7. NGOs and State in Zimbabwe: Implications for Civil-Society Theory

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Studies of NGO-state relations often use conceptions of "civil society" which emphasize state-society conflict. Such notions, however, are often excessively bi-polar, ahistorical and not empirically grounded. This paper proposes that state-society relations must be understood not only in terms of the states use of coercion but also its construction of consent. Taking Zimbabwe as a case study, the paper first examines NGO-state relations in general, and then focuses on case studies of NGO coalitions, formed by "activist NGOs" responding to the government's imposition of structural adjustment in 1991 and the 1995 efforts to regulate the NGO sector.

NGOs and "civil society"

Political scientists have attempted to appropriate the philosophical concept of "civil society", using it as a diagnostic and programmatic tool. NGOs have been ascribed an important agential role in the contemporary civil society literature as leaders of both development and democratization. Yet, those who propose that NGOs may function in this latter role often romanticize them, assuming that they are necessarily voluntaristic, participatory and in opposition to the state. Such assumptions seem compounded of idealizations of Africa and development work, based on implicitly normative notion of civil society. In particular, NGOs are thought to be valuable because they are "non-state actors". Sheldon Annis sums up such views when he suggests that:

...those of us who by instinct and experience do not like governments or central authority may wish for a purer (that is a stateless) development scenario. In our minds eye, we can imagine tens of thousands of diverse independent autonomous non-governmental organisations that challenge or replace the state. We see a vast, de-centralised profusion

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This paper is based primarily on interviews and archival research carried out in August-October 1995, and participant-observation within two Zimbabwean NGOs: the Zimbabwe Human Rights Organisation (ZimRights) between October 1996 and April 1997, and Ecumenical Support Services (ESS) between October 1996 and September 1997. These research trips were supported by the Rhodes Trust and the Carr Fund of St Antony's College.
of independent organisations — as if development were a rich spread of wild-flowers rather than a cultivated field.²

While Annis is speaking tongue-in-cheek, others have tended to see NGOs in this light. For instance, John Clark advocates increasing the importance of NGOs in development work because they are less likely to see orthodox, technical solutions to problems and more likely to seek political remedies. Similarly, Edwards and Hulme characterize state-society relations as adversarial by suggesting that “traditionally, most NGOs have been suspicious of governments...”³.

While some scholars have challenged the western preconceptions of civil-society state relations, drawing out questions about the binary analysis, empirical distance, hidden theoretical assumptions, and the interpenetration of state and society,⁴ much writing about NGOs has tended to remain tinged with romanticism.⁵ For their part some Zimbabwean academics are sensitive to the complexity of the situation. Sam Moyo, for instance, has usefully identified the tendency of NGOs to use indirect and informal tactics in dealing with policy changes.⁶ As well, Brian Raftopolou has roundly criticised the tendency of political scientists and activists to emphasise the coercive aspects of the state, while ignoring the co-optive and inclusive side of its rule. Raftopolous went on to suggest that the government easily marginalises the typical “coercion-centred” critique, and called on those present to contribute to a more nuanced understanding of the forces through which the government gains consent.⁷

Picking up on these critiques and drawing also on my time spent working within indigenous Zimbabwean NGOs, I want to emphasize three factors which influence and constrain the operations of NGOs. First, NGOs exist within the political hegemony of state and ruling party, ZANU(PF), which depends on a context of “legitimacy” created by the liberation war and entrenched by post-war development, the lack of opposition parties, and the Mugabe governments willingness to coerce and co-opt would be dissidents. Second, NGOs operate under material and organizational constraints — that they are as much centres of employment as sites of activism — which encourage them to develop good working relationships with the state and constrains them from contentious challenges to its authority. Third, and resulting from these first two points, NGOs exercise strategic pragmatism, framing what few challenges they make to the political order in a depoliticizing discourse in order to make themselves acceptable to their colleagues and the state. In short, NGOs are often constrained from taking on the roles imputed to them by the civil society theorists, by virtue of having a stake in the ZANU(PF) system.

NGOs and the state: Coercion and consent

Since independence in 1980, the Mugabe regime has sought to develop what might be seen as a Gramscian hegemony over Zimbabwean civil society, based on the dual pillars of the liberation war victory and significant socio-economic development thereafter. This has been aided by its domination of national media outlets and the lack, since 1987, of a viable opposition party. In addition, the state has used its legislative powers to handicap the potential social movements of labour, students and NGOs.¹⁸ Moreover, the regime has not hesitated to use both official and unofficial repressive mechanisms — the armed forces, police, and the Central Intelligence Organization (CIO) as well as the ZANU(PF) youth league and woman’s league — against “trouble-makers”.

