic movement, inclusive of NCA and other civil society players, however the MDC as a political party was supposed to confront ZANU PF in the political field hence it had to contest and win elections, while its civil society partners bolstered its campaign in various ways.<sup>30</sup> Karl and Schmitter(1991) cite several ways through which regime change can occur, amongst which are negotiations, regime collapse and managed transitions. The NCA position as stated by Chivasa was that of mass protest to bring the ZANU PF regime to bear.<sup>31</sup> While the MDC was inclined to and participated in mass protests with the

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<sup>26</sup> Chibebe, Op cit

<sup>27</sup> Chivasa, Op cit

<sup>28</sup> Ibid

<sup>29</sup> The MDC split in 2005. The main MDC is led by Morgen Tsvangirai, the smaller MDC is led by Author Mutambara.

<sup>30</sup> Interview, Nelson Chamisa, MDC National Spokesperson, Harare, 17 October 2009

<sup>31</sup> Chivasa, Op cit

NCA for example the Final Push of 2002, its proclaimed strategy was to get power via the electoral route.<sup>32</sup>

The NCA 's strategy of mass protest became a political mobilization tool for the MDC until 2006 When the MDC had recovered from its split. The NCA eventually came to rely on the MDC for mass mobilization, its leaders left to take political positions with a view to contest lucrative posts in government on the MDC ticket. According to Mwonzora, while the NCA remained weakened by losing key leaders to MDC it should be credited with keeping the constitutional issue on top of the Zimbabwean democratization agenda while politicians chose to fight for political posts which are well rewarding.<sup>33</sup>

The relationship between the MDC and NCA raises questions about the kind of role civil society plays in promoting democratization. Bickart(1999) argues that opposition political parties belong with civil society as long as they are out of government. This view presupposes that opposition political parties and the civil society save the same purpose and feed into each other. According to Mwonzora, the strategic alliance between the NCA and the MDC gave rise to debates about the best strategy to deal with ZANU PF, that is mass protest, as argued by the NCA or combining both protests and contesting elections.<sup>34</sup> Mwonzora stated that all previous protests were not big enough to bring down the ZANU PF regime with its strong support and reliance on extra legal structures and use of the security.<sup>35</sup> He also pointed out that public opinion seemed to flow along with the political divide hence the Zimbabwean society including the NCA was projected as belonging to either ZANU PF or the MDC.<sup>36</sup> The popularity of the MDC, coincided with the popularity of their strategy to win elections. Mwonzora stated that this rose from the realization of the strength and control of the military by ZANU PF.<sup>37</sup> He also cited the exodus of Zimbabweans to the diaspora, the worsening economic conditions which crippled industry and education , thus undermining the power base of the ZCTU and ZINASU respectively, while the worsening social conditions meant that the public was more concerned with basic needs than confrontation with government.<sup>38</sup> For the NCA this marked the neutralization of popular protests and gravitation towards a negotiated pact. The MDC increasingly began to articulate its vision of a political transition along the views of Dahl(1986) which entailed political liberalization, institutional reform including drawing a new constitution and free and fair elections.

The NCA preferred approach was effective in bringing pressure on the ruling party only to the extent that the excesses of the ruling regime were exposed. On 11 march in 2006, the police assaulted NCA chairman, Dr Madhuku together with

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<sup>32</sup> The Final Push was called for by both the MDC and the NCA to ZANU PF out of power after the presidential elections of 2002 were rigged.

<sup>33</sup> Mwonzora, Op cit

<sup>34</sup> Ibid

<sup>35</sup> Ibid

<sup>36</sup> Ibid

<sup>37</sup> Ibid

<sup>38</sup> Ibid

MDC leaders Morgan Tsvangirai and Author Mutambara triggering an outcry which forced the SADC region to diplomatically intervene in Zimbabwe. Protests were weak in that the military remained loyal and central to the survival of the ruling party against dwindling willingness by the public to go on the streets given the brutality of the state apparatus. According to FDG participants this created an impression that people were tired and unwilling to fight on.<sup>39</sup> Mwonzora noted that there was absolutely no other ways of confronting the ruling party if the MDC abandoned elections until a new constitution was written <sup>40</sup>. It is important to note that the strategies espoused by the MDC and the NCA are mutually reinforcing than exclusive.

