



# “For enhanced civic participation in local governance”: calling tyranny to account in Harare

AMIN Y KAMETE

Amin Y Kamete is a researcher at the Nordic Africa Institute, Uppsala, Sweden, and is coordinator of the research programme Gender and Age in African Cities. He has researched and written on urban planning, policy, development, governance, politics, housing and sustainability with a special emphasis on vulnerable groups.

Address: The Nordic Africa Institute, PO Box 1703, SE-751 47 Uppsala, Sweden; e-mail: amin.kamete@nai.uu.se

**ABSTRACT** The Combined Harare Residents’ Association (CHRA) is a social movement organization that operates in Harare, the capital of Zimbabwe. It seeks to represent the needs and priorities of all residents. At the national level, it tussles with a state that is repressive and intolerant of anything construed as protest. Locally, it questions the legitimacy of the municipal authority that was appointed by the national government after the elected city government was dissolved and the elected mayor dismissed. This paper explores CHRA’s relentless bid to uphold the interests of Harare’s residents and ensure “enhanced civic participation in local government”, and includes three cases that illustrate how they seek to do so: contesting the legitimacy of the imposed authority; representing citizen views on budgetary processes (including demands for a rates boycott); and contesting the transfer of responsibility for water and sanitation to a new parastatal. It also discusses the Association’s ways of working and repertoire of tactics, and brings out some salient issues that include questions of regime change, alliances, engagement and radicalization, and possible ways in which CHRA might become more effective.

**KEYWORDS** CHRA / collective claim making / governance / Harare / residents / social movement organization / Zimbabwe

“We will not be cowed by the repression of the regime since we know that, ultimately, tyranny never lasts.”

(Mike Davies, CHRA chairperson)

## I. INTRODUCTION

On 20 March 2007, in defiance of Zimbabwe’s draconian public order and security legislation, about 100 Harare residents invaded Town House (City Hall), denouncing the government-appointed commission that had been running the affairs of the city for some 27 months. They called for the controversial commission to “vacate Town House” and demanded new elections. The group was made up of members of the Combined Harare Residents’ Association (CHRA), whose chairperson said of the spectacular protest:

“Today, CHRA occupied the steps of Town House to send a clear message to the regime that Harare belongs to us, the residents of Harare. We will continue to demonstrate and hold other peaceful campaigns

against the illegal commission until elections are held in Harare. Viva CHRA!"<sup>(1)</sup>

Rationalizing this protest, CHRA reasoned:

"The Association has appealed to parliament for its intervention through submissions to the Portfolio Committee on Local Government, and has gone to the judiciary, but still the regime has not listened to the concerns of Harare residents. The only option now available is civil disobedience until elections are held."<sup>(2)</sup>

This protest was staged a week after security forces had severely assaulted leading opposition and civil society personalities for allegedly resisting a police ban on what the victims insisted was a prayer meeting. Barely a month earlier, government had disregarded a High Court order nullifying a police ban on an opposition rally. Suggesting the danger – and maybe foolhardiness – inherent in its act of defiance, CHRA noted: "*No one was arrested. Nearly 24 baton-wielding policemen arrived on the scene 10 minutes after the raucous demonstrators had left Town House.*"<sup>(3)</sup> In fact, so strong were fears of a state backlash that CHRA closed its offices for a whole week. Announcing the reopening of the offices, the Association explained:

"This last week was a bit sensitive and our offices were actually not open to the public. There were genuine fears that the police or any members of the National State Security [*sic*] would pounce on us for our supposed role in the CHRA demonstration at Town House on Tuesday 20 March 2007."<sup>(4)</sup>

These events capture not only CHRA's convictions and *modus operandi* but also the precarious environment in which it operates. CHRA is a social movement organization that is unrelentingly calling tyranny to account. Based on a critical analysis of CHRA documents, press statements and other publications, this paper reflects on CHRA's spirited efforts to defend the interests of residents against a municipal authority that it insists was imposed by an undemocratic and repressive government. The following section lays out a framework for analysis and focuses on social movements and urban governance. Section III provides an overview of CHRA as well as the national and local context. This leads to the presentation of three illustrative cases and an analysis of CHRA's tactical and strategic repertoires. The discussion then reflects on some key emerging issues.

## II. SOCIAL MOVEMENTS, CONTENTIOUS POLITICS AND LOCAL GOVERNANCE

CHRA is a typical social movement organization, defined here as "... a complex, or formal organization which identifies its goals with the preferences of a social movement."<sup>(5)</sup> Such organizations actively attempt to implement the goals of social movements. Dobson calls them "command posts of the movement."<sup>(6)</sup> Canel labels them "the carriers of SMs", pointing out that they have "...the task of determining the movement's goals and programme, strategy and tactics."<sup>(7)</sup> Typically, social movement organizations are formal organizations with a full-time secretariat, an office, paid staff and/or volunteers. To understand them, it is necessary to take a closer look at some of their key aspects.

1. CHRA (2007a), "Residents occupy their space at Town House", Press statement, Harare, 20 March.

2. See reference 1.

3. See reference 1.

4. CHRA (2007b), "CHRA Harare office re-opens", Press statement, Harare, 27 March.

5. McCarthy, J D and M N Zald (1977), "Resource mobilization and social movements: a partial theory", *American Journal of Sociology* Vol 82, No 6, pages 1212–1239.

6. Dobson, C (2001), Social movements: a summary of what works", accessed 17 March 2007 at <http://www.vcn.bc.ca/citizens-handbook/movements.pdf>.

7. Canel, E (1997), "New social movement theory and resource mobilization theory: the need for integration", in M Kaufman and H D Alfonso (editors), *Community Power and Grassroots Democracy: The Transformation of Social Life*, Zed Books and IDRC, London and Ottawa, pages, 189–221.

8. Tilly, C (2004), *Social Movements, 1768–2004*, Paradigm Publishers, Boulder, CO, 262 pages.

9. See reference 8, page 12.

10. Della Porta, D and M Diani (2006), *Social Movements: An Introduction*, Blackwell, Malden, MA, page 20 (emphasis added).

11. McAdam, D, J D McCarthy and M N Zald (1996), "Introduction: opportunities, mobilizing structures and framing processes – towards a synthetic, comparative perspective on social movements", in D McAdam, J D McCarthy and M N Zald (editors), *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures and Cultural Framings*, Cambridge University Press, Cambridge, pages 1–20.

