

**NYIKA VANHU: THE LAND IS THE PEOPLE:**  
**An Examination of Natural Resource Management in**  
**Zimbabwe's Communal Lands**

**A thesis submitted in partial fulfilment of the requirements for the Degree of  
Doctor of Philosophy (Applied Social Sciences)**

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## Acronyms

AGRITEX	Department of Agriculture: Technical and Extension Services
ANC	African National Congress/Council
CA	Communal Area (Synonym for Communal Land)
CA	Community Adviser
CASS	Centre for Applied Social Sciences
CB	Community Board
CBNRM	Community Based Natural Resource Management
CBO	Community Based Organisation
CC	Catchment Council
CD	Community Development
CDA	Community Development Agent
CL	Communal Land(s) (Synonym for Communal Areas)
CPR	Common Pool Resource/Common Property Resource
DA	District Administrator
DC	District Commissioner
DDF	District Development Fund
DNA	Director of Native Agriculture/Department of Native Agriculture
GDP	Gross Domestic Product
GOR	Government of Rhodesia
GOSR	Government of Southern Rhodesia
GOZ	Government of Zimbabwe
GPS	Global Positioning System
GRDC	Guruve Rural District Council
GTZ	German Development Organisation
IKS	Indigenous Knowledge Systems
LG	Local Government
LMSCC	Lower Manyame Sub Catchment Council
LSCF	Large Scale Commercial Farms (/Farming area)
LSU	Livestock units
MAR	Mean Annual Run-off
MCC	Manyame Catchment Council
MOWD	Ministry of Water Development
NADA	Native Affairs Department Annual
ND	Native (Affairs) Department
NGO	Non-Governmental Organisation
NLHA	Native Land Husbandry Act
NRB	Natural Resources Board
PDS	Priority Date System
RDC	Rural District Council
RW	River Watchmen
SCC	Sub-Catchment Council
SCCF	Small Scale Commercial Farms
SIA	Secretary for Internal Affairs
SRG	Southern Rhodesian Government
TLA	Traditional Leaders' Act

TLA	Tribal Land Authority
UDI	Unilateral Declaration of Independence
UIM	Urban Industrial and Mining
USAID	United States Aid to International Development
VDC	Village Development Committee
VIDCO	Village Development Committee
WADCO	Ward Development Committee
WPC	Water Point Committees
WRMS	Water Resources Management Strategies
WUB	Water User Board
ZANU(PF)	Zimbabwe African National Union (Patriotic Front)
ZAPU	Zimbabwe African People's Union
ZIMASCO	Zimbabwe Mining and Smelting Company
ZINWA	Zimbabwe National Water Authority



# Abstract

It is generally agreed that for the sustainable management of natural resources to be effective a degree of de-centralisation to local level is an essential requirement. This simple axiom conceals a multitude of conflicting issues. Central to these are the questions of scale of jurisdiction, systems of tenure and appropriate institutional arrangements.

This thesis examines the management of natural resources in Zimbabwe's Communal Lands using diachronic methodologies based on case studies and narratives through time and from selected sites. It attempts to unravel issues of complexity and institutional plurality and to determine the factors that encourage resilience and sustainability both of natural resources and of institutions of management. It is the postulate of this thesis that a critical ingredient for sustainability is the need to recognise the importance of worldviews. Unless there is a general institutional fit between epistemologies that have an ontological congruence with institutions of governance at local level, then programmes designed to enhance natural resource management are likely to lack sustainability. It is through institutions that have sufficient flexibility to allow for adaptive management, that encourage holistic, integrated systems of governance of daily life, that conservation and development of resources is operationalised.

The data in this thesis supports the notion that in Zimbabwe's communal lands the institutions that best meet these criteria are those rooted in the indigenous system of governance. These institutions, rooted in a strong kinship organisation, supported by a commonly held worldview and authenticated by customary law and practice, have exhibited a remarkable resilience. Despite the best intentioned interventions of successive central government regimes, it is these institutions of local level management that provide local communities with the necessary 'rules of the game' to manage their common pool resources as well as their traditionally held rights to individual holdings. A corollary that derives from this assertion is that central governments lack the resources to engage with local level communities other than on an irregular basis. They also often lack a genuine intention to de-centralise authority and control over resources to the local level. Techno-bureaucratic and political players in the field of resource allocation and management tend to hold views that are supported by Western science and encourage the notion that at community level people lack the sophistication, knowledge and institutional capacity to manage their own resources. My research would indicate that this is not the case. Indeed all the data in this thesis supports the notion that in the management of natural resources it is local communities that have an innate knowledge of their environment and a strong motivation to preserve it for their individual and community good. (A case study undertaken in a large-scale commercial farming area as a deliberate attempt to examine the dynamics of local level management of resources produced similar supportive data.) What was evident was that systems of management fail or lack sustainability because of institutional complexities and inhibitions imposed from above and because of a lack of genuine devolution to local level.

My analysis of community based management of natural resource in the communal lands concluded by identifying the traditional ward (*dunhu*) community as being functionally the most appropriate unit of natural resource management, placed midway in the hierarchy of nested levels of jurisdiction within the indigenous governance system. It is the conclusion of the thesis that in order to maximise the energy and resilience of the indigenous institutions, systems of local government and of tenure over resources need to give genuine recognition to traditional institutions and the worldviews upon which they are founded.

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their insights and wisdom and may go some way towards helping them realize their visions.



# Chapter 1

## Purpose and Methodology

*“The only certainty is that nothing is certain”*

*Pliny the Elder*

### 1.1 Purpose

The management of natural resources engenders a great deal of discourse. The main debate revolves round the question of the de-centralisation of management. There are those who maintain that centralised, state control is necessary to protect and maximise resource use. Such labels as ‘controlled’ or ‘centralised democracy’, seek to validate this position. Conversely, others postulate that resources are best managed at local level with a maximum devolution of jurisdiction, encapsulated in the aphorism that ‘small is beautiful’ (Schumacher, 1973). Community based natural resource management (CBNRM), has been used uncritically to describe and promote programmes and policies that express a variety of models ranging between these two extreme poles.

While it is demonstrably possible for local communities to manage their own resources, there are limitations and constraints that inhibit their efforts. A radical variable is the degree of jurisdiction conferred on local level management structures. This may be influenced by reluctance on the part of state bureaucracies to relinquish real control. This in turn is often rationalised as a perceived lack of capacity by local institutions to successfully manage the allocation, development and conservation of natural resources entrusted to them.

In order for local level management to proceed successfully there seems to be a need for an alignment of major criteria that encourages rather than diminishes community resilience and cohesion. Extensive literature seems to favour the notion that a key issue is an acknowledgement by the state of a proprietary right of communities to their commons, and with it sufficient devolution of jurisdiction to permit functional self-regulation (Ostrom, 1990). This in turn reveals two key variables:

- The level to which jurisdiction is passed and over what resource or resources;

- The institutional composition of the management/governance unit, including its degree of autonomy and legitimacy.

A complex matrix of additional related variables needs to be added to give substantive meaning to the development of any model:

1. Issues of scale

At what institutional scale is management possible? Scale must not be confused with mere size. It should be identified rather as institutional scope in the hierarchically connected jurisdictions of institutional arrangements. These are commonly referred to as institutionally 'nested levels'. Clearly, there must be a functional level below which the scale of institutional coherence simply fails to be manifest. At this level, where institutions are too weak to provide rules of governance, society descends to the 'tragedy of the commons' (Hardin, 1968). Conversely at the level of the state, when the scale of central institutional hegemony becomes over extended, it lacks the capacity to reach out effectively to the periphery. In such cases "(r)esource degradation may incorrectly be attributed to the ineffectiveness of common property resource management when it actually originates in the dissolution or dilution of the very local institutions whose purpose is to control resource appropriations" (Bromley and Cernea, 1988).

2. Degree and type of de-centralisation

All governments practise some form of de-centralisation. Is the de-centralisation a form of de-concentration or of devolution? Is governance derived from constituent control as a system of devolved authority where the managers are accountable to their constituents or from carefully calibrated state de-concentration where the managers are accountable to state hierarchies? In most regimes functional analysis suggests an eclectic and often conflicting mix of institutional de-centralisation, with the management of some resources de-concentrated, others devolved and yet others tightly controlled by the central state apparatus.

3. Institutional arrangements

Authority may be exercised over a specific resource or over multiple resources. Spatial boundaries may be well defined and enforced and institutional arrangements unambiguously delineated, or they may overlap and be dysfunctional. What levels of jurisdiction are there? Are they nested (layered) jurisdictions? To what degree is institutional or legal plurality an inhibitory factor in terms of local management

capacity? In real world situations there are usually complex patterns of institutional diversity and in Zimbabwe as in most ex colonial states, the legacy of legal plurality.

#### 4. Socio-economic issues

##### 4.1 Transaction costs

Economics impact on governance, not least in the management of natural resources. Transaction costs influence whether an institutional arrangement shows resilience or is discarded. Low transaction costs support institutional stability and are a reflection of resilience.

##### 4.2 'New Institutionalism'

One notion of new institutionalism suggests that institutions survive, alter or perish in direct relation to their economic worth. If no economic benefit accrues, then so will the practise cease to be upheld (Haller, 2002). "People seek to manage the environment when the benefits of management are perceived to exceed its costs" (Murphree, 1991:2). It is only as a resource becomes scarce "that optimal allocation (...) becomes important. This is in order to ensure that the resource is used in such a way that it provides maximum benefit to the user community. In economic terms this is where the allocation is Pareto-optimal. "Pareto optimality is determined where marginal benefits in all uses and by all users are equal" (Muir-Leresche, 1999:203).

##### 4.3 Complexity and 'New institutionalism'

There are scholars who challenge some of the analytical worth of the 'new institutionalism' (Cousins, 2000). Their concerns seem to suggest that the new institutionalism is based on static and accepted 'rules of the game'. They argue that communities are not harmonious, homogenous social units of resource management but comprise competing interest groups and individuals who are involved in a dynamic of struggle which often creates a blurring and softening of social resource use jurisdictions. Their discourse suggests that communities remain cohesive because they have the ability and legitimacy to resolve discord and can adjust appropriations through compromise and customary judicial sanctions. Their criticism seems to ignore the fact that Eleanor Ostrom (1990) for example, developed her design principles within the parameters of just such scenarios. Further, the new institutionalism supports these notions but adds the caveat that the imperative of economic benefit plays a significant part in the dynamics of these iterations. It would seem that in balance the debate is more about description (semantics) than substance.

## 5. Worldviews

### 5.1 Epistemologies and institutional congruence

A search for enduring, robust social entities, with the capacity and resilience to manage their resources through time, to absorb surprise and the random but inevitable changes that occur in any system, must identify the importance of people's worldviews as a critical issue. Congruence between the institutional arrangements of management and the worldviews that have shaped them is largely ignored in academic discourse related to resource management. For example, Ostrom (1990) makes no mention of this crucial component.

### 5.2 Resilience

Resilience is identified as a feature of successful management regimes. Institutional 'fit' with worldviews may be a key ingredient for the robustness of institutions, such that it provides the lodestone around which iterative adjustments to changing circumstances can be made without a disorientation and disruption to the governance of daily life. It forms the basis for a healthy resilience, and elasticity that might otherwise cause society to snap under the pressures exerted upon it; or to simply reject the disruptive intrusion and either ignore it or rebel against it. This issue, the pivotal place occupied by people's ontological perceptions in relation to resource management, forms a core analytic area in this thesis.

## 6. Complexity

The contemplation of complexity, in the pursuit of functional and appropriate systems of natural resource management is an overall theme of this thesis. This requires an intellectual departure from linear Cartesian analysis, which perforce has a restricted ability to view dynamic, interrelated, and holistic systems. "Post Newtonian' social science ... understands reality as embracing both objective and subjective factors, related in less linear and less deterministic (though causal) ways" (Uphoff, 1996: xii). Whereas "defining essences is central to a reductionist Newtonian worldview, appreciating contingencies is more important within a post-Newtonian framework" (Uphoff, 1996: xii). One must move to a systems oriented approach.

## 7. Systems Thinking

Systems are dynamic, complex, pliable and fragile. Systems are attributed with another extraordinary feature that defies reductionist logic. They exhibit 'Gestalt'; an integrated perceptual structure or unity conceived as functionally more than the sum of its total



parts.<sup>1</sup> To pursue Uphoff's analogy, an acceptance of the reality of gestalt is to move from Newtonian physics into the realm of quantum physics.

Because the component variables in a system are interdependent, random alteration to one will invariably produce effects that are often unpredictable on parts or the whole system.<sup>2</sup> Centrifugal and centripetal forces are finely balanced in order to provide cohesion. Any examination of resource management must attempt to identify and analyse this complex array of variables if it is to contribute any solid advance in our understanding of what works and what does not. Indeed science must identify the variables that enhance community and social vigour (resilience) as well as those that cause instability.

## 8. Community Based Natural Resource Management (CBNRM)

This thesis is concerned with resource management in Zimbabwe's Communal Lands. It examines the way communities manage the realities of their real world; their struggles for resource allocation and protection and their efforts to control changes brought into their world. It is also about how they perceive their world and how they devise strategies and tactics to adapt their institutions and relationships (both individual and community) to cope with constant changes and challenges with which they are faced. It is about the governance of daily life.

Are there prescriptions for sustainable and efficient resource management in a communal context? Is sustainable and effective community based natural resource management (CBNRM) a realistic and practical alternative to centralised, state controlled resource allocation, development and management?

*The hypothesis<sup>3</sup> tested by this thesis suggests that indigenous systems of resource management, based on local knowledge of ecological conditions and congruent with cultural and historical imperatives, are the most likely to provide strategies for sustainable and efficient resource use within the Communal Lands of Zimbabwe.*

It thus seeks to determine the conditions that lead to successful management and to identify those that hinder or reduce such effectiveness. I conclude in chapter 9 by

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<sup>1</sup> "Behold, I shew you a mystery" (St. Paul, 1 Corinthians, Ch. 15, v 51).

<sup>2</sup> As with the inexplicable behaviour of electrons and their effect on the system within an atom.

<sup>3</sup> "(A)ny hypothesis must be regarded as an informed guess seeking a central explanation for all the jigsaw bits of information available. (W)hen alternative explanations have been exhausted, it will have achieved the status of theory. (T)he life of an hypothesis is not a tranquil one." (Ardrey, 1976: 16)

suggesting a model for effective local governance of resources, based on appropriate devolution to spatially and jurisdictionally defined community based-organizations. To develop this hypothesis I need to revert to my analysis of the major concerns of discourse about resource management of the commons: the levels and types of resource jurisdictions; and the composition and interrelationships of the institutions of governance.

If CBNRM exists as a functional alternative to centralised state management, then clearly it is necessary to define what one means by 'community'. The definition of community (indeed whether such a definition is possible, or whether there is such a social unit) is a subject of perennial and vigorous debate. It seems, however, that certain key ingredients are essential to give some meaning to the term. Minimum requirements for defining such social units include resilience, cohesion, demarcation and legitimacy (Barrow and Murphree, 2001). Chapter 2 expands on this notion, and proposes a definition of community.

This thesis provides empirical data, based on longitudinal case studies (chapters 5 through 7) that demonstrate that indigenous governance is composed of nested levels of jurisdiction over defined spatial and demographic units. The form of governance at successive levels differs only in scale. It is the social grouping encompassed by the spatial unit of the traditional ward (*dunhu*) that best fits the accepted definitions of community. It is the social unit that is best equipped to satisfy the normative, ontological ethos that provides the necessary comfort and acceptance to community members.

My research examines another subsidiary hypothesis: *Imposed institutional arrangements that seek to alter existing traditional law and practise and offend a community's worldviews will be resisted, altered or rejected. The resilience of indigenous institutions is derived from their evolution as functional expressions of the need for cohesion and harmony. They operationalize society's perceptions of what is right and fitting. They are marked by low transaction costs for ensuring community stability.*

Within this contextual framework, this thesis seeks to explore and substantiate the hypothesis proposed above but expanded as follows:

- *Indigenous systems of resource management, based on local knowledge of ecological conditions and congruent with cultural and historical imperatives (worldviews) are the most likely to provide strategies for sustainable and efficient natural resource management.*
- *CBNRM requires defined spatial and social units of management.*

- *The traditional Shona ward (dunhu) best meets the defining criteria of a traditional community with the resilience, cohesion, and legitimacy to provide integrated, sustainable management of natural resources in Zimbabwe's communal areas.*

## **1.2 Methodology**

The manner in which research is organised, the logic or reason for selecting particular techniques and the way in which sets of data are selected, assembled and analysed is defined as 'methodology'. Methods and techniques *per se*, are not synonyms for methodology. Methodology is the way one selects and employs various methods and techniques – instruments or tools – to attain a given intellectual goal. The methods employed are the tools.

This study is longitudinal with a mass of qualitative material that provides a platform for diachronic analysis. Fieldwork was supported, however, by the use of various quantitative instruments. Questionnaires, group discussion and data collected through participation in local planning of resource use and allocation were some of the methods employed to illuminate the complex issues inherent in the management of natural resources at the local level. This has been compared and contrasted with qualitative and quantitative data from preceding periods. Strong emphasis is placed on case studies that illustrate change through time and are employed as devices to support or reject hypotheses concerning institutional arrangements, to illustrate issues of complexity and to highlight the resilience and tenacity of rural communities so as to give substance to the main hypothesis that this thesis seeks to prove.

The methodology rests heavily on participant observation and on 'narratives' – actions and events thus leading to interpretations and outcomes. Perhaps what renders the methodology unique, however, is the degree to which the researcher was personally involved as a participant in the institutional arrangements under study. There was an opportunity to observe the workings of institutions from within – as an 'embedded researcher' rather than the 'eternal outsider' – which has been the historic fate of most social scientists. Hence the writer is often his own key informant, with all the contradictions that are involved. While each of the roles – researcher, development professional and councillor has been separate, yet the rich collective experience has created a methodological imperative.

From 1996 to 2003 the researcher was involved as a facilitator in the formation, and later as councillor for, the Manyame Catchment Council. Formal fieldwork started in 1998 with pre-registration field trips into the Zvimba and Guruve Communal Lands to reconnoitre possible research sites and to establish a basis for a working hypothesis.

Prolonged field studies commenced in the year 2000 and continued until 2004. All fieldwork was undertaken within the spatial jurisdiction of the Manyame Catchment Council (MCC). Most of the data collected on the water sector has been facilitated by participation in the affairs of the council and its subordinate institutions from pre inception to date – as an observant participant, rather than a participant observer. Running concurrently with this period has been conventional research work undertaken within four relatively small spatial areas, albeit within the main catchment area embraced by the Manyame. I have been associated with these communities as a development facilitator.

Thus throughout the period in which fieldwork was undertaken, the writer was directly or indirectly involved with the communities under study as a development professional and councillor. This provided a unique and close association with the communities researched. However, it also created some difficulties in so far as retaining a detached and objective academic integrity. Balancing this difficulty was the unique experience of being able to participate in the process of civil science in action at different institutional levels. This engagement with the evolution of ‘policy-as-process’ (Jones and Murphree, 2001:57) is the methodological essence of applied social science.

The researchers engagement with the process of natural resource management reform allowed for the participation in institutional experimentation at local, district, provincial, national and regional levels. Participating in and observing this process provided invaluable insights into the complexity of local level management of resources, which has direct influence on the outcomes of this thesis. It is in this sense a collaborative endeavour, combining local knowledge (civil science) and adaptive management skills with outside interventions and suggestions.