For the NGO sector, the CIO is the most visible of these groups. Workshops and meetings are regularly attended by “men in suits” whose addresses are listed as either the Presidents office or the Department of Information. In addition, NGOs also receive regular, though non-

⁶ Stephen Ndgeva, The Two Faces of Civil Society (Connecticut: Kumarian, 1996) tries to cut through some of the illusions, but his focus on the role of individual personalities obscures more than it clarifies creating a great woman theory of NGOs.
threatening, visits from CIO agents enquiring about upcoming activities. When NGOs discuss constraints on the exercise of advocacy, they frequently mention a "culture of fear" which prevents people from being outspoken. NGO staff are very aware of the power of the police and CIO and the cases of people who have "disappeared" under suspicious circumstances.

Formally, government-NGO relations are mediated by the Ministry of Public Works, Labour and Social Welfare (MOPLSW), specifically the Department of Social Welfare, and the National Association of NGOs (NANGO). Co-opted at worst and at best resoundingly inefficient, despite several attempts to evaluate and regenerate the organisation, NANGO has never fulfilled its mandate to represent NGOs and has been plagued by a lack of transparency, mismanagement leading to a ZWD 1.5 million (USD 150 000) debt, and staff resignations as salaries went unpaid. During a recent meeting of NGOs, the Deputy Director of Social Welfare was elected to a Task Force charged with resolving NANGO's administrative and financial crisis, further blurring the lines between NGOs and state. Not surprisingly, in this context, NGO-state relations are rarely explicitly contentious.

On a day-to-day level, most NGOs interact regularly and informally with individual Ministries within the Mugabe government. NGOs describe these relationships as "co-operative", "positive", or "good". NGOs do attempt to influence policy, yet this is rarely predicated on adversarial action, although some describe themselves as being "forced into" confrontation with the state. For example, research suggests that although some NGO leaders may wish to make demands upon the government, the majority of rural development NGOs describe the state as primarily co-operative (60%) or both co-operative and interfering (27%). Similarly, 43% describe their relations with the state as generally positive, 18% have mixed positive and negative relations, and 25% have isolated problems, leaving only 14% with generally negative relations.

Rather than pressing claims against power as civil-society theory suggests, NGOs seek to avoid such contention. In a workshop-based discus-

10 NANGO, "A report on the Northern Region General Meeting held on the 4th September at the Holiday Inn Crowne Plaza Monomatapa Hotel". The debt is thought to have grown to ZWD 2 million (USD 200 000) by July 1997; IB Kiragu and S Sakupwanya, Evaluation of NANGO, 1995; NANGO, Report of a workshop on strengthening the planning process within NANGO structures, 2-3 April 1996; NANGO, Report of a workshop on strengthening the planning process within NANGO structures, 20 July 1998; G. Madzima, A Co-ordinated voice for NGOs - The path ahead. May 1997.

11 Jessica Vivian and Gladys Maseko, NGOs, Participation and Rural Development (Geneva: UNRISD, 1994), 33-34.

sion on the nature of advocacy, several NGO staff members emphasized that no matter what tactics were used "...we must avoid confrontation". Although the government has on several occasions used heavy-handed tactics against NGOs – most famously alleging that the treasurer of the Savings Development Movement misused funds, I found that those who reported problems took great pride in having "patched up" relations. Similarly, ORAP, a prominent Matabeleland-based NGO, which bore the brunt of government disapproval in the early 1980s, has since developed a good working relationship with the government – good enough for its founder to be elected to Parliament on the ZANU(PF) slate.

The seeming passivity of Zimbabwean NGOs is crucially linked to their origins in the nationalist movement, its protracted struggle against the Rhodesian state, and subsequent transformation into state and ruling party. While some voluntary organisations developed during the colonial era remain predominately "white" organizations, welfare-oriented NGOs, including the predecessor of NANGO, generally developed as support mechanisms during the liberation struggle. After independence, other organizations were founded by ex-combatants and returning exiles. These latter groups are the most linked with the state – their staff may be ex-combatants or former civil servants, their board members almost inevitably include an MP or other politically strategic figures.

In the 1990s, organisations have sprung up to deal with "new" problems, such as homeless and landless people, AIDS, and women's rights. Even this third generation of organizations, however, attempts to forge links with government and ruling-party figures. For example, a shelter for battered women – the Musasa Project – makes a conscious effort to foster support in government by having a number of MPs and high level police officers on their Board of Directors. The government is neither avoided, nor perceived as an opponent. As one NGO staff member said, "donors come and donors go, but the Ministry is always there."* material basis of NGOs

Despite critiques that donors and governments may have undue influence on NGOs, there has been little examination of the motives of those who form, work for, or join NGOs. In 1989 Michael Bratton, one of the better-

12 Field Notes (Public Policy Training Workshop, Bulawayo), 14 July 1997.
13 Personal Interview with Sally Zimbiti, SHDP, 19 September 1995.
15 Personal Interview with Vimbai Zinyama, IBWO, 30 October 1996.
known observers of Zimbabwean NGOs, suggested that “voluntarism sets NGOs apart.”17 Similarly, David Korten has suggested that it is the volunteer nature of NGOs that renders them “relatively immune” to political pressures.18 Yet volunteers are the exception rather than the rule. The NGO sector is increasingly professionalised and seen as an (if not the) ideal sector for personal advancement. Critics of the neopatrimonial state in Africa have stressed its role as the source of personal enrichment. Yet, it seems that the NGO sector has taken up this role. Working for NGOs or setting up ones “own” NGO is increasingly seen as a professional career – especially as the civil service often fails to provide adequate remuneration.