12. See reference 11, page 5.

13. Tarrow, S G (1998), *Power in Movement: Social Movements and Contentious Politics*, Cambridge University Press, Cambridge, 288 pages.

14. McAdam, D, S Tarrow and C Tilly (1996), "To map contentious politics", *Mobilization: An International Quarterly* Vol 1, No 1, pages 17–34.

15. See reference 14.

16. Amenta, E and M P Young (1999), "Democratic states and social movements: theoretical arguments and hypotheses", *Social Problems*, Vol 46, No 2, pages 153–168.

17. See reference 14, page 18.

18. Gamson, W A and D S Meyer (1996), "Framing political opportunity", in D McAdam, J D McCarthy and M N Zald (editors), *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural*

One of the most celebrated social movement theorists states that these movements are an "...invented political form ... a distinctive form of contentious politics ... that ... involve the collective making of claims that, if realized, would conflict with someone else's interests."<sup>(8)</sup> There are two aspects of this conceptualization that are of interest to the present discussion, namely, **contentious politics** and **collective claim making**.

Collective claim making, a type of collective action, is the identifying mark of social movements. Tilly notes that they are "...not solo performances, but ... interactive campaigns."<sup>(9)</sup> Della Porta and Diani correctly insist that social movements are "...a distinct **social** process, consisting of mechanisms through which actors engage in collective action."<sup>(10)</sup> It is collective action, itself a result of **shared ideas**, that is the basis of social movements.<sup>(11)</sup> Collective claim making develops out of shared meanings and definitions that people bring to a situation they perceive as problematic. When dissatisfaction and grievances are combined with optimism and the conviction that joining forces with similarly aggrieved people can remedy the problematic situation, collective action becomes possible.<sup>(12)</sup>

Collective claim making is a complex process that takes many forms. The most sensational forms of claim making by social movements are accomplished through contentious politics. According to Tarrow, "...contentious politics occurs when ordinary people, often in league with more influential citizens, join forces in confrontations with elites, authorities and opponents."<sup>(13)</sup> McAdam, Tarrow and Tilly trace the genesis of contention to the moment "...when people collectively make claims on other people."<sup>(14)</sup> What precipitates contention is that the realization of these claims "...would affect those others' interests."<sup>(15)</sup> Amenta and Young's equating of social movements to "challengers"<sup>(16)</sup> is not without basis. What makes collective claim making really contentious is that it "...relies at least in part on non-institutional interaction with elites, opponents or the state."<sup>(17)</sup> Relying largely as it does on "...extra institutional means of influence",<sup>(18)</sup> contention ignores protocol, as the claim makers choose to disregard the "right channels". Hence, "...collective challenges are often marked by interrupting, obstructing or rendering uncertain the activities of others."<sup>(19)</sup> It is small wonder that "...disruption is the archetypical expression of challenging groups."<sup>(20)</sup>

McAdam, McCarthy and Zald<sup>(21)</sup> maintain that collective action depends on the triad of political opportunities, mobilizing structures and framing processes.<sup>(22)</sup> Political opportunities refer to "...the structure of political opportunities or constraints confronting the movement."<sup>(23)</sup> Mobilizing structures define "...the forms of organization (informal as well as formal) available to the insurgents."<sup>(24)</sup> Framing processes are "...the collective process of interpretation, attribution and social construction that mediate between opportunity and action."<sup>(25)</sup> All three factors need to be present for collective action to be possible. Even in repressive political environments like Zimbabwe, a degree of political opportunity is needed for aggrieved people to combine forces and resort to collective action. Even with the best organizational resources and the most strongly felt and widely shared grievances, the aggrieved group needs to claim some form of political space to make meaningful and sustained collective action possible.

There is a link between social movement organizations, contentious politics and governance. Governance involves relationships and interactions. Some of these interactions are between the governors and the

governed, between the elites and the masses. In the relational practice that is governance, stakeholders with certain advantages can deploy these to maintain and protect their favoured position. Sometimes, this involves neutralizing threats, which itself may involve stifling the needs and demands of the politically disadvantaged groups. Weak, marginalized and ignored, the politically disadvantaged groups become “challengers”<sup>(26)</sup> when they make claims upon institutions of governance. They become a social movement if they are able to mount a “campaign”, that is, “...a sustained, organized public effort making claims on target authorities.”<sup>(27)</sup> The importance of governance in these conflicts is amplified by Morrill et al. who define political conflict as “...a form of contentious politics in which challengers contest authorities over the shape and **governance** of institutionalized systems of power.”<sup>(28)</sup> In local terms, urban councils rank among these “institutionalized systems of power”, whose governance is the subject of contention.

### III. BACKGROUND

#### a. The movement

In 1999, six neighbourhood residents’ groups – some dating back to the 1940s – merged to form CHRA. In 2005, the Association’s chairperson heralded CHRA as “...an expression of the growing power of residents’ collective action and...an effective monitor of the activities of elected councillors as well as municipal officials.”<sup>(29)</sup> In 1999, a trust was formed and CHRA was registered as a civil society organization. In 2000, an advocacy centre was established as CHRA’s secretariat.

According to CHRA’s constitution, the aim of the Association is “...to promote and protect the rights and interests of the residents of Harare.”<sup>(30)</sup> CHRA’s preoccupation with urban governance is amplified by its slogan “CHRA for Enhanced Civic Participation in Local Governance”. Its local governance-related objectives include:

- representing and supporting residents of Harare by advocating for effective, transparent and affordable municipal and other services and quality facilities;
- making representations to and liaising with Harare city council, city councillors, central government or any of its ministries, departments or other public institutions concerning matters affecting the residents of Harare;
- promoting and encouraging public awareness and participation by residents in local governance issues; and
- doing all things necessary to protect and promote the rights and interests of the residents.

It is these objectives that define CHRA’s “core focus”, which is “...to develop participatory approaches to local government and...demanding accountability.”<sup>(31)</sup>

CHRA membership is “...open to any bona fide resident of Harare upon payment of the membership and subscription fees.”<sup>(32)</sup> Its general council manages and controls the affairs of the movement. The Association has semi-autonomous local ward-based branches with a minimum of 20 registered members. At the time of writing, CHRA had a branch in each of the city’s

*Framings*, Cambridge University Press, Cambridge, pages 275–290.