Thus this research programme has been a participatory process:

“It is clear that the first step needed in the establishment of appropriate local level common property resource management institutions is a process of participatory research designed to consult with local communities on existing resource use patterns, the desired changes in property rights, and the appropriate institutions to regulate these rights. Such a process must, in the final analysis, *utilise local technical knowledge as far as possible rather than ignore its existence.*” (Murombedzi, 1990b: 13, emphasis added)

Research methodologies vary considerably depending upon the important parameters of the time span of the research undertaken and the position of the researcher vis-à-vis the subjects of research. Within these parameters are a host of variables that influence both the researcher and the researched. Obviously the longer the programme the more variables there are. Longitudinal methodologies are therefore fraught with considerable technical difficulties. These include the changing perspectives and perceptions of the

observer as his knowledge and experience develop. These must have some degree of influence on the way data is recorded and interpreted. Further, the perceptions of the research subjects and of their environment also change through time.

Scientists, Mary Clark points out, are not immune from the influence of their worldviews.

“We unconsciously use it (science) to re-enforce our deepest assumptions and values; we use it to improve those ‘facts’ that we wish to be true, not noticing that our supposedly value-neutral. Methodology can, in fact, fool us if we are not extremely careful.” (Clark, 1992)

This notion is illustrated in a collection of case studies elegantly edited by Melissa Leach and Robin Mearns (Leach and Mearns, 1996). The research undertaken by these scholars shows that the received wisdom of Western Science (and its proposed solutions) often differs widely from reality. The methodology underpinning this analysis is grounded in case studies in which the narratives, supported by quantitative ecological data, challenge the received wisdom that has so often prefaced conventional interventions in the field of natural resource management and so-called development programmes. In so doing they clearly reinforce Clark’s statement that scientists can mislead themselves (and in consequence those who rely on their conclusions) by unwittingly pursuing their research without critically evaluating their own bias brought about by their own worldviews.<sup>4</sup> Becoming immersed in the dynamics of the governance of daily life at local level is methodologically helpful in preventing this sort of bias. However, the researcher has to be careful not to be guilty of the reverse tendency to identify uncritically with his host community.

The subjectivity inevitable in field notes, diaries and logs, personal memory, and the recorded oral testimony of respondents (qualitative material) is hopefully balanced in this thesis by the objectivity of hard data (district population registers, delineation reports,<sup>5</sup> questionnaires, aerial photographs and published works. For example, in three research sites (Murisa, Chimbamauro and Nyamhondoro) initial visual impressions on returning there after an absence of over twenty years, suggested that population density had not increased to any marked degree, nor had the general environment deteriorated

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<sup>4</sup> The strong, pervasive influence of worldviews on science, society, development and governance is addressed in chapter two.

<sup>5</sup> In 1963, the then Government of Southern Rhodesia undertook a survey of all Communal Areas to delineate ‘communities’, i.e. spatial social units that would form the lowest unit of local government. The surveys covered local institutional arrangements, historical information and spatial boundaries of the communities studied. The survey spanned the years 1963 to 1967. I was the researcher charged with the survey, assisted by district and other officials.

to the extent generally reported on by other observers in oral testimony. Population registers, detailed household surveys and aerial photographs were employed to test these initial subjective impressions. Instruments (questionnaires, transects and group discussions) were employed to discover why this startling and unexpected state of affairs subsisted (see chapter 5).

This methodology produces what Scoones (1999) terms ‘dynamic perspectives’ These emerge through scholarly concern with spatial and temporal dynamics developed through detailed and situated analyses of ‘people in places’. Historical analysis is used as a way of explaining environmental change across time and space. It develops an understanding of environment as both the product of and the setting for human interactions that link dynamic structural analysis (of environmental processes) with an appreciation of human agency in environmental transformation (Davidson-Hunt and Berkes, 2000). Put simply, it is these iterative processes, described as ‘adaptive management’ (Jiggins and Roling, 1999) at the interface of the biosphere and the socio-sphere that are at the very core of social ecology and that form the research arena for this thesis.

Thus the methodology upon which this thesis is founded is one of longitudinal, diachronic qualitative research involving the study and participation in management of biological resources, with an emphasis on the local level, yet cognisant of the importance of scale and plurality in such governance. Particular emphasis is placed on analysing the governance of daily life within the context of local perceptions. By studying total resource use and by viewing resource management through the lens of these values a systemic paradigm is developed that may produce a more realistic interpretation of resource management.

To do this a major site was selected in the Upper Guruve Communal Land. This is the Murisa traditional ward (*dunhu*) in the chiefdom (*nyika*) of Bepura. Another *dunhu* (Nyamhondoro) also in Guruve CL within the Chiporiro chiefdom (*unhova* or *nyika*) was used for comparative purposes as was the Chimbamauro *dunhu*, Zvimba chiefdom (*nyika*) in Zvimba Communal Land. To provide a balance to these research sites where traditional institutions play a dominant role in community life, a case study of common pool resource management in a large-scale commercial farming area (LSCF) within the same agro-ecological zone as the Communal Lands (CL) studies was undertaken. Chapter 6 is a case study of a water user association which displays many of the same structural dynamics as neighbouring communal land institutions because of limits placed on its jurisdiction over the resource managed.

### 1.3 Continuity and Change

Within the overarching theory of what has been called the ‘panarchy,’ a bio-economic system moves through an identifiable cycle of growth, accumulation, restructuring and renewal (Ruitenbeck and Cartier, 2001). This cycle takes place within a matrix of two other systems – one slow and the other relatively quick.

The ‘slow’ system is largely ecological and comprises some of the following elements:

- Socio-genetic evolution
- Ecosystems
- Meteorology
- Demographics
- Stock depletion

The ‘fast’ system is largely sociological. It comprises some of the following:

- Technology
- Economics
- Politics
- Demographics<sup>6</sup>

Institutional continuity and change can be viewed within this theoretical construct. Institutions obviously react to ecological change. This can be very fast –or indeed terminal- in response to surprise events, as the recent (2004) Far Eastern Tsunami is stark testimony. At the other end of the time-scale, change can be too slow, as exemplified in the parable of the ‘boiling frog’.<sup>7</sup> By and large, however, societal change is fast relative to environmental change of which it is a part. Within the cycles of institutional continuity and change, worldviews change relatively slowly. They thus can provide a robust platform for institutional stability; or conversely a foundation for stubborn resistance that can lead to decay. Zimbabwe’s CL’s are an apt illustration. Contrasting worldviews occupying the same space-time arena (a situation described by

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<sup>6</sup> It should be noted that ‘demographics’ can be both ‘slow’ and ‘fast’ or, put differently its cyclical arrangements are comprised of both ecological and sociological elements. This neatly encapsulates the notion of people in environment, so colourfully described by Davidson-Hunt and Berkes (2000) as ‘dwelling’.

<sup>7</sup> The “boiled frog” parable has it that if you put a frog in a pot of cool water and then put it over a fire, and slowly bring it to the boil, the frog will only become aware of its danger when its body is too weak to affect an escape.

classical social anthropologists as culture contact) may create models of dysfunction or conflict. The Zimbabwean model is best categorised as a conflict model.

On the one hand is the traditional African model rooted in African Holism, defined as a kinship system bedded in a religion with an ecological ontology. On the other are Western worldviews introduced in the twentieth century rooted in rational, reductionist science, individualism and a colonial 'mission'. Converging and opposing strategies were the products of these worldviews.

The (often covert) persistence of indigenous institutions in the face of intrusive and sometimes aggressively imposed institutional changes can lead in several directions. It can follow several distinct though not mutually exclusive paths with violent rebellion at one extreme and co-option at the other. Or it can lead to a situation of mutually applied pressure, resulting in a decline in resilience and the ultimate fate of the boiled frog – systems failure (Senge, 1990).

Set within Zimbabwe's Mashonaland region (described in chapter 3) this dissertation is an attempt to capture the narratives of these dynamics (chapters 5 through 8) leading to a suggested scenario modelling that would alter the mechanics of these negative feedback cycles and produce a robust and sustainable natural resource management system (chapter 9). To do this, I postulate that it is important to retain the institutions based on majority held worldviews though with agreed and internally inspired adaptations (chapter 2). To make this possible, the intrusive Western worldviews that inspire so much central and bureaucratic intervention will need to be less intrusive and more supportive. It is my belief that the case study envisioned in chapter 9 would result in genuine devolution to constituent-based institutions of natural resource management and local governance, with synthesised synergies and institutions having the required resilience for sustainable and robust management systems.



# Chapter 2

## Worldviews, Science and Natural Resources

*“A new type of thinking is essential if mankind is to survive.”*

*Albert Einstein*

### 2.1 Introduction

In September 1992, Mary Clark addressed the third annual conference of the Association for the Study of Common Property, in Washington DC. Her subject was ‘Worldviews, Science and the Politics of Social Change’. In concluding her address she said:

“Many cultures, past and present, have done a better job than the modern West has of living amicably together, of allocating wealth in socially non-destructive ways, and of living more-or-less benignly off their natural resources. ...It seems to me that our job as ‘scientists’ or ‘scholars’ or what ever we label ourselves, is to identify the attributes of the social patterns that seem to promote these things.” (Clark, 1992:7)

This thesis is a serious attempt to take up this challenge.

This chapter explores the proposition that worldviews (epistemologies) shape resource governance. Failure to recognise this often sets the scene for conflict and failure in much of modern rural development and management practice.

We are creatures of our culture. Scientists – and this includes social scientists – no matter how they strive for objectivity, cannot be entirely free of the perceptions that guide their thoughts. This thesis, there is little doubt, reflects the worldview of this researcher – that of an African of mostly European descent, with a lifetime of professional involvement in rural Eastern and Southern Africa. As Clark affirms:

“We each live and act on the basis of the mental model of the world that we have in our heads. (I)t encompasses everything ... we ‘know’, including the cosmology of one’s culture... “(H)uman thought grows only within language and since language can exist only in society, all thought is rooted in society. From the day of birth on, a child has transmitted to it an enormous but distinctive body of knowledge, concepts, symbols and rules that provide it with this lifelong framework for dealing with the world. This is the individual’s cultural worldview.” (Clark, 1989:213)

This statement is extremely important, for it reminds us that *no fact, no idea, no thought can ever be wholly free from cultural bias*. The mental world in which we live comes to us in large part from the society into which we are born. “Some things are believed because people believe they *must* be true, and in such cases an immense weight of evidence is necessary to dispel the belief” (Russell, 1952:17). Thus it is very difficult to materially alter a worldview once it is firmly established in the thought patterns of the person to whom it belongs. This is particularly so because the worldview conforms to a system of thinking – a way of seeing the world that coincides with others within one’s community. “When you are within a system, when that system serves you well, when everyone around you is in the same system, then it is very hard to imagine any alternatives” (De Bono, 1999:2).

Worldviews tend to change incrementally by adaptations within society. However, certain drivers of change have an influence on society as a whole and on groups or communities, that alter peoples’ perceptions and alter the reality of their world. Sudden unpredicted ‘surprise’ events can also trigger a change in the way people interpret landscape. But generally people interpret what they have been conditioned to ‘see’. Sometimes, quite literally, people have to be trained to see what is before them, as any one who has placed his eye to a microscope to look at a slide for the first time will testify. Exogenous influences and sometimes local events (or individuals) can change people in startling, dramatic and unpredictable ways. By and large, however, it is the resilience of worldviews that is their defining quality.

## **2.2 Western Worldviews**

Western Science has been dominated by reductionist methodology since the days of Rene’ Descartes. Nor have the social sciences been exempt from this. Witness Radcliffe-Brown writing in 1952: “(T)he basis of science is systematic classification. It is the first task of social statics to make some attempt to compare forms of social life in order to arrive at classifications” (Radcliffe-Brown, 1956:7).

Modern Western democracies are based on the idea that an individual’s right to freedom is the paramount social value. It is the function of the state to protect that right. There is a strong belief in such values as ‘scientific rationality’, ‘efficiency’, ‘the work ethic’ and ‘free markets’. Culminating in the Industrial Revolution and the shift of population from rural to urban living, Western worldviews are a reflection of these ideas and the formulation of Man as ‘*Homo economicus*’ (Ruitenbeek and Cartier, 2001:18) and the current thrust of neo-liberalism. It is therefore small wonder that until very recently, most Western assessments of alternative views and systems of resource management were ‘biased’ – to borrow Mary Clark’s term. There is an inevitable partisan belief in

the need to provide interventions that help ‘developing’<sup>8</sup> communities benefit from these sorts of visions.

It is this worldview – centred on extractive production and consumerism, on the ability of science to overcome the vagaries of Nature, on the need to reduce problems to simple linear elements in order to find simple linear answers – that explains the persistence of inappropriate science, and inappropriate policy and process flowing from that science, being applied in the field of rural community development. Leach and Mearns (1996) explore “(t)he driving force behind much environmental policy in Africa”.

“(This) is a set of powerful, widely perceived images of environmental change. This change is all downhill: it includes ‘over-grazing’ and the ‘desertification’ of drylands; the widespread existence of a ‘wood fuel crisis’; the rapid and recent removal of once pristine forests, soil erosion, and the mining of natural resources caused by rapidly growing populations. So self-evident do these phenomena appear that they are regarded as common knowledge among development professionals in African governments, international donor agencies, and non-governmental organisations. They have acquired the status of conventional wisdom.” (Leach and Mearns, 1996:1)

In other words, they are a reflection of their worldviews:

“These orthodoxies assign to African farmers, hunters and herders a particular role as agents as well as victims, of environmental change. If current trends are to be reversed, it is implied, local land-use practices will have to be transformed and made less destructive. *Yet the development policies and programmes that result commonly prove to be at best neutral and at worst deleterious in their consequences for rural people and for the natural-resource base on which their livelihoods often substantially depend.*” (Leach and Mearns, 1996:2, emphasis added)

Why, in the face of continued failure to affect desired improvements, are attempts so seldom made to challenge the premises upon which such strategies are founded? And even when they are, all too often it is not the received wisdom of Western science that is questioned. Rather are answers sought which reinforce that science by suggesting that it is the target community that is unable (or unwilling) to wholeheartedly accept the obvious benefits that such interventions would provide. It is their refusal to abandon their own notions of tenure that is the cause of failure. Or it is because the target community has a ‘high leisure preference’; or it is lack of political commitment that is to blame. In terms of the perceptions of the development agents it is not hard to find empirical ‘evidence’ to support these views – particularly as they re-enforce their stereotyping; which is again yet another reflection of their worldview.

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<sup>8</sup> The wide use of this adjective is itself revealing. Developing from what to what, one might ask?

John F. Oats exemplifies this point of view. He argues that there is a belief that the national parks concept cannot work in Africa and that Community Based Management of Natural Resources (CBNRM) therefore became a vogue as an alternative system. Human politics has a profound impact on biological research and conservation efforts in tropical countries. CBNRM was in his view a sort of “cop out” to justify the fact that (fortress) conservation was not working and to “pass the buck” to local communities to conserve their own resources, a task beyond their capacity or will. Left to their own devices, extractive exploitation and Hardin’s (1968) “tragedy of the commons” was inevitable (Oats, 1999:26).

Strategies for the conservation and development of natural resources flounder in negative feed back loops. Donors, NGO’s and government agencies<sup>9</sup> are overwhelmed by failure. Their pessimism grows as they witness the increasing need to provide welfare rather than development and by the futility of pouring large sums of money into projects that achieve nothing but the aggrandisement of a few local elites and often handsome financial reward for the agents of NGO organisations. And in the mean time the environment appears to degrade. People get poorer. The cycle repeats itself. The perception that linear, top-down, centralised planning and implementation of ‘development’ is the only possible solution becomes further reinforced in the minds of agents of development.

This mind-set often takes root in the minds of rural communities as well, as their self-confidence and institutional capacity is sapped by the whole debilitating process.

“Successful self-government depends, among other things, upon the possibility of concerting the behaviour of large numbers of people in matters of public concern. (B)ut amongst many marginalised people their predictive hypothesis seems to be to ‘maximize the material short run advantage of the nuclear family; assume that all others will do the same.’” (Banfield, 1958: 7)

In these circumstances concerted action by large groups (communities) becomes difficult or impossible, thus creating a self-fulfilling prophecy. Banfield seems to sum up the attitude of so many Westerners, as well as the ‘Third World’ techno-bureaucrats whom they taught:

“There is some reason to doubt that non-western cultures will prove capable of creating and maintaining the high degree of organisation needed to run a modern economy and political order.” (Banfield, 1958: 7)

He adds the caveat that Japan may be an exception!

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<sup>9</sup> Government agents by virtue of their education generally embrace the orthodoxies of Western science. Most civil servants perceive such strategies as decentralisation as a threat to their security.

Murphree and Mazambani underline the point in regard to the techno-bureaucrats when they say:

“The powerful alliance between bureaucracy and science evident in Zimbabwe’s environmental policy history has undoubtedly led to advances in the understanding of environmental dynamics that have been operative in the country. It has however also at times compromised an essential element of good science – the recognition of contingency and uncertainty in its findings. ‘Awareness of uncertainty has a habit of disappearing when science interacts with policy. It also has the danger of excluding insights from local experience and civil science through a ‘process of black-boxing’,’ (Keeley and Scoones: 2000:8-9) whereby disputes are closed, fundamental uncertainties, or questionable premises, are closed from further investigation, or just simply ignored” (Murphree and Mazambani: 2002:42)

As another commentator suggests: “Technocrats suffer from myopia. Their instinct is to think about immediate returns, immediate consequences. (...) If a region needs electricity, they reach for a power plant. (...) The fact that the plant could trigger devastating ecological consequences a generation later simply does not register in their time frame” (Toffler, 1981:414). But as Toffler also pointed out, “(T)o plan for a more distant future does not mean to tie oneself to dogmatic programmes. Plans can be tentative, fluid, subject to continual revision” (Toffler, 1981:414). In short what has come to be called ‘adaptive management’ (Jiggins and Roling, 1999) replaces linear, blueprint planning and implementation.

Interestingly, one of the stereotypes created by Westerners to describe Africans in particular but also Indigenous and Latin Americans was an inability to ‘think more than a few months ahead’. Thus, the argument went, they never planned for the future, and the concept of stockpiling against a future disaster such as drought. The traditional African time frame was at best one season (Carothers, 1972). “The future is virtually absent because events which lie in it have not taken place” (Mbiti, 1969:17). Ironically what this stereotypical construction fails to comprehend is that the traditional African cultural approach to environmental management was in fact an iterative response to changing demands and conditions and was far more attuned to modern ideas of social ecology than anything produced until recently by Western Science. The truth is that the technologist’s view of his landscape may be more short futured than that of the people whose technological skills are so often the subject of his derision.

In attacking the cause of so much failure and frustration, it would be remiss not to record that there are many academics and development professionals who do indeed challenge this scenario. Berkes (1989), Melissa Leach (1999), Scoones (1999) Little (1999), Clark (1992), Murphree (1995, 2000) and many others in the ecology-social science nexus, with painstaking and scholarly erudition have embarked on what Clark (quoting Einstein) has suggested; the need for a new way of thinking. This is a perception of daily life in which mankind is a component of the environment, not an

independent actor: he is a passive as well as an active participant in what has been suggested is the environment as a common ‘dwelling’ (Davidson-Hunt and Berkes, 2000).