The NCA's strategic vision was long term, focusing beyond elections which merely defined entry and exit in power, which is an institutional preoccupation of political parties and indeed the MDC. For the NCA, citizen participation was key to the democratization process as evidenced by the role the public had played in the survival of the MDC. FDG participants said that when the MDC was at its weakest in 2005, after its split, the NCA remained the most effective umbrella under which mobilization and organization against ZANU PF could solely happen.<sup>41</sup> The NCA also remained close to the main MDC led by Tsvangirai thus contributing to its popularity as compared to the splinter MDC. Mwonzora said that in 2005, the NCA was the de facto opposition outside parliament and the state's brutality was directly concentrated and targeted at NCA.<sup>42</sup> For the MDC, the NCA kept the momentum for democratization going by keeping the population mobilized outside partisan politics until such a time when there was confidence in the opposition expressed in the MDC gaining majority in parliament in 2008.

Although the NCA claimed to be non political, it became difficult to strategically delink it from the MDC. According to Mafa, the same people who supported the MDC were shut out and targeted by the ruling party and were active in both the MDC and the NCA.<sup>43</sup> This position became untenable as polarization increased while the MDC gained its dominance. FGD participants were agreed that there was political strength in the NCA collaborating with the MDC since beyond 2000 they clearly shared the same agenda. <sup>44</sup>The two organizations shared strategies, campaign material and personal, their rhetoric overlapped, thus campaigns by and for the NCA were synonymous with those of the MDC, thus bolstering the hope and possibility for political change. While the NCA gave birth to the MDC, cooperated and collaborated with the party, the MDC eventually dominated the NCA.

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<sup>39</sup> FDG, Bulawayo ,Op cit

<sup>40</sup> Mwonzora, Op cit

<sup>41</sup> FDG, Harare, Op cit

<sup>42</sup> Mwonzora, Op cit

<sup>43</sup> Mafa, Op cit

<sup>44</sup> FDG, Harare, Op cit

#### 4.4 NCA and the Coalition Government

The coalition government came out of a settlement negotiated by the Southern Africa Development Community (SADC) after the bloody run-off presidential election in June resulting from an electoral stalemate between the two major parties, ZANU PF and the MDC in the elections held in March 2008. The MDC led by Morgan Tsvangirai won both the Parliamentary and presidential elections in June 2008 but failed to garner an outright majority to form government. According to Chivasa the NCA rejected the basis for the run off elections since it stated that the ruling party lost the March elections and saw the MDC's position to negotiate with ZANU PF as capitulation. Chivasa further stated the reasons for the NCA's rejection of the coalition government as the violation of the primacy of determining government through elections and the exclusion of civil society in the negotiations which resulted in its formation.<sup>45</sup> He further stated that the NCA would protest against the initiatives of the coalition government to initiate a constitution making process led by parliament because it was elitist and excluded the Zimbabwean public.<sup>46</sup> According to Chibebe the NCA took a principled position in line with the founding of both the MDC and the NCA which rejected a politically dominated process of making a new constitution.<sup>47</sup>

The formation of the coalition government has divided the NCA itself, including its key constituencies. Macdonald Lewanika stated that the NCA was divided on how to deal with the coalition government especially its former ally the MDC with respect to the constitution making process and the legitimacy of the government.<sup>48</sup> For Lewanika, the challenge was whether the NCA saw the MDC as the ruling party or an ally in the coalition government whose position should be strengthened through a bold and assertive civil society to enable it to extract more concessions during negotiations and the subsequent institutional building which should lead legitimate elections.<sup>49</sup> This view falls within Dahl(1979)'s minimalist and elite nurture of democracy as an outcome of negotiations amongst the key political actors. The MDC took the view that the coalition government is a transition executive, which should be seen as a product and process of regime change through a negotiated transition to soft land ZANU PF out of power. According to Chamisa they expect the NCA to fully support the current process since it is the only sure way to an immediate bloodless political transition in Zimbabwe.<sup>50</sup>