19. See reference 13, page 4.

20. See reference 13, page 96.

21. See reference 11, page 2.

22. Compare with Goodwin, J and J M Jasper (1999), “Caught in a winding, snarling vine: the structural bias of political process theory”, *Sociological Forum* Vol 14, No 1, pages 27–54.

23. See reference 11, page 2.

24. See reference 11, page 2.

25. See reference 11, page 2.

26. See reference 16, page 154.

27. See reference 8, page 3.

28. Morrill, C, M N Zald and H Rao (2003), “Covert political conflict in organizations: challenges from below”, *Annual Review of Sociology* Vol 29, pages 391–415 (emphasis added).

29. Davies, M (2005), “Civic associations: Combined Harare Residents’ Association”, *Zimbabwe Review* Vol 5, No 2, pages 8–10.

30. CHRA (2006a), Combined Harare Residents’ Association Constitution (amended April 2006), CHRA, Harare.

31. See reference 29, page 9.

32. See reference 30.

**BOX 1**  
**CHRA'S key programme activities**

- Public meetings on topical issues affecting residents of Harare
- Membership mobilization
- Ward public meetings
- Research into local governance issues
- Networking with civic organizations that share common objectives with CHRA
- Development and dissemination of information packages concerning local governance
- Challenging violations of the Urban Councils Act and other legislation governing local governance

SOURCE: CHRA (2007), accessed 21 March 2007 at <http://www.chra.co.zw>.

33. See reference 30.

45 electoral wards. A 5–7 member board of trustees is “...the guardian of the Association’s principles, aims and objectives.”<sup>(33)</sup> It is constituted by the general council, in keeping with the deed of trust. The secretariat, headed by the chief executive officer, is the implementing arm of CHRA. The management committee and six other standing committees carry out the affairs of CHRA.

34. See reference 8, page 3.

Box 1 summarizes the activities of CHRA. In terms of what Tilly dubs “the social movement repertoire”,<sup>(34)</sup> the list includes activities typical of an ordinary social movement organization. The first and last activities are indicative of the contentious politics that the organization has adopted since the turn of the century, particularly after the sacking of the popularly elected executive mayor and council and their replacement by a government-appointed commission in 2004 (see below). In the context of Zimbabwe’s sociopolitical and economic environment, public meetings and challenging violations of the Urban Councils Act and other legislation can hardly be non-contentious, especially considering that the state is being characterized increasingly as repressive and intolerant.

While CHRA’s historical mandate has remained the same, its strategies have changed, and are now characterized by direct confrontation with the state. Evidently, this is largely in response to the state’s confrontational attitude, its perceived insensitivity to residents’ petitions and its undemocratic governance practices in the city, all of which have made constructive dialogue and engagement difficult, if not impossible. The state’s politicization of every form of dissent and disagreement, where all who question government decisions and make demands are lumped together with the political opposition, has played a significant part in radicalizing the movement. The shift in engaging the state has been complemented by a shift in mobilizing members. While previously, its attention was on middle and high-income property owners, CHRA has now expanded to the low-income, high-density areas with branches in places such as Mufakose, Kuwadzana, Mabvuku, Kambuzuma, Glen View, Glen Norah and Highfield. By the end of 2007, CHRA was active across all the city’s 45 wards. One reason why the state has taken note of CHRA and responded to its criticism is because the Association has reached deep into the low-income areas. In fact, state repression and the economic crisis may be partly responsible for increasing CHRA’s membership since 2000.<sup>(35)</sup>

35. See Kamete, A Y (2009), “Governing rebel outposts: centre–local relations in Harare”, unpublished paper.

CHRA is not an organization of middle- and high-income homeowners. It is not a ratepayers' organization; rather, it is a **residents'** organization. This explains its reach into high-density areas – which normally have a predominance of low-income households – where its civic education meetings are sometimes attended by more than 150 people. Evidence of the organization's inclusiveness is indicated by, for example, its insistence and focus on the rights of lodgers and tenants.<sup>(36)</sup> However, CHRA's links to other organizations representing the poor, such as Zimbabwe Homeless People's Federation are not strong.

## b. The national context

CHRA operates in a repressive political environment and an unstable economic situation that has plunged the country into a series of multiple crises since 2000. Zimbabwe's is a composite crisis that has raised questions on two issues, namely governance and livelihood. It has been argued that the many and varied sociopolitical and economic tribulations that have bedevilled the country since 2000 are a result of a crisis of governance.<sup>(37)</sup> Always cited or alluded to in the list of causative misdeeds is central government's economic mismanagement, characterized by endemic corruption and suicidal economic policies. Critics observe a relentless assault on democracy, encapsulated in political repression, disregard for the rule of law, violation of human rights and a fundamentally flawed electoral system that has proved incapable of producing a single controversy-free election since the appearance of a strong opposition political party in 1999.<sup>(38)</sup> These faults are blamed for creating a hostile environment where livelihoods have been severely impaired by, among other vicissitudes, nine-digit inflation and a persistently soaring cost of living – this in the midst of burgeoning poverty, spiralling unemployment and crippling shortages of basic commodities.

Between 2000 and 2005, there were three national elections whose results were contested by the Movement for Democratic Change (MDC), the main opposition party. Significantly, the MDC contested the very legitimacy of government. The party still views the government as illegitimate, courtesy of "stolen" presidential elections in 2002.<sup>(39)</sup> Additionally, there is very little faith in public institutions. Key ministries and departments, such as the Ministry of Local Government, Public Works and Urban Development, and the Zimbabwe Republic Police are viewed as extensions of the ruling party, ZANU–PF. At the time of writing, some cities, most notably Harare, are run by government-appointed commissions, whose legitimacy, like that of the national state, is heavily contested. Furthermore, critics regard the judiciary as having been seriously compromised, with many doubting the impartiality of the courts.<sup>(40)</sup> Endorsing this criticism, CHRA described the legal process as "...costly, slow, flawed and frustrating."<sup>(41)</sup> In any case, government is known to disregard court judgements it does not like and to routinely defy court orders at will.