But more important is the need not simply to view the dynamics of governance, resource development and conservation separately from mainstream economic and national development, but rather as part of a holistic and systemic, iterative process best described as adaptive management. The move towards a new science that embodies the ideas of holistic, integrated, systems thinking is personified in the Resilience Alliance which calls for the development of models capable of addressing issues within a ‘panarchy’ (Ruitenbeek and Cartier, 2001) as discussed briefly in chapter 1 and given more critical examination in chapter 8. The contribution in this thesis to this ‘new thinking’ is to emphasise that just as it is necessary to have integrated systems of management in place, it is as (if not more) important to ensure that there is congruence with the epistemologies of the recipient community. Yet there remains a pervasive reluctance on the part of governments, many NGOs and donors to make such a paradigm shift, so imbued is the narrative of development discourse with ideas embedded in Western worldviews about property, linear ‘development’ and neo-liberal economics.

This thesis offers yet another plea for such a paradigm shift amongst those involved in what is perhaps the most crucial dilemma facing our time. There is a need to recognise the ontological and the normative as fundamental determinants at the core of successful resource governance. In order to do that it is necessary, I believe, to visit what Irene Dankelman (1999) calls the cosmo-vision<sup>10</sup> of that part of Africa in which I was born, and have lived, worked and studied. Centred on Zimbabwe,<sup>11</sup> this includes much of the SADC Region. To emphasise the importance of worldviews in the formation of strategies for access and use of resources, and the resilience of institutions, case studies and histories from Zimbabwe will be cited.

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<sup>10</sup> Dankelman suggests that “‘community’ is embedded in its specific culture, which is a product of the history of the community and encompasses its cosmo-vision (including spirituality), its knowledge systems, social organisation and its productive day to day practises” (Dankelman, 1999). Her notion of worldview leans heavily on the inclusion of the spiritual dimension.

<sup>11</sup> For the sake of convenience the name Zimbabwe will be used throughout. This is not strictly correct. Between 1890 and 1980 the country was called either Southern Rhodesia or Rhodesia.

### **2.3 Alternative Worldviews**

#### *The District Commissioner's Court: Worldviews in Collision – a cautionary tale*

One of the duties of a young District Officer was to re-hear civil cases uplifted from chiefs courts. These were not strictly speaking appeals. They were re-trials conducted under the statute of the African Law and Courts Act (GOSR: Chapter 237). This was the interface between customary law and the impositions of 'Common Law' – in the case of Zimbabwe, Roman-Dutch Law. In civil cases between Indigenous Africans, African Customary Law prevailed unless "repugnant to natural law and justice" (GOSR: Chapter 237). Procedure and evidence was regulated by the practise of Common Law and Statute Law. A trial in the District Commissioner's Court was a case of record. Evidence was reduced to writing.

By way of contrast, in the court of the chief (*dare ra'she* or *dare ramambo*) trials were conducted according to customary procedures. Hearsay evidence – indeed any evidence – was permitted. Trials were not committed to writing. Witnesses included anyone who felt like partaking in proceedings. The process was inclusive rather than exclusive and the desired outcome was reconciliation. Although there were principal litigants, the notion of a single plaintiff and a single respondent was replaced by one where a case involved at the very least two extended families. And as each extended family was in turn related to others it meant that anyone who wished to could be involved as a witness or advocate for either and sometimes both parties. Seduction and divorce cases predominated.

### Box 1: Worldviews in collision

On a particular day, the writer was hearing evidence concerning such matters. A young woman's father was suing for damages for the seduction of his daughter. The young woman's father's sister was present in support of the girl. It was she who dominated the court and persisted in giving opinions and offering evidence indiscriminately. Most district officers allowed a degree of leniency in these matters, only committing the trial to paper once a sort of understanding had been reached. In other words they allowed (as much as they could) the customary procedures of the traditional courts to prevail, even if this meant laundering the trial record to fit the conclusions. However, hearsay evidence was never permitted. And in cases of seduction or adultery it was necessary (in order to avoid being upset on review or appeal) to record corroborative evidence. The old lady knew nothing of these finer points of procedure and evidence and ranted on over a lengthy period about how her charge had been seduced by the respondent. In response he insisted that she was guilty of a monstrous prevarication and that he had never so much as touched her. In fact he averred he hardly knew her.

Growing weary of the interminable argument the court eventually insisted that the plaintiffs produce corroborative evidence to support their case. This produced a snort of derision from the old lady who stared contemptuously at the writer and said: "*Zvimwe zvinoitika neChirungu kuzopomborana mumusika kuti vamwe vagopupura zvavo, asi hazvitike neChiVanhu*. It may be that in *Chirungu* (meaning European customary behaviour) adultery is practiced in the market place and thus provides eyewitness evidence of one's doings. But it is not *Chivanhu* (meaning the 'Peoples' way – i.e. not 'our way')".

This little tale illustrates the clash between the normative world of Shona rural people and the imposed rigidity of an alien institutional practice. It serves to show how pervasive is the sense of difference: a sense of living in two different but overlapping worlds. It highlights how easy it is for these differences not only to engender bewilderment but sadly also to cause frustration and in extremis, xenophobia. One can think of no simpler illustration of worldviews in confrontation.

#### 2.4 *Nyika Vanhu: The Land is the People*

The dictum '*Nyika Vanhu*' is an essential element of the traditional worldview of Shona people. The dictionary translation of *Nyika* is "territory of a chief" (Hannan, 1984: 489). *Vanhu* is translated as "People" (Hannan, 1984: 390). The dictum "The Land is the People", means it is people who give cognitive meaning to territory. Yet "*nyika vanhu*" means more than this.

*Nyika* as territory includes all the natural resources (*zvisikwa* – lit. things created) as well as *vanhu* – people. '*Vanhu*' includes all people with inherent rights within the



territory. ‘*Vanhu*’ does not include those with no entitlement to *nyika* – those who do not belong. For example, European people are referred to as *Varungu* – Aliens. The root *rungu* or *zungu* is believed to have Sintu<sup>12</sup> connotations linked to the ocean – thus *murungu/muzungu* indicated a person originating from the sea. Folk from other areas and places are not entitled to acceptance except through treaty or through marriage or often a combination of both. Thus if you lived in the North, the Southern *VAKaranga* were referred to not as *VAKaranga* but as *MAKaranga*. The noun concord **VA** denotes **people**. The concord **MA** denotes **things**, i.e. ‘non-people’! Thus was a clear distinction drawn between the in-group and the out-group. Language is used to further illustrate the point. Outsiders permitted access to *nyika* are called ‘*VaTorwa*’ – from the verb *tora*; take. Thus *Vatorwa* means Those ‘taken in’.

For those who do belong, *Vanhu* is not simply those who happen to be occupying the corporeal world. *Vanhu* includes those who have died as well as those yet unborn. Indeed they are the ‘*varidzi venyika*’ meaning ‘the owners of the *nyika*’ and are thus to be revered, cherished and obeyed in matters concerning *nyika*.

## 2.5 Shona Cosmo-vision

Traditional Shona religious belief is centred on a Supreme Being – *Mwari*. *Mwari* while far from otiose is generally approached through a hierarchy of spirits, representing departed<sup>13</sup> members of society. The more powerful they were in the corporeal world, the more powerful they remain in the dimension of the Shades. In Shona oral tradition the most powerful royal lineages converge and merge with the spirit of *Mwari* – the Supreme Being – God (Latham, 1987).

*Mwari* is all-powerful. At the intercession of mortals or spirits he may decide on whether the rainy season will be bountiful or whether there will be drought. As *Dzivaguru* (The Great Pool) (s)he is the embodiment of water, the provider of all life (Daneel, 1970; 1971). He is the rain, the lightning and the granite monolith Rungai in Chivi District from whence, every year, a spontaneous fire announces His Presence before the commencement of the rains (Bullock, 1928; 1950). *Mwari* as *Musikavanhu* is

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<sup>12</sup> Sintu or Urbantu are words used to describe the theoretical proto-Bantu language that forms the basis of all modern Bantu languages.

<sup>13</sup> The use of the word ‘departed’ is inappropriate in Shona idiom. The deceased are not ‘departed’ but are in a very real sense still part of the community of the living. It is only their physical reality that is in another dimension.

the Creator of People. *Mwari* embodies the notion of *nyika* on a pan-Shona scale (Daneel, 1970; Gelfand, 1977; Latham, 1987).

“The Shona concept of the Supreme Being has never been polytheistic. The great number of names designating the Supreme Being reveal a variety of functions and the association of the divine with different phenomena of nature rather than suggesting the existence of a number of deities. For centuries they have believed in *Mwari* as the final authority above and behind their ancestors, a High-God who seemed perhaps less directly involved in their individual lives than their ancestors were, but one who could be consulted on matters of national importance. ...*Mwari* was believed to control the fertility of Shona-occupied country, to give rain in times of drought and to advise on the course of action to take in times of national crisis.” (Daneel, 1971:80)

*Mwari* is in this sense concerned with the ecology and the sociology of his domain or ‘dwelling’ (Davidson-Hunt and Berkes, 2001). Father Hannan in his foreword to Gelfand’s “Spiritual Beliefs of the Shona” writes:

“The Shona believe in a Creator who is the arbiter of life and death. They approach him in the same way as they approach a senior living elder (*mukuru mukuru*) in their daily lives, that is to say through an intermediary. But they approach Him through the mediation of their spirit elders not just at the most important moments of birth, puberty, marriage and death, but also in their daily needs. Their life is penetrated with their religion. Their religion is, in this sense, their life.” (Gelfand, 1977:3)

The *mhondoro*, the spirits of founding lineages, provide the linkage between chiefly *nyika* and *Mwari*. Lesser spirits (*mhondoro* from less exalted lineages and *midzimu* – clan and family spirits) provide similar links down to the ward, village, family and finally the level of the individual. Individuals derive identity and status by their position within the kinship organisation. Individuals on death simply move from the corporeal plain into that of the spiritual. They remain part of the matrix that is encapsulated in the notion of *nyika vanhu*. “The Shona adult who dies is not thought of as passing out of the family just because he is no longer bodily present to its members. He, or she, is still a member of the family, but a spirit-member” (Gelfand, 1977:2). Whisson (1984) suggests that the ‘past is another country’. In the traditional Shona worldview, the past is part of the present country. Time is not perceived in linear perspective. Rather is it a matrix of interrelated dimensions. “It is not physically separated but forms part of an integrated whole” (Latham, 1987:27).

*Mhondoro* preside over territories. In ‘ideal’ situations the present chiefly polity with which a *mhondoro* is associated, coincides with the *mhondoro* territory. More usually due to migration, re-settlement and compression of territories by the colonial administration, the boundaries of the fossil polity no longer coincide with the reality of the present. Sometimes the fossil territory of a *mhondoro* is associated with the now defunct political domain of a secular power long since diminished in status and territory.

*Mhondoro* are the apical authority of royal lineages that have territorial dominion of a *nyika*. *Mhondoro* are therefore the ultimate authority over the land and natural resources and the people within their territorial tenure. A *mhondoro* is the ‘*muridzi wenyika* – the Owner of the *nyika*’. Such an arrangement is not unique to Shona-speaking Zimbabwe.

“Throughout Central Africa there also exists a type of cult which functions for the whole community rather than sections within it and which is at the same time profoundly ecological. (These territorial cults are concerned to) counteract droughts, floods, blights, pests, and epidemic diseases in animals and man.” (Schoffeleers, 1999:2)

Schoffeleers describes these cults as being ecological and draws on data by other researchers reported in the same volume. They demonstrate that these indigenous African religions function in respect of the well-being of the community, its fields, forests, livestock, fish, water and other natural resources. “(T)hey provide schemas of thought in which myths, rituals and directives for action appear as part of a coherent worldview. What sets territorial cults apart from other religious institutions is the combination of communal and ecological concerns and the primacy accorded these concerns” (Schoffeleers, 1999:2).

If people deviate from society’s moral codes (murder, rape, lax sexual morals, trespass etc.) they anger the *mhondoro* whose response is to punish his children: ‘*kuvapa vana murayiro*’. Droughts and floods; famine and epidemics are indications of such divine displeasure. This emphasises the connection or oneness of people and the environment. An apt example is the response to incest (*makunakuna*). The punishment for *makunakuna* – which is regarded as an unnatural practise – is meted out by the *dare raMambo* (court or assembly of the chief) but in close consultation with the *mhondoro*. The traditional punishment was the payment of three black cattle specifically to the *mhondoro*, not the chief, nor the aggrieved party. This was a necessary offering to the *mhondoro* ‘*kutonhodza nyika*: to cool the country’. Unless the *mhondoro* and the lesser shades were thus mollified the *nyika* was in a state of imbalance – was over heated – and the offering was required to restore its balance. Both the people and the environment were by this means conserved.

The alignment of history, religion and territory, which is the essence of the *mhondoro* cult, provides a powerful charter for institutional endurance. An example helps to illustrate the point.

### Box 2: Institutional endurance

Northern Mashonaland is demarcated as part of the fossil Munhumutapa State and its attendant provinces. These fossil polities are well known and still have functional significance for many. An example is the *nyika* called Chirudya which was founded by a Princess called Khoswa. Khoswa was the daughter of the Munhumutapa Kazuru Kumupasi, who was succeeded by Mukombwe in 1666. Khoswa was allocated the land of Chirudya (Abraham, 1959). Their descendents still occupy the seat of this polity. Despite the fact that the *nyika* of Chirudya was bisected by the border created between the Portuguese and the British, the functional boundaries of Chirudya remained unaltered (Baines, 1904). In 1964 these boundaries were well known and the *nyika* of Chirudya for all practical purposes straddled the border. Khoswa's and Nemhuru's *mhondoro* were still the *varidzi wenyika* – owners of the country (GOR, Delineation Report, Mt Darwin District: 1964; Spierenburg, 2003:13).

Such narratives give substance to the worldviews of their adherents. In the dynamics of the struggle for the control of territory and the acquisition of resources they provide a convincing charter for current claims to territory and resources.

## 2.6 Landscapes and Narratives: Differing perceptions – The Genesis of Conflict

In the context of this thesis it is useful to describe the migration of Mutota from the grassy plains of Guruuswa<sup>14</sup> northwards to eventually found the Munhumutapa State (Beach, 1980; 1994; Abraham, 1959; GOR, Delineation Report, Guruve District: 1967). Mutota, the putative founder of the Munhumutapa State, was accompanied on this migration by friends and relatives. They in turn had followers of their own. Two such were Chingowo and Zvimba. Chingowo was Mutota's particular friend and confidante (*tsano*<sup>15</sup>). Zvimba was one of Mutota's senior liege-lords (*muchinda*) heading his own royal dynasty and cluster (*dungwe, dzinza*).

Oral tradition recalls their arrival in what is now Guruve District. Mutota convened a meeting of his leaders at a ruware (bald granite slab or outcrop) called Domboresewu.<sup>16</sup>

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<sup>14</sup> Guruuswa or Gurutwa is a mythical country from which the migration of the people now occupying Northern Mashonaland claim to have moved. Guruuswa means 'Big grass' and is interpreted as being an area of grassy plains, and therefore somewhere to the south.

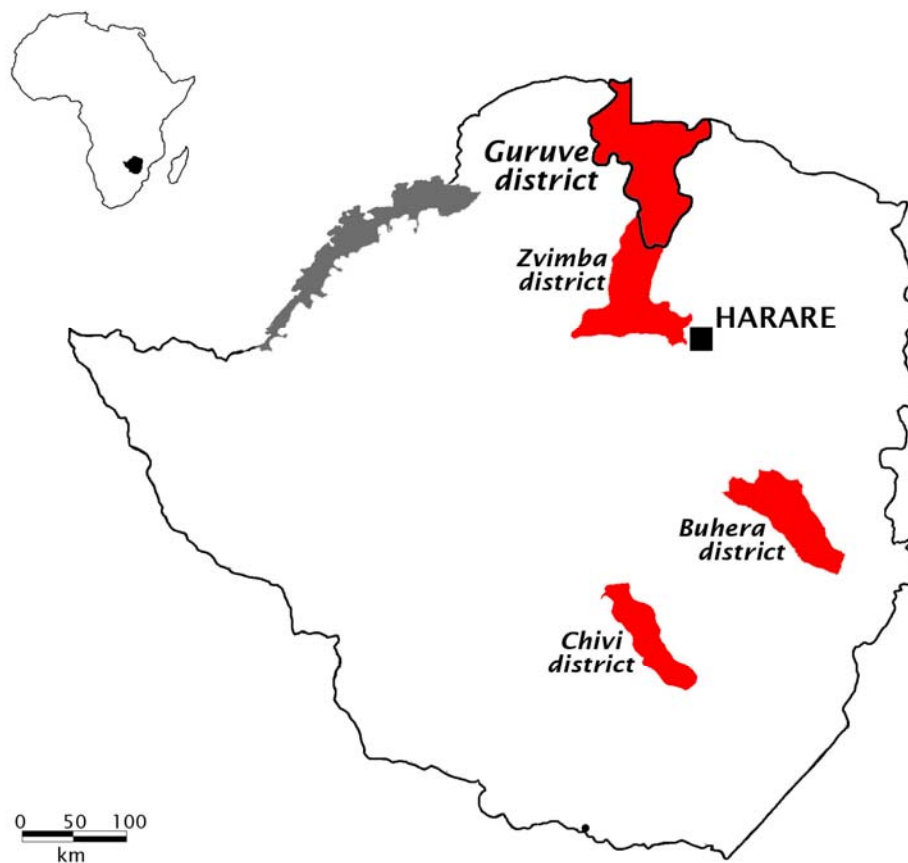
<sup>15</sup> "Wife's brother whom one makes one's friend" (Hannan 1984:661).

<sup>16</sup> The present Dombosera Farm in Palm Block (GOZ; 1998: 1:250 000 Topo-cadastral series, Sheet-36-1 at grid reference 870550).

Here he told his people that they had were close to the ‘*ivu ripinde rimwe*’ (the soil that surpasses all others), the salt pans of the Dande in the Zambezi Valley. It was time for them to settle in their allocated territories.

Mutota chose for his home a place on the west bank of the Utete and ruled the country down into the Dande and Zambezi valley. When he was dying he summoned his sons and made them plant eight small baobabs on Chitako cha Ngonya Hill to mark his burial site. He hit the rock of the hill with his *tsvimbo* (staff of office) and it opened up to allow him in. After he descended into the hill it closed behind him, thus re-uniting him with the earth (Abraham, 1959:64; Abraham, 1960:2-3).