Even NGOs not initiated as “make-work projects” rapidly become vehicles for employment. ZimRights, the Zimbabwean Human Rights Organisation, has since its founding in 1991 moved from three full-time staff members in 1994, to eight in 1995, 11 in 1996, 24 in 1997, and 41 in 1998. More problematic for the notion of voluntarism, is that it continues to be a source of employment for members. Of the 24 employees in 1997, 6 were former National Council members (the decision-making body of the organisation).19 This means that, for example, the member who had formerly chaired the Economic and Social Rights committee is now the paid staff member responsible for this department and there is no longer a supervisory role. Other lower-profile positions were also filled by ZimRights members and/or volunteers who negotiated voluntary positions into paid positions.20

Even NGOs with small staffs may support a wide network of hangerson and NGO voluntarism may be seen as a kind of income-supplement. At Ecumenical Support Services (ESS) for instance, board members receive money for travelling to meetings, a hotel room and meals. As well, academics and NGO staff are regularly asked to present papers to workshops and meetings – for a fee. In another case a meeting was organised by the Southern Aids Awareness Trust (SAAT), at which “partners” who lunched with the Canadian Minister for International Development were given ZWD 500 (US$50) in addition to their lunches.21

Similarly the production of materials, such as newsletters or workshop reports, is always budgeted for and either contracted out formally or informally to members and/or colleagues. Membership organisations also provide financial inducements. ZimRights, for instance, at its 1997 AGM subsidised all staff and members who attended ZWD100, well in excess of most travel costs.22 Members, perhaps unclear about the objectives of the organisation, sometimes express expectations that ZimRights will provide other benefits such as education or access to land.23 Tendencies towards professionalization are reinforced by a “workshop culture”. Even casual observers of Zimbabwe’s NGO scene comment on the number of workshops and, more perceptively, some note that most participants are NGO professionals. This is caused, in part by the 9–15sm endemic within the sector, with meetings being held during working hours making it nearly impossible for interested volunteers to attend. Decisions and planning of lobbying and advocacy are thus made by “professional activists” attending meetings with their colleagues. So there is relatively little “activism” in the sense of volunteer or grass-roots involvement at this decision-making level. While “public meetings” advertised in the press and held after 5pm, tend to be informative and well attended they are largely informational. This workshop culture is also partly driven by donors who wish to see quantifiable results for their money. The standard mode of functioning for an NGO is to organise a workshop, invite guest speakers, facilitate group discussions and come up with a workshop report. Although donors do increasingly demand “follow-up”, this often turns out to be further workshops, often on a local or regional scale – reaching a wider audience. As well, donors are often reluctant to provide discretionary funds, which can be used by NGOs when unexpected events take place and a response is required – so funding continues to be gauged towards on-going projects rather than policy-oriented advocacy. As will be seen below, constructive efforts to deal with an unexpected issue can emerge from a workshop scenario, yet for this to happen requires unusual initiative and commitment.

Finally, understanding Zimbabwean NGOs as professionalized sites of employment generation explains why they are particularly vulnerable to state sanctions and required to take a co-operative approach. NGOs dedicated to service provision fear being prevented from carrying out their programmes, and therefore harming both their “clients” and their organisation, which by implication would also risk their jobs, and by implication their families livelihoods. To engage in combative discourse with the state is to imperil the organisations’ day-to-day running. Although there

19 Executive Director, Financial Administrator, Women’s Desk Programme Officer, Women’s Desk Project Officer, one Para-Legal, and the ESROP Programme Officer
20 ESROP Project Officer, Assistant Information Officer, Registry Clerk, and Office Orderly.
21 Field notes, 2 September 1997.
22 Field notes, ZimRights AGM, 10 May 1997.
have been popular uprisings in the form of strikes, stay-aways, squatting and rioting, these constraints prevent NGOs from capitalizing on the pent-up frustrations of “ordinary” people, who have less to lose.

Depoliticization/strategic pragmatism
The ever-present threat of coercion and the costs of being out of regimes good books force NGOs to tread carefully vis-à-vis the state so as to avoid challenging the post-1980 political order. This is reflected in their discourse and practice, in which efforts are made to depoliticize actions and statements. As one participant at a workshop on theology and poverty said: “Do we want to be martyrs or do we want to be social reformers?”