Of particular relevance to CHRA's operations is government's repressive infrastructure, particularly legislation restricting the freedom of assembly. The Public Order and Security Act restricts public gatherings that are officially deemed as being of a "political" nature. It aims to "...make provision for the maintenance of public order and security."<sup>(42)</sup> It requires four

36. CHRA (2008), "Know your rights as a lodger/lessee", CHRA, Harare, 31 January.

37. See Chikuhwa, J (2004), *Zimbabwe: A Crisis of Governance*, Algora Publishing, New York, 353 pages.

38. International Crisis Group (2006), "Zimbabwe's continuing self-destruction", ICG, Pretoria and Brussels.

39. Kamete, A Y (2003), "In defence of national sovereignty? Urban governance and democracy in Zimbabwe", *Journal of Contemporary African Studies* Vol 21, No 2, pages 193–212.

40. See reference 38.

41. CHRA (2006b), "Commission to be reappointed", Press statement, Harare, 13 December.

42. Government of Zimbabwe (2002), *Public Order and Security Act* (Chapter 11:17), Government Printer, Harare.

43. See reference 42.

days' advance notice to the police for any public gathering, defined as a public meeting "...held for the purpose of the discussion of matters of public interest or for the purpose of the expression of views on such matters."<sup>(43)</sup> The Act gives the police power to prohibit any public gathering they reasonably believe will result in public violence, to disperse such a gathering, and to cordon and search any area at any time. Under this legislation, government has recently clamped down on opposition and civil society gatherings, labelling them a threat to public order and national security. The closure of CHRA offices mentioned in the introduction came in the wake of the suppression of a civil society gathering, during which leaders of the opposition and civil society were severely assaulted and/or arrested and detained.

CHRA is not alone in contesting state hegemony. There are other high-profile organizations whose mandates bring them into direct conflict with the authorities. Among them are:

- the MDC, the official opposition party, whose mission is democratic regime change;
- the National Constitutional Assembly, which campaigns for a new democratic constitution;
- Crisis in Zimbabwe Coalition (Crisis), which strives to bring about democratic change;
- Women of Zimbabwe Arise (WOZA), which encourages women to stand up for their rights and freedoms; and
- Zimbabwe Lawyers for Human Rights, which aims to foster a culture of human rights.

At one time or another, members of these organizations have either been physically assaulted and/or arrested by law enforcement or security forces.

### c. The local context

The national political, social and economic situation is mirrored at the local level. In keeping with national trends, service levels in Harare have been deteriorating. Roads are falling into a state of disrepair and water, electricity and refuse collection are becoming increasingly erratic. Health, education and environmental management are plagued by problems. Significantly, since 2000, Harare, like all Zimbabwe's major cities, has become a "bastion of opposition support".<sup>(44)</sup> In national and council elections, Harare's electorate rejected the ruling party, and by mid-2002 the ruling party had no democratic presence in Harare. All members of parliament were MDC, the powerful office of mayor was won by the MDC and all but one of the 43 councillors were MDC.

The opposition-controlled council became fiercely independent and defiant. Obviously playing to the gallery, it publicly countered most central government – which many interpreted as ZANU–PF – moves by routinely disregarding and/or contesting ministerial instructions, directives and guidelines.<sup>(45)</sup> The multiple electoral defeats and purported council insubordination spurred national government into action as it sought to salvage its dominance in urban politics and rein in renegade councils. By December 2004, Harare's opposition executive mayor and the MDC-controlled council had been sacked and replaced by a pliant government-appointed

44. Maroleng, C (2005), "Zimbabwe: increased securitization of the state?" ISS Situation Report, Institute for Security Studies, Pretoria.

45. Kamete, A Y (2006), "More than urban local governance? Warring over Zimbabwe's fading cities", *African Renaissance* Vol 3, No 2, pages 34–46.

commission, which many critics, including CHRA, regarded as an extension of ZANU–PF. The fact that the commission unhesitatingly does everything central government asks of it has not endeared it to residents, who see the hand of ZANU–PF in the running of the affairs of the city.

#### IV. CALLING TYRANNY TO ACCOUNT

This section presents three cases that illustrate how CHRA strives “...to promote and protect the rights and interests of the residents of Harare.”<sup>(46)</sup> The cases are: contesting the legitimacy of the commission; claiming space for citizens in budgetary processes; and contesting the transfer of water and sewerage services to a parastatal.

##### a. Contesting the legitimacy of an imposed authority

CHRA has maintained consistently that the government-appointed commission running the affairs of the city of Harare is illegally constituted. The contention began in December 2004, when CHRA publicly contested the dismantling of the elected council by central government. On 9 December 2004, as a result of the suspension and dismissal of the elected mayor and the subsequent resignation of a number of councillors, not enough elected councillors remained to form a quorum. The local government minister, acting in accordance with the provisions of the Urban Councils Act, appointed commissioners to run the city’s affairs. On 12 December 2005, citing the same Act, the minister controversially re-appointed the commission whose term had, in accordance with the act, expired on 9 June 2005, and extended its term to 9 December 2005.

In its contention, CHRA cites the law as being on its side; and indeed it is. Section 80(3) of the Urban Councils Act limits the tenure of commissioners to six months. Section 80(4) requires the holding of council elections before the term of office of the commission is terminated. Based on these legal provisions, “...CHRA believes the office of the commissioners to have ended on 9 June 2005”,<sup>(47)</sup> the legally stipulated six months after its appointment. CHRA’s contention is that “...the commission has not fulfilled this requirement; instead, the minister has extended the term of office of the commissioners.”<sup>(48)</sup> Further, CHRA cites the provision of Section (3) of the Electoral Act, which states that “...the authority to govern derives from the will of the people demonstrated through elections”, and that “...every citizen has the right to participate in government...through freely chosen representatives.”<sup>(49)</sup>

CHRA contends that:

“The disregard by the commission governing the city of Harare, by the Minister of Local Government and by the Zimbabwe Electoral Commission both of clearly laid-down laws and legislated democratic principles has serious implications not only for the rights of residents of Harare but for every citizen of Zimbabwe.”<sup>(50)</sup>

Signalling its determination to contest this illegality, CHRA appeals:

“CHRA urges residents of the Greater Harare area to support the action being taken on their behalf by CHRA to restore their democratic and constitutional right to elect people of their choice to govern their affairs. Stand up for your rights.”<sup>(51)</sup>

46. CHRA (2007c), Mission Statement, accessed 1 March 2007 at [http://www.chra.co.zw/index.php?option=com\\_content&task=view&id=18&Itemid=42](http://www.chra.co.zw/index.php?option=com_content&task=view&id=18&Itemid=42).

