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# African Studies Quarterly

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# Transforming Traditional Institutions for Sustainable Natural Resource Management: History, Narratives and Evidence from Zimbabwe's Communal Areas

DALE DORE

**Abstract:** A major question that has emerged from the research and discourse on community-based natural resource management in southern Africa is whether traditional rules comply with generally accepted principles of common property management. In other words: do traditional institutions offer a solution for the sustainable management of natural resources held in common? This paper traces the emergence of traditional institutions from the pre-colonial times to the present, and draws a comparison with one fundamental principle of common property management: exclusivity of resource use. Evidence from Zimbabwe shows that traditional rules governing natural resources contradict this principle. The study suggests that the gap between traditional institutions and design principles for sustainable common property resource management can be bridged by making small continuous institutional changes over an extended period of time. It also recommends that longitudinal studies – based on historical precedent rather than contemporary narratives – and cross-sectional studies are required for informed policy decision-making in order to transform traditional institutions.

## Introduction

Bromley (1991) has argued that, with the advent of colonialism and markets, “the spread of private land—and the attendant individualisation of village life—has undermined traditional collective management regimes over natural resources.”<sup>1</sup> In this interpretation of history, the individualization of property led to the breakdown of traditional authority and community regulation over common resources. As a result, common property resource regimes degenerated into open access. Some scholars therefore believe that a return to the pre-colonial situation, when traditional institutions once prevailed, will empower communities to manage their resources more sustainably. The implicit assumption being that traditional systems of land tenure were characterized by collective action and common property management regimes.<sup>2</sup>

The first difficulty with this view is that it differs materially from the literature on the reinvention of tradition.<sup>3</sup> Ranger (1983), for example, maintains that:

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<http://www.africa.ufl.edu/asq/v5/v5i3a1.pdf>

"The most far-reaching inventions of tradition in colonial Africa took place when the Europeans believed themselves to be respecting age-old African custom. What were called customary law, customary land-rights, customary political structure and so on, were in fact all invented by colonial codification."<sup>4</sup>

Ranger does not imply that pre-colonial African societies did not have valued customs, identity and continuity, but that such customs were loosely defined and flexible. His fundamental point is, therefore, that "once the 'traditions' relating to community identity and land rights were written down in court records and exposed to the criteria of the invented customary model, a new unchanging body of tradition had been created."<sup>5</sup> In other words, traditional institutions were not so much destroyed as reinvented.

The second difficulty arises from the presumption that natural resources in pre-colonial societies in Africa were actually "managed." The economics of property rights tells us that communities would have had little incentive to create rules governing the use of resources, first, if there was a relative abundance of that resource – where supply is perfectly elastic – and, second, if the costs of enforcing exclusive use exceeded the benefits. Given the low population levels and a relative abundance of natural resources on the southern Africa plateau during the nineteenth century, there does not appear to be a justification for resource conservation and the establishment of a common property management regime. The third difficulty is that the tenets of customary land tenure and the use of natural resources in the communal areas do not seem to accord, even closely, with contemporary principles of common property resource management articulated by scholars such as Bromley (1991), Ostrom (1993) and Murphree (1991).

This paper sets out initially to verify whether or not colonialism destroyed traditional common property management institutions by examining the traditional customs and practices of indigenous communities. It then compares traditional practice with one fundamental contemporary principle of resource management that characterises a common property regime: exclusivity. In doing so, the paper tries to establish whether traditional institutions – under conditions of unprecedented increases in human and livestock populations – offer a solution for the sustainable management of natural resources held in common and, if not, how they could be modified so that they can.

My inquiry begins, in Section 2, with an historical exposition of customary natural resource use from pre-colonial times (1840-1890), through the colonial period when native reserves were created, to the emergence of post-Independence notions of traditional natural resource management. This process of institutional change is considered in the context of a burgeoning human and livestock population in the communal areas. Section 3 examines the decline in the conservative conservation narrative and the emergence of a community conservation narrative, focusing primarily on the development of property rights theory and the principles for designing common property regimes. I then compare the common property rights principle of exclusivity with traditional natural resource use practices. This difference is illustrated in Section 4 with evidence of traditional access and harvesting practices of natural resources in the communal areas. The differences between principle and practice also presupposes that improvements can be made in the way natural resources have been managed in communal areas under customary law, and equally, that there are a set of institutional arrangements towards which change should be directed. Section 5 takes up this discussion and suggests new

directions for research. Concluding remarks are made in the final section about the need for historical precedence and social context in our search for lasting solutions to the issues of poverty and resource depletion that beset the communal areas of Zimbabwe and other countries in southern Africa.

## 2. TRADITIONAL INSTITUTIONS

Concepts such as “tradition” and “community” have been widely criticized because they are loosely used to carry complex associations – of wisdom, continuity, propinquity – that give them resonance, resilience and power.<sup>6</sup> Nonetheless, they remain useful concepts if their context and meaning remain clear. Hughes (1972), for example, explains:

"Just as the present colourful 'traditional' Swazi dress is known to have come in at the turn of the 20th century, so many features of the social and political organizations may well have acquired their present form at a relatively recent date. Nonetheless, they are specifically Swazi and traditional now."

It is in this sense, therefore, that the word “tradition” is used here to distinguish between what people today consider to be their own established practices and rules governing access to land and natural resources, as opposed to outside interventions which propose new rules and regulations to which people are unaccustomed.<sup>7</sup>

### 2.1 PRE-COLONIAL SETTLEMENT PATTERNS

Despite the difficulties presented when reconstructing pre-colonial systems of landholding and resource use, anthropologists and historians have combed through early documents and writings to build a reasonable understanding of life during the pre-colonial years in central and southern Africa.<sup>8</sup> For the purposes of this article, I examine briefly the pre-colonial period between 1840 and 1890, just after the settlement of the Ndebele in southwest Zimbabwe at Gabulawayo in 1840, and just before the colonization of the central plateau by the British South Africa Company's pioneer column in 1890.

Early accounts of pre-colonial life in Zimbabwe indicate that the Ndebele and Gaza – offshoots of the warrior Zulu nation – raided and extracted tribute from surrounding Shona villages for grain, cattle and slaves. As the Shona lived in dread of these raiders, they built their towns on hill-tops in places that were easy to defend.<sup>9</sup> Scoones and Wilson (1989) maintain that the dominant farming system of the southern Shona was based on intensive, continuous farming of vleis (wetlands), the major portions of which were held by petty warlord chiefs, and largely worked by commoners as tribute in exchange for food and wives. In areas beyond the reach of Ndebele influence, however, the most common form of Shona settlement was based on shifting rather than continuous cultivation:

According to traditional agricultural methods the inhabitants start to cultivate a certain selected piece of virgin land, using the same fields for two or three years, when they extend their reclamation for another few years until most suitable land in the vicinity is exhausted. Then the whole village is shifted to another area. The result has been that villages have been moved every six to eight years or so, mainly depending upon the amount of arable land

available within easy reach. This process met with little difficulty in the past as land was ample and dwellings easily built.<sup>10</sup>

By all accounts, the Shona had by 1850 built up large herds of cattle. However, Beach (1984) describes the documentary evidence on cattle ownership and herding only as “tantalisingly vague.” Descriptions by Holleman (1952) of Shona rules governing the pasturing of cattle are also vague and flexible:

“A distinction was made between grazing area (ufuro) and ploughing area (urime), in that cattle had to be grazed at a safe distance from the cultivation area. But as there was little or no control over the movements of villages in search of suitable arable land, cattle were in practice allowed to graze wherever there happened to be food for them, as long as they did not trespass upon fields under cultivation.”<sup>11</sup>

The main differences between the Shona and Ndebele settlements, lay in the amabutho, the so-called regiments that were composed of young Ndebele men called together into a residential unit when the king thought fit.<sup>12</sup> Mathers (1891) offered the following description of their settlements:

“These kraals are posted near water, and when they have destroyed the wood for miles around, and when there is not sufficient water or pasture for cattle as it increases by pillage or breeding, then the kraal is burnt and the regiment builds another in a fresh bit of country. A large kraal or town can occupy a place for about ten years. This will account for Inyati having removed from the place marked as such on the older maps. Enhlangeni is the name of the place, and the Inyati regimental kraal is now 50 miles south-east of that; while Gabulawayo is 18 miles north of the position it occupied ten years ago.”<sup>13</sup>

While the evidence is fragmentary, it seems probable that – although much time was spent herding cattle, especially amongst the Ndebele – that cattle were pastured around settlements: the basic rule being that cattle should not stray into cultivated fields that had not yet been harvested.

## 2.2 COMPETING COLONIAL AND NATIONALIST NARRATIVES

Following the occupation of the Pioneer Column and the subjugation of the Matabele and Mashona chiefs in the 1890s, the British South Africa Company had by 1902 set aside native reserves solely for occupation by Africans under traditional tribal ways. Southern Rhodesia was subsequently divided racially into a patchwork of white commercial areas in the more productive areas and native reserves on poorer soils: a pattern of settlement that remains largely intact today.<sup>14</sup>

With colonialism came dramatic changes for the indigenous people. First, there was a boom in agriculture in the native reserves. Following the outbreak of rinderpest in 1896 – a disease that decimated cattle throughout the country – cattle numbers grew from 55,000 in 1900 to nearly a million by 1923. With the introduction of the plough, more extensive areas could be cultivated. The indigenous population had grown from an estimated 400,000 in 1900 to about 940,000 by 1926.<sup>15</sup> As pressure began to be felt within the reserves and the first signs of environmental degradation became evident, two narratives were being created: the colonial administration’s conservative conservation narrative and the African nationalist narrative.

The colonial conservation narrative usually pointed to the inefficient and wasteful methods of traditional cultivation: breaking up and “scratching” of the soil, broadcasting seed over an extensive area without the use of fertilisers, and lack of crop rotation or conservation contours. The cultivation of small and scattered patches of land required excessive labor to keep cattle out of crops. It also meant that while pasture around cultivated fields went to waste, areas set aside for grazing were denuded.<sup>16</sup> The colonial administration’s response was to introduce the concept of “centralized villages” in an attempt to improve African agricultural productivity by the use of organic fertiliser (manure) and by confining crop cultivation to large carefully selected and consolidated blocks of arable land, ringed by homesteads.<sup>17</sup> Beyond these residential “lines” lay undefined woodland and grassland, the so-called “grazing areas.”

In spite of these efforts, the 1938 Natural Resources Commission reported that the “result of overstocking in the Reserves and other areas has not only been a loss of stock but also a great deterioration of the grazing ground, much of which has already been brought to a state where rehabilitation appears impossible.”<sup>18</sup> Its recommendations, embodied in the Natural Resources Act of 1941, paved the way for more coercive conservation methods, permitting the authorities to carry out soil protection control and compulsory destocking to protect the environment. Still, by 1944, the Godlonton Commission estimated that 24 reserves were more than 5% overpopulated; 19 were 50 to 100% overpopulated; and 19 were overpopulated by 100% or more. The administration became convinced that only a major sustained effort to improve African husbandry practices could avert rural poverty and further ecological decline. The prevailing mood within the ranks of the government called for a more disciplinarian approach to conservation. This new determination found its expression in the Native Land Husbandry Act of 1951, which was designed, firstly, to ensure that good farming methods were practiced in the reserves and secondly, to modify the land tenure system by giving individual title to peasant farmers.

African nationalists saw the situation quite differently. Inefficient land use and communal tenure were not the sources of declining living standards or environmental degradation, but rather symptoms of “land hunger.” The nationalists argued that growing rural populations and livestock were hemmed in by the failure of the colonial government to allocate them more land, land from which they had been dispossessed and to which they had a right. According to one African nationalist’s submission to a Royal Commission: “The problem of the African, the cause being this story of the people’s agony, is landlessness.”<sup>19</sup> As the “winds of change” gathered momentum during the 1950s, the nationalists’ bid for independence increasingly focused on the administration’s harsh and deeply unpopular measures implemented under the Land Husbandry Act. The Southern Rhodesian government relented first, by abandoning the Land Husbandry Act in 1961 and second, by allocating additional land for peasant agriculture – from 29 million acres in 1930 to 54 million acres by 1969. Although the amount of land available for subsistence agriculture nearly doubled during this period, the African population had more than tripled, from 1.4 million in 1930 to almost five million in 1969.

The recommendations of the Phillips’s Report of 1962, which favored a more flexible approach permitting tribal authorities to find their own local balance between arable and grazing land, were incorporated in the Tribal Trust Land Act of 1967.<sup>20</sup> In particular, this Act restored chiefs’ authority to allocate land previously denied them under the Land Husbandry

Act. Achieving a “balance” would prove well nigh impossible under the prevailing pressures on land. By allowing cultivation in areas previously designated for grazing only, it created a situation in which the burgeoning population and their livestock had to compete for marginal and limited land resources. As the population grew, so did the need for arable land, which meant carving further into the already dwindling feed resources for livestock. As more land was brought under the plough, and as the demand for additional draught power rose, an ever increasing number of livestock had to survive on less and less grazing land. Eventually, overstocking was considered characteristic of most communal areas and the single most important factor contributing to their environmental degradation.<sup>21</sup>

With the restoration of chiefly powers, the colonial era drew to a close. The tenets of customary land law remained intact although reinterpreted as the “right of avail,” that is:

“The right held by the community as a whole, but in which every member of that community automatically participates. From this participation flow the rights to make what the group considers reasonable use of the natural resources available to that community, including land.”<sup>22</sup>

The rights flowing from this “right of avail” included the right of accommodation (a place to live and an area to plough), the right to pasture, and the right to claim a “fair share” to natural resources: water, clay, minerals, wildlife and fish, forest products, timber and firewood, etc. From the right to natural resources flow other rights: the right of way (to move stock to and from pastures and water) and the right to stover (to graze after fields have been harvested). These rights, however, were only extended to a “reasonable” or “fair” share of natural resources for subsistence purposes only.

## 2.3 POST-COLONIAL TRADITION

It is one of the ironies of Zimbabwean history that the Native Reserves and other institutions created by the colonial administration - and virulently attacked by its most ardent critics - were largely preserved by the nationalist forces that came to power in 1980.<sup>23</sup> The Tribal Trust Land Act survived largely intact after Independence, resurfacing as the Communal Areas Act of 1982. In keeping with its nationalist and socialist ideological roots, the new government saw the communal areas as the arena for collective action and the embodiment of a uniquely African socialism. Except for the provision that newly elected district councils would become the land allocating authority in place of the chiefs, who were considered collaborators with the former white minority government, the Communal Areas Act of 1982 was a virtual replica of the Tribal Trust Land Act passed by the Smith government in 1967.<sup>24</sup> Even so, the notion of customary law held firm. In terms of section 8(1), the new Act specifies that the district council, when granting consent to occupy communal land, shall “have regard to customary law relating to the allocation, occupation and use of land.” The passing of this regurgitated piece of legislation therefore saw the seamless passage of customary tenure from the old colonial order into a new nationalist interpretation of tradition.

## 2.4 AGRICULTURAL INTENSIFICATION AND INSTITUTIONAL CHANGE

To what extent, therefore, have traditional institutions remained intact or been reinvented? To start with, it would seem that Ranger's depiction of customary tenure as a colonial construct is overdrawn. Rather, as he himself put it later, customary law does change within the dynamics of a rural civil society by adapting "to the new realities of the colonial and post-colonial economy, but all within the rhetoric of changelessness."<sup>25</sup> One of these "new realities" was the resolve of the Rhodesians to improve African agricultural methods by modifying settlement patterns and tenure. Another was the sheer pressure of population on the land. As the population grew, it became increasingly difficult to maintain a culture of shifting cultivation. This land scarcity, and the colonial government's centralization programme, brought about a more settled lifestyle, based on continuous cultivation and, hence, increased investment in land improvements, such as manuring and the use of inorganic fertiliser and hybrid seed. This intensification led, not only to what the Rukuni Report referred to as "traditional freehold," but also limitations on the right to stover, which farmers gathered to feed their own livestock in winter.<sup>26</sup> With the relentless pressure of population, people fell back on the "rhetoric of changelessness." Thousands of landless families, and those whose soils had been exhausted, migrated from overcrowded communal areas and settled in the less congested northern communal areas in a large swathe that ran from Gokwe, through the mid-Zambezi Valley, to Rushinga.<sup>27</sup>

While these two processes – agricultural intensification and rural migration – incorporated new rules into the "tradition" of governing access to arable land, the right of avail to common resources remained part of the unchanging tradition within the customary tenure system.

## 3. PRINCIPLES OF COMMON PROPERTY RESOURCE MANAGEMENT

Romantic European imaginings of African life had their roots in nineteenth century explorers and missionaries such as Stanley, Livingstone, Burton, Moffat, and Courtney Selous. This notion of Africa was poignantly captured in the title of Mathers' book, *Zambesia: England's el Dorado in Africa*, published in 1891. With colonization, the charms of Africa were recounted by settlers and today still resonate in popular novels/films such as *I Dreamed of Africa* and *Out of Africa*.

This picture of tranquility was soon shattered by the clamor for African independence from which an alternative image emerged, that of a suppressed people throwing off the shackles of imperialism and colonialism: a people searching for the roots of their own identity, history and culture. It is from these nationalist stirrings that the concept of collective action and the role of the "community" took root within development and environmental circles in the 1960s. The following decades saw a repudiation of the conservative narrative by discrediting Western concepts of property rights, scientific knowledge and development.<sup>28</sup> In its place, a new narrative of community conservation was created.<sup>29</sup> Here, notions of ancient tribal wisdom, harmony with nature, ecological knowledge and a pre-colonial communal existence based on subsistence and equity held sway. Scott (1981), for example, spoke of the "moral economy" and in Zimbabwe, Moyana (1984) proclaimed that the egalitarian principles that governed the pre-

colonial distribution of land ensured peaceful operations of the customary land tenure system. Cross (writing in South Africa) averred that the “single basic principle underlying the indigenous land systems is the commitment to the interests of society, amounting to a deep reverence for the social good.”<sup>30</sup> To use one more example, Folke and Berkes claimed that indigenous knowledge differs from scientific knowledge in being “moral, ethically-based, spiritual, intuitive, and holistic.”<sup>31</sup> For them, traditional ecological knowledge and management systems – developed by trial and error through millennia and handed down through generations by cultural transmission – enabled many societies to use their resources in a way that maintained the integrity of their local ecosystems.

But a stolid piece of work and the quintessential expression of the conservative narrative, Hardin’s classic paper *The Tragedy of the Commons* (1968), stood in the way of the full blossoming of the community narrative. His main argument, based on cattle grazing on common pasture, was that individuals have a strong incentive to continually add more cattle to the commons because they receive a benefit at no additional cost. As a result, he hypothesized, the commons would eventually be destroyed. The attacks on this model were rooted in the belief that it is possible to prevent the “tragedy of the commons” by designing institutions to manage natural resources, rather than changing the tenure system itself.<sup>32</sup> This challenge to Hardin has spawned a vast literature, including the theory and principles of common property regimes. While Bromley articulated the differences between common property regimes and open access, Ostrom collated and elaborated on these principles in her paper, *The Rudiments of a Theory on the Origins, Survival, and Performance of Common-property Institutions*. Consensus grew that the one fundamental principle that differentiates common property regimes from open access was exclusivity, both in terms of boundaries and ownership. Bromley captures this principle most succinctly:

“In one important sense, then, common property has something very much in common with private property—exclusion of non-owners. ... The property-owning groups vary in nature, size, and internal structure across a broad spectrum, but they are social units with definite membership and boundaries.”<sup>33</sup>

Given that Bromley considered traditional land tenure systems to be common property regimes, and that such regimes were characterized by exclusivity of resource use, the expectation was that the principle of exclusivity would be inherent in traditional systems of natural resource management.

#### 4. CURRENT NATURAL RESOURCE USE PATTERNS

It soon became clear that these design principles sat uncomfortably with the customary law of natural resource use. Zimbabwean scholars therefore sought to delve deeper into the mechanisms of traditional rules governing natural resource use in order to resolve this contradiction and vindicate the community conservation narrative.

Guveya and Chikandi (1996) selected two communal areas in Zimbabwe – Svosve in a region of high agricultural potential and Mhondoro-Ngezi in an area of low potential – in order to assess whether well-defined rules guided grazing resource utilization. Using a stratified random sample for their household survey, together with focus groups, their research showed

that local households were allowed to graze any number of cattle wherever they pleased. The only restriction (rule) was to ensure that their animals did not destroy other people's crops. After harvest the chief (in consultation with the headmen) declared when farmers could graze their cattle on arable land. Even when people were able to identify grazing areas that fell under the jurisdiction of different traditional leaders, they felt no obligation to respect these boundaries.

This traditional right of access to the commons was also exercised towards a formal grazing scheme that had been established by three village development committees. Farmers in the surrounding areas cut fences and drove their livestock into the paddocks to be grazed and watered. They claimed to be exercising their traditional right to use this area, arguing that "no-one owns grazing as it belongs to everyone." Even during periods of critical forage shortages, this right prevailed. The authors therefore concluded that:

"An analysis of the rules governing grazing resource use show that in both Svosve and Mhondoro-Ngesi communal areas, there are no boundary rules and restriction rules on the use of natural grazing. This means access to grazing resources is open access. Thus in these communities use of grazing resources cannot be restricted to levels that allow for sustainable yield."<sup>34</sup>

In the case study of Mzola state forest, the Gwaai Working Group (1997) investigated the problem of moving cattle from the overstocked Dandara communal area into the underutilized state forest area, which lay in a restricted foot and mouth disease zone. Seeking a solution to this problem, the research team decided to explore the rules and practices of two communities (Bimba I and II) that control the use of state and communal natural resources. They found that:

- Cattle are allowed to roam freely during the dry season;
- Only cattle belonging to members of the village are allowed to graze close to cropland in the wet season;
- Stover left in the field (after it has been collected by the plowholder) may be freely accessed for grazing;
- There are specially demarcated areas within one village where grazing is closed between November and April (when resources elsewhere are plentiful) to build up reserves during the dry season.

In another study of five wards in the Zambezi Valley, Lynam et al. (1997) tried to determine how households and communities use natural resources to satisfy their needs by emphasizing the spatial pattern of resource use. The selection of study areas was representative of high and low agricultural potential as well as high and low population densities. With the help of a global positioning system and aerial photography, a team of enumerators estimated the pattern and intensity of natural resource use from a stratified sample of twenty-four randomly selected households at each site. This was followed by intensive discussions with groups of local "experts." The results of the study showed that households did not observe

village or ward boundaries in their resource use or harvesting activities. On average, twenty percent of households used resources outside their ward boundaries, and eighty-six percent of households used resources outside their village boundaries. They observed that where resource constraints were experienced within a village's own boundaries, this was overcome by a "spillover" use of the resources in neighbouring wards. While the authors acknowledge that access to and use of natural resources are a result of complex processes that are, as yet, poorly understood, they nonetheless conclude that "The boundaries of production units, as well as the controls being applied to the use of resources within these areas, require much clearer definition if resource use is to be sustainable."

In a similar study, Mandondo (2001) assessed the clarity of resource use boundaries and resource use access rights in five contiguous villages in Nyaropa Ward, Nyanga (a district lying along Zimbabwe's eastern border with Mozambique). His objective was to investigate how resource use related to village boundaries and to assess the institutional arrangements governing the use of natural resources between villages. A participatory rural appraisal (PRA) mapping exercise – to establish the location of natural resources in relation to village boundaries – was followed up by a formal questionnaire survey to ascertain resource use patterns. Using a PRA matrix ranking technique, Mandondo compared people's access to a limited number of natural resources (fuelwood, timber, mushrooms and wild fruit) both within and across village boundaries to determine the degree to which these resources are subject to rules of exclusion. His results show that although villagers depended primarily on resources from their own villages, many of them also acquired resources from other villages, especially wild fruits. In general, the lighter products, such as mushrooms and wild fruits, were collected from adjoining villages, whereas the heavier products, such as fuelwood and timber, were more likely to be collected from within the village. The reasons had less to do with the ownership or exclusivity of resources, and more to do with practical considerations, such as the availability of the resource, ease of access, the proximity of the resource, and the possibility of accomplishing other tasks when collecting the resource.

## 5. DISCUSSION

As their introduction makes clear, Guveya and Chikandi share in Bromley's belief that traditional authorities' ability to manage common properties was seriously eroded by the colonial administration, thus removing the conditions for establishing a common property rights regime. However, tracing the rules governing use of grazing and other natural resources from pre-colonial times to the present day reveals that the main threads of traditional institutions have remained largely intact. Livestock owners may graze any number of cattle anywhere (so long as they are kept safely away from the cropping areas) and people may collect natural resources from the most convenient locations – subject to certain rules (such as not cutting down big or fruit-bearing trees or harvesting from sacred sites). So traditional access to resources appears deeply etched into African culture. Both Mandondo and Lynam et al. have commented on the general acceptance of the principle that people may collect resources within and across village or ward boundaries, as well as the apparent lack of acrimony when people exercise this right.

This type of resource use differs significantly from the principle of exclusivity that characterises common property regimes that Mandondo suggests the general incongruities between administrative units and resource use contradicts the logic of having villages exercise exclusive legal control over resources. Instead of distinct boundaries, he argues that it is necessary to accept “soft and diffuse” boundaries, characterized by informal resource sharing, as the starting point for community-based natural resource management. Guveya and Chikandi and Lynam et al., on the other hand, recognize that traditional institutions of natural resource use – under the pressure of growing human and livestock population – will not be sustainable. It was for this reason that the 1994 Land Tenure Commission recommended a programme in accordance with principle of exclusivity to survey the communal areas, starting with the adjudication, mapping and registration of traditional villages in order to formalise boundaries and to “formalise traditional tenure and all subsequent transactions performed under traditional tenure.”<sup>35</sup>

These opposing positions on the principle of exclusivity are not irreconcilable. Strong support for evolutionary institutional development and change can be drawn from the existing literature. Central to the Boserup’s (1965) now classic proposition, for example, is the idea that when land scarcities develop as a result of population pressure, indigenous land tenure arrangements evolve towards more individualized land rights in response to factor price changes. This means the underlying demographic and economic processes that induce agricultural intensification and technical change are those which simultaneously generate a demand for socially sanctioned institutional change in the tenure system. Whereas initially households are allowed only to continuously cultivate land, they are later able to bequeath and sell it. This not only creates greater security of tenure, thereby providing incentives to make farm investments, but it supposedly facilitates the commercialization of agriculture as allocative efficiencies begin to emerge with a land market. Eventually, this evolutionary process of institutional development produces a unified system of land documentation and registration, backed up by the enforcement of property rights.<sup>36</sup>

We also learn from North (1990) that because rules are based on culture they change only incrementally and marginally, persisting along a path of institutional change over time. The challenge facing policy makers in Zimbabwe and other southern African countries is how to modify these deeply ingrained traditional rules and guide them along a path of evolutionary institutional change towards a system of more sustainable natural resource management. One promising avenue might be to intervene initially only in those areas where population pressure, resource scarcity and agro-economic conditions have already set in motion a process of agricultural intensification (ie. where the community is primed for institutional change). Using “light touch” facilitation techniques, communities may be encouraged to modify their rules in order to provide incentives for adopting patterns of behavior that lead to more sustainable resource use. In Zimbabwe, there is already evidence that resource scarcity has set in motion a process of institutional change. Arable land in communal areas are being continuously cultivated and the construction of permanent homesteads has imperceptibly changed the traditional tenurial concept of “ownership.”<sup>37</sup> Another example is the finding by the Gwaai Working Group (1997) that, as grazing resources became scarce, elaborate local rules emerged to prevent grazing within a certain area during summer in order to build up reserve pastures

for the dry winter season. These examples suggest that the pace of institutional change may be hastened if it can be ascertained when a community is ready to make the necessary changes.

Two lines of research therefore present themselves. The first is to undertake longitudinal retrace studies to investigate and understand the institutional evolution of natural resource management systems. Only when we are armed with an adequate institutional map will it be possible to advise policy makers on the most effective strategies for assessing when and where interventions would be most appropriate. The second line of research is to identify those marginal changes in rules which modify behavior towards more sustainable resource management outcomes. Currently, however, we have little information on the effects of specific attributes of tenure which would allow researchers to predict how changes in tenures can modify management incentives and influence behavior that promotes sustainable resource use. A promising way forward is to view characteristics of tenures as representing variables within a property rights framework, allowing researchers to compare and contrast important features of various property right structures in systematic ways.<sup>38</sup> This approach also presumes the need for carefully chosen cross-sectional studies to find variation in key property rights characteristics that provide insights into the representativeness of case studies (Luckert forthcoming).

For those practitioners and organizations that facilitate the emergence of new institutions, Putnam (1993) maintains that one of the most important lessons from his own work was the need for patience. Institutional change requires a long term commitment by governments, donors and non-government organizations. Another important lesson from Putnam is that the most successful local organizations represent indigenous, participatory initiatives in relatively cohesive local communities. With these lessons in mind, some measure of success has been achieved in developing institutions for community wildlife enterprises in various southern African countries. In particular, non-government organizations working in Namibia have provided “light touch” facilitation over many years that involves working directly with communities, paying regular field visits, training and capacity building, and monitoring the internal dynamics of power shifts within the community. Equally important, these facilitators have been able to provide a communication bridge between government policy makers and donors, on the one hand, and local level organizations and communities, on the other. As a result, legislation and policy governing community-based wildlife conservancy management have been shaped in accordance with design principles that characterize common property regimes. Conservancies, for example, can only be registered after the communal area residents themselves define the conservancy boundaries and membership. Although this legal requirement delayed the establishment of many conservancies, external mediators facilitated negotiations between the various interest groups who grappled with issues, made compromises and eventually reached a settlement based on a workable institutional framework for common property resource management.<sup>39</sup>

## 6. CONCLUDING REMARKS

By tracing the rules governing the use of natural resources (especially grazing) this paper has shown, first, that traditional institutions were not destroyed by colonialism or the post-

colonial state, but that they have survived largely intact. Rules have only been reinvented in the sense that the pressure of population has resulted in resource scarcity that has modified traditional institutions. Secondly, the paper has shown that traditional rules do not comply with the principle of exclusivity of common property regimes and, hence, do not in themselves offer a lasting solution to sustainable resource use. This is especially true under conditions of growing human and livestock densities. But more than this, the paper has tried to show that history matters. Since, in keeping with North (1990), institutions are “path dependent” – evolving by continual marginal adjustments, building upon the preceding institutional arrangements – I have proposed that traditional institutions, as they are practiced today, are the logical starting point from which rules could be modified step-by-step and steered towards greater conformity with the principles of common property regimes. It is this process by which traditional institutions could be transformed to ensure greater sustainability in natural resource use.

Fortmann (1989), in her analysis of agricultural institutions in Botswana, criticized approaches to resource management as being ahistorical and suggests that explanations and interpretations of existing patterns of resource management can only be understood from a historical context.<sup>40</sup> All too often, one finds African research reflecting the narratives of European misconceptions of pre-colonial African society, colonialism and the post-Independent state. Invariably, these lead to one-size-fits-all policy prescriptions, the most popular at the moment being “co-management” – combining fragile communities with over-extended, ineffectual and aid-dependent government departments. When policy neglects history, culture and social context, huge amounts of effort and funding can be wasted on misconceived initiatives, resulting in lost opportunities, as well as frustration and fatigue. Rather, research should be founded on a new self-confidence among African scholars, fashioned by research competence and intellectual integrity that draws on historical precedence to bring fresh perspectives on natural resource management into the realm of public policy debate.

## Notes

1. Bromley 1991, 136.
2. Sithole 1997.
3. Ranger 1983 and 1993, and Cheater 1990.
4. Ranger 1983, 250.
5. Ibid, 251.
6. Adams and Hulme 2001.
7. Traditional institutions are, in other words, informal constraints that are part of a people’s heritage that we call culture and therefore includes values, norms, taboos and so on (North 1990).
8. For examples, see, Holleman 1952, Beach 1980, Ranger 1983, Cheater, 1990.
9. Mathers 1891.
10. Holleman 1952, 4.
11. Ibid, 3.
12. Beach 1984.

13. Mathers 1891,194.
14. Floyd 1972.
15. Yudelman 1964.
16. Holleman 1952 and Alvord 1958.
17. Holleman 1964, Zinyama and Whitlow 1986.
18. Quoted in Moyana 1984, 90.
19. Yudelman 1964, 83.
20. The full title of the Phillips Report was the Development of the Economic Resources of Southern Rhodesia with Particular Reference to the Role of African Agriculture.
21. Kay 1975.
22. Hughes 1974, 42.
23. See Arrighi 1970, Palmer and Parsons 1977, Cliffe 1986.
24. Doré 1993.
25. Ranger 1993, 102.
26. Zimbabwe 1994
27. Zinyama and Whitlow 1986
28. See Bromley and Cernea 1989, Folke and Berkes 1995.
29. Hulme and Adams 2001.
30. Cross 1988, 367.
31. Folke and Berkes 1995, 125.
32. See Bromley 1991, Ostrom 1993, Hanna 1995, Rihoy 1995.
33. Bromley 1991, 25-26.
34. Guveya and Chikandi 1996,103.
35. Land Tenure Commission 1994, 1-533.
36. See Noronha 1989, McNicoll 1990, Feder and Feeny 1991, Doré 1994.
37. Zimbabwe 1994.
38. Luckert and Kundhlande 1997.
39. Shackleton and Campbell 2000, Jones and Murphree 2001.
40. Sithole 1997.

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# Participation and Stakeholder Dynamics in the Water Reform Process in Zimbabwe: The Case of the Mazoe Pilot Catchment Board

BEVLYNE SITHOLE

**Abstract:**<sup>1</sup> One aspect of water reform in Zimbabwe is increased stakeholder participation in water management through catchment boards. This paper uses discourse analysis to explore relationships among different stakeholders in consultative meetings facilitated to achieve wider participation among all stakeholders. Consultation over the water allocation system provides a case for the analysis of interfaces where multiple stakeholders meet and interact. Though inclusive of a wide range of stakeholders, catchment boards are far from being democratic organisations. Water democracy without water development is difficult to achieve, while water democracy that ignores the present dualism in access to resources perpetuates differentials in participation by all stakeholders.

## Introduction

In the proposed Zimbabwe Water Act to replace the Water Act of 1976, increased stakeholder participation in management through catchment boards is an important facet of the new law. Idealized notions of participation have caused a crisis of expectations between stakeholders at all levels.<sup>2</sup> Case material shows that the reluctance of state to relinquish control is widespread. For example, the delays in passing draft legislation in Thailand, the reluctance to use existing authority to empower indigenous forest protection committees in India, the ineffectiveness of most measures that favour indigenous groups in South America, and the devolution of authority to local government officials rather than to user communities in Zimbabwe.<sup>3</sup> Increasingly, the advocates of inclusive decision making have begun to raise questions about its limits. The level of participation moves from non-participation through degrees to tokenism to full involvement.<sup>4</sup> However, populist development literature suggests that there are cases where participation in decision-making has meant more actors are moving from being users choosers of services to become actors agents in broader processes of governance.<sup>5</sup> However, this reversal of roles is only possible if all stakeholders are able to negotiate and bargain fairly within the catchment boards.

Increased stakeholder involvement means creating partnerships through which goals can be pursued. However, convergent interests of various stakeholders do not always mean

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<http://www.africa.ufl.edu/asq/v5/v5i3a2.pdf>

identical interests.<sup>6</sup> To form effective partnerships, one must know one's partners well.<sup>7</sup> According to Uphoff et. al. (1997) the wisest course is to bring divergent views and interests into the open, where they can be dealt with under the rubric of a united organization. Differences are then framed by overarching goals on which there is agreement. In most countries there is an imbalance of power among various stakeholders, with the state often retaining most of the power.<sup>8</sup> According to Bourdieu (1990), bringing together different interests is not sufficient in itself to promote cooperation. Meaningful participation in the negotiation process is impossible without some power to influence the results. Marquet (1971) defines power as an ability by one actor to impose one's views or opinions on others. To mount a credible bid to exercise power, individuals must combine with others; thus power is accumulated and exercised in the context of political organization.<sup>9</sup> Further, Bratton (1994) notes that power is a scarce resource, which tends to crystallize within a limited number of organizations. Power is also something that is possessed, accumulated and imposed upon others.<sup>10</sup> Vallereal (1992) also notes that power always implies struggle, negotiation and compromise. Without power there is no bargaining position and negotiation becomes a one-sided affair.<sup>11</sup>

Stakeholder participation in water management involves a rewearing of power among multiple stakeholders who share decision-making power. In this new scheme, old elites must give up some of their power and recognize the voice of previously marginalized stakeholders. However, much research demonstrates that this rewearing of power has not occurred.<sup>12</sup> Often the following assumptions are made about multi-stakeholder relationships:

- Equitable power sharing exists among the stakeholders
- All stakeholders are aware of and want to exercise power
- All stakeholders consistently feel the need to participate in decision-making arenas

Despite the stated intentions of social inclusion, it has become clear that many multiple-stakeholder initiatives do not deal well with the complexity of actor differences.<sup>13</sup> Stakeholders are neither homogenous in composition and concerns, nor are they necessarily harmonious in their relations. This article examines relationships among stakeholders involved in a consultative process to decide on the appropriate mechanism for sharing water in one of the two pilot catchment areas in Zimbabwe; the Mazoe Pilot Catchment.

## WATER REFORM AND STAKEHOLDER PARTICIPATION IN CATCHMENT BOARDS

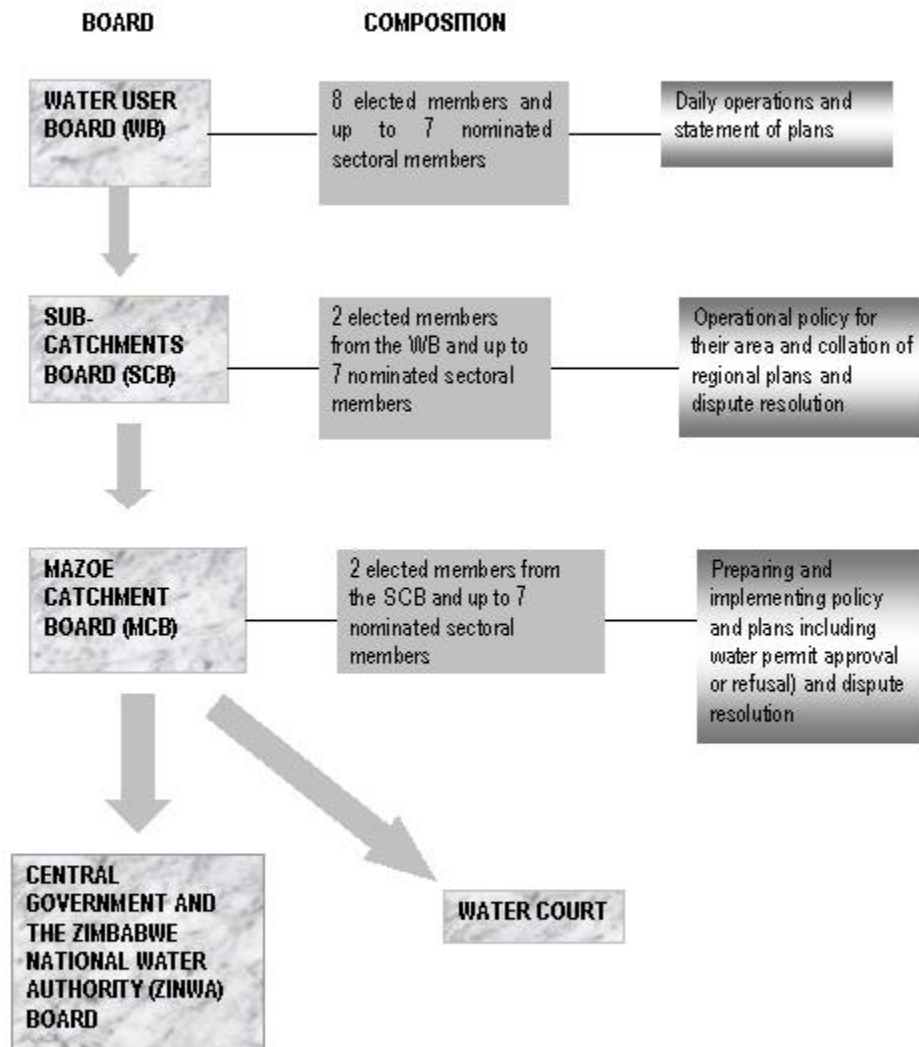
Following the avid interest by local and international researchers in collaborative management initiatives like Communal Areas Management Programme for Indigenous Resources (CAMPFIRE), water reform in Zimbabwe has received much attention. Research has focused on many aspects of water reform; from institutional and legal aspects to politics and advocacy for reform.<sup>14</sup> There are many more unpublished papers presented at several workshops that have been held to review the water reform process.<sup>15</sup> According to Dougherty (1997), the Mazoe Pilot Catchment is representative of the seven catchments in Zimbabwe.

Therefore, it is reasonable to expect that some of the issues highlighted in this catchment will also be faced in other catchments. Dougherty describes the Mazoe Pilot Catchment thus:

- It falls within two provinces and requires inter-provincial cooperation. Zimbabwe is divided into 8 provinces
- There is wide range of uses including large-scale and small-scale commercial agriculture, mining, urban land use and wildlife areas.
- Inter-catchment issues take on local and international implications since the Mazoe eventually flows into Mozambique.

The proposed structure for stakeholder representation in the pilot catchment is shown in Figure 1. At the local level, water user boards have been defined as areas with boundaries similar to the existing river boards. However, in some cases the boundaries have been defined on other criteria and therefore do not necessarily fit with the areas under the jurisdiction of the River Boards. The RB chairperson and deputy sit on the sub-catchment board. There are also two representatives from each sub-catchment board seated on the pilot Catchment Board. Dougherty notes that different stakeholders are “well able to work together” though relationships with a decentralised state structures such as the proposed Zimbabwe National Water Authority (ZINWA) will provide backstopping support to the proposed catchment boards.<sup>16</sup>

Figure 1. The Proposed Institutional Structure for the Mazoe Catchment Board



Source: Dougherty 1997

In order to understand how the water reform process is unfolding in Zimbabwe, we must examine the relationships between the state and civil society.<sup>17</sup> Until now, the state has been viewed as all powerful, and in control of formulating and implementing policy. However, as is the recent case in many African countries, the state is becoming weaker and withdrawing from local level management. Further more there are increased pressures for the state to engage other stakeholders in decision-making processes. In Zimbabwe, attempts at democratising management exist in the wildlife and forestry sector with varying degrees of success. Derman and Ferguson (1999) examine how water reform has been shaped by wider political and economic crises facing the country with the result that water has become the focus of wide-ranging contestations for equitable distribution of resources. The Water Act of 1976 granted water rights through the Priority Date System. Under this system, rights could be held in perpetuity. New applicants for water in catchments where there were many rights holders would therefore have little chance of getting rights. In many catchments rights are largely held by commercial farmers whose families have held these for many years. Few, if any, communal farmers held rights to water. The act provided for the formation of River Boards, but membership to these was limited to water right holders. Since water rights were held largely by commercial farmers and other commercial concerns (e.g. industry, mines, corporations, urban areas) the 1976 Act excluded new and emergent commercial users and communal area users. Therefore, the specific objectives for water reform in Zimbabwe, the promotion of stakeholder participation in the decision-making processes and the decentralization of water management institutions to the catchment and sub-catchment levels.

Though examples of democratising management exist in Zimbabwe and elsewhere in the developing world, different resources seem to require different types of organisational arrangements for working with multiple-stakeholders. In Zimbabwe, CAMPFIRE worked through producer communities coordinated by district councils. Forest resources management occurred through committees under the control of the Forestry Commission that manage non-timber products from state forests. For water, these institutions have taken the form of catchment boards. The Royal Dutch Embassy funded consultancy recommended the creation of a pilot catchment authority to serve as a model for decentralised water management.<sup>18</sup> In 1990, the Mazoe River Board petitioned the government through the Mazoe River Community Development Group (MRCDG) to be the second pilot catchment authority.<sup>19</sup> The MRCDG group includes many stakeholders and has shown a great willingness to work with communal farmers. However, Derman and Ferguson (1999) describe the group as class based and dominated by members with commercial interests. The Water Resource Management Strategy Group (WRMSG) was asked to assist both pilot catchments and is now assisting all stakeholders that seek to form catchment board. Until the act is passed, the pilot catchment can only be involved in planning. As part of this planning process, the catchment board must decide on a fair and equitable means of distributing water from the catchment. That stakeholders in the Mazoe catchment petitioned the state to create their board suggests a high level of stakeholder involvement and interest. Consequently, the Mazoe catchment board provides an interesting case study for assessing the role of stakeholder involvement in the reform process.

