

# Land: An Empowerment Asset for Africa

The Human Factor Perspective



Edited by  
**Claude G. Mararike**

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Zimbabwe

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## Chapter Three

# Land and the Changing Fortunes of *Madzish* in Zimbabwe

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### Introduction

In this chapter, we discuss the role of *Madzish* (chiefs) in nation-building using Zimbabwe as a reference point. We take into consideration that leadership is an important component in the development of a national ethos. The survival, solidarity and autonomy of a people depend on the nature and quality of leaders.

Two questions are addressed in this chapter: What should be the role of *Madzish* in Zimbabwe's development process? How has this role evolved from the European invasion period to the post-political independence era? In response to these questions, this chapter explores the assumption that *Madzish* ought to continue to act as people's rallying points. Conflicts that sometimes arise between *Madzish* and other forms of leadership in Zimbabwe may be a result of policies and procedures imported from European practices. The main point to note is that the conflicts concern rules of resource accessibility, control, ownership and utilisation. Are the factors responsible for decisions concerning the design of organisations which represent the aspirations and needs of the people, under *Madzish* or are they located within state apparatus and in what proportions? Or are they located outside both state apparatus and people under *Madzish*?

The theoretical perspective which this chapter uses, leans more on the claim made by the human factor approach, that no nation can sustain itself without people who are reliable, committed, disciplined and have appropriate skills and qualifications. But above all these qualities, people must believe strongly in the ideals of their societies, affirm and practise them all the time. This approach is Afrocentric. It seeks to place African values at the centre of any analysis that involves African culture and behaviour (Asante, 1998:2; Adjibolosoo, 1998:11; Mararike, 2001:61).

## Historical Background

Since some historical background to the issue under discussion is covered in Chapter Two of this volume and several other publications (Chigwedere, 2001; Gann, 1965; Garbett, 1966; Holleman 1968; Leys, 1959; Davidson, 1984; Mudenge, 1986, we give only a brief explanation in order to contextualise our discussion. The explanation is given under six broad periods (see Mararike, 2011, for more details).

## Pre-European Invasion

We refer to three territorial groupings that had and still have political, social and economic significance. These are (were) *Musha*, *dunhu* and *nyika*. The usual position was that *nyika* was the largest territorial and political unit under *Ishe*. It could contain 12 or more *matunhu*. Each *dunhu* could accommodate a number of *misha*. Each *musha* could have a varying number of *mhuri* (family units).

Each of the mentioned administrative units had well-defined boundaries. A *dunhu*, for example, functioned as a land unit. It was the *dunhu* which held the basic rights of avail to all the territory within its boundaries. Land was held by the entire village community as a collective unit for their use. So long as land was being used by the village community, the right of avail would be suspended from it, though not completely. The *dunhu* could seasonally re-assert its grazing rights after harvesting when the *mashanga* (stover) on the fields would be open to all cattle in the *dunhu*. Communal rights to water, grazing and other land-based natural resources remained in force. Holleman (1958:205), observed that:

... within the *dunhu*, the people felt they belonged so closely together that they would help each other cultivate their fields as a matter of course. They thought of themselves as one big, old family... because in one *dunhu*, the land and its people, and the invisible spiritual bonds with the ancestors who lived and died there for generations, all these made the intimacy of home.

The functions of *Ishe* were basically the same as those of the lower authorities except that they were at a higher level. For example, the *Ishe's dare* had full jurisdiction over all matters considered serious enough to affect the whole *nyika*. The *dare raShe* also functioned as a final court of appeal in respect of all disputes. *Ishe's* functions covered all aspects of the propitiation of the ancestral spirits of people of his own *dzinza* (lineage). Generally, *madzisho* were supposed to be the custodians of their people's material and spiritual welfare.

### **British South African Company Invasion Period: 1890-1922**

Probably, the most far-reaching measure during this period was section 79 of the 1898 Order-in-Council. The section provided for the establishment of a separate cadre of carefully selected white officers to whom the conduct of African affairs could be entrusted and in whose hands the interests of the indigenous population would be "safe" (Holleman, 1969:15). By 1898, Mashonaland and Matebeleland had each a Chief Commissioner who supervised a group of white Native Commissioners posted to different district stations. The rationale for this arrangement was that:

The African was accustomed to look at a chief and he required a form of personal government... Therefore the African should be accustomed to look for the local native commissioner as the supreme authority in all matters in which they are concerned (Holleman, 1969:16).

This was the philosophy which was to guide how African affairs were to be handled during the colonial period. The system was not only to provide for a cadre of European officials, it also envisaged the use of African stooges such as messengers, some chiefs and headmen.

The indigenous population did not enjoy normal life because they found themselves permanently crippled by the loss of two principal sources of power: secular custody of the land and the rights to rule themselves.

### **Internal "Self" Government Period: 1923-1952**

This period was characterised by the consolidation of white control of the country, especially land appropriation and the demolition of African organisations and institutions that served as rallying points. *Madzishu* were firmly placed under Native Commissioners. For nearly 40 years, the British South Africa Company (BSAC) was the main actor, with the British government as the effective stage managers.