47. CHRA (n.d.), “Justice delayed is justice denied”, accessed 21 March 2007 at <http://www.chra.co.zw>.

48. See reference 47.

49. Government of Zimbabwe (2004), Electoral Act (Chapter 2:13), Government Printer, Harare.

50. See reference 47.

51. See reference 47.



As it turned out, in a separate legal challenge by the dismissed town clerk in March 2007, the High Court declared the commission illegal. CHRA predictably celebrated the victory, claiming its position had been vindicated. Notably, this was not the first court ruling in favour of those contesting the legitimacy of a government-appointed commission and its reappointment. In 2000, 2001 and 2002, the High Court and the Supreme Court had ruled that the first commission (appointed in 1999) was illegal, as was its subsequent re-appointment. After the 2007 victory, the Association promptly switched its strategy from challenging the legitimacy of the commission to demanding that central government abide by the court ruling. When it became clear that the government was bent on disregarding the judgement, CHRA announced, "...CHRA continues to demand the immediate holding of mayoral and council elections in Harare, and the removal of the illegal commission from Town House in line with the High Court ruling."<sup>(52)</sup> CHRA further threatened:

"...failure to heed these demands, the residents of Harare shall continue to: withhold paying any rates to the city of Harare; actively demand their stolen democratic space by engaging in peaceful protests and actions against Makwavarara [the commission chairperson] within their suburbs or at Town House."<sup>(53)</sup>

True to its word, barely a fortnight after the state had demonstrated its readiness to violently suppress protests, CHRA mounted the surprise protest at Town House. Aware of the wrath of the ruling elite, CHRA closed its offices for one week.

### **b. Claiming space for citizens in budgetary processes**

CHRA has also been vocal on budgetary matters. In 2006, CHRA made a sombre analysis of the budget prepared by the commission. In its conclusion, CHRA showed its stance on the budget by amplifying the negative aspects, such as very large increases in rates and service charges. Then it stated its position:

"The commission running the affairs of the city of Harare is illegal. Its term expired a long time ago but Chombo [the local government minister] re-appoints them each time their term expires. The budget it has formulated is also not in the best interests of residents. There is no working relationship between the Harare commission and Harare residents."<sup>(54)</sup>

A year later, CHRA became more critical. When the 2007 budget was presented, the movement did not even bother to analyze it. On 7 January, CHRA declared that it had:

"... resolved ... to reject the proposed city of Harare 2007 budget and to take any action necessary to express our rejection of the budget and the illegal...commission. We do so because the commission has no mandate from the residents of Harare to formulate any budget and we demand an immediate return to legitimate governance at Town House."<sup>(55)</sup>

This statement showed the principled stand of CHRA. The commission was illegal, therefore it did not have the mandate to make decisions,

52. CHRA (2007d), "Chombo and Makwavarara defy High Court", Press statement, Harare, 6 March.

53. See reference 52.

54. CHRA (2006c), "Commission term renewal is corrupt, evil and undemocratic", Press statement, Harare, 11 December.

55. See reference 52.

including, and in particular, financial ones. All this was framed in the language of "legitimate governance".<sup>(56)</sup>

To show its seriousness on the budget, CHRA embarked on and advocated a rates boycott. Showing signs that it had done its homework, CHRA informed residents that they could:

"... safely decide not to pay their rates and still live without any fear of the municipality. There is no immediate legal recourse except to make empty threats. Going to the courts will obviously take ages to conclude and that would be a drain on the coffers of the municipality."<sup>(57)</sup>

CHRA then embarked on a protest campaign. It drafted a letter of objection against the budget. Residents were requested to sign the letter individually and post it to the acting town clerk. Deliberately addressing the letter to the town clerk served to demonstrate that CHRA did not recognize the legitimacy of the commission and did not regard it as a fitting recipient of residents' grievances. Two points in the letter encapsulated the Association's enduring position. First, the letter reminded the town clerk that: "*The principles of natural justice that the council should observe in terms of the law have been flagrantly disregarded and...I cannot pay.*"<sup>(58)</sup> Second, the letter simply stated: "*The proponents of the proposed budget lack any mandate from residents and are illegal.*"<sup>(59)</sup> Here, CHRA was appealing to the law to dispute the budgetary procedure and to question the authority of the institution that had produced the budget.

### c. Contesting the transfer of water and sewerage services

In 1998, in what it claimed was a shift from supply-oriented solutions to demand-oriented and stakeholder-centred water management principles, government repealed the Water Act of 1976 and replaced it with the Water Act of 1998. The Act established a parastatal, the Zimbabwe National Water Authority (ZINWA), to run and manage all of Zimbabwe's water resources. Central government then directed ZINWA to take over the management of water and sewerage reticulation responsibilities from local authorities in all urban centres. In 2006, with the Harare commission's full cooperation, ZINWA started taking over the management of water and sanitation from Harare city council.

The move was not free of contention. The fact that ZINWA moved in to take over the management of water and sanitation systems after the cities had rejected the ruling party was viewed with suspicion by many. CHRA led the campaign opposing the controversial takeover. While other opposition-controlled centres – most prominently Bulawayo, the second largest city – opposed the takeover, the Harare commission complied with the directive. This inevitably enhanced its branding as a pliant instrument of the national state, and by extension the ruling party.