In response to frequent calls for logistical support the board received a small grant from German Technical Service (GTZ) to conduct 5 sub-catchment level meetings to discuss the

Fractional Water Allocation System which the Mazoe Pilot Catchment Board wishes to adopt.<sup>20</sup> In the proposed system, allocation of water is approved on the basis of the application and only granted in relation to total available water in the catchment. These sub-catchment meetings focus on the allocation system and provide a barometer to gauge the level of participation by stakeholders both in the pilot catchment and in the broader water reform process. However, events that are described in this paper are highly context dependent and are used only as cases in which key concerns about participation in multiple stakeholder organisational arrangements can be addressed.

Bolding et al. (1997) identify decentralisation of water allocation through the involvement of local water organisations as one of the crucial elements of successful water reform. Agrawal and Ribot (1999) define decentralisation as any act in which central government formally cedes powers to stakeholders and lower level institutions. Devolving power to lower level stakeholders involves creating a realm of decision-making where a variety of lower-level stakeholders can exercise some autonomy. Agrawal and Ribot suggest that there are three distinct facets of decentralisation: stakeholders, power, and accountability. Agrawal and Ribot argue that state without an understanding of the power of various actors, the domain in which they exercise their power, and to whom they are accountable, it is impossible to learn the extent of decentralisation. According to Ribot, the frustration with top-down management has led to the privileging of civil society in decisions formerly reserved for the state. Yet it is becoming evident that participation by other actors is more than just a privilege, it is a fundamental right that determines the sustainability of different management options. Ribot also argues that political decentralisation requires a switch from decentralised administrative despotism to autonomous forms of locally accountable representative governments. However, Agrawal and Ribot find that though advocates of decentralisation often justify it on grounds of the increased participation, efficiency, or equity, most efforts fail to increase the powers of some stakeholders, particularly local communities. This paper examines the relationships among stakeholders and the shifts in power, particularly between the state and commercial farmers, commercial farmers and local communities, and local community relations with the state.

## METHODOLOGY

Since 1998, the Centre for Applied Social Sciences at the University of Zimbabwe has collaborated on a BASIS/CRISP<sup>21</sup> funded programme to monitor the water reform process in Zimbabwe. The study focuses on the Mazoe pilot catchment that extends over an area of 21 000 square kilometres and spans three provinces (Manicaland, Mashonaland East and Mashonaland Central). This is one of a number of papers focusing on different aspects of the reform process. Program researchers attend all the meetings held by organisations at different levels of the catchment. Some of the insights from these meetings inform the discussion and conclusion of this article.<sup>22</sup>

The dominant source of data for this article was these consultative meetings. Stakeholder groups are considered an interface where relationships are negotiated. Umans (1995) defines an interface as a critical point of intersection or linkage between different social systems or fields of social order where structural discontinuities based upon difference of normative values and

social interests are most likely found. Analysts of social interfaces attempt to reveal the dynamic and emergent nature of these interactions and show how the objectives, perceptions, priorities and relationships of various actors are influenced as a result of the encounter.<sup>23</sup> Typically these interacting parties are differentiated in terms of relations of power.<sup>24</sup> This paper treats the consultative meetings as interfaces where we can begin to make sense of the relationships among stakeholders in the Mazoe pilot catchment. Further, Mukamuri (1995) suggests that in these meetings, one can view dialogue as socially constructed text that results from regular negotiations and contests. Fortmann (1995) suggests that meetings of this nature are forums for discursive strategies where stories are an important “oral manifestation of local discourse seeking to define and claim resources.”<sup>25</sup> However, the public nature of group meetings may promote dissident views held by a small group while silencing the majority views.<sup>26</sup> In existing Participatory Rapid Appraisal (PRA) literature, practitioners suggest various methods to increase group participation. However, if we understand participation at these consultative meetings as the discursive strategies that Fortmann describes, there is a danger of forestalling processes of negotiations and bargaining by simply labelling them as conflicts. Some negotiations are low visibility processes and difficult to identify. There is no attempt in this paper to expose these processes. Rather, observations are largely confined to group dynamics, individual posturing and outcomes from the consultative meetings.

The duration of these meetings varied between one and half hours to three hours. Proceedings were not fully documented and there was no evidence that discussions were recorded. All meetings were very well attended, suggesting a stakeholder participation of between 90-100% at some locations. Data was collected from 3 of the 5 planned consultative meetings. Issues raised in these three meetings are relevant to the whole consultative process within the pilot catchment and will likely have wider relevance in the general reform process with Zimbabwe’s water sector.

## CASE STUDIES

### Case Study <sup>1</sup>: Nyagui Sub- Catchment Board Meeting (October 6, 1999)

Participants at this meeting were a mixed group of white commercial farmers, representatives of water boards and catchment boards, district council and government officials, and representatives of area chiefs. Participation appeared largely skewed towards commercial farmers and a few government and district council representatives. However, many commercial farmers left the meetings at teatime. Villagers attended the meeting but their participation was largely limited to seeking clarification and trying to understand their role in the meeting. All villagers left at the end of the meeting. In the Nyagui meeting, many villagers interrupted the meeting near its end because they wanted to adjourn and catch buses to their home areas.

The main issues for commercial farmers concerned security of tenure for stored water and how the proposed water allocation system would impact their investment in agriculture. The official response to this concern was that access to bigger dams would guarantee requested allocations as well as any surpluses that may exist in the catchment. In the words of one district

council representative, the issue of security and storage remained fundamental in the discussion of equity in the new system. As far as he was concerned, “the new and proposed system changes nothing. Those with dams or money to build dams still have a comparative advantage over those in communal areas who have no hope in hell of ever building and sustaining one.” Another participant echoed this concern and stated that “we may say we are changing the system, yet we are bringing it back in another way. This is cosmetic change. Now we say those with dams must be given surplus water. What has changed then? Where is the change?” Some villagers wanted to know who would pay for water storage in communal areas or if they would have rights to use storage in dams on adjacent commercial farms. The answer was that “no one would build dams except yourselves. Don’t wait for the government. They have failed to do this over many generations and will not start now.” This pronouncement seemed to take the wind out of the whole discussion and raised the concern that perhaps the participation of villagers in water allocation and management was irrelevant.

The few villagers who actively participated were concerned to differentiate between different sources of water. While most understood the reasoning behind allocating and managing water in dams, few understood the reasoning for doing this with small weirs, boreholes, pools or springs. In the words of the moderator of the meeting, “water is water. No distinction is made about which source. It is use that will determine whether that water should be paid for or not.” Another issue highlighted by villagers was the issue of “fundamental rights to subsistence water,” especially in periods of shortage when they face unnecessary hardships while neighbours have water in their dams. Thus “water should be available to all, rich or poor, but the person who compounds the water is the one who makes the river dry.” At this point, conflicts between commercial farmers and villagers were highlighted as downstream people faced hardships while commercial farmers “sat on their water. The advantage belongs to the person who owns a dam.”

Many participants wanted to know whether any provisions had been made in the new act to allow access by villagers to some of this water for subsistence purposes. This issue points to the fundamental differences between various stakeholders and their understanding of rights to water. In the rural context, water that is usually more rigorously controlled, or even privatised becomes less, stringently controlled during drought periods. As with traditional water rights there some accommodation to any human being’s basic right to water for domestic and livestock use.<sup>27</sup> This is a different case with many commercial farmers whose view of resources is essentially that private rights remain private regardless of circumstances.

Most of the villagers active in this meeting were representatives of water boards or sub catchment boards. Yet they stated that “we have come to the meeting but we don’t know what it is about.” This unwillingness to identify with the process, what researchers later called orchestrated ignorance, was actually a strategy used by the villagers to reject the proposal. In many instances, participants stated that they could not endorse a proposal that they did not understand. Few villagers showed much interest in the discussions at these meetings. Some participants blamed their lack of participation on the use of English in the meeting. In some cases, there were clearly discrepancies in the translations, which the participants found annoying. One district councillor pointed out that it seemed the catchment board themselves were not yet clear about the proposal. Therefore the councillor recommended that “they should

go back and straighten out the differences before seeking to close the gaps that exist between the catchment board and other lower structures.”

Case Study<sup>2</sup>: Nyadiri Sub-Catchment Consultative Meeting (October 13, 1999)

The Nyadiri consultative meeting was well attended and dominated by the presence of traditional leaders. There were three chiefs and fifteen headman, two councillors and thirteen members of the various water boards that constitute the Nyadiri sub-catchment. There were no women represented in this group. Though it is widely acknowledged that local traditional authorities should be involved with water boards and sub-catchment boards, they have not been consistently involved in the process. Most chiefs expressed the sentiment that they did not understand why they were invited. The chiefs stated that “most people did not know about permits. The meeting was the first time they were being told about such issues or indeed being asked to get involved. As far as water is concerned most people follow the ways of their forefathers and are not aware that this or that use is illegal.” Even when it became evident that more stakeholders would be involved in the new reform process, the participants perceived the meeting as a knowledge-sharing mission with the state, not as a process of consultation. One chief stated that “what I see as a problem is that there were no rules, but now the government wants us to know these rules, so that we understand what will be difficult in the future. They are now talking about permits, but our concern is for our tiny gardens. You must explain to us for what kind of use these rules apply.”

The purpose of the meeting and the “so called” involvement of local communities in the water reform process came as a surprise to some of these chiefs. One chief stated that “when you are ignorant you appear to be difficult because you slow down discussion. I believe that he who wants a store applies to the district council for space to build, you don’t apply if you don’t have money.” He thereby suggested that those who have a stake or a greater interest in water should be involved in the consultations rather than entire communities. However, a representative from the catchment board countered this suggestion, by stating that “in a church if a priest focuses on infidelity, it does not imply that the whole congregation is involved. Therefore, the consultations should involve, everyone even those that appear not to have any interest in using water commercially now but may do so in the future. We want to plan a framework for sharing for the future.” In support of this position, another chief stated “the main drawback that I see in this discussion is that many of us are finding it impossible to plan for what we don’t have. We don’t want to yoke the bull before the rains come. There is conflict here. Lets continue with the discussion to see where it leads us. For a person to buy shoes they must know their size.” Many of the chiefs in the meeting would not believe that water could be shared or that they could be part of the decision-making system. Thus for example, one chief noted that “we can’t share what is flowing. How do we plan or manage what is not there?”

Thus, many participants insisted that the meeting focus on provision of water bodies to marginalised areas before expecting people to participate as equals in decisions about how water should be allocated. Discussing the proposed water allocation system was therefore seen as “wasting time discussing what should happen tomorrow when we have nothing and are unlikely to see these plans. This is like buying maternity dresses for women who were not even

pregnant. You should build dams in communal areas first before we come to this sort of discussion.” To most participants in this group, the discussions were therefore abstract and largely meaningless. One of the important chiefs in the area questioned the meaning of consultation if the purpose was to “sell an alien allocation system” which no one understood and or felt able to judge. The respondent stated that “you just want to confuse us when you know what you want. You know how water should be allocated, yet you come to ask us when we are not even involved in allocation. Is it possible to give a name to a child who is not even there?”

The discussions also highlighted the polarity in views on how the proposed allocation system would influence existing societal relations and provide disincentives for expansion of agriculture in rural areas. One participant observed that the proposed water allocation system would make people with small-scale gardens or irrigation schemes abandon them rather than pay fees for water. The willingness to pay for water is an issue that will need to be addressed, especially where water had long been regarded as a free resource. One responded stated that “This water that you want permits for, who is making it? Who is its owner? Can you really fight over water in the Nyadire sub-catchment? Why would I want a permit for water that is flowing through?” Such stakeholders clearly felt such an allocation system would surely mean an increase in conflicts over scarce resources.

Some of the members of sub-catchment boards seemed to not understand the proportional allocation system, even though they are part of the organisation that is proposing the system of sharing water (also see Figure 1). The ignorance of sub-catchment board members suggests that the centre was operating in isolation from other structures within the catchment. One of the participants stated that “if water user board members and sub catchment board members are also asking questions about water reform, we begin to loose confidence in the programme because there should be no information gap between these board members and the Mazoe catchment board secretariat.” Chiefs expressed concern about the election process for the various boards and noted that most of them were not even aware of the existence of these structures in their areas.

### Case Study<sup>3</sup>: Kairezi Sub-Catchment Board Discussions (October 13, 1999)

The composition of the audience in the Kairezi consultative meeting was thirteen white commercial farmers and twenty-four representatives of rural water boards. There were also some government departments represented at the meeting. From the whispered exchanges between farmers, the facial expressions and tone of responses, some among the white commercial farmers appeared impatient. Though these farmers were representing different water boards, there seemed to have been some prior discussion among them about which issues were to be raised at the meeting. All commercial farmers left the meeting after the tea break, save for the two leaders of sub-catchment boards. Most of the villagers stayed until the end of the meeting, not because they had pressing issues that needed to be resolved, but because money for travel and lunch was only given out at the end of the meeting. Villagers seemed lost in much of the discussion. Most had never applied for, held, or felt the need for a water right.

Commercial farmers dominated the meeting initially, asking questions about security of rights to private existing dams, control over water in those dams, and the relationship with their downstream neighbours. The group of white farmers could be divided into those that wished to understand the mechanics of the proposed system and those that viewed any changes as a threat to established norms and practices. Most of the hostility in the meeting emanated from those commercial farmers with existing rights which they would lose or have to share. There were also a commercial farmers who had wanted to increase their right and some new applicants who found the discussion riveting and non-threatening. Commercial farmers viewed stakeholder involvement in management and allocation of water as a government attempt to transfer state responsibility for providing water to communities. Commercial farmers believed that being part of the stakeholder group would obligate them to support or underwrite projects in their catchments, especially in communal areas, which they perceived as a responsibility that should be shouldered by the state. They further recognized that the disparities in access to other resources would make it difficult to reach consensus. It was stated in informal discussions over tea that such existing inequalities would undermine effective stakeholder participation.

Commercial farmers also expressed concern over conditions within the state bureaucracy, which made the previous system increasingly unworkable and fraught with administrative problems. The procedures of both the old and new system were discussed. The villagers played very little role in this discussion, as most of them noted that they were not acquainted with either system. In addition, doubts were expressed about whether the new system could work given the massive manpower resources required. The issue of payment to bailiffs and other required personnel was discussed. There was agreement that elected members of different council structures could not be expected to work for free. None of the participants wanted to shoulder the transaction costs of devolution, however empowering to themselves.

Participants at this consultative meeting were also concerned that under the proposed allocation system, any activity deemed commercial would pay for water. However, this definition becomes problematic in communal areas where commercial enterprise is often not the primary aim but an outcome when surpluses are sold. Irrigated agriculture outside official irrigation schemes tends to be intermittent and disaggregated, though farmers can derive substantial incomes. Questions were also raised about the mechanics, infrastructure, manpower requirements for measuring water use in communal areas. The water boards suggested that monitoring all small gardens and schemes in their area would be too much work for the potential returns. Participants noted that the revenue is controlled by government and not invested back in the waterboard where it is collected. So there is no incentive for such a system to work. They asked the secretariat what was enabling about a system where the government makes “us charge each other for resources we have invested in but are not accountable to us for the use of that revenue?” For the villagers, the proposed system is a disincentive especially to these used to government appropriating successes in any activity. Many participants also asked how the proposed system would survive the scourge of political interference and patronage associated with it. Giving the councils more control of the revenue would become an incentive for all water to be managed efficiently as the benefits derived would be visible. However, white commercial farmers argued that they did not want to subsidise water use by communal area farmers who were also benefiting commercially.

Villagers were less co-ordinated in their participation and seemed more concerned with issues of investment in water and access to existing dams. There was acknowledgement that since the government did not have money to fund new projects, the users would have to finance these projects. Villagers clearly viewed this as a ridiculous suggestion as they were barely able to subsist on the incomes they made in communal areas. Often issues raised were title deeds and the ownership of water under conditions very different from those on commercial farms. If a communal area farmer decided to construct a dam, it would be more difficult for that farmer to keep other residents from accessing the water. Moreover, the greater threat of siltation made it very expensive to build dams in communal areas. Since catchment boards did not control revenue generated by the permit system, many doubted that the council would be in a position to finance more communal area projects.

Previously, the public consultations that preceded the Pungwe water pipeline project had heightened people's awareness in this catchment that water needed to flow to other downstream users.<sup>28</sup> Therefore the issue people raised in relation to this project was "how much of the water in our rivers can we call our water?" Though there was some attempt in the meeting to address downstream users and their rights to water, it was clear that it would remain one of the critical issues that would be debated before the approval of any management and allocation plan. Transboundary resource sharing becomes particularly pertinent in communal areas where there are such close ties between peoples living along borders with other nations.

## DISCUSSION

In the introduction we questioned the feasibility of real devolution in water management. Devolution to local actors can be a mechanism of increasing stakeholder participation and power sharing in decision making.<sup>29</sup> Murphree (1990) and Murombedzi (1992) both deal with the issue of devolution in wildlife management, highlighting the shift in power over wildlife management between levels of government rather than to villagers. In this context, government increased the autonomy of its regional offices, thereby shifting the structure of local accountability from the central government to local government structures. Yet this strategy preserved the hierarchical relationship between the central government and lower level structures.<sup>30</sup> The involvement of stakeholders in the administration and management of catchments suggests that the state has indeed devolved power to the local level. However, participants in the Kairezi meeting remained wary of these new organisational structures. They suggested that the new organisational structures merely added more layers to an already malfunctioning bureaucracy. The connection of the catchment board to ZINWA and the Department of Water meant the council was viewed as an extension of government resulting in bureaucratic decentralisation.<sup>31</sup> Moreover, as ZINWA will receive its revenue from catchment boards, as happened in the case of CAMPFIRE, ZINWA will probably be reluctant to devolve full control to catchment boards in order to guarantee its continued access to much needed revenue.<sup>32</sup> For devolution to truly occur, participants must see the catchment board as a government itself rather than as a department of or an extension of the state.<sup>33</sup>

Justifying stakeholder participation in the water reform process

The need for rural stakeholders to participate in NRM decision making has been widely emphasised.<sup>34</sup> This need was stressed at every meeting, creating a slogan to face the seemingly insurmountable odds against any co-operative behaviour among stakeholders. Participants statements often as these questioned the role of government and emphasised the need for self-sufficiency. For example, one popular statement was “The Queen could not do it, the Smith government could not do it, and the Mugabe government can’t do it. We have to rely on ourselves and find means to realise our objectives. We must be strong and we must do it ourselves.” Other statements also reiterated this view, such as “We are tired of waiting for the government. We will die waiting” or “People are dying from a sickness called mahalaitis” when referring to frequent requests by villagers for more investment in water by government and other external actors.<sup>35</sup> Other statements were more reminiscent of wartime slogans: “This is our country, our water and we want to share it equitably.” Another statement often repeated during the meetings was “masimba kuvanhu – power to the people,” used in these meetings to suggest power to all stakeholders. However, in a situation where, development of water resources has historically favoured one group over another, it is evident that much more effort is needed to define the constituent participants of these organisations.

The proposed reforms are not viewed as homegrown by many participants, suggested by the statement “You have presented your thoughts. Whose water is this? You must not come here to confuse us, then say we are being difficult.” Participants who are part of the catchment board bureaucracy tended to isolate themselves from the proposal, which should have been developed from below, with their consistent input. Throughout the discussions, it was obvious that the lower structures of the catchment do not identify at all with the proposals tabled by the catchment board. The proposed allocation is believed to continue favouring those with infrastructure, particularly white commercial farmers and the state. According to the arguments presented at different meetings, access to a storage facility guarantees access to your allotted water rights as well as any surplus available in the catchment. Villagers with no access to such storage facilities felt their participation only legitimises the proposed allocation system, though there are little benefits for themselves. As one participant noted, this is “so that we hear first hand how they are giving each other water so that when we question it, they will say, ‘but you were there, how can you fight such a system?’ ” Villagers therefore still feel isolated from the process of decision-making. Villagers could not imagine how such a proposal would operate in their own areas. One elderly participant stated “to laugh at a running person, you must have seen them running,” suggesting that you cannot agree to something you cannot even visualise. Though the area covered by the catchment was described and shown on maps, many villagers felt that the defined area included many socio-religious entities and relations between local leaders were not always cordial. Implementation of such a system was therefore likely to face many problems.

Many participants at these sessions felt that the duration of the consultative meetings was too short. A period of three to five days would have been allowed participants to rise above their nervousness, incomprehension, and suspicions, thereby participating more effectively in the meetings. However, this was not possible as funding for the meetings was only sufficient to

host one day consultations in only six of the more than thirty sub-catchments. Thus one participant noted, “These half-baked attempts at consultations are what disillusion participants because they yield nothing and people go away feeling that they have been bamboozled.” Some attendees suggested that this pretence of participation is most problematic as villagers feel cheated and rushed, therefore becoming more convinced that they should resist. The conditions for participation also gave the impression of an unfair advantage for those with their own transport. Most villagers were forced to sit through the entire meeting since per diems and transport money were only distributed at the end of each meeting. Commercial farmers not dependent on these payments often left at any point during the meeting. Some participants complained that the amounts for travel and lunch were very small, making it unattractive to participate in future consultative meetings. This raised the question of who should carry the costs of consultation. Most commercial farmers indicated that time costs were their primary concern.

### Power dynamics among stakeholders

Power dynamics among these stakeholders are complex, determined by both geography and historical context. Commercial farmers exercised power through the control of water resources. The system of allocation perpetuated this power. With the new interest in stakeholder participation, political power has shifted to the rural poor who have become the new power elites. However, most of these new power elites do not yet know how to exercise their power. In reality they remain powerless because they have no access to water storage space with which they could negotiate. Instead, those commercial farmers apparently disempowered by the new reforms still retain their control over resources. They have storage space and the ability to trade that space with other stakeholders. Consequently, in the water sector stakeholders with political backing do not necessarily possess real power. In most instances, these new elites are manipulated (blatantly or covertly) into legitimating decisions that they neither understand nor support. In the context of Zimbabwe’s water reform process, participation is not defined by active involvement in discussion and the exchange of ideas but by presence in a room.

The Zimbabwe government and certain donors have together attempted to create a framework for power sharing among stakeholders in the water sector. However, the policy of devolution as instituted by the state does not explicitly allocate equal powers to all stakeholders. Rather, there is an unwritten but obvious belief that stakeholder participation means that power has been shifted to those previously disadvantaged by the water policies of the past or that the presence of communal area farmers can change the entrenched value and institutional systems that previously marginalized them. But the three consultative meetings revealed that most communal area residents do not fully understand this process and do not feel able to participate on an equal footing with other stakeholders who have more experience, knowledge and resources. Moreover, there is a difference between white commercial farmers and villagers regarding strategy and preparation for meetings. Villagers did not seem to communicate or lobby for common positions before meetings. This failure to hold informal discussions in arenas other than those financed by the state or donors seems to suggest that

participation in the so called “catchment board” is not a priority for many villagers. Further problems with villager participation raise questions about the effectiveness of a tiered system of resource management.

Moreover, villagers remain wary of both white commercial farmers and a government state that for many years systematically undermined their confidence about its ability to manage resources. The mistrust between communal and commercial farmers is longstanding. Longstanding biases against local participation are coloured by idioms and metaphors of ignorance that essentially justify the sidelining or ridiculing of views from especially those from communal area stakeholders. In a study of local participation, by Sithole and Edziwa (1999), found that despite the numerous programmes put in place by the state and NGOs to empower as well as increase actual local participation, communal area residents still perceived themselves as powerless, uninformed and without control over the basic means of production. In general, these participants felt meetings were held not to actually consult but to legitimate existing inequalities between commercial farmers and villagers under the guise of friendship. It is therefore a curious paradox that the government with the pilot project seeks to facilitate stakeholder participation amongst groups that essentially have little respect for one another’s opinions or actions on natural resource management. The consultation meeting for the Nyagui catchment is a case in point. Local communal area participants refused to participate in a process over which they had neither control over nor the experience to discuss the matter. Institutional economists have suggested that the degree of participation by different stakeholders is determined by the perception of how much impact their participation will have on real decision-making.<sup>36</sup>

#### Using consultative meetings as foci for stakeholder interactions

The data presented here highlights some of the problems of using the consultative meeting as an arena for stakeholder participation. PRA literature suggests that with expert facilitation, group dynamics can be steered away from domineering stakeholders to allow the silent to be heard.<sup>37</sup> However, in many of the observed consultative meetings, there was little facilitation and discussions tended to be dominated by minority groups or individuals. In all the meetings, the dominant participants were either commercial farmers or representatives from district councils. Villagers were generally silent in the meetings. However, in the Kairezi meeting, the individual who dominated the discussion had a mandate to do so from other white commercial farmers rather than from his sub-catchment board. Even where white commercial farmers supposedly represented a broader rural constituency, representation appeared to be defined by their own concerns. In such cases, the participant spoke in very general terms about issues affecting communal or commercial farmers rather than directing their comments towards a specific sub-catchment area.

Most communal area residents pointed to their limited English proficiency as the reason for lack of participation. The majority at most of the meetings had a difficult time understanding the issues raised during discussions and some appeared to have difficulties reading the documents circulated at the meetings.<sup>38</sup> Yet during tea breaks or on the way to bus stops, participants who seemed neither interested nor able to read the documents were suddenly

observed having heated discussions on the very issues that should have been raised during the meetings. Another issue highlighted by these meetings was that the English-Shona translations were often inaccurate. In all meetings it seemed that Shona could have been used since most white commercial farmers were able to communicate easily in this language. The pressure to respond in English to statements made in English made most of the villagers arguments sound incoherent. Some statements quoted earlier in this paper illustrated how responses from participants were often a mix of the two languages. Thus one respondent commented that “Our responses seem confused and muddled. Do not take this as a sign of ignorance, this is part of the consultation process that you say you want with us.” The difficulties faced with language raise an important issue of communication between multiple stakeholders. Nuances and meanings are potentially misinterpreted through translation or the lack thereof.

A defence of the information presented dominated these discussions. However, there were assurances by the catchment board secretariat that corrections would be made to the proposal and discussed again with the sub-catchment boards. It was not clear how this could be achieved given the limited funding. Thus, as one elderly rural participant stated, “how can you fight with what is written? They just want to know if we can read.” This suggests that modes of communication should vary, as some tend to limit and frighten certain stakeholders. The “they” in this statement refers to the catchment board and their secretariat. It is the characteristic tendency of stakeholders to draw on their multiple identities (particularly race) to deal with differences. Further, the distinction between the secretariat and the lower structures may also suggest that the relationship between structures is still largely top down. Ignorance of the proposal shown by most villagers suggests that the council executive is working in isolation of other organizational structures rather than for or with these structures. The meetings therefore turned out to be exercises in legitimisation of what some stakeholders considered an incomprehensible proposal. That none of the participants in any of the meetings rejected the proposal outright is a surprising result. However, perhaps there was no rejection of the proposal because most participants felt powerless or were even unaware that they could veto or “throw the proposal out.”

## Conclusion

As the data presented shows, there are many factors that militate against devolution of control and management over natural resources to multiple stakeholders. Participation is also difficult to achieve where there is a history of stakeholder conflict or confrontation. In all three meetings, the nature of participation by various stakeholders exposed the divides between different participants. In a few cases they revealed situations where co-operation could be possible. However, in most cases participation in a catchment board setting masks the power dynamics by projecting the marginalized groups as empowered groups. The new power elites (villagers) find it hard to exercise power and often must sit back while real power is exercised by participants (white commercial farmers) who have more resources. The power of the new elites in this context only represents a reversal of power distribution among stakeholders. Stakeholder participation is hampered by a backlog of colonial resentment that makes genuine co-operative behaviour impossible. In all meetings, the manner of the commercial farmers

suggests that they have indeed been disempowered and feel no great push to co-operate with the villagers. Under these circumstances commercial farmers must exercise their power more discretely. On the other hand, villagers hide behind masks of ignorance and impatience in order to dissociate their participation from the devolved authorities. Murphree (1999) describes such action as “socially constructed vetoes” where communities exercise their power to express disapproval of processes or actions. The water reform process in Zimbabwe currently promotes a framework for natural resources management which reduces government spending, transfers accountability to water users and yet maintains control over revenues generated for little effort. Moreover, the transaction costs for achieving genuine devolution are very high, especially where communal are residents must be included.

Participants’ perception of the state’s role in resource management have not changed. Government is still seen as an entity distinct from stakeholders which maintains the power of veto, rendering stakeholder participation meaningless. Donor funding may undermine rather than advance participation if participants especially where participants go away feeling out manoeuvred. Furthermore, continued reliance on donor financing of stakeholder participation is unlikely to result in the long-term sustainability of such a process. Despite the overwhelming support for the policy of devolution, no level playing field exists for all stakeholders. The water reform process in Zimbabwe provides yet another example of hastily and ill conceived attempts at solving long- standing disparities among stakeholders without substantive investment in the “glue” that could make such co-operation work.

## Notes

1. This paper is based on work undertaken as part of the Broadening Access and Strengthening Input Market Systems/collaborative Research Support Program (BASIS/CRISP) in Zimbabwe. Several people in the project contributed comments that helped shape this paper. Project personnel (Claudious Chikozho, Sylvester Hwenha and Professor Bill Derman) have contributed insights and comments on the early drafts of the paper. Professor Campbell and Dr Dore reviewed initial drafts of the paper. Claudious Chikozho and Sylvester Hwenha attended some of the meetings with me and contributed insights on stakeholder dynamics and participation. Names of individuals who made statements cited in this paper have been protected.
2. White 1996.
3. Arnold 1998.
4. Arnstein 1969.
5. Arnstein 1969, Cornwall and Gaventa 2000.
6. Fisher 1995.
7. Weber et al. 2000.
8. Bratton 1994.
9. Bratton 1994, 233.
10. Vallareal 1992
11. Ingles e. al. 1999
12. See Murphree 1994, Guijit and Shah, 1998.

13. Guijit and Shah 1998, Edmunds and Wollenberg 2000.
14. For institutional and legal aspects see Nhira 1997; for politics and advocacy for reform see Derman and Ferguson 1999.
15. University of Zimbabwe workshop on "Water for Agriculture: Current Practices and Future Prospects" (March 11-13, Harare, Zimbabwe).
16. Dougherty 1997, 43.
17. Nhira 1997, Derman and Ferguson 1999.
18. Chatora et al. 1996, Nhira 1997, Derman and Ferguson 1999.
19. Dougherty 1997.
20. Mazoe Board (April 5, 1998)
21. BASIS/CRISP – Broadening Access and Strengthening Input Market Systems/Collaborative Research Support Programme.
22. This paper is one of several papers focusing on various aspects of the water reform process. Already published and excellent complement to this paper is Derman, B. and Ferguson, A. (1999). "Against the Flow: Activism and Advocacy in the Reform of Zimbabwe's Water Sector." *Culture and Agriculture* 21, no. 3: 3-9.
23. Long and Long 1992, Bratton 1994, Scoones and Thompson 1994.
24. Scoones and Thompson 1994.
25. Fortmann 1995, 2.
26. Goebel 1996.
27. Sithole 1999.
28. The Pungwe Pipe Line Project supplies water to a nearby city of Mutare. The environmental impact assessments for the project emphasised the need to allow water to flow downstream to other users especially those in Mozambique.
29. Ribot 1999.
30. Burkie et al. 1999.
31. Agrawal and Ribot 1999.
32. See Murphree 1990, Murombedzi 1992.
33. Mahapatra 1999.
34. Plant and Plant 1992, WECD 1989, The Ecologist 1992.
35. Mahalaaitis is an anglicised form of a Shona word mahala which means without working for something, or free.
36. Burki et al. 1999.
37. Long and Long 1992, Goebel 1999, Scoones and Thompson 1994.
38. CASS undertook to translate the document for the communal people.

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# Allocation of Governmental Authority and Responsibility in Tiered Governance Regimes: The Case of the Chivi Rural District Council Landuse Planning and Conservation By-Laws

ALOIS MANDONDO

**Abstract:** The proper alignment of authority and responsibility within and between various levels of social organization is a fundamental governance problem. This study uses a review approach to critically interrogate the political economy of the allocation of environmental jurisdictions between the state, local communities and Rural District Councils in Zimbabwe. Rural District Councils have the authority to enact conservation and landuse planning by-laws. A subsidiary aim is to investigate the practical operation of these by-laws in everyday social life through analysis that situates the effectiveness of by-laws within the theme of proximity to citizens. Several flaws and contradictions are evident in the political economy of the allocation of authority and responsibility among these actors. Assignment of responsibilities is framed by a top-down structure in which entrustments are transferred solely to Rural District Councils at the expense of other levels of social organization, particularly those close to the citizens. Governance arrangements fostered through the by-laws punish citizens for not respecting arrangements that they do not effectively participate in crafting. Revenues accruing from fines imposed on people violating such arrangements accrue to the Rural District Councils, not to the communities from which they are extracted. The study argues for innovative governance approaches that entail fundamental changes in by-law articulation.

## Introduction

Although decentralization is in vogue, the centralization-decentralization dichotomy appears to be of limited analytical value in understanding operational aspects of the assignment of jurisdiction in tiered regimes. The dichotomy is implicitly based on a source-sink model. Such a model assumes a one-off allocation process in which entrustments are permanently abstracted from one level and retired into another level. A related assumption of the model is that the purposes of such transfers are automatically met once the transfer is done, or that conditions elsewhere are static such that, once assigned, jurisdictions will always remain secure and effective. But this rarely happens in a complex and dynamic world where policy intent seldom translates into intended outcomes.<sup>1</sup> Moreover, the goals of governance may be expected

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to vary from time to time, and from one governance system to another. This implies that there can never be a universal governance goal that will be satisfied in perpetuity by a particular centralization or decentralization arrangement. Studies on the assignment of governance need to move beyond the appropriateness of centralization or decentralization and away from static notions of one-off assignments of jurisdiction to utilize dynamic and process-based analytical approaches.<sup>2</sup> Particular governance arrangements may result in unintended outcomes, and changes in related socio-political and other environments may supercede the goals for which given governance systems were originally crafted.

Coglianesi and Nicolaidis (1996) argue that governance arrangements and outcomes are best seen as dynamic, characterized by a "pendulum effect" in which power flows within and between levels.<sup>3</sup> They argue that it is important to understand the allocation mechanisms of any governance context, including how these are crafted, combined and traded off against each other. Using principal-agent theory, they propose four mechanisms through which jurisdiction can be allocated within tiered governance regimes: delineation, monitoring, sharing and reversibility mechanisms. Principal-agent relationships develop when authority is shifted from one set of players (representing the principal) to another set (representing the agent), with mechanisms to ensure that authority is utilized for purposes underlying the delegation, and not usurped or abused for other uses.<sup>4</sup>

Delineation provides a clear specification of the scope of delegation, as well as standards and guidelines for the exercise of that authority.<sup>5</sup> Among other things, monitoring helps determine whether the agent is operating within the confines of the scope of delegation; whether the assignment is achieving the goal for which it was intended; or whether set standards and guidelines are being followed. The principal may also reduce the agent's discretionary powers by sharing in the activities of the delegated unit. Sharing mechanisms include: separation of powers (e.g. between legislative, judiciary and executive arms of a jurisdiction); representation of lower units in higher units; and decision-making arrangements within sharing arenas (i.e. whether by majority or unanimity). Reversibility provides for a corrective measure to help ensure the re-alignment of other allocative mechanisms so that governance arrangements meet the goals for which they are intended. Examples of reversibility arrangements include provisions specifying the expiry date of a particular delegation to allow for scrutiny and review or revocability arrangements that allow the endowed level to step in to revoke the delegation under certain circumstances.

Allocation mechanisms may, from time to time or from place to place, vary in their extent, intensity or explicitness. For instance, delineation could be narrow or broad, monitoring may range from loose to tight or from regularized to ad hoc, whilst reversibility may be explicit or implicit. Permutations of sharing mechanisms can therefore be variously traded-off against each other to ensure cost-effective governance (e.g. broad delineation may be complemented by tight monitoring and explicit sharing arrangements might be matched with less reversibility). Decisions made within a cost-effective governance system also need to be as efficient as possible. In general, these conditions are better optimized if jurisdictions remain close to the citizens. This theme of closeness of jurisdictions is enshrined in the principle of subsidiarity, which holds that problems are best solved within the subsystem where they arise. Alternatively

phrased, in order to protect basic justice, upper level actors should undertake only those initiatives that exceed the capacity of lower level actors.<sup>6</sup>

The main aim of this study is to critically interrogate the political economy of the allocation of environmental jurisdictions between the state, local communities and Rural District Councils in Zimbabwe. Rural District Councils have the authority to enact conservation and landuse planning by-laws. This paper goes beyond principal-agent ties of how the state holds local governments accountable to include the implications of such transfers on how local government can be held accountable to local populations, since the transfers are ostensibly done to create local autonomy. A subsidiary aim of the study is to relate practical aspects of the formulation and operation of the by-laws to the theme of their proximity to citizens and how this impinges on the effectiveness of the by-laws.<sup>7</sup> By-laws are treated within a generic frame of reference for the main aim, since aspects of the allocation of jurisdictions by way of by-laws apply in similar fashion throughout the country's fifty-five districts. The study relies on review of secondary material, including relevant legislation, for the main aim. The subsidiary aim relies on fieldwork conducted in Chivi District where informal interviews were held with Rural District Council officials, councilors, council resource monitors, headmen, village heads and other ordinary men and women.

#### LEGAL INSTRUMENTS FOR CONFERMENT OF AUTHORITY TO ENACT BY-LAWS

The Rural District Council is where effective decentralization ends, at least in terms of the legal framework. Enacted in 1982, the Communal Lands Act vests control over land to the president, but devolves its administration to the Rural District Councils. The act therefore designates Rural District Councils as de jure land authorities. The Rural District Councils Act (enacted in 1988) reinforces the powers that a variety of other laws vested in the councils:

- Communal Lands Act defines them as land authorities (with powers to allocate land under their jurisdiction, in conjunction with district administrators);
- Parks and Wildlife Act designates them as appropriate authorities over wildlife resources in their areas;
- Communal Lands Forest Produce Act vests them with the power to grant licenses for timber concessions in communal areas;
- Natural Resources Act designated them as authorities for the conservation of resources within their districts;
- Environmental Management Act seeks to grant them appropriate authority status over a broad range of resources.

The Rural District Councils Act additionally vested councils with the following powers: raising revenues through taxes, levies and tariffs from their areas; acting as local planning and development authorities; and enacting legally-binding landuse planning/conservation by-laws

that apply for areas under their jurisdiction. The next section will consider how the Rural District Councils' legal personality and organizational structures have impinged or impinge on grassroots participation.

#### RURAL DISTRICT COUNCILS AS UNITS ENJOYING DESIGNATION AS LEGAL PERSONS

Rural District Councils are vested with legal personality through a variety of acts. In terms of membership, the Rural District Councils consist of elected councilors representing the interests of their constituent wards, district heads of line ministries, council executives, chiefs as ex officio members, and, in some districts, co-opted NGOs. Thus, far from being homogenous, the Rural District Councils potentially represent a complex mix of grassroots, customary, bureaucratic and technocratic interests. In principle, the composition of RDCs should not entail any contradiction since it potentially provides for a sharing forum that blends the top-down visions of sectoral and bureaucratic experts with the bottom-up visions of elected community representatives. In practice, such sharing does not necessarily imply that the councils are accountable and responsive to the needs of the citizens. The councils largely remain unresponsive to the needs of citizens because of the poor structuring of certain accountability relations.

For instance, during the postcolonial period, elite political interests in Zimbabwe have patronized the process resulting in the election of politicized councilors. They owe allegiance and are upwardly accountable to the major political party that endorses their candidature.<sup>8</sup> In addition, the councils operate through a system of committees, each tasked with a specific mandate. In principle these committees are supposed to report and be accountable to the full council containing elected community representatives. In practice, however, some such committees actually override council. For instance, the Chivi Rural District Council has the following committees: finance and staffing; planning; social services; natural resources; licensing; and an "advisory" Rural District Development Committee (RDDC). The Rural District Development committee is a powerful arm of council, consisting of district heads of government ministries, chairpersons of the Rural District Council's other committees, and district heads of national security organs. It is presided over by the District Administrator, a bureaucrat representing the Minister of Local Government and National Housing. Council representatives of grassroots communities are thus under-represented in the Rural District Development Committee. Yet the RDDC is the district's supreme planning body charged with consolidating various grassroots plans from the wards into the district's annual and five-year plans. The RDDC is supposed to discharge its mandate within an advisory context but in practice the body normally operates in a directive mode. The RDDC simply reports unilateral resolutions without being effectively accountable to council.

Thus, although the Rural District Development Committee is potentially a forum for melding community and sectoral plans, in practice it attenuates the spirit of popular participation and sidelines community plans and visions. The dominance of technocrats at the district level partly underlies the technicist content and orientation of the by-laws adopted by the Chivi Rural District Council. The issue of the content of by-laws is considered in later sections of this article. It is important to note at this point that Rural District Councils (as legal

persons with minor legislative competence over by-law formulation in areas under their jurisdiction) do not effectively represent the visions and aspirations of grassroots communities, nor are they effectively accountable to them.

#### EXTENT OF POWERS CONFERRED UPON RDCS IN BY-LAW FORMULATION

The legislative authority of Rural District Councils is subsidiary to national statutes, and it has to be consistent with such statutes. The Rural District Councils Act includes a schedule that clearly specifies the areas in which the Rural District Councils enjoy privileges to enact legally binding by-laws. The schedule lists 116 areas which fall under a fourteen-part category of issues (see Appendix 1). Part two of the schedule circumscribes the range of issues over which council can enact by-laws relating to property, including natural resources held under common property arrangements in communal areas. Additional sections of the schedule that are directly linked to other aspects of the environment include: part six, relating to water resources; part seven, which relates to sewage reticulation and waste disposal; part eight, relating to wildlife; and, part thirteen relating to fire management. By-laws are therefore meant to provide more regulation of these and other issues. The next section considers the by-law formulation process and examines the extent to which the process allows for downward accountability to local communities, for whom the by-laws are ostensibly created.

#### REPRESENTATION AND ACCOUNTABILITY RELATIONS IN BY-LAW FORMULATION

Rural District Councils have the option of formulating by-laws with the participation of local communities or adopting model by-laws from the Communal Lands.<sup>9</sup> Model by-laws provide for the preparation of landuse plans in council areas, and they are similar to those promoted by the state in the 1930s.<sup>10</sup> They are based on a landuse planning system that makes use of aerial photographs to divide landscapes into an 8-class system of land units, with a matching portfolio of suitable uses for each unit. Model by-laws are prescriptive and they do not embody a spirit of community participation. Their top-down orientation often does not accord with the priorities and coping strategies of peasant communities.<sup>11</sup>

The process of formulating by-laws with the "participation" of communities does not turn out to be genuinely participatory or democratic either. In principle, by-law formulation should be preceded by a preparatory stage during which the need for formulating any set of by-laws is identified, ideally by communities, who can then notify council through their representative.<sup>12</sup> A relevant standing committee of council (e.g. the Natural Resources Committee) then examines the need for such by-laws, consulting expert opinion, and then making recommendations to council.<sup>13</sup> On face value, this is a potentially democratic process by which local communities can demand by-laws through their "democratically" elected representatives. In practice, by-laws are formulated at the district level, without effective participation from communities. This occurs in most of the districts that opt not to adopt the model by-laws.<sup>14</sup> Although councilors sit as elected representatives, the actual formulation of by-laws overlays the contours of power within council structures, whereby council bureaucrats/technocrats have a much stronger voice. "Community" remains a constituency of subordinate and weakened forms of power within local

governance structures. It reflects fragmentary memberships or interests and represents a marginalized voice in key local government decision making fora, such as the RDDCs.<sup>15</sup>

Despite recognizing the need for local participation in the authorship of by-laws, the legislative framework does not provide authoritative guidelines on participation. The framework neither specifies minimum acceptable thresholds of participation nor the ways and means of achieving such participation. Existing legislation, therefore, does not fully embrace the principles of greater public participation as a way to increase democratic involvement in local government at the community level. It leaves Rural District Councils with considerable discretionary power over the extent and scope of local involvement in by-law formulation.

The actual formulation of by-laws can be a tortuous and extended process, with much time allocated to allow for higher-level provincial officials and the relevant cabinet minister to scrutinize by-laws before endorsing them. Local communities are only given thirty days to inspect the by-laws and, if necessary, lodge objections. To facilitate the inspection of by-laws by local communities, the framework legislation obliges Rural District Councils to display the by-laws at Council offices for a specified period and to publish them in a newspaper. Communities rarely inspect the by-laws, partly because they are left out of the formulation process, but mainly because the by-laws themselves can only be inspected at the district office, or in obscure sections of newspapers that peasants cannot easily access. Objections from the community, if any are raised, are unilaterally deliberated within the council, which can adopt them in whole or in part, without further dialogue with the communities. The legislation bestowing Rural District Councils with the power to enact by-laws, therefore, gives the councils wide discretionary powers and denies communities a sound basis on which to actively participate in the formulation of by-laws. Fast-tracking inspection of the by-laws by communities also undermines the spirit of popular participation in by-law formulation.