The Global Political Parties agreement, the document which became the basis for the coalition government states in article 6 that partners in the unity government would facilitate a constitution making process.<sup>51</sup> It is important to

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<sup>45</sup> Chivasa, Op cit

<sup>46</sup> Ibid

<sup>47</sup> Chibhebhe, Op cit

<sup>48</sup> Interview, Macdonald Lewanika, Crisis in Zimbabwe Coalition Coordinator, Harare, 15 October 2006

<sup>49</sup> Ibid

<sup>50</sup> Chamisa, Op cit

<sup>51</sup> Global Political Agreement, 15 September 2008

note that in 2007 the MDC and ZANU PF had negotiated a draft constitution called “The Kariba Draft” . Mwonzora stated that the coalition government was proposing a process which would combine the views gathered from the consultations of the people led by parliament with the Kariba Draft and the NCA draft made in 2000.<sup>52</sup> On 10 February 2009 civil society organizations loyal to the NCA position stated in the Civil Society Constitutional Conference Communiqué, of the 6<sup>th</sup> of February that political parties must be bound by the resolutions of People ‘s Convention(2000) and the People ‘s Charter, particularly its article 3 which focused on the constitution making process. In the communiqué the Civil Society organizations in attendance noted that article 6 of the Global Political Agreement violated both the People’s Charter and resolutions of the People’s Convention. The third point of the communiqué asserted:

“That civil society shall be guided by the principles articulated over the last ten years in relation to constitutional reform ,both the People s Charter as well as in resolutions of the People ‘s constitutional Convention of 1999 on the definition of people driven processes in relation to all stakeholders , Constitutional Commission, National Referendum, National outreach, Compilations and Draft Constitution.”

The NCA further demanded immediate elections conducted on the terms of the new democratic constitution and that a participatory process leading to gathering of views from the people which views must not be changed by law or parliament should be guaranteed. The MDC was founded on the basis of the recommendations of the All People ‘s Convention of 1999 and was part to the People ‘s Charter as well as subsequent civil society initiatives. Chibhebhe said that this raised problems between the NCA and the MDC, The MDC feeling that the NCA was supposed to follow its lead, while the NCA felt that the MDC was betraying its founding principles by departing from the proclaimed approaches and commitments since its formation.<sup>53</sup>

The entry of the MDC into the coalition government has blown open the differences in approach to democratization in Zimbabwe. The civil society was also split through the middle as groups such as Crisis in Zimbabwe Coalition, Zimbabwe Lawyers for Human Rights, and a faction of ZINASU supported the MDC position as represented in the Coalition government while the NCA advocated for a long term, more inclusive process which went further than modeling institutions and merely defining the rules of political competition. The Zimbabwe National Students Union split with one group supporting the NCA together with ZCTU . More fundamental to this division was the question of how to relate with the Coalition government in general, and the MDC in particular. According to Chivasa the NCA advocated a process which kept the public mobilized to check the state’s excess. <sup>54</sup> Chivasa stated that for the NCA saw the MDC as party and parcel in government hence it has to be accountable otherwise

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<sup>52</sup> Mwonzora , Op cit

<sup>53</sup> Chibhebhe, Op cit

<sup>54</sup> Chivasa, Op cit

it regresses to the rot the nation is still fighting to transit from.<sup>55</sup> According to Lewanika, the challenge posed by the coalition government is how to relate with the MDC as Civil society given that it is now a partner in government.<sup>56</sup> He further stated that the answers to this question are of a strategic nature, asserting that the democratization process is on-going and the MDC should remain a key partner politically contesting ZANU PF within government, while Civil Society provides oversight to make the transition process is not stalled.<sup>57</sup>