**Figure 1: Main research areas within Zimbabwe**

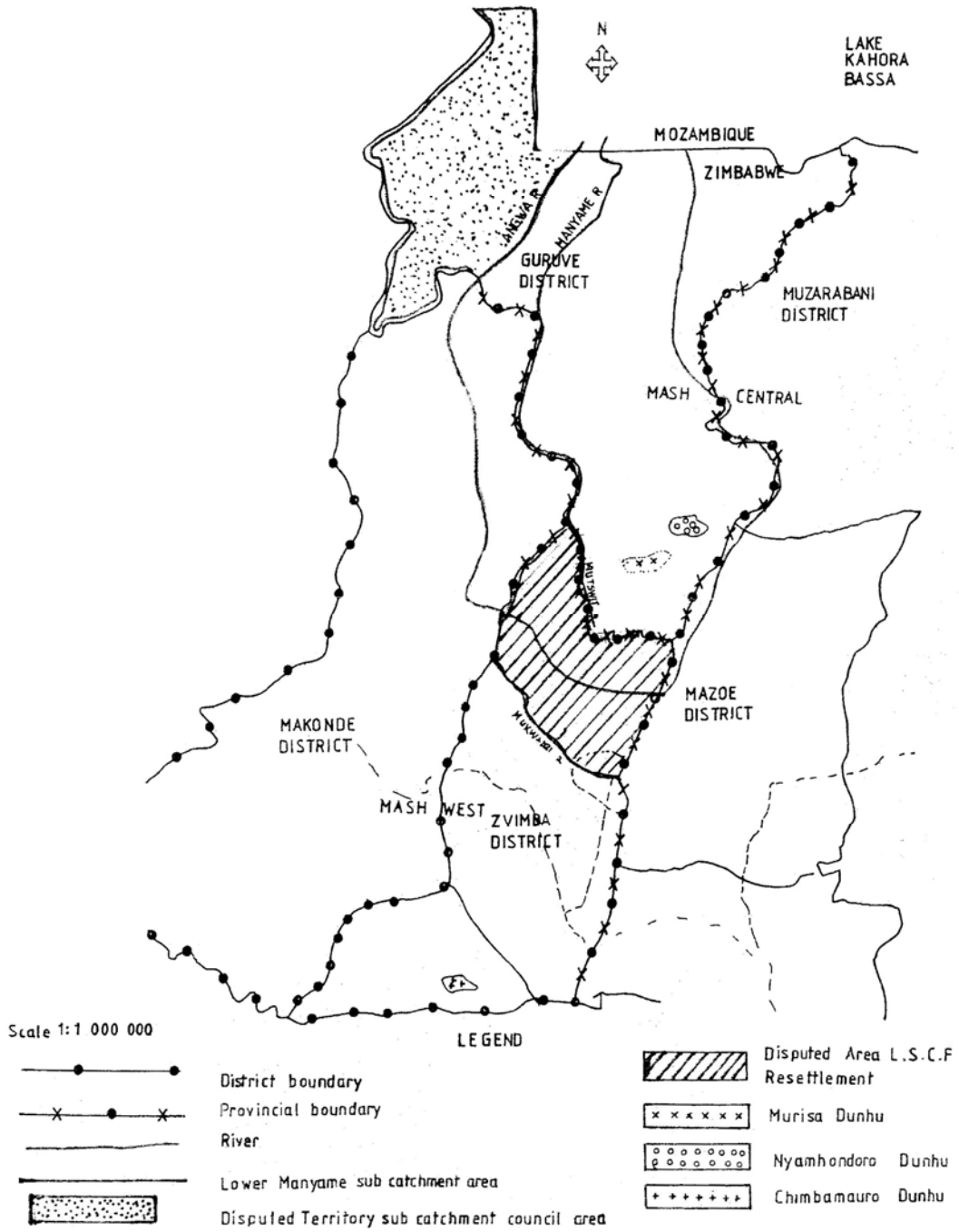


Chingowo lived in the *nyika* (country) next to his friend and mentor, Mutota. This was the area that today is called Upper Guruve and includes the Guruve Communal Lands; Mvuradonha State Land; Horseshoe and Victory Blocks Large Scale Commercial Farms; Gota and Nyakapupu Small Scale Commercial Farms; Re-settlement Areas; and the area allocated to Chief Bepura. The southern boundary of Chingowo's domain was the Mukwadzi River, a tributary of the Manyame flowing into it from the west. South of the Mukwadzi, Zvimba settled with his people (GOR; Delineation report, Guruve 1967, authenticated by field work 1999/2003).

The enclave between the Mukwadzi River and the Mutswiti River, which includes the villages of Raffingora and Mutorashanga and the Aryshire Large Scale Commercial Farms (LSCF), falls within the traditional domain of Chingowo and his dependent polities. However, it now forms part of the modern administrative district of Zvimba (see figure 2).

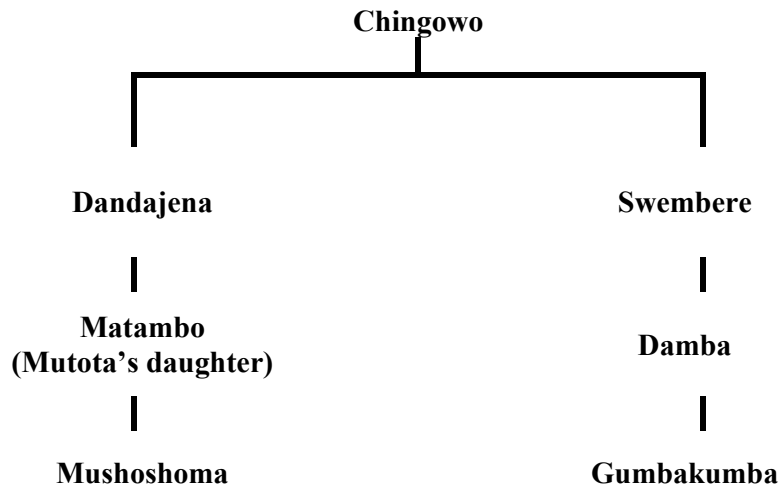
The newly formed Manyame Catchment Council was divided into sub-catchment councils (GOZ: Water Act 1998). The boundary between the Middle and Lower Manyame sub-catchments is the watershed/crest dividing streams and rivers flowing into the Mukwadzi and Mutorashanga Rivers. This is roughly coincidental with the original boundary drawn between Chingowo and Zvimba in the sixteenth century. When the boundary was explained to councillors of the Lower Manyame Sub Catchment Council, Chief Chisunga, whose polity descends from Mutota, expressed great satisfaction; '*Ndafara zvikuru! Mugano uno wakamboganurwa nemhondoro dzedu karekare* – I am very happy! This is our boundary that was first demarcated by our *mhondoro* long ago' (Notes of a meeting of the LMSCC June 2000).

Figure 2: Map of main research areas in Guruve and Zvimba district



Swembere was the second son of Chingowo and succeeded him as *Nhova*. “(I)n the country of Guruve the term *Nhova* was attached to each successive supreme ruler. Thus Chingowo was *Nova* and Swembere took over the *uNhova* after him” (GOR: Delineation Report, Guruve: 1967:119). His oldest son Dandajena was barred from succeeding Chingowo as he had been caught having an affair with one of Chingowo’s junior wives. He moved – was banished – to Sara, the area now known as Raffingora, but was still influential in the politics of the Chingowo people and held the title *Goteka*.<sup>17</sup> He was also closely linked to the Mutapa. His son, Matambo, who was born at Sara, married a daughter of Mutota.<sup>18</sup> “Matambo was also a *dunzvi*<sup>19</sup> of Mutota. Mutota appointed him ‘*muridzi wenyika*’” (i.e. ritual associate of the *mhondoro* Mutota in his relationship to the old kingdom of the Mutapa) (GOR: Delineation Report, Guruve; 1967:119). Mushoshoma, born of this union, became the hereditary ritual *dunzvi* of the Mutota *mhondoro*. Gumbakumba was the son of Damba. He settled in the area of Sara with his uncle Dandajena (see genealogy, figure 3).

**Figure 3: Genealogy of Chingowo**



<sup>17</sup> The origin of this title is obscure. *Gotekwa* means a rough, temporary shelter and this could refer to Dandajena’s fugitive status when banished from Guruve proper. On the other hand the stem *teka* refers to drawing of water from a well or spring and brings the title nearer to the names associated with the great ancestor heroes – e.g. Mutota from the stem *tota* meaning dampness.

<sup>18</sup> The name Mutota is used as a dynastic title and is synonymous with Mutapa or Munhumutapa.

<sup>19</sup> *Dunzvi* is the official in charge of ritual ceremony (Hannan, 1984:140).



In 1998, a woman spirit medium (*svikiro* or *homwe*) for the Gumbakumba spirit settled on Cornrise, a large-scale commercial farm, the property of one Sandys-Thomas. Sandys-Thomas adopted a confrontational approach to the settlement on his farm of the *svikiro* and her followers. He appealed to the police and they moved to have her evicted. Her huts were burned down and she and her followers fled. She later returned and started to build again. The police refused to act a second time and the District Administrator was called in to arbitrate the matter. He explained to Sandys-Thomas the importance of Gumbakumba and brokered an agreement for her to remain on the farm with her small group of ritual attendants (Personal Communication: Maposah: DA Zvimba 2000).

After the constitutional referendum in 2000, the farm invasions by ‘war veterans’ commenced. War veterans (*warvets*) and other ‘invaders’ from Guruve started to move onto farms in the Victory Block (part of the Guruve District). Significantly, however, before moving to the Victory Block farms they ‘invaded’ Cornrise. They merged with the followers of Gumbakumba and took over large sections of the farm. Sandys-Thomas had handed over the farm to his son. Sandys-Thomas the Younger reacted to the invasions by enlisting the support of his neighbours who moved onto the farm with their tractors and ploughed in land planted by the settlers, including land cultivated by the *svikiro* and her followers. This invoked a violent response and eventually the police moved on to the farm to restore some sort of order. They again called in the Zvimba District Administrator.

The DA was very angry that the agreement he had struck with Sandys-Thomas the Elder had apparently been broken. He insisted that compensation for the ploughed in maize be paid, not only to the *svikiro* but to the ‘warvets’ as well. However, he decreed that the latter had no right to be on the farm as they were from out of Guruve district. They retorted by stating that the boundary with Guruve was a government demarcation and that the true boundary of their area was the Mukwadzi River and they had historical and spiritual grounds for being on the farm.

“Haisinyika yaZvimba. Inyika yedu kubvira chinyakare. Dandajena naDamba waitonga Sara kubvirarininarini. Mhondoro wedu Gumbakumba vanogara padongo. This is not Zimba’s country. It is ours since long ago. Dandajena and Damba have ruled Sara since when ever. Gumbakumba is living at his ancient village site.” (Personal communication anon. settler, 2000)

This strategy was then employed on several other farms in the Zvimba District north of the Mukwadzi River. Considerable hostility and confusion between rival ‘settler’ groups

from Zvimba and Guruve were recorded.<sup>20</sup> In the end, a compromise was struck. Most of the Guruve settlers were sent back over the administrative boundary. The MP for Guruve South was allegedly ‘given’ a farm in the Zvimba district to ensure his and his followers compliance by the MP for Zvimba who was also the Minister of Local Government and responsible for the re-settlement programme. There is only hearsay evidence to support this assertion but it fits the general pattern of patronage and perceptions of customary practise in regard to allocation of resources by powerful elites – in this case a state minister rather than a traditional chief.

In the mean time the white farmers expressed anger and frustration that land that they had purchased and farmed – in some cases for three or four generations – was now being taken from them on the grounds that they had no right to it. Most farmers, and especially those who had been in possession of their farms since the early days of settlement cited a much repeated narrative to substantiate their claim to the land. Typically this testifies that the farms were empty of people when their forefathers bought them. The case of the Strong family is typical.

“My grandfather came to Rhodesia in 1906. He bought our farm unseen from a Jewish businessman on the train from Salisbury<sup>21</sup> (Harare) to Sinoia (Chinhoyi). When he moved on, he had to cut a road through the bush. There were no people living on the farm when he settled here. We could not even get any workers. We had to import migrant labour from Portuguese East Africa. This whole area that is now commercial farms was empty country. We did not steal it from anyone.” (Personal communication: Harry Strong, 2001)

Frazer-Mackenzie similarly settled in the area along the skirt of the Great Dyke. He acquired a huge ranch of some 30 000 acres in 1912. His son and grandson both recounted tales of ox drawn transport, ‘empty bush’ and the problem of finding workers to assist in the arduous business of opening up the ranch.

That these conflicting perceptions of landscape should exist is not necessarily a contradiction. Even the third generation Frazer-Mackenzies, resident on the estate, were completely ignorant of Shona historical claims. When these were told to them they

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<sup>20</sup> I acted as a go-between for the settlers, commercial farmers and the DA Guruve in several of these cases.

<sup>21</sup> White settler tales about their pioneer progenitors frequently highlight the swashbuckling and daring character of their forebears. Two other pioneer forefathers in the Raffingora/Mutorashanga area are said to have agreed to fight a duel on the banks of the Mutswiti River over their rival claims to a parcel of land and for the charms of a local belle. They were deterred from going ahead with this scheme by the arrival of a group of sturdy neighbours determined to either witness the fun or put a stop to it. Accounts differ. In any event the duellers were too embarrassed to continue with their folly!

shrugged them aside; “They are inventing legends and history to justify their claims. This country was empty. We had to import labour from Mozambique and later from Malawi and Zambia”.

Contemporary records indicate that Shona settlements on the plateau were widely dispersed at the end of the 19<sup>th</sup> and start of the 20<sup>th</sup> centuries. Reliable reporters (Posselt, 1924: 70-76; Carbutt, 1924:76-82; Bent, 1969) paint a picture of Shona settlements confined to small family units tucked away in the relative obscurity of the broken granite hills that dot the plateau, to avoid detection from the ‘*impis*’ (war parties) of Matabele sent out to exact tribute. Furthermore, population estimates at the turn of the nineteenth century suggest a total population for the country of a less than a million people (Beach, 1980). So there is no doubt that the country must have seemed ‘empty’ to the incoming settlers. Added to this were the perceptions – worldviews – of the new settlers. “(T)he early white settlers regarded the Shona as unimportant subjects of the Ndebele king and no attempt was made to obtain from them concessions for mining or trading or settlement” (Bourdillon, 1976:29). These ideas changed considerably with the first uprising against colonial rule in 1896 – the First War of Liberation or *Chimurenga*, known to the colonial historians as the Shona Rebellion – but not sufficiently to influence the overall perception of white settler farmers and miners that the land was theirs. They were either granted concessions by the Chartered Company or else bought their farms and obtained title to surveyed blocks of land much of which was seemingly unoccupied.

“Even in farming the clash between interests of the settlers and of the indigenous peoples could have been worse. Where there was a choice, the Shona usually preferred sandy soils, which best suited their staple crops of millet and sorghum....The settler farmers, on the other hand, preferred richer and heavier loamy soils.” (Bourdillon, 1976:31)

This is another recurring narrative, often used by colonial propagandists to justify the apportionment of the country along racially determined criteria.

The counter narrative popular in nationalist literature and propaganda suggests that there was massive forced movement of people into the lower, drier, less productive parts of the country characterised by poor, sandy soils. Both narratives are ‘true’. Yet both are distortions of the facts. For example the whole of the Zambezi valley was home to indigenous people for centuries before the advent of the Rhodesian state. The Save River basin has been home to the VaHera and others for centuries. Indeed, most parts of the areas now classified as regions three to six have been similarly occupied.

What has changed through time is the density of population, and the general distribution of the people. Three major influences can be cited. The first is the re-settlement of people from land apportioned for white settler occupation.<sup>22</sup> The second influence has been the eradication of the tsetse fly. Large swathes of country were uninhabited or only sparsely settled prior to the tsetse control measures that finally bore fruit towards the end of the nineteen fifties, allowing for people to settle with their cattle. A third factor allowing for denser population settlement in these areas was the development of ground water resources.

In 1957/8 the Mushoshoma people (see figure 3) were moved to the Rengwe Valley in the Urungwe District. The Rengwe is a tributary of the Sanyati River. This was part of a movement that included Chief Dandawa from the Mana Pools area along the Zambezi. Both groups were moved to make way for other developments. Mana Pools was to become a Wild Life Sanctuary or National Park. Mushoshoma's area was required for large-scale commercial farms. The movement of these two groups coincided with a massive tsetse control campaign in the Sanyati basin, including bush clearing, selected species game culling and the actual settlement of people on a fairly dense pattern designed to disturb the fly. It was made possible by sinking a large number of boreholes in an area that had previously been characterised by a total lack of surface water during the dry season. Human habitation had been possible only along parts of some river valleys that have perennial pools and water holes, such as the Rengwe and Msukwe rivers. This coupled with the fly made the area so inhospitable that it was never really settled. Notwithstanding, it was traditionally regarded as part of the chiefdoms of Nematombo and Mujinga of Urungwe District (White, 1971).

Twelve villages under Mushoshoma were settled along the Rengwe in 1957. The following year all of Dandawa's people were moved, a total of some thirty village-heads and their followers. Thus within the space of two seasons an area was settled that had hitherto been devoid of permanent habitation and seemingly belonged to no one. It is small wonder that white settlers occupying land at the beginning of the twentieth century thought they were opening up 'empty bush'. Thus are born narratives and counter-narratives about ownership and possession that so often lead to irreconcilable conflict.

## **2.7 Definitions and Relevant Issues Of Governance**

Before describing the political organisation arising from the Shona worldview, definitional attention needs to be given to certain relevant aspects of governance.

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<sup>22</sup> The Bepura and Murisa move to Guruve Communal Land in 1945 is a good example, see chapter 5.

### *Institutions and Organisations*

“An institution is an established norm of conduct recognised as such by a distinguishable social group or class of which therefore it is an institution” (Radcliffe-Brown, 1956: 10). “Properly, institutions are underlying and persistent rules, customs, arrangements and patterns of behaviour and organisations the more immediate manifestation of these” (Dovers, 2000).

“In general, institutions, whether organizations or not, are complexes of norms and behaviours that persist over time by serving collectively valued purposes” (Uphoff, 1986:9). Thus institutions and organisations are not synonymous, though institution and organisation are commonly used interchangeably. This is because there are organisations that are also institutions and vice versa. For example, the law is an institution that is not an organisation; a new legal firm is an organisation that is not (yet) an institution and the courts are both an institution and an organisation (Uphoff, 1986:8).

In this thesis, ‘organisation’ is defined as an arrangement of institutionalised activities within the body politic. Organisations are structures of recognised and accepted roles. People have a position within a social system. The role they perform in terms of their position is determined by the organisation. For example, a soldier’s role is defined by his position (rank) within the organisation. This distinction is made because of a common confusion in contemporary literature concerning the use of these terms.

Institutions refer to a distinguishable type or class of social relationships and interactions. Thus in a defined society or group there are accepted rules for the way people are expected to behave. A colloquial definition of institutions would be to say they are what define ‘the rules of the game’ (Dovers; S: 2000)

Institutional arrangements are the conventions (rules, customs and laws) that societies establish to define their members’ relationships to resources, how they translate their interests in resources into claims and finally claims into property rights. What these relationships are has a profound influence on how resources are managed.

### *Community*

This advances us to the point where it is no longer possible to avoid discourse on the vexed question of ‘community’ and what is meant by that term. “Community is one of the most vague and elusive concepts in social science and continues to defy precise definitions” (Barrow and Murphree, 2000:24). Nevertheless it is a useful construct for paradigms illustrating the complexity of the interrelated issues involved.

Barrow and Murphree (2000:26-27) suggest that there are four essential elements that must be present to give functional meaning to what we may refer to here as a

community. Certainly for the purposes of development discourse they provide a useful framework for analysis.

Cohesion “(...) refers to a sense of common identity and interest which serves to bring people together for collaborative action, and leads them to collectively differentiate themselves from others” (Barrow and Murphree, 2000: 26).

Demarcation sets the boundaries of jurisdiction for the community and is usually based on a delineated spatial area together with its enclosed resources. In some instances it is based on an accepted jurisdiction over a given set of resources. The point is that the demarcation sets spatial and jurisdictional boundaries over access to and denial of resources and allows for organised activity.