When the BSAC charter was due to expire in 1914, it was offered an opportunity to either join the Union of South Africa or to become what was termed a self-governing colony of Britain. In a whites only referendum, they chose the latter.

As a prelude to this political development, the British Secretary of State appointed what he called a Native Reserve Commission. Its task was to investigate the possibility of introducing legislation which would divide the land along racial lines. As the result of this commission's recommendation, the 1930 Land Apportionment Act was promulgated.

This Act formed the basis for the distribution of land and pattern of settlement that was to prevail for a long time. The most significant of the outcome was that it legalised and established the principle of segregation. It should also be noted that, in this regard, all *Madzish* who were the rightful custodians of their God-given land, were made to report to the Native Commissioners. The powers of *Madzish* no longer derived from a concept of legitimacy, but were unwilling representatives of their communities of a hierarchical colonial authority.

*Madzish* continued to lose their land and the power to govern their people. Many *Madzish* such as Chingaira, Makoni, Mashayamombe, Hwata and Chiwashira, were murdered because they had taken part in the resistance to white invasion of the country. One chief Native commissioner's report said: "Our aim is to eliminate many of the old die hards and replace them with fewer and better chiefs" (NCN, 1946:27).

The year 1951 saw a complete restructuring of the African Chieftainship. Of the 323 *Madzish* who were said to have registered their *Ushu* in 1904 with the Native Commissioner's office as had been ordered, 89 were abolished, 11 were "pensioned off" and 37 lost rank altogether. The remaining *Madzish* were re-organized into provincial assemblies through which they could express their views to white government officials. They also received increases in their salaries (Garbett, 1966:118).

The colonial government attempted to raise the status of *Madzish* in the face of rising African nationalism. In 1931, the colonial government established native boards that consisted of *Madzish*, headmen and elected Africans who were supposed to represent the views of educated Africans. But in 1937, the native boards were replaced by councils, chaired by the Native Commissioner. In 1944, councils were given limited powers of taxation and of passing by-laws. By 1952, 43 such councils had been established. The councils were, however, unpopular with *Madzish* and their people.

### **Federation Period: 1953-1963**

The Central African Federation brought together the then Northern Rhodesia, Nyasaland and Southern Rhodesia. For Rhodesia, the colonial regime "changed" its policy of separate development to what was called "partnership" between races. The partnership was sometimes referred to as that of a rider and a horse in that the white settlers were superior to the Africans. An attempt to appease relatively wealthy Africans failed because they had already been angered by the 1951 Land Husbandry Act which further took more land from Africans.

African nationalists argued that chiefs created by the white settler regime were not true representatives of the African people. One Native Commissioner, who became aware of the conflicting demands made on *Madzishé* reported that:

The position of chiefs is a difficult and ambiguous one; the very duality of their role as representatives or custodians of traditional authority, and, at the same time as agents in some functions of government, makes them peculiarly susceptible to criticism of the most varied quarters (Civic, 1959:17).

This was the first recorded reference in the documents of colonial government to the intercalary position of *Madzishé*.

During the Federation period, all nationalist political parties were banned. They, as the result of the ban, went underground and emerged as protracted, armed liberation movements. The white settler regime government continued to woo *Madzishé*.

### Post-Federation Period 1964-1979

The collapse of the Federation was followed by the defeat of a former white government party in Rhodesia. A right-wing party, the Rhodesia Front, came into power. The Rhodesia Front wanted to woo *Madzishé* on its side. In 1964, an Indaba of 622 *Madzishé* and headmen was convened by Ian Smith, the Prime Minister, to discuss the possibility of asking Britain to grant independence under the 1961 Constitution. Although *Madzishé* were reported to have endorsed Smith's plan, the then British Prime Minister, Harold Wilson, came to Rhodesia to ascertain the views of the African people on the granting of independence. He also met some *Madzishé*. He came to the conclusion that the *Madzishé* he had met could not be said to be capable of representing the African population as a whole.

On November 11, 1965, Smith declared independence unilaterally from Britain in what has come to be known as the Unilateral Declaration (UDI). The political wrangles which then followed are well documented (Nkrumah, 2000). The Smith regime amended several legislation in an attempt to portray *Madzishé* in good light. By 1970, some *Madzishé* were elevated to Cabinet Ministers. But this did not last long because in 1979, the Lancaster House Conference agreed on a new constitution which paved the way for majority rule in April 1980.



## **Independence Period: 1980 and After**

After the attainment of political independence in 1980, the Senate remained with *Madzishé* still represented. In 1982, the Chiefs and Headmen Act (No. 29) removed the administrative and traditional powers of chiefs and headmen that they had under the African Affairs Act, Chapter 228. Although the two-house system of parliament was later abolished, the chiefs continued to be represented in the new parliament. The Council of Chiefs met as an electoral college to nominate 10 representatives to the 150-member parliament.

In 1998, the Traditional Leader's Act (Chapter 29:17) came into force. It contains guidelines on the role, duties and functions of chiefs in contemporary Zimbabwe. The picture that has emerged from our explanation so far is that *Madzishé* were caught up in a role conflict. In 1989, the ruling ZANU-PF party recognised the need to restore some administrative powers of *Madzishé* at its first National People's Congress. The Congress directed the government to strengthen the institution of chieftainship with the hope that it might have a direct role in the preservation of the family. It was also envisaged that *Madzishé* might play a role in the maintenance of the people's value systems.