The NCA opposed the constitution making process as provided in the GPA in article 6. For the NCA the process is not people driven and lacks transparency. On 16 July 2009 the NCA stated that “the constitution making process must not be led by politicians, that the parliament led process was fraudulent and unacceptable”.<sup>58</sup> The NCA saw this process as an attempt to smuggle the Kariba Draft into the constitution, a document secretly negotiated between Zanu pf, and the two MDCs. More importantly the NCA ran public notices dismissing the secretive” content and structure” of the Kariba Document as similar to the rejected CC process of 2000.<sup>59</sup> The NCA stated that it feared the marginalization of public participation in governance hence they vowed to protest against such process. Chivasa stated that the NCA vowed to intensify its civic education programmes to campaign for a new constitution while explaining its position to the public<sup>60</sup>.

A look at the institutional members of the NCA who were present at its 2009 all people ‘s convention show that the influence and membership of the organization has diminished. While the NCA position is clearly based on principle, the divisions with its former civic allies clearly shows the weaknesses of civic approaches to democratization. According to Mwonzora, party politics may temporarily subsume public concerns for governance and where partisan politics is strong people would rather have political parties mediate their interests than the civil society.<sup>61</sup> Mwonzora further said that many fans of the NCA identified more with MDC and supported the positions of the party because they are behind its highly popular leader, Morgan Tsvangirai. Indeed any positions which depart from those taken by the MDC within civil society risk unpopularity and alienating supporters of opposition political parties who are more active in civil society.

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<sup>55</sup> Ibid

<sup>56</sup> Lewanika, Op cit

<sup>57</sup> Ibid

<sup>58</sup> NCA Comminique, Draft Resolutions of The Second People ‘s Convention Convention , Harare, 27 July 2009

<sup>59</sup> Ibid

<sup>60</sup> Chivasa, Op cit

<sup>61</sup> Mwonzora, Op cit

## 4.5 Constitutional Debate

The NCA initiated the constitution making debate in Zimbabwe, by informing and educating the public on the importance of process and content of a new constitution. The NCA capacitated and mobilized the public to engage, debate, contribute and criticize both the constitution making process and the content of the constitution. Chivasa said that the NCA saw the constitution as the basis for rebuilding democratic institutions and creating democratic space for the public.<sup>62</sup>

The NCA demanded a broadly inclusive constitution making process as a foundation for moving the country towards democracy. According to Chivasa, the NCA saw the constitution making process as a way to build confidence and public awareness.<sup>63</sup> It advocated for a process led by an impartial independent body, representing all constituencies instead of a commission preferred by the ZANU PF. Chivasa pointed out that the NCA opposed an elite driven process of constitution making, advocated for a bottom-up process that would genuinely capture the views of the people.<sup>64</sup> He further stated that in 2000, the NCA resolved to resist the government led constitution making process because the President of Zimbabwe unilaterally established the CC, resorting to the use of executive powers, accumulated through 16 unilateral amendments to the constitution, dictated the timeframes for the process, appointed all members of his party into the CC including all the members of parliament in a house dominated by ZANU PF.<sup>65</sup> Hatchard (2001) argues that the intention of the executive was to control both the process and content of the constitution by predetermining the composition and size of the CC. For Van der Vyer, cited in Hatchard(2001:7) " a superimposed constitutional formulae or constitutional arrangements that.....do not address the real causes of discontent, are sure to generate their legitimacy crisis". Wellington Chibhebhe said that the NCA rejected the GoZ process, resisted cooptation to embark on its process with a view to collect the people's genuine views and press the GoZ to produce a constitution on the basis of such views.<sup>66</sup> FGD participants mentioned that they had participated in NCA initiated constitutional platforms as trainers; some gave their views to NCA teams.<sup>67</sup> According to Mafa, the NCA dispatched teams to all districts and into the rural areas.<sup>68</sup>

Despite the constrained political context, the NCA successfully compiled its constitution draft in 2000. According to Mwonzora, this document is one of the documents being considered in the ongoing constitutional process.<sup>69</sup> Chivasa summarized the views in the NCA compiled constitution draft as an independent judiciary, sharing and separation of Presidential Powers between Parliament,