Calling for the takeover to be annulled, CHRA argued that the move "*...further exposes the evil agenda of the regime towards urban citizens, particularly those living in Harare*" and was therefore "*...unjustified and hostile.*"<sup>(60)</sup> The Association argued that ZINWA "*...lacks the capacity and legitimacy to deliver and is merely a vehicle for patronage.*"<sup>(61)</sup> It further contested government's diagnosis of the city's water problems, which diagnosis was used by government as the rationale for the takeover. CHRA contended that the "*...water woes arise from a combination of bad policies,*

56. See reference 52.

57. See reference 52.

58. CHRA (2006d), Letter of Objection to Proposed 2007 City Budget, Harare, 27 December.

59. See reference 58.

60. CHRA (2006e), "ZINWA takeover unjustified and hostile", Press statement, Harare, 29 November.

61. See reference 60.

62. See reference 60.

63. See reference 60.

64. See reference 60.

65. See reference 60.

66. See reference 60.

67. CHRA (2006f), "ZINWA must be stopped now", Press statement, Harare, 9 October.

68. See reference 67.

69. See reference 54.

70. See reference 54.

*partisan political interference, technical and financial problems.*"<sup>(62)</sup> Asserting that "...the water system belongs to Harare", CHRA demanded that it "...must be returned to its rightful owners [since] ZINWA does not own our water."<sup>(63)</sup> Regarding its plan of action, CHRA declared that it "...continues to educate and mobilize residents on water issues in relation to ZINWA and the city of Harare."<sup>(64)</sup>

Again resorting to residents' rights, CHRA asserted: "*The takeover of our water infrastructure is evil, unjustified and illegal since there is no memorandum of understanding between the parties involved, and no mandate from residents.*"<sup>(65)</sup> Taking up its usual line on legitimacy, CHRA declared:

"Without democratic, accountable and transparent governance at Town House, the city of Harare will be a pariah, unable to raise finance or to engage genuinely with residents. CHRA will continue to press for a complete rates boycott and other acts of protest until elections are held."<sup>(66)</sup>

In another press statement, CHRA warned: "*An uprising by the residents of Harare is imminent... This can certainly attract a national outcry.*"<sup>(67)</sup> According to CHRA, the only way to avert triggering "...a residents' uprising over water bills"<sup>(68)</sup> was for the city of Harare to reclaim full ownership of water supply and administration from ZINWA.

#### d. CHRA's repertoire of tactics

Regarding its tactics on contesting the legality of the Harare commission, CHRA states:

"CHRA will strategically continue to pursue the slow and frustrating court processes for the record, but will back that action with ... popular mass mobilization until we have restored Harare to its rightful owners. We continue to mobilize residents against payment of rates and rentals until there is a legitimate board of city fathers to run our affairs. CHRA says no to the continued re-appointments! Elections Must Be Held Now!"<sup>(69)</sup>

The statement captures CHRA's modus operandi. Included in this repertoire are litigation, advocacy, disruption and information campaigns. All these fall within the realm of collective claim making and contentious politics.

Litigation and advocacy entail working within recognized institutional structures. Litigation involves dealing with the judicial system. Could it be that CHRA believes that the rule of law is alive in Zimbabwe? This is a pertinent question, as litigation involves conforming to set legal procedures. However, as shown above, CHRA describes "...the slow and frustrating court processes".<sup>(70)</sup> One can then ask why it is that CHRA takes this route when it is that frustrating; and indeed, when critics doubt the impartiality of the courts and when it is known that the state has the propensity to ignore court judgements or defy court orders. In a statement quoted above, CHRA says it is doing so "for the record". Is CHRA seeking a moral victory or is it trying to show that it has tried the proper channels and they cannot be trusted to deliver? Or could it be that a legal victory would be a huge moral blow to its opponents? Maybe CHRA, like some

opponents of the state, still believes that the courts can pass favourable decisions. Notably, CHRA has resorted to litigation only in the case of fighting the legality of the commission. With respect to ZINWA and the budget, CHRA uses other means. It could be that CHRA knows that when dealing with fundamental structural issues, the only lasting victory is obtained through institutionally recognized practices.

In its advocacy role, CHRA rarely engages constructively with the commission. The main impediment seems to be the commission's illegality. Dealing with it may be misconstrued as recognition. When CHRA protested against the budget, the objection letters were addressed to the town clerk, not the chairperson of the commission, who acts as Harare's executive mayor. In contrast, CHRA has readily engaged with institutions whose legitimacy it recognizes. For example, it has no qualms about seeking an audience with parliament. In this regard, CHRA "*...looks at engaging parliamentarians, who are the key policy makers in discourse over matters that affect residents.*"<sup>(71)</sup> True to its word, CHRA held a workshop and meetings with the Parliamentary Portfolio Committee on Local Government. Typical of CHRA's dealings with institutions, in its dealings with parliament, CHRA puts a lot of work into developing a technically sound position. The recommendations made to this committee are always backed by careful research and analysis.

Disruption is the hallmark of CHRA. In its bid to oust the commission, the Association threatens sustained mass mobilization "*...until we have restored Harare to its rightful owners.*"<sup>(72)</sup> In this campaign, the weapon of choice is public performance through public protests. The surprise demonstration at Town House is an example of such protests. As noted above, in its contestation of the commission's legality, CHRA promised "*...peaceful protests and actions.*"<sup>(73)</sup> In its rejection of the budget, the Association stated that residents would "*...take any action necessary to express our rejection of the budget.*"<sup>(74)</sup> In protesting the ZINWA takeover of services, CHRA threatened "*...acts of protest and an uprising by the residents of Harare.*"<sup>(75)</sup> In the case of the budget, CHRA protested through a campaign to swamp the local authority with signed individual letters; this was also the case in the ZINWA controversy. CHRA's other method of disruption was to call for a rates boycott, a tactic that has been applied in all three cases. The Association's logic is simple: residents should not pay rates to the commission because it is illegal, and every decision it makes and every action it takes lacks legitimacy. Hence, part of the strategy to force the disbanding of the commission and ensure that elections are held is to withhold payment of rates. Similarly, part of the strategy to reject the budget involves not only condemning the very large increases in rates and service charges but also mounting a complete rates boycott. The argument is that the commission is illegal and has no mandate to prepare the budget let alone raise revenue. Part of the protest against the takeover of water and sanitation services by ZINWA is to withhold payment of rates and water charges, not only because of ZINWA's very poor performance but also because the illegal commission has no mandate to hand over these services to ZINWA.