Legitimacy: “Just as collective organisation requires demarcation, it also requires legitimacy for its process and leadership, which needs to relate both to power and authority. External authority can confer legitimacy. This tends to be a necessity but the most important legitimation is internal, arising from ‘socio-cultural and socio-economic criteria’” (Barrow and Murphree, 2000:27). This is what I have referred to as ‘worldviews’. A people’s shared worldview provides the basis for regime legitimacy. Individuals become part of a group with a shared vision of their landscape; or conversely they may be denied such legitimacy or have it withheld. It can thus be a very powerful tool in enforcing compliance.

Resilience is the organisational capacity to adapt in both content and structure. It is essential for the management of risk in uncertain environments and livelihood systems. Without resilience communities cannot survive and endure.

Barrow and Murphree conclude their analysis with a definition of their perception of community:

“For the purposes of our topic community is defined functionally as a principle manifest in social groupings with the actual or potential cohesion, incentive, demarcation, legitimacy and resilience to organise themselves for effective common pool natural resource management at levels below and beyond the reach of state bureaucratic management.” (Barrow and Murphree, 2001:27)

The definition of ‘community’ in the context of resource management/governance used in this thesis is given below:

*A community is a group of people who recognise each other on a face-to-face basis. They live for the most part in a locality whose known and accepted boundaries (both spatial and jurisdictional) provide those within the community with access to resources and deny outsiders such access. They have a number of enduring institutions serving their needs; a sense of togetherness legitimated by a*

*shared worldview and a sense of belonging within a locality that exceeds any sense of belonging with outsiders; and they have the potential to co operate in matters of common interest.*

### *Scale*

These definitions lead us into the perplexing issues of scale and levels of management. Scale implies graduations in magnitude. Within the traditional Shona social system, for example, there is a progression from homestead to village, to ward and then to chiefdom. The form of governance at each level is similar. However, the scale or magnitude of power over people and territory differs greatly. The hypothesis of vesting control at the lowest practical level of the scale of nested jurisdictions is well known and needs no elaboration here. The conundrum remains, however, as to what is the lowest level. What is Schumacher's (1973) 'small is beautiful'? Is Murphree's notion of 'jurisdictional parsimony' (Murphree 2000) the most pragmatic answer?<sup>23</sup> At what functional level are Ostrom's (1990) eight design principles most appropriate?

Of these issues, the most critical in practical terms, is de-aggregation. Unless sufficient power and authority is vested in local level communities the chances of effective local self-government are diminished. How de-aggregation (de-centralisation) is applied is the ultimate defining criterion of local self-governance. It may be in the shape of de-concentration, with a bottom-up system of accountability, and a top-down delegation of authority, a system entrenched in state bureaucracies. It may be in the form of devolution, implying a surrender by the state of elements of jurisdiction, where those in authority are responsible primarily to their constituents (i.e. ultimate authority lies at constituent or grass roots level and is delegated upwards to those charged with governance.) It may be a mixture of these two elements, referred to in some literature as co-management. Or it may be that the State bureaucracy clings to the myth of *de jure* central control but lacks the capacity to administer such a system, so that local level traditional institutions *de facto* provide most, if not all of the instruments of governance (Anstey and De Souza, 2001; Latham, 1995).<sup>24</sup>

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<sup>23</sup> Murphree posits that 'small is good' rather than 'best'. But he qualifies this by suggesting that there must be a fit between the size of the unit and the resource being managed.

<sup>24</sup> Both papers refer to conditions in Mozambique where central government had effectively ceased to be relevant.

## 2.8 Traditional Political Organisation

The Shona indigenous system of government consists of hundreds of autonomous or semi-autonomous chiefdoms. These are based on exogamous patri-lineages identified by *mutupo* (totem) and *chidau* (clan name or praise name) (Holleman, 1952; Bourdillon, 1976). Traditional political organisation is represented by a hierarchical arrangement of nested units of governance, starting at the village (*musha*) rising through the ward (*dunhu*) and culminating in the chiefdom (*nyika*). In pre-colonial history, states - also termed *nyika* – incorporating many chiefdoms in a con-federal association, represented the apex of political hegemony. Scaled territorial units, with defined boundaries, spatially represent this hierarchy of jurisdictions.

The hierarchy of the spirit-world mirrors this arrangement, with mediums representing spirits at all levels – though not all spirits have mediums. Superimposed on the living hierarchy of leadership is the hierarchy of spirit ancestors, associated with land and lineage.

"Traditional Shona people believe that the spirit world, like that of the living, is inhabited by an hierarchical society. Those who occupied powerful positions during their lifetimes similarly occupy positions of authority in the spirit world. Associated with this is a reverence for control over territory." (Latham, 1987:8)

“(A)ll royal authority, consequent on the ownership of land, was derived from the spirit of some great ancestor, and no chief ruled but by virtue of descent from him”. (Burbridge, 1938)

Thus land and natural resources were/are allocated and controlled by the traditional leadership (a combination of secular and spiritual<sup>25</sup>) with graduated jurisdictions over the allocation of rights of access and exclusion (see chapter 5). Worldviews legitimate these institutional arrangements. Thus worldviews shape and regulate customary behaviour - what is socially sanctioned and what is acceptable. This is defined in the vernacular as *kutonga*.

*Kutonga* means to try a case (*kutonga mhoswa*). It also means to rule over a group of people (*kutonga vanhu*). Thus one may *tonga* a homestead (*mana*), a village (*musha*), a ward (*dunhu*) a chiefdom (*nyika*) or a country (*nyika*). At the lowest organisational level

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<sup>25</sup> Because the spirits are important and influential in the lives of the living there exist people who act as their mediums. The medium (*svikiro* or *homwe*) plays a vital role as the conduit for the articulated thoughts and wishes of the community (both the living and departed.) The belief in the reality of a spirit-dominated world is a central article of faith. Thus the saying ‘*nyika vanhu*: the land is the people’, ‘People’ includes the living and the spirits of the departed back to the first people who settled the land - the *Varidzi Vepasi* - the Owners of the Earth.



planning and management of resources is conducted by the *dare*, headed by the *samusha* (village headman). The *dare* is usually an informal, representative organ of community governance to which any and all community members have access (including women). Meetings deal with all matters of common concern. Decisions are theoretically by consensus and delivered by the *samusha* in consultation with two or three trusted and acknowledged councillors/advisors (*makurugota*). At the ward headman (*sadunhu*) and chiefly level there are similar assemblies (*matare*); only the scale of jurisdiction is progressively larger.

Thus *kutonga* is how activities are controlled and regulated. How one *tonga*'s is determined by one's worldview and the worldview of the *tonga*'d. To capture these perceptions one must use a Shona dictum: '*Ishe vanhu: vanhu ndi'she*: The chief is the people: the people are the chief'. This is simply explained. By their acceptance of his station, the people determine the power and position of the chief. This maxim encapsulates an institutional reality that has profound implications. It implies that the head of a socio-political unit (be it village, ward, chiefdom or State<sup>26</sup>) governs by general consensus. That there are corrupt leaders, lazy leaders and despotic leaders is not contested. But such leaders represent a haemorrhage in the system not a norm – they represent a Watergate not a Magna Carta.

'*Ishe vanhu, vanhu ndi'she*' allows the whole system to be flexible and adaptive in the face of impinging issues and events – both endogenous and exogenous. It may be argued that this sort of consensus governance slows the pace of change to that of the most conservative. This may be true, some of the time. But it also provides a mechanism for society to adapt to change without serious rupture. This is because changes to worldviews are brought about with the minimum of trauma by a process of incremental adaptations congruent with current perceptions. Thus, a synthesis of the socio-sphere, the biosphere and what Toffler (1981) calls the techno-sphere is best maintained. However, for this to work effectively, certain conditions seem to be required. These conditions are discussed in succeeding chapters, supported by extensive case studies and narrative material.

The dominant theme illustrated by case study and narrative material is the resilience and capacity of local communities to adapt and modify their institutions in order to maintain congruence between their worldviews and their environment. Another simple truth that is illustrated by the case studies is that development and management of resources by

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<sup>26</sup> Oral history records the insane despot *Mambo* Rupengo of the Rozvi State. He was eventually assassinated – a cautionary tale.

local communities is perceived as part of a holistic and integrated worldview that I call African Holism. It is grounded in their ecological, territorial religion.

What one is suggesting may incline the reader to the view that he is adopting the role of hagiographer of the traditional 'Little Society' and presenting it as a homogenous and harmonious group of equals. This is not the case. The Little Society is as diverse and divergent as the larger world of which it is a part. What this thesis attempts to prove, however, is that at local level the institutional arrangements of local traditional governance are what regulate society; that at local level it is local knowledge that is generally best equipped to deal with complexity and surprise. And it postulates that science would be sensible to recognise the strength, resilience and elasticity of local institutions as suitable instruments to manage and develop their own resources in a manner most likely to be sustainable.

# Chapter 3

## Setting the Stage

### 3.1 Geography

Zimbabwe is a landlocked republic in southern Africa, bounded on the north by Zambia and Mozambique, on the east by Mozambique, on the south by South Africa, and on the southwest and west by Botswana. Zimbabwe is situated between the 16th and 22nd meridians and between longitude 26 degrees East and longitude 33 degrees East. The total area of the country is 390,580 square kilometres or 39,070 million hectares (Economist: Intelligence Unit, 1993:2). Zimbabwe is for the most part situated on the great plateau shield of southern Africa.

**Figure 4: Map of Africa**



The most prominent physical feature is a broad ridge that runs southwest to northeast across the country. It has an elevation of between 1200 and 1500 m (between 4000 and 5000 ft) and is known as the High Veld. On either side of the ridge the land slopes downward, in the north to the Zambezi River and in the south to the Limpopo River. All Zimbabwe's major rivers rise on the High Veld. For example the Angwa, Mazowe and Manyame flow north, and the Save and Runde flow south from this central watershed. The High Veld gives way to the Middle Veld (900 meters to 1200 meters) and below that the Low Veld (below 900 meters).

### 3.2 Climate

Zimbabwe lies within the tropics, but its climate is moderated by high elevation. The average temperature is 16° C (60° F) in July (winter) and 21° C (70° F) in January (summer). The average annual rainfall is about 890 mm (about 35 in) on the High Veld and less than 610 mm (24 in) in most parts of the Middle and Low Veld. Some 65% of the country receives less than 750mm per annum (Murphree and Cumming, 1993).

Most rainfall occurs from November to March. A characteristic of rainfall in Zimbabwe is its wide range of potential precipitation both seasonally and in terms of spatial distribution. Thus localities in close geographical proximity to one another may receive vastly different quantities and temporal distribution of rain within a given season or seasons. Variations in rainfall from one season to another are also characteristic, with periodic droughts following years of abundant rainfall. Severe droughts, however, appear to occur at roughly ten year intervals. Chapter 2 described the territorial *mhondoro* cults. They are closely associated with the granting or withholding of rain. The propensity for erratic rainfall patterns thus has an influence on traditional Shona worldviews and religion and natural resource management.

### 3.3 Natural Regions or Agro-Ecological Zones

Zimbabwe is classified into five natural regions or farming zones. Vincent (ecological and land use aspects) and Thomas (pedological aspects) in consultation with Staples originally classified the country along mainly agro-climatological criteria.

“A Natural Region is defined ... as a relatively large area where agricultural development is, and will be, conditioned by one or a few dominant natural characteristics. The natural characteristic dominant through Southern Rhodesia is rainfall, and natural regions will therefore be demarcated according to the degree of adequacy and efficiency of rainfall. Within large areas characterised by the same rainfall pattern, varying systems of land use will be conditioned largely by soil differences. Soil characteristics will therefore be the primary basis for sub-dividing Natural Regions into natural Areas.” (Vincent and Thomas, 1961: 3)

For “(O)ver four decades these categories have been the main policy frame for strategic and regional planning. At a broad level they are useful” but tend to “gloss over (other) factors” (Murphree and Mazambani, 2002). The five regions are summarised as follows:

- Region I: In the eastern Highlands, covering less than 2% of Zimbabwe. Rainfall above 1000mm.
- Region II: The North Eastern High Veld covering some 16% of the country. Reliable rainfall of 750-1000mm between November and March;

suitable for intensive cropping and livestock production. (See below for a more detailed definition.)

- Region III: Mainly in the Midlands and covering 18% of the country. Rainfall between 500-750mm, but subject to mid-season dry spells and high temperatures.
- Region IV: Low-lying areas in the north and south of the country and covering 37% of Zimbabwe. Rainfall between 450-650mm. Subject to periodic seasonal droughts and severe dry spells during the rainy season. Generally unsuitable for dryland cropping and suited to livestock production.
- Region V: Lowland areas generally below 900m and covering 27% of the country. Erratic rainfall usually below 650mm. Suited to intensive livestock production or game ranching. (Murphree and Mazambani, 2002:1 after Vincent and Thomas, 1963)

The Guruve Communal Land, and specifically the Murisa traditional ward (the main focus of field work for this dissertation) falls within Natural Region II. Zvimba CL and the LSCF area covered in this thesis are also in Region II. I therefore give a more detailed definition of this region. Region II is described as follows:

”(H)ere the rainfall is confined to summer and is moderately high (average between 28” and 42” – 750/1000mm). Two sub-regions have been defined: in sub-Region II (a) dry spells during the rains are not severe and do not materially affect cropping; this sub-Region is therefore suitable for intensive systems of farming based on crop production; sub-Region II (b) is subject to rather more severe dry spells during the rainy season which may affect crop yields in certain years, but not sufficiently frequently to change the overall utilisation from intensive systems based on crop production.” (Vincent and Thomas, 1963:42)

### **3.4 Vegetation**

Zimbabwe is primarily wooded savannah – *brachisegia-julbernardia* woodland in regions II and III and *mopane* woodland in the lower regions. Montaine forests are found only in limited areas along the eastern border and in the wettest areas of the High Veld (Coates Palgrave, 1984).

### **3.5 Mineral Resources**

The country is rich in mineral resources. Many minerals are found along the Great Dyke, a geomorphological formation that stretches roughly North to South for four hundred kilometres across the centre of the country. Minerals found here include

chrome, copper, asbestos, nickel, gold, silver, and iron. The Great Dyke forms the eastern boundary of my research area. Large coal reserves are found in the northwest. Other mineral resources include cobalt, tin, and precious stones. Large reserves of platinum and kyanite and smaller reserves of zinc and lead have been located (Mountain, 1968).

### **3.6 Population**

The bulk of Zimbabwe's population is formed by two major ethnic groups: the Shona, who constitute about 80 percent of the total population, and the Ndebele (Matabele), who constitute about 19 percent of the total and are concentrated in the south western regions. Minority groups make up the balance of 1% – Tonga along the upper Zambezi, Tsonga-Hlengwe in the southern Low Veld and people of European, Asian and mixed decent mostly in the urban areas.

The estimated population in 2005 is in the region of 11,000,000. A more accurate figure is not available due to the massive uncontrolled emigration over the last four years. This figure gives the country an overall population density of about 30 persons per square kilometre (about 76 per square mile) More than two-thirds of the people were living in rural areas at the time of the 1992 census. Since then there has been considerable urban drift, particularly to the urban conurbation of greater Harare. The current estimated population of Greater Harare is in the region of 3 million. In 2002 prior to the national census, the population based on extrapolations of previous population growth of 3% was in the region of 14 million people giving a population density of about 35 persons per square kilometre. However, the national census in 2003 revealed a total population figure of only 11 million. This figure, if correct, reflects the enormous effect of the HIV-Aids pandemic as well as the massive outwards migration of many people due to the economic and political crisis currently afflicting the country. Unofficial data suggests that over 2 million Zimbabweans are now living in neighbouring South Africa. Many others have moved to Botswana, Mozambique and overseas – mainly the United Kingdom.

### **3.7 Economy**

Zimbabwe has one of the most diversified economies of any African nation. The agriculture, manufacturing, and mining sectors are all well developed. Following the unilateral declaration of independence by the Smith Government in 1965, trade sanctions were imposed against the then Rhodesia by the United Nations. Sanctions, however, did not seriously damage the economy; during the 1970s numerous local industries were developed to provide substitute goods, and the country became self-sufficient in food. The economy suffered a negative growth rate in the late 1970s during

the liberation war, but expanded at an annual rate of 2.9 percent during the first decade of independence. By 1992 annual gross domestic product (GDP) was about \$5.22 billion. By the year 2000 it had reached \$28.2 billion. The economy has suffered a sharp decline since 2000, brought on by a combination of inappropriately applied 'economic structural adjustment' and a ruinous 'fast-track' land 'reform' programme.

### **3.8 Agriculture**

The principal cash crop is tobacco, which is grown mainly in the northern and central regions. In the 1990s annual production reached about 202,000 metric tons and accounted for more than one-quarter of Zimbabwe's export earnings. Cotton is grown extensively in the lower lying communal lands of Gokwe and the Mid Zambezi and accounts for most of the country's commercial crop. Coffee is produced in the Eastern Highlands. Communal Land maize production has contributed significantly to Zimbabwe's success as a regional grain exporting country. CL production combined with LSCF production provided sufficient grain for the country's domestic needs, strategic reserve and the export of surpluses. This position has been reversed since the government's 'fast-track' land reform programme with the country now reliant on international food aid to avert widespread starvation.

Winter wheat is grown under irrigation predominately in the LSCF and provides most of the country's domestic needs. Indeed irrigation farming in the LSCF sector has become a significant contributor to enhanced and reliable production. Winter wheat, horticulture, tea, sugar cane and tropical fruits are winter-irrigated crops. Summer supplementary irrigation ensures early maize, paprika, soya and other field crops against drought. Irrigation schemes in the communal land sector were first introduced in the nineteen twenties. They have been a feature of government rural development policy ever since; but with limited success.

In the mid 1990s the country had about 4.7 million cattle, 2.6 million goats, 580,000 sheep, 290,000 pigs, and 13 million poultry (Encarta Encyclopedia, 1997). A major feature of the southern Low Veld has been mixed game and cattle ranching.

### **3.9 Land Tenure**

Zimbabwe has a multi-tenurial land allocation system.

#### *Private property regimes*

These consist of areas held under private title deed:

- Large-scale commercial farming areas – including State farms;

- Small-scale commercial farming areas;
- Cities and towns.

### *Communal Areas*

Communal Areas or Communal Lands (CLs) comprise land vested in the State but managed mostly as common property regimes (CPRs) with limited legal, formal recognition of traditional (indigenous) land rights (GOZ, 1982: Communal Lands Act). There are 173 Communal Areas within 56 administrative districts. Forty two percent of Zimbabwe's land area falls within this category. Eighty five percent of communal land falls within natural regions three, four and five. They represent a "distinct sub-national regional entity based on the specific administrative and political demarcation of rural lands, which historically separated them from LSCF and the state land areas or zones. (They were) formally known as 'reserves' for the various tribal population groups" (Moyo, 1995:128). Land is vested *de jure* in and administered by the Rural District Council, with individuals allocated residential and arable holdings and shared access to the commons. No CL inhabitant has any form of documentary rights. At best they have unregistered usufruct over their holdings. However, in all CLs the chiefs and headmen have traditional rights and lay claim to the areas under their jurisdictions. "(A)rable and residential land in Communal Areas is actually held under a traditional right which give ownership to the family. This land is not under communal tenure as with the grazing and other commonly held resources" (GOZ, 1994:24). This is explored in more detail in chapters 4 and 5.