In the case studies below, NGOs consistently refer to themselves as “development actors” and justify their actions in terms of “bringing development”. To a lesser extent, they also make claims to “nationalism” and, where appropriate, to religious inspiration.

Such findings are an interesting twist on the development discourse literature. Fergusson’s study of the macro-discourse of development institutions revealed how development has been depoliticized. Similarly, Williams and Young’s examination of governance, incorporating notions of “participation” and “civil society”, reveals how these value-laden terms come to be “neutralized” by incorporation into the global discourse of development institutions. These studies focus on how discourse is used by those in positions of power – international development consultants, professionals, and others. However, discursive strategies are also resorted to by those living within the remit of “developmentalism”. Discourse and discursive practices become useful tools in understanding power relations between state and society; not just between international development institutions and states. People are not merely entrapped by the powerful images from “above” but may themselves also use and manipulate the language and potential of the new terminologies and concepts. Subaltern groups may challenge the states ownership of a particular concept, such as “development”, “faith” or “nationalism” using it to further their own interests. The national and hegemonic discourse is reclaimed or reappro-

24 Field Notes, “New Wealth: Milking the Poor” Public Meeting in Harare, 9 October 1996.

NGOs and State in Zimbabwe

Coalitions
Despite government attempts at demobilization, historic ties to the state and pragmatic decision-making NGOs in Zimbabwe have attempted to mobilize against selected government policies. Between 1995 and 1997 issue-based coalitions were formed in reaction to policies concerning the economy, land, gender, health, NGOs, public order, and the Constitution. This section follows the establishment and struggle for legitimacy of two of these campaigns – structural adjustment and NGOs – as they demanded to be taken seriously by both their government and their fellow NGOs.

Structural adjustment
The first phase of structural adjustment, known as ESAP I (1990–1995) had a well-documented series of social and economic effects, including increased prices, currency devaluation, and health and education user-fees. Theorists of civil society expected that such economic hardships would trigger an upsurge of opposition and protest from NGOs. Yet, despite the impact of ESAP on many Zimbabweans, NGOs paid relatively little attention to the policy-level of government, contenting themselves with trying to alleviate the impact of ESAP. Indeed, between 1990 and 1994, Zimbabwean civil society was remarkably silent on economic issues and NGOs failed to question ESAP in any substantive way. When questioned, NGOs have stressed that ESAPs implementation took them by surprise, that people believed the government when it said that the Social Dimensions Fund would support the poor and that they didn’t know how to respond to ESAP.

In 1994, as the government, aided by UNDP and the World Bank, began to design the second phase of ESAP (also referred to as the Zimbabwe Programme for Economic and Strategic Transformation – ZIMPREST), several church-based NGOs were determined to become involved in the discussions. The remainder of this section will chart the progress of civil society advocacy as NGOs demanded participation in the development of ESAP II.

In March 1993, the Ecumenical Support Services (ESS) organized a workshop on the effects of ESAP on Zimbabwean NGOs. At this workshop, bringing together representatives of NGO, donors and the World Bank to examine and respond to ESAP, NGOs discussed how they had
changed to meet the new challenges of ESAP. Some had increased their capacity and/or reprioritized demands, while others had cut back on service-provision. Most NGOs reported trying to meet the new needs of their clients and overcoming the obstacles established by ESAP. Significantly, only one NGO claimed to have lobbied against the policy.

Participants developed a series of recommendations noting that NGOs are no longer able to meet the increasing demands for their services but should instead: “insist that government should do more for its people”. They also suggested that NGOs, as “development actors”, should demand inclusion in debates on national development. NGOs agreed that they must move past the simple provision of services towards “policy analysis and advocacy.”

The NGO Lobbying and Advocacy Group (LAG) was developed by ESS in response to these needs.

In September 1995, the World Bank approached Zimbabwean NGOs concerning the second phase of ESAP, in preparation for the annual IMF/World Bank meetings in Washington, D.C. In response to this, ESS and other NGOs met with the government delegation to the Washington meetings. This meeting was preceded by a preparatory session, to ensure that all the NGOs had something to say “so that there was not just one loud mouth NGO” but a clear NGO agenda. Deprose Muchena, the ZCC delegate to the preliminary meeting, noted, “[the people] are required to take an active role in defining the development paradigm, through churches, civic groups, and NGOs.” The NGOs urged the government to make ESAP II more participatory and be accountable, claiming that as “development actors” they must be involved in the planning process.