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<sup>62</sup> Chivasa, Op cit

<sup>63</sup> Ibid

<sup>64</sup> Ibid

<sup>65</sup> Ibid

<sup>66</sup> Chibhebhe , Op cit

<sup>67</sup> FDG, Bulawayo

<sup>68</sup> Mafa, Op cit

<sup>69</sup> Mwonzora , Op cit

Cabinet and the Presidency, demilitarization of state institutions and the need for a tight bill of rights as the basis for democratizing the country.<sup>70</sup> Mwonzora said that key to the NCA draft is the need to cut or shed off and redistribute presidential powers which have been widely abused over the years.<sup>71</sup> For Austin (2009) this process produced a,” stimulated and well informed public actively engaged in constitutional issues at stake. The debates significantly raised popular involvement with governance issues and led to the rise of political pluralism”. As Janoski (1998:12) puts it, the NCA became,” a sphere of dynamic and responsive public discourses between the state [and] the public sphere”. The NCA critically provided an alternative for Zimbabweans to engage in constitutional matters outside government.

The NCA created new spaces which became the main domain of information sharing and interaction with the policies of the state. It further socialized and integrated ordinary people into the civic movement. Participants in FGDs said that they had been part of the NCA outreach educational programmes which they found empowering in terms of knowledge.<sup>72</sup> The NCA used both formal and informal mediums of communication. FGD participants also said they attended workshops, conferences, marches, demonstrations, prayers, public meetings and rallies.<sup>73</sup> The NCA also used the media, employing various forms of graphics to reach out to its stakeholders. According to Chivasa these platforms were used to mobilize people in both explicit and subtle ways to press the GoZ.<sup>74</sup> In a constrained society, the NCA was able to broaden participation and pluralize debate and contestation of issues, paralleling the views presented through the state dominated mono dimensional mediums of information. As argued by Gruggel( 2002) the NCA was able to create new democratic spaces and was able to challenge dominant political narratives advanced by state actors.

The NCA paralleled and was a rivalry to the GoZ constitution making process led by the CC. Hatchard (2001:211) quoting high court papers, *Mushayakarara versus Chidyausiku* states that the CC held,” 4 321 meetings nationwide which were attended by 556 276 people, 150 000 people attended special meetings and there were 7 000 individual submissions”. Hatchard( 2001) further points out that the GoZ mounted one of its most intensive media campaigns, while denying coverage to the NCA. Chivasa said that the referendum results were the first loss by ZANU PF in any election since 1980.<sup>75</sup> The NCA was thus both vindicated and legitimized. The parallel constitutional debates significantly raised popular involvement with governance issues and contributed to the rise of political pluralism.

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<sup>70</sup> Chivasa , Op cit

<sup>71</sup> Mwonzora, Op cit

<sup>72</sup> FDG, Bulawayo

<sup>73</sup> FDG, Harare

<sup>74</sup> Chivasa, Op cit

<sup>75</sup> Ibid



#### 4.6 NCA and the Struggle for a New Constitution 2000-2008:

The period post the referendum was characterized by a bold and confident NCA against increasing state led repression. It is important to note that the outcome of the referendum created more opportunities for the NCA which saw the coalition creating a momentum of its own. As Tarrow(1998)'s "opportunity structure" show, the referendum had opened up the participation of a new range of actors outside the state. The constitutional debate had provided a new platform upon which citizens could press their demands on the state. Chibhebhe stated that the aftermath of the referendum though dangerous was exciting for the NCA ,it was soon followed by combined presidential and parliamentary elections which many people believed would be won by the opposition MDC.<sup>76</sup> Chivasa said that the NCA worked closely with the MDC implicitly campaigning for it hence it equally fell victim to the most violent electioneering since independence as the ruling party struggled to reverse the outcome of the referendum.<sup>77</sup> The GoZ invoked a divisive rhetoric based on its new policy thrust to redistribute resources, particularly land to redress colonial injustices. Participants in FGDs described how they were told that NCA and the opposition political parties were agents of the west bent on recolonizing the country.<sup>78</sup> The Zimbabwe Human Rights Forum reported of unprecedented violence, murders, abductions, assaults, torture, kidnappings, unlawful arrests organized by supporters of the government and law enforcement agents, stating that between 2001 and 2006 ,there were 1200 cases of human rights violations.<sup>79</sup>FGD participants said that rural areas were cordoned off from the opposition parties and civil society as government supporters and war veterans went on a rampage, invading commercial farms and attacking civil society groups.<sup>80</sup> According to Shumba many activists fled to urban areas, while some fled the country all together.<sup>81</sup>