Endorsement of by-laws is therefore not done with the involvement of the communities. It remains the exclusive preserve of the relevant minister, to whom the Rural District Councils are accountable. Whilst by-law inspection is fast-tracked at the community-level, with no "set pauses," Ministers and the Attorney General enjoy a set pause of up to six months in which to thoroughly scrutinize the by-laws before approval.<sup>16</sup> Rural District Councils submit the following documentation for ministerial scrutiny: the proposed set of by-laws, proof of consultation in the form of a notice in the press, list of all objections received, minutes of the council meetings where the by-laws were discussed, and the final council resolution. The minister enjoys the discretion to modify or amend the by-laws or to recommend that council adopt model by-laws if those submitted are not substantially different from the model by-laws. Ministerial amendments to by-laws are not subject to negotiation and contestation by the Rural District Councils or the community.

Effective legal systems are best founded on beliefs and values of the societies whose behavior they govern.<sup>17</sup> But the Rural District Councils Act provides for a process in which Councils are only upwardly accountable to a minister in the formulation and approval of by-laws and not downwardly accountable to local communities. The minister is far removed from the resource-use setting and is thus not well placed to ensure that the by-laws embody the values and beliefs of the community. Although vesting the minister with wide discretionary powers over endorsement may be well-intentioned (e.g. to ensure that the by-laws are

consistent with parent legislation), there is no system of checks and balances to ensure that such powers are exercised in the interests of the grassroots communities. Vesting the minister with the prerogative to replace council by-laws with a model template of by-laws also defeats the purpose of local participation in the first place. It becomes a waste of time and resources, since vesting councils with by-law formulation privileges is ostensibly done to deal with context specificity.<sup>18</sup>

## CHIVI RURAL DISTRICT COUNCIL BY-LAWS: CONTENT

Although the framework legislation confers very broad delineations, the Chivi Rural District Council's by-laws only provide in detail for landuse planning. The by-laws are rather silent with regards to the use and management of natural resources in communal and resettlement areas. They include just a few oblique restrictions on: owning, using and possessing a sleigh; cutting of trees and collection of firewood and timber; and damage/destruction of fences and conservation works. The council's schedule of fines, however, reveals that it imposes control over areas that are not clearly provided for in the by-laws, including: causing veld fires, poaching game and fish, pulling ploughs on the ground, and cutting down protected tree species. Although findings from the field study indicate that various forms of illegal land allocation/utilization and tree felling were amongst the major natural resource management problems, other important issues are provided for in neither the council's set of by-laws nor the schedule of fines. Natural resource management issues not covered in the by-laws, but now increasingly important include those widely associated with the advent of the Economic Structural Adjustment Programme. Prominent among these were sand extraction for the construction industry, alluvial gold panning along the Runde and the Tugwi rivers, and extraction of soapstone (munyaka) and timber for the craft industry.

The current Chivi Rural District Council by-laws, gazetted in February 1996, repealed model by-laws that had been adopted in 1987. In addition to their top-down orientations and their failure to comprehensively provide for all the important natural resource management issues, the by-laws also appear somewhat static. Although the framework legislation provides scope for review and amendments, the extended and tortuous nature of the process imposes disincentives for councils to regularly undertake such reviews and amendments.<sup>19</sup>

In spite of their "participatory" formulation, the Chivi Rural District Council by-laws have a strong technicist content and are based on patronizing, command and control approaches to natural resource governance. They treat users of natural resources in peasant communities as passive objects requiring assertive guidance from a more "rational" outside. For instance, provisions relating to grazing areas empower council to prescribe stocking rates, grazing rights across owners, grazing/rest periods, and appropriate conservation measures. Provisions relating to planning of cultivated areas allow council to specify cultivation rights, means or implements to be used, types of crops, crop rotation, contour ridging/land protection measures, and fallow periods. This means that decisions are effectively made outside the subsystems in which related problems occur, with resultant implications for the relevance and effectiveness of the by-laws.

## ENFORCEMENT, LEGITIMACY AND EFFECTIVENESS OF BY-LAWS

In addition to their technicist content and external origin, the by-laws further criminalize local use of resources. They impose fines in order to restrict the use of natural resources instead of creating voluntary systems of local regulation with incentives to ensure sustainable use. Local communities are expected to cooperate with council monitors who impose fines for various violations. This revenue accrues to the Rural District Council. The arrangement therefore places the costs of an imposed governance system close to the people but the benefits remain close to the Rural District Council. This income may be used for any purpose and not necessarily to address the environmental problems for which the fines were exacted.

Council employs two resource monitors per ward. The monitors assume duty after being elected with the "participation" of local communities and subsequent vetting by the police. Most local people, however, denied having participated in the election of monitors because the process was not widely publicized. Others claimed to have ignored the exercise because of alternate overriding priorities on their time. Some even stated that they saw the by-laws as being "oppressive". For instance, a headman remarked that many of the by-laws prevented people from using trees, "but no-one ever became pregnant to give birth to a tree...the trees are there for us all to use and care for... and the fact that we use the trees does not necessarily mean that we do not care for them." Thus, in spite of a veneer of local involvement in the election of resource monitors, they are largely seen as enforcing externally imposed regulations. This clearly impinges on the effectiveness of enforcement of the by-laws.

The process of by-law enforcement involves the issue of tickets which impose fines based on a schedule given to the monitors by the council. Personal details of the violator, including the postal address, are entered onto two tickets - one of which is to be retained by the violator after signing, and the other sent to the Rural District Council. The person issued with a ticket is supposed to deposit the stipulated fine at the council offices within a set period. Council officers are supposed to follow-up and ensure that people deposit their fines on time. Those who do not pay the fines risk being handed over to the police or courts. In practice, most of these arrangements seldom work. People issued tickets often quietly ignore them without paying the fines. Council officials rarely make follow-ups, mainly because of logistical constraints. Not surprisingly, three council monitors interviewed estimated high default rates (with one estimating over 60%). Council records, from October 1996 to July 1998, also suggest low payment levels (see Table 1). Meanwhile, the study found no evidence of anyone handed over to police for flouting by-laws, and only one case of someone who opted to pay after being threatened with a court case. The allocation of enforcement responsibilities to monitors by the council without effective involvement by the communities implies that monitors are upwardly accountable to the council instead of the communities to whom the by-laws apply.

**Table 1.** Schedule of fines and records of payment of the fines for flouting the Chivi Rural District Council landuse planning and conservation by-laws between October 1996 and July 1998. Collated from twenty-nine communal areas and resettlement wards.

Offences	Penalties in Z\$	Number	% of total Apprehended
Damage to roadside establishments	300	7	2.1
Causing veld fires	500	30	9.2
Stream-bank cultivation	100	5	1.5
Settlement, illegal homestead	100	61	18.7
Poaching, game and fish	100	1	0.3
Cutting down of trees, protected species	102-213	0	0
Cutting down of trees, not protected	40	85	26.0
Possession of sleighs, pulling plough	100	17	5.2
Unauthorized gardens	100	68	20.8
Unauthorized extension of land	100	44	13.4
Raising wire/fence to go through	25	9	2.7
Unauthorized grazing	100	0	0

The enforcement picture is further worsened by the fact that most people, including monitors, felt that the proportion of undetected cases was far higher than those apprehended. This is underlain by several factors, not least of which is low morale among monitors. Low morale arises both from the failure of council officials to effectively follow up on tickets and poor levels of remuneration to the monitors. Each resource monitor earns a basic fee of Z\$100 per month plus 10% commission on the amount of fines they caused to accrue to council. Monitoring is therefore largely ad hoc and not intensive or regularized. Resource monitors often invest their time and effort in other gainful activities. In general, there was greater evidence of monitors relying on indirect methods of accounting for violators (reliance on tip-offs from third parties and historical evidence of violations) as compared to direct red-handed apprehension. The over-reliance of monitors on indirect evidence often results in disputes between monitors and suspected violators.

Even when suspects agree to pay fines, they frequently do so under protest, perceiving the fines to be punitive and unfair. The levels of fines are arbitrarily pegged by the council and not

indexed to levels of community outrage or to community perceptions on the legitimacy of such fines. All the monitors interviewed reported facing tremendous amounts of pressure from suspects. All of them were, at one time or another, threatened with bewitchment or physical violence. On one occasion, a monitor was extricated from a brawl in which he was about to be axed by an enraged suspect.<sup>20</sup> The fear of violence or bewitchment may inhibit monitors from apprehending certain suspects, although all of them would readily acknowledge this.

All the monitors indicated that it was more effective to enforce the by-laws through enlisting the support of traditional leaders as compared to relying on council officials. One monitor argued that traditional leaders were generally more respected than elected representatives "because councillorship is basically nothing beyond a show of hands, but chiefly powers are deeper since the chiefs own the land and its people." The threat of expulsion from a chief's areas was widely acknowledged as one of the most effective instruments of power that chiefs could invoke against habitual offenders. Support from traditional leaders was reported as easily forthcoming when by-laws were similar to local rules which the leaders wanted enforced (e.g. prohibitions against felling fruit trees, big trees and trees that grow in riverine areas). Enlisting the support of traditional leaders in enforcing council by-laws legally entails no contradiction since the Traditional Leaders Act (1998) confers such a role on chiefs and headmen. Two sources of contradiction are, nevertheless, apparent.

First, the Rural District Council system of enforcement exists alongside traditional systems for enforcing local rules. Traditional systems include implicit norms and mores as well as explicit rules. The chiefs' and headmen's police have the role of apprehending violators. Local enforcement also incorporates the belief that one could not evade the spirit guardians of the land, who could unleash divine visitations upon violators. Suspects accounted for by the chief's police are either warned, made to pay goat or traditional beer fines, or expelled from the community if habitual offenders. The efficacy of these mechanisms was not assessed but most people interviewed reported that such arrangements were generally better respected than council by-laws. However, no coordination exists between the two natural resource regulation systems, since suspects can find themselves being censured under either system or both. Fines in the traditional system have historically been used to mitigate the transaction costs of convening courts but some people alleged increased incidents of traditional leaders exacting fines for their own benefit.

A second contradiction arises from the fact that whilst the Traditional Leaders Act recognizes chiefs as allies in enforcing government by-laws, acts like the Communal Lands Act and the Rural District Councils Act effectively retain the land allocation powers that were taken away from chiefs in the immediate post-independence period. But chiefs have continued to allocate land on the basis of territorial, customary, and other forms of claims. The main contradiction is that chiefs are expected to uphold by-laws, yet these by-laws dilute and erode their major power base i.e. the authority to allocate land. The formal process of land allocation entails the prospective settler bear a clearance letter from the district of origin before approaching the headman and councilor for local approval. Final approval is by a council land allocation committee consisting of the relevant Village Development Committee (VIDCO), the chief, the councilor and Agritex (national agricultural extension service). There is rampant disregard of this arrangement by chiefs and headmen, borne out by the statistics in Table 1,

which show that various forms of illegal landuse were amongst the most frequently flouted by-laws in Chivi over an 18-month period. One of the councilors interviewed in this study estimated illegal land allocations to constitute 60-70% of the new settlements in communal areas close to his home.

The latest waves of illegal land allocations have assumed elements of an informal real estate brokerage, with some traditional leaders charging fees to prospective settlers. Several high profile cases of illegal land allocation were reported, including one from the Barura area and another from an area near the turn-off to Mutangi. Resolution of both of these cases involved intervention by the district administration and the Rural District Council. The Rural District Council requires traditional leaders who illegally allocate land to ensure the vacating of such land or face prosecution. If charges are preferred, settlers are made to pay fines for trees they will have felled at a rate of Z\$40 per tree.

This study also recorded cross-border ambiguities in regimes of levies charged for sand extraction by the Chivi and Masvingo Rural District Councils. Both Districts have important sand extraction sites along the Tugwi River. The Chivi Rural District Council, on one side of the river was charging Z\$2 for every cubic meter of sand extracted, whilst the Masvingo Rural District Council on the other side charged Z\$7.50 per cubic meter. The Chivi Rural District Council employs monitors to keep records of sand extracted. Monitors receive a 10% commission. Disparities in levies means these monitors sometimes end up conniving with contractors not licensed by council, from whom they obtain kickbacks.

## DISCUSSION

A number of contradictions are therefore evident in the political economy of allocation of authority and responsibility among the Zimbabwean state, local communities, and Rural District Councils through the conferment, to the latter, of authority to enact by-laws that apply to areas under their control. Most of these problems arise from the top-down orientations of the assignment of such authority. First, although framework legislation confers very broad delineations over authority to enact by-laws, monitoring occurs on the basis of technicist goals of environmental conservation and "rational" landuse planning, and not on the priorities and aspirations of the local communities. Second, the entrustments are transferred solely to Rural District Councils at the expense of other forms of social organization, particularly those closer to the citizens. Third, although there is scope for sharing in governance, through popular representation at the district level, effective decisions are made in bodies not accountable to the council because council is the forum in which local representatives have a greater voice.

Fourth, there is no provision for reversibility through amendments of by-laws by communities, only by the Rural District Councils and the relevant minister. Such amendments can only be made on the basis of whether governance delivers on technical goals of "rational" landuse planning and legal goals of consistency with broader legislation. There is no explicit provision for amendments on the basis of community priorities, interests, and goals. Fifth, in addition to being highly prescriptive, the governance system punishes citizens for not respecting arrangements that were put in place without their effective involvement and consent. Sixth, the revenue from fines imposed on local communities are directed to Rural District

Councils, without accruing to the communities from which they are collected or directly addressing the environmental problems for which they have been imposed. Lastly, the by-laws fail to provide for the coordination necessary to address cross-border problems and spillover effects. Such governance arrangements are not well-respected since they are widely viewed as illegitimate and oppressive. Innovative approaches to governance are required to address these flaws and contradictions.

Reversing top-down orientations in the assignment of jurisdiction through by-laws would be amongst the most radical of approaches. This would involve reversals in by-law articulation in which the formulation and operation of by-laws are effectively placed in the hands of citizens, with the council playing only monitoring and coordination roles. The Institute of Environmental Studies is pioneering with such reversals on its Department for International Development (DFID) funded Micro-catchment Management and Common Property Resources Project.<sup>21</sup> The research objectives of this project include: identifying a range of technical, institutional and other options for the management of micro-catchments; evaluating the impacts of the options on various biophysical, economic and institutional variables that have implications for the micro-catchments; and evaluating the poverty alleviation and environmental management tradeoffs of the various options. The development objectives include providing policy makers, extension staff, and communities with the tools to make sound management decisions and promoting the implementation of such decisions.<sup>22</sup>

Completed stages in the process of seeking institutional reversals through the DFID project include exercises by which study communities developed their visions on governance, at first separately, and later jointly, with their Rural District Council. The joint initiative yielded a wonderfully democratic vision of by-law articulation in which communities would: formulate the by laws with council endorsing them; harmonize the multiplicity of rules at the local level with the council endorsing; set, collect and manage fines, with council monitoring effectiveness; decide on the disposal of the revenues collected from fines with council negotiating a percentage depending on its levels of input; enforce, monitor and amend by-law with the council giving necessary support; negotiate on cross-border and spill-over effects with the council coordinating and advising. Clearance has already been secured from the Rural District Council to facilitate the crafting of such a vision, with a view to implementation and documenting the major lessons for wider uptake in other districts and related contexts. The support and interest of local communities and the Rural District Council have been, and will continue to be, key to the initiative.

Another radical approach would be to lobby for the extension of legal mandates for local natural resource governance to units that are below the district level. A question that receives scant attention in the literature, however, is the mode through which the diffuse and ever-changing forms of grassroots social organization can coalesce into resource management units than can receive legal mandate. Murphree (1997) advocates a strategy of community identification involving self-definition through the processes of dialogue and negotiation. He argues that such a process should take cognizance of long-established traditional jurisdictions and resource management aggregations in order to match social geographies with spatial resource configurations. The widespread lack of respect for imposed by-laws as well as poor enforcement and high default rates in the payment of fines all lend weight to "long established

traditional jurisdictions" as potentially appropriate units. The emphasis on these bodies also bears close resemblance to the recommendations of the Land Tenure Commission (set up in the early 1990s) to investigate appropriate agricultural and tenure systems across Zimbabwe's land tenure categories.<sup>23</sup> The Commission concluded that traditional villages, under village heads, were the legitimate and appropriate units for natural resource management below the district level. The Commission recommended granting legal titles to well-mapped village units with clearly defined boundaries. Most of the recommendations, except that relating to legal titles, were subsequently adopted by the government and formed the basis of the Traditional Leaders Act of 1998.

Considerable ambiguity still characterizes the assignment of jurisdiction across a number of Zimbabwe's environmental legislation. Uncertainty still exists, in spite of the merits of the above units as possible candidates for legal mandate.<sup>24</sup> Jurisdiction over mineral resources, according to the Mines and Minerals Act, remains the exclusive preserve of the state. The Rural District Councils Act assigns authority to enact by-laws between the state and the Rural District Councils. The Parks and Wildlife Act assigns jurisdiction over wildlife resources to the state, the Rural District Councils in communal areas, and the landed class in freehold areas. The draft Environmental Management Bill broadens the portfolio of "appropriate authority" to include a wider range of resources other than just wildlife. In spite of having been preceded by the Traditional Leaders Act, the draft bill does not complement the bold attempts of the former at defining potential legal units below the district level. The bill further seeks to vest such authority in Rural District Councils, without extending it to any units below the district level.

Other approaches could be incremental, with an emphasis on securing and consolidating community gains in those aspects of current governance arrangements that are potentially maneuverable. Such an approach could involve: lobbying for better community representation in the RDDC; lobbying for changes to ensure that the RDDC reports, and is effectively accountable to council; or lobbying the relevant minister to give greater attention to community empowerment when he/she endorses or seeks the amendment of the existing sets of the Rural District Council by-laws.

On a more cautionary note, the call for new approaches to governance appears based on the unstated assumption that old is undesirable "because we have seen it not working" and that new will work better "because we have not seen it failing anywhere." Thus, placing governance powers closer to citizens should not automatically imply that new arrangements will be more egalitarian and work better. Neither should it be seen as a call for a total return to community because communities, councils and the state have become intricately interwoven. Furthermore, asymmetries of power and interest are pervasive within and between various levels of social organization. It is more pertinent to ensure:

- Clarity on what powers are given to each level;
- Higher levels do not usurp those powers lower levels can exercise on their own;
- Checks, balances, and monitoring mechanisms to ensure that such power is not abused;

- Flexibility and, if need be, reversibility to allow for adaptive changes in governance arrangements.

Such a vision can only be inspired by analytical approaches that look beyond the merits and demerits of centralization and decentralization.

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## Notes

1. Ferguson 1994.
2. Coglianese and Nicolaidis 1996.
3. Power relations amongst various social groups and levels of social organizations cannot be expected to be static but to be dynamic – often swinging back and forth to reflect the contestation and negotiation of interest within and between the groups and levels.
4. Agrawal 1997.
5. Taken simply, delineation is a clear specification of the extent of delegated or devolved powers and the terms and standards on which such privileges should be exercised.
6. Schilling 1995.
7. The criteria for effectiveness are likely to depend on the goals for which a particular governance system is put in place, but in this study effectiveness is considered within the contexts of relevance, respect and observance of the by-laws by the communities - since the by-laws are ostensibly meant to ensure local autonomy.
8. Mandondo 2000.
9. Model Landuse and Conservation By-Laws 1985.
10. Scoones and Matose 1993.
11. Ibid.
12. Kundhlande 2000.
13. The Chivi Rural District Council by-laws stipulates that the council seeks advice from the following government offices in the preparation of plans for communal and resettlement areas: the provincial planning officer, the provincial Agritex officer, and the regional officer in the Ministry of Environment and Tourism.
14. SAFIRE 1999.
15. Mandondo 2000.

16. "Set pauses" relate to allocation of sufficient "lag time" during any stage of the process to give positive opportunity public reaction and participation and presentation of alternative choices (McAuslan 1993). Note, however, that it implies context of conditionality in which people are passive subjects with higher level authority in driving seat.
17. McAuslan 1993.
18. Mohamed-Katerere 1999.
19. From a transaction cost perspective.
20. A headman intervened after the suspect had refused to obey the impassioned pleas of many other people.
21. DFID is the bilateral development agency of the United Kingdom.
22. Frost and Mandondo 1999.
23. Government of Zimbabwe 1994.
24. Indigenous governance forms were co-opted into colonial governance forms, and were often remolded to advance the designs and intentions of colonial administration to the extent whereby it may be misleading to speak of "authentic indigenous forms" but "attenuated indigenous forms" (Chanock 1998).

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## Challenges Facing a Community Structure to Implement CBNRM in the Eastern Cape, South Africa

MICHELLE COCKS, ANTHONY DOLD AND ISLA GRUNDY

**Abstract:** In most developing countries, community based natural resource management (CBNRM) initiatives have been adopted in an attempt to address the issue of environmental sustainability. This has largely come about due to an increasing recognition of the ineffectiveness of the state to achieve such sustainability. Within the South African context, recent policies have been drafted that aim to achieve these outcomes, which strongly articulate the need for the participation of local people in the management of natural resources both within communal areas and on state-owned land. The objectives of new policies, however, are not being met in the Eastern Cape of South Africa for the following key reasons: the insufficient recognition of the impact of past historical and political upheavals experienced within the former homelands' situation; the government's inability to process land applications; the government's lack of ability and capacity to implement these policies; and frustratingly high levels of hierarchy at both the local and national level. The Masakane community, a group of former farm workers from the former Ciskei homeland in South Africa, are attempting to implement CBNRM initiatives. The Masakane case study reveals the urgent need to develop, implement and enforce new institutional and managerial arrangements, because without such arrangements state policies are unlikely to be implemented at the grassroots level.

### Introduction

The worldwide political and economic changes of the 1980s and the growing concern with global environmental issues have brought the question of the environment to the forefront of

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<http://www.africa.ufl.edu/asq/v5/v5i3a4.pdf>

development and politics. This has generated immense interest and discussion over the issue of its future sustainability.<sup>1</sup> In response to the poor conservation outcomes that followed decades of governments' ineffectiveness in managing natural resources, scholars and policy makers have been forced to reconsider the role of the community in resource use and conservation.<sup>2</sup> The following reasons for the failures in conservation have been cited: the difficulty in obtaining diverse information relating to a resource and its users; the problem of enforcement of state rules in dispersed areas; financial and administrative constraints; corruption within the bureaucracy which encourages conflicts; and the subordination of environmental to shorter-term economic or political interests.<sup>3</sup> Current writings nevertheless strongly promote the role of the community in bringing about decentralisation, meaningful participation, and biological conservation.<sup>4</sup>

The achievement of effective decentralisation and the devolvement of power and control over resources from the centralised state to local communities has become a pressing policy issue in all parts of the world.<sup>5</sup> This has led governments, particularly in developing countries, to formulate policies which increasingly aim to promote participatory rural development and the empowerment of local populations.<sup>6</sup> In the past two decades, this has led to the adoption of people-centred approaches in several developing countries, such as community forestry in Nepal and decentralised wildlife management, for example "Campfire," in Zimbabwe.<sup>7</sup>

The new South African government has adopted a similar standpoint. New and emerging policies relating to conservation and land management strongly articulate the need for the participation of local people in the management of natural resources both within communal areas and on state-owned land.<sup>8</sup> The land redistribution and restitution processes have spearheaded this move, which has been facilitated by the Communal Property Association (CPA) legislation (Act number 28 of 1996). This backdrop has provided a framework for the establishment of legal entities enabling groups of beneficiaries to acquire, hold and manage property on a communal basis.<sup>9</sup> It has been predicted that a considerable proportion of South Africa's rural land will be transferred to group ownership and management.<sup>10</sup>

This paper highlights some of the challenges facing the implementation of community based natural resource development (CBNRM) initiatives within large proportions of the former Ciskei homeland, in the Eastern Cape, at both a community and state level. Despite the adoption of enabling policies, we observe at grass roots level that a period of chaos is reigning with regards to the management of natural resources. This situation has arisen as a result of past political upheaval, and is being compounded by the current inability of the government to implement adopted policies.

## APPROACH AND METHODS USED IN THE CASE STUDY

The information presented in this study has been collected from a number of sources. The Institute for Social and Economic Research (ISER) at Rhodes University has a long history of developmental involvement in the area and has produced numerous unpublished reports. In addition, a study by Ainslie (1998) on management of natural resources in a rural settlement in the Peddie District is an important source of information. For the past four years the first two authors have had an active involvement in the area on a number of projects.

Three methods were used to collect the information. The most important were in-depth interviews with individuals, key informants (committee members and government officials from the Department of Land Affairs and the Department of Agriculture) and community household members. These covered central issues regarding natural resource management. Furthermore 190 questionnaires were also administered to household members and PRA workshops were held with community members who represented different interest groups within the community, for example, men, women and youth.

## THE STUDY SITE

This study focuses on the Fish River area of the former Ciskei homeland, situated between the Great Fish River in the west and the Kei River in the east. The area is characterised by Valley Bushveld vegetation, which in its natural state consists of extremely dense, semi-succulent thorny scrub forest interspersed with grassland in upland areas.<sup>11</sup>

The study site is found within the Great Fish River Reserve Complex (Figure 1). The reserve complex consists of three amalgamated nature reserves, namely the Andries Vosloo Kudu Reserve, the Double Drift Reserve, and the Sam Knot Reserve. The reserve complex is surrounded by nine village settlements, accommodating approximately 20,000 people at approximately 70 people per km<sup>2</sup>.<sup>12</sup> All these villages are characterised by poverty, environmental degradation, very low or non-existent levels of economic activity, a heavy dependence on urban earnings and welfare payments, high unemployment, poor infrastructure and a desperate lack of basic services. Despite the existence of the reserve, almost no collective benefits have accrued to the communities. The nine villages represent different histories of land occupancy and land tenure frameworks. These influences have had an impact on a number of issues including the distribution of people, the distribution and types of settlement, land tenure systems, land management, and ultimately the use of resources.<sup>13</sup>

This study focuses on the experiences of the Masakane community, a group of one hundred and ninety former farm workers and their families located on the northeastern boundary of the Reserve. The area comprises the following farms: Mooihoek, Thornfield, Welcomewood, Ebenezer, Victoria Post, Nomtayi (Klipfontein), Fenryn, Llangollen and Tweni (Figure 1 and 2). These farms were formally owned by white stock farmers and were bought out by the previous government to consolidate the formation of the Ciskei homeland in 1972. Land in the former homelands is state-owned and held under a modified communal land tenure system.<sup>14</sup> The area is regarded as prime grazing veld for cattle, forming part of the superior “smaldeel” swathe of sweetveld.<sup>15</sup> Two larger communities of Sheshegu and Middeldrift surround the Masakane community. Both Sheshegu and Middeldrift are currently densely populated, have high stocking rates, and are held under a modified communal land tenure system.

## PROFILE OF THE MASAKANE COMMUNITY

The total population of the Masakane group is approximately 800 people, most of whom are residents. Over a third (36.9%) are young and working-age adults between the ages of 19

and 45. Young children and infants between the ages of 1 and 12 comprise approximately a third (30.6%), while 17.4% are teenagers between the ages of 13 and 18 years. The middle-aged and pensioners each make up 7.2% of the population.<sup>16</sup>

Few people have formal employment, as income is derived from sale or use of stock and social welfare is low. Estimates based on questionnaires reveal that just under one third of the households (30.4%) generate an income of between \$85 and \$170 a month.<sup>17</sup> A smaller group (22.6%) receive less than \$85, while only one sixth (15.4%) earn over \$170 a month. Some families earn small amounts of money from goat, sheep and dairy products.<sup>18</sup>

The total number of livestock of all the families amounts to 986 cows, 731 goats and 390 sheep. The number of cattle kept by individuals' households varies substantially. A large percentage of these households own no cattle (45.6%). 26.4% own a small number, between 1 and 5 cattle. 10.7% own a medium-sized herd, between 16 and 40, while 3.1% own significant herd numbers, over a hundred head of cattle each. Goats, on the other hand, are more evenly distributed amongst the families.<sup>19</sup>

In addition to the income and products generated from livestock, social welfare and formal employment families are heavily reliant on the contribution that the communal rangelands provide for their livelihood. This is because the communal rangeland is an important source of grazing land, fuel, food security, nutrition, income, medicines, fertilizer, and building material. Within the study site, over 83 different plant species were documented as being used on a regular basis.<sup>20</sup> Preliminary studies, conducted by the authors in nearby communities, reveal that the mean direct use-value of these resources amounts to \$273.43 per household on an annual basis.<sup>21</sup> Access to these resources from communal rangelands contributes to livelihood security and provides a safety net for rural households.<sup>22</sup> Per hectare studies have estimated the potential value of secondary products to be as high as \$133/ha/yr from communal grazing lands.<sup>23</sup> Consequently, the Masakane community considers continued access to these resources a priority, thus indicating their reliance on these resources.

## MASAKANE COMMUNITY

In the 1980s the South African Development Trust purchased farms in the Victoria East district for the purpose of consolidation into the former Ciskei. The families of the Masakane community continued to live on the farms where they were previously employed. The policy of the then Ciskei government was to retain farmland for "commercial" purposes, by leasing out units to black farmers who, however, failed to take up residence in the area.<sup>24</sup> Consequently, the Masakane community secured a tentative foothold on this land.

During the period 1980 to 1994, the Masakane families did not act jointly as a group. Each family made decisions independently and consequently no unified decisions were made regarding natural resource management issues. During this time families felt exceptionally vulnerable, particularly when new tenants began arriving. These new tenants showed very little respect towards the Masakane community despite their three generational residence on the farms.

Only after the overwhelming electoral success of the ANC did the Masakane families feel confident enough to form their own Resident Association. Their main communal objective

became applying for land of their own for settlement purposes and to pursue their livestock farming interests. It was felt that by forming their own group they could co-ordinate their efforts. Consequently, between 1994 and 1996, the Masakane Resident Association made several unsuccessful approaches to the provincial government. Their concerns were eventually taken up by the Institute for Social and Economic Research (ISER) researchers who approached the Department of Land Affairs for assistance.<sup>25</sup> The ISER finally submitted an application for land for settlement, for commonage purposes, and additional farms for livestock farming on behalf of the Masakane group in 1998.

In the interim, the Masakane Resident Association prioritised the need to control the influx of outsiders and to attend to issues surrounding resource management. The Association is comprised of elected committee members who represent the interests of each farm. The committee meets weekly and an open forum is held fortnightly. Decisions relating to grazing regimes and the dipping of stock are made independently on each farm. Each family owning livestock contributes \$2.80 for dipping solution.<sup>26</sup> Broader issues affecting all the farms are decided at committee level. Grazing is in good condition on the farms and is testament to the fact that this management system is successful.

A number of factors, however, threaten their continued success. These include the impact of past political policies, a lack of statutory power, and lack of government support.

## PAST POLITICAL UPHEAVALS

The formation of the Ciskei homeland in the 1980s led to the introduction of Tribal Authorities who became responsible for the allocation of land and its management. Later, various government departments such as the Department of Agriculture (DOA) and Department of Public Works (DOPW) shared the responsibilities of land and natural resource management, albeit on an ad-hoc basis. For example, the DOA introduced policies that attempted to control livestock numbers and funded community-based conservation projects, such as manual noxious weed eradication and erosion control. The funds made available to implement these projects tended to be directed towards supporters of Lennox Sebe's Ciskei National Independence Party and excluded those communities who opposed the Bantustan system.<sup>27</sup> Local headmen were responsible for allocating employment positions and distributing funds. Community members who gained access to these positions were employed for several years.<sup>28</sup> The DOPW provided fencing and poles to rural communities following the same stipulations. This had the effect of politicising issues surrounding natural resource management.

In 1990, Sebe was ousted in a military coup and was replaced by Oupa J. Gqozo as head of state of the Ciskei. Gqozo suspended the already unpopular headmen but did not transfer their powers to the ANC-aligned South African National Civic Organisation (SANCO) Resident Associations at village level. This led to intense political activity and resistance against Gqozo and his party, the African Democratic Movement (ADM). He later reintroduced the headman system, and furthermore linked access to rural resources to membership of the ADM. Conservation projects similar to those introduced under Sebe were implemented and these were also politically linked.<sup>29</sup>

After the instatement of Gqozo in 1990, conditions changed fundamentally for members of the Masakane community. For example, the DOA established a number of irrigation schemes in the former Ciskei, under the Small Project Program. A small scheme was established in the Masakane district to cultivate vegetables for resale. Initially only members of the Middledrift community were employed to work on the scheme, as they were strong supporters of Gqozo and his party. However, friction soon developed amongst those community members who were employed and those who were not. The DOA reacted by replacing all employed Middledrift community members with Masakane community members. This caused further conflict between members of the Masakane and Middledrift community and in 1992, the Middledrift community responded by destroying packing sheds and fences, and by driving their livestock onto cultivated lands.

In 1982 the Department of Agriculture of the Ciskei introduced a system whereby stockowners from neighbouring communal areas were allowed (at a nominal fee) to graze stock on the state owned farms.<sup>30</sup> The government, through the employment of local stock rangers, undertook the management of the farms. The rangers were responsible for ensuring that the farmhouses and irrigation equipment on the farms were not stolen and that additional families did not move onto the farms. This initiative fell under the Ciskei Employment Assistance Program (CEAP).<sup>31</sup> For the most part, Masakane rangers succeeded in preventing families from neighbouring communities from moving onto the farms. Consequently, the grazing resources are currently in better condition than the rangelands on the surrounding communal areas. Because of the poor quality of grazing on the Middledrift communal lands members of the Middledrift community leased portions of the state farms occupied by the Masakane community for their livestock.<sup>32</sup> It is generally acknowledged that the Middledrift settlements are overcrowded, with little scope for expansion.<sup>33</sup>

Twenty seven stock rangers from nine farms were employed for ten years, from 1982 to 1992. As a result some families, despite limited tenure security and with very little state support, have managed to secure relatively sound livelihoods by accessing rangeland through the fortuitous land expropriation policies of the former government. Livestock farming has consequently become the main source of direct livelihood for many families, and indirectly for most of the community.<sup>34</sup>

These interventions have had a significant impact as they have politicised key aspects of resource management in the study site. For example, the state manipulation of the allocation of resource management funding to their supporters has had the effect of undermining the ability of local institutions to undertake local resource management initiatives. Currently, local people have very little incentive to be pro-active in activities relating to erosion control the removal of noxious weeds because the hope exists that the state will intervene and provide some jobs to undertake these activities.<sup>35</sup> Similarly, with regards to fencing, community members are ever optimistic that the state will intervene and fund these supplies.

Regarding the Masakane community, these past policies have had a major impact on politicising their relations with their neighbouring communities. For example, under the Sebe and Gqozo regimes, Masakane families were empowered economically through the allocation of various job opportunities; these same opportunities were denied to community members of Middledrift. Furthermore, under the Gqozo regime Masakane rangers were given authority to

manage the farms. This resulted in very tense relations between the two communities. After the termination of CEAP in 1992, by the DOA, the Masakane rangers lost their authority and this resulted in members of the Middledrift community driving their stock onto the farms without consultation. This severed relation made it very difficult for the Masakane Resident Association to enforce its decisions surrounding grazing regimes on the farms.

#### LACK OF STATUTORY POWER

The lack of statutory power in the Masakane community hinders their ability to enforce decisions regarding resource management. Currently there are no legal claimants to the ownership of the land other than the state because the national policy is the disposal of all state land via the market. This has found resonance in the provincial agricultural policy, which favours a continuation of individual leases with an option to purchase - the model used by the old Ciskei regime. The majority of Masakane families have strong interest by virtue of their long residence, but their ownership is currently not acknowledged on "state land." Their informal rights are protected by short-term legal measures in the form of the Interim Protection of Informal Land Rights Act (IPILR), but this does not constitute entitlement.<sup>36</sup> The IPILR act is a short-term measure, which protects people from eviction until new land tenure reform legislation is passed. One of the objectives of the act is to protect long-term vested-interests and insecure tenure rights which exist in practice but which have not been legally recognized. The IPILRA protects a person who has occupied the land if he/she is the owner openly and without having used force to occupy the land, and if he/she has occupied the land in this manner for a continuous period of 5 years or more prior to December 31, 1997.<sup>37</sup>

In 1999, the Minister of Department of Land Affairs (DLA), however, approved the Masakane application which resulted in three of the farms being granted to the Masakane community.<sup>38</sup> The DLA is in the process of implementing the application. However, due to administrative constraints, including institutional weaknesses and poor co-ordination of the various spheres of government, the final legal processes of the Masakane community application have yet to be finalized. This is an example of how administrative constraints within the DLA are hindering the delivery of land to black South Africans who have been identified as the primary beneficiaries of the new land reform policies.<sup>39</sup>

Since the collapse of the Ciskei government's administrative structures in 1994, members of the Middledrift community have continued to drive their livestock onto the farms currently occupied by Masakane community, without abiding by lease agreement and payments.<sup>40</sup> The Masakane Resident Association has made numerous formal complaints to the Middledrift Resident Association concerning the livestock invasions but to no avail. Committee members have also reported the incident to DOA personnel in Alice but they remain unsympathetic, pointing out that no clear boundaries are yet in place.

Besides the frequent livestock invasions, neighbouring communities also harvest wet and dry fuelwood from the Masakane farms, contrary to the regulations set by the Masakane Resident Association. The Resident Association has made several attempts to prevent this since it is now becoming difficult for families living in the area to harvest sufficient amounts for their own needs. A formal complaint was made to the both the Middledrift and Sheshegu Resident

Association. In the instance of the Middledrift community, a fine was paid and no further incidents have been reported. However, the Sheshegu association has refused to abide by the regulation until the Masakane community can prove that the land belongs to them.

## LACK OF GOVERNMENT SUPPORT

There is very little support from the local government structures regarding the Resident Association's attempts to manage their resources. This has stemmed largely from the confusion created by the amalgamation of former homeland administrative bodies into the new Eastern Cape Province. This process has been fraught with difficulties, and as a result the provincial government has been slow to address issues relating to management of natural resources. The current administrative body responsible for the study site, Amatola District Council, is not able to affect control over its enormous jurisdiction due to lack of capacity and funds.

Current government policies offer very little support concerning CBNRM. For example, the Communal Property Association (CPA) Act (1997), developed as part of the Land Reform Programme, proposes to provide communities with the legal status to collectively acquire, hold and manage property in terms of a written constitution. A land holding group is required to draft a constitution which sets out the rules governing access to and management of the jointly owned land.<sup>41</sup> In the study area no CPAs have yet been established and the probability of this occurring is unlikely, as current studies presented at the Land and Agrarian conference (1999) show that CPAs are no longer being promoted as a viable option. CPAs are in many cases established as a requirement for legal entities in collaborative ecotourism initiatives with the private sector. The constitutions (hastily drawn up by CPAs) often have very little meaning for their members and are therefore ineffective.<sup>42</sup>

Apart from the Communal Property Association (CPA) Act, the proposed Land Rights Bill promised to offer communities more statutory power. Under the new Directorate of Land Affairs, this bill has been indefinitely postponed, and it is not known yet what guidelines are envisaged.<sup>43</sup> In the interim, no alternative institutional support is offered to rural communities to manage natural resources, and even extension services have been put on hold. Under the previous government, the DOA drafted the Ciskei and Transkei Agricultural Development Act whereby extension officers in the Department were responsible for providing management assistance in communal grazing areas. This act was annulled in 1996 and new bills are being drafted to replace it.<sup>44</sup> In the interim, the DOA has provided little assistance to rural communities. Local DOA personnel report that the department's capacity and funding is severely limited. Currently the regional offices receive only \$170 a month for transport and are therefore unable to assist with outreach programs. Furthermore, local officials are of the opinion that the Resident Associations do not have the capacity to implement effective programs.<sup>45</sup>

## Conclusion

The case material reveals that despite the CBNRM initiatives adopted by the state, the communities involved are experiencing a very different impact than that envisaged. Instead of witnessing a shift in power to the rightful holders and beneficiaries, we observe that numerous

factors impede this process. Past political upheavals have severed relations both within and between communities, thus making it difficult to implement effective natural resource management initiatives. These difficulties are exasperated by the lack of the government's ability and capacity to implement policies, particularly within the DLA which is characterised by over-bureaucratization at the both local and national levels. The lack of the Department's ability to authorize community status as legal owners of the land they occupy is making it virtually impossible for communities to implement effective CBNRM. Furthermore, the lack of government support to local Resident Associations also seriously impacts natural resource management as community structures are generally unable to enforce regulations.

We therefore need to take heed of Campbell's (1999) warning that the simple devolution of control and decision-making to local users is not a panacea that will necessarily ensure the conservation, sustainable use and ongoing social and economic benefits from natural resources. This is because such sentiments often ignore practical complexities, such as historical and political issues and even ecological factors as this case has revealed to us.<sup>46</sup>

In response to the problems identified here it is important to take cognisance of experiences offered from other parts of the world, regarding state and community efforts to manage local natural resources. Both bodies have weaknesses in terms of implementing effective management regimes, but they also have unique strengths. For example, in Botswana, Rozemeijer et al. (2000) advocate the need for involvement of Local District Councils and encourage central government to make the necessary resources available to do so effectively. Similarly, in the South African context, the simple devolution of power from the state to the people and increased tenurial security will not necessarily result in improved resource management. There is an urgent need to develop a comprehensive government policy towards sustainable land and natural resource management.<sup>47</sup> In order to co-ordinate these activities, appropriate mechanisms need to be put in place. This can only be achieved by urgently putting in place new institutional and managerial arrangements and setting up strong relationships with government.<sup>48</sup> As the Masakane case study shows, without such arrangements the laws lie fallow, and are likely to remain so. The implementation of environmental awareness and capacity building programmes within communities would go a long way to help to promote more sustainable practices in the future.

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## Notes

1. Twyman 1998.
2. Agrawal and Gibson 1999.

3. Sekhar 2000.
4. Agrawal and Gibson 1999.
5. Twyman, 1998, Kejembe and Kessy 1999, Sekhar 2000.
6. Twyman 1998.
7. Sekhar 2000.
8. Campbell & Shackleton 1999, Kepe 1999.
9. Shackleton et al. 1998.
10. Ibid.
11. Acocks 1988, Low & Rebelo 1996, Palmer 1988.
12. Fabricius and Burger 1996.
13. Ainslie et al. 1994.
14. Ibid.
15. Cocks and Kingwill 1998.
16. Ibid.
17. The conversion rate in 1997 was \$1 to R4.70.
18. Cocks and Kingwill 1998.
19. Ibid.
20. Dold and Cocks 2000.
21. The conversion rate in 2001 was \$1 to R8.21.
22. Shackleton et al. 1999.
23. Cousins 1999.
24. Cocks and Kingwill 1998.
25. Ibid.
26. The conversion rate in 2000 was \$1 to R7.02.
27. Ainslie 1998.
28. Vanda 2000, personal communication, Mr. S. Vanda (Chief Agricultural Technician, Alice DOA Offices)
29. Ainslie 1998.
30. Cocks 1997.
31. Vanda 2000, pers. comm.
32. Ibid.
33. Cocks and Kingwill 1998.
34. Ibid.
35. Anislie 1999.
36. Cocks and Kingwill 1998.
37. White Paper 1997.
38. Cocks and Kingwill 1998.
39. Kepe 1999, Cock Kingwill 1998.
40. Cocks and Kingwill 1998.
41. White Paper 1997.
42. Kwaw 1999.
43. White Paper 1997.
44. Department of Agriculture 1996.

45. Vanda 2000, pers. comm.
46. Shackleton 2000.
47. Bob and Banoo 1999.
48. von Maltitz and Evans 1998, Bob and Banoo 1999.