Efforts to develop an NGO advocacy voice resumed in April 1996, when the World Bank Poverty Mission arrived. In May, LAG established an internal taskforce to evaluate ESAP II. The NGOs had assumed that the ZIMPREST document would be sent to LAG. However, the governments failure to release the document rendered this taskforce irrelevant. Letters were sent in protest against lack of consultation in the drafting of the ESAP II document to the Ministry of Finance. As ESSs letter to the Minister of Finance, the permanent Secretary in the Ministry of Finance and the Planning Commissioner in the Presidents office said:

As development actors we strongly feel that the problems identified to be a result of ESAP I should have been addressed through a national participatory evolution of the process...This is the only opportunity available over the next five years maybe for us to consult with each other...we wish to remind you that ESAP is a National programme whose success will only depend on our people’s sense of ownership. You are therefore, in our opinion, obliged to open up national debate, discussion on both ESAP I and the process and content of ESAP II.

The Ministry responded to all 13 letters sent by LAG members, with what appeared at the time to be a very encouraging tone, welcoming the participation of civil society. However, hearing nothing further from the Ministry about participation, LAG, in late September 1996, forwarded a petition signed by 58 individuals, again requesting to be involved and again there was no response. In November 1996, the ZCC hosted a 2 day national meeting on ZIMPREST – a platform for civic actors and actresses, men and women of Zimbabwe, an opportunity to rethink the development process in Zimbabwe – which was attended by LAG members as well as representatives of ZCC member churches. Yet this bold attempt floundered when the Minister responsible failed to turn up for the workshop. Since the participants had still not actually seen the ZIMPREST document, it was difficult to debate it concretely. The final status of the ZCC workshop input is unclear, as Deprose Muchena of the ZCC ironically stated, “We sent it [the document produced by workshop] to the Minister and didn’t hear from him. We then sent it to ZANU(PF) after we heard that they make the policies.”

In February 1997, the Minister of Finance was invited to address a LAG meeting to be held in March, which he was not able to attend because “the ZIMPREST document was still in its draft stage...” As he explained, the:

...draft document is in the process of being discussed by heads of Ministries and the Cabinet. Thereafter the document will be discussed widely by the various stakeholders in a series of workshops. It is hoped

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29 I Thorpe and Vekris, 31.
30 Personal Interview with Tawanda Mutasa, 15 September 1995.
31 ZCC. “Economic Justice Network/Ecumenical Support Services/NGOs meeting on the preparation to meet the Zimbabwean Delegation going to Washington for the October 7 and 8 meeting”. Minutes compiled by Deprose Muchena, n.d.
33 ESS. Minutes of LAG meeting 24 May 1996.
34 Letter from ESS to Minister of Finance, 29 May 1996.
35 Kuchera, 2-3.
36 Field Notes (LAG meeting, Harare) 18 March 1997.
37 Letter from M Dzinotizei for Senior Secretary for Finance, to Jonah Golova, ESS 10 March 1997.
that your organisation will be invited to attend the workshops for your inputs... 30

Perhaps this is merely a stylistic infelicity, but the letter explicitly does not invite either NGO-LAG or ESS to contribute to the process, but merely expresses the hope that they might be invited to do so. The other irony, that the document can only be discussed by “stakeholders” when it is no longer in a draft stage, was also not lost on the recipients.

As ZIMPREST has not been introduced and no NGOs been invited to “workshops or consultations”, LAG efforts at ESAP-related advocacy have stalled. Indeed, the experience with advocacy around economic issues illustrates the limitation of understanding Zimbabwean NGOs as effective advocates for civil society. First NGOs were reluctant to tackle ESAP at all; when they did they were stonewalled by the government and met with suspicion from within their own ranks. In particular LAGs weakness in confronting the government stems primarily from its Harare-dominated membership. The NGOs involved are by no means representative of the NGOs which form the mainstay of the development sector. Attempts to expand the membership to the provinces of Manicaland and Matabeleland have had little effect. In Manicaland, for example, only a small number of NGOs were represented at a workshop designed to introduce them to advocacy and lobbying. Some participants complained that there was no per diem or transport money provided for participants while others were hostile to the portrayal of government policy. 39 In Matabeleland, a large number of participants showed up for an afternoon meeting, filling the meeting room to overflowing. Nevertheless, participants were again hostile and critical of the organiser’s motives. Participants were wary of the idea of joining LAG, which was seen as challenging NANGO—the government-recognized co-ordinating body. Although the Matabeleland Chair of NANGO said that there was no reason that NANGO should monopolize advocacy and admitted that NANGO was unable to carry out any such lobbying, other participants repeatedly expressed concern that LAG would duplicate or attempt to replace NANGO. 40

Much as NGOs were interested in talking about lobbying and advocacy and concerned about economic issues, they were above all worried about being involved in a “political” campaign; as the Roman Catholic Bishop of Mutare warned participants in the drafting of a document on economic justice and governance, “we should speak with the voice of God...we must avoid speaking like an opposition party.” 41 A month later, he again felt called upon to remind participants, “We are people sent by God to say something about our country...We are not political people.” 42