The Zanu pf government clamped down on groups of civics seen as independent and political. Chibhebhe narrated how leaders of ZCTU, ZINASU, NCA and MDC so many times after 2000.<sup>82</sup> Chibhebhe described how the NCA chairman Dr Madhuku and MDC leader Morgan Tsvangirai were assaulted by police officers at a police station 11 March 2006, triggering the intervention of SADC.<sup>83</sup> Mwonzora pointed out that the state dealt with all individuals and civil society groups outside its diminishing coalition of forces brutally relying on the use of the police, military and intelligence units.<sup>84</sup> The defeat of Zanu pf during the referendum marked the beginning of that party's descent to unprecedented

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<sup>76</sup> Chibhebhe , Op cit

<sup>77</sup> Chivasa, Op cit

<sup>78</sup> FGD, Harare

<sup>79</sup> Zimbabwe Human Rights NGO forum report 2003

<sup>80</sup> Ibid

<sup>81</sup> John Shumba, FDG participant, Harare

<sup>82</sup> Chibhebhe, Op cit

<sup>83</sup> ibid

<sup>84</sup> Mwonzora, Op cit

authoritarianism which culminated in total militarization of the state and the unilateral passing of a flurry of laws to curtail civic activities.

Civil liberties and human rights increasingly became casualties as Zanu pf attacked the NCA. According to Fambai Ngirande of NANGO, Zanu pf saw civil society as puppets of the worst and politically partisan.<sup>85</sup> He said that harassment, intimidation and violence was backed by repressive legislation such as Public Order and Security Act, the Access to Information and Protection of Privacy Act which criminalized and disabled civil society. Ngirande said some NGOs were threatened with deregistration.<sup>86</sup> In a report NANGO stated the threats to civil society from government as repressive legislation, campaign of violence and politicization, interception of communications, locking up of funds, targeted attacks on individuals and threats to seize assets. The NCA became the foremost target and victim because of its apparent political activities.<sup>87</sup>

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<sup>85</sup> Interview, Farai Ngirande, National Association of Non Governmental Organizations Spokesperson, Harare, 19 October 2009

<sup>86</sup> *ibid*

<sup>87</sup> Nango

## Chapter 5 FINDINGS AND CONCLUSION

### 5.1 INTRODUCTION

This chapter provides a summary of the research findings and the conclusion. The views of the respondents on the role of the NCA, its relations with political parties, positions on the constitution debate and strategies will be captured. The research concedes that there is a connection between the role of the NCA and the democratization process. The NCA fostered a broad civil society front to confront ZANU PF, integrated interests, mobilized and organized the public, shared resources and information and paved the way for the formation of the MDC. Its diminishing influence was a result of a combination of increased coercive politics by ZANU PF which nearly crippled mass protests and the dominants of the MDC within the opposition wing.