Information campaigns constitute CHRA's most visible tactic. Leading this tactic is the issuing of timely public statements characterized by the liberal use of information technology and what Tilly calls "pamphlet-eering".<sup>(76)</sup> CHRA is one of the few institutions in Zimbabwe that has a functional up-to-date website. Through a sustained cyber campaign,

71. CHRA (n.d.), "Advocacy with parliament", accessed 21 March 2007 at <http://www.chra.co.zw>.

72. See reference 54.

73. See reference 52.

74. See reference 52.

75. See reference 67.

76. See reference 8, page 3.

CHRA has been able to not only "...promote and encourage public awareness and participation by residents in local governance issues" but also to maintain pressure on institutions of governance in a bid to fiercely do "... all things necessary to protect and promote the rights and interests of the residents, as set out in its constitution."<sup>(77)</sup> Also in the realm of information campaigns are regular public meetings of CHRA and its branches. Unlike public protests, these are meetings where cool-tempered analysis and discussion take place. It is at these meetings that CHRA rationally reviews issues such as budgets and policies, while providing feedback to, and raising awareness among, residents.

CHRA officials give regular interviews in reaction to issues and to lay out their programme of action. Predictably, these interviews are neither solicited by nor carried in the state-controlled media. Independent and international media, as well as websites of like-minded local organizations, conduct the interviews. For example, on 15 December 2007, two days after the controversial extension of the term of the commission, the website of Crisis in Zimbabwe Coalition, a civil society organization fiercely critical of the state, carried an interview with Mike Davies, chairperson of CHRA. In this interview, aptly entitled "'Makwavarara Commission Illegal' – CHRA", Davies argued that "...the extension was illegal and against the dictates of the *Urban Councils Act*." He called on residents to "...resist the infringement of their rights through demonstrations to send a clear message to the regime."<sup>(78)</sup> Characteristically, in such interviews CHRA projects the image of not being a rabble-rouser but, rather, an organization on a just crusade. This is always accomplished by providing a reasoned, logical and technically sound analysis that is backed by reference to appropriate legislation.

## V. EMERGING ISSUES

CHRA's mandate, crusade and tactics raise questions about social movement organizations in general and those operating in repressive environments in particular. The first question regards the issue of ensuring good local governance without being tainted by projects of regime change. On its position on national governance, CHRA points out that it has "...been forced by the regime's hegemonic and exclusivist policies to address questions of national politics ... until change occurs that will allow us to operate normally."<sup>(79)</sup> There could be no clearer admission of complicity in a regime change agenda. As "... part of the move towards a more democratic dispensation in Zimbabwe",<sup>(80)</sup> the movement's stance clearly resonates with proponents of democratic (regime) change.

What distinguishes CHRA as a social movement from an interest group? If, as Candler argues, "... interest groups are seen as self-interested, that is, organizations established to pursue the self-interests of their members", and social movements "... are seen as positive, democratizing players in public policy",<sup>(81)</sup> then CHRA straddles the two. While protecting the needs of residents, CHRA consistently calls tyranny to account on broader issues of government and governance. In this regard, CHRA is what Allen labels a social movement interest group.<sup>(82)</sup>

On the surface, there has not been much in terms of practical gains to ordinary Harare citizens. This is not surprising, considering the intransigence of the regime. The court victories that should have resulted in such gains have not been heeded; the highlighting of the state's illegal

77. See reference 30.

78. Crisis in Zimbabwe Coalition (2006), "'Makwavarara commission illegal' – CHRA", accessed 17 March 2007 at <http://www.crisisinzimbabwe.org/news.php?item.42.2>.

79. See reference 11, page 10.

80. See reference 11, page 10.

81. Candler, G G (1999), "Interest groups and social movements: self or public interested? Insights from the Brazilian third-sector literature", *International Journal of Voluntary and Non-profit Organizations* Vol 10, No 3, pages 237–253.

82. Allen, V H (2007), "Social movement interest groups,

actions has been nothing more than symbolic and moral victories. Even in areas where CHRA might be said to have been successful, it is difficult to attribute this to CHRA's strategies. The call to boycott rates is a case in point. Responding to the question on rent boycotts, the CHRA chairperson stated: "*Last time we ran a boycott campaign [2001–2002], we discovered that some 30,000 rate payers were in arrears.*" He asserted: "*Whether they were bona fide boycotters or just not paying for economic or other reasons doesn't really matter.*"<sup>(83)</sup> However, evidence suggests that non-payment is largely attributable to CHRA's strategy. Notably, "*...in the month after the 2002 elections, revenues tripled and then quadrupled as people paid off their arrears.*"<sup>(84)</sup> This is confirmed by the council treasury. Since economic conditions had actually worsened at the time when more people suddenly started paying, it goes without saying that some people **chose** to pay, which by expansion implied that they had previously **chosen** not to pay. Since CHRA was the only organization calling for the rates boycott, this voluntary non-payment should be attributed to the CHRA campaign.

The Zimbabwean government instinctively labels all its critics as "oppositional forces" bent on what it labels "illegal" regime change, which on closer scrutiny turns out to be **any** form of regime change. CHRA is a self-confessed member of this distinguished group, which includes opposition parties, critical academics, independent media, non-governmental organizations and civil society. The carrying of CHRA's views in what the state dismisses as "oppositional media", and the presence of prominent CHRA personnel on sites of oppositional politics, such as demonstrations, is summarily linked to a partisan political project by the state. Notably, when CHRA is present on such sites, it consistently uses the occasion as a vehicle for advancing its own agenda, such as the dismantling of the Harare commission.

Notwithstanding the state's branding as "enemies of the state" all who disagree with it, question it, or stand up to it, the question should be asked whether it is possible to contend with tyranny without being linked to or implicated in some larger political project. The question remains whether alarm should be raised when dissenting voices, such as that of CHRA, resonate or merge with known anti-government voices. CHRA openly admits it has "*... substantial networks with other activists in the country.*"<sup>(85)</sup> That most of these activists are regime opponents is beyond doubt, considering Zimbabwe's polarized political landscape.

This issue should be viewed in the context of a tricky practical and ethical dilemma, namely, how to handle tyranny when the most vocal protests fall on deaf ears, the greatest public performances have no rousing effect on the target, the soundest arguments count for naught and even the sweetest of legal victories end up having no effect. In such cases, one can argue that the ultimate success of a movement's programme rests on fundamental political and structural changes, including regime change. While it is admittedly risky, it may not be wrong for a social movement organization whose mandate is local governance not to shy away from projects aimed at fundamental structural changes in national governance. In light of this, it can be said that CHRA's consorting with and openly taking up the cause of regime opponents and critics such as the National Constitutional Assembly, Crisis in Zimbabwe Coalition, Women of Zimbabwe Arise, Zimbabwe Lawyers for Human Rights and even the MDC is more than prudent; it is a necessary strategy.

political parties and policy change", Paper presented at the annual meeting of the Southern Political Science Association, New Orleans, 3 January, accessed 30 May 2008 at [http://www.allacademic.com/meta/p143089\\_index.htm](http://www.allacademic.com/meta/p143089_index.htm).