The private voluntary organizations act
In 1995 the Welfare Organizations Act, brought in by the Rhodesian government in 1967 to oversee the actions of organizations supporting the guerrillas and their families during the liberation war, was amended and renamed the Private Voluntary Organizations (PVO) Act. The government introduced the legislation to Parliament by saying that:

[This legislation] should enhance equitable development, effective partnership between Government and NGOs and a mechanism that will allow multi-sectoral participation in the fight against poverty...[and provide] an enabling environment... 43

This legislation was not initially of concern to many NGOs, nor to those outside the NGO community. However, the amended Act gave the Minister of Public Service, Labour and Social Welfare the power to “gazette” (meaning suspend) any or all members of executive committees and to appoint trustees to run the organization. The Minister was to base such a decision “..on information supplied to him” which will determine if an organization is deemed to have “...ceased to operate in furtherance of the objects specified in its constitution; or the maladministration of the organization is adversely affecting the activities of the organization; or, the organization is involved in any illegal activities; or it is necessary or desirable to do so in the public interest.” 44 The Minister was therefore not required to carry out any investigations into the allegations, nor was there any possibility of appeal or defense. The Minister was to be constrained by an appointed Board composed of representatives of NGOs, Ministries, and the provinces of Zimbabwe; however, all appointments were to be made through the Minister.

The Act was used in 1995 as the government suspended the Executive Committee of the Association of Women’s Clubs (AWC), and later replaced them with women alleged to be “loyal” representatives of

39 Field Notes, (Manicaland NGO Lobbying and Advocacy Meeting) 20 May 1997.
40 Field Notes, (Bulawayo NGO Lobbying and Advocacy Meeting) 16 July 1997.
41 Field Notes (Drafting Meeting: A Call to Prophetic Action!, Mutare). 11 February 1997.
42 Field Notes (Drafting Meeting: A Call to Prophetic Action!, Mutare) 10 March 1997.
ZANU(PF)'s Women's League. The "gazetted" women applied to the Supreme Court, which found unanimously in their favour, agreeing that their right to a fair hearing had been obstructed.

NGOs had been slow in responding to the invasive potential of the Act. In January 1995 the then Acting Director of the Department of Social Welfare had informed the Annual General Meeting of NANGO that the Ministry was in the process of revising the Act. NANGO and most NGOs insist, however, that the details of the Amendment only came to their attention after its introduction in Parliament. Any event, there seems to have been no consultation between NANGO and Social Welfare until after the second reading of the Bill, at which point the Executive Director of NANGO contacted the Minister of Public Service, Labour and Social Welfare to point out that the proposed name change from "Welfare Organizations" to "Private Voluntary Organizations" was "...rather alien to Zimbabwe." Later, the Director contacted the Director of Social Welfare, with a list of five changes to the Act that would reduce Ministerial powers.

In the months following the adoption of the act, some NGOs also became aware of the Act and concerned about the potential for Ministerial abuse. ZimRights publicised concerns about the Act at the 1995 Zimbabwe International Book Fair, suggesting that:

...this Act goes beyond providing for the correction of mismanagement...it is intended to serve as a club against outspoken NGOs....why this is seen as desirable is unknown. The work of NGOs is crucial to the development of Zimbabwe...

There was little other publicity or protest. A taskforce of NGOs within NANGOs Northern region suggested that "...the present Act goes beyond the legitimacy of the Government to oversee the work of NGOs. NGOs feel that the Act has every room to cater for abuse, corruption and even threatening the independence of NGO work." These NGOs therefore suggested several amendments to the Act including the definition of what sources of information the Minister can use to justify the suspension of an NGO, that the Board should be appointed from a short list of nominees prepared by NGOs and that at least two-thirds of the members should represent NGOs, and the inclusion of a process of appeal. The NGOs also resolved not to participate in the drafting of subsidiary regulations to guide the operations of the Act, feeling that this would "...imply that NGOs subscribe to the Act." This effort to respond to the Bill within the strictures of NANGO failed to reach NGOs beyond the Northern region and dissolved with the resignation of several key actors from the Northern Region Executive Committee, who had also been involved in the Taskforce.

Finally, in June 1996, 7 months after the suspension of the AWC leaders and 18 months after the introduction of the Act, ZimRights organised a workshop on NGO Activism "...instigated by the failure of NGOs to unite in opposition to the PVO Act" followed in September 1996 by a follow-up workshop, sponsored by MWENGO, a regional NGO led by Ezra Mbuyo, one of the lead actors in Kenyan NGOs campaign against repressive government regulation. Out of this workshop came the Campaign for the Repeal of PVO Act, led by a six-member Steering Committee. Later, others, including myself, attended meetings regularly, but were never publicly recognised as campaign members. Aware of its potentially high profile and concomitant points of weakness — foreign influence — the Campaign invited staff from international NGOs such as MWENGO, Oxfam, and Norwegian Peoples Aid to attend as "invisible members." Costs of the Campaign were shared between NGOs, one paying for meetings, another for advertising space in newspapers, others providing photocopying for materials, or meeting space. Funds were also found to


48 Personal Interview with Agatha Dodo, NANGO, 4 September 1995.


51 NANGO. "Amendments to the Social Welfare Organizations Act (PVO), recommendations by the Task Committee." n.d.

52 Letter from the [NANGO] Northern Region Chairman, T M Nhongo to the Chairman of the NANGO National Executive, 19 June 1995.