### *Re-settlement Areas*

Re-settlement areas have various tenure systems but are based on the principle of CPRs. Re-settlement areas have increased in area and importance since 1980. The LSCF areas have now been largely re-settled under the fast-track land reform process. Many farms have simply been re-allocated to 'new farmers', others have been sub-divided into smaller commercial farming units and others again settled along 'Model A'. "This model provides for a nucleus village settlement bounded by individual arable holdings and communal grazing" (Moyo, 1995:86). The important fact that needs to be emphasised, however, is that in all re-settlement areas (including those allocated under the fast-track) ownership of land is assumed by the State. All beneficiaries are obliged to enter into a lease agreement with the State. The conditions of lease may vary depending on the resettlement model. No provision is made, however, to convert lease agreements to agreements to purchase, as was the case with LSCF and SCCF in the pre-independence era.

### *State Land*



Government holds lands as Parks and Wildlife Estate, Forestry Estate, Railway Reserve and unassigned State Land. Approximately 15% of the country's land area falls within this general category.

The distribution of land and its related resources has been a contentious issue for over a century and has largely shaped political events since British colonisation in 1890 to the current upheavals in Zimbabwe consequent upon the 'fast-track land reforms' (GOZ: S-G 1998: Land Categories; see also Moyo, 1995:26 for scaled down version). Historically, access to fertile land, good rainfall and other natural resources also influenced the pre-colonial period. The construction and occupation of Great Zimbabwe, in an area with a benign microclimate, is an example. The migration from that area in the fifteenth century in search of new areas for settlement, leading to the establishment of the Torwa and Mutapa dynasties in the Bulawayo and Guruve areas is another.

### **3.10 Administrative Divisions**

Zimbabwe is divided into eight provinces. Each province is divided into several districts. Mashonaland Central Province consists of seven districts. Guruve District, the province's largest, is situated in the northwest of the province (GOZ, S-G; 1998: 1:250000 Topo-cadastral Series). Mashonaland West consists of six districts. Zvimba District is situated in the north eastern segment of the province and adjoins the Guruve district along its northern border. The main field research site for this dissertation was in Guruve District. Fieldwork was also conducted in Zvimba District. Within each of these districts a traditional ward formed the main focus of activity.

### **3.11 Second Tier (Local) Government**

Rural District Councils are elected second tier local government bodies covering the rural areas. They have enshrined statutory powers and responsibilities (GOZ, 1988, Rural District Councils Act). Council areas coincide with district administrative boundaries unless urban councils are included within the district. In the latter case the urban council operates as a local government body separate from the rural district council. Councils are sub-divided spatially into wards and wards into village development areas. These sub-divisions are delineated using demographic criteria and thus coincide only coincidentally with traditional institutional arrangements. An elected councillor represents each ward on council. Each village development area is headed by a village development committee (VIDCO). VIDCO chairmen are the ward councillors and constitute a ward development committee (WADCO). WADCOs and VIDCOs have delegated authority from their rural district council (RDC) to supervise demarcation and allocation of land for arable and residential purposes. This is in direct conflict with the

perceived role of traditional leaders. “The current law excludes traditional leaders in land administration. Inhabitants of Communal Areas however, still refer most land matters (...) to traditional leaders” (GOZ, 1994:24). The Traditional Leaders Act (GOZ, 1998) seeks in part to remedy this situation but seems to create additional ambivalence.

### **3.12 River Catchment Councils**

The Water Act (GOZ, 1998) divides Zimbabwe into seven catchment areas roughly coincidental with the major river catchments (‘watersheds’ in American English) covering the country. They are charged with the allocation and management of water. Because catchment areas are delineated on hydrological criteria they do not coincide with local government, or with district and provincial administrative boundaries. For example, the Manyame Catchment Council has jurisdiction over parts of three provinces (Mashonaland West, Mashonaland Central, Mashonaland East) and parts of nine administrative districts. Catchment Councils cover extensive territory. They are thus divided into a number of sub catchment council areas. Thus Manyame Catchment council is divided into the Upper, Middle and Lower Manyame Sub Catchment councils as well as the Angwa-Rukometchi and Musengezi Sub Catchment Councils. Sub catchment council areas too, spread over provincial boundaries and bisect districts.

The research sites for this research programme are situated in Lower and Middle Manyame sub catchment areas. In the Lower Manyame sub catchment area there has been considerable dissatisfaction in the areas of chiefs Chisunga and Chapota, of the Guruve district, who have been placed in the Angwa-Rukometji sub catchment area, administered from Karoi (see figure 2).

### **3.13 Traditional Governance**

Traditional institutions of governance have been described in chapter 2. Here it is only necessary to draw attention to the apparent lack of convergence between formal statutory institutions and those relating to indigenous forms of governance. The Traditional Leaders Act (GOZ, 1998) seeks to codify the powers and duties of traditional leaders in relation to rural councils in matters relating to the management of land and natural resources.

### **3.14 Conclusion**

This chapter provides a backdrop for the main body of the thesis. After a synoptic treatment of the main physical and human geography of the country I have briefly described some of the formal institutional structures that largely derive from Western

notions of governance. Chapter 4 will further explore how these interventions have impacted on indigenous communities.

## Chapter 4

# Narratives of Landscape: Their Influence on the Evolution of Policy in Regard to Land, Natural Resources and Local Government

*“This was one of my prayers: for a parcel of land not so very large, which should have a garden and a spring of water near the house.” (Horace: 65-68 BC)*

### 4.1 Background

Historians inform us that in the early stages of colonial rule, there was little competition between settler interests in farming and the livelihoods of indigenous farmers. There are reports of indigenous local cultivators producing crops and providing produce for the markets in Bulawayo and Harare that were beyond the capacity of settler farmers (Ranger, 1999; Edwards, 1960:97). However, as it became clear that the fledgling colony was not the Ophir that had been widely expected, and that settlers would need to find alternatives to mining, so farming became an option. If Settler farming was to succeed then competition from indigenous farmers had to be discouraged. “The (British South Africa) Company changed the focus of its economic strategy from mining to agriculture during the period of creating Native Reserves....This fundamental policy decision guaranteed White economic dominance” (GOZ, 1994:9). This was the genesis of the dual tenure system that endures, even now, two decades after independence.

‘Native Reserves’ were demarcated. In the reserves, the ‘interests of natives’ were regarded as paramount. This provided a justification for the policy of declaring the land outside the reserves as the domain of ‘Europeans’, where their rights would prevail – or rather where ‘Natives’ had no rights. This arrangement was eventually institutionalised with the promulgation of the Land Apportionment Act in 1930. “The passage of the Land Apportionment Act in 1930 formalised the dual agrarian structure. Land was racially segregated between White and Black and this reinforced the structure which started in 1890” (GOZ, 1994:11).

## 4.2 Landscapes, Worldviews and Conservation Policy

Historians also inform us (Phimister, 1988; Palmer, 1977; Ranger, 1985, 1999) that the reserves were seen primarily as 'labour reserves' from which labour was to be drawn for the emerging industrial and agrarian economy in the 'European' areas – at least in the early years of the twentieth century. Without doubting the veracity of this, it is also obvious that by as early as the nineteen twenties, as populations in the reserves began to increase, partly as a result of improved health services and decreasing infant mortality rates, policy within the Native Department was inclining towards the introduction of 'modern' farming practises, particularly in regard to conservation of resources. Not only were human populations increasing but livestock also.

Policy seems to have adopted two strategies. The most obvious of these was the encouragement of 'improved' conservation practises. The other was the introduction of Western-style 'scientific' husbandry methods. There was a drive for greater productivity, so as to reduce the imperative for additional land to be set aside for occupation by natives. The common perception seems to have been that indigenous husbandry was centred round the notion of so-called shifting agriculture and the practise of what was termed 'slash-and-burn'. A farmer opened a field by lopping the branches from the trees (in effect pollarding) in the field he wished to plant. These were piled up and burned, the ash being spread as a potash rich fertilizer prior to planting. The field was then planted to a mixed crop of grain (maize, millet or sorghum), legumes (*nyimo* and *nyemba* beans and possibly groundnuts – *nzungu*) and cucurbits (pumpkins – *mananga*, cucumbers – *magaka*). After a period of three to four years the field was fallowed and a new one opened up where the procedure was repeated. This type of husbandry was considered wasteful, indeed destructive. Mixed cropping was thought to be less productive than a system where single crops were grown following a rotational three field pattern: legumes followed by grains followed by a fallow period. This would mean that the farmer would not need to move to a new land and the perceived destruction of savannah trees would be halted or at least minimized.

Keigwin was an administrator and educator. Like many of his contemporaries, he was passionately concerned with tenure issues and the development of agriculture. He was closely associated with the development of the 'Domboshawa Training Centre'. His views on indigenous land husbandry practises are representative of the early nineteen twenties:

“(T)he easily worked sand is preferred, with its bountiful supply of quick-growing soft woods, which are cut down wholesale and burnt for potash...It is not difficult to imagine a time when, if things have been continuing as they are (sic), there will be a great drop in fertility. (...) If this is further accentuated by an unrestricted increase in stock, requiring an ever increasing amount of pasturage, a cry will be raised that the land granted the native was insufficient, and the State must expropriate for their benefit more land, or perhaps, as in the Union (of SA) a desperate demand that they must be segregated to some imaginary area, where millions of black men may stew in their own juice and cease to cast their baleful shadow over the horizon of the white man’s complacency.” (Keigwin, 1923:11)

Keigwin’s solution was the employment of trained African demonstrators to preach better agricultural and conservation practises. One of his concerns, echoed by others writing in the twenties, was the damage being caused by ‘native cultivators’ ignorant use of the ox-drawn plough. “Instruction in (the use of the plough) which can reach the furthest native is needed” (Keigwin, 1923:11).

Keigwin was first and foremost a teacher. His perceptions of wasteful and destructive husbandry methods reflected a common enough view. A more perceptive view recorded in the same volume of NADA<sup>27</sup> by Agnes Sloan, is worth quoting, if for no other reason than that it reveals an alternative view held by many early administrators, but which was largely ignored in the drive for ‘scientific’ solutions to resource management.

“An experience of fifteen years spent in different parts of the ‘wilds’ of Southern Rhodesia, makes me think that the type of native woman who is most advanced all round is to be found in the Dande, the Zambezi Valley north of the Mvuradona Mountains in the Darwin district. (...) (T)he biggest factor in their development is the fertility of their soil and the fact that they can have green crops all the year round, flourishing gardens on the river banks in summer, and, in the winter in the beds of the rivers themselves, where the water percolates slowly beneath the sandy bottoms in the dry season. It was in the dry season when I was amongst these women, and for over three months we were moving from kraal to kraal, every day in and out of their homes and gardens.” (Sloan, 1923:63)

It is almost certainly true that the district staff of the Native Department during the period 1896 to the 1920s spent more time living and working amongst their rural charges than district staff has done at any time since. Their writing shows an empathy and understanding – if charged with paternalism – for the rural folk they lived amongst that has not been replicated, even in post Independent Zimbabwe. The data suggest that at least some of these men and women (i.e. wives with no formal position except as the energetic partners of their pro-consular husbands) regarded their lonely jobs as a solemn vocation. The received wisdom of modern academic and political writings is almost

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<sup>27</sup> ‘NADA’ is the Southern Rhodesia Native Department Annual, later it became the Ministry of Internal Affairs Annual.

unanimous in portraying the early colonial administration as repressive, discriminatory and harsh, with little understanding or sympathy for their African subjects. Examination of their writing in such journals as NADA suggests that many of these men chose to serve out of a deep sense of vocation and held strong views about their trusteeship over the people they governed. Theirs was a mandate to protect and guard their charges against the ignorance and avarice of their fellow white colonists, as exemplified in the words of the Chief Native Commissioner in his preface to the first Native Affairs Department's Annual (NADA) for the year 1923.

“Our actions should be regulated by gentleness, by a sense of discipline and justice – to rule, one must be irrefragable. I think that ...among the natives there is a spirit of progress abroad...Since the occupation of this Territory, great strides have been made by the guardians of native interests, and the natives appreciate the right to enjoy our religious and civil freedom. There is a fear that the progress of the native will encroach upon the white man's existence, ...but natural progress is necessary ... He cannot be kept back, and it is our responsibility to guide him. ...A great task is before us. The time has come when we should create a policy of deliberate development, making the most of the economic possibilities of the situation.” (Taylor, NADA, 1923: Preface)

### **4.3 ‘Scientific Agriculture’**

By the mid nineteen twenties concerns over native agriculture had grown to the point where it was decided that Native Commissioners needed the help of a professional agriculturist:

“An agricultural extension programme set up by the Native Affairs Department (N.D.) envisaged the demonstration of modern methods of agriculture. Thus it was argued, the destructive agricultural practices of African peasant farmers would end.” (Andersson, 2002: 81)

Measures included rotational cropping and the construction of contour banks in arable lands.

“By 1926 the African population ...had risen to 936000 living off a land estimated to be capable of carrying 940000 persons under the traditional system of husbandry. It was clear that some reserves would be soon too heavily populated for shifting agriculture to continue; the quick shift around was denuding the countryside of bush; fertility was not maintained and erosion was evident. The carrying capacity of the land was fast approaching saturation point under the old system and so in October, 1926, the government appointed the first Agriculturist, the late E.D. Alvord, who advocated a settled agriculture based on a fixed rotation of crops and the use of cattle manure. (...) (I)n the early 1930's many grazing areas were over-stocked and the great botanist, Dr. Pole-Evans was invited (...) to visit this country and report. (...) Following his visit a de-stocking policy was adopted.” (Robinson, 1960: 29)

Two main policies were evident: improved husbandry of soil through the introduction of rotational cropping and stock limitations to conform to a theoretical ‘carrying capacity’. The area not being cultivated could be used exclusively for livestock

pasturing. This neat arrangement had a distinctly Euro-centric appeal and equated closely with the farming practises in Europe and North America.

The rationale behind the encouragement of this sort of farming pattern was two fold. First, it was considered to be more favourable in terms of natural resource conservation. Secondly, it was the belief that better yields would be achieved thus providing the family with a sustainable system of self-provisioning. Indeed, as time passed, and White agriculture's economic dominance was secure, there was a move to 'introduce' (re-introduce!) the notion of cash crops to be sold on the national market.<sup>28</sup>

To make this system work, another strategy was to encourage people to concentrate their scattered homesteads into centralised village clusters. The combined policy was dubbed 'centralisation'.

#### **4.4 Alvord – The Architect of Centralisation**

Agricultural extension and conservation in the communal areas was strongly influenced by Emory Delmont Alvord, the 'Director of Native Agriculture' from 1926 to 1950. Alvord assumed duties as 'Agriculturist for the Instruction of Natives', after having worked at Mt. Selinda Mission in the Chipinge district for the previous six years. Alvord held a Master's degree in agriculture from Washington State University. Before graduating, he had grown up as a Mormon on the family farm in Utah. He came to Zimbabwe as an agricultural missionary to "preach the gospel of the plough".<sup>29</sup> Alvord was the architect of "the agricultural and conservation aspects of the Native Land Husbandry Act, established training courses and programmes for technicians and started the first irrigation schemes in tribal land, initiated soil conservation and grazing management programmes" (Reid, 1977:432). Soil conservation and irrigation schemes were his passion.

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<sup>28</sup> It is true that these cash crops were amongst those generally not favoured by white farmers: groundnuts, sunflowers, cotton and oriental tobacco.

<sup>29</sup> Another aspect of received wisdom concerned tillage: it was widely held that 'grubbing' the soil with a hoe (*badza*) and scattering seeds in the lightly disturbed soil was inefficient and tended towards low yields. What was needed was for the soil to be deep ploughed and turned over. This practise is still held to be the most conducive to fertility and high yields by many conventional farmers today. It was only with the research done by such pioneers as Faulkner (1945) Sykes, (1946) in the United Kingdom and Bromfield (1946) in the United States, that the wisdom of this form of tillage was challenged and eventually led to the practise of minimum tillage advocated by progressive agriculturists today. It is an irony that minimum tillage conforms closely to the methods used by 'primitive native agriculturists' before they were dragooned into the use of the plough.



Alvord's upbringing and personality gave him strong convictions and entrenched his top-down planning ethos. There are numerous accounts and recollections of his dictatorial and emphatic views on how things should be done. Some Native Commissioners clashed with him over his belief that modern scientific agriculture took precedence over any worth that may have been evident in indigenous knowledge systems.<sup>30</sup> Thus the development of government's policy of Centralisation and later the Native Land Husbandry Act in 1952, were not only in tune with the political and environmental demands of the time, but were inspired in good measure by Alvord's muscular Christian view of his world.<sup>31</sup>

“‘Centralisation’, first implemented in 1928, involved the reorganisation of land in consolidated grazing and arable blocks, with a line of residential sites in between. Thus, the colonial state enforced a more rigid spatial division between lands zoned for different purposes. (...) These measures drastically reorganised existing land use practices in the Native Reserves, but did not always have the desired effect.” (Andersson, 2002:81)

Implementation, however, was very slow and really only gained momentum in the late nineteen forties (after the return of men who had served in the armed forces) when the Department of Native Agriculture (DNA) was expanded. Progress was patchy, some areas receiving attention before others. Crown Land Settlement was not affected. To intrude the activities of the Native Department (ND) into such areas would have been tantamount to admitting that they were ‘Native Areas’.

Villages were consolidated along watersheds. Arable lands were demarcated as were grazing areas. The whole nature of scattered settlement and the intensive cultivation of home gardens was no longer possible.<sup>32</sup> Spatial separation of resources meant farmers spent a great deal of time moving between their lands and their homes. Cattle were grazed communally in demarcated grazing areas. During school term, this meant a further division of household labour, as children were not available to herd their beasts.

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<sup>30</sup> Vivid personal anecdotal accounts of Alvord in the field, were recalled by men who served under him in the old Native Agricultural Department, such as Laurie Watermeyer, and also District Commissioners Elrich Dawson, Austin Power Jackson and others and were passed to the author.

<sup>31</sup> Amongst his less publicised achievements, Alvord was a noted wrestler, American footballer and baseball player.

<sup>32</sup> Cultivation of home gardens was in fact expressly forbidden (personal observation).

Water points were located in river valleys and streams always some distance away from the new village 'lines', unless boreholes or wells were sunk near the 'lines'.<sup>33</sup>

#### **4.5 The Native Land Husbandry Act 1951**

The main objects of the Act were to provide for a reasonable standard of good husbandry and for the protection of natural resources by all Africans using the land. The Act provided powers to enforce these provisions;

- To limit the number of stock in any area to its carrying capacity and, as far as practicable, to relate stock holdings to arable holdings as a means of improving farming practise;
- To allocate individual rights in the arable land and in the communal grazing areas as far as was possible in terms of economic units; and where this was not possible, due to over-population, to prevent further fragmentation and to provide for the aggregation of fragmentary holdings into economic units;
- To provide individual security of tenure of arable land and individual security of grazing rights in the communal grazing area;
- To provide for the setting aside of land for towns and business centres in the Reserves.

The Act was proclaimed "to apply to over 27 million acres. By 1960 the initial survey had been completed in 91% of the planned areas (...) The next step (is) assessment and this is complete over 77% of the planned acreage." (Robinson, 1960:31).

Robinson then reported that,

"(L)and-use and conservation planning is then carried out and this has been done in one-third of the 1960 target acreage. The final goal is the allocation of land (the farming right), the allocation of stock rights and the allocation of residential sites. In the case of land rights this is 33% complete, stock rights are 28% complete and the allocation of residential sites is 13% complete. That is the present position." (Robinson, 1960:31)

It is illuminating to quote Robinson's contemplations on the way forward:

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<sup>33</sup> The term 'line' has an ominously military connotation, as in cantonment lines describing soldier's barracks or tents.