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## FIGURES

Figure 1: The Masakane study site

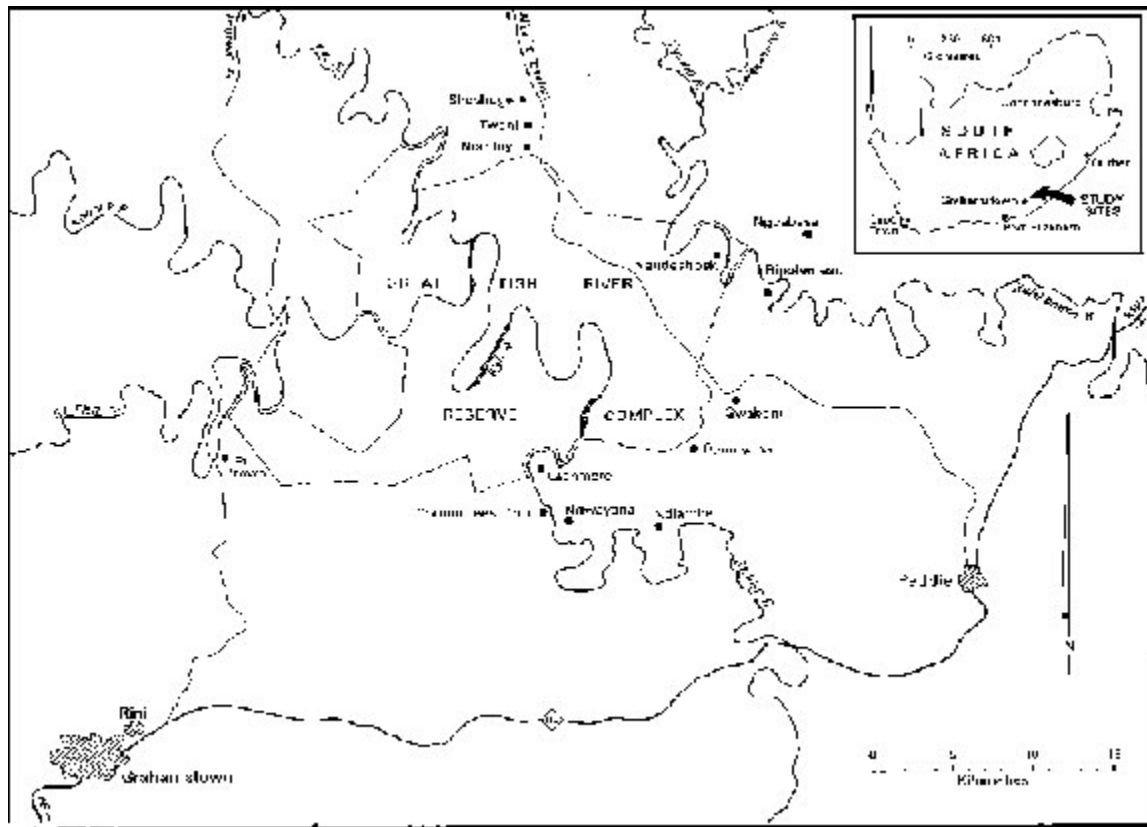
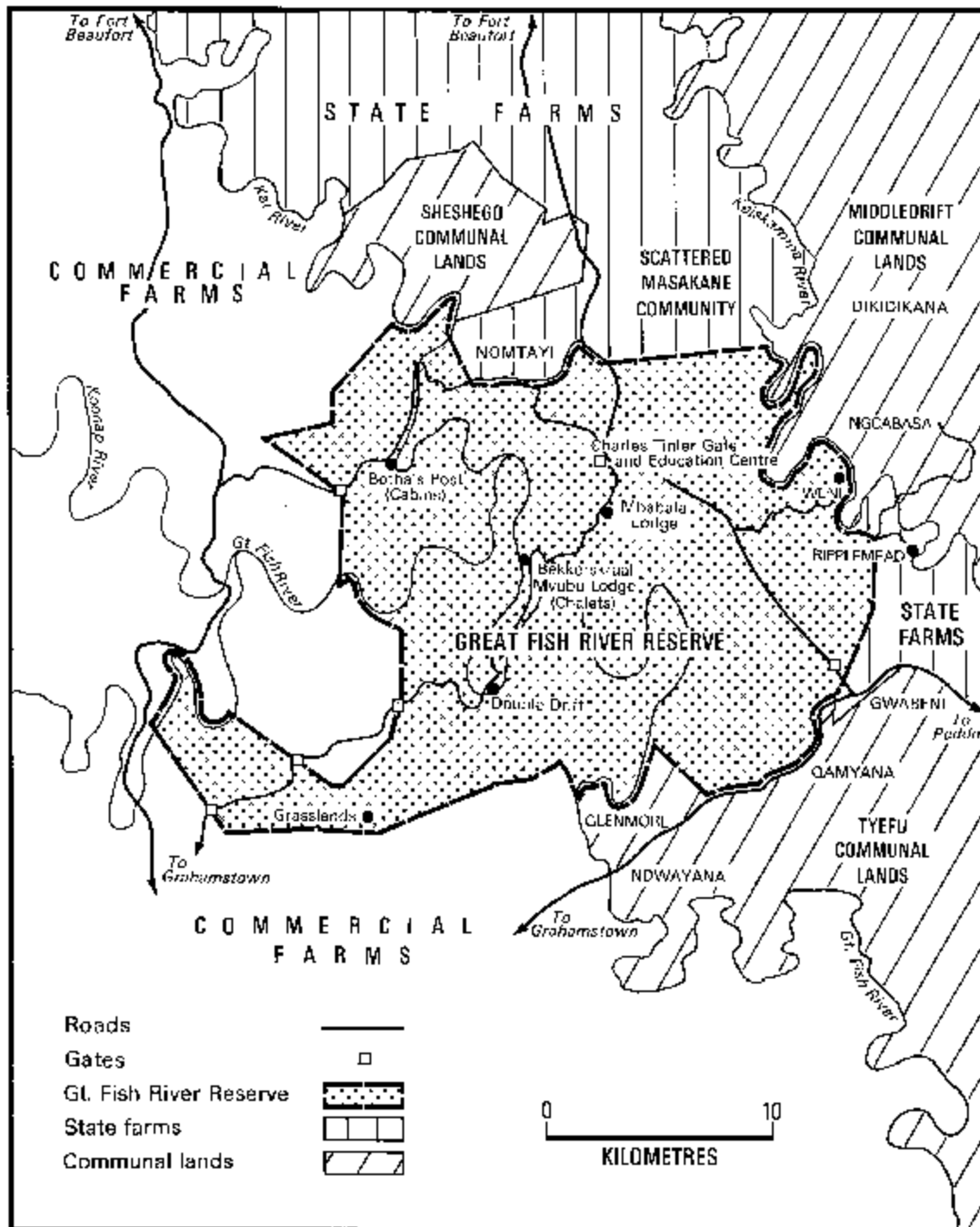


Figure 2: Masakane Community and Farms



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# Can We Be Engineers of Property Rights to Natural Resources? Some Evidence of Difficulties from the Rural Areas of Zimbabwe

M.K. LUCKERT

**Abstract:** The desire for research to be policy relevant has caused many social science studies to have “engineering” dimensions. With respect to the engineering of property rights, economic approaches indicate that we require knowledge regarding the makeup of current property rights structures, how changes to current structures affect the use and management of natural resources, and how property rights have evolved. In the case of rural areas of Zimbabwe, research has largely disclosed complexities involved in addressing these questions, but it has not yet provided sufficient information needed to pursue property rights engineering objectives. The difference between what we know and what we need to know provides the basis for a research agenda that will require some significant changes in the way that property rights are described and analyzed.

## 1. INTRODUCTION

Although we frequently fail to recognize it, a number of development projects have dimensions that may be characterized as the engineering of social structures. By engineering, I mean the intent to change elements of social institutions, such as property rights and organizations, presumably to increase the welfare of people. The focus of this paper is on the potential to engineer property rights to natural resource in order to improve livelihoods, and this focus will be pursued from an economic perspective, following the expertise of the author.<sup>1</sup>

Property rights have been defined in numerous ways by many disciplines. Indeed, we even find numerous definitions of property rights within the economics literature.<sup>2</sup> However, common to most economic definitions of property rights is the existence of a valuable good or service within the context of social conditions. These social conditions may include many different levels of rules, from federal legislation to local norms and customs. The rules may apply to individuals, households, villages, or even larger groups of people.<sup>3</sup> Furthermore, when applied to natural resources, we find that such complex sets of social conditions frequently vary across landscapes and types of natural resources.<sup>4</sup>

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<http://www.africa.ufl.edu/asq/v5/v5i3a5.pdf>

To economists, these numerous types of social conditions represent complex incentive frameworks that influence the behavior of property rights holder and thereby influence the values that are derived from natural resources.<sup>5</sup> For example, practitioners frequently talk of changing rules within property right structures to enhance livelihood and/or to better facilitate the sustainable use of natural resources.<sup>6</sup> It is reasoned that if we change the incentives created by property rights, the resulting management behavior of local people will also change. Indeed, we seek “design principals” for structuring successful common property frameworks for natural resources management, much as a mechanical engineer would seek to obey physical laws for the construction of a bridge.<sup>7</sup> All of these objectives may involve significant changes to existing property rights structures, meaning that we are, in affect, aspiring to be engineers of property rights systems.

This desire to be engineers of property rights is quite understandable. We would like our research to be relevant to real problems, and we would therefore like to influence policy for beneficial change. However, counteracting this desire to be policy-relevant have been some ideas arising out of post-modernism that question whether we should attempt to engineer social systems. Post-modernism recognizes that those outside of the systems in question have largely attempted social analysis and engineering in developing countries, thereby decreasing their effectiveness. As such, there is an element of imperialism that has pervaded much research and subsequent recommendations.<sup>8</sup> Given this situation, a second argument emerges --that we simply do not know enough to be engineers of social systems.

The purpose of this paper is to consider this second argument by posing questions about what we need to know versus what we know for pursuing our engineering goals with regards to property rights in Zimbabwe. This paper will not consider the question of whether we should be engineers of property rights, even if we are capable of such. For the purposes of this paper, it will be assumed that there is sufficient demand for the engineering of property rights, from donor agencies at least, to warrant considering the second question. Furthermore, the literature cited below reveals that in Zimbabwe, local nationals, sometimes working with outside partners, are meeting much of this demand for research necessary to inform property right engineering attempts.<sup>9</sup> As such, fears of outside values dictating our knowledge base in Zimbabwe are hopefully minimal.

In this paper, three economic policy perspectives (none of which are mutually exclusive) on the need for the engineering of property rights will be presented. For each perspective, I will consider what we need to know with respect to property rights, in order to implement the ideas that each approach purports. I will then seek to generalize about what we know and do not know relative to what we need to know. Based on the gap that exists between our knowledge and our needs, conclusions are presented that discuss challenges to be faced with further research.

## 2. ECONOMIC POLICY PERSPECTIVES

The three economic policy perspectives presented below may be thought of as lying on a continuum. At one end, there is a “laissez faire” approach that calls for little, if any, property rights engineering. Economic processes, it is argued, will generally lead us toward improved

social welfare without the need for central planning. A corollary of this idea is that property rights to natural resources may evolve according to processes that improve their structures over time. At the other end of the spectrum, there is the belief that economic processes need some direction, calling for elements of property rights engineering. In such a case, it is thought that property rights may need to be adjusted because they will not evolve optimally on their own. Although it is useful to depict such a spectrum for comparing and contrasting ideas, it should be noted that few economists would likely characterize themselves as being at either endpoint. Accordingly, a merged perspective is presented that borrows from aspects of each extreme.

## 2.1. Perspective 1: Property Rights Engineering and Rational Firms

Economic perspectives on property rights engineering are based on the concept of rational firms. This concept recognizes that individuals, households, or larger groups make decisions for good reasons. These alternative decision-making bodies are referred to as firms, while rationality refers to consistency in making decisions towards desired objectives. Despite the potential for many different types of firms, for the sake of simplicity, the remainder of the paper will refer to households as the decision-making unit under consideration.<sup>10</sup>

Following this perspective, the actions of rational households are thought to be influenced by incentives that make up their decision-making environment. These incentives may be influenced by alternative structures of property rights.<sup>11</sup> For example, in Zimbabwe, it is hypothesized that conflicts between state and local rules have created incentives for local peoples to degrade woodland resources.<sup>12</sup>

The logic that falls out of linking property rights and rational households is straightforward. Property rights may influence the decisions and subsequent actions of households thereby influencing their livelihoods. Therefore, if we change the property rights we can change the behavior of households, and potentially stimulate sustainable resource use. In order to do this, we need to know two basic types of information: what is the structure of existing property rights, and how would changing the property rights change the behavior of rational households? Note that these two questions are implicitly connected in that it will be necessary to describe property rights in a way that enables us to link them to behavior.

## 2.2. Perspective 2: The Chicago School

The term “Chicago School” arises from several eminent scholars, many of whom are Nobel prize winners, that have emerged from the University of Chicago. In contrast to the property right engineering perspective, the Chicago School has pointed out that there may not be a need for engineering of property rights. In short, it is argued that market forces and transactions between rational households may cause property rights to evolve and fix potential problems.<sup>13</sup> For example, it may be argued that exclusive rights to communal woodlands in Zimbabwe will evolve when the values of the woodlands are great enough to support the costs of defining and enforcing the rights.<sup>14</sup>

If conditions are such that market transactions may fix problems, then it follows that there is no need for property rights engineering. Accordingly, if the Chicago School of thought is

followed, there is very little that must be known. Things will sort themselves out if you leave them alone. Despite this optimism, there are realizations, some within the Chicago School itself, that some situations may preclude the optimal evolution of property rights. Accordingly, this school of thought has spawned others to investigate more closely why and how property rights evolve.<sup>15</sup>

Although there are elements in the Chicago School thinking that suggest that markets do not always sort things out correctly, the question is frequently posed: even if markets do fail, do property right engineers (i.e. governments or other institutions) fail worse?<sup>16</sup> This line of thinking questions the property right engineering perspective that assumes that we can identify problems and change them with policies that change property rights. Proponents of these ideas frequently present examples that show how government policies may have been actually more harmful than the problem they were seeking to fix in the first place.

### 2.3. Perspective 3: Merged Perspectives

There is quite a bit of common ground between the two perspectives presented above. Both use rational as a concept and recognize property rights as being a crucial force in influencing rational behavior. The key difference lies in to what degree one believes that market forces can fix things, and whether property rights engineers or market forces are in a better position to fix problems. For example, in Zimbabwe, will local rules evolve to facilitate better management of woodland resources as they become increasingly scarce, or will governments (or NGOs) need to fix the problem through new property rights policies, despite historic conflicts between local and higher level rules that have been created through such efforts?

In combining these ideas into a merged perspective, we end up with a respect for the status quo and the underlying logic that has caused things to evolve to their present state, while recognizing that the present state may, nonetheless, be the product of flawed evolutionary processes. In the case of Zimbabwe, we recognize the complex hierarchies of local and state rules that have evolved over time, yet recognize that conflicts between state and local laws could undermine local resource use.<sup>17</sup> Following this line of thinking requires knowledge of the current state of property rights and how they influence behavior (perspective 1), plus information on how and why property rights evolve (perspective 2).

It follows from the above discussion that from an economic perspective, in order to be property rights engineers, we must know the current structures of property rights and how changes to these would affect behavior as well as how property rights evolve. In the following sections, each of these points is considered in turn in the context of rural areas of Zimbabwe.

## 3. CURRENT STRUCTURES OF PROPERTY RIGHTS IN RURAL ZIMBABWE

A number of village level case studies in Zimbabwe have shown that property rights to natural resources in rural areas come in many complex forms.<sup>18</sup> Similar to findings in other jurisdictions, several recognitions regarding the complexity of property rights have emerged.

First, property rights do not necessarily follow land boundary, but may be associated with specific resources or resource users. Accordingly, different types of resources and potential

users within one designated area may have different associated property rights.<sup>19</sup> Second, there are complex hierarchies of property rights. At the national level, Zimbabwe may be described as having three different kinds of property rights: state land, communal land, and commercial land.<sup>20</sup> However, in addition to the national level regulations that define such areas, there are also, regional and village level rules that govern the use of natural resources. Furthermore, at yet a more local level, there are customs, norms and courtesies between households that influence the use of natural resources.<sup>21</sup>

Given this complexity, there are a number of things that we do not know about existing property rights. To begin with, we have not described property rights in systematic ways that will enable us to compare and contrast important features of various property rights structures.<sup>22</sup> Descriptions of property rights, frequently conducted at the village level, have used a great variety of methods and concepts that make comparisons difficult. Furthermore, despite the fact that we know that village level rules exist, we do not know if household perceptions of these rules vary. Accordingly, although we may have some information about the de jure rules, there is little known about the de facto understanding of these rules by households who are using the resources. These observations apply to descriptions that have been made at the village level, without considering complex property rights conditions that exist above and below this level. Although we have a fair understanding of the legislative framework governing establishing property rights to natural resources above the village level, we know little of what is happening below this level.<sup>23</sup> That is, we have very little information on the extent and importance of inter-household rules, norms, and courtesies.

In trying to isolate out and link the effects of property rights to the behavior of households, it is not only necessary to understand property rights and resulting behavior, but also to have a grasp of what else is motivating household behavior.

### 3.1. Effects of Property Rights on Household Behavior

As discussed above, theory suggests that there is different behavior associated with different combinations of property rights. Empirical studies relating types of property rights to observed economic behavior in terms of management performance are scarce in Zimbabwe and in other jurisdictions. In Zimbabwe, to this writer's knowledge, there is only one such study where local norms are empirically related to fuelwood collection behavior.<sup>24</sup>

What we do not know much about, in Zimbabwe or elsewhere, is how individual characteristics of property rights, as part of complex property right packages, influence behavior. Very few have been able to empirically link specific characteristics of property rights to economic behavior.<sup>25</sup> With empirical work concentrating on significant differences in performance between complete packages of property rights, explanations as to why these results differ between property rights types have been largely conjectural with little or no empirical evidence. Problems arise because it is not clear how complex incentives created by property rights are influencing behavior or performance. Without information on the effects of specific attributes of property rights, policy has received little direction with respect to how property rights can be incrementally changed to alter management incentives. Furthermore, while we may have theories regarding individual characteristics of property rights, there has

been little progress made toward developing theories to explain behavior in the simultaneous presence of several inter-related property rights characteristics.

### 3.2. Other Factors Influencing Household Behavior other than Property Rights

With respect to behavioral aspects aside from property rights, we have substantial theory and empirical evidence that suggests that households, in general, do things for very good reasons. Indeed, a good portion of all empirical work published in microeconomics is based on this proposition. We also know that these reasons transcend effects of property rights to considerations of costs and returns to households, risks associated with alternative choices, and how costs and benefits are valued in different time periods (i.e. time preference).

Unfortunately, in the context of Zimbabwe, and frequently for developing countries in general, we know very little about what the costs and benefits to various household activities are. In Zimbabwe, there have been a number of economic studies investigating these types of values in the context of household behavior with respect to individual types of activities. For example, Hegan (2000) and Hatton MacDonald et al. (2001) have investigated fuelwood collection behavior, while Kundhlande (2000) has looked at the selling behavior of livestock owners. In addition, Dzuda (2001) and Moyo (2001) have analyzed adoption behavior of water conservation and smallholder dairy activities, respectively. There have also been a few studies that have attempted to assess the behavior of households among multiple types of household activities.<sup>26</sup> With respect to risk and time preferences, there are only two studies that have been conducted. Hedden-Dunkhorst (1997) has conducted the only study on risks of small-holder farmers in Zimbabwe, with data derived from 4 villages.<sup>27</sup> Kundhlande (2000) has conducted the only study with respect to time preference of rural households in Zimbabwe.

Although the above studies have provided valuable insights into household behavior, we are a long way from a very complete understanding of why households do what they do in the rural areas of Zimbabwe. Therefore, we are not yet in a position to be able to say much about how property rights changes would influence household decisions and livelihoods.

### 3.3. Evolution of Property Rights in Zimbabwe

There have been a number of studies on the evolution of property rights in Zimbabwe. For example, at the more macro level, Moyo et al. (1991) describes how resettlement areas evolved within communal areas, while Bruce et al. (1993) explained how conflicts between “modern” and “traditional” property rights have influenced property rights transitions. Others have focused more specifically on the types of property rights structures that are being adopted locally within these areas.<sup>28</sup>

The studies cited above have been largely based on sociological approaches. Therefore, although there is significant knowledge about how and why property rights have evolved using sociological concepts, to the best of this writer’s knowledge, there is only one study that has tested economic concepts on the theory of property rights evolution in Zimbabwe. In modeling property rights as endogenous considerations, Kundhlande (2000) has shown that there may be

current trends away from communal land rights to more individualized rights as economic firms respond to changes in technology and endowments.

Despite these studies, we have little information about whether economic processes of property right evolution, identified in other locations, are applicable to Zimbabwe. We also have little information on whether the evolution of property rights has lead to changes that improve or decrease the welfare of local peoples. Finally, given the complex processes and structures of existing property rights, we have little idea of how to introduce new property rights structures, or processes of change, within the complex existing situation.

#### 4. CONCLUSION: CHALLENGES FACING RESEARCHERS

From the above discussions, we are left with an alarming situation: what we do know is little, and what we do not know is scary. In short, this writer does not believe that we are ready to be property rights engineers or even if we should be. Nonetheless, we are in a situation where we are forced, to some extent, to be property rights engineers by our desires (and those of our funding agencies) to implement beneficial change.

So, what do we do? First, it may help us to recognize that there are varying degrees associated with engineering property rights. At one extreme, we may wish to be able to go in and design property rights, while at the other extreme, we may simply wish to understand more about the property rights system. Somewhere in the middle of these two extremes, we may wish to pass along information to those who are active in the process of property rights evolution. It is hoped that this discussion has helped to define more clearly where we should perhaps be currently working. Given the complicated context within which we are working, this writer believes we are still at the end of the spectrum where we are just seeking to learn more about current systems, and perhaps position ourselves to pass some of this information along to those taking part in property rights evolutionary processes.

With regards to characterizing current structures of property rights, new ways of conceptualizing the complexities of property rights are needed that can systematically describe property rights for comparative purposes and provide a basis for linking property rights to behavior. This may involve going beyond labels such as “common property” to looking closer at key characteristics of property rights. Kundhlande and Luckert (1998) have started on this task by describing village level rules within a system of characteristics that are theorized to affect household behavior. Further challenges include examining these characteristics to see if they are sufficiently robust to capture the complexities above and below the village level. Also, while these characteristics have been designed for the purpose of linking property rights to behavior, they are not likely to serve well for investigating the evolution of property rights. New systems of property right characterization will be needed for varying research objectives.

By acknowledging the complexity of property rights, identifying empirical relationships between property rights and behavior becomes more difficult. A greater number of potential explanatory variables, in the midst of numerous necessary ecological and non-property rights socio-economic controls, can make it difficult to isolate cause and effect relationships. Solutions to such problems will likely come from searching for case studies where the majority of property right variables are held constant, such as within a given village, while variations in

individual property right characteristics may exist between households or individuals. For example, perceptions of household members regarding village level rules could vary resulting in varying behavior. Furthermore, this writer believes it is time to complement the plethora of case studies that have been undertaken in Zimbabwe with some cross-sectional studies, carefully chosen to find variation in key property rights characteristics. Not only would this allow us to link property rights to behavior better, but it would also give us insights into how representative our case studies are, and whether there are underlying processes that fit current theory, or may comprise new theory. Much of our current thinking seems to be dominated by  $n=1$  or  $2$ , case study empiricism. Cross-sectional studies could be used to test some of our current thinking.

To support our empirical efforts, we will require further refinements in theory. In the absence of theory, empirical research frequently resorts to the “hunt for correlation” which will inevitably be found if the data set is large enough, and the researcher is persistent enough. Further developments in theory may seek to combine the theory that has already been developed regarding individual property rights characteristics, into more complex incentive frameworks that reflect the reality of property rights in Zimbabwe. Using simulations to predict behavior appears to be a potentially promising approach to addressing such complexity.<sup>29</sup>

With respect to the evolution of property rights, we will have to conduct more studies on how property rights have evolved and attempt to relate these changes to subsequent effects on rural livelihoods. As was the situation with studies on existing property rights structures, a combination of case studies and cross-sectional studies would aid in identifying underlying evolutionary processes, which could then be compared to existing theory or used to derive an alternative theory. In analyzing the effectiveness of evolutionary processes, criteria will have to be explicitly and carefully chosen to assess whether evolutionary change has been beneficial. These efforts will be plagued by difficulties in isolating the impacts of property rights on changes in welfare, as other confounding factors, such as dynamics in weather patterns and populations, may be responsible for livelihood changes. In short, it is going to be difficult to determine whether the presence or absence of changes in property rights has lead to increased welfare.

In sum, the amount that we do not know bodes poorly for current property rights engineering efforts. However, it provides good direction for future research. In order to sustain these research efforts, it will be essential that we acknowledge the challenges that still need to be met and not over-promise what we can deliver. At the same time we will have to demonstrate steady progress in our ability to meet our property rights engineering objectives. Such progress will likely come from harnessing the expertise of local and international people as we try through trial and error and reassessment to improve our understanding of such complex systems.

## Notes

1. We also talk of strengthening or creating organizations to accommodate such processes of change, and of empowering disadvantaged groups. Considerations regarding whether we are in a position to engineer such social systems are beyond the scope of this

paper. The disciplinary perspective and experience of the author will necessarily limit the content of this paper. Nonetheless, this paper relies heavily on political science, sociological, and anthropological studies. It is hoped that others better versed in these and other disciplines will also contribute to the following characterizations of our knowledge base and needs.

2. Dales 1968, Furubotn and Pejovich 1972, Dahlman 1980, Bromley 1991, Norton and Alwang 1993.
3. Bromley 1989, McKean 2000, Bruce and Fortmann 1988.
4. There are a number of approaches that have been developed to attempt to categorize these many types of complex social conditions into different typologies of property rights. For a review of some of these approaches see Ostrom 2000.
5. For a more comprehensive discussion on economic definitions and behavioral concepts of property rights see Haley and Luckert 1990.
6. Gibson et al. 2000.
7. Ostrom 1992, 1999.
8. Featherstone et al. 1995.
9. This author counts himself as an outsider who has been fortunate enough to have had the experience of working with several of the Zimbabwe authors listed in the references.
10. Note that, following the introductory information provided above, the choice of the type of firm will influence which sets of social conditions are relevant. Therefore, the property rights conditions that are functioning are dependent on which unit of analysis of a firm is chosen.
11. In the economics literature, this approach has historically been referred to as the "property rights approach" to economics (Furubotn and Pejovich 1972).
12. Sithole 1999.
13. Examples of key works that reflect this school of thought include Coase 1960, Alchian and Demsetz 1973.
14. Kundhlande 2000.
15. Scott 1983, North 1990, Sethi and Somanathan 1996, Balland and Platteau 1998.
16. Wolf 1988.
17. Campbell et al. 2001.
18. Bruce et al. 1993, Kundhlande and Luckert 1998, Mandondo 1997, Nhira and Fortmann 1993, Sithole 1997, Clarke 1994.
19. Murphree 1993, Bruce and Fortmann 1988, Kundhlande and Luckert 1998, Sithole 1997.
20. Moyo et al. 1991.
21. Mandando 1997.
22. Kundhlande and Luckert 1998.
23. Mandando 1998.
24. Hegan 2000. In other regions some examples are found in agriculture in a developing country context (e.g. Feder and Onchan 1987) and in forestry in a developed country context (e.g. Zhang 1996). We also have a fair bit of theory and conjecture about how individual characteristics of property rights affect behavior *ceteris paribus*. Haley and

Luckert (1990) provide a literature review of how a number of property right characteristics, considered individually, may influence economic behavior.

25. A notable exception to this trend of investigating impacts of discrete types of property rights are studies by Place (1995) that has begun to isolate out effects of individual characteristics in a cross-sectional case study of agroforestry management practices in several African countries. Furthermore, in a survey of two villages in Malawi, Hansen (1997) was able to link differences in the transferability of property rights, as influenced by inheritance and marriage patterns, to differences in tree planting behavior among men and women.
26. Mutamba 1999, Luckert et al. 2000, Cavendish 1997.
27. Further investigations into risk preferences and household decisions are underway by Chris Zindi, Department of Rural Economy, University of Alberta.
28. Sithole and Bradley 1995, Mangono 1994, Sithole 1999, Nemarundwe 2000.
29. For example, Luckert (1998) has developed theoretical models based on Monte Carlo simulations to explore the incentives for forest management performance in Canada provided by several characteristics of property rights, simultaneously.

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# The Organizational Structures for Community-Based Natural Resources Management in Southern Africa

BRUCE CAMPBELL AND SHEONA SHACKLETON

**Abstract:**<sup>1</sup>Throughout Southern Africa there has been a move to decentralize natural resource management (NRM). Decentralization has taken many forms, resulting in different organizational structures for NRM. Fourteen case studies from eight countries can be classed into four types, depending on the key organizations for NRM: (1) district-level organizations; (2) village organizations supported by sectoral departments (e.g. Village Forest Committees); (3) organizations or authorities outside the state hierarchy (e.g. traditional authority, residents' associations), and (4) corporate organizations at the village level (e.g. Trusts, conservancies, property associations). Attitudes towards district-level schemes amongst local people are generally negative. The greater the authority village organizations receive the more likely they are to succeed. In the cases with corporate organizations, local residents have received user or proprietary rights over resources. Such cases reflect the best chances of community-based natural resources management (CBNRM) being successful. It is clear that policies that explicitly decentralize authority to village-level organizations help to avoid some of the problems that have emerged. The impact of private sector stakeholders can be positive or negative depending on the institutional arrangements in place. Many of the cases have demonstrated the key role that external facilitation plays in building the capacity of local organizations. Traditional leaders have continued to play a role in NRM, with varying degrees of authority and control. The paper ends with a discussion of the key features for the success of CBNRM.

## 1. INTRODUCTION

In recent years, coinciding with the mainstreaming of participatory approaches in development theory and practice, there has been a policy shift to advocate that local resource users play a more active role in the management of natural resources.<sup>2</sup> There has been considerable progress in decentralizing authority over forests from the state to local

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<http://www.africa.ufl.edu/asq/v5/v5i3a6.pdf>

communities in Asia, and there are now numerous examples within Africa.<sup>3</sup> Within the wildlife sector there has been considerable activity in the last decade, especially in southern Africa, where almost all countries have programs to allow communities to manage and benefit from wildlife.<sup>4</sup> In Zimbabwe, Botswana, Zambia, and Namibia, a wildlife management focus has provided the major initiative for CBNRM. In South Africa, land restitution has been the major driving force for more equitable and participatory forms of natural resource management. In contrast, in Lesotho the need for more effective rangeland management provided the primary impetus for CBNRM. In a few countries, such as Malawi and Tanzania, forestry has provided the focus for decentralization.

Decentralization describes the process by which bundles of entrustments (e.g. regulatory and executive powers, responsibility and authority in decision making) are transferred to local groupings (e.g. local governments or communities).<sup>5</sup> Decentralization can occur through devolution, in which case the entrustments are transferred more or less completely to the local users. Devolution is often the mode of decentralization considered in this study, but the term decentralization will be used throughout much of this article for purposes of consistency. In all, the decentralization initiatives in the region, effort has been made to transfer at least some responsibility and authority over natural resources from a central level to a lower level, whether to local government, state aligned district organizations, and/or directly to communities themselves.<sup>6</sup> This transfer of authority can manifest as the control of decision-making; the control of income, expenditure, and benefits; the control of developments such as tourism ventures; the transfer of ownership and property rights; and improved status amongst the individuals and organizations involved.<sup>7</sup> It is therefore not surprising that decentralization is frequently accompanied by competition for the benefits of the new authority. This may take place between the organization receiving authority and existing organizations (e.g. between traditional leaders and newly formed community-based organizations), or between the body transferring the authority (usually the state) and the receiving authority, or it may emerge amongst different actors within the community.

This paper analyses the organizational structures in case studies from southern Africa, attempts to identify those organizations and tiers that are important in CBNRM, and derives a typology of cases based on the organizational structures. The objectives of the study were to determine the new loci of authority within different CBNRM approaches; to understand the policies, systems, and contexts that define who asserts control and authority and under what conditions; and then from this, to pinpoint the institutional arrangements and factors that provide good opportunities for success in CBNRM.<sup>8</sup> By “success,” we mean systems where stakeholders, particularly local people, have a positive attitude towards CBNRM, and where sustainability appears to have been achieved (though many systems are still in their infancy and thus difficult to assess). The focus is on the formal organizations that have emerged in the different countries and case studies.

Fourteen case studies were completed in eight southern African countries (see [Figure 1](#)). Each covers a diversity of sectors (wildlife, range, and forest management) and involving both co-management and common property arrangements ([Table 1](#)). Within a country, there is often much diversity of CBNRM approaches and outcomes (e.g. Zimbabwe<sup>9</sup>), so the case studies cannot be seen as being representative of the particular countries from which they are

drawn. Most case studies are based on specific donor initiatives, while others describe situations without any project intervention. The case studies were based mainly on existing literature and the direct experiences of the case study researchers, where necessary limited fieldwork was applied to explore areas that were under-researched. Most of the case studies span the period from initial implementation of the CBNRM project to the end of 1999 when the write-ups for case studies were completed.<sup>10</sup> Each case study was structured using a common framework of issues that would be covered.<sup>11</sup> The framework is presented in [Figure 2](#). It indicates the key issues that were considered to be important in determining success of NRM. We recognize that processes and power relations within communities also have a profound impact on the success or failure of CBNRM, particularly with regard to equity in decision-making and the distribution of benefits. However, these aspects could not be dealt with in sufficient depth within the confines of this paper, and instead we refer readers to the case study synthesis report.<sup>12</sup>

Section 2 outlines the results of the preliminary data exploration using principal components analysis. We then present a typology of the organizational structures that we recognize, followed by a description of each type (Section 3). Section 4 looks at some of the policy, commercial, and facilitation contexts that mould the organizational structure. The role of traditional leaders in CBNRM is then examined (Section 5). We conclude with the key lessons for successful CBNRM (Section 6).

## 2. THE PRELIMINARY DATA ANALYSIS

As a data exploration tool, non-linear principal components analysis (PCA) was used to assess the degree of correlation of variables and the relative similarity of cases. For each case, 12 variables were assessed. Each variable was given a ranking from 1 to 4 (for instance, “locus of authority at the district level” was given a 4 when the district government was very important in NRM, as for example in CAMPFIRE in Zimbabwe, and a 1 when it was not important, as for example in Namibia).<sup>13</sup> Ranking obviously introduces a subjective element into the analysis. The technique is used to explore variation and was used as a first step towards establishing a typology of cases.

In the first PCA conducted (results not shown), the Fish River case study (from South Africa) came out as peculiar. This is because it is the only case in which the locus of authority is with a community organization, a residents’ association, which is neither defined by any national legislation nor part of the traditional system. In the subsequent analysis this case was deleted, so as to fully allow the differentiation of the remaining cases.

For the next analysis the correlation of variables and similarity of cases is presented in [Figure 3](#) and [Figure 4](#), respectively.<sup>14</sup> Close placement of variables in the scatter diagram indicates positive correlation of those variables while distant placement indicates negative correlation. Close placement of cases indicates similar cases while distant placement indicates different cases. Figure 3 shows a grouping of correlated variables at the extreme right on the 1st dimension. These include the following variables: (1) degree of authority residing with community-based organizations (CBOs) with corporate status (i.e., they can sue and be sued, hold property, enter into business contracts, etc.); (2) positive feelings by villagers towards CBNRM; (3) degree of policy support to CBOs; (4) degree of support by NGOs; (5) degree of

support by sectoral departments (line ministries); (6) values of resources; and (7) proportion of benefits returned to villagers. At the opposite end of the axis, i.e., negatively correlated with the above-mentioned variables, are (1) degree of authority residing with village committees that are not corporate organizations and (2) degree of authority residing with district-level organizations. Figure 4 illustrates the cases that are associated with each end of this dimension. The cases from Botswana, Namibia, and Makuleke are at the right extreme, while at the left extreme are cases from Zimbabwe, Zambia, and Lesotho. The Malawi and Tanzania cases are midway on the 1st dimension, illustrating their mixed nature, i.e., having positive support by villagers but not dealing with high-value resources, and, in the case of Malawi, not having village-level corporate organizations.

The 2nd dimension illustrates a different kind of variation in the data, relating to the degree of authority over NRM residing with traditional leaders, with high levels at the bottom of the 2nd dimension and low levels at the top end. Traditional leaders are the main source of authority regarding natural resources in the Zimbabwe Chivi case, and are part of other organizations in the cases of Makuleke, Namibia, Lesotho and Zambia. At the other extreme, we have the Tanzania case where traditional leaders are all but absent from the decision-making process for NRM.

### 3. WHERE IS THE NEW LOCUS OF AUTHORITY?

#### 3.1 The typology of cases

The CBNRM cases covered in this study can be classified into four main organizational structures based on the organizations that wield the most authority, the degree of community involvement, and the attitudes of community participants:

1. Cases where decentralization has resulted in district organizations being the new locus of authority. These can be local government organizations, such as district councils (Zimbabwe Sengwe case of CAMPFIRE), or multi-stakeholder, district organizations aligned to sectoral departments (Zambia cases). In these cases the CBNRM agenda is driven by central state authorities at a district level. There is little community involvement in planning or decision-making, and a large percentage of the revenue is retained at district level. Consequently, people on the ground rarely identify with these initiatives and few have a clear understanding of their purpose and objectives. This paints a bleak picture for the future of CBNRM in these areas.

2. Cases where sectoral government departments support village committees at lower levels, such as Village Natural Resource Management Committees in the Malawi case, which are supported by the Forestry Department. Many of these committees appear relatively successful as CBNRM organizations, provided they do not become elitist but remain accountable to the community at large (mechanisms to ensure this need to be in place). Furthermore, the greater the authority such committees receive and the more the state is willing to let go, the more likely they are to succeed. Thus, in Malawi and Tanzania the committees, in consultation with the community, can formulate their own by-laws, while the Resource Management Committees in the Zimbabwe Gokwe case are weak and still largely controlled by the Forestry Commission.

3. Cases where NRM at the lower level is largely based on organizations or authorities outside of the state hierarchy. Within this category we have two very different kinds of cases, one based on traditional leaders in the Zimbabwe Chivi case and one based on Residents Associations in the South Africa Fish River case. In these cases, the lack of external support and the absence of any clear policy and legal framework for CBNRM are limiting the achievement of sustainable NRM.

4. Cases where organizations consisting of community members themselves are the locus of authority in some kind of corporate organization (Trusts, Conservancies, Associations as in the cases in Botswana, Namibia, Makuleke and perhaps Lesotho, and Villages in the case of Tanzania). In these cases local residents or resource users have received user or proprietary rights over resources. This provides them with the authority, through their elected executives or boards, to make rules, approve developments, enter in partnerships with the private sector, receive revenues, and distribute benefits. Most to all of cash benefits are returned to the community. Community-members are particularly behind the schemes in these cases, and in some countries (e.g. Namibia) a demand-driven movement to establish further such CBNRM initiatives is emerging. The level of interference by the state is less than in the preceding cases, but it still retains ultimate authority and continues to make decisions that impact on the CBNRM organizations. Recent developments in Namibia and Botswana illustrate this.

### 3.2 District control of CBNRM (e.g. Zimbabwe Sengwe and Zambia cases)

3.2.1 The organizational structures In all countries except Namibia, district organizations have a role to play in NRM, a role that varies from pervasive (e.g. Zimbabwe and Zambia) to facilitatory (e.g. Malawi). Namibia has no district organizations; its regional government has little role in NRM at present although this may change with the government's new decentralization policy.<sup>15</sup>

Most district organizations for NRM, whether sponsored by local government or sectoral departments, form the upper tier of a hierarchy of organizations that extend down to grassroots level. This tiered arrangement is, theoretically, designed to enable community needs and priorities to filter up into district-level planning processes. The reality is often the opposite, with these organizations forming a channel through which decisions made at a higher level can trickle down. In Zimbabwe the Rural District Councils (RDCs) are linked to Ward Development Committees and Village Development Committees (VIDCOs). VIDCOs have little direct role in resource management since this function has not been delegated down by the councils. The District Councils in Zambia similarly link into lower tier organizations known as Ward Development Committees and Resident Development Committees, but in terms of CBNRM, these are superseded by the sectoral department organizations and are barely functional at the village level.

In Sengwe all decisions over CAMPFIRE are made at district level, including those concerning quotas, the granting of concessions, problem animal control, and rules regarding wildlife utilization. Villagers from a Ward are represented by a single councillor at the district, and he is only one of a number of councillors, many of whom may be from areas poor in

wildlife and have little interest in CAMPFIRE apart from the revenue it generates. Furthermore, many decisions are made by government officials at the district level rather than by councillors.

In Zambia, decisions relating to wildlife in Game Management Areas (GMAs) are made by multi-stakeholder forums operating at district and sub-district level that report directly to the wildlife department. These forums are the Wildlife Management Authority in the Mumbwa GMA case and Local Leader's Committee in the Lupande GMA case. Along with chiefs, sub-chiefs, members of parliament, wildlife department officials, and other representatives, councillors from the district councils sit on these bodies creating a link to local government. Community members are not represented in these organizations. Thus, there is virtually no mechanism to cater for local people at village level and consequently the community is sidelined and voiceless.

### 3.2.2 Benefit distribution and attitudes towards CBNRM

In Sengwe 50% of the total revenue from hunting leases (15% as a levy and 35% as a management fee) is retained by the Rural District Councils. The remainder is channelled to the community, often after inordinate delays. This is resented by the community who feel they should receive a larger proportion of the funds generated, especially since they must bear the costs of wildlife damage. A similar situation prevails in Zambia. In Mumbwa Game Management Area (GMA) 35% of the income returns to the community for development projects. Local leaders are primarily responsible for determining how these funds are spent, and the development activities have tended to cluster around chiefs' palaces. Previously only 40% of the income from Lupande GMA reached the community, but recent restructuring now sees about 80% going directly to Village Action Groups.

Sentiments of community members towards CBNRM in the Zambian and Zimbabwean cases are largely negative. There is discontent due to crop losses and other damage by wildlife, lack of compensation mechanisms, the high proportion of revenue retained by the district, the lack of consultation on issues such as fencing, a feeling "their" animals are being driven to other areas to be hunted, the lack of communication with the private sector operator, and the operation of law enforcement agents (e.g. village scouts). In many areas, local people perceive the wildlife program as a donor and wildlife department initiative, rather than a community-based program.

## 3.3 Village committees supported by sectoral departments (e.g. Malawi, Tanzania and Zimbabwe Gokwe cases)

### 3.3.1 The organizational structures

A number of cases have a village-level committee (Village Natural Resource Management Committees in Malawi, Village Forest Committees in Tanzania, and Resource Management Committees in the Zimbabwe Gokwe case) as the primary CBNRM organizations. These committees are supported by the forestry department, and are elected by the community. In Malawi and Tanzania, the committees have a clear role in the management of forest areas, woodlots, and reforestation programs. Their duties include making and enforcing rules on the

conservation of state forests, regulating the utilization of forest products, planning fire patrols and fire fighting, and collecting revenues. The committees in Gokwe play an intermediary role between the forestry department and local people, brokering rules for accessing forest products from the state forest and monitoring resource use in the village. Committees in Malawi and Tanzania can play an active role in by-law formulation, unlike in Zimbabwe. In Tanzania, village management plans and use rules are reframed as by-laws that are approved by the District Council. All these committees are embedded within the local organizational system (e.g. the committees in Malawi report to Village Development Committees - VDCs) consisting of members of the community and chaired by the village head. A group of VDCs then form the Area Development Committee, chaired by a chief. Membership of this committee includes the traditional leaders, government extension officers, members of parliament, NGOs, and elected councillors. The next level up is the district level. In Gokwe, the Resource Management Committees should report to Village Development Committees, but the latter are weak, leaving the Resource Management Committees without much authority.

The role of the forestry department varies amongst case studies. In Malawi it has a dominating presence in the Chimaliro case but, in Mangweru, mobilization for forest management was largely driven by the community. The Village Forest Areas are under the committees exclusively, but forest reserves on state land are jointly managed by the committees and the state. In the latter case the state still makes most of the rules, monitors and enforces resource use, and holds ultimate authority as the owner of the land. In Tanzania, the forestry department has taken a very facilitative role, having almost no say in the workings of the committees. In Zimbabwe, the forestry department has a dominating role, with very little authority in the hands of the committee. The Tanzanian case is peculiar because villages in Tanzania have corporate status and thus hold a good deal of authority. The Zimbabwe case is at the other extreme with the committees having minimal authority and legitimacy. The Forestry Commission controls most aspects of the “shared” resource.

### 3.3.2 Benefit distribution and attitudes towards CBNRM

In Mangweru, Malawi, the committee has full control of revenue (mainly from the sale of poles, firewood, and timber). The committee has allocated this revenue for various community development initiatives. The initiative and success shown by the community in Mangweru has resulted in the Forestry Department maintaining a low profile and not demanding any share in the benefits. In contrast, in Chimaliro the state takes a proportion of the benefits (70% for the state forest and 20% for the village forest area). In Tanzania, almost all the benefits of permits to collect forest produce and fines go to the village. The village also collects cattle and hut taxes, and of these 60% remain with the village and 40% go to the District Council. The amounts of money raised are not very high.