### 5.2 FINDINGS

#### **The NCA and Political Parties**

In both the interviews and FDGs it was revealed by the participants that the process of the formation of the NCA shaped its confrontational relations with the ruling party, ZANU PF. The NCA brought together groups critical to ZANU PF to demand a new constitution which secured individual and citizen rights which for years were violated by the ruling party. Mwonzora stated that ZANU PF agreed to a new constitution, coinciding with the NCA's agenda to embark on lobbying and constitutional advocacy. He further said that when ZANU PF failed to contain the NCA, daggers were drawn. FDG participants narrated their experiences of intimidation and violence, yet they remained supportive of the NCA agenda.<sup>88</sup>FDG participants in Bulawayo stated that the level of intimidation made it apparent that there was need to remove ZANU PF from power to retain peace hence we actively supported mass action, since elections were failing. They also agreed that they were involved with both the NCA and the MDC. In Harare FDG participants conceded that in the long term protests lost steam as both leaders of the NCA and the MDC including their ordinary supporters were indiscriminately attacked, murdered or arrested and polarization increased. The only remaining option became expressing themselves in the ballot box, thus weakening protest politics. According to Chivasa, the exodus of many young people to the diasporas eroded the support base of activists for ZCTU and ZINASU which were the key stakeholders of the NCA. Zimbabwe has a population of over 4 million in other <sup>89</sup>countries.<sup>90</sup>Chivasa pointed out that the

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<sup>88</sup> Mwonzora, Op cit

<sup>89</sup> Chivasa ,Op cit

rural areas became no go areas for NCA with many rural activists moving to towns for refuge. This undermined the realization of a forced transition following regime fragmentation as result of mass protest and the weakening of the NCA as the MDC became more influential.

The NCA paved the way for the formation and flourishing of the of the MDC. Chibhebhe narrated how the NCA and the ZCTU provided human and material resources including office space, party regalia, vehicles while activists joined teams which travelled around the country galvanizing support and capturing views on the formation of the MDC. There was a mutation of Structures of the MDC, NCA, ZINASU and ZCTU at provincial, district, and local levels. FDG participants in both Harare and Bulawayo affirmed to their membership of the MDC, while others were officials in both organizations even now. Elton Ncube stated that they were more inclined to prefer the party position, where the NCA position differed with that of the MDC.<sup>91</sup>Despite its earlier hold as a founder of a broader front for democracy, it is clear that once the MDC became stronger, it gained more influence on the public and only relied on the NCA strategic reasons. Chamisa aptly captured the MDC view by stating that” we as a political power will continue to contest ZANU PF in all elections as we seek to get in office via the ballot and not violence. Our civil society partners should strengthen our position until democracy is achieved.”

The coalition government formed after the failed June elections have severely weakened and divided the NCA into factions opposed to and those supporting the MDC. Lovemore Chinoputsa stated that while their student colleagues opposed the current dispensation, they felt that the coalition government will lead to a properly institutionalized society, free and fair elections and minimal resort to political structures of coercion. The process of the formation of the coalition government has clearly shifted the politics of transition in Zimbabwe from civic led protests to an elite negotiated model as espoused by Dahl(1986). At its conclusion, this process should lead to liberalization, institutionalization including the writing of a new constitution, elections and democratic consolidation. However it should be said that in the context of Zimbabwe this view is heuristic, given the weakened role of the other faction of the NCA opposed to the coalition government and ZANU PF ‘s control of military and security structures. FDG participants stated that the NCA is slowly getting less visible and marginalized. They also stated that if the political economic situation continues to improve very few people will be inclined to politics of protests.

The role of the NCA should not only be viewed on the basis of its contribution to politics of transition per se, but also its constitutional initiative. According to Mwonzora the NCA has consistently steadfastly pushed for an inclusive process of constitution making while politicians sought power in political parties. Mwonzora said the NCA should therefore be credited with initiating and taking

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<sup>90</sup> Herald 15 November 2005.

<sup>91</sup> Elton Ncube, FDG, Bulawayo

the constitution discourse to the ordinary people, the public and awakening them to demand participation and accountability. <sup>92</sup>FDG participants stated that they mostly started activism with the constitution making initiatives led by the NCA, sharpened their mobilization, organization, information sharing, conflict management and leadership skills within NCA process.<sup>93</sup> To this end the NCA promoted democratization and participation within its constituencies. The NCA has since produced a large number of political leaders now in government as Members of Parliament and Ministers on an MDC ticket. The Prime Minister of Zimbabwe is the founding chairperson of the NCA .