In his speech at the opening of the Fourth Parliament of Zimbabwe in May 1995, President Robert Mugabe announced that the Rural District Councils Act and the Chiefs and Headmen Act would be amended in order to provide for the restoration of some powers to *Madzishé*. Has anything changed since then?

## **The Traditional Leaders Act (29:17)**

In 1994, the then Minister of Local Government and Urban Development, drew up suggestions which contained guidelines for the restoration of the administrative and traditional powers of *Madzishé*. The proposals also sought to amend the Chiefs and Headmen Act of 1982 (No. 29) so as to bring traditional leaders into the mainstream administration of rural areas. The proposal did not, however, grant land authority status to *Madzishé*. Instead, the rural district councils were given legal authority for all communal land within their areas, but councils could delegate *Madzishé* to undertake physical land allocations as the council's agent.

The rationale behind the restoration of some powers and authority to *Madzishé* lay in the observation that there was a general collapse of the extended family system. The absence of a respected traditional authority to back up natural resources conservation was also given as a reason to restore some powers and authority to *Madzishé*. It was further suggested

that traditional structures should be linked to both the people and elected representatives, that is, councillors.

### **Parallelism, Non-regulated Dualism, Integration and Harmonisation**

We now refer to the above principles as they affect the functions of *Madzishé* and other structures of government.

Parallelism occurs when traditional structures and elected council members exist side by side and are recognised in law. They operate parallel to one another.

Non-regulated dualism occurs where the activities of neither of the structures are regulated or where the activities of only one structure are governed by law. For example, non-regulated dualism in land access, control and ownership still exists in Zimbabwe because legislation forbids *Madzishé* to allocate land without prior approval of district councils. Such a situation continues to lead to friction.

The duties and functions of *Madzishé* are set out in Part II, sections 3 to 7 of the Traditional Leaders Act. They are classified under five categories. Constitutional and legislative, judicial, ceremonial, religious and developmental. The functions do not include the allocation of land. However, they may protect the total livelihood of the people and their environment.

Ideally, integration refers to a relationship between, or among, social units in which each is recognised as a separate entity. The entity is expected to contribute to the goals of a particular activity. In Zimbabwe, attempts have been made to integrate the activities of ZANU-PF and those of local authorities, central government and traditional authorities but ZANU-PF has always wanted to be the superior authority.

*Madzishé* and elected authorities have both an interest in the control of resources such as land. If their functions are not harmonised, conflicts are bound to occur.

In conclusion, we re-state some points that formed the basis on which this chapter was formulated and therefore, ought to be understood. *Madzishé* and the people under them do not just reside in *misha*, *matunhu* and *nyika*. They produce these social units in order to be able to survive, to have autonomy and solidarity. There are definite situations in the social groupings which explain how various parts of these units were related to one another across space and time.

We may assume that the restoration of the powers of *Madzish* may not be meaningful and complete if it does not go hand in hand with the restoration of their power and authority to have access to and control of land. But the country's economy is land and land is the economy. He who controls land, controls the country as well.

It seems the changing fortunes of *Madzish* are not yet over. They may still claim that they are like soil which has long been there before trees started to grow on it.

## References

- Adjibolosoo, S. (1998) "The Human Factor: Foundation for Development and Democracy." In Chivaura, V.G. & Mararike, C.G. (eds) *The Human Factor Approach to Development in Africa*, Harare: University of Zimbabwe Publications.
- Asante, M.K. (1998) *The Afrocentric Idea*. Philadelphia: Temple University.
- Chigwedere, A. (2001) *British Betrayal of the Africans*. Marondera: Mutapa Publishing House.
- Davidson, A. (1984) *Cecil Rhodes and His Time*. London: Progress Publishers.
- Gann, L. (1965) *A History of Southern Rhodesia*. London: Chatto and Windus.
- Garbett, G. (1966) "The Rhodesian Chief's Dilemma: Government Officer or Tribal Leader?" 8, 113-2181.
- Holleman, J.F. (1968) *Chief, Council and Commissioner*. London: Oxford University Press.
- (1958) *African Interlude*. Cape Town: Juta.
- Lays, C. (1959) *European Politics in Southern Rhodesia*. Oxford: Oxford University Press.
- Mararike, C.G. (2001) *Africa's Heritage*. Harare: Best Practices Books.
- (2011) *Survival Strategies in Rural Zimbabwe 2<sup>nd</sup> edition*, Harare: Best Practices Books.
- Nkrumah, K. 1975 (2000) *Rhodesia File*, London: Panaf.
- Mudenge, S. 1986. *Christian Education at the Mutapa Court: A Portuguese Strategy to Influence Events in the Empire of Munhumutapa*. Harare: Zimbabwe Publishing House.
- CNC Reports, 1959; 1946:
- Government of Zimbabwe Traditional Leaders Act, (1998) Harare: Government Printers.



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