There are very positive attitudes towards CBNRM in Malawi and Tanzania, in contrast to the Zimbabwe Gokwe case. In Malawi, the removal of restrictions on the use of the forest reserve, free technical assistance, material assistance, and various capacity building sessions have given rise to positive community attitudes. There was, however, a general dissatisfaction with delays in formally ratifying the regulations drawn up by the community and a general perception that some influential members of the community received more than a fair share of

the benefits. In the Tanzanian case, there is considerable pride in the improved forest quality that has resulted from the committee's efforts. In the Gokwe case, the CBNRM scheme is not viewed favourably. In some areas, villagers viewed the committees with suspicion, as possible spies for the state. Many residents in the villages regard the state forest as theirs and are unanimous in their view that the forest should be returned to village ownership and control.

### 3.4 Control residing in organizations and authorities outside the state hierarchy (e.g. South Africa Fish River and Zimbabwe Chivi cases)

#### 3.4.1 The organizational structures

Of all the cases, the Fish River case study is exceptional because the primary organizations for CBNRM are civil society organizations known as Residents' Associations, which are aligned to the major political party in South Africa. These have evolved and subsumed the responsibilities of traditional leaders without any intervention from the state. Their lack of legal status is undermining their effectiveness in enforcing rules.

The legislation in Zimbabwe gives authority over NRM to the District Council. However, this authority may or may not be exercised. Where high value wildlife and timber are concerned, the council makes sure it has the sector under its control (e.g. CAMPFIRE in Sengwe). Where high value resources are not present, as in Chivi, the workings of the council are all but absent at the local level, and de facto NRM rests with the village traditional leaders, even though they do not have the legal mandate.

#### 3.4.2 Benefit distribution and attitudes towards CBNRM

There are few commercial benefits in these cases. The resources are largely used for subsistence purposes, and management tends to be somewhat ad hoc and ineffective from a resource sustainability perspective. In the Fish River case study, local people feel powerless to stop the incursions of neighbors into their areas for resources. Traditional leaders in Chivi are critical of the District Council because it fails to support their efforts.

### 3.5 Corporate organizations at village level (e.g. Botswana, Namibia, South Africa-Makuleke, Lesotho, and Tanzania cases)

#### 3.5.1 The organizational structures

In Botswana, Namibia, and Makuleke there are corporate organizations formed by all residents or rights holders within a designated area (sometimes spanning several villages). These Trusts, Conservancies, or Communal Property Associations, respectively, elect their own management committees and are governed by legally-recognized constitutions. Membership, physical boundaries, and accountability mechanisms must be defined by the constitutions. These organizations have the authority to make rules, approve developments, to enter into partnership with the private sector, receive revenues, and decide on benefit allocations. Grazing Associations in Lesotho can also be classed in this section, as users are allocated grazing rights

in Range Management Areas. The Tanzanian case can also be classified here as villages enjoy a peculiar legal status because they can sue, be sued, and hold property.

By way of example we describe the Namibian case. The elected management organization is the Conservancy Management Committee. This committee makes decisions about day-to-day administration, but major decisions such as expenditure on capital items are made in consultation with all conservancy members through an AGM or special meeting. Rules are developed through the committee and traditional leaders in consultation with residents in each conservancy. These rules are then included in a NRM plan. In some conservancies, anti-poaching units formed by the traditional leaders and committees enforce these rules. Local government councillors have no official role in conservancies, but often assist in their formation as a means of developing their constituencies. Once a conservancy is established it receives conditional ownership over huntable game, use rights over other species through a permit system, and the right to benefit from tourism and hunting activities. It can also register as a hunting farm to gain rights to trophy hunting, although in this case quotas are set by the state in consultation with the conservancies.

Although these corporate organizations are provided with a fair degree of autonomy by legislation, the state (particularly at a central level) continues to assert its control in a variety of ways. Sometimes its role may be as pervasive as in the previous organizations described, albeit less institutionalized at various levels. In Botswana, the Department of Local Government recently issued a directive (to be implemented with immediate effect), which instructed that all funds earned by CBNRM projects must now be transferred to the District Councils for management by them. This has caused an outcry amongst the CBNRM community in Botswana, as it is seen as a serious threat to the long-term sustainability of these projects.<sup>16</sup> The previous discussions on the Zimbabwean situation support this assertion. Other surprise announcements by the Botswana government included a ban on lion hunting and a dramatic increase in game license fees. In neither case were the wildlife management trusts consulted.

Recent work by Corbett and Jones (2000) in Namibia questions the gap between conservancy policy and legislation, and its interpretation and implementation. They talk about “aborted devolution”: a situation in which “governments have introduced policy and legislation with the intent of devolving authority over natural resources to local communities, but in practice this devolution is not taking place.” They argue that in these situations communities will soon recognize that the reality does not match the promises made by government. Consequently, they will revert to their old ways of viewing wildlife as state property and return to poaching. Some of the problems identified in Namibia include: (1) wildlife quotas set by government rather than conservancies; (2) the renewal of tourism and hunting concessions with the private sector, within conservancy areas, is enacted by government rather than the conservancies; (3) governments demand that conservancies acquire permits for huntable game, this is in contrast to the situation on private farms; (4) government refusal to allow conservancies to make decisions about how to deal with problem animals.

In South Africa, the Makuleke community successfully regained ownership of land in Kruger National Park from which they had been removed. However, the community had to agree that the land would continue to be a protected area managed by the South African National Parks Board. Land title and all commercial rights were transferred to the Makuleke,

but the Parks Board is still a powerful actor on the joint management board. This was demonstrated when the Makuleke Communal Property Association came up against strong resistance from the Parks Board when they published a tender for a hunting concession in the restituted area. In the end, the state conceded, but it probably would not have done so if the community had not been in the powerful position of holding the land rights.

All members of a Grazing Association in Lesotho are required to pay a joining plus yearly subscription fee, and members have to abide by the policies, grazing plans, and grazing permits used by the association. However, the rights allocated in the legislation guiding these associations are undermined by another piece of legislation that allows access to these areas by persons not part of the association.

### 3.5.2 Benefit distribution and attitudes towards CBNRM

In Namibia, Botswana, and Makuleke 0-4% of the revenue is required to be sent to the government, and the communities decide how revenues should be distributed. In these cases, the residents are supportive of CBNRM, though it is too early to assess the outcome. The major area of complaint in Namibia relates to the poor flow of information between conservancy committees and members that compromises members' ability to participate in decision-making. In some cases communities are dissatisfied with the government for not being more proactive on problem animal control. Negative feelings are also evolving in response to the government's inability to transfer some of the legislated responsibilities (see above).

## 4. THE POLICY, COMMERCIAL AND FACILITATORY FRAMEWORK

### 4.1 National policies and legislation

In earlier periods the central state attempted, through command and control policies, to regulate natural resource use. More recently, especially over the last decade, in all countries studied there has been effort to decentralize authority and control for NRM. In general, this has been supported by legislation. Only in a few countries and for a few sectors does the legislation remain in the old command and control style. For example, in Zimbabwe forestry legislation makes no provision for local management. The Communal Lands Forest Produce Act (of 1928, amended in 1987) confines the use of forest products in communal lands to "own use," requiring permits for commercial exploitation.

In Namibia and Botswana, there are strong policy frameworks that decentralize authority and give rights directly over to wildlife community organizations. While the policies and regulations for wildlife use are highly progressive, those for other resources are not. Few comprehensive development strategies have been designed for woodlands, fisheries, and veld products. Namibia has a comprehensive tourism policy, but Botswana does not. Changes in wildlife policy and legislation in Namibia after independence gave communal area residents conditional ownership over wildlife provided they register as a conservancy. Recently, the forestry department has followed the example set by the wildlife sector and developed similar draft legislation for woodlands. In Botswana there has been a decade of policy development aimed at achieving community-based wildlife management, although recent actions by the state are threatening this (see above).

The only other country covered in this study where community members hold secure tenure over natural resources is South Africa, but in this case it is also the land that is covered by the new legislation. Land restitution, in cases like the Makuleke, has effectively placed land ownership back in the hands of the claiming community. Land restitution makes it possible for communities who were evicted during the apartheid era to lodge a claim for restoration of their land.

In the other countries decentralization policies are in place, but generally the identified lower level organizations are state aligned. In Zimbabwe the Rural District Councils Act of 1988 (and its precursors) gives authority over NRM to Rural District Councils, rather than to community levels. Control over wildlife is decentralized to local government (districts) through the granting of “appropriate authority” under the wildlife act. Wildlife is state property in Zambia, but the Wildlife Policy of 1993 bestows user rights to landholders. Thus, local people who reside in Game Management Areas are eligible to a share of revenues generated from wildlife utilization. The organizational structure of wildlife management does not allow local communities to assert much control or decision-making power; the state still has all authority. The situation is similar to Zimbabwe, and the same problems and constraints apply. With the recent restructuring of wildlife management in Zambia, though there is a proposal to transfer the ownership of GMAs to the villages in the corresponding areas.

Malawi has progressive legislation for forest management that removes restrictions to the access and use of woodlands and promotes community participation. The policy also promotes co-ordination between the Forestry Department and other government departments. But unlike Namibia, Botswana, and South Africa, it does not provide village-level organizations with statutory authority. Furthermore, *de jure* rights over communal resources remain vested in the state, and there are no moves to transfer ownership of forest reserves to the community (which contrasts with South Africa where land claims are forcing this approach).

In Lesotho, conflicting legislation undermines successful CBNRM. While Grazing Associations are allocated rights in terms of the Societies Act their effectiveness is limited because farmers who choose not to be part of the Grazing Association cannot be excluded from grazing their cattle in the area (Range Management and Grazing Control Regulations). This makes it difficult to prevent use of the better-managed areas by non-association community members.

#### 4.2 The private sector

The ultimate success of many CBNRM initiatives depends on private sector investment. In many wildlife areas private operators provide capital, expertise, and market access. There are, however, many examples where the community benefits little from private sector involvement. For instance, in Zambia, tourism partnerships have provided only a few employment opportunities. Safari companies deal directly with the Wildlife Conservation Revolving Fund after being selected by the National Tender Board, and the chief is the only local level member on the selection panel. He maintains the power to allocate communal land for tourism enterprises without consulting with the community, although the District Council must provide final approval of the site. If the plans are approved by all relevant authorities (District Council, Department of National Parks and Wildlife Service and the Zambia National Tourist Board),

full title deeds may be transferred to the private sector operator by the Commissioner of Land. This effectively isolates the community and means that the operator is under no obligation to share revenues with the community except in special circumstances where a token of appreciation may be provided to the chief. The private sector, in alliance with other players, can shift the balance of power away from communities.

Safari operators in Zimbabwe usually deal directly with district officials, which isolates the community from any discussions. When communities report problem animals (e.g. crop-raiding elephants) there is seldom action from the safari operator, who will often only act, and then reluctantly, on the orders of the District Council.

Another class of entrepreneurs includes those who use local natural resources but pay no resource rents (e.g. woodcarvers, firewood traders, charcoal traders, traditional healers, and medicinal plant traders). These may be community members or outside the community entrepreneurs. They often by-pass the community by working through specific households (e.g. charcoal makers). These entrepreneurs, especially the outsiders, are problems local organizations face in regulating resource use. Entrepreneurs pose one of the greatest threats to sustainable local-level NRM in Malawi, where there are major conflicts between outside entrepreneurs and local communities. The entrepreneurs are much more sophisticated than villagers in terms of resource acquisition (mostly illegal), processing, transportation, and marketing, and therefore harvest large quantities of resources at a time. Many show very little interest in managing the resource they are exploiting. Many of the woodcraft industry's entrepreneurs in the Malawi case are economically powerful individuals with no accountability to local institutions, so they are virtually a law unto themselves, harvesting wood where and when they want. Individuals in the firewood and charcoal trade cause similar problems. The impact of this trade on woodlands is substantial, particularly in the Mangweru area. Natural resource committee members received death threats after they attempted to challenge the rights of charcoal makers to harvest wood. The government, through the Forestry Department, tries to control this trade through roadblocks, fines, and seizure of products, but has had little impact.

#### 4.3 Non-governmental organizations (NGOs)

NGOs have played an important facilitatory role in many of the CBNRM cases presented here. In some countries NGOs are even being used as project implementers by government departments. In other instances NGOs are the power brokers or mediators between communities and government (e.g. as in Makuleke where the community was up against the powerful South African National Parks Board). An NGO was largely responsible for pioneering CBNRM in Namibia, while in Botswana international and national NGOs have been key players over a three year period helping the community to develop their constitution, prepare their land use and management plan, and lobby to get the Trust registered. It remains to be seen whether such an intensive and expensive facilitation process can be replicated elsewhere, and to what extent it is necessary for success. Other NGOs have offered intensive training programs on environmental education, soil and water conservation, wildlife utilization, fuelwood saving devices, gender issues and so on and have integrated and linked the wider needs of the community with land and NRM concerns. In the Zimbabwe Gokwe case study, the community Resource Management Committees were set up by the Forestry Commission to facilitate and

manage the resource-sharing scheme. In some areas the committees were viewed suspiciously and regarded by villagers as spies for the state. The Forestry Commission had a long history of conflict with local people in this region, and one wonders whether the situation could not have been improved if the project had been implemented by an NGO.

NGOs are potentially powerful actors as they can push communities into certain decisions and they provide material benefits and employment. If NGOs are good facilitators their role will diminish as the community's capacity increases. This is not always the case as they have vested interests in continuing their relationship with the community. For the Makuleke restitution claim, NGOs (and donors) were in competition with one another to become part of the process and, as a result, had a disruptive effect, contributing directly to conflict. Good facilitation was recorded in a number of Namibian cases, and has been called consistent and persistent "light touch" community empowerment and facilitation.<sup>17</sup> This approach involves working directly with communities (rather than through other organizations), regular field visits, follow-up, staying in touch with community power shifts and internal dynamics, and training and capacity building. Communities are "nudged" into taking action so that facilitators are not making a decision for or on behalf of communities. This requires assisting communities and community organizations to identify key issues and potential problems, and helping them work through these issues and develop appropriate decisions, solutions, and actions - a necessary process so the NGO does not become the community's gatekeeper to the world.

Governments are sometimes reluctant to engage NGOs due to perceptions that NGOs are radical organizations having potential to cause disruption. This has happened to some extent in Lesotho and South Africa. An NGO that provided technical support to Rural District Councils at the inception of CAMPFIRE in Zimbabwe is advocating for benefits and management of CAMPFIRE to go below District Council level. Consequently, the NGO is now viewed suspiciously by the Councils and has been, to a large extent, replaced by the CAMPFIRE Association – an association with representatives from all Councils involved in CAMPFIRE.

## 5. TRADITIONAL AUTHORITIES

In general, colonial and post independent processes have eroded the authority of the traditional leaders. The independence era in most of the countries has resulted in dual local authority systems consisting of traditional leaders and government organizations. The dual structures often compete for control resulting in a situation that may be exploited. Four types of cases are recognized. At one extreme are the cases where traditional leaders have been almost completely removed (e.g. Tanzania, Fish River), while at the opposite extreme are the cases where traditional leaders exert excessive control over CBNRM (e.g. Zambia). In a number of cases, potential conflict between state organizations and traditional leaders has been avoided by incorporating traditional leaders into the new organizations (e.g. Makuleke, Namibia, Lesotho, Malawi, and Botswana). In other situations there have been attempts to reduce the powers of the traditional leaders, but they remain the key players in NRM (Zimbabwe-Chivi).

In some countries traditional leaders have been deliberately excluded for being undemocratic, corrupt, and agents of the previous regimes (e.g. Fish River, Tanzania, Zimbabwe). Even so, traditional leaders often remain a strong force. Parallel to the state-supported system in Zimbabwe, there is the traditional system of chiefs, headmen and, at the

lowest level, kraalheads. Since 1982, control at the local level has been vested with the Rural District Councils rather than traditional leaders. This has undermined the authority of the traditional leaders but not necessarily their support. In all the Zimbabwean study sites, the traditional leaders have maintained a degree of authority over NRM, but there are many examples of individuals going against the traditional leaders by using the ambiguous situation existing between kraalheads and the modern organizations (VIDCOs).

In Zambia, traditional leaders have a much more influential role in decision-making around wildlife management than in most of the other countries and are members of the governing committees at all levels. Their ability to sideline the community has been discussed above in Section 4.2.

The relationship between the dual structures may be fairly complex and confusing due to unclear mandates. In Makuleke the traditional leaders are integrated into the new Communal Property Association (CPA), blurring the roles of the CPA executive versus the tribal council. The CPA executive increasingly assumes functions originally falling under the tribal council partly because of the chief's position as chairperson of the CPA. The lessening of the role of traditional leaders is likely to increase when the Makuleke gain tenure rights to the land they currently occupy (part of the agreement) and ownership becomes vested in the CPA. However, because traditional leaders have been an integral part of the land claims committee, there is little disruptive competition between the two structures at this stage.

Traditional leaders may receive their authority in CBNRM from legislation or being elected. In northwest Namibia traditional leaders are generally members of the Conservancy Management Committees in an executive capacity, as patrons, or as non-voting members.<sup>18</sup> In most cases, they are elected to the committee, but in others they are co-opted to avoid potential conflict. On the other hand, in northeast Namibia, where traditional leadership is stronger, the traditional leaders delegate authority to the Conservancy Committees to manage natural resources on their behalf.<sup>19</sup> The situation is similar in Malawi where the VNRMCS report to the traditional leaders who remain external to the committees but have strong powers. Traditional leaders play a key role in local organizations at all hierarchical levels (village head, group village head, sub-chief and chief). The village head in particular has considerable authority, having overall supervisory control over Village Forest Areas (VFAs), having to be approached for permission to access state and VFAs, and having final say about management rules. Thus, although authority and control is decentralized to community-level, much of this authority is vested in a single individual.

That the role of traditional leaders is in continuing flux is illustrated by recent legislation in Zimbabwe. The recent Traditional Leaders Act gives certain powers to traditional leaders, but the new legislation has given legal status to another hierarchical system without clarifying the overlapping nature of the traditional and modern systems.<sup>20</sup> Similarly, recent legislation in Namibia has restored some authority over natural resources to traditional leaders but does not define the scope of this authority. Moreover, this new authority is likely to be undermined with tenure reform and the establishment of Land Boards, which will remove the rights to allocate land from the traditional leaders.<sup>21</sup> In Malawi and Zambia, the recent legislation has reduced the role of traditional leaders and made them more accountable to the populace.

Most of the case studies reveal that there can be considerable variation in the role, legitimacy, and strength of the traditional leadership from one area to the next. Sometimes the traditional leaders may be respected and supported whilst in other areas they may be rejected and weak. Generally, it appears that where the traditional leadership is strong and legitimate it will be supported. It may even have a very positive impact on CBNRM as discussed in the Malawi, Makuleke and Lesotho case studies. Where it is weak or biased towards certain groupings, as in the Fish River and Botswana cases, chiefs and other lineage leaders are likely to have less support.

## 6. CONCLUSIONS AND SUCCESS FACTORS

In all the countries studied, there has been progress towards CBNRM and a move away from largely unsuccessful, centralized command-and-control approaches. The move to community-based management has been more successful in some cases than in others. In most instances there is little evidence, with the possible exception of specific case studies in Namibia and Malawi, to demonstrate that decentralized authority has resulted in more sustainable natural resource management. The assumption is that if true community control is in place then sustainable use and management will follow; but the links between local management and sustainable NRM still require attention and further research effort.

In this section we distil some of the key lessons for the move to local authority. The study has revealed a range of factors and conditions that may help contribute to the success of CBNRM initiatives and the empowerment of local communities. These include a real commitment by government to transfer management authority (and the full bundle of rights) to the lowest level possible; clarity around the mandates of and relationships to different stakeholders such as traditional leaders, local government and line departments; integrating CBNRM organizations within local government organizations; ensuring representativeness and accountability of management organizations; dedicated facilitation (often by NGOs) that builds capacity and flexibility; recognizing the importance of traditional leaders; planning for private sector and their ability to generate income based on the natural resource; recognizing that the value of the resource will be a key variable in determining the kind of organizational structure that is likely to be successful.

Many challenges for the implementation of CBNRM still exist, and there are many lessons still to learn. Each situation is unique and influenced strongly by a variety of contextual factors. It is therefore important that we are not too prescriptive in determining what works and what does not. Overall, policies and implementation approaches that provide community members with the authority to make decisions regarding the use and management of natural resources appear to have a greater chance of succeeding (provided attention is paid to capacity building) than those transferring control to higher levels. Possibly one of the most important lessons for policy makers and practitioners (and researchers) is the need to be flexible and recognize that CBNRM is a dynamic process in which different issues, concerns, and power plays emerge as the process unfolds

## 6.1 Supporting village-level organizations for CBNRM

### *Decentralizing to the lowest possible level and state support for communities*

The greatest success in CBNRM has been achieved where there is a strong policy and legal framework transferring authority over wildlife, forests, and tourism directly to representative community-based organizations. Generally, the unit of management in CBNRM should be as small as practicable.<sup>22</sup>

Even though appropriate policy and legislation may exist, there can be large differences between the stated intent of government and how bureaucracies apply this intent in practice. Lack of commitment by the state to truly release authority to a local level, despite its policies advocating decentralization, is a major factor limiting the success of community initiatives.<sup>23</sup> In other instances, vacillation and bureaucratic delays result because government has not yet realized the practical and logistical implications of its new policies, and it is poorly prepared and ill equipped to deal with implementation aspects. A parallel problem relates to financial and capacity limitations within departments and the officious attitude and poor ability of many government officials to work with local communities and engage in participatory processes.<sup>24</sup>

The case studies show the more the state lets go, the greater the likelihood for success, as shown by village-level committee, ranging from those with many powers (Tanzania, Malawi) to those with few (Zimbabwe Gokwe). Success is more likely where policies transfer proprietary rights over land or resources to resource users, through the facilitation of villages or sets of villages becoming corporate organizations, as in Botswana and Namibia. In these cases there is legal recognition of rights and recourse to the law. However, this success is in the context of high-value resources and considerable facilitation of the process by NGOs. In these countries there are now a number of functioning conservancies and wildlife management trusts. The path to success is not simple. It is of note that in the early days of CBNRM in Namibia many conservation officials were sceptical of the approach and little field support was provided. Recent evidence from Botswana and Namibia indicates that the state continues to reserve the right to make unilateral decisions on important issues, particularly those related to income and revenues.

In Malawi, the Department of Forestry facilitated several training and skills development workshops in the case study areas, building the capacity of the community organizations to become involved in NRM. However, long delays in approving regulations and management plans have resulted in dissatisfaction and a loss of interest by the communities in participating in CBNRM. The reluctance of the South African government to take the step of legalizing its tenure reform proposals is having a major negative impact on NRM in communal areas. In Zambia, the limitations of the country's wildlife programs have been recognized and there are moves to devolve tenure rights, to increase transparency and accountability, and to ensure a much greater percentage of revenue reaches communities.<sup>25</sup> This appears to be more than Zimbabwe has achieved given that problems with the Rural District Councils have been articulated extensively over the last few years.

One issue always creating problems is bureaucratic delay (in approving legislation, dealing with applications, and sanctioning local plans). This is sometimes a delaying tactic by government due to lack of faith in their policies. In other instances, it is because the bureaucracy

has not realized the logistical implications of its new policies and is therefore unprepared to deal with implementation aspects. In Botswana, the Land Boards have delayed the approval of land use and management plans, effectively putting CBNRM on hold in some areas. This illustrates problems among the various stakeholders as Land Boards, with representatives drawn from the entire district, are often interested in ensuring that the resources in a Controlled Hunting Area (hunted meat or potential grazing) are available to their broader constituency rather than satisfying the interests of the communities actually living in the areas.

### *Clarifying mandates*

First, there are many instances when policies may be promoting contradictory outcomes, as illustrated in the Lesotho case. Second, the study reveals a complex of different organizations at a decentralized level that have some role in NRM. It is clear that the more complicated the organizational arrangements and the greater the diversity of state-based actors directly involved, as in Zambia and Lesotho, the more likely the community is sidelined in the course of decentralization. In these cases, there is also increased likelihood of overlapping jurisdictions and mandates (amongst sectors, between traditional and state organizations, etc.), potentially leading to contestation and conflict among actors. Institutional ambiguity can be an important factor in disrupting CBNRM.<sup>26</sup>

Neither of these situations bode well for sustainable CBNRM. On the other hand, where policies are clear and “appropriate authority” is decentralized directly to community level, the situation is greatly simplified and there is considerably less ambiguity regarding rights and responsibilities.

### *Integration of CBNRM structures and systems of local government*

While decentralization directly to community level greatly simplifies the organizational structure and results in considerably less ambiguity regarding rights and responsibilities, the danger here is that these organizations will come to operate in isolation of broader district level planning processes, potentially leading to decreased political support. To ensure local and district political support to CBNRM projects and the integration of CBNRM into regional and district development plans, it is necessary that CBNRM organizations mesh within local government structures and development processes. At the extreme, there are cases such as the Fish River where CBNRM is difficult because the civic associations have no formal link to any legally mandated organizations.

In Botswana, in the past, trusts tended to have little connection to local government and the broader district development context. This has been solved to some extent by the establishment of district and national CBNRM forums to help coordinate activities among different stakeholders.<sup>27</sup> However, perhaps the lack of connection between CBNRM trusts and local government precipitated the current situation, where control, at least of the funds derived from management, has been shifted back to local government. Embedding within state structures must still allow appropriators to devise their own institutional arrangements that are not challenged by external governmental authorities.<sup>28</sup> There is obviously a fine balance between

giving authority to community-based organizations and embedding them within the local government system.

### *Ensuring representativeness and accountability*

With any transfer of authority, there exists the danger of creating a new set of elites who use this authority for personal gain. In some communities in Botswana, the Boards of Trustees for NRM trusts started to live lives of their own, forming very close alliances with the safari operators and losing contact with their constituency. In Malawi, community members complained of the elitist attitudes of some representatives on the committees. Mechanisms to deal with these issues need to be built in the constitutions of the various bodies. Highly stratified and differentiated communities with multiple interests pose a particular challenge in that varying incentives and disincentives for participating in CBNRM are created.<sup>29</sup> Here, the role played by external facilitators is critical.

### 6.2 Facilitating the process and ensuring flexible systems

In all the cases, the process of developing CBNRM systems has been complex and, at times, conflictual, requiring much dedicated effort, commitment, and flexibility by all stakeholders involved. It is clear that the path to successful CBNRM is not simple. Years of disruptive political manipulation in South Africa have practically rendered CBNRM approaches impossible in communal areas in the Fish River area.<sup>30</sup> In the Zimbabwe Gokwe case, many villagers rejected the scheme proposed by the Forestry Commission partly due to a deep sense of mistrust between the community and the state, a result of a long history of conflict. The process of defining and registering community-based organizations, developing competent organizations that are representative of the different interests of local actors, and sensitive to the dynamics and power relations in the community is an arduous task, needing at least 2-3 years. Facilitation of the process is an essential prerequisite for success. Any attempt to speed up this process would condemn the CBNRM initiative from the start by ignoring the importance of the social process.<sup>31</sup>

CBNRM approaches must be flexible and adaptable to fit local contexts, complexities, and needs. As is the case in Botswana and Namibia, each CBNRM organization should be able to determine their own boundaries and membership, select their own management structures and procedures, and develop their own constitutions (beyond certain prescribed provisions to ensure accountability), by-laws, rules, sanctions, and management plans. Despite an enabling policy environment and considerable progress in decentralization, only a few initiatives have adequately contributed to enhancing the capacity of village or community organizations to plan, implement, and manage on their own. NGOs can play a major role in this capacity building. This is illustrated in the Botswana case, where NGOs were very active in the community for three years prior to the community being recognized as a corporate organization.

### 6.3 Recognizing the importance of traditional leaders

Despite the weakening role of traditional leaders, evidence from the cases indicates that neither colonial nor post-independent policies have managed to destroy traditional leadership. North (1990) notes that informal structures will continue to persist despite the imposition of more formal systems.<sup>32</sup> Some balance needs to be achieved regarding the role that traditional leaders have in CBNRM. In some instances (e.g. Zambia) chiefs continue to assert a disproportionate amount of control, while in other cases their exclusion from the formal NRM institutional arrangements has led to conflict. In a number of cases local people themselves have chosen to elect their chiefs and headmen onto the executive committees of the new CBNRM organizations (e.g. Makuleke, some cases in Botswana and Namibia). In other cases these leaders serve in a non-executive capacity as, for example, patrons. The important point is that it is the community who decides whether or not traditional authorities are represented. With the exception of the Fish River study, it appears that traditional leaders will continue to play an important role in CBNRM, with traditional systems of control being the dominant form for community management of lower value resources. Indeed, the strong leadership provided by well-respected chiefs and headmen has been cited as one of the strengths of CBNRM in Malawi and Lesotho. CBNRM programs need to look for ways to constructively incorporate the traditional leadership.

### 6.4 Planning for the private sector

There is a fine line between promoting commercialization as an incentive to manage natural resources better, and the potentially negative impacts that enhanced commercialization may bring, especially when the opportunities are recognized and exploited by more powerful groups outside the local community. The private sector is a powerful actor with an understandably high degree of self-interest. This puts community organizations at a disadvantage, and sometimes a facilitator is required to ensure an equitable arrangement. Powerful entrepreneurs tend to ignore local regulations and controls, undermining the authority of community organizations and appropriating the resource base. Where CBNRM organizations in Malawi have attempted to take action, they have received threats and warnings from the perpetrators. In these situations, government law enforcement agencies have been relatively ineffective in providing back-up support.

### 6.5 Insufficient benefits derived from CBNRM

For resource users to participate in CBNRM, the benefits of doing so should exceed the costs.<sup>33</sup> Increasingly, CBNRM initiatives are demonstrating that the benefits may not justify the costs.<sup>34</sup> In community-based wildlife projects, the costs carried by community members (costs of damage by wild animals, opportunity costs of land and restrained use of certain resources, costs of participation and labor) are rarely balanced by the benefits.<sup>35</sup> Benefits from new institutional arrangements should accrue to all resource users/managers and not just certain sectors of the community or the management structure.

One clear pattern that has emerged from our study is that the chances of formalized CBNRM succeeding appear greater in situations where high value resources are involved,

providing the communities with a potential income stream (e.g. Botswana, Namibia, etc.) and thus an incentive to participate. However, where this is not the case, such as in the communal areas of South Africa, the way forward is much less clear-cut. Here, emphasis will have to be placed on the need for more sustainable management of resources used for everyday purposes rather on the potential to earn income from the spins-offs of high value resources such as wildlife.

In some areas, the lack of significant high value resources may prevent the achievement of community-based management, as the costs of collective action will always be higher than the benefits (e.g. Fish River). Thus, appropriate organizational structures are likely to vary dramatically among contexts, for example, with systems based on norms and customs where low-value resources are present and systems based on corporate organizations where exceptionally high-value resources are concerned, with a range of organizational structures between these extremes.

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## Notes

1. This paper was based on case study reports throughout Southern Africa; see acknowledgements for case study authors.
2. Ainslie 1999; Campbell et al. 1999; Christofferson et al. 1998; IIED 1994.
3. Diouf 1994; Matose and Wily 1996; Wily 1999.
4. Christofferson et al. 1998; Getz et al. 1999; IIED 1994; Murphree 1993.
5. Crook and Manor 1998; Ribot 1999; Toulmin 2000; Mandondo 2001.
6. It is recognized here that the concept of community is complex. Communities are not homogenous entities but are highly differentiated and stratified with multiple interests and actors who have varying rights and access to resources and who can influence processes and decision-making within the community in different ways (Agrawal and Gibson 1999, Kepel 1999).
7. Jones and Mosimane 2000.

8. "Institutional arrangements" is a broad term that in the context of NRM covers the policies, organizations, rights, rules and conventions that structure the way in which people interact with natural resources, particularly with respect to their access, use and management. Institutional arrangements also include informal institutions (cooperation, indigenous belief systems, spiritual controls) (Richards 1997); these are not discussed in this paper. Our focus in this paper is on the organizational structures that derive from policies and legislation, where organizations are recognized bodies or entities that pursue their goals within the rules (institutional arrangements).
9. Bond 2001.
10. It is possible that for some cases studies the legislation and institutional arrangements may have changed between write-up of the case studies and publication of this paper. For example CBNRM in Zambia was undergoing a process of change at the time of write-up, as was local government in Malawi and South Africa. Where possible work has been updated for the purposes of this paper.
11. Shackleton and Campbell 2000; Shackleton and Campbell 2001.
12. Shackleton and Campbell 2001.
13. Communal Areas Management Program for Indigenous Resources.
14. Figure 3. Principal components analysis of 13 case studies using 11 variables, indicating the correlation patterns of variables. Figure 4. Principal components analysis of 13 case studies using 11 variables, indicating the similarity of cases.
15. Corbett and Jones 2000.
16. SNV-IUCN News 2001.
17. Jones, pers. comm.
18. Corbett and Jones 2000.
19. Ibid.
20. Mandondo 2001.
21. Corbett and Jones 2000.
22. Bromley and Cernea 1989; Doré 2001; Bond 2001; Murphree 1993, 2001.
23. Agrawal and Gibson 1999; Wainwright and Wehrmeyer 1998; Corbett and Jones 2000; Sekhar 2000.
24. Fabricius 1999.
25. See Wainwright and Wehrmeyer 1998.
26. Ostrom 1992.
27. SNV-IUCN News 2001.
28. Ostrom 1992.
29. Ibid.
30. Ainslie 1999.
31. Doré 2001.
32. Ibid.
33. Ostrom 1992.
34. Fabricius 1999.
35. Ibid.

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Table 1: Case studies forming the basis of this paper

Country and authors	Specific cases studies	Sectoral focus	Key characteristics of study sites
BOTSWANA Rozemeijer and van der Jagt (2000)	KD 1 – a Controlled Hunting Area – Kgalagadi District.	Wildlife management	Three settlements – 12 000 km <sup>2</sup> . About 850 people – Bushmen (70%) and Bantu. A mix of livestock and small stock rearing, subsistence hunting and gathering, labor intensive public works, and handicraft production.
MALAWI Kayambazinthu (2000)	Chimaliro Hills – Group Village Boni Chakuchanya.	Forest & woodland management on state and communal land.	74 persons km <sup>-2</sup> . 800-1600 mm p.a. Nine villages each with a village forest. Commercial and subsistence farming. Ethnic groups include the Thumuka and Chewa.
	Mangweru Hills – Group Village Jamali.	Woodland management on communal land.	200 persons km <sup>-2</sup> . 700-800 mm p.a. Smallholder farming. Scattered settlement. Mixture of tribes dominated by the Yao.
LESOTHO Matela and Ntale (2000)	Pelaneng/Bokong Range Management Area.	Rangeland management in communal areas.	35 949 ha adjacent to the Katsie dam. Altitude 1900-3198 m.a.s.l. Terrain steep with high elevation areas designated for summer grazing. Snow common in winter. Livelihoods based on cattle, farming and migrancy.
SOUTH AFRICA Cocks (2000)	Fish River, Eastern Cape Province, consisting of 9 villages.	Management of common pool resources in a communal area and co-management of local nature reserves.	70 persons km <sup>-2</sup> . 434 mm p.a. Much poverty and land degradation; heavy dependency on urban earnings and welfare payments. Crop production virtually non-existent; many households own livestock.
	Steenkamp and Urh (2000)	Land restitution claim within a national park. Conservation, wildlife and tourism.	In 1989 the Makuleke community were evicted from 25 000 ha in Kruger National Park. In 1998, they successfully regained ownership under a restitution claim. Condition of the agreement – not to resettle the area but have exclusive commercial rights.
ZIMBABWE Campbell, Nemarundwe and Sithole (2000)	Chivi Communal Area - Romwe catchment	Management of common pool resources in a communal area.	548 mm p.a. Miombo woodland confined to hill and ravine areas. 60 persons km <sup>-2</sup> . Ndebele and Shona people. Crop and livestock production.
	Chikwarakwara and Sengwe wards.	Wildlife management through CAMPFIRE.	Area between Gonorhezu National Park in Zimbabwe and Kruger National Park in South Africa. 500 mm p.a. Mopane woodland. 20 people km <sup>-2</sup> - most Shangaan.
	Gokwe Communal Area – Mateme village adjacent Mufangabusu State Forest	Forest management on state land through co-management.	State forest of 82.1 km <sup>2</sup> . Miombo woodland with elements of Kalahari sand forest. 819 mm p.a. 35 people km <sup>-2</sup> – Shangwe and Shona.
ZAMBIA Kapungwe (2000)	Mumbwa Game Management Area (GMA)	Wildlife management on communal and state land.	Mumbwa GMA (3 395 km <sup>2</sup> ) borders Kafue National Park. 1.79 people km <sup>-2</sup> . 3 chiefs have portions of the chiefdom in the GMA. 1300 mm p.a. Miombo woodland. Agriculture and consumptive use of wildlife are main sources of livelihood.
	Lupande GMA	Wildlife management on communal and state land.	Lupande GMA (4 080 km <sup>2</sup> ) borders South Luangwa National Park. 8.57 people km <sup>-2</sup> . Six chiefs control the area. 700 mm p.a. Mopane woodland. Rich in wildlife and other resources.
NAMIBIA Jones and Mosimane (2000)	Sesfontein Terra and #Khoadi/hoas conservancies - Kunene Region.	Wildlife management on communal land.	< 300 mm p.a. < 1 person km <sup>-2</sup> . Scattered settlement. Semi-nomadic pastoralism or sedentary livestock farming at low stocking rates.
	Kwandu, Mayuni, Wuparo and Salambala conservancies in Caprivi Region	Wildlife management on communal land.	< 600 mm p.a. Savanna. 4.2 people km <sup>-2</sup> . Many ethnic and political divisions. Wildlife densities low although improving.
TANZANIA Kajembe and Monela (2000)	Duru-Haitemba Village Forest Reserve, Babati district	Forest management on communal land.	500-1200 mm p.a. Dry miombo woodland. Arable agriculture and livestock production. Eight villages adjacent to the forest of 90 km <sup>2</sup> . 92 people km <sup>-2</sup> . Ethnic groups - Iraqwe, Gorowa, Mbugwe, Rangi and Maasai.

Figure 1

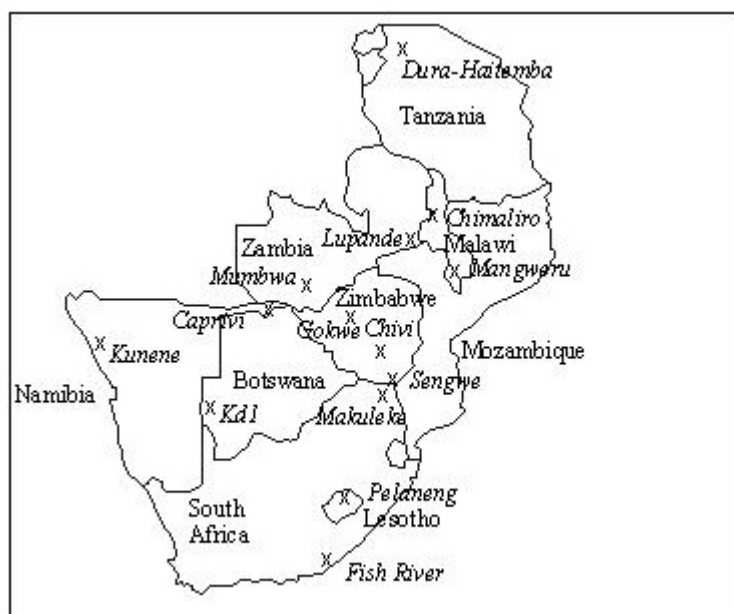


Figure 2

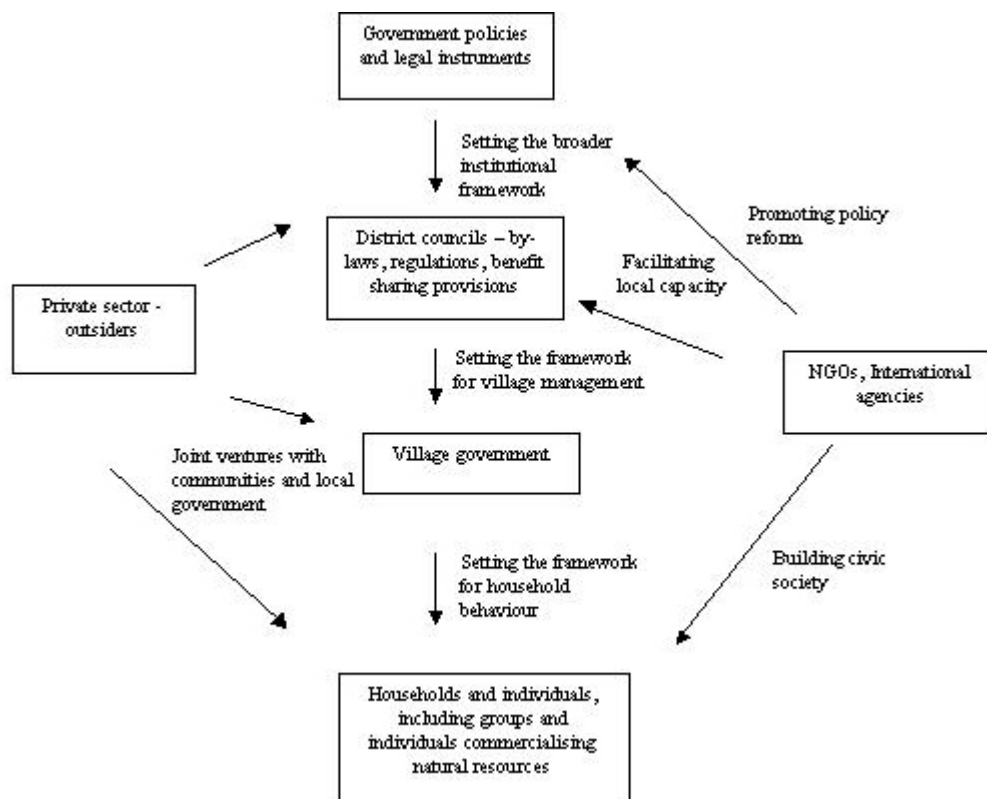


Figure 3

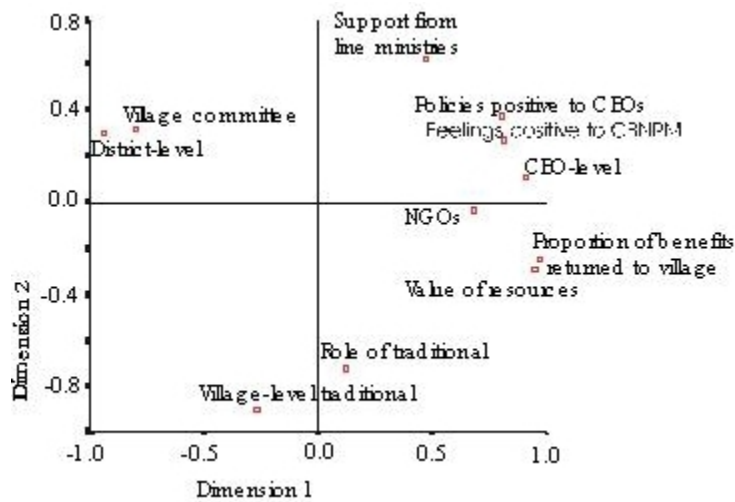
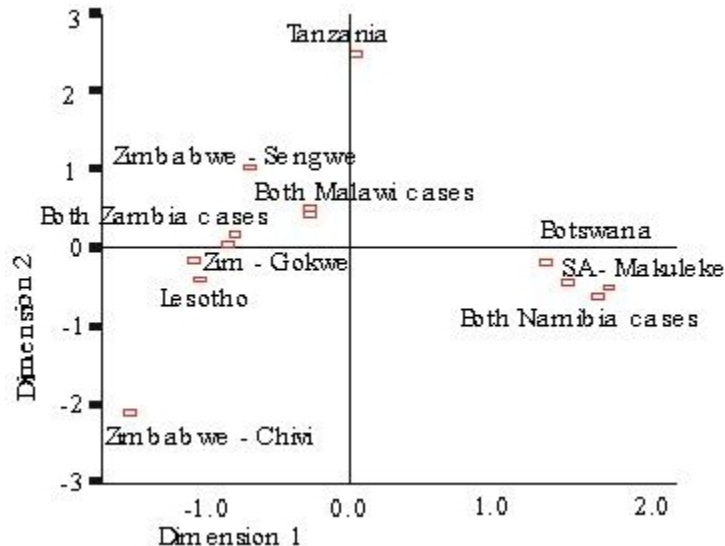


Figure 4



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# Participatory Natural Resource Management in the Communal Lands of Zimbabwe: What Role for Customary Law?