83. Mike Davies, CHRA chairperson, personal communication, 2 June 2008.

84. See reference 83.

85. See reference 11, page 10.

86. See reference 11, page 14.

87. Downey, D J (2006), "The role of leadership and strategy in navigating political incorporation: defining a niche for human relations in Orange County, California, 1971–2000", *The Sociological Quarterly* Vol 47, No 4, pages 569–597.

88. See Meyer, D S and N Whittier (1994), "Social movement spillover", *Social Problems* Vol 41, No 2, pages 277–298.

89. Haines, H H (1988), cited in McAdam, McCarthy and Zald (editors) (1996), see reference 11, page 14.

90. See reference 11, page 14.

91. See reference 11, page 14.

Another issue has to do with acting on principle as opposed to pragmatic action and flagrant opportunism. CHRA is a locally embedded organization with a local mandate hinging on local governance. The execution of this mandate involves dealing with the premier local governance institution, which in CHRA's case is the commission. As McAdam, McCarthy and Zald point out, "... *the demands of most movements are ultimately adjudicated by representatives of the state.*"<sup>(86)</sup> Apart from being the local state, albeit of dubious legitimacy, the commission is the representative, if not instrument, of the national state. It is therefore the adjudicator of the local demands of the movement. However, because the Association does not recognize the commission, it rarely, if ever, engages it. In contrast, CHRA has shown a readiness to engage with national institutions such as the courts and parliament. One could ask if this principled stand is hurting the cause of residents. Understandably, being a state creation, the commission does not have a mind of its own; it owes its allegiance not to residents of Harare but to the source of its power, that is, central government. It is tricky – and maybe futile – to deal with the commission. But, when extended standoffs do not pay, there is much to be gained by "... *revising and expanding repertoires and cultivating new forms of political engagement.*"<sup>(87)</sup> Adapting to changing external conditions is what keeps social movements alive and relevant.<sup>(88)</sup>

Finally, there is the question of strategic radicalization. By any standards, despite its dissenting voice and disruptive tactics, CHRA is a moderate organization – a characterization that is confirmed by the Association's numerous references to "peaceful protest". This partly explains why the national state and the commission can afford to ignore the movement, banking on the likelihood that CHRA will not cause more headaches than it has been known to cause. This is so because with CHRA, one notices the absence of "radical flank effects".<sup>(89)</sup> McAdam, McCarthy and Zald observe that the presence of a radical wing in a movement can be beneficial.<sup>(90)</sup> In the presence of extremists within a movement, the object of the claims – in this case the state – is forced to accommodate the "lesser threat" by supporting the position of the moderates "... *as a way of undercutting the radicals*",<sup>(91)</sup> thereby helping the cause of the movement. It is perhaps this lack of a radical wing that makes it possible for the state to calculate that it can continue to pour scorn on CHRA's demands without risking much.

## VI. CONCLUSION

As a typical social movement organization, CHRA operates in an environment that is not conducive to stable and strife-free relations of governance. There is a crisis of governance at the national level, while at the local level the legitimacy of governance institutions is contestable. Further, state repression at all levels makes it difficult to engage in, let alone sustain, contentious politics, which is what defines CHRA's approach in its bid to protect and promote the rights and interests of residents.

Despite the factors working against it, CHRA has managed to mount a sustained challenge as it unrelentingly makes collective claims on centres of authority. It has persisted in the deployment of its double-edged repertoire, namely working within established institutions while at the same time employing disruptive tactics. In Zimbabwe's system of authoritarian governance, this is a feat in itself. Not only does this require ingenuity

and heroic sacrifices, it also demands a constant reinvention of the movement, considerable staying power and the capacity to stomach persistent frustrations that stem from repeatedly coming up against a brick wall and from victories that turn out to be hollow.

CHRA has not persuaded the state to change or reverse major contentious decisions in the area of government and governance. Be that as it may, the impact of the organization should not be underestimated. Apart from notable legal victories, CHRA has managed to expose government's duplicity and flaws in local governance. Where government has tried to hide behind legitimacy and sovereignty, CHRA has unmasked the illegitimacy and illegality of government decisions and actions, exposing weaknesses in its rationalizations and arguments. This is significant in a country that is saturated with government propaganda.<sup>(92)</sup>

It is CHRA's dealings with the commission – undoubtedly the main local governance institution – that raises fundamental questions. While CHRA has stuck consistently to its principle of not recognizing the legitimacy of the commission, one could be asked whether this adherence to principle is doing more harm than good to local governance. It is a peculiar situation, where the two main actors in local governance do not engage. There is a clear absence of trust and reciprocity, which when combined with the issues of legitimacy and the rule of law makes Harare's governance scene decidedly poisonous. It might be fruitful to explore the efficacy of pragmatic engagement and flagrant opportunism, tactics that CHRA's opponents, both local and national, have demonstrated a propensity to embrace.

Finally, for all its "nuisances", CHRA is a moderate movement. For the state, the absence of a radical wing makes CHRA predictable and safe to ignore. Additionally, the state seems to have devised ways and means of responding to the movement's existing tactical and strategic repertoires. It is this paper's contention that CHRA needs a radical flank. The presence of an extremist group with a radical approach and agenda might force the authorities to reconsider the potency of CHRA, to view it as having the potential to transcend the bounds of an ordinary irritant. This could see the state bargaining with the moderate elements within CHRA so as to undercut the radical wing. In an environment where the state is notoriously repressive, stubbornly listens to no one, routinely disregards court orders and impudently scoffs at threats, deliberate selective radicalization of some sections of the movement may offer the only way to constructively engage, to be heard and to be taken seriously.

92. See Melber, H (editor) (2005), *Media, Public Discourse and Political Contestation in Zimbabwe*, Nordiska Afrikainstitutet, Uppsala, Sweden.

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