54 Emilia James. Streets Ahead (an organisation working with street children), Barbara Kholo and Regis Muvunzi of Housing People of Zimbabwe (an organisation working with housing co-operatives), Jonah K. Gokore of Cenmmerical Support Services (an interdenominational church organisation), Paul T. Niyathi of the Zimbabwe Project (a development NGO), and David Chimhini of ZimRights (a human rights organisation).

55 Field Notes (Steering Committee Meeting), 10 February 1997.
support the AWC women in collecting signatures, from Oxfam UK and Ireland, which were channelled through the Committee. In August 1997, donors were approached to fund the campaign formally.

The PVO campaign was handicapped by the limited networking of NGOs in Zimbabwe, which prevents the spread of information and the reluctance of the mainstream press to print articles on the PVO Act. At the same time, the Campaign decided not to seek media attention for itself, but to “conscientize” NGOs first and then “go public”, worrying that the Minister of Social Welfare would not understand if a public campaign was launched before the Ministry had been formally appraised of the Campaigns activities: “This could be seen as a sign of negotiating in bad faith”.56

As a result, few NGOs had much information about the implications of the Act or the suspension of the AWC leaders. Therefore the Campaigns first tactic was to prepare a briefing paper with information about the Act.57 The briefing paper explains the Act, gives details of the AWC case, and suggests that the Act is neither enabling nor supportive of NGO efforts. It proposes that:

---serious and constructive dialogue between the Government of Zimbabwe and leaders within the NGO community from across the country is long overdue. Otherwise the conflicts and antagonisms will continue to the detriment of development.58

A “joint statement” or petition launched in October was circulated along with copies of the briefing paper. The petition begins with three statements explaining the PVO Act, suggests that NGOs need to be accountable, and concludes by noting that:

---civil society has always and continues to make valuable contributions to the development of this nation and that Government has on numerous occasions committed itself to promoting good governance, democracy and the rule of law. The Private Voluntary Organisations Act runs contrary to these commitments. We, the undersigned are therefore determined to have the Private Voluntary Organisations Act repealed. We demand a democratic environment free of the threatened government interference for meaningful NGO participation in Zimbabwe. We call upon the Minister to institute an open and serious discussion with

---NGOs so as to involve them in the drafting of acceptable NGO legislation.59

In March 1997 the Campaign sent several letters to the Minister of Social Welfare requesting a meeting to present the petition, which by then had several hundred signatures. As no response was given to this request, the petition was never presented.

In April 1997, the Campaign realised that the briefing paper was not reaching many of its intended recipients and supplemented it with easier to read materials in the form of four “fact sheets”.60 These sheets tried to address some of the issues raised in the briefing paper in an accessible point-form format, as well as updating NGOs about the AWC case and the Campaigns activities. When it learned that the Ministry was willing to consider consulting NGOs on further revisions to the Act, the Campaign decided to initiate a consultative process with NGOs, so as to retain the initiative. It was agreed to draft a new Act, to be used in discussion with NGOs throughout Zimbabwe. A local church activist with legal training prepared the draft.61 A funding proposal was prepared and distributed to likely donors.

While the Campaign was a well-organized and cohesive organization, it was regarded with suspicion by other NGOs which regularly challenged the Campaign to justify its existence. Critics challenged the Campaigns legitimacy because its members were a Harare-based elite, concerned with different issues from rural or small-town NGOs. They also claimed that the Campaign trespassed on NANGOs space, since the latter remained the government-endorsed umbrella organization for NGOs, and worked behind its back. NGOs which disapproved of the Campaigns notoriety were sceptical of the its motives. As one skeptic said “We’ve never had any such thing in this country, we have been working so well with government” and asking, “had we [the campaign] gotten legal advice before proceeding?”62

Committee members answered such criticisms by saying that NGOs needed to speak for themselves. At previous meetings (under the aegis of