JENNIFER MOHAMED-KATERERE

**Abstract:** A widely held assumption about environmental management is that its success is dependent upon its relationship to the political process. This is expressed in the emerging but as yet inadequately defined concept of "environmental governance." A recurring issue, in practice and in the literature, is the value and role of traditional institutions and systems in natural resource management. In particular, the relationships of accountability and representation between such institutional systems and local communities are questioned. This paper examines the relationship between formal and informal norms and institutions as an aspect of governance in environmental decentralization initiatives within Zimbabwe's communal lands.

It addresses this issue from a legal perspective and in particular a human rights paradigm. It considers both well established human rights and emerging rights with in the new generation of multi-lateral environmental treaties. It is argued that the international legal regime creates a framework for participation and defines fundamental principles for the realization of environmental objectives. These rights must be recognized within national systems if they are to be consistent with emerging international regimes.

The paper explores the nature and status of customary law in Zimbabwe and its interaction with state institutions and formal rule systems. It considers whether the recognition of customary law is fundamental to good governance and, in particular, for creating viable systems for meaningful local level participation. It is demonstrated that the status of customary law, and the level of participation provided for, falls short of developments in international law and seriously undermines environmental governance that is capable of realizing sustainable development objectives.

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<http://www.africa.ufl.edu/asq/v5/v5i3a7.pdf>

## 1. ENVIRONMENTAL GOVERNANCE

### 1.1 Background

The policy framework for natural resource management changed dramatically in the last two decades. "Governance" moved to the center of development debates in the 1980s.<sup>1</sup> By the mid-1990s environmental governance and sustainable development had become key concepts influencing environmental management.<sup>2</sup> Devolution and participation emerged as important issues in development and environmental thinking. This coincided with increasing concern by governments and non-governmental actors about the success of natural resource management, and resulted in a global trend to participatory approaches.<sup>3</sup>

The concept of governance, like development, is both a political and a technical term. This conflates the normative and prescriptive with the descriptive and analytical, and consequently refers to both an end state and a process.<sup>4</sup> Governance may be conceptualized in many ways – including structural constructions, dynamic approaches and objective driven strategies.<sup>5</sup> Alternatively, and as in the approach taken here, governance may be thought of as the relationship between civil society and the state, and thus fundamentally different from the concept of government. It covers the "whole range of institutions and relationships involved in the process of governing."<sup>6</sup> For Hyden governance is not the relationship per se but the "body of values and norms that guide or regulate state-civil society relationships in the use, control, and management of the natural environment."<sup>7</sup> These norms and values are expressed as a "complex chain of rules, policies and institutions that constitute an organizational mechanism through which both broad objectives and specific planning targets may be achieved."<sup>8</sup> Although the approach adopted here differs somewhat from Hyden's - the focus on the values and norms and their various manifestations is insightful and is used as the basis for understanding the relationship between citizen and state. The paper however focuses on this aspect of governance.

### 1.2 Participation Approaches

Defining the relationship between the state and civil society and their respective roles has become a core issue in development theory- participation, accountability, local institutions, local practices, indigenous knowledge, policy, gender equity, tenure and fair and equitable decision making processes became key focuses.<sup>9</sup> This shift from centralist development strategies to locally driven development has been complemented by a corresponding shift in the rights and obligations of various parties.

Participation may take many forms. It occurs along a continuum from active consultation to complete transfer of authority and responsibility to stakeholders.<sup>10</sup> Devolution, decentralization or deconcentration may promote participation because they focus on creating lower levels of decision-making. Decentralization can be defined as "any act in which a central government formally concedes power to actors and institutions at lower levels in a political and territorial hierarchy. It involves the creation of a realm of autonomy in which a variety of lower-level actors can exercise some autonomy. It is fundamentally different from deconcentration. Deconcentration occurs when powers are devolved to appointees of central government."<sup>11</sup> The

increasing downward linkages of governments towards sub-national government may be a strategy to reassert control and is not necessarily driven by a concern for rights.<sup>12</sup>

Participatory approaches may redress inequalities by helping to retain and distribute the benefits of local activities within the community and hence provide new opportunities for development.<sup>13</sup> Further, participation may increase economic and managerial efficiency in three ways. Firstly, by allowing local populations who bear the cost of natural resource management to make decisions, rather than leave them in the hands of outsiders or unaccountable locals.<sup>14</sup> Secondly, by reducing administrative and management transaction costs via the proximity of local participants.<sup>15</sup> And, thirdly, by using local knowledge, values and aspirations in project design, implementation, management and evaluation.<sup>16</sup> Participatory approaches may also be seen as a strategy for conflict management.<sup>17</sup> One common approach is to use participatory systems to create a trade off with communities – the community receives some benefit for implementing conservation practices.

These motivations are echoed in the various local level natural resource management initiatives in Zimbabwe. These include state-driven local community natural resource management, the devolution of some authority to local government planning and development agencies.<sup>18</sup> There is also the development of new decisions making bodies at the district or local level.<sup>19</sup> Along with the devolution of some authority to chiefs.<sup>20</sup>

## 2. DEVELOPING A RIGHTS FRAMEWORK

### 2.1 Customary Law and Governance

Good governance practices not only require balancing economic, social and environmental objectives, but also recognizing fundamental human rights. Early discourse on governance and participation failed to locate it within a legal framework and, in particular, a rights perspective. Consequently, many governments introduced tenure reforms or decentralization, but did not change related local institutional and legal systems and hence did not fundamental change the relationship between the state and community or state and individual.<sup>21</sup> Additionally, macro-legal frameworks such as property rights, including traditional resource rights, administrative fairness and procedural equity, so critical to the success of decentralization initiatives were not changed. Consequently the balance of power remained the same.

Law embodies the values, objectives and norms of a given society. The application of law is affected by social, political and economic context, thus, only at the level of practice, and relationships, can the lived reality of law be ascertained.<sup>22</sup> Law is a product of struggle, negotiation, compromise and power dynamics, and may represent the dominant views or social compromise. It not only has a regulating or legitimizing function, but also defines rights and obligations. Consequently, it may serve as a tool for the recognition of human rights, which are also products of struggle. The concepts of responsibility, authority and accountability, are at the core of legal rights and obligations and are now widely accepted as the “bottom line” for development.<sup>23</sup> Recent developments in international law reflect trends within conservation and development thinking and practice.<sup>24</sup>

The essence of human rights is the recognition that certain norms are fundamental to human existence. Consequently, human rights seek to “protect individuals from people made problems, and hence avoid suffering inflicted ... through deprivation, exploitation, oppression, persecution, and such other forms of maltreatment, by organized and powerful groups of other human beings or government.”<sup>25</sup> In Zimbabwe the achievement of independence in 1980 resulted in a constitutional commitment to build a country free from racial injustice and to protect certain fundamental freedoms. These included the right to life, the right to protection from inhuman treatment, and freedom of conscience and expression.<sup>26</sup> A recent constitutional amendment commits Zimbabwe to redressing historical wrongs.<sup>27</sup> However, the Constitution failed to provide a historical bridge to a new order of key rights. These include the rights to transparent and accountable administration, access to information, environmental rights and traditional resource rights were also not included nor were procedures developed for addressing these issues.

The emerging human rights regime acknowledges the findings of historical and environmental studies that human societies bear no meaning without the natural surroundings that define their culture and, further, that the recognition of one’s culture is fundamental to identity.<sup>28</sup> Human rights in the environmental sector need to be addressed from this perspective, and not simply on the basis that it may create better management.

In a society, such as Zimbabwe, that remains highly divided along racial, gender, ethnic and economic lines, law is contested terrain, reflecting a struggle over values and consequently a divide between policy objectives and actual practice. This contestation over legal rights may, as in the commercial areas of Zimbabwe today, be characterized by other social conflicts, violence and extra-legal means. There continues to be incongruence between the stated objectives of environmental management and the legal instruments that provide for it. Environmental law today represents the conflict between environmental management that focused on control and command strategies, and management on behalf of the people, where the new environmental policy which leans towards management by the people.<sup>29</sup> Control over natural resources constituted an important aspect of the colonial state’s strategy of political and economic subjugation of the indigenous people. It created a racially inequitable natural resource and land endowment system, which with few modifications has remained in place. The law trivialized indigenous technical knowledge, formally disempowered traditional leadership structures.<sup>30</sup> In addition, it places severe limitations on the way in which the resources may be used.<sup>31</sup> However this appropriation of authority by the state has been incomplete because of the state’s own limited capacity to replace existing institutions.

Despite the advent of independence, only general law applies to natural resource management.<sup>32</sup> Customary colonial law governs family law (and related matters). However, general law remains the dominant legal normative order when dealing with political, economic, commercial, property and criminal matters.<sup>33</sup> Rights to natural resources derive from property law. Given that rights to these resources were, and continue to be, vested in the state customary law does not apply to its management and use. Although the authority of local government structures has been partially extended to natural resources indigenous local law systems are still not applied. Customary law is dismissed as either backward because its approach is fundamentally different from the received law, or as a colonial construct. Customary law, as

applied by the state, was a product of its interaction with the values of colonial administration and consequently was codified and distorted.<sup>34</sup> Through the doctrine of legal precedence the courts continue to enforce this modified law. It is important to distinguish between customary law as a state construct and customary law as practice, which is constantly evolving outside the framework of the state structures. This paper uses the term customary law to refer to the law and practice of local people. Given that customary law is a flexible and continually developing system, responding to new circumstances and values it could offer some valuable approaches for devolved environmental management, particularly concerning rights and decision-making systems.<sup>35</sup>

Environmental law, at both the national and international level, has two basic rule types: those designed to “ensure” compliance or conservation, these are prescriptive, and those designed to “facilitate” better practice, these are process oriented.<sup>36</sup> Various aspects of governance are now addressed in law, using both rule types, in multi-lateral environmental agreements, including public participation, access to information and due process. Not all of these create rights that are actionable against the state. Nevertheless, they impose a duty on the state to develop national legal systems that recognize such rights. In some instances it encourages the development of private law rights such as traditional resource rights. These developments have occurred within the context of a growing body of human rights law dealing with development, justice, fairness and equity.

## 2.1 Participation as a Key Right

By the mid-1980s, environment legal agreements had become increasingly human-focused. Issues such as population, livelihood systems, access to resources and opportunities, socio-economic status, culture and knowledge systems and governance became central.<sup>37</sup> There was a shift towards the integration of environment and development in decision-making. Consequently, in law, the citizen is no longer treated simply as a beneficiary, but as a key actor. The new international law regime addresses good governance practices, including the rights of prior informed consent and access to information, measures to ensure accountability and transparency, and the right to appeal against or contest a decision.<sup>38</sup> It represents a global consensus that public participation is essential in order to ensure environmental sustainability and the realization of development objectives.

The right of public participation, as developed in these agreements, is significantly different from the established legal concept of public participation, which was based primarily on a right to object to decisions, but offered no role in decision-making. This approach was reactive and was based on indirect representation. The emerging right of participation is proactive in that it creates opportunities for individuals and groups to participate in the formulation of management strategies and the implementation thereof.<sup>39</sup>

Participation, as a legal concept, has evolved in the context of an environmental management framework that recognizes the importance of effective representation, the inclusion of the full diversity of stakeholders and the recognition of their value and knowledge systems, the linkage between authority and responsibility, capacity building, accountability and transparent administrative procedures including access to information and due process.

Recognized stakeholders include women, indigenous people, workers and trade unions, farmers, youth and children as well as business and the scientific community.<sup>40</sup> There is also recognition of the rights of local communities and indigenous people.<sup>41</sup>

The success of participatory systems is dependent on many other non-legal factors as well.<sup>42</sup> Successful participation requires empowering people to mobilize as social actors, resource managers, and decision-makers, allowing for the control of activities that affect their lives.<sup>43</sup> According to Hadenius, decentralization only works if local state agencies govern democratically with the skills and capacity to make important decisions, and are adequately funded.<sup>44</sup> Additionally, if participation is about choice and the defining of paths, then it needs to be capable of balancing competing interests and values at the local, national and global levels. One key problem with participation is that it is often based on simplistic notions of community that ignore the lack of homogeneity within such communities.

### 2.3 Indigenous Peoples' Rights

A number of indigenous or local people's rights can be extrapolated from international agreements.<sup>45</sup> These include rights to control traditional resources, development, self-determination, environmental integrity, intellectual property, cultural property and folklore, protection of cultural heritage, recognition of customary law and practice, community empowerment and respect for and recognition of their knowledge and environmental ethic. An increasing number of conventions recognize the value of customary systems and the importance of recognizing them if effective participation is to be achieved.<sup>46</sup>

One critical aspect of participation is the right of indigenous people to prior informed consent (PIC). This requires the full acceptance of an activity by a community. It implies not only the right to stop an activity before implementation, but also after it has started and, consequently, limits the right of administrative bodies to act contrary to local interests.<sup>47</sup> The recognition of local value systems is central to these rights and to the notion of participation as developed in law. PIC requires the acknowledgement of the right to make such determination in accordance with one's own value system.

## 3. RIGHTS IN ENVIRONMENTAL MANAGEMENT IN ZIMBABWE

Environmental rights in Zimbabwe are barely recognized. This section examines the extent to which law, and in particular customary law, traditional institutions and rights of participation and indigenous people, is taken into account in natural resource management.

Although the conservation success of a rights approach must be tested empirically, the principal argument made here is that rights must be recognized in themselves because of their centrality to human dignity and integrity. Further, it is argued that the perseverance of customary law indicates its continued legitimacy amongst many local communities.

### 3.1 Customary Law in Natural Resource Management

Colonial states in Africa used a system of legal duality; one law for the European settlers and another for native peoples to formally exclude African people from civil and economic

society.<sup>48</sup> Where customary law continued to be used, its application and content was distorted to fulfill these colonial objectives.

In Zimbabwe, the application of customary law to the environment was restricted, under statute, to civil law and land allocation.<sup>49</sup> It excluded the management of natural resources. Natural resources disputes at the formal legal level may only be determined according to customary law where the dispute is civil and both parties are African, provided also that it is consistent with general law. This is quite divergent from actual practice and constitutes the first level of distortion. By excluding the application of custom the state has effectively denied a role for local values and priorities to inform resource utilization and management and it has further trivialized the role given to traditional leadership. Additionally, local practices were criminalized.<sup>50</sup> Consequently, the opportunity for collaborative and participatory management based on dialogue and partnership is lost.<sup>51</sup>

The second level of distortion is that customary law through its application by the courts and other arms of the state was brought into the formal law arena and consequently ossified.<sup>52</sup> Local systems of management are complex and vary from locality to locality, making it impossible to generalize about its content and identify a set of uniformly applicable customary law rules.<sup>53</sup> Yet, this is precisely what the formal legal system sought to do. Effectively "hijacking the development of custom by robbing it of its flexibility and dynamism through a process of assigning certainty and create rules where none existed."<sup>54</sup> However principles and procedures may be extracted from actual practice.<sup>55</sup> It is important to distinguish between customary law as a state construct and customary law as a reflection of the actual values and practices of a community.

Thirdly, customary law has in many instances been harnessed and modified by the state to control local people.<sup>56</sup> According to Moyo, for example, the use of traditional leaders intended to replicate customary norms of land administration.<sup>57</sup> However, the presence of the chiefs, in the judicial and administrative structure did not result in the accurate recognition and implementation of local customs and practice. Instead "customs and tradition became a means by which the local rulers and family heads bargained with the colonial State for power in their communities."<sup>58</sup> Thus, in areas where the chiefs continued to have jurisdiction, new or distorted "customs" emerged.<sup>59</sup> This contributed to the development of two forms of customary law – customary law of the courts and the formal State structures and that of the communities.<sup>60</sup> This schism is less evident in the area of resource management than in personal law, as the state did not recognize custom as a source of natural resource law.

These distortions have led many to conclude that the traditional institutions cannot be representative and that there is little role for customary law.<sup>61</sup> The government itself came to this conclusion and focused on the creation of elected local government bodies.<sup>62</sup> Although the reasons for this shift are complex and include the role of chiefs during the colonial era and, in particular, their collusion with the colonial regime, it nevertheless demonstrates the lack of understanding about the continued use of customary law in local natural resource management. Customary law has continued to play an important role simply because it reflects actual values and priorities. Consequently it is constantly evolving. The failure to include local knowledge and values has contributed to the failure of many development projects.<sup>63</sup> Indeed, the

recognition of local rules and value systems may constitute the basis for successful local natural resource management.

Customary law as legal discourse is an ensemble of ideas, concepts, and categorizations that are produced, reproduced and transformed into a set of practices.<sup>64</sup> Customary natural resource management law includes substantive and procedural rights.<sup>65</sup> As well as general principles, decision-making processes and institutional arrangements.<sup>66</sup> Several features can be distinguished. Firstly, conservation strategies are inter-wound with cultural beliefs.<sup>67</sup> For example, the increasing intrusion and destruction of forestland in Nyaminyami District by settlers is believed to have angered the ancestors, resulting in greater conflict between people and animals.<sup>68</sup> Land is held subject to the guardianship of ancestors or spirits.<sup>69</sup> Secondly, given the relationship between environmental integrity and human well being, customary resource management takes a holistic approach and does not give precedence to any particular value associated with the environment. These values include cultural, social, economic, subsistence, medical, aesthetic, ecological and religious values.<sup>70</sup> Thirdly, access regimes are directly linked to use. Although some land was held communally for grazing, cultural and other purposes, individual land holdings were allocated to families provided they used it.<sup>71</sup> The right to land was a universal right and nobody was denied such right where land was available.<sup>72</sup> This applied to other resources as well. Nevertheless, rights in communities were not undifferentiated – social and cultural status affected the quantity of the resource made available. Access to certain resources was restricted because of scarcity or its particular value to a group, however outsiders were not arbitrarily denied rights.<sup>73</sup> In many communal areas there is evidence that chiefs have allocated land to new settlers.<sup>74</sup> This may be because of the belief of universal entitlement and the principle that all people have a right to life and meaningful existence. There are, however, other motivations for giving outsiders access to land. In some areas, this has been done to create a human buffer between the original community and wild animals.<sup>75</sup> Or, to accumulate or gain access to wealth including wives and cattle.<sup>76</sup> In addition, gain access to certain skills.<sup>77</sup> Some important management principles can be extracted from practice; for example, the obligation to undertake restoration where damage to the environment occurs.<sup>78</sup>

Current planning processes do not take cognizance of local social, cultural and economic systems and the values inherent in them, although the rhetoric around the adoption of the Traditional Leaders Act suggests that this deficiency is being addressed. In many communities social and cultural values and knowledge systems persist and still play important roles.<sup>79</sup> Where traditional beliefs are held, sanctions and complementary customary monitoring and enforcement regimes exist.<sup>80</sup> Responsibility for ensuring compliance with local rules generally lay with the chief, although this authority is subject to checks and balances.<sup>81</sup> Nevertheless, new kinds of institutions are emerging at the local level. Increasingly communities are actively engaged in resource management and rule formulation.<sup>82</sup> There is, however, increasing skepticism about them, as people realize that the sanctions have no physical basis and also because they are of no legal force.<sup>83</sup>

Meaningful participation is not only the right to be involved in decision making, but also the right to have one's values and priorities reflected in the management system. The incorporation of customary law may partly address this. This is not simple as it involves two

very different systems of law; customary law rules are facilitation focused and flexible, whereas national law is based on rules and legal precedent. Incorporation of custom into statutes may rob them of their flexibility. Secondly, local values, practices or priorities may in some instances run counter to national ones. Customary law rules may, given these difficulties be more effectively recognized through incorporation in subsidiary legislation and regulations, although even this could lead to ossification.<sup>84</sup> Alternatively, principles and key values could be recognized within formal law, effectively setting the framework for the development of local rules.<sup>85</sup> This would be consistent with emerging rights at international law. Communities should be able to determine, subject to broad directive management principles and standards, rights to local stewardship, local rules of equity, management rights and rules, procedures for resolving disputes and monitoring and enforcement procedures. Whether the community chooses to rely on customary frameworks should be a question of local democratic choice.<sup>86</sup>

### 3.2 Traditional Institutions, Local Government and Representation

In Zimbabwe, four sets of institutions have roles in natural resource management at the local level: specialist agencies, elected local government bodies, traditional institutions and state initiated community management structures.

Legally, the role of Chiefs has been perverted – or in Mamdani's words the chief has been transformed into a "decentralized despot."<sup>87</sup> The colonial government used traditional leadership institutions to control and administer local people. At independence, the government sought to reduce their power and role at all levels.<sup>88</sup> A Prime Minister's Directive in 1984 on local government established a system of localized development committees; Village and Ward Development Committees (VIDCOs and WADCOs). The purported objective of this Directive was to define the administrative structures at provincial and district level and the relationships and channels of communication between all participants in the development at provincial and district level in order to achieve the coordinated development of provinces and districts.<sup>89</sup> With the adoption of the Traditional Leaders Act in 1998, government has done a near complete turn around and reinstated the power the chiefs held during colonialism. Village assemblies now exist alongside the VIDCOs and WADCOs.<sup>90</sup> In the natural resource area decentralization was further provided through the development of the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE).

This section considers whether decentralization through these institutions was effective in that it created real autonomy and authority and, secondly, whether the right of participation and other related legal norms including representation, accountability, transparency, respect for local value systems, access to information and rights of consent were incorporated.

#### Traditional Institutions

The role of chiefs during the colonial era has been a checkered one with them being alternatively empowered and disempowered.<sup>91</sup> The chiefs, however, became a key part of the colonial system of indirect rule.<sup>92</sup> This affected local systems of accountability. The incorporation of chiefs into the colonial administration distanced them from their communities,

local values and priorities. Given this, and the failure to create new, credible and effective institutions local customs and practices were undermined, but not completely displaced.

Today the chiefs continue to have few legally recognized powers other than as ceremonial heads or as functionaries of the state. Governmental pronouncements in the wake of the adoption of the Traditional Leaders Act of 1998 Chapter 29: 17 proclaimed that the authority of the chief was being restored. The crucial issue is whether this is more apparent than real. In addressing this, it is crucial to focus on the actual powers created. The starting point of the Act is that chiefs are appointed to preside over their communities and to perform the functions of their office as traditional heads of the community. The Act does not define what these functions are and so at first glance although it seems that their roles in rule making, adjudication, mediation and distribution of resources have been restored this is in fact not the case.<sup>93</sup> In respect of natural resources this responsibility has been located elsewhere. The Acts that provide for natural resource management vest these roles in state technical and managerial agencies, local government authorities, parliament and centralized ministries and provided that the use and management of these resources is in terms of general law.<sup>94</sup> The Traditional Leaders Act effectively relegates the chief to being an enforcer of statutory law. Chiefs are responsible for ensuring that the land and natural resources are used in terms of the general law.<sup>95</sup> In particular, they must prevent over-cultivation, over-grazing, the indiscriminate destruction of flora and fauna, illegal settlements and generally the degradation, abuse or misuse of land and natural resources. They are responsible for ensuring that communal land is allocated in accordance with the Communal Land Act, 1982 Chapter 20; p4. The Communal Land Act, gives the local government authority, that is the Rural District Councils, general responsibility for the communal areas. It placed the right to allocate land in the Councils although it recognized that this should take into account customary practice.<sup>96</sup> In practice chiefs continued to assert their right to allocate land, this resulted in years of conflict between themselves and Councils.<sup>97</sup> In an attempt to resolve this the government amended the Communal Lands Act through the adoption of the Traditional Leaders Act and provided that land allocation must be exercised in consultation with the relevant chief. Additionally, chiefs in terms of the Traditional Leaders Act oversee the collection of levies, taxes, rates and charges by village heads, protect public property, provide information to the Rural District Council about epidemics, natural and other disasters, and about persons who intend to permanently leave their area. Chiefs have no authority to make legally enforceable management rules. Nevertheless, in many areas in Zimbabwe chiefs still enjoy a large degree of legitimacy. Many chiefs continue to be active in their communities, some are also involved in rule formulation.<sup>98</sup>

There is evidence of an increasing struggle between traditional leadership and RDCs around issues of authority and power. The Rural District Council Act Chapter 29: 13 established a local government structure that excluded traditional leaders. Thus, it is somewhat ironic that many of these structures were inaugurated with the blessing of traditional leaders.<sup>99</sup> The empowerment of traditional leaders has been opposed by these Councils on the grounds that, given the changing composition of rural society through migration, chiefs are no longer able to represent rural communities as they would discriminate against people who belong to groups other than their own.<sup>100</sup> The RDCs alleged that the "office of the chief lacks accountability, ability to adapt to training, dynamism and administrative capacity" and thus should not be

given an independent role.<sup>101</sup> Councils are intent on retaining control as natural resources are important sources of revenue and they assert that they are best placed to manage the profits.<sup>102</sup> In this context, it remains to be seen how the new village assemblies and role of the chief will evolve in practice.

By excluding the application of customary law, and trivializing local belief systems, the role of the chief is severely constrained as he/she is forced to operate in accordance with the values and principles of the general law system, which may run counter to local values. Consequently, the chiefs have become only upwardly accountable and the very essence of representativeness of their office has been undermined.

### Rural District Councils

The colonial state located responsibility for natural resources in state agencies in order to wrestle control from local peoples and to retain the benefits for itself. This trend continues in much the same vein today. The responsible institutions include specialist managerial agencies such as the Department of National Parks or the Forestry Commission and local government bodies such as the RDCs. The RDCs have general authority for natural resource management in the communal lands.<sup>103</sup> In non-communal areas landholders are legally recognized as managers of natural resources on their land. This differentiation falls into the trap of so many post independence reform initiatives in Africa that perpetuate legal dualism.<sup>104</sup> By failing to critically examine the institutions of legal dualism of the colonial era, African states in their deracializing efforts, simply reproduced this legacy as an urban rural divide.<sup>105</sup> Or, as Ribot suggests, by uncritically privileging local government and customary authority, decentralization maintains and even deepens this on-going legislative apartheid.<sup>106</sup>

The Rural District Council Act formalized the planning process envisaged under the Prime Minister's Directive and established a system of administration, management and development for districts. The RDCs are responsible for policy formulation provided that it is not in conflict with national policy, district planning, regulation and control of activities subject to national legislation. Although the RDC, VIDCOs and WADCOs are elected bodies, the legal framework does not recognize key rights, and thus fails to ensure downward accountability. The VIDCOs have little credibility at the local level. This may be attributed to the fact they are generally accountable upwards and not to their constituencies.<sup>107</sup> The failure to create a representative system may be attributed to the lack of a political culture that encourages participation.<sup>108</sup> In addition to the exclusion of traditional leadership structures which, despite their history of involvement in the colonial administration, continued to have significant support at the local level.<sup>109</sup> There is also a lack of investment in these structures in terms of financial resources, training and skills development.<sup>110</sup> There is also no remuneration for committee members means that at the local level they are often seen simply as the "master's voice."<sup>111</sup>

Both the RDCs and the recognition of chiefs failed to achieve effective representation. Nevertheless, there is no evidence to support the view that elected representatives are more likely to ensure rural "enfranchisement," than an "indirect system of empowerment" based on representation through non-governmental organizations and chiefs.<sup>112</sup> Enfranchisement or empowerment is more than political representation. Mere election does not ensure

accountability. Similarly, representation through indirect means is not necessarily anti-democratic or ineffective. Issues of representation are infinitely more complex. Effective representation is a function of governance systems, rule systems, decision-making processes, social obligations and kinship ties. Current practice indicates that the inclusion of chiefs into state structures has not meant empowerment and has not automatically resolved issues of equity, representation and accountability: nor does it constitute community participation.<sup>113</sup> Chiefs do not appear to participate fully in the decision making process. This stems not only from a lack of capacity, but also from a development culture that negates the role of traditional institutions. Additionally the system established does not promote accountability to their communities, but makes them functionaries of the central state. Incorporation and empowerment of traditional leaders is more complex than merely including chiefs in the formal structures. The different roles and status of different groups of traditional leaders needs to be acknowledged and customary processes of decision-making should be addressed.<sup>114</sup>

Participation and adoption of sustainable resource management practices has not been consistently achieved. In spite of changes in the administrative structures, at both the legal and policy levels, which were designed to increase and facilitate local participation. Localization has not resulted in better representation. Although local government structures broaden the base of representation and thus increase the likelihood of widespread participation, alienation and dislocation remains the predominant feature of local management systems.<sup>115</sup>

The empowering Acts fail to create systems for accountable decision-making. The law does not provide opportunities for people at the local level to influence decisions. Participation requires not only accountability and transparency, but also that all stakeholders feel valued. It implies a relationship of equality between different stakeholders rather than authority. There is, however, no attempt by councils to ensure communities understand the decision-making and management processes. In a context where cultural values (including customary law) are not recognized, such equality is not possible.

Establishing legal systems for participation requires the recognition of the right of those affected by any act or decision to challenge that act or decision or the decision-making processes through the recognition of PIC. Additionally, government agencies must be obliged to give written reasons for decisions and full disclosure of information. It should also be recognized that conflict is inevitable and thus appropriate mediation and resolution systems and enforcement mechanisms should be provided for. Ensuring that the outcome of participation is adhered to by the state and that rights are not violated requires the existence of meaningful rules and procedures for enforcement. Currently a variety of legal mechanisms may be used to contest decisions made by administrative bodies that impact upon the environment.<sup>116</sup> These remedies are extremely limited, since a person bringing such actions has to establish a direct legal interest. The usefulness of these remedies is directly affected by the economic status of affected persons. The local government system fails on all these counts.

The solution to these problems may not lie, Ribot suggests that “by bringing the state back in as a legitimate representative of the community,” albeit a reformed state, “a downwardly orientated state accountable to and legitimized from below,” but establishes locally accountable participatory systems.<sup>117</sup> The real issue is whether without public participation and well defined community rights the state can become downwardly accountable.

## State Initiated Community Management

It was intended that decentralization for natural resource management, be through the development of CAMPFIRE. This section argues that CAMPFIRE failed to provide for meaningful rights of participation – one aspect of which is the recognition of the diversity of stakeholders, their interests and value systems.

CAMPFIRE is a state driven local natural resource management initiative adopted in response to a legitimacy crisis of the Department of National Parks, that had come to be seen as little more than a police unit given their control and command strategies.<sup>118</sup> This devolution was driven by the need to establish management systems that promoted natural resource sustainability rather than from a concern for governance systems, human sustainability or the inherent rights of indigenous people to utilize a resource.

Despite these origins, CAMPFIRE's objectives focus on the development of a participatory approach that is flexible and creates long-term solutions.<sup>119</sup> It sought to introduce a system of group ownership, develop institutions under which resources can be managed by communities for their own benefit and provide technical and financial assistance to communities to enable them to realize these objectives.<sup>120</sup> The Programme was a remarkable conservation success. Through practice, it restored the belief, destroyed in the colonial era, that good wildlife management could create new livelihood opportunities. In many areas illegal use of wildlife, as defined under general law, was reduced as communities derived monetary and other benefits from wildlife management. Nevertheless, it did not fundamentally change the nature of governance in the wildlife arena.

Firstly, it failed to effectively link authority and responsibility. Communities are not involved in all levels of decision-making.<sup>121</sup> Their role is generally restricted to determining which safari operator will manage the area and determining the allocation of profits. Effectively communities are little more than "gate keepers." In return for their conservation efforts communities are paid a dividend. Although community structures provide some opportunity for local decision-making control is ultimately retained by the RDCs.<sup>122</sup> The conflict around rights to wildlife demonstrates not only a need for differentiation of rights, but also the failure of CAMPFIRE to recognize local values and priorities. In many areas community members express anger over hunting rights granted to outsiders even where such hunting takes place under CAMPFIRE.<sup>123</sup> Although residents appreciate the value of hunting as a revenue source, they feel that in difficult times their daily survival needs to be given preference.<sup>124</sup> Decision-making that neglects these values is not only anti-democratic, but also fails to recognize the right of prior informed consent.

Secondly, CAMPFIRE did not give real rights of ownership to communities and as a consequence communities did not emerge as managerial and planning partners. Authority continues to lie with the RDC rather than with the actual user communities. This is in conflict with the trend in international law to place responsibility at the community level. Communities have often not been party to basic decisions and consequently many questions around rights of entitlement and authority have been raised.<sup>125</sup> Rule systems in CAMPFIRE often have no link to local values and priorities. Failure to consult at an adequate level and with sufficient transparency has led to resentment that there may be other more powerful stakeholders whose

interests over-ride those of weaker ones.<sup>126</sup> This may also be attributed to inadequate access to information.

Thirdly, those responsible for the management of CAMPFIRE at the local government level generally underestimate the capabilities of communities and consequently exclude them from management, thus effectively failing to provide technical assistance or to build local capacity as required in the CBD and other legal instruments.<sup>127</sup> Decentralization has to seek lasting solutions to these issues of local capacity by promoting the emergence of local leadership able to mobilize and develop local resources. Local communities need to be supported to network and forge linkages with other institutions and interest groups. Additionally, actual practice of communities needs to form the basis of capacity building.

#### 4. CONCLUSION

The paper has argued that the processes of devolution in Zimbabwe have not been taken to their logical conclusion, so that local grassroots interests are able to fully exert themselves. The key problem seems to be that these initiatives were not about devolution but were instead a means for achieving other objectives including conservation, legitimacy and more effective government. However given the rhetoric about devolution and empowerment that have accompanied these initiatives they have sent mixed messages to communities about their rights vis-à-vis traditional interests and state interests and as a result created a level of expectation and discontentment. It is clear from the experience of all these initiatives that their future (and their success) lies in addressing these expectations and thus redefining governance relations. This paper suggests that through focusing on “rights” a new level of governance based on partnership can be achieved.

The recognition of customary law seems to be important because at the level of local communities, it is evident that traditional leaders and practices do assert themselves and that many of these reflect sound resource utilization controls and practices. Yet these are not incorporated into land use considerations or management plans, except at ad hoc informal levels.<sup>128</sup> The creation of village assemblies and the new roles of the chiefs seem to offer some opportunity for local approaches to resource management to be formally included in planning. However, this potential is constrained because the value basis, that is customary law, on which this approach is developed, is not legally recognized. Village assembly initiatives will need to fall firmly within the boundaries of national law, which defines rights of access, management and use. For these institutions to play a meaningful, and empowered role in natural resource management, the ambit for decision making needs to be broadened. One approach suggests that national law facilitate rather than prescribe. This would allow institutions to define rules for management that are locally appropriate.

Also important is the recognition of the now widely accepted constitutional principle of administrative justice, which requires that state decisions be made in a fair and just manner. Its recognition would help redefine the relationship between state and citizen and move away from the current approach that treats the public as subject. For example it requires that the public be given opportunities to contest state decisions. Such rights are poorly provided for in Zimbabwe. For example, the RDCs, like other branches of the state, are not obliged to give

reasons for their decisions. Where villagers have made recommendations, and these are rejected, there is no obligation to disclose relevant information or give reasons for the rejection.<sup>129</sup> The Rural District Councils Act, the Traditional Leaders Act and CAMPFIRE provide for consultations that are essentially a one way flow of information from officials to the community and local views and knowledge can so easily be ignored.<sup>130</sup> Ex post facto consultations are used as a way to ratify the decisions of the local authorities or government departments that have already been taken.<sup>131</sup>

The devolution attempts have not brought communities into resource management as partners, let alone owners. The decentralization initiatives, including CAMPFIRE, did not resolve the issue of entitlement. Many local communities and individuals continue to make claims to title, use and management of resources on the basis of historical rights, their investment in the resource, proximity and need.<sup>132</sup> Although, the courts have rejected the legality of historical claims, there is clearly a strong social and cultural affinity to land that cannot simply be wiped away by the law.<sup>133</sup> Since independence the authority of government agencies to determine rules of use and management continues to be contested.<sup>134</sup> Attention to customary values about title and use may be valuable in refining the managerial and decision-making frameworks of CAMPFIRE and other community management initiatives.

Mechanisms and system of participation need to be creatively thought about if the initiatives discussed here are to be improved and to acknowledge local rights. The emerging international regime identifies some key issues. The starting point of many multilateral environmental agreements is that the full diversity of interests related to resource management must be acknowledged – systems for acknowledging these, and mediating and negotiating between different perspectives need to be created. The paper suggests that the recognition of customary law and values might offer opportunities for more effective participation.

In conclusion the process of developing appropriate structures for local conservation must be seen as just that a process. The challenge facing conservation initiatives is to move beyond a focus on benefits to finding its place within the broader “culture” of humanity. Humanity is at the end of the day not just about having food in one’s stomach but recognizing the totality of what makes us human – it is about development, governance, health, integrity and human dignity. Conservation efforts need to begin to bring all these aspects in.

## Notes

1. Oakley 1991
2. Redclift and Benton 1994
3. Adams and Hulme 1998; Agrawal and Gibson 1999; Tyler 2000
4. Peters 1986, 1
5. Pierre and Guy Peters 2000
6. Ibid.
7. Hyden and Mugabe 1999
8. Tumushabe and Okoth-Ogendo 1999, 15
9. Mamdani 1996; Murombedzi 1992.
10. Borrini-Feyerabend 1996, 17; IIED 1994

11. Agrawal, A and J Ribot 2000, 2
12. Pierre and Guy Peters 2000,16; see also Makumbe 1998
13. Ribot 1999, 29
14. Murphree 1999
15. Katerere and Mohamed-Katerere 1996
16. Matwonyika 1997; Mohamed-Katerere 1996
17. Tyler 2000
18. Communal Areas Management Programme for Indigenous Resources.
19. The new Water Act provides for the establishment of the first locally based management institutions that are recognized in legislation, the catchment councils.
20. Rural District Councils, village development committees and ward development committees
21. Tyler 2000, 4
22. Schuler 1986
23. Redclift 1992 cited in Dalal-Clayton 1994, 4
24. These include the Stockholm Declaration, the World Charter for Nature, the Rio Declaration, Agenda 21, the Framework Convention on Climate Change, the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests, the CBD, and the Convention to Combat Desertification. Also of direct relevance is the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993.
25. Madala 1995, 3
26. Constitution of Zimbabwe, Chapter III: The Declaration of Rights.
27. Constitutional Amendment No 16
28. Ranger 1999, 4
29. These phases of environmental policy are based on Murphree 1998
30. Chiefs moved from being governors of their societies to being little more than functionaries of the colonial state.
31. Mohamed-Katerere 1996
32. That is the received law and acts of parliament
33. For a full discussion see Bentzon, et al. 1998, 32-39
34. Chanock 1985; Cheater 1989
35. It is not, as so often assumed, a stagnant anarchical system. Bentzon, et al. 1998; Dengu-Zvogbo, et al. 1994; Mohamed-Katerere, 1996; Zero, et al. 1996
36. Ojwang 1996
37. Mohamed-Katerere 1996
38. At this stage no comprehensive international legal definition exists although some of its constituent parts may be identified.
39. Principle 10 of the Rio Declaration
40. CBD; Principle 20 of the Rio Declaration;
41. Article 8 of the CBD creates an obligation, subject to “national legislation, to respect, preserve and maintain knowledge of indigenous and local communities embodying

traditional lifestyles relevant for the conservation and sustainable use of biological diversity.” See also Chapter 26, Agenda 21

42. The CBD for example recognizes that effective participation may require special capacity building initiatives, support, training or education.
43. Cernea 1985
44. Hadenius 1995
45. IUCN 1997
46. Article 10c of the CBD provides that the parties shall in so far as appropriate and possible, “Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.”
47. IUCN 1997, 90
48. Mamdani 1996
49. Customary Law and Local Courts Act defines customary law as the law of the people of Zimbabwe or of any section or community of such people, before the 10 June 1891, as modified or developed since that date.
50. For example the prohibition of stream bank cultivation. See also Mohamed-Katerere 1996
51. Chief Manwa cited in Hove and Trojanow 1996, 87 states “One of our problems is the new wisdom...It does not accommodate the old wisdom of our people. There is a conflict of wisdoms. The new wisdom fought to gain its space. The old wisdom does not fight for its space. It withdrew and looked forward to the day when it will be sought once more;” see also Zero, et al. 1996
52. Dengu-Zvogbo et al., 1994; Channock 1985; Mamdani 1996; Bentzon, et al. 1998
53. Mohamed-Katerere 1996; Bentzon et al. 1998; Dengu-Zvogbo et al. 1994
54. Dengu-Zvogbo et al. 1994, 65
55. Dengu-Zvogbo et al. 1994; Zero, et al. 1996
56. Mamdani 1996; Dengu-Zvogbo, et al. 1994; Bentzon 1998 and Channock 1985
57. 1995
58. Rwezura cited in Dengu-Zvogbo et al. 1994
59. Dengu-Zvogbo, et al.
60. Ibid.
61. Mamdani 1996
62. 1984 Prime Minister’s Directive on Local Government, Rural District Councils Act
63. Langill 1999
64. Hajer 1995, 44
65. These may vary from one locality to another
66. Mohamed-Katerere 1996
67. Elders in Nkayi attributed both ecological demise and social conflict to the settlement and agricultural production, in contravention of custom, by younger people along Gwampa River (Field research, 1998)
68. Field research 1998
69. Gumbo 1993; Makuku 1993; Zero, et al. 1996; Matwonyika 1997

70. Mohamed-Katerere 1996
71. Field research Nyaminyami 1998
72. Matwonyika 1997
73. Some resources and areas are reserved for the use of traditional leaders, traditional healers and children.
74. Field research in Chundu and Nyaminyami 1998; Hammar 1999
75. Hammar 1999 and field research, Hurungwe 1998
76. Field research Nyaminyami, 1998
77. Hammar 1999
78. Ibid.
79. Zero, et al. 1996; Matwonyika 1997
80. These include getting lost for venturing into a scared place; seeing a snake, the mere sight of which led to death; seeing a lion below a tree if one climbed a protected tree and divorce (Clarke, 1994) Other sanctions that have been documented include blindness  
Chenje et al. 1996
81. Zero, et al. 1996. Note for example that the Chief was always guided in the administration of justice by his advisors or dare and that he also consulted with his wives prior to the meeting out of justice.
82. Chenje, et al. 1996
83. Lue Mbizvo and Mohamed 1993
84. Zero, et al. 1996
85. Ibid.
86. Ibid.
87. Mamdani 1996
88. For example the Customary Law and Primary Courts Act, 1981 removed the jurisdictional capacity of the Chiefs.
89. Government of Zimbabwe 1984b in Thomas 1992
90. The Traditional Leaders Act establishes village and ward assemblies. The village assembly is composed of all villagers over 18 years. The ward assembly includes headmen, village heads and the councilor for the ward. Section 15 describes the function of the village assembly. Subsection 1 paragraph c thereof provides that these new village assemblies have the function to: "consider and resolve all issues relating to land, water and other natural resources ... and to make appropriate recommendations in accordance with any approved layout or development plan." However it is uncertain how this Act will work in practice, as systems have not yet been established for its implementation.
91. Ncube 1990; Cutshall 1991
92. Mamdani 1996
93. No attempt is made here to define what those roles would be as this would vary from one group of people to another.
94. The Forest Act; Communal Land and Forest Act; National Parks and Wildlife Act; and Natural Resources Act
95. Section 5(1)
96. Section 8

97. Mohamed-Katerere and Ncube 2000
98. Maphala in Clarke 1994
99. A chief in Nyaminyami district told us of how "Mugabe's boys," the RDC officials, had sought authority from the traditional leadership before establishing the RDC. In recounting the traditional ceremony that had taken place inaugurating it he mused "how can these "boys" now tell us what to do?" Field research, Nyaminyami, 1998
100. Parliament of Zimbabwe 1995.
101. Ibid.
102. Personal communication Chikate, Chief Executive Officer, Association of Rural District Councils 1996
103. Councils have important wildlife management functions where they are designated as the appropriate authority for wildlife. Under the Communal Lands Forest Produce Act Councils have the right to exploit forest produce in any natural forest on public land, to issue licenses and to enter into agreements to non-communal land inhabitants to utilize forest resources in communal areas. Licenses and agreements are subject to the approval of the Forestry Commission.
104. Mamdani 1996
105. Ibid.
106. Ribot 1999
107. Lue Mbizvo and Mohamed 1993; Katerere and Mohamed-Katerere, 1996
108. Murombedzi 1990
109. Mohamed-Katerere 1996
110. Katerere and Mohamed-Katerere 1996
111. Lue Mbizvo and Mohamed 1994
112. Ribot 1999, 49
113. Chiefs are represented in RDCs, as part of the quota nominated by the Ministry,
114. Zero, et al. 1996
115. Ibid.
116. These include interdicts to curtail existing practices or prevent an imminent harm, declaratory orders to establish the status quo, the employment of criminal law remedies and actions for nuisance.
117. 1999
118. Personal communication, Maveneke, Director, CAMPFIRE Association, 1996.
119. Martin 1986 in Murphree 1990
120. Ibid.
121. In Nyaminyami, villagers viewed CAMPFIRE as a district council programme. Community members were involved in so far as they were employed by the council but were not involved in actual planning (Field Research, 1998); In Mbanje Dam residents told us ""Council and NGOs come and ask us what we think and then do something different. So it is now their project not ours. It is not right." Field research, Mbanje Dam, Nkayi, 1998
122. Katerere and Mohamed-Katerere 1996
123. Field research Nyaminyami and Chundu, 1998; Zero, et al. 1996

124. Zero, et al. 1996
125. Ibid.; see note 119
126. Ibid.
127. At the Hurungwe Rural District Council, for example, a CAMPFIRE official explained that communities were incapable of running hunting safaris and that it was imperative to bring in a hunter from outside. However there had been no attempt by the Council to provide community members with the necessary training. Not surprisingly in the villages we visited community members had no sense of ownership of the project.  
Field Research 1998
128. Ibid.
129. Ibid.
130. Field Research Chundu and Nyaminyami 1998; Zero, et al.
131. Field research Nyaminyami and Chundu 1998
132. Katerere and Mohamed-Katerere 1996
133. Makanyanga & Others v Forestry Commission (SC 1/91)
134. Katerere and Mohamed-Katerere 1996

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# **Evolving Institutional Framework for Community-Based Natural Resource Management in Mozambique: A Case Study from the Choa Highlands**

PEKKA VIRTANEN

**Abstract:** An increased role of local communities in natural resource management has recently been widely advocated as a solution to the problem of environmental degradation in the Third World. This conclusion is based on a broad debate on the role of endogenous institutions in which academics, politicians and practitioners working in southern Africa have participated. But, thus far, the debate has largely relied on dogma about the essential nature of rural communities: they are claimed to be clearly bounded, socially homogenous, and based on shared norms. In this article, the validity of these claims is studied in the context of the present administrative and legal reforms taking place in Mozambique. The analysis is based on field data from a case study from the Chôa highlands in Manica Province.