Between 2000-2009 the NCA delegitimized the ZANU PF regime by confronting it through protests, while exposing its coercive excesses. The NCA also campaigned against the skewed electoral system stating that it was highly controlled by the executive for fair elections thus exposing the problems with elections in Zimbabwe and the emptiness of the claimed victories by the ruling party. Chivasa stated that in 2008 NCA structures campaigned for the MDC thus aiding the MDC electoral victory despite the skewed rules and process.

It was clear from the interviews and FDGs that the NCA played a key role in democratization. <sup>94</sup>The current transition mechanism is partisan, elitist and exclusive of civil society hence there is little accountability and monitoring by citizens and civil society. However supporters of the MDC, most of them who happens to be MDC activists hope that the transition will be peaceful and they support it as opposed to the hardline NCA faction which is opposed to the coalition government. On whole, the role of the NCA was diminished by the dominance of the MDC.

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<sup>92</sup> Mwonzora, Op cit

<sup>93</sup> FDG, Bulawayo, Op cit

<sup>94</sup> Chivasa, Op cit

### 5.3 CONCLUSION

In conclusion, it is important to revisit the research questions and objectives to tell whether the objectives have been met and the questions have been answered. The research sought to find out what role civil society play with respect to democratization using the particular case of the NCA with the objective to examine whether there is any connection between civil society and democratization and its implications on the relations between the NCA and the ruling and opposition political parties. The strategies, nurture and sequence of democratization as demanded by the NCA was also analyzed vis-à-vis positions of political parties to democratization.

The paper managed to answer the raised questions. It is clear from the paper that the role of the NCA was shaped by historical, Institutional and the political-cultural context. The nurture, style and the length of the reign of the ZANU PF regime also contributed to the constrained long-term impact of the NCA through increased repression and polarization which made it very difficult to continue to mobilize the public for street protests. ZANU PF used a strategic mix, combining coercion with resource based mobilization of rural communities, while making them impenetrable by the NCA. The strength and loyalty of the military and its ability to temper with the constitution, electoral institutions and regulations meant that ZANU PF did not have to necessarily rely on the legitimacy of voluntary public support to rule. This curtailed the NCA vision of political transition via an enforced bottom-up process by way of urban-led protests fronted by the ZCTU and ZINASU

The NCA generated opposition to the ZANU PF regime by bringing together fragmented civil society actors under its banner, paving the way for the formation and continued popularity of the MDC, strategically collaborating, providing human and material resources, sharing information and solidarity. The NCA activities eroded the legitimacy of ZANU PF by confronting the party while exposing its excesses thereby opening more opportunities for activism and catalysing political transition. While the NCA was broader and more popular, the emergence of the MDC in a highly polarized political environment saw a slow shift and increased participation of the public in partisan electoral politics to the detriment of the NCA protest movement.

The entry of MDC into the Coalition Government with ZANU PF has changed the transition matrix, further weakened and marginalized the NCA. The public is more inclined to mediate its interests threw political parties including the many NCA members who double as MDC members. The NCA, in practice finds itself dominated, co opted or marginalized by the MDC while its former constituencies are divided between aligning themselves or working contra the MDC while the MDC instrumentally view the NCA as strategic partners. The MDC has embraced a minimalist elite driven process of political transition currently obtaining by way of on-going negotiations between ZANU PF and the two MDCs.

If citizen and civil society participation are measures of the quality of democracy, there is no guarantee that the elite driven form of democratization currently obtaining in Zimbabwe can result in democracy deepening given the weakness and role confusion of the NCA and civil society in general. What is clear is that Zimbabwe has taken a minimalist course of political transition which has diminished NCA's activism and cooperation. While the NCA stimulated democratization in the absence of strong political parties, was the forerunner to the formation of the MDC, the emergence of the MDC has undermined the role of the NCA to mere strategic relevance.

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