“(W)hat will be the result of the full implementation of the NLHA? Basically the act is a conservation measure, *because it gives the individual a stake in the land*. The holder of the land rights will construct and maintain the contour ridges on the land. There will be over 308000 of these cultivators and they will occupy one-third of the country. (...) The act should also lead to the conservation of the grazing area because the stock rights are directly related to the carrying capacity.” (Robinson, 1960:33, emphasis added)

Robinson then adds two cautionary caveats:

“To maintain these stocks at the correct figure there must be markets. (...) The implementation of the act stabilizes the land and the cattle position but (...) it cannot do that without stabilizing the population and additional families cannot be accommodated in the reserves and special native areas. Only through industrial development can employment be found for this expanding population and living standards raised.” (Robinson, 1960:33)

This last point must be examined in the context of the times. In the 1950s and 1960s Southern Rhodesia was part of the Central African Federation. The Federation was to a large extent imposed by the British government on the three countries of which it was comprised: Northern and Southern Rhodesia and Nyasaland. There was widespread opposition to the concept in the two northern territories and some uncoordinated opposition from Blacks in Southern Rhodesia. An almost all-White plebiscite in Southern Rhodesia opted for federation by a small margin. The idea was sold to the electorate largely on the grounds that it would foster industrial development. Southern Rhodesia would be the industrial engine for the whole federation (Welenski, 1964).

Within the first years of federation, the country saw the arrival of the largest number of White immigrants in its history and impressive industrial expansion did take place. It is also important to stress that the other attraction to whites was the concept of partnership. Partnership was portrayed politically as a partnership of the races, which ensured security for the White population. It was seen as recognition by Britain that whites had a permanent home within the region and that they would not become expendable in the event of independence being granted to the individual territories. In the context of the times, this was very important (Welenski, 1964).

The confidence of the ruling (White) elite and the majority of their constituents was reflected in strong central government and in ambitious, costly programmes such as the building of Kariba Dam, a massive Federal funded tsetse-fly eradication programme and (in its own context) the NLHA. In the wake of the Second World War, the 1950s was an era when strong, top-down planning was in vogue. People were not a major consideration. They were expected to comply with the wisdom of the planners and adjust to the changes brought about as these were ultimately going to be of benefit to them. One thing that this sort of planning did not contemplate was what social scientists and ecologists now acknowledge to be a cogent factor in the conduct of affairs –

surprise. Robinson's confident article, written in 1960 was to be followed very shortly by the collapse of the ambitious and costly programme.

There were a number of reasons why this happened. Perhaps the most important reason was the planners' lack of understanding of the indigenous tenure system. Despite the misgivings and cautions uttered – initially with some timidity but as time went by with more vigour – by district administrators; and despite the obvious opposition of growing numbers of Africans, the prevailing view was “we know what is best for you”. This was reinforced by the above-mentioned sense of confidence, which in the case of African administration was endorsed by the sure knowledge that there had never been a serious challenge to their administration since the so-called ‘Rebellion’ of 1896.

Not anticipated was the comparatively sophisticated political awareness within the country, partly as a result of the bringing together of African nationalist forces within the Federation.<sup>34</sup> The African nationalists were also aware that in Britain itself the federal concept – and thus entrenched White ‘partnership’ – was opposed by a large section of the electorate. Africans were very conscious of the move towards independence within the British colonies throughout the continent. African nationalists in Zimbabwe were already vocally and sometimes violently engaged in furthering their political ambitions to hasten this process, though this was confined almost exclusively to the urban areas. The NLHA which was unpopular from its inception in the native reserves, was acknowledged as a heaven sent opportunity to mobilise opposition to the government of the day.<sup>35</sup>

Rural communities vigorously opposed the NLHA. Campaigns of resistance included refusal to dig contour banks, a mandatory requirement of the Act; ploughing new lands in the areas demarcated as ‘grazing areas’ (known as freedom ploughing); refusing to register land and grazing rights; demonstrations and near riots – behaviour hitherto unheard of in the reserves. By wilfully resisting the implementation of the Act, the whole legal process ground to a halt. Police could not handle the number of cases handed to them for prosecution. Magistrates' courts became flooded by NLHA cases.

Finally, as the opposition to Federation became more overt and following in the wake of British Prime Minister Macmillan's famous ‘winds of change’ speech, the industrial ‘boom’ that marked the initial stages of Federation slowed down and it became obvious

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<sup>34</sup> The African National Congress was active in all three territories and there was close communication between them.

<sup>35</sup> George Nyandoro a veteran nationalist is on record as saying the NHLA was their best recruiting agent (Whitaker, 1974:342).

that industry was never going to be able to absorb the 'surplus people' from the reserves. As Robinson pointed out in his 1960 report, (*op. cit.*) without industry absorbing those denied land and residential sites in the reserves, the cornerstone of the NLHA would be removed. It depended for its success on an artificially created limited number of cultivators in the reserves pegged to a notional 'carrying capacity'.

The NLHA incorporated some excellent features (if only within the perception of the planners with their precise Western worldviews) such as land-use planning, conservation of arable areas, protection of stream banks and waterways and the clear allocation of use rights to individuals. It met with huge opposition because it ignored Shona worldviews and the customary law governing land and resource tenure. By arbitrarily fixing a date upon which use rights to land, grazing and residence would be allocated, it automatically excluded many people – particularly young and middle aged men in oscillating employment.

The colonial technocrats who designed the Land Husbandry Act failed to comprehend the nature of common property regimes and more specifically individual, customary or traditional use rights. Perhaps the most important of these rights was that of being able to return from a period of employment and be able to build a home in the village. This notion of an inalienable right to a home is a potent force. Even today, '*pamusha*' (at the village/at home) is an emotive expression signifying a sense of belonging. By interfering with these traditional rules of access and exclusion, the colonial authorities awakened fears and concerns about use rights that led to such widespread opposition that the Act was finally abandoned in the late nineteen sixties. In its place was enacted the Tribal Trust Land Act of 1965 which will be discussed below.

#### **4.6 Community Development and Local Government: 1962/72**

Whereas the NLHA was characterised by a myopic disregard for the social and demographic consequences of its implementation there was, during the same period, another major and seemingly contradictory policy initiative being introduced. This was

the drive towards local self-government through the strategies of community development.<sup>36</sup>

The phrase ‘Community Development’ gained popular currency during the 1950s and 1960s.

“Community development is a continuous, or intermittent, process of social action by which the people of a community

- i) organise themselves informally or formally for democratic planning and action;
- ii) define their common and group ‘felt’ needs and solve their own problems;
- iii) make group and individual plans to meet their felt needs and solve their problems, execute these plans with a maximum of reliance upon resources found within the community;
- iv) and supplement community resources when necessary with services and material assistance from governmental or private agencies outside the community.” (Green, 1962:6)<sup>37</sup>

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<sup>36</sup> A clear divergence of political conviction influenced policy and practise. Heading the Ministry after 1964 was Hostesse Nicolle, a proponent of ‘separate development’, trusted adviser and confidante of Prime Minister, Ian Smith, and a forceful administrator. His deputy was Roger Howman, an intellectual whose political convictions were aligned to non-racialism and an evolution to a multi-party democracy. Howman was a graduate social anthropologist. These two men largely forged policy for endorsement by the legislature. Prior to Nicolle’s appointment, Howman had been the architect of CD and LG under the far-sighted and principled Stanley Morris, Nicolle’s predecessor. (Both Morris and Howman were sons of pioneer administrators) Howman had opposed the NLHA on the grounds that it was a technocratic response to an institutional problem. Howman’s conviction resonates with Murphree’s concern that “the institutionalisation of land management as a discrete set of concerns and actions is a product of governments, interest group organisations and scholarship rather than communities” (Murphree, 1993:2). He believed in a maximum devolution of authority. It was thus that he and Green devised the ‘delineation of communities’ as a method of identifying lowest tier structures of local government. This coupled with the Prime Minister’s Directive on Community Development laid the foundation for local level integrated management. Unfortunately, the spirit and philosophy driving the process and policy was in due course terminally affected by the rise to power of the Rhodesian Front who hijacked CD as a disguise for ‘apartheid-type’ policies and practises. In spite of this, Howman and those officials who were of a like mind implemented policy in the spirit of its original intentions for as long as this was possible. Howman influenced ministerial policy directives by the way they were drafted. By using the rhetoric of the new regime he was able to draft such documents as the Prime Minister’s Directive on Community Development, and the Tribal Trust Land Act. Before its introduction he initiated research to determine the various levels of customary government. This was a validation and ‘audit’ of the previously completed delineation programme. As research officer I was a member of Howman’s staff.

Sustainable human and social development is achieved by mobilizing whole communities (as opposed to individuals or special interest groups) to realise their ‘felt needs’ through collective self-help. In the language of modern development discourse, Community Development is seen as a process in which local institutions are empowered to invest their social capital in local development programmes. This was the very antithesis of the highly centralised, top-down planning and implementation that informed the NLHA. It seems extraordinary that two such diametrically opposed policies could be implemented simultaneously (see also footnote 37).

1961 through 1963 saw a concerted effort on the part of the government of Southern Rhodesia to bring about reforms in general administration, with particular emphasis on the restructuring of the civil service to accommodate the declared intention of devolving powers and responsibilities to local government bodies as these came into being. This was a deliberate strategic political move on the part of the government first under Garfield Todd, and then his successor, David Whitehead.

A number of Commissions and Working Parties were set up: the Robinson Commission which examined the restructuring of district and provincial courts; the Paterson Commission which examined the reform of the Native Affairs Department and the Holleman Commission studied the emerging ‘African’ councils in the particular context of the Mangwende Council, Murewa District. Consequent upon these commissions the new Ministry of Internal Affairs was born out of the old Native Department on the 9<sup>th</sup> November 1962. The Paterson Report stated: “The Native Affairs Department has done a fine piece of work, but as such it is no longer needed – *requiescat in gloria*. Its members, carrying with them a solid tradition of service, will have a new and greater field on which to exercise the capabilities they have so amply demonstrated” (Quoted in SIA Circular 87 –SRG 1963). The Native Affairs Department was restructured and became known as the Ministry of Internal Affairs.

This ‘greater field’ was addressed in a ministerial circular addressed to all his staff by the Secretary for Internal Affairs who stated:

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<sup>37</sup> Dr James W Green was the USAID appointed adviser on community development to the SRG. His appointment lasted from 1962 until Smith’s declaration of UDI. Green who was seconded to USAID from the University of Maryland, Virginia, was an applied social anthropologist with extensive field experience in India, Pakistan and Philippines (SRG: SIA file X 7/66 dated 10<sup>th</sup> May 1962). I was attached to him for the period 1963-65.

“The Mangwende Commission, The Robinson Commission, the Paterson Commission (...) have all given meticulous attention to the subject of reorganisation over a period of two years and come to the conclusion that District Administration should (...) be freed to concentrate upon the development of communities and the institution of responsible local government bodies. (...) (The government with) assistance from USAID has expressed its decision to accept the philosophy, principles and practises of community development as the basis of district administration, local government and technical development at the local level.” (Latham 1963/67: SIA Circular 87)

Green undertook fieldwork in rural Zimbabwe during 1961-62. This led him to the realisation that definition and discovery of communities in the local context was essential if the new policy was to provide the building blocks for local government. Green’s loose definition of community was “(a) group of people in a locality with a set of basic interacting social institutions (families, schools, religious bodies, economic enterprises etc.) through the functioning of which the people have a potential ability to act as an entity on matters of common concern” (Green, 1962:1). His initial research led to the formation of a team to undertake what was termed the ‘delineation of communities’. Every district in the country was ‘delineated’. The exercise took four years of field research by a team of four permanent officers supported by local district staff.

In some districts, once the delineation was completed, district staff began to introduce CD. Several DC’s had been sent on ‘look and learn’ tours of countries where CD was already being practiced. Gutu, Bikita and Chivi in the Masvingo province were regarded as pilot districts. Murewa in Mashonaland and Buhera in Manicaland were others. Thus while on the one hand attempts were still being made in some districts to force through the provisions of the NLHA, in others the ‘CD approach’ was being introduced. This approach was incompatible with the top-down NLHA and with its collapse and abrogation was introduced the Tribal Trust Land Act (1965) the provisions of which related more closely to the CD philosophy. Both were based on the principle of lowest level community government.

In Chivi district the introduction of CD commenced with a series of meetings the purpose of which was to discuss the policy of community development through engagement with local institutions of indigenous governance, as well as other community leaders and interested parties (Latham, 1968).<sup>38</sup> A round of meetings throughout the district culminated in the formation and registration of community boards. The boards then prioritised their development plans. The Administration set clear guidelines for government aid. There was an almost immediate response and self-help projects ranging from tertiary roads, dams and weirs, to small-scale irrigation

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<sup>38</sup> In current parlance these meetings would be termed focus group discussions.



schemes, clinics and grazing schemes mushroomed throughout the district. A full account of the first months of the programme appeared as a paper in the Southern Rhodesia Community Development Review in late 1968, which is reproduced in part as Appendix 1.

Government's overall objective was to blanket the country with statutory local government bodies, with responsibility for local affairs placed at appropriate levels. Because the country was divided along racial lines, the form of local government – though in fact not the devolved powers – was enshrined in different acts of parliament. The African Councils Act applied to the 'African Areas' and the Rural Councils Act to the 'European Areas'. Major urban areas were under the jurisdiction of the Urban Councils Act.

The various commissions set up early in the sixties, as mentioned above, sought to eliminate racial discrimination in the administration as far as this was then possible – bearing in mind that it was the then government's intention to phase out the Land Apportionment Act – and so the district commissioner was entrusted with the role of adviser to all local government bodies within his district. This included Rural, Municipal and African councils, where these had been established.

To provide support for the local government bodies, district civil servants were formed into a 'district team' which convened as the district conference, chaired by the district commissioner (DC). The rationale was that the various arms of the central government would support local government councils, with the DC acting as facilitator and 'go-between'.<sup>39</sup>

The District Conference: Some of the conventions and rules that applied need to be described. Within the Communal Lands agencies of government operated under the sapiential control of the Administration. The DC was the head of district and his appointment by convention carried certain weight. The district conference was an instrument to ensure the coordinated and focused implementation of agreed district plans.

The Prime Minister's Directive of 1965: After 1965, with the publication of what was termed the Prime Minister's Directive on Community Development, DCs were empowered to issue 'standstill orders' to any government servant who acted unilaterally

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<sup>39</sup> This arrangement – using different names and titles – subsists in theory to this day. A district administrator replaces the district commissioner; the district conference by the district development planning committee; and the district (African) council and the rural council are merged in the rural district council.

in a manner prejudicial to his considered view of agreed district plans. Though there was an immediate review of any order so issued by the provincial team, it never the less acted as a strong incentive for civil servants to comply with the DCs requests for support for local community projects. Just as importantly, no outside, non-governmental organisation was permitted to send its agents into a Communal Land without written permission of the Secretary for Internal Affairs (SIA) or his deputised official (Provincial or District Commissioner). This meant that DCs were able to prevent unilateral *ad hoc* interventions by NGO's – in those days almost exclusively church organisations.

Examples of how these conventions were operationalised help to illuminate the way the CD programmes developed.

The Shindi Community Dam (see also chapter 7) required the services of an engineer to survey the dam basin and design the earth wall. The district conference was used as the vehicle for ensuring this service was provided when it was most needed.

In another community, a decision was taken to build a farmers' training centre. While erecting the building was within the capacity of the local people there was a problem. The proposed centre, it transpired, was not a project endorsed by the whole *community*. A decision had been taken at a district meeting that in the event of a project benefiting the inhabitants of more than one community, then the CBs of the effected *communities* would have jointly to agree on the project and in so doing allocate resources according to benefits derived. Until the rules laid down had been complied with assistance was refused.

Projects that required recurring expenses such as clinics and schools were ruled to be outside the jurisdiction of CBs and fell within the purview of statutory local government bodies (councils). Clinics or dispensaries were built, however, but failed to attract grants-in aid until a formal council was formed.

Other projects brought before CBs were clearly only going to benefit one village or perhaps only a part of the community. The agreed rule in cases such this was that the CB would sanction the project if it was clear that it was not going to deprive neighbours of a common pool resource. Deep wells fell into this category. But in the case of fencing a sponge (wetland) with more elaborate rules of access, a more intensive investigation was undertaken and only when all parties were satisfied (or appeared to be) was the project authorised to receive assistance in the form of fencing materials. Thus many 'grazing schemes' and 'sponge protection schemes' actually never got further than the debating stage. But the process of consultation, planning and the engagement of outsiders such as extension staff and community advisers did have the remarkable effect of strengthening the traditional institutions on which the whole

process was built now transformed into a development and planning committee as well as a land authority.

This whole ‘CD process’ was only possible because of the lengthy consultation and planning that had preceded inception, which set up and re-enforced a clearly defined set of rules defining the roles of central government (represented by the DC) and local level institutions represented by the CB. And of course underpinning this policy was the over-arching objective of establishing formal local government at district level.

Howman wrote in a memorandum titled *Local Government Bodies and Community Boards: Composition Of Local Government Bodies And Structure (1963)*:

“Dr Paterson (head of the Paterson Commission) considers that representation of wards (Our ‘community areas’) by direct election to a local government body is a denial of the rights of wards and that to protect those rights, as well as recognising their interdependence with other wards, representation of each ward on and its participation in the central body is necessary – the two tier system (Paterson, 2<sup>nd</sup> Report, 14.28/9). This means indirect election. Paterson also warns, “because we are thinking in terms of groups, the mistake should not be made of considering communities in terms of numbers of individuals”.

In the light of the above ...I believe we must so arrange the basic institutions of local government (to permit) expression to both the communal and the individual forces in operation. (and) accept that a tiered structure of local government is the only way of reconciling the rights and freedoms of communities with the fact of their interdependence in wider, variable and businesslike frame of operations. Thus while policy envisaged the incorporation of local level communities into a district local government, the notion of the local level being the active participant in this process was uppermost in his thinking.

(T)he CD approach requires the utmost flexibility and spontaneity at the CB level if genuine interest and participation by the members of the community are to be promoted. There should be no rules or procedures other than those introduced by the people themselves .We must look for some body of members, some consistent, responsible membership both for planning and execution and selection of one of them as a representative on the local government body chosen in their own way and without any or too much supervision from outside. (...) These specified persons would comprise the community board but if they permitted the public to share in the discussions that is their affair.

There are three layers of communal self-help – the ad hoc project, the community board and the council. We must see each of these and plan them as a single continuous and directed process of growth in expanding local capacity and confidence leading to effective and viable local government.”

Howman’s thus envisaged the need for nested levels of jurisdiction; for the ‘single continuous’ institutional convergence of cultural plurality of institutional layering in an effective and ‘viable’ form of local government. Indeed, the African Councils Act, which he had crafted some years before was another example of merging western

democratic principles based on adult suffrage with the more flexible and group-based notions of African representative institutions.

The whole question of how to incorporate local level institutions in some form of representative local government at district level had occupied the minds of planners and administrators in the ministry for some years.

In 1964 the writer was tasked with a review of the Bikita District (African) Council. I wrote, *inter alia*:

“Research has revealed at the most some twenty five communities ... These communities are by no means even as to geographical area or population. (However) any representation that does not include councillors from all the communities will be subject to the same criticism as the present one. The simplest way of forming a representative council, therefore, is to require each community to provide a councillor.