In Chôa, exclusive territoriality is not considered a valid strategy, as the local population remains part of a larger socio-economic network, which extends to neighbouring Zimbabwe. The linguistic and cultural continuity has created favourable conditions for a dynamic process whereby the border has become an asset instead of a barrier. The open character of the border made it possible to benefit from both the more developed economy of Zimbabwe and the abundant natural resources under common property regime in Mozambique. In the study area in Chôa customary authority remains practically the only functioning institution at the local level despite adverse government policies. However, it operates without a firm legal basis and may be losing its efficiency, because the source of consensus - traditional religion - is being challenged by the penetration of new religions and the market economy. The most acute changes concern customary rules of land tenure, which are presently being redefined locally. Such emerging rule-systems are dynamic and adaptive. But they can also be perceived as a risk to national unity, and their compatibility with the principles of modern state administration remains a contested issue.

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<http://www.africa.ufl.edu/asq/v5/v5i3a8.pdf>

## 1. INTRODUCTION

In recent years the poor outcomes of state-centred strategies of natural resources management and externally planned development interventions have forced both policy makers and scholars to reconsider the role of local-level institutions in resource management. In their contributions to this debate, various actors - ranging from international organisations to national NGOs - have advocated the increased role of local communities as the best way to overcome problems of the previous "top-down" approach. But, despite its popularity in current development jargon, the concept of "community" remains extremely vague and even confusing. In a recent critical review of the concept, and its application in the natural resource conservation discourse, Arun Agrawal and Clark Gibson<sup>1</sup> have identified three dogmas about "community" which are typically emphasised by those who advocate a positive role for communities: i) community is a small spatial unit, ii) it has a homogenous social structure, and iii) it is based on shared norms.

The authors also show that the uncritical emphasis given to these aspects leads to a simplified and undifferentiated understanding of community, as well as to a misconception of characteristics that may be beneficial for the development of community-based management systems. Instead, they highlight the dynamic side of community, which in reality always consists of multiple actors with multiple interests. These actors interrelate through different kinds of processes, which are structured by various institutional arrangements; that is, they operate in a specific institutional context.

In this paper I discuss the relationship between local communities and the state, starting from the different implications that the concept of territoriality has for them in Mozambique. The problem of defining a local community, and identifying or creating representative community institutions, has become a key issue in the debate about rural development in the present context of transition to market economy. Local community institutions in rural areas can be perceived either as a means to strengthen government control in the national periphery, or as a way to increase local autonomy and flexibility in the face of new economic opportunities. Both of the above approaches can be identified in the Mozambican discussion, but the emphasis of this paper leans towards the latter.<sup>2</sup>

## 2. COMMUNITY IN THE MOZAMBIKAN POLITICAL CONTEXT

In the context of the present socio-economic transition process, universally popularised concepts like decentralisation and community-based resource management have gained popularity in the Mozambican politico-legal vocabulary. This has been concretised in the new laws, which refer to the principles of community participation and recognise some basic rights of local communities.<sup>3</sup> However, with respect to the concept of community, and especially the role of customary authorities, the new laws remain vague. This is largely due to strong party-political connotations of the customary authority issue, which has served to keep the discussion on a generalised and/or an ideological level. I shall first look into the national political context of the debate.

When Frelimo<sup>4</sup> took over the government of Mozambique from the Portuguese at independence in 1975, it sought to establish a totally new politico-administrative system in line with its radical modernisation policy. Customary authorities, who were labelled "obscurantist remnants of the feudal past" and "lackeys of the colonial regime", were excluded from participation by the new electoral law, along with others, who the new rulers took to be collaborators or exploiters.<sup>5</sup> Instead, the new government promoted production-based socio-economic units such as communal villages, agricultural co-operatives, and statefarms and factories as the building blocks of the new socialist state. This construction took place under the strict guidance of the Frelimo party-state, which was represented at the local level by party cells led by secretaries and activist groups (*grupos dinamizadores*). During the Chissano regime this policy has been subject to increasingly more open debate by politicians, members of state administration, and donor representatives. Some critics have maintained that destruction of indigenous local institutions and the imposition of new ones - such as the communal villages established by the Frelimo government - was actually the cause of the civil war between 1977 and 1992.<sup>6</sup>

In areas which fell under Renamo control during the civil war, the guerrillas sought to establish a combined military/civilian administration where customary authorities were responsible for the latter - including the management of natural resources and conflict resolution - much like the colonial period. Since the end of the war, Renamo has continued to promote the reinstatement of chiefs, claiming that they are not the "reactionary obscurantists" of the Frelimo doctrine, but an important source of social cohesion and cultural identity. As such, chiefs are seen by Renamo as a crucial factor in legitimating authority and regulating rural people's relations amongst themselves and with the environment. Meanwhile, Frelimo has softened its approach, but is still hesitant to acknowledge any formal position of customary authorities, even though their collaboration is sought locally.<sup>7</sup>

When administrative and legal reforms were made in Mozambique after the 1994 elections, two main institutional models to solve the problem of community representation were proposed by representatives of different governmental and non-governmental institutions. These have been backed up with various studies funded by different donor organisations, such as the FAO, USAID, Ford Foundation, and the German GTZ. While the two models have obvious points of convergence with the ongoing Frelimo-Renamo debate, they have so far managed to remain aloof from overt party-politics. According to the one model, appropriate resource management units must have discrete boundaries, which enclose identifiable groups of interdependent users. In practice, this is interpreted to mean *de facto* recognition of customary authorities as the representatives of rural communities, which shall be geographically delimited according to pre-independence chieftaincy borders. The alternative model is to vest power over resource management and the resolution of conflicts in a local council. This would be composed of representatives of the main local interest groups.<sup>8</sup> Both models accept the need for decentralisation. What is under dispute is the form of institutional representation based on the key characteristics of community: its territoriality, homogeneity, and its sharing of common norms.

### 3. PEOPLE AND BORDERS IN SERRA-CHOA

As a concept, "territoriality" refers to the existence of distinct geographical borders, which indicate who is included or excluded from a community. In Serra-Chôa there are two kinds of formal administrative borders, both of which are relatively recent. The international borderline along the British territories (to the west) only became effective during the short phase of an effective Portuguese administration after the final collapse of the historic Barwe kingdom in 1920. However, it should be noted that this border follows the northwestern border of the Barwe/Macombe kingdom closely, and thus has deep historical roots. The internal southeastern administrative border dates from the year 1957, when the present Administrative Post of Serra-Chôa was created, and which consists of two chiefdoms (regedorias).

Ever since the Barwe wars of the first two decades of this century, when the last Macombe warriors and their followers were given asylum on the British side, the international border has provided relative safety for political refugees. This function became exceedingly important during the recent civil war, which turned some four million Mozambicans into refugees or displaced persons.<sup>9</sup> According to official statistics, about 100,000 people from Manica Province lived abroad in the early 1990s<sup>10</sup>, most of whom found refuge in the neighbouring Manicaland Province of Zimbabwe. Nearly 80,000 Mozambicans were registered in this area during the 1992 Census.<sup>11</sup> Along with refugees, migrants to the more industrialised neighbouring countries have traditionally included a large number of labour migrants.<sup>12</sup> But there is also a less well known counter-current: Zimbabweans moving into Mozambique in search of land because of its increasing scarcity in their own country.

In the study area the immigrants have in recent years been mainly individual peasants, as described in the following case:

#### *Case 1.*

Mr. Maruva, a young man from a nearby Zimbabwean village in Nyanga District, moved to Adhabi area in Serra-Chôa three years ago. As an orphan he had been sent to school by an Irish missionary, and had completed sixth class: a good basic education by the standards of his new home-country. After working in various agricultural jobs, which allowed him to accumulate some savings, he decided to move to the Mozambican side in search of better pastures for the cattle he had acquired. He contacted the sabhuku (sub-chief) of the area and was granted permission to settle. However, he has been able to keep on cultivating some land in his home area in Zimbabwe. Two years later he decided to move again, this time within the area under the same sabhuku, to a site with good pastures left vacant near the administrative post.

Now he has a prospering herd of some 70 head of grade cattle and imported 'boer' sheep, and he is actively developing his farm. As he is culturally from the same Shona sub-area and obviously skilled and hard working, he is on good terms with the traditional and modern administration, both of which seek to encourage market oriented agricultural production in the area. He plans to settle permanently in the present site, provided that the road network will be improved, as planned, and cattle rustling does not worsen.<sup>13</sup>

One reason why the immigrant (in the above example) was well received is because of the direct link which is perceived between population, political power, and development. More people means increased agricultural production and more power to the respective sabhuku. In the Chôa highlands the homesteads are dispersed over a large area, and the population density remains low, as there were only some 12,000 people living in an area of 1,226 square kilometres in 1997.<sup>14</sup>

Another interesting point is the evident porosity of the administrative borders: the local communities are surrounded by soft boundaries - irrespective of their formal status as local or international borders. In addition to individual and group migration, for both economic and political reasons throughout the years, the international border is crossed daily by Mozambicans seeking medical aid or markets for their agricultural products, as well as shops to buy foreign industrial products. Even most of the children living in the Caeredzi and Jora valleys go to Zimbabwean schools.<sup>15</sup> This process is caused by lack of social infrastructure and marketing channels on the Mozambican side, and physical proximity of the Zimbabwean services especially for those living in the Caeredzi valley.

The Mozambicans are reciprocated by Zimbabwean buyers and peddlers, and people from neighbouring areas looking for better pastures for cattle, wild-game for meat, or firewood. The latter are typically common property resources, which are becoming increasingly scarce on the Zimbabwean side. The same kind of openness characterises the situation between neighbouring wards and chiefdoms, but at present, the opportunities created by the different economic prospects in the two countries make international exchange more lucrative. As a large proportion of resources must be acquired from outside of one's own village, the principle of reciprocity is tacitly accepted, and strict exclusion rules are not supported by the local population. This was also stated quite openly by the population.<sup>16</sup> Similar findings about soft borders between culturally related local communities have also been reported from studies conducted in Zimbabwe.<sup>17</sup>

#### 4. HOMOGENEITY OF POPULATION

In Serra-Chôa, the limits of ethno-linguistic and modern administrative territory are - apart from the international frontier - practically identical, as the border effectively separates the ChiManica speaking enclave inhabiting the Chôa highlands (and some intervening valleys, shown on Map 1) on the Mozambican side, from the ChiBarwe speakers of the predominantly lowland areas to the east.<sup>18</sup> Even though migration from Zimbabwe still occurs, it is generally limited to individuals or families that are from the same Shona sub-culture and geographical region, and many of the newcomers already have relatives in the area.<sup>19</sup> Migration has thus caused very few changes in the ethno-linguistic composition of local population. However, in terms of economic differentiation the impact has been more notable. Even though access to markets remains a problem in peripheral areas like Chôa even today, some seven years after the war, signs of increasing production are prominent. But the development is rather uneven: extensive production of cash crops and large-scale breeding of cattle are the domains of a few wealthy individuals. Many of those who now have big herds or manage to cultivate extensive areas have worked for quite a few years in Zimbabwe, where they have accumulated both

technical skills and the capital to put them into effective use. A number are also members of the ruling lineages.<sup>20</sup>

Economic differentiation is not a new phenomenon in Serra-Chôa, as some local African farmers have managed to benefit from the vacuum left by the Portuguese settlers at independence, as exemplified by the case of Mr. Gumbo:

*Case 2.*

Like most polygamist peasants in Nhacapanga, Mr. Gumbo has spread his agricultural activities between two homesteads, one at the highland area, where most of his cattle are kept, and another at the Caeredzi valley, where he used to have large fields planted with cash crops (cotton). Soon after independence he managed to acquire a tractor and a mechanical grinding mill from an emigrating Portuguese farmer, which allowed him to expand production. And, even though the tractor is by now defunct and Mr. Gumbo lost a lot of assets during the civil war, in the 1998/9 growing season he was still doing relatively well with a large area under cultivation.

More active re-entry to commercial production is presently prevented by unfavourable prices in Zimbabwe, which is the main market for agricultural products from the valley, and difficult access to markets on the Mozambican side, due to a lack of transport facilities. This situation also discourages investment in machinery, irrigation material and fertilisers, which would be necessary for increased commercial production. On the other hand, both Mr. Gumbo and other wealthy individuals are watching the situation closely, ready to intensify their production when conditions improve.<sup>21</sup>

Mr. Gumbo's case, although somewhat special, brings up a number of important issues with regard to economic differentiation in Serra-Chôa. In the highland area land is not the limiting factor in agricultural production, even though it is becoming such in the valley. The opening up of new fields is limited by labour and/or money to invest in cattle, which is the main source of draught power and manure in the highlands. There are already a number of peasant households that have an embryonic capacity for limited commercial production (cattle and irrigated agriculture), which is presently limited by the lack of access to markets.

While those who have concentrated their efforts in the highlands are usually monogamists, there is a group of relatively wealthy polygamist families who have diversified their labour force between cattle husbandry in the highlands and cash-crop cultivation in the valley. This makes it possible to combine the positive sides of the valley (fertile soils and warmer climate) with those of the highlands (good pastures with few cattle diseases). Up to 1997 the valley also provided easier access to the main markets in Zimbabwe. In many cases the economic power of such families is reinforced by access to capital and modern technology from Zimbabwe through migrant labour or even salaried jobs. If these families manage to secure access to more agricultural land and pastures through the communal tenure system based on customary norms, they have quite good economic prospects.<sup>22</sup>

## 5. COMMON NORMS AND CONSENSUS

In Barué District the present administration has recognised explicitly the predominant role of customary authorities at a local level, where they are expected to represent the state authority in collaboration with the Chief of Administrative Post and the President of Locality.<sup>23</sup> This situation reflects a change in the official position, even though this is more in terms of giving increasing leeway for individual approaches than a consistent national policy.

However, the change has been gradual and is quite recent on a more formal level. After independence, representatives of customary authority were removed from the office in Serra-Chôa, even though some individuals retained an influential position informally. When those holding the positions during the colonial period died they were not replaced, and the ritual functions - rain ceremonies and rituals for the ancestral spirits - were discontinued. It was only during the early 1990s that new sabhukus and chiefs were elected, and the ritual functions are only restarting now, after most of the refugees have returned.<sup>24</sup> But we should not confuse the lack of formal recognition of customary authority by the state with the practical relevance of customary norms for the local population.

In general discussion, the continuing validity of customary norms is emphasised by the population. There are various area-specific rules at the local (dunhu) level, which still regulate the use of land and natural resources with some effect. In Nhacapanga, for example, the area is divided into separate areas for grazing, on the one hand, and for homesteads and cultivated areas, on the other, and owners are held responsible if cattle destroy property inside the latter. The cutting of trees is also regulated, and some places, such as sacred forests, are totally protected according to the norms of traditional religion. However, in everyday life these kinds of idealised rules are not made explicit, and their enforcement relies mostly on internalisation and voluntary observation. Conflict resolution generally follows the consensus-principle, while punishment is limited to fines, ceremonies to appease ancestral spirits or, in serious cases, expulsion from the community.

The norms become explicit when an outsider wants to use resources or move into the area. In that case he must first ask permission from the sabhuku, and in this process he must explicitly commit himself to respect local rules before he is granted permission.<sup>25</sup> On the other hand, the basic rules are almost identical throughout the region, and all users are subject to them. This facilitates a system of reciprocal use rights in natural resources between neighbouring communities.<sup>26</sup>

At the same time there are signs that respect for customary norms are weakening with regard to sacred forests, which are threatened by uncontrolled bush-fires and desecration. The most sacred areas have a ritual basis for their sacredness: typically they are burial places or propitiation sites for ancestors.<sup>27</sup> But, even though the area is replete with traditions about powerful ancestral spirits that protect the natural resources, and especially the sacred places in the form of mhondoro lions or snakes, non-respect of cult places was constantly presented as one of the main environmental problems during PRA meetings.<sup>28</sup> While this may seem a rather marginal issue in terms of natural resources management, it actually has more profound implications. This is because transcendental beliefs, which are grounded in traditional religion, are an integral part of an holistic world view that gives legitimacy to a broader system of

common norms. The flagrant disregard by some youth and outsiders can be interpreted as a sign of decreasing recognition of the whole institution.<sup>29</sup> With increasing integration of the present peripheries with national and international markets, the common cultural basis may gradually disappear.

The problem with a norm-system based on traditional religion becomes increasingly evident with the ongoing penetration of new religious orders. In addition to the persistence of a few Catholics, new religions have also entered the area from Zimbabwe, notably the African Apostolic Church of Johane Maranke (Vapostori), which is influential in the Nhacapanga area. So far, this has not created major conflicts because, in contrast to universal (European) Christian churches, such syncretist movements encourage African customs, such as polygamy, and accept that the spirits of the dead can influence the physical world. Even participation in traditional religious rituals seems to be tolerated in the Mozambican context.<sup>30</sup> For example, the present sabhuku Nhacapanga is a member of the Vapostori, while his father (who was the previous sabhuku) was a follower of traditional religion. This did not prevent the son's election for sabhuku in 1995, although in this position he is responsible for the observation of traditional ceremonies in his area. In fact, through relatives, he is linked to both spheres: one of his sons-in-law is a Vapostori preacher, while another relative performs the traditional rain ceremonies.<sup>31</sup> Overall, at present the impact of Christian churches seems to be less penetrating in Serra-Chôa than on the Zimbabwean side.<sup>32</sup>

In the present socio-economic context, customary rights to land seem to emerge as the most problematic issue in Serra-Chôa. According to customary norms, every male member of the community has an inalienable right to land within the chiefdom (nyika), even if he has moved away. With the shortage of land prevalent in Zimbabwe, combined with its more developed infrastructure, there are a number of cases where people who fled across the border during the civil war are now reclaiming their rights to land in Mozambique, even though they prefer to keep their residence on the other side.<sup>33</sup> With increasing demand for fertile valley land for cash-crop production in Mozambique, and new generations of ex-Mozambicans growing up in Zimbabwe, the customary norms have become subject to dispute, and consensus is increasingly hard to establish.

New norms to resolve the problem have been sought from joint decisions by customary and modern institutions from both sides of the border, as the following case from Nhaterere demonstrates:

### *Case 3.*

Mr. Mano, a son of a Mozambican family in Nhaterere decided to marry a girl from the Zimbabwean side. After marriage the new family settled on the Zimbabwean side of Caeredzi where the husband had also found a job, but continued to cultivate fields and graze cattle on the Mozambican side. However, their right to cultivate was disputed by other families residing on the Mozambican side of the border, who claimed the same land. Eventually the case was taken to a representative of the customary authority, who failed to settle the problem. It was subsequently taken to the formal state administration, which decided to create an ad-hoc committee to study the issue. This group, which consisted of representatives of both state and

customary authority, as well as local elders, visited the area and found the fields in question under cultivation. After careful deliberation their verdict was that the family could not keep on using land on the Mozambican side without having residence there, but that they could harvest the present crop before giving up the fields.<sup>34</sup>

These kinds of new institutional bodies, even if temporary, can play a crucial role in bringing together community and state representatives to discuss solutions for situations in which the customary norms need revision in the face of increasing integration into the market economy. But, while important during an early phase of the process, they cannot be a substitute for permanent management institutions in the long run.

## 6. CHIEFS OR COUNCILS?

In most of rural Mozambique there are presently no functioning management institutions at the community level that have a formal legal status, because the local assemblies (locality and communal villages created in some areas by the 1977 and 1980 elections) have practically stopped functioning. Despite the prevalent community rhetoric adopted by the government, the new laws have not clarified the situation,<sup>35</sup> and the heavily boycotted municipal elections of 1998 covered only selected urban or peri-urban areas (33 in all). On the other hand, the role of customary institutions has been tacitly recognised in many districts, including Barué. However, even there the status granted to these institutions vis-a-vis the state and local population remains problematic.

In the list of duties for a chief compiled during an official meeting in Catandica in January 1999, the role of chief (*régulo*) - as a direct representative of state administration - was clearly emphasised: his task was to act as the link between the government and the community. He is not primarily a representative of his community towards the state, but the other way around. The objectives are given from above, and the chief's role is to carry them out.<sup>36</sup> In this context, the source of power for customary authority, and consequently its accountability towards its constituency, has been effectively disregarded. If carried out without due regard to local interests, these kinds of proposals threaten to revive the old problem of chiefs having a dual loyalty - towards both the community and the state - which plagued the colonial system of indirect rule.

The formal state laws and norms concerning natural resources have relatively little practical meaning for the local population.<sup>37</sup> For example, forest and wildlife legislation are little known locally, and hunting is a common practise throughout the year without any kind of licence. This is linked to the shallowness of the state's presence in the area, as the war destroyed a large part of the social infrastructure (schools, shops, administrative buildings). And, since the separation of the party from the state in the early 1990s, the administrative role of party functionaries has gradually diminished. Nowadays they are increasingly left with party matters only, while resource management is returned to the customary authorities.<sup>38</sup>

On the other hand, co-option of the customary authorities to serve the state administration has turned out to be a rather complicated process. Even the status and legitimacy of chieftaincies (*nyika*) within the Chôa area is disputed. While the official system recognises only one chief (*régulo* Macufa), people of the north claim that the head of Sanhamahwe lineage is

also a chief (régulo/mambo), and not a sabhuku under Macufa.<sup>39</sup> There is also some discrepancy between the borders of political and spiritual communities. The political border of sabhuku Muswipa's area coincides with the international border following Caeredzi river, but the spiritual domain of a rainmaker called Sabadza, based in Nyamaropa (in Zimbabwe), includes the Caeredzi valley north of Nhaterere.<sup>40</sup> At the same time, influential local sources contest the right of the Macufa lineage to the post of paramount chief. They claim that the lineage displaced the ruling Sahatziro lineage only in the 1940s. The dismissal of the then ruling chief, Janeiro Sahatziro, by the colonial authorities is said to have resulted from a conflict of interests, which the other lineage manipulated to get their candidate, Macufa Bango, selected instead of the legitimate candidates from the ruling lineage.<sup>41</sup>

Some representatives of the traditional authority insist that the legitimate ruling lineages are those nominated by the Macombe kings, and not the others, which they claim arose from colonial era intrigues. On the other hand, representatives of the latter, who were not acknowledged by the Barwe rulers, tend to claim pre-Macombe heritage, and some claim both.<sup>42</sup>

Another complicating factor, in the present situation, is the Renamo policy to recruit local representatives of customary authority to serve their cause. While there was clearly some resentment towards the Frelimo policy to do away with the customary authority after independence, it seems that Renamo never enjoyed widespread support in the area. Its activities were limited to the destruction of government structures and the occasional raids on villages, which were accompanied by looting of moveable property, including cattle. Those of the local population who were caught by the rebels were forced to carry the loot to bases, but were usually allowed to return to their home areas afterwards.<sup>43</sup> The rebels were more interested in recruiting or, if necessary, capturing members of chiefly lineages. In 1986, Renamo kidnapped chief Sanhamahwe who was forced to stay in their base for one year. It also tried to kidnap the present chief Macufa, but he managed to escape. The sabhuku of Doro was also taken by Renamo and never returned.<sup>44</sup>

Despite the confusion created by early Frelimo policy and the civil war, the legitimacy of customary institutions seems to be quite high in Serra-Chôa. In every instance, the sabhuku was mentioned as the person to whom one should first turn in the case of a dispute. This practice is also encouraged by the local representatives of state administration. They rely heavily on sabhukus to resolve local conflicts, even though party secretaries still play a minor role. On the other hand, some kind of accountability mechanism towards the population seems to be functioning. For example, during this study it was reported that there were two recent cases where an unpopular or incompetent representative of the authority (one chief and one sabhuku) were dismissed by the people.<sup>45</sup>

The increasing influence of customary authorities is also manifested in the development of a local council created in 1998 by the chief of the administrative post. It originally comprised of local representatives of line ministries, including the chief of administration and his assistant/clerk, the head teacher, a medical orderly, the president of the locality of Nhauroa (a wealthy peasant from the area who is also the Frelimo party secretary), and two other relatively prosperous local peasants. The latter were nominated by the state authorities, but subsequently presented to the people for approval in a mass meeting. Customary authorities were not included, but were invited to participate when specific issues were discussed.<sup>46</sup> But, during the

following year, the composition of the commission changed as the local members managed to strengthen their position. Now the chief of administration is the only representative of state administration, while the traditional authority is represented by Chief Macufa and one sabhuku. In some ways the new commission substitutes for a traditional chief's council (Makurukotas), which the present chief never established. Thus far, it has dealt with a number of minor disputes over marriage payments and damage caused by stray cattle, as well as a few land tenure conflicts. It has also been involved in the apprehension of cattle thieves. Aside from the latter, who were taken to the police in Catandica, many of the cases remain unsolved because the institution lacks formal status and the means of legal enforcement.<sup>47</sup>

While the technical efficiency of the above commission remains to be seen, it brings up another, and more interesting problem from the community point of view. The original Chôa commission, in particular, was dominated by state officials who were outsiders in the area, many staying for only two or three years, and who thus had no permanent links with the local population. For example, both the chief of administration and the medical orderly were transferred in 1999. The selection of community representatives - which followed an established Frelimo practice of nomination by state/party officials and subsequent approval by population - is another example of the same state-bias. In both commissions, those nominated from amongst the local community were all relatively wealthy, which raises the question of whether they are representative of the people. In Chôa, women, youth and the poor sections seem to be excluded. In addition, the enforcement dilemma has not been solved, because the new institutions lack a formal legal basis in municipal law and, along with other similar uncoordinated initiatives, they seem to face an insecure future.

## 7. CONCLUSIONS

The administrative borders established by the various historical state formations do not function as exclusive territorial boundaries between local communities in Serra-Chôa. In terms of social infrastructure, market services and natural resources, the customary socio-political units or even the formal administrative units are not self-sufficient. This interdependence is not limited to the national level, but extends to neighbouring Zimbabwe, which has a crucial role to play in local livelihood strategies. Geographical proximity, new economic opportunities and common socio-cultural roots turn out to be more meaningful than national borders for the local population. In this sense the emerging political community of "Mozambican people", which Frelimo sought to create through its nation-building programme, has failed to absorb or subdue the other factors, at least in the peripheral regions.

As noted by Yuri Lotman,<sup>48</sup> borders (both physical and mental) can turn peripheral areas into transition zones, where something that is external is transformed into something that is internal. Ethno-linguistically, the Serra-Chôa forms a highly homogeneous socio-cultural unit with strong historical ties to Zimbabwe. This linkage has also facilitated the creation of an incipient market-oriented production capacity - despite adverse official policies and virtual neglect of peripheral areas by the Frelimo government. Although the disturbance of the recent civil war is still strongly felt, and access to Mozambican markets remains difficult while Zimbabwean markets have declined rapidly, the number of commercially oriented producers

has increased in the study area. At present, the economic strategy of this group of producers is based on a combination of the customary system of resource management, which gives them open access to land, and accumulation of financial and technical resources through a prolonged stay in Zimbabwe - either as migrant workers or war refugees. This emerging economic elite has recently been reinforced by a steady stream of people from neighbouring Zimbabwe in search of more land. Even though this kind of in-migration is not new as such, the commercial orientation of the newcomers has now become a typical feature.

In general, customary norms over natural resources are still prevalent in Serra-Chôa. However, reliance on internalisation of cultural norms as enforcement mechanisms risks losing their efficacy because the basis of consensus - traditional religion - is being challenged by the penetration of new religions and other "modern" world-views. The changes are most visible with respect to the status of traditionally protected areas like sacred forests, some of which are increasingly threatened by forest fires and tree felling. But the effects of the penetration of new people and ideas are not always antithetical to traditional values. For example, the growth of Vapostori religion in the area may actually reinforce traditional customs like polygamy, even though it is critical of some other aspects of traditional religion. However, the most acute changes seem to concern customary rules of land tenure, which are presently being redefined locally. The emerging rule-systems tend to be strongly rooted in local people's own experience and perceived needs, and as such they are capable of reacting to external factors of change. But they can also be perceived as a risk to national unity, and their compatibility with the principles and accountability structures of modern state administration remains an intensely debated issue.

In Mozambique those local institutions that are functional at the community level - that is, customary ones - are now acknowledged at the district level, but continue to operate without a firm legal basis. Creation of such a basis is actually rather problematic, for customary institutions are not uniform, and some do not even enjoy undisputed support within the respective communities, because members of the different ruling lineages are engaged in a continuing power struggle. This is manifested for example in the different and contradictory lineage histories that are used to legitimise access to traditional positions of authority. On the other hand, the representativeness of the new "ad-hoc" structures introduced in some areas by NGOs or local state authorities can also be questioned. Important sub-groups like women and the poor seem to be left out. As the new councils also lack formal status, their power of implementation is very limited, especially in cases that involve outsiders to the local community. The same constraint applies to customary institutions, which have at their disposal very few effective means to control and sanction outsiders. To a large extent this "administrative vacuum" results from lack of political consensus between the ruling party and the opposition concerning the status of local community and customary authority in local administration. In this case a political stalemate at the centre threatens to thwart development of innovative new mechanisms for community based resource management at the periphery. In the context of the rapid socio-economic transition, which is taking place in Mozambique, such failures in institutional development can lead to drastic social and environmental losses for the local population.

## Notes

1. The field data consists of two PRA exercises (covering Nhacapanga and Barauro villages) carried out in collaboration with the Mozambican Ministry of Environment and the District Authorities of Barué, and a number of individual interviews by the author with representatives of customary and modern state authorities and the local population. Altogether, over one hundred people were contacted. The interviews were carried out by the author in Portuguese or English, or with the help of a local interpreter in ChiManica. Reference to field data is made by indicating the location and date of the interview. The fieldnotes are in the author's personal archives. The names of individuals in the cases presented have been changed.
2. The study is based on fieldwork carried out during 1998-1999 in the Chôa highlands in the frontier area of Manica Province facing Zimbabwe (Map 1).
3. The most important ones are the Land Reform Law (Lei 19/97, Art 1, 10 12, 15, 16, 24), the Environmental Framework Law (Lei 20/97, Art 4, 7, 8), and the revised Law on Municipal Authorities (Lei 2/97, Art. 28).
4. Frelimo (Frente de Libertação de Moçambique) was the main national movement, and after gaining independence it created a Marxist one-party state in Mozambique. Only a few years later an armed opposition movement called Renamo (Resistencia Nacional Moambicana) was started with the support of the minority regimes in the neighbouring Zimbabwe (then Rhodesia) and South Africa. By 1994 Frelimo had officially renounced Marxism, and Renamo had turned into a legal political party.
5. Assembleia de Republica, 1977 Lei no. 1/77 Art. 14
6. Hall and Young 1997
7. Kloeck-Jenson 1998
8. The communitarian model was adopted and developed by technical advisors to the official Land Commission (De Wit et al. 1995: 18-21; Tanner et al. 1998: 12-15, 19-21). While the modernists solution has been promoted by (among others) some leading activists from the leading NGO-based Land Campaign (Negrao 1996, 62; Negrao et al. 1999, 16, 28-29).
9. Newitt 1995
10. Instituto Nacional de Estatística 1999
11. Central Statistical Office 1992, 19
12. Newitt 1995
13. Choa Sede 19/05/1999; Nhacapanga 22/05/1999, 16/11/1999
14. Instituto Nacional de Estatística 1999, 5.
15. Nhacapanga 19/11/1998, 22/05/1999; Adhabi 13/12/1999
16. Chôa Sede 18/11/1998; Nhacapanga 19/11/1998; Barauro 18/03/1999
17. Mandondo 1998
18. Nhaterere 12/05/1999; Tewetewe and Chowzo 19/04/1999; Inyazonia 18/11/1999
19. Nhacapanga 19/11/1998, 22/05/1999
20. Nhacapanga 19/11/1998; Tewetewe 30/04/1999; Nhaterere 12/05/1999; Barauro 20/05/1999
21. Nhacapanga 22/05/1999, Adhabi 13/12/1999
22. Nhacapanga 19/11/1998, 22/05/1999, 03/11/1999

23. Catandica 29-30/01/1999
24. Barauro 18/03/1999; Tewetewe 30/04/1999; Nhaterere 12/05/1999
25. Chôa Sede 18/11/1998; Nhacapanga 19/11/1998; Barauro 18/03/1999; Nhaterere 12/05/1999
26. Cf. Mandondo 1998:11-14
27. Nhacapanga 12/11/1999, Chinda 14/11/1999
28. Chôa Sede 18-19/11/1998; Barauro 17-18/03/1999
29. cf. Matowanyika 1991
30. Nhacapanga 12/12/1999
31. Nhacapanga 13/05/1999, 03/11/1999
32. Cf. Matowanyika 1991, 162, 243
33. Nhacapanga 22/05/1999
34. Chôa Sede 25/05/1999
35. A similar relationship between formally recognised district level authority and local communities which have no legal status has caused problems in Zimbabwe, where it has hampered devolution of natural resources management powers down to local level (Matowanyika 1991, 245-247, 252).
36. Catandica 30/01/1999
37. Again the situation seems to be alike in neighbouring Zimbabwe, where enforced district level by-laws in communal areas are largely ineffectual as local communities often quietly ignore them.. Mandondo 1998, 17; Matowanyika 1991, 223, 239
38. Chôa Sede 18/11/1998; Tewetewe 30/04/1999; Barauro 20/05/1999
39. Nhaterere 12/05/1999; Barauro 17-18/03/1999; Tewetewe 30/04/1999
40. Nyamaropa 12/12/1999, 13/12/1999
41. Barauro 21/05/1999; Inyazonia 18/11/1999
42. Chigodo and Chowzo 18/11/1999; Nhacapanga 12/12/1999
43. Catandica 29-30/01/1999; Barauro 18/03/1999
44. Tewetewe 30/04/1999; Nhaterere 12/05/1999
45. Nhaterere 12/05/1999; Chôa Sede 13/05/1999
46. Chôa Sede 25/05/1999
47. Nhacapanga 04/11/1999
48. Lotman 1990

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## BOOK REVIEWS

**Election Observation and Democratization in Africa. Jon Abbink and Gerti Hesselning (eds.). New York: St. Martin's Press, 2000. Pp. 324.**

In Africa and elsewhere in the world, election observation became a growing industry in the 1990s. The end of the Cold War ushered in a new era of promoting democracy that was to be sponsored and monitored in the parts of the world orphaned after the geopolitical fallout of the end of the Cold War. The ensuing management and monitoring of sponsored democracy took the form of continued conditionality. In a political atmosphere where the state has had its legitimacy and trustworthiness repeatedly questioned, election observation was needed to boost public confidence in the democratic process and to secure the fairness of the elections. As a fairly recent phenomenon, there has been scanty information available on the mechanisms needed for and the processes of election observation. Nearly a decade after the start of the election observation era, emerges the book *Election Observation and Democratization in Africa*. The aim of the book is to provide guidance to election observers "on issues of election monitoring in non-Western settings, with less economic means and less secure institutional infrastructure (p. xii)." Africa is chosen as the primary case study because "the most interesting and challenging material to study this topic comes from there (p.10)."

The book is divided into three parts. The first section deals with the context of elections in Africa. The second consists of case studies, while the last segment deals with policy issues facing election observers. Throughout the book, the contributing authors discuss issues facing "foreign" monitors, the moral/ethical issues involved, the brevity of time spent in a particular location, and the lack of understanding of the culture and politics of the country where elections are being observed.

Jon Abbink introduces the book by stating what has become a commonly held belief: afro-pessimisme.<sup>1</sup> Initial election observer missions failed to obtain adequate outcomes because they declared faulty elections as "a step in the right direction (p.2)." Part of the problem was that external observers had unclear mandates and ambiguous standards and methodology. Additionally, donor states may have their own realpolitik interests and thus, they may care more about their particular concerns, rather than the long term prospects for democracy. Finally, the "free and fair" qualification is meaningless so long as it does not engage the broader problems of democracy, equality and justice (p.8).

One of the contributors, Van Cranenburgh discusses the theoretical relationship between multiparty politics and democracy. Multi-party elections are part of routine political practice everywhere in the West. The author criticizes, quite rightly, the reductionist and elitist view that multiparty elections are the necessary and sufficient condition for democracy. The picture is more complex than that and the totality of problems should be taken into account,

<http://www.africa.ufl.edu/asq/v5/v5i3reviews.pdf>

presumably with an interdisciplinary approach which gives fair coverage of historical, political and cultural issues as the book promises to do on its opening page. Does the book deliver on the promises? Only partly. While international relations and political aspects are widely covered, there is inadequate coverage of historical factors, the economic background, and other features impinging on democratization in Africa.

The search for mirror images after imposing Western features on non-Western setting is bound to backfire. A working paradigm requires certain grounds to explain a social, political and economic reality. A western multi-party system presumes the existence of, among other things, a modern state, a fully functioning civil society, and a free press. "Organic" constitutions that are grounded on the soil need to clearly define the powers, rights, and responsibilities of all involved. The social contract is such that parties, both in opposition and in power, understand and abide by the rules. For many African states, this contract was handed down at the time of decolonization and is poorly understood by the people. In the realm of society, the sponsored democracy seeks the "civil" society. That, however, is not the same as Goran Hyden's "uncaptured peasantry"<sup>2</sup> or Mahmood Mamdani's "decentralized despotism"<sup>3</sup> where the subjects are "trapped in a non-racial version of apartheid." It is a fact of life that in Africa, rural societies account for the largest portion both in population size and in terms of economic activity, this obviously does not conform to the expectations of technologically advanced countries. The focus on literati society is not surprising looking at the evolution of western, liberal democracy. But when the rural world is left out of the oppositional politics, it does not augur well with the spirit of democratization. There is another, yet more important dimension: economic activity. Most countries in Africa are characterized by mono-economic structures, producing and exporting a select few agricultural or mining products. More importantly, where the state is the focus for shrinking economic resources, the premium on losing and winning power becomes hugely expensive.<sup>4</sup>

All this happens in an African setting where heterogeneity is the norm. Van Cranenburgh sees "consociational or consensus model of democracy" to be "increasingly relevant (p.26)." Also, Ellis is adamant that the sovereignty of the popular will, tested most obviously through general elections, was replacing all other principles of sovereignty throughout the world. Indeed, it is crucial to any country that wished to develop (p.39). Consequently, rather than focusing on fundamental political reforms, democratization was narrowly construed, making it unsurprising that elections failed to bring increased power sharing or greater economic prosperity (p.43).

The issue does not end with the nature of postcolonial state, which remains colonial in its adherence to generally anti-democratic and repressive measures and attitudes. Van Kessel queries about the goals, rules, roles, and responsibility of election observers, as well as those of the donor countries. If donors who sponsor election observation are concerned more with political stability than democratization, then the right approach is to send peace monitors rather than election observers.

In chapter 4, De Gaay Fortman analyses political violence sometimes as an occasional aspect of the political struggle. Ted Gurr argues that it is part of a human being's constitution that if frustration, dissatisfaction, and grievances are sufficiently prolonged or sharply felt, aggression is quite likely, if not certain to occur.<sup>5</sup> Whereas democracy must begin with the

process of democratization, the sudden introduction of multiparty elections may lead to protests, rebellions and regime orchestrated violence, as occurred in countries such as Rwanda, Burundi, Nigeria, Kenya, and Ethiopia. The author grapples with the fact that even in the West, where democracy implied representation, accountability and participation, the Westminster style “winner takes all” model produces a “single party government as a result of multiparty elections (p.86).”

Given the widespread dissatisfaction with the experience of multiparty democracy in Africa, the question remains. If multi-party politics are problematic in Africa what alternatives are there? In the second section dealing with case studies, M. Doornbos recommends that the Ugandan no-party system “introduced by the [National Revolutionary Movement] in 1986 is quite novel for Africa or anywhere for that matter (p.109).” The substance of the no-party alternative lies in competing individual candidates vying for votes as individuals and not as members of a party. Skepticism, at best, is what the reviewer feels in copying any social model that were developed for certain circumstances that may not exist in other places, times and conditions. The Ugandan practice has its own political and historical background. Uganda, which is a country greatly haunted by its turbulent past, is quite different from its immediate neighbor, Kenya, which does not see it fit to dismantle the entrenched one party system dominated by KANU.

Here, as Foenken and Dietz found out, ethnicity is another issue multi-party democracy has to contend with. African ethnicity as a form of nationalism has not been accorded sufficient attention. Most of the times, the attention it attracts both from academic and media outlets has been negative. Neglected are the analyses of why it is a resilient a reality in Africa as Timothy Shaw persuasively argued,<sup>6</sup> as well as the positive sides of ethnicity.<sup>7</sup> Conforming to the existing approach, Kenya’s political system is characterized by “ethnic voting” which is illustrated in the 1992 election results being along ethno-territorial boundaries (p.128). Mention is made of ethnic clashes and manipulations and division of opposition largely along ethnic lines. The role of election observation in this respect is murky though the preliminary conclusion is that the election results would have been more “unfair and “unfree” without the observers.

Looking into Ethiopia, Jon Abbink, goes beyond the watered-down declarations of “free and fair.” The narration of “Democracy and ethnicity: The Ethiopian approach” may sound more than novel where ‘ethnicity... has made its entry in the official political discourse of Ethiopia and perhaps indeed of Africa (152).’ The reviewer would have been mesmerized had he not been from that part of the world. There is no doubt that external observers would find it interesting, and at times carried over by official account. To critical students of Ethiopian historiography, the events of the late 19th century, the conquest and the imperial expansion to the south that resulted in the formation of modern day Ethiopia, largely explains the revolutionary declarations of the Derg military rule that ended in 1991 and the EPRDF rebel army rule that replaced it. For the latter, the organization of elections meant the organization of its victory. Some external observers understood this, especially the large donors who were concerned less with democratization and more with “strategic geopolitical motives.” These donors found moral relief by comparing the new arrangement “with the worst cases as Liberia, Sierra Leone, Rwanda and Sudan” (pp.171-172). The EPRDF is also accorded with another

exotic notion of “ethnic federalism” and the most revolutionary constitution on earth, a contract that neither the citizens nor the subjects have the will and the capacity to put into practice. The views of protagonists vary. For some, the post-1991 order represents nothing but the extension of the old system with new methods of divide-and-rule; for others the semblance of language and cultural barriers constitute nothing but an “ethnic apartheid.” This dark side is apparent to everyone except those who want to believe that democracy is flourishing in the middle of the city.