56 Campaign for the Repeal of the PVO Act, “Minutes of the PVO Act NGO Meeting held at Monomotapa Crowne Plaza 23 October 1996.”
58 Campaign for the Repeal of the PVO Act, “NGO Briefing Paper”.
60 Campaign for the Repeal of the PVO Act, Fact Sheet No. 1 “The PVO Act: A History and Analysis” ; Fact Sheet No. 2: “A Case Study: The AWC” ; Fact Sheet No. 3 “NGO Responses to the PVO Act”; Fact Sheet No. 4 “New legislation? Towards a Consultative Drafting Process” n.d.n.p.
61 The Non-Governmental Organisations Act, Zimbabwe: for discussion; first draft, July 1997
NANGO), the government had set the agenda and sometimes government representatives had outnumbered the NGOs present.\(^6\) While some campaign members responded to the demands that they line-up behind NANGO by decrying the Zimbabwean “fetish for unity”,\(^6\) others argued that the Campaign was the end result of a process launched by NANGO. Eventually, the Campaign made a tactical decision to meet with NANGO’s Chair, Alexander Phiri, who was known to resent the Campaign. Phiri had warned NGOs of “the dangers of operating in an uncoordinated way” and suggested that the problem with the AWC issue was that “there are too many actors working on it.”\(^6\) Phiri appeared to support the campaign in private, but then pressured activists to leave the issue with NANGO.\(^6\)

Indeed, the state used NANGO’s inefficiency and the Campaign’s unofficial status to justify its own failure to consult or inform NGOs of developments.\(^6\) When challenged to consult with NGOs on amendments to the PVO Act, the Director of Social Welfare replied: “I can’t be in limbo...I must go to NANGO if there is a decision to be made.”\(^6\) Further, the Campaign’s ambiguous status prevented it from meeting formally with the government. Two mediated meetings were organised to bring NGOs and the state together. The first, organised by the ZCC, occurred soon after the Supreme Court ruling on the AWC case. The Minister of Social Welfare has been invited, but sent the Director instead. In welcoming people to the meeting, Deprose Muchena, who chaired the meeting, described it as merely an example of the ZCC’s “midwifery role to bring government to dialogue with civil society” in response to which a whisper from the floor said “he is scared.”\(^6\) The Director argued that the new Act was intended to recognise the shift of NGOs from charity work towards development, indeed that “the soul of the new Act places emphasis on development”.\(^6\) Although not attacking this pronouncement directly, Rudo Kwaramba, representing the NGOs, suggested that:

It is essentially the right to development of our entire society that is at stake...This is why people should not be unnecessarily confronta-

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60 Campaign for the Repeal of the PVO Act. “Minutes of the PVO Act meeting held at Monomotapa Crowe Plaza 23 October 1996.”
61 Field Notes (PVO Act meeting), 23 October 1996.
63 Campaign for the Repeal of the PVO Act. “Minutes of the joint PVO Act Steering Committee/NANGO. Held at NANGO offices, 6 November 1996.”
64 Field Notes, (PVO Act meeting “Unfinished Business”), 7 March 1997.

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At the next meeting, the Director stressed that he was unwilling to speak because “...at the last meeting it seemed there was no dialogue; that people were more interested in attacking” – an unsual hint that the NGOs needed to be more politic if the dialogue were to continue.\(^7\) Nevertheless, he insisted, “we want to see NGOs operating with us as partners. NGOs are doing a very good job in this country, and we want to facilitate that...we want to see NGOs being complementary to Government activities.”\(^7\) Yet, despite NGOs and government both laying out their positions and clearing the air somewhat, neither the government nor the NGOs initiated any further contact or negotiations in 1997.

While official contact with the Ministry was limited, the ruling party and the government’s Central Intelligence Organisation (CIO) seemed more interested. On the Friday following the AWC Supreme Court ruling, ESS was warned to maintain a low profile on the weekend following because the ZANU(PF) Women’s League was “out to get gazetted women and PVO Committee members; that we would all be beaten up.”\(^8\)

ESS was also warned by a high-level official that it was on a list of unregistered NGOs which the government planned to close down, although nothing came of this threat. Soon after, Housing People of Zimbabwe, which provided the Campaign’s official address and phone numbers, was paid its first visit by members of the CIO’s NGO desk.

**Implications for civil society theory**

Both the discourse and practice of NGOs in Zimbabwe suggest that NGOs avoid confrontational relationships with the state through a complex mixture of strategic positioning and careful choice of political vocabulary. Those NGOs which do wish to press potentially contentious claims – such as demands for inclusion in policy-making – emphasize their role as “non-political” development actors. This demobilisation and depoliticisation of Zimbabwean NGOs bears little relevance to the over-simplified ideas about civil society prevalent among development practitioners and some civil society theorists.

**Whereas theorists see the operations of agential NGOs against the state in the straightforward terms of contention, the Zimbabwean reality is far more complicated. NGOs are constrained by the state’s domination of...**

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71 Field Notes, (ZCC-PVO Act Meeting), 13 February 1997.
73 Field Notes, (PVO Act meeting “Unfinished Business”), 7 March 1997.
74 Telephone conversation with Sekai Holland 14 February 1997.
All society needs...
CIVIL SOCIETY AND AUTHORITARIANISM IN THE THIRD WORLD

A CONFERENCE BOOK

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