I suggest each community provide one member by controlled election. Each community (could have) further elected members based on population ratios.” (Latham, July 1964. Memorandum to R. Howman, Deputy Secretary, Internal Affairs: Bikita District Archives File CDV)

#### **4.7 The Tribal Trust Land Act 1965**

While the main emphasis during this period was on the development of institutions focusing on rural development projects, this went hand in hand with the on-going need for land management. Allocation and conservation of arable land is a continuous process. Linked as it is to the demarcation and allocation of other resources (grazing, woodland products, thatching etc.), it is the very essence of real-life governance at the local level. In Chivi, therefore, the development of the chief or headman’s *dare* as the institution best suited to engage in community development, was simply extending its function as an assembly for the administration and management of land. With the abrogation of the NLHA the community boards set up in the district became the vehicles through which land administration was conducted. This was best illustrated in such projects as the ‘sponge’ reclamation schemes that had to adjudicate on land access and exclusion issues. The delineation reports (Latham: 1963/67) had demonstrated that the headman’s ward was the lowest ‘functional’ level of indigenous government, a fact that most district administrators acknowledged from their own empirical observations and experience. With the abrogation of the NLHA and the promulgation of the Tribal Land Act, the dichotomy between land use, development planning and the evolution of local government became less glaring.

The Tribal Trust Land Act had two main pillars:

1. The act devolved the allocation of land use rights to the 'tribal land authority'. This 'authority' could be determined by local 'custom', meaning that it allowed the authority to be devolved down to *samusha* level if this was the accepted practice within a given area. Conversely if allocations were the sole prerogative of the chief then this too was acknowledged. DCs were instructed to determine local conditions by holding representative meetings.
2. Any and all land allocated for purposes of crop husbandry had to be conserved to the standards set by the Department of Conservation and Extension and monitored by an inspectorate from the Department of Lands. Policy was insistent that any land could be set-aside as arable:

"It is necessary to clarify the present criteria for land which may be used as arable for the cultivation and production of crops. It is accepted by this Ministry that any land may be considered arable, provided it may be protected from soil loss." (GOR, 1970 SIA Circular 265)

The dual thrust of the experimental period from the mid-1960s to the year 1971 was on rural (community) development and the effort to develop local capacity to self-regulate the allocation and conservation of land. In both instances the emphasis was placed on local empowerment, on integrated management and on the need for environmental sustainability. Were it not for the fact that these measures were being taken by a regime that was discredited as a racist hegemony, the whole programme might have been envisioned as 'community based natural resource management' as it became known in the 1980s and early 1990s. This small culminating window in the long march of the colonial era came to an end when the inevitable confrontation between Smith's hard liners, backed by the security arms of government (police and army) and a doctrinaire Secretary for Internal Affairs led the government into direct confrontation with the African Nationalists. This put an end to the achievements of the years 1963 to 1971.

In Chivi, statistics compiled by the Extension Officer in 1969 showed that of a total estimated land under cultivation of 172 000 acres, 120 800 had been conserved (Files AGR and LAN Chivi district office). In Buhera, by the end of 1970, it was estimated that contour banks had been constructed throughout the district (Personal notes, CJKL.). Only a bare six years earlier, field and administrative staff engaged on the NLHA conservation had been forced to carry firearms as they performed their field duties of

enforced allocation and conservation.<sup>40</sup> One must stress also that the conservation work was a way of demarcating lands set aside for arable cultivation, and was part of an integrated development process involving CD projects as described for the Chivi district and repeated/replicated in Buhera. Indeed, *matunhu* (or sometimes parts of *matunhu*) became known as ‘development units’ by the agricultural staff who, by this stage, were also engaged in land use planning on an integrated, ostensibly participatory basis, with local communities or interest groups.<sup>41</sup>

But of course there were problems. One of these was central to the whole issue of tenure rights.

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<sup>40</sup> The writer worked in Buhera during both periods. The difference was remarkable. During 1962 AP Jackson, the DC, had been forced to take refuge in a tree by an angry mob in the Chitsunge area, who were incensed by his insistence on proceeding with land allocation. When surrounded he had fired a pistol into the air. Moments later he was disarmed by the crowd and fled up a tree where he was the subject of considerable derision. Ironically, Jackson who was a fluent chiKaranga speaker and who had grown up on a mission-station, was opposed to the NLHA’s sweeping provisions with regard to land use planning and allocation. After the incident described he became even more so! As a senior and respected administrator, he joined others in a growing tide of criticism of the Act which they rightly claimed was unworkable and that was inciting growing opposition from the nationalist politicians who came out in support of the rural communities.

<sup>41</sup> In the language of the times a community was a group of people living within a defined area which had been delineated and given a degree of formal recognition. An interest group, on the other hand was a group of people united for a specific purpose. It comprised people from a whole or part of a community area, or from sections of adjoining communities. It was considered to be a body that formed to achieve a specific purpose. In order for it to function it had to receive the official sanction of the *dare* or *matatare* in whose areas the project was to be undertaken. Often it was the extension staff who tried to subvert this rule so as to pursue a particular endeavour, usually more to further their own ambitions rather than to fulfil a genuine ‘felt need’ of the target group. Grazing schemes were often a mark of this latter tendency as they were being actively encouraged at this time.

“Agriculturists had come to the conclusion that the time was ripe to introduce integrated farming to a particular area; the idea of combining cropping and stock management in way that would ensure maximum production and maximum monetary returns. The idea was explained to a group of progressive farmers. Since the technique would involve fencing off part of the hitherto ‘communal’ grazing area, it was necessary to obtain the approval of the TLA. They approved. The necessary fencing was done; the experiment initiated; and was found to be a success. More groups in the area wanted to adopt the same techniques. Then the trouble started. The TLA hitherto enthusiastic began to quibble. They argued that when they had originally approved the fencing they had assumed it would involve arable land, not the grazing. Since the fences around the grazing had been up around this particular ‘development unit’ for a year or more this belated objection of the TLA was regarded as pure obstructionism. But was this a fair explanation. Is this not a classic case of a technical innovation that threatened to create a marked shrinkage indeed in the rights of other community members? When one small group put a fence around a small amount of grazing, the right of pasture of the rest of the chiefdom was not affected to any noticeable extent. However, had every local group fenced off its ‘own’ grazing, this would have meant that the right of pasture would have ceased to be one of the rights flowing from that community’s right of avail (access). (...)

There is a growing realisation that the close connection in tribal societies between control over land, political authority, and the traditional systems of sanctions and social control means that this cannot simply be regarded as an economic problem. It is now appreciated how radical changes in a tribal system of land holding could destroy the whole traditional social structure. Appreciation of this fact undoubtedly accounts for much of the opposition by tribal groups to ‘obviously’ desirable changes urged on them by well-meaning westerners.” (Hughes, 1964; personal communication)<sup>42</sup>

If one ignores Hughes’s somewhat dated language he is simply stating much of the thinking enunciated by Ostrom and others in the literature that later developed around common property regime management. “Failure to distinguish between the subtractability of the resource units and the jointness of the resource system has in the past contributed to confusion about the relationship of CPRs to public or collective goods” (Ostrom, 1990:32).

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<sup>42</sup> Hughes was the anthropologist attached to the Department of Agricultural Conservation and Extension – ‘Conex’.

## 4.8 Post-colonial Era

In contrast to the situation in the urban and LSCF areas both social and material infrastructure was comparatively undeveloped in the Communal Lands.

“When it (Mugabe’s ZANU) (...) took over the government in 1980 it stated that its overriding objective was to redress the very great socio-economic inequalities between blacks and whites. This it intended to achieve through partial transformation combined with growth in the economy. Given the deep poverty that prevailed in the African reserves, agrarian reform was high on the agenda. The most immediate issue to be solved was the land question.” (Masst, 1994:72)

The terms of the Lancaster House Agreement<sup>43</sup> as well as possible financial constraints may have limited the government’s capacity to acquire land for re-settlement. This was coupled with a real wish at that time, to limit the number of large-scale commercial farms being acquired, so as to ensure a high level of productivity and thus a healthy economy, contributed to such a modest resettlement programme being implemented. Until late in the 1990s these dual objectives persisted, contributing to the inevitable systematic increase in social, political and economic tension.

The government of Zimbabwe’s approach to the land question was thus surprisingly similar to “(t)he way the issue was conceptualised by the colonial regime” (Masst, 1994:73). The carrying capacity of agro-ecological environments received technical solutions rooted in resettlement of surplus peoples and livestock. As in the 1950s 1960s, some re-settlement was seen as a solution. But, as in the colonial era, solutions were also sought in improved husbandry practises. This was associated with a new dimension in agrarian reform. This was the thrust towards improved agricultural support services. These were seen as the key to increased production and a major strategy in achieving this objective was the improvement of marketing infrastructure. Associated with this was a move to improve access to farm inputs such as seed and fertilizers. Lastly a considerable increase in extension workers marked the first five years of independence.<sup>44</sup> As with their colonial predecessors, increased productivity was seen as linked to the provision of ‘modern’ inputs – to inorganic fertilizer, higher yielding seed and the use of pesticides.

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<sup>43</sup> The conference held in UK to determine the independence of Zimbabwe.

<sup>44</sup> This increased activity dwindled with time. Budgetary constraints, culminating in the Economic Structural Adjustment Programme reduced effectiveness of extension services. During the fieldwork conducted in the period 1999-2004, informants reported few visits by extension staff in the primary research area.



The government at Independence viewed the traditional leadership with suspicion. The notion of inherited status rested uneasily with the socialist intellectuals within the ruling party. More important, however, was the perception that the traditional leaders were the puppets and lackeys of the colonial regime and were therefore at best not to be trusted and at worst needed to be punished. In any event their powers were stripped from them. No longer were traditional leaders the 'land authorities' with powers over land allocation and distribution. These functions were removed from them (as were their judicial powers) and transferred to local government councils (GOZ, 1982: Communal Lands Act).

The monitoring and control of natural resources was placed within the purview of the Department of Natural Resources. They 'policed' much the same conservation laws as their colonial predecessors: stream-bank cultivation, prohibitions against tree felling and the requirements for mechanical conservation of arable lands. The department was always poorly funded and lacking in sufficient staff so their effectiveness as natural resources guardians has always been restricted.<sup>45</sup>

Within the arena of local government there was also a shift in policy and practise. A three-tiered structure was introduced based on demographic rather than traditional institutional arrangements. At the lowest level village development (VIDCO) areas were demarcated based on units of approximately six hundred adults. Above these units wards were created from ten VIDCO areas. A ward development committee was formed from the chairpersons of the VIDCOs within the ward. Registered voters within each ward elect a councillor. The councillor chairs the ward development committee (WADCO). Thus, at least in theory, VIDCO and ward areas comprise units of roughly the same number of voters ensuring an even distribution of representation throughout the council area. There is only coincidental convergence between the VIDCO and WADCO boundaries and the boundaries of the traditional villages (*misha*) and traditional wards (*matunhu*).<sup>46</sup>

The colonial administration favoured plural legal systems that partially recognised indigenous legal institutions and 'customary law'. The two systems converged in the magistrates' and district commissioners' courts. Traditional courts were not empowered to hear criminal cases. In the post-colonial era, the courts of chiefs and headmen were replaced by 'peoples' courts' with appeal to the magistrate or police. District

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<sup>45</sup> As with agricultural extension services, this vastly understaffed department has not toured the research area in the entire period of my involvement there.

<sup>46</sup> See also chapters 3 and 5.

commissioners' courts for hearing customary law cases were abolished, as was the Court of Appeal for African Customary Law. Only with the passing of the Traditional Leaders Act in 1998 did chiefs and headmen receive a partial restoration of their judicial powers. This act is yet to be implemented in the areas covered by my research. There are considerable contradictions between the new act and the existing Rural District Councils Act of 1988. How these play out will be of great significance for CBNRM.

#### **4.9 Summary**

In 1896 Cecil Rhodes' Chartered Company (British South Africa Company – BSA Co.) assumed the government of the Central African plateau. In doing so it created a nation state that replaced the previous Shona polities – and the more recent Ndebele hegemony – with its own notions of government. Central to its development was the need to secure the interests of the company. When it became clear that mining was unlikely to provide the impetus for economic development the company turned to agriculture.

In order to encourage and protect the white settler farmers from their indigenous 'rivals', measures were introduced to restrict the latter to demarcated areas. Within these areas, prevailing Western worldviews and perceptions shaped policy and practise in the management of natural resources. Narratives of received wisdom became entrenched as paradigms of governance. Science and bureaucracy marched together to entrench these recurring narratives of received wisdom. Entrenched paradigms, rooted in western worldviews and supportive of western colonial interests competed with those of the indigenous population, especially those residing in the rural areas. African conservative worldviews and nationalist ambitions converged in strategies to maximise opposition to colonial interference.

Perhaps ironically, analysis of post-independence dynamics reveals an unexpected persistence of colonial policy with regard to communal land management. This has led to a continuance of pre-independence oppositional dynamics, with traditional institutional opposition to legislative enactments with regard to local government arrangements, land allocation and natural resource management. Indeed, at local level the governance of daily life continues to adhere closely to institutional arrangements that have arguably been in place since before the colonial intervention. This has occurred despite an observed political loyalty to the ruling party within the Shona speaking areas of the country. The case studies that are the subject of the following chapters illustrate the form and content of these dynamics and portray a rural society's coping mechanisms in the evolving models of local level adaptive management. They show how resilience in the face of exogenous influences is shaped by worldviews and a cosmo-vision that resonates with the reality of daily life.



## Chapter 5

### *Murisa Dunhu: Changing Landscapes, Constant Visions*

*“Nature to be commanded must first be obeyed.”*

*Francis Bacon*

#### **5.1 Introduction**

Chapter 2 formulated the proposition that while it is possible for local communities to manage their own resources, there are limitations and constraints inhibiting their efforts. Many of these are exogenous influences that dilute local capacities for management. Others are centrifugal forces from within the local community itself. Communities adopt or discard strategies as they manage their changing landscape. Ostrom (1990) and others have succinctly suggested optimal criteria for successful common property resource management.

This chapter further examines these issues. It seeks to illustrate the proposition that the ways in which a society resists, accepts and adapts to changes to its environment are products of its worldview. The data presented points to a traditional Shona rural worldview that perceives a cosmos in which society, the natural and the supernatural environments are integral and indivisible parts of a whole system.

Systems, to endure for any length of time, must demonstrate resilience. Coping mechanisms are devised to handle the exogenous intrusions from the larger world beyond the confines of local communities. These intrusions typically include some of the following:

- co-option or change of leadership (at local or national level);
- ad hoc interventions by NGOs;
- changing government policies on centralisation and de-centralisation of authority;
- scale and levels of authority;

- macro-economic policies;
- internal and external migration;
- the HIV-AIDs pandemic;
- unpredictable environmental events ('surprise');
- changes in national political ideology – to name but a few.

Adaptation to endogenous influences is also spontaneous and continuous, though it may not be discernible to the members of the community concerned. The only constant is change itself. Ironically, this iterative process of constant change is the major dynamic of a society's resilience.

The case material in this chapter is drawn from a wide spatial and temporal landscape within Zimbabwe. The Murisa traditional ward (*dunhu*) of the Bepura chiefdom (*nyika*) provides the main focus for purposes of socio-ecological and diachronic comparison. Murisa is a *sadunhu* under *Mambo* (Chief) Bepura in the District of Guruve.

## **5.2 Orientation**

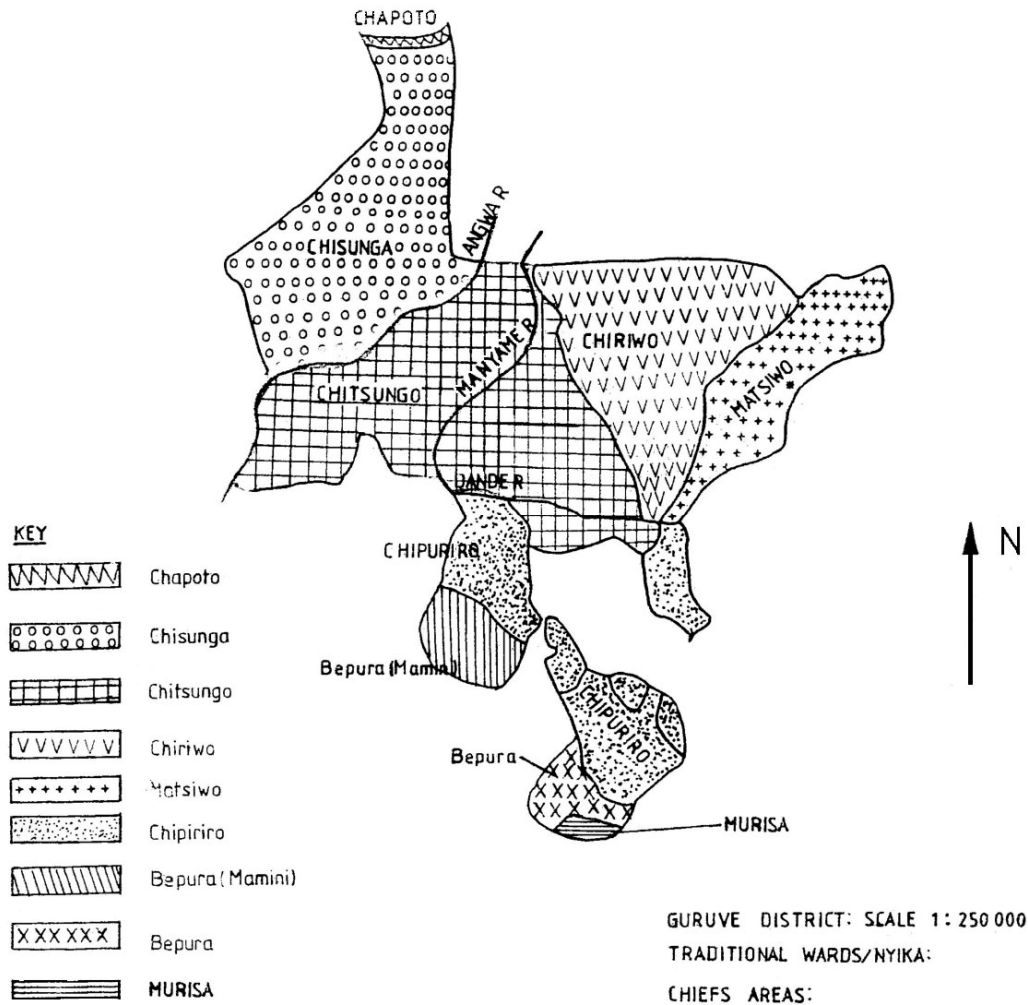
Guruve District is in the north west of the Mashonaland Central Province and straddles the Zambezi Escarpment. The area below the escarpment is known as Lower Guruve, or 'The Valley'. Its vernacular name is Dande, after a river that bisects the flood plain en route to the Zambezi. The area above the escarpment is known as Upper Guruve. Upper Guruve consists of Large Scale Commercial Farming Areas; Small Scale Commercial Farming Areas; Resettlement Areas; Wild Life Areas; Unassigned State Land; and the Guruve and Kachuta Communal Lands, comprising the chiefdoms of Chiporiro and Bepura (GOZ, 1998 1:250 000 topo cadastral series).

## **5.3 Bepura Chiefdom (*Nyika yaBepura*)**

Murisa ward (*dunhu*) is one of seven wards (*matunhu*) in the Bepura chiefdom (*nyika*). It forms the southernmost ward of