Thus the secrets of multiparty democracy know no bounds. R. van Dijk provides the anthropological slant to the secret worlds of culture, including the political culture. He notes that “the cultural implications of the imposition of democratic procedures and their monitoring” are often overlooked (p.181). Many observers take for granted the development of the Western nation state in Africa. But the realities in Africa do not guarantee such assumptions. That is why, in Malawi, for example, the secrets of “muttiparty”, as they knew it locally, needed to be told by the young cadres that it was not “just another party.” The new converts explain to the elderly that it is an alternative to Banda, who also used Nyau secret society as a means of oppression and repression. To the international observers the idea of Nyau secret society inspecting and monitoring the ballot boxes by “placing ‘magic eyes’ in polling booths” in the villages is secret in itself (p.198). For they lacked “knowledge of the local culture” and time “to prepare themselves (p.203).” In Chad, they arrived too late, made “public their findings within two days of the elections,” and left the scene just after the polls. Then the “hasty and imprudent reports were used out of context by the Chadian authorities to serve their own ends (pp.221-24).” For those who knew their world in Mali, the new democracy was a “process of the democratization of access to the financial resources either of the state or of foreign aid” (pp.245-46). The role of observers in this instance “appears as without any real influence on the democratization process in the country (p.250).” Here as elsewhere in Africa, the very legitimacy of election observation is at risk Lange notes: “Is not a kind of consensus ... being constructed between African leaders and Western leaders, ready to accommodate regular and “free” elections which they have no real political stakes, lack financial transparency on party finances and electoral campaigns, and which also are increasingly held in the absence of the voters (p.251)?”

The policy and practice of international election observation faces tremendous problems stemming from the mandate and the role of foreign election observers as well as the organization and execution of election observation. One problem for the observers is acting as arbiters whose values and standards may differ from those held in the country they are stationed in. The other related point is the issue of sovereignty and involvement in the political process. The masses who protested against bad governance in the early 1990s are now facing even more difficult times, since what they obtained is multiparty politics, rather than democracy, participation, accountability, and representation. As a matter of policy what can individual countries that contribute election observers do to combat this substantive failure? At the moment, it seems that very little can be done. For example, the Dutch government, admits its limitations by stating that while its policies “have moved out of the infant phase,” they “still suffer from some childhood diseases (p.291).”

The final chapter of the book is an epilogue that revisits Kenya's 1997 election, which was purported to be the test case of the new model of international election observation. In the May-June 1997 election, a group of 24 Western donors (known as Donors for Development and Democracy) met and formed an Election Observation Center. Despite the Center's presence, the ruling KANU returned the incumbent president back to office. It matters little if the "model" was applied elsewhere, since the same familiar outcomes remain. The problem of the short-term nature of observation led to the recommendation that resident diplomats conduct long-term observation. Chances are however, that resident diplomats would become passive in the face of the human rights violations by the governments in power, or even worse, supportive of the regimes.

In sum, one would conclude that due to the imperfect packaging and delivery, multiparty democracy is becoming increasingly unsaleable. The level of apathy is powerful enough to question the motives behind a very restricted aspect of democracy, multiparty election and its observation. Undermined are the cultural and economic, historical, and political underpinnings of a particular slant of the global project coming from a single direction.

The book under review provides readers with ample opportunity to examine the most recent experiment on Africa, its limitations, and prospects. It is rich in offering critical appraisal so wantingly missing in democratization and elections observation literature in Africa. However, it still leaves the readers desirous of alternatives other than multiparty politics, save a single chapter on Uganda, whose recent referendum resulted in a win for a no-party system. Additionally, the work would have benefited much had African scholars had an opportunity to voice their own perspectives in the volume. It seems that the book was written by western Africanists for Africanist discourse and policymaking rather than providing a forum for a multidirectional flow of ideas.

The book is a rich source for critical appraisal of election observation in Africa. It is important to state however, that Africans need to be involved in these processes. Furthermore, although election observation was widely conducted in the 1990s, it bore inconsequential results far too frequently. The only consolation is that things might have been worse had there been no observers at all.

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December 2000

## Notes

1. Bayart presented a unique perspective of this. See Bayart, Jean-François. *The State in Africa: The Politics of the Belly*. London and New York: Longman, 1993.
2. Hyden, Goran. "The Anomaly of the African Peasantry." *Development and Change* 17 (1986): 677-705.
3. Mamdani, Mahmood. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton: Princeton University Press, 1996.
4. See Seyoum Hameso. *Development, State and Society: Theories and Practice in Africa* (forthcoming).

5. Gurr, Ted R. *Why Men Rebel?* Princeton: Princeton University Press, 1970.
6. Shaw, Timothy. "Ethnicity as the Resilient Paradigm for Africa: From the 1960s to the 1980s." *Development and Change* 17 (1986): 587-605.
7. Hameso, Seyhoum. *Ethnicity and Nationalism in Africa*. New York: Nova Science Publishers, 1997.

**The State against the Peasantry: Rural Struggles in Colonial and Postcolonial Mozambique.**  
**Merle L. Bowen. Charlottesville: University of Virginia Press. Pp. 320.**

The coming to power of Frelimo in 1975 was facilitated by the Mozambican peasantry due to the fact that Frelimo was actively supported by the rural peasants. Along with ZANU in Zimbabwe, Frelimo was one of the few liberation organisations sustained and supported by China to achieve state power, in part due to the adoption of avowedly Maoist tactics. Indeed, Mozambique's population was almost all peasant and rural and the economic base of the country was agriculture. Yet, having achieved political power at the state level, Frelimo degenerated "from a popular and victorious liberation movement into a bureaucratic, anti-peasant, one-party state (p. 1)." At the same time, Frelimo gave priority to industrialisation, common to many African countries at the time, with agriculture reduced to supplying exports for earning foreign exchange and raw materials for domestic industry. As it turned out, the policies adopted by Frelimo were as unfavourable to Mozambique's peasantry as those of the Portuguese. Bowen demonstrates that this has not been an aberration arising after the wholesale adoption of neo-liberal solutions to Mozambique's developmental impasse, but rather, it was already in place during Frelimo's socialist vanguard era. They have continued under World Bank strictures and directives, but essentially spring from a shared set of negative policies towards the peasantry. Bowen's work seeks to provide a new look at the effect these policies have had on the peasantry and agricultural production.

Bowen focuses on the colonial period between 1950 and 1975. It is from this point that she then looks at the socialist collectivization experiment. In contrast to those who have blamed Mozambique's calamitous post-independence decline on apartheid South Africa's destabilization attempts and the vicious civil war with South African supported contras (i.e. Renamo), Bowen argues that Mozambique's decline in production is rooted in policies established during colonialism and continued by Frelimo. She takes issue also with those who argued that the main reason for the major fall in agricultural production was the disturbance of settlement patterns and the denigration of traditional practices by the "modernizing" Frelimo cadres sent out into the rural areas. Bowen rightly, I believe, argues that such attempts by Frelimo were progressive and provided, invariably for the first time ever, precious health and education facilities, as well as potable water, to nearly one and a half thousand communal villages. In addition, Bowen is right to point out that much of "traditional authority" derived its position from the colonial period and with ties to the authoritarian colonial regime. Their demise should not be overly lamented.

Frelimo's problem, Bowen asserts, was that it thought it could change the peasantry through collective production, the setting up of co-operatives and urbanisation through establishing communal villages. The opposition to a fraction of "middle class" agricultural producers was rooted in a hostility by Frelimo, shared by the Portuguese colonialists, to an emergent middle class that may develop economic and political independence and resist the state. Whilst it did dismantle oppressive rural structures, Frelimo's ambition to clear away what they regarded as an antiquated way of living and production was doomed, particularly as there was no debate with affected persons on how this could be achieved and whether, indeed, change was even desired. To argue her case, Bowen uses data collected from in-depth fieldwork carried out in the Ilha de Josina Machel for two years, which is a rural area where the Incomati and Matseculi rivers merge in Manhica district, Maputo Province.

The strength of Bowen's book is in the assertion of the continuation of the colonial period and Frelimo's rule -- both the Portuguese and the post-independence authorities set up co-operatives. She also shows how individuals and family groups accommodated both colonialist and socialist policies to form survival strategies. Simply put, Frelimo (and the colonialists) did not curtail options outside of the official policies: agency remained and indeed stimulated a relative degree of manoeuvrability, with the co-operative ventures being utilised to the peasants' own benefit. This of course was severely diminished as the war intensified in the rural areas.

The book is an intriguing story of the development (and decline) of peasant-based agriculture in southern Mozambique from the 1950s until the mid-1980s. The study broadens its focus to illustrate how the micro-region was brought into the South African mining industry and how peasants interacted with the Portuguese settler farms. The focus on southern Mozambique does lead to perhaps an over-emphasis on the effect of this integration, with Bowen arguing Portuguese Mozambique was integrated into a regional southern African economy and that this was necessarily under South African hegemony. Mozambique's economy was hence structured mainly in the interests of South African capital. Whilst this is true to a degree, it is far more so for the southern part of the country, namely Maputo, Gaza and Inhambane provinces, than it is for the central and northern parts of Mozambique. This aside, the study is an excellent example of in-depth fieldwork and critical empirical analysis. The book is recommended for researchers interested in the history of southern Mozambique, agriculture in southern Africa, and of the role of the peasantry in African economic life.

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**Political Discourses in African Thought: 1860 to the Present. Pieter Boele van Hensbroek, Westport, CT: Praeger Publishers, 1999. Pp238.**

*Political Discourses in African Thought* is one of the great works in contemporary African studies. Inspired by Ayo Langsley's *Pan-Africanism and Nationalism in West Africa*, the study

makes “a critical inventory of African political thought at the close of the twentieth century” in order to show the tools available “for attacking urgent present-day issues” (pp.1-3)<sup>1</sup>. As African states struggle to reconfigure their polities along democratic paths, Hensbroek asserts, “the great challenge of democratic theorizing is to contextualize democratic arrangements by shaping them to suit historical situations and cultural resources at the individual and collective level (p.189).” This challenge necessitates the ensuing dissection of key models of political thought found in African discourse (p.1).

Four things in particular makes Hensbroek’s book brilliant. First, its novel view of the ideas of African thought aims to reclaim their proper place in history. Over the years, African thought is generally perceived as either influenced by Marx, Locke, or other Western thinkers. Consequently, the legacies of individual Africans’ theoretical thought are often dismissed as incoherent “traditional” African ideologies. Hensbroek contends that the study of African political thought should rather deal with these “discourses in their specific historical situations (p.19).” The study asserts the original heritage of these discourses is “intimately connected to the political history of Africa itself, rather than a reproduction of Western thought as is often alleged (p.144).”

Second, its call for a methodology “that involves a more empirical attitude towards African political thought than is common” is significant (p.17). This highlights an interesting historiography lesson in its critical hermeneutic analysis of the various exemplars in African thought in their specific historical time contexts. Hensbroek’s meticulous and sophisticated style of analysis opens the eyes of the reader to the problem of anachronism in African studies. Anachronism, the judgment of historical authors with new problems and concepts that were not obtained during their eras, precludes the “understanding of historical authors within their own frame of mind and within their own historical context. The historian, in such cases enters the field with a prior substantial theory of history (p.13).” Through a combination of textual and social analysis, Hensbroek convinces the reader of the need for “a hermeneutic approach, a positive historiographic program that finds out from the historical authors themselves what are relevant problems, agendas, and concepts to understand their work.” In fact, ignoring the African roots of Horton’s discourse is a consequence of the preoccupation with European intellectual history rather than with the particular West African condition in his time. “Texts are only comprehended when we understand the meaning of the words, ideas, and acts involved. Hermeneutics precede explanation (p.39; 54).”

The book also challenges the common perception of the colonial African political elite as a “westernized” group of individuals alienated from their cultures. The “alienation school of thought” is mostly evident in the works of Basil Davidson’s *The Black Man’s Burden*, David Chanaiwa’s “Colonial Education in Southern Africa,” E. A. Ayandele’s *The Missionary Impact on Modern Nigeria*, and James Coleman’s *Nigerian Background to Nationalism*, to mention but a few.<sup>2</sup> Hensbroek refutes the notion of alienation as a myth founded assumptions. The view of non-Europeans sharing similar values as Europeans and as imitators of European standards is seriously challenged (p.39). Therefore the perception of Africanus Horton, for instance, “as being alienated from African realities, a ‘Black Englishman,’ and as ideologist of the educated elite, share the serious flaw that they do not derive their interpretation from the texts and the specific historical circumstances. Rather they develop conjectures about lines of influence, or

advance interest theories, and then ascribe ideas to 'sources' or to 'interests.' However sophisticated the historians' ideas and theories may be (which they are often not), the objects that they have to explain, that is, the texts themselves, have to be grasped first (p.39)."

Finally, the study attempts to establish common links between the various "exemplars" from 1860 to the present. As in Newton's scientific terminology, for Hensbroek too, an exemplar represents "the paradigmatic examples of good scientific work (p.19)." This approach closely links intellectuals that were century apart in time. For instance, while Kanduza Chisiza in the 1960s, echoes Horton in the 1860s, while George Ayittey in the 1990s sounds like a student of John Sarbah of 1900. Similarly, Leopold Senghor and Edward Blyden share an ideological proximity (pp.145-146). This view further buttresses the flaw in the alienation thesis. If Horton of 1860s was considered an "alienated Black Englishman", what makes Ayittey or Mahmood Mamdani in the 1990s less alienated or westernized?

*Political Discourses* further reveals the intricate weaknesses in the thoughts of the various exemplars. For example, Fanon's mythical concept of a pregiven "nation" ("the people or the oppressed") that was subsequently alienated under colonial domination is questioned as both historically and theoretically erroneous. The error stems from the perception of the "rich and diverse heritages of peoples, life forms, religions, and cultures" as a single entity (p.122).

What are the results of Hensbroek's inventory? It identifies three basic models of African political thought, each underlining "a basic aspect of society: the modernization model focuses on the economical-technological, the identity model on the cultural, and the liberation model on the social (p.199)." Viewed from a broad historical perspective, these strains, replicated in the contemporary democracy discourses, have largely "dominated African political thought over the last 150 years (177)." As socialism and development discourses formed the main concern for intellectuals in Africa until the 1980s, so do today's mainstream liberal democracy discourse on democracy (civil society, a reorientation towards indigenous political forms, and the question of the nation state), resound the same concerns (p.177).

Hensbroek reveals a few problems in the construction of political discourses in Africa, which need improvement to further the cause of Africa's democratic renaissance (p.198). One is the notion of "modernity" as claimed by the West, which tends to block "a host of interesting and pertinent questions of democratic thought for Africa (p.198)." If "modernity" is used in the plural, as "modernities," "then the issue arises of different variants of democratic polity that are congruent upon the historical and cultural context (p.197)." The second deficiency is inherent in such bipolar codifications as "We" and "They" or "Africa" and the "West" (p.199). Such bipolarity leads to "simplification of our thinking, thereby closing up other options to managing "a multitude of differences and resemblances, problems and options (p.199)." The implication for democratization in Africa is that it leads to the peculiar view that "basically" one major issue should be resolved for democracy to work (pp.199-200). Therefore a shift from the bipolar models of thought will make room for a more relevant and original contribution to the discussion on democracy in Africa (p.201).

Although Hensbroek challenges the notion of "alienation" and calls for a grounded understanding of the Texts, he fails to move away from the one-sided accounts of intellectual traditions of African intelligentsia in terms of the influence of Western culture through colonial institutions – particularly the church, school and ideology. The fact remains that the ideas of

these thinkers and their impact on the society cannot be fully understood without looking closely at their lived experiences in families, kinship, gender roles, relationship to traditional authorities and social lives as experienced in their various communities. This approach remains a challenge that must be tackled for a more balanced understanding of these individuals. Notwithstanding, any serious reader cannot ignore this book.

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## Notes

1. Langsley, Ayo J. *Pan-Africanism and Nationalism in West Africa: A Case Study in Ideology and Social Classes*. Oxford: Clarendon Press, 1973.
2. See Basil Davidson, *The Black Man's Burden: Africa and the Curse of Nation-State* (New York: Times Book, 1992); David Chanaiwa's "Colonial Education in Southern Africa," in A Mugomba and M. Nyagah (eds.), *Independence without Freedom: The Political Economy of Colonial Education in Southern Africa* (Santa Barbara: ABC-CLIO, 1980); E. A. Ayandele, *The Missionary Impact on Modern Nigeria 1842-1914: A Political and Social Analysis* (London: Longman, 1966); and James Coleman, *Nigerian Background to Nationalism* (Berkeley and Los Angeles: University of California Press, 1958).

**Africa's Thirty Years' War: Libya, Chad and the Sudan 1963-1993. J. Millard Burr and Robert O. Collins. Boulder: Westview Press, 1999. Pp. 300.**

Chad was part of the former French Equatorial Africa. Its population was divided between black Africans, either Christian or traditionalist in religion in the south, and northerners, largely Muslim and either Arab or one of the ethnic groups which, while not Arab, accepted Islam.

This war has received comparatively little attention. Indeed, the only book this reviewer can recall seeing is *Conflict in Chad* (1981) by Virginia Thompson and Richard Adloff. Authors Burr and Collins have used a great variety of sources including newspapers, Congressional reports, material in the various French and English language journals dealing with Africa, and diplomatic documents where available.

Chad, named from the lake of that name, had been part of the French imperium since the scramble for Africa in the 19th century. Libya had, for about a generation, been part of the Italian empire while the Sudan had been under joint Egyptian and British administration for about 50 years.

The Organization of African Unity (OAU) had taken the position that the boundaries of Africa, inherited from the colonial period, should be accepted on general principles since the majority of the new countries of Africa had ethnic groups divided by national borders. The problem with Chad was that in 1935, in order to appease Mussolini, a French diplomat had

signed an agreement with the Italians to cede a strip of territory on the northern boundary of Chad abutting the border of Libya. Named the Aozou Strip, it was essentially 45,000 square miles of sand with a fringe of mountains. This frontier the authors describe as "not only one of the most remote regions of the earth but one of the most worthless (p.15)." Geological formations, akin to those in Niger, immediately to the west, did suggest that it might contain uranium. France bought its uranium from Niger and of course Colonel Qaddafi wanted the rare mineral since it could make Libya an atomic power. The ownership of this barren strip of land was at the heart of the thirty years war.

The agreement with Mussolini relinquishing this portion of Chad had never been ratified by the French government. Further, Libya disagreed as to where the southern boundary of the strip should be, placing it to the south of the accepted line. (See the boundary as shown in the 1977 Libyan National Atlas as reproduced on p.XIX in this volume.)

The leadership of each of the three countries played decisive roles in the shifting fortunes of the military participants. Libya, after her oil revenues made her a good customer, found it useful to buy military hardware from the Soviet Union. With tanks by the hundred and military vehicles by the thousands, came Soviet military advisors. Soviet fighter planes came as well, until the Libyan military was larger than that of France. Unfortunately for Libya, money cannot buy skilled leadership and Qaddafi's senior officers often proved no match for Chad's leadership in the field, whose training at advanced schools in France combined with their knowledge of the terrain and the skills of traditional nomadic warfare gave them an important advantage.

Chad had the advantage of being a member of the community of French speaking African states. Under President Charles de Gaulle the French military actively supported their African clients, but once "le grand Charles" left the political scene, Chad was often nearly ignored. In part this neglect was a consequence of French dependence on Libyan oil; in part French disgust with the corruption of Chad's leaders. Chad did frequently call on France for aid during the war; normally, at least some French forces stationed in the country. The United States also helped the Chad government, but discretely because of French sensitivity.

The Republic of the Sudan was involved because refugees from famine, drought, or the fighting in the Sahel fled from time to time to Darfur Province of the Sudan. Libya discreetly sent forces into that area to recruit men for their military and to provide arms for guerilla forces ready to fight the Chad central government. Far from Khartoum, Darfur was the land of the Fur who tended to despise the Riverine Arabs who dominated the government at Khartoum, a feeling that was reciprocated in the capital.

Between periods of warfare, diplomats from the three countries met, either at one capital or another, or at meetings of the OAU. Protestations of a desire for peace by diplomatic representatives on these occasions seldom lasted more than days.

Chad's problem initially was the consequence of a politically inept chief executive, President Ngartha (Francois) Tombalbaye. Representing the African-sometimes-Christian portion of Chad, he failed to include representatives of the Muslim (Arab or otherwise) population in his government. Most of this Muslim population was nomadic or lived in small villages in the Sahel in the northern half of the country. By tradition, they were very independent, owing allegiance to their chiefs and raiding their traditional enemies was

common. President Tombalbaye clearly intended to suppress their independence by force. In practice, neither the government at N'Djamena or Qaddafi in Tripoli found them easy to deal with, though various leaders from the area became agents of Libya, although they frequently deserted to the central government of Chad. After the fall of Tombalbaye--assassinated in 1975 by forces commanded by the army's chief of staff--the former commander of the armed forces, General Feliz Malloum, was released from prison and became the new president.

Over the years various new figures appeared commanding some group of forces from the north, sometimes with assistance from Libya, sometimes with stolen supplies from one side or the other. One of these was Hissene Habre of the Dazan Toubou people, a man educated in various French schools. While his training had not been in military tactics, he proved a daring and formidable leader of the northerners. Over the years Habre sometimes held positions in the central government, but his strength was among his fellow northerners whom he organized in an army named the FAN (Forces Armees du Nord). An amusing side-light is that while Qaddafi had conventional tanks and vehicles, courtesy of the USSR, Habre's forces had substituted Toyoto light trucks for camels, striking quickly with their machine guns and light artillery and dispersing to various depressions or valleys, just as they had in their days of raiding their tribal enemies on camel back. Frequently they took large numbers of Libyan prisoners and incredible quantities of equipage. In time, Habre became president of Chad, though he was ultimately replaced by another northerner, of the Zaghawa people, Idris Deby. Finding himself isolated, Habre fled to Nigeria. Virtually all the leaders of Chad had a wretched record on Human Rights; Habre's had been among the worst, which accounts for the tepid support he received from the French, in spite of his brilliant military successes. One legacy of the war was the million land mines scattered across the Sahel.

In the end, even Qaddafi tired of his preoccupation with the Aozou strip, but not before he had wasted fifteen billion in oil money on military supplies. While Qaddafi had supported Idris Bey, the latter made it clear that he had not bartered away territory for support (p.278). Habre had earlier taken the issue of ownership of the Aozou Strip to the International Court at The Hague.

In February 1994 the International Court of Justice ruled 16 to 1 that the Aozou Strip belonged to Chad and that all the military and political officials from Libya should be withdrawn by 31 May 1994 (p.278). Libya complied with the ruling.

A weakness of the volume is the lack of detailed maps. Frequently there are references to villages or towns which do not appear on maps, or the spelling in the text does not agree with that on the maps. This is particularly surprising, since J. Millard Burr was a geographical expert with the US State Department. Additionally, the intermittent warfare and diplomatic posturing between three countries, such as we have here, might be approached as from an international relations perspective. Instead, the authors-wisely I feel-approach the subject matter as a straight narrative history. As such, it is an excellent presentation and is recommended for college level work in international relations and contemporary African history.

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**Disciplining Democracy: Development Discourse and Good Governance in Africa.** Rita Abrahamsen. London: Zed Books, 2000. Pp. 168.

Several works have been published on systems of government and development models to be adopted by states. Taking a refreshingly different approach, however, Abrahamsen primarily seeks to reflect and comment "on contemporary development discourse and practice, not a detailed account of transitions to democracies in African countries (p. x)."

Divided into seven chapters, the book first emphasizes causes influencing democratization, which she sees as an interplay of internal and external factors (pp. 8-11). Abrahamsen posits that development discourse produces "a form of knowledge about the third world that has facilitated and legitimized certain forms of administration and intervention (p. 22)." This discourse emphasizes the backwardness of third world states and seeks to justify intervention and assistance as necessary in order for them to become as developed as the West. The author suggests that the South maintains power through development discourse (pp. 14-15; 22-23).

Previous development models, Chapter 2 argues, focused on problems of development without respect to the system of government (even authoritarianism) in place. Democracy has become the most desirable form of government, in conventional wisdom. It is, therefore, a necessary component of sustainable development (p. 25). For Abrahamsen, the new development discourse and world order are means of undermining the governments and peoples of the south.

Chapter 3 explores the good governance discourse and its claim that capitalism is an inherent part of African traditional values (p. 49). This discourse seeks to restrict state control of resources, leaving economic investments to private entrepreneurs. This encourages civil society participation without actually defining "civil society" (pp. 47-53), even though civil society may be undemocratic (p. 54). She continues that the cost recovery effort that the good governance agenda valorises places a bigger burden on the local populace (pp. 58-59).

In the fourth chapter, Abrahamsen gives a critical assessment of democracy as electoral procedure (p. 70) and democracy in purely descriptive terms. For Abrahamsen, democracy is also prescriptive and must seek to promote political and economic equality, for without this, "democracy is likely to become a vehicle for the maintenance of elite dominance (p. 76)." However, Abrahamsen should also address democracy as a value concept.

Tracing the relationship between Structural Adjustment Programme (SAP) and democratisation, Chapter 5 explains that democratisation processes in the South did not come from the economic prosperity of SAP. Instead, it developed from the economic woes of states and the concomitant negative effects on the populace. This led to strife in the state and a call for democracy (pp. 97-98). She notes "bread-and-butter issues were at the very heart of the wave of protest that swept the African continent in the late 1980s and early 1990s. Gradually, economic demands came to be linked to more explicitly political demands for constitutional change... (p. 98)."

The author explores the dilemma of African states that are "caught between a rock and a hard place (p. 121)" in Chapter 6. She concludes that economic liberalization creates problem for the majority - who democracy seeks to serve. Leaders therefore are confused about whether to

satisfy external donors or to satisfy the aspirations of its people for both are irreconcilable constituencies.

Demands of economic liberalization by donor institutions have eroded democratic standards because they bring poverty to the people through SAP. SAP denies the masses benefits from the government, thereby threatening "the consolidation of democracy by exacerbating social conflict and differentiation, while at the same time undermining the state's capacity to respond to domestic demands (p. 136)."

In the last chapter (7), Abrahamsen criticises the hierarchical differentiation between North and South as a negation of "some neutral or accurate transcription of reality (p. 139)," noting that the good governance discourse promotes procedural or minimalist conceptions of democracy (p. 140). This produces "democracies that are exclusionary" because the poor cannot be included in any meaningful way because external power and influence is "extraordinarily high (p. 145)."

While advocating democracy at the domestic level, the good governance discourse leaves the international terrain unscratched, causing Abrahamsen to conclude that "one of the main effects of the good governance discourse, despite all its proclamations in favour of democracy, is to help reproduce and maintain a world order that is essentially undemocratic (p. 147)."

Though beautifully schemed in a plot-like write-up in which the central ideas unfold as the reader explores the work, there appears to be an assumption by the author that the public is familiar with the term "development discourse." In other words, there is no conscious effort made at defining its meaning.

Reading the book, one gets the impression that the economic woes of the South are the fault of the North. What, we wonder, has the South done to improve its lot? Though touching on the theme of corruption, Abrahamsen might also address issues of internal indiscipline, which are problems for all developing states.

These criticisms notwithstanding, Abrahamsen's work is particularly interesting for her incisive decoding of the operations of the West (especially through the Bretton Wood institutions) in the South, which aim to continue to dominate it through its under-development. The book is also a welcome addition to the volume of literature on democracy and development in Africa.

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**Trade Unions and Democratization in South Africa, 1985-1997. Glen Adler & Eddie Webster (eds.). New York: St. Martin's Press, 2000. Pp. 238.**

The South African transition and the South African labor movement are inextricably linked. This book leaves no doubt that the defiance of organized labor was the most reliable autonomous powerhouse in the anti-apartheid struggles of the 1980s. The book provides proof that labor militancy continues to fuel the social imagination of intellectuals now as in the 1980s.

Eddie Webster and Glen Adler describe the objective of the study in the following sentence: "The chapters in this volume examine labour's role in democratization and assess whether it can continue to exert such influence in the future." This objective is pursued in different ways. For example, Sakhela Buhlungu contributes a study on participatory management strategies at specific work places in the wood and paper industry. Buhlungu carefully compares examples the successes and failures of specific shop floor attempts to influence the work process and relates their impact on the union's ability to include shop floor voices and upgrade skills. From his careful micro-analysis he concludes that "unions must ensure that principles of democratic decision making and worker control...are maintained." Buhlungu's study is an extension of the very "lessons of struggle" tradition among progressive South African academics, as is Karl von Holdt's convincing piece on Steelco. Adherents to this tradition regard themselves as primarily conceptualizers of historical experience, rather than conceptualizers of analytical tools.

The post-modern tradition is also applied in some of these studies. The topics covered here are much more generic than the others making this a weakness of the book. Ian Macun's analysis of major historical trends convincingly argues that unions gradually moved into the political field when they were sufficiently strong. However, the preconceived notion of union autonomy makes Macun blind to the swings of working class mobilization from the community and back into the work place. Macun asserts that there is no correlation between significant political moments and union membership, which is not true. I find it appropriate to speak of four waves - 1979-1980, 1983-1985, 1989 and 1994 - where working class activism was mainly residential. These four peaks of community action happen to coincide with low or negative growth in union density in Macun's table on page 63. While the efforts were inspired by workplace activism, they also reinforced unionization, but only when they had peaked. A micro-study would have revealed such a correlation, eg. that the community mobilizations in Cape Town of 1979-1980 led to a much increased union membership but only by 1981.

The breakthrough of the UDF, the Defiance Campaign, and the first democratic elections were all moments when many union activists focused on the community struggles. Thus, these activists could only later reap the organizing benefits of these struggles at the workplace. Macun's uni-lateral assertion of the uniqueness of the workplace experience thus counters the strong 1980s tradition of regarding both community and workplace as interacting habitats for workers. I doubt Macun's assertion would have been possible if more women - at least one - had been part of the team behind the book. It seems to be very male perspective to see the workplace as the absolute fulcrum of struggle, thereby down-playing the role of the reproductive sphere.

Another problem with the book is that the editors treat chapters as independent articles. This makes the openings of most chapters a bit boring and repetitive, since all the contributors inform the reader that the unions and South Africa are undergoing transformation. However, this is a minor problem, since the book contains many interesting discussions. For instance, the role of unions - particularly the largest national structure COSATU-in the tripartite alliance with the ANC and the Communist Party-is a particularly interesting topic for those who want to predict the political future. It is very hard to conceive how that alliance could last another decade, since the ANC has assumed an increasingly middle class and pro-business identity. While everyone waits for the foreign investors to turn up, the daring individuals and collective

initiatives which brought about democracy are withering. P.G. Eidelberg's chapter on the problem asks all the right questions and gives many useful hints. His historical analyses though, are underpinned by the understanding that ideology is the most constant element in the histories of the allies. He thus overlooks how swiftly people can change faith if their opportunities change. Thus, I do not accept his assertion that nationalizing banking and mining monopolies was not a fully integrated part of the ANC's nationalism in the 1980s. His messy relationship to the chronology of the 1980s suggests that the analysis suffers from exaggerated hindsight.

The two last chapters of the anthology deal with the integration of the unions into the socio-economic policies of the post-apartheid state. They are both illuminating and informative. While the topics are almost identical, the approaches differ. Götz uses post-modern analysis to understand policy integration as a text, while Friedman and Shaw present a tour de force account of policy integration as an outcome of a changing power equation.

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**Green Land, Brown Land, Black Land: An Environmental History of Africa 1800-1900. James C. McCann. Portsmouth: Heinemann, 1999. Pp. 224.**

The field of environmental history is inspiring some of the most exciting and creative recent research on Africa. James McCann's book offers a solid overview of this rich intersection of disciplines for the entire continent by stitching together various monographs set in southern, western and eastern Africa. In many ways, this text is a testament to the embryonic state of environmental history in Africa. Although full of promising leads for research, a wide number of topics and regions are left untouched. Despite this caveat, this work serves well as an introduction particularly for undergraduates to ecological issues in African history.

In his very succinct introduction, the author declares he wishes to examine the interaction between the physical world of plants and animals with people. Recognizing the importance of local settings for his subject, the book is designed to "illustrate rather than chronicle Africa's environmental history (p. 5)." He also seeks to challenge overarching narratives of decline and overuse of resources, which are popular in development work on ecological issues. Chapter 2 is an ambitious overview of major themes in pre-colonial African history with an eye towards the mutual interaction between natural settings and human action. Using John Iliffe's survey history *The Africans* as a starting point, McCann denotes the role of rainfall patterns and food crops in shaping historical events.

Chapter 3 explores environmental factors in the development of states in the Sahel, in the Ethiopian highlands and at Great Zimbabwe. Drawing from the work of George Brooks and James Webb, this section explores changing wet and dry phases in rainfall and their role in inhibiting or aiding military expansion and shaping migration paths. The author's knowledge of Ethiopia is particularly useful in exploring environmental and agricultural history in Aksum.

Moving to 20th century developments in chapter 4, the work reprises James Fairhead and Melissa Leach's deconstruction of various European models of desertification in East and West Africa. Popular images of environmental decline in the European and American press are based on erroneous and simplistic notions of ecological changes that blame Africans for overusing scarce resources. The shifting boundaries between savanna and forest areas depend on careful local management and changing climatic conditions rather than continual destruction of woodlands. Similar colonial misreadings of environmental processes took place in eastern Kenya. Clichés of overgrazing and carelessness give way to the central point that local conditions often create developments, such as increased plant cover from more intensive use of livestock and farming, that are counter-intuitive to popular discussion of environmental issues.

The historical context of European misconceptions of African environments is a central topic of the final three chapters. McCann's expertise comes to the fore in chapter five's discussion of deforestation narratives in 19th and 20th century Ethiopia. He begins by giving a genealogy of Albert Gore's recent claim that Ethiopia has declined dramatically since 1950. Like so many other statements on African ecology, Gore's view is based on suspect and poorly supported general claims on forest cover in the past. Through repetition, such statements become the basis for numerous Western attitudes towards African ecological issues. By showing how Ethiopians in the central and eastern highlands carefully controlled forest size, McCann suggests deforestation narratives often came from exaggerated notions of past flora. As in other parts of the continent, local forest growth and decline do not "offer a smooth, linear tale (p. 103)."

Moving to Ghana in chapter 6, McCann discusses food production in the southern part of the country. Drawing from biological research as well as social history, McCann notes how fallow agriculture radically altered the forest landscape and increased biodiversity without leading to rapid deforestation. The development of cocoa production also transformed human landscapes, as did European attempts to create forest reserves. The widespread expansion of maize agriculture, fostered by Green Revolution techniques after cocoa's decline in the mid-twentieth century threatens to destroy forests in much greater amounts than previous fallow farming systems.

Chapter 7 begins with another seemingly clear-cut argument on environmental degradation in Lesotho. Colonial officials saw large gullies that appeared suddenly and quickly grew in size as the cause of poor African land management. In a summary of soil scientist Kate Showers' research, McCann contends the real cause lay with badly conceived colonial anti-erosion policies, new attitudes towards agriculture introduced by European missionaries and the rise and fall of late nineteenth century grain farming. Much as officials envisioned solving public health problems with technical "magic bullets," British administrations considered the problem of erosion without taking into account the larger social and economic context of the region.

All in all, this is a fine introduction to recent work on environmental history in Africa. The author's brevity in discussions makes the general arguments very easy to follow. Despite its utility, several minor problems exist particularly in regard to its scope. African understandings of environmental change and historical narratives, examined by Tamara Giles-Vernick among others, are not well represented in this work. The rich amount of work done on environmental

history of Tanzania is neglected as is any reference to Central Africa. Rather than harp on these points, this reviewer looks forward to a second edition that can incorporate new scholarship several years in the future.

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**When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda.**  
**Mahmood Mamdani. Princeton, NJ: Princeton University Press, 2001. Pp. 357.**

On April 6, 1994, members of the Tutsi-led Rwandan Patriotic Front (RPF) shot down the plane of Rwandan president Juvenal Habyarimana. Later that day, the RPF assassinated the Hutu prime minister of Rwanda, Agathe Uwilingiyimana. In the following four months, the notoriously brutal genocide of the resident Tutsi population and suspected Hutu collaborators enveloped the nation. Though the estimates of the number of those killed in the violence range anywhere from 500,000 to 1.3 million,<sup>1</sup> it is undeniable that the Rwandan genocide of 1994 marks the single most pervasive and atrocious massacre of the post-Cold War era. What is even more disturbing is the fact that as thousands upon thousands of Rwandan Tutsis were systematically exterminated, the rest of the world simply watched on their television sets from the outside, unwilling to aid in the cessation of such an immense tragedy.

It is this significant and tragic event of recent African history that Mahmood Mamdani seeks to explain in his nuanced and groundbreaking book *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (2001). Unlike most contemporary scholars focusing on the Rwandan genocide, Mamdani attempts to give his readers an understanding of all of the historical reasons underlying the massacre, rather than narrowly interpreting the particularities of 1994 in isolation. His holistic approach to explaining the Tutsi genocide in Rwanda makes Mamdani's *When Victims Become Killers* a must read for anyone interested in knowing how such an enormous calamity could occur in modern Africa.

Mamdani, unlike most of his contemporaries, begins his explanation of the evolution of Hutu-Tutsi enmity (which would eventually culminate in the genocide) by examining the origins of the Hutu and Tutsi ethnicities in Rwanda dating back to the thirteenth century. He notes that the Tutsi population (about 15% of present-day Rwanda) migrated into Rwanda from the Kenyan and Tanzanian grasslands of the north and progressively overtook the resident Hutu population (about 85% of present-day Rwanda), transforming local Tutsi-dominated clans into chiefdoms around the fifteenth century.<sup>2</sup> Over time, the divisions between the Hutus and Tutsis grew both socially and economically through the nineteenth century, with the Hutu agriculturalist population gradually becoming more and more subservient to their pastoralist Tutsi superiors. Thus, contrary to popular belief, Mamdani points out that internal social and economic divisions in Rwandan society were indeed present upon the arrival of the Belgian colonialists.<sup>3</sup>

Upon their arrival, Mamdani shows how the Belgians subsequently created the notorious Hamitic hypothesis to justify the minority Tutsi rule over the majority Hutu population. Unable to accept the fact that a distinctly African race could be capable of such military and political sophistication, the Belgians systematically ingrained the idea that the Tutsis were the cursed “Caucasian” descendants of Ham (son of Noah), unlike the distinctly African Hutu. Thus, Mamdani claims, the tensions between the Hutus and Tutsis were magnified as the Belgian colonial rulers institutionalized Tutsi superiority in the colonial system by giving Tutsis preference in the public and educational sectors, primarily between 1927 and 1936.<sup>4</sup>

After his analysis of the impact of Belgian colonial rule on Hutu-Tutsi relations, Mamdani delves into the numerous contingencies leading up to the tragedy of 1994. He begins with the all-important 1959 Social Revolution, in which the maligned Hutu elite, led by Grégoire Kayibanda, proposed a concrete segregation of the Hutu and Tutsi population upon independence from Belgian colonial rule. Although Kayibanda would ultimately be forced (by international pressure) to rule under a coalition of both Hutus and Tutsis in 1962, Mamdani contends that this separationist paradigm marked the beginning of an intellectual construct that would evolve into the genocidal ethos of 1994.<sup>5</sup>

After a decade of relatively peaceful rule, however, Kayibanda’s coalition began to fall apart as disgruntled Hutus claimed that he was reverting the Rwandan polity to its Tutsi-dominated past under Belgian colonial rule. Thus, Mamdani points out, General Juvénal Habyarimana (a Hutu) assumed power in a military coup in 1973 to prevent the widespread social chaos that was emerging between the resident Hutus and Tutsis.<sup>6</sup> As Rwanda prospered during the 1970’s and 1980’s (due to high world coffee and metal prices), Mamdani cites that relations between resident Hutus and Tutsis subsequently were mitigated.<sup>7</sup> However, at the turn of the 1990’s, Rwanda would enter a period of economic crisis in which their currency would be devalued 67 percent and their gross GDP would fall 15 percent as a result of falling world metal and coffee prices.<sup>8</sup> These factors, Mamdani maintains in his book, paved the way for the Tutsi Rwandan Political Front’s (RPF) invasion of 1993 and the ensuing Hutu backlash that would claim thousands of innocent Tutsi lives.<sup>9</sup>

The RPF, formed in Uganda by displaced Tutsi elites led by Paul Kagame, would ultimately penetrate Rwanda into its capital in Kigali in 1994 and murder General Habyarimana and his prime minister, Agathe Uwilingiyimana, as a result of the dismal economic situation of Rwanda at the time. The Hutu population (as Mamdani thoroughly explains in his book), terrified of reverting to Tutsi rule after decades of Hutu dominance, would eventually heed the calls of Léon Mugesera and systematically attempt to exterminate all Tutsis in Rwanda in an effort to prevent the RPF from establishing an effective political authority over the resident Hutu population.<sup>10</sup> Thus, Mamdani presents the conclusion of his research: the Hutu population killed out of a fear that had gradually developed from the relationship between the Hutu and Tutsi population in Rwanda since their initial interactions in the thirteenth century.<sup>11</sup>

To support his innovative conclusions in *When Victims Become Killers*, Mamdani extensively cites numerous historical and contemporary scholars of Rwanda, including Catharine Newbury, René Lemarchand, Gérard Prunier, and Alison des Forges. By combining the copious research of these and many other intellectuals with his own, Mamdani created a book that, unlike any of its kind, holistically encompasses all of the underlying factors of the

1994 Rwandan genocide. *When Victims Become Killers* would be useful to anyone who is interested in not only knowing more about Rwandan history, but also how such a tragedy could be occur in the modern era.

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## Notes

1. Sellstom, Tom, and Lennart Wohlgemuth. *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience, Study 1, Historical Perspective: Some Explanatory Factors*. Uppsala, Sweden: Nordic Africa Institute, 1997. p. 32; Taylor, Christopher. *Sacrifice As Terror: The Rwandan Genocide of 1994*. Oxford: Berg Publishing Group, 1999. p. 1.
2. Mamdani, Mahmood. *When Victims Become Killers: Colonialism, Nativism, and Genocide in Rwanda*. Princeton: Princeton University Press, 2001. p. 48-49.
3. *Ibid.*, p. 70.
4. *Ibid.*, p. 88.
5. *Ibid.*, p. 118.
6. *Ibid.*, p. 138.
7. *Ibid.*, p. 145.
8. Sellstom and Wohlgemuth, p. 34-36.
9. Mamdani, p. 149.
10. *Ibid.*, p. 195.
11. *Ibid.*, p. 231.

**Kwame Nkrumah: The Father of African Nationalism. David Birmingham. Athens: Ohio University Press, 1999. Pp. 142.**

This is a biographical study of one of the most complex African leaders of the twentieth century colonial era. The book admirably traces the problems Nkrumah faced as a student and aspiring politician. This African leader possessed a multifaceted personality and diverse interests which were reflected his early education in the fields of sociology, education and philosophy.

The various themes of each chapter nicely demonstrate Nkrumah's evolution from student to African hero. The author's writing style allows for an appreciation of the interaction between a young Nkrumah and world leaders during the colonial era.

An interesting aspect of the book is Birmingham's tracing of the radical influences on Nkrumah, including his association with such Pan-Africanists as C.L.R. James and George Padmore. This was evident in Nkrumah's involvement in the organization of the Manchester Conference on Pan-Africanism in 1945. Almost two decades later, in 1963, the spirit of Pan-

Africanism would be present as Nkrumah played an instrumental role in the founding of the Organization of African Unity.

To a considerable extent, the author has achieved his aim of providing an overview of the life of Kwame Nkrumah and the economic and social forces which were at work at the national and international levels. The various sections of each chapter depict an image of an African leader who experienced both adulation and denigration among his people in Ghana.

Whilst the book provides the reader with insight into Nkrumah's life, the author's analysis of Nkrumah's years of political rule is difficult to assess. For instance, in the examination of Nkrumah as a national statesman, Birmingham notes that one of the criticisms of Nkrumah's rule was that he encouraged a 'personality cult.' The author believes "the charge was both fair and unfair (p.81)." Also queried, but never resolved by Birmingham, is the extent to which Nkrumah's rise to power was attributed to his personal ambitions or the impact of world events such as the death of Gandhi and apartheid in South Africa: "... it is hard to judge how far this meteoric ascent was due to his own driving spirit and how far he simply happened to rise on the crest of the wave that was then sweeping the colonial world (p.15)." The work would have been strengthened if the author had taken a stance on these aspects of in Nkrumah's life and rule.

Another shortcoming is that Birmingham has not specifically addressed the problems encountered by Nkrumah in a separate chapter. Issues such as the 'preventive detention' act in 1958 to deal with dissident voices, the Congo crisis of July 1960, and the intervention of the imperial powers in the late 1960s are only discussed in passing in the chapters "National Statesman" and African Ideas."

Apart from these minor flaws, the book is a colorful biography and assists the reader in understanding the tribulations and aspirations of Third World leaders in guiding their countries through the uncertain transition from colonialism to independence. These leaders were burdened by pressure to conform to the demands of a *realpolitik* which often did not adhere to the realities existing in their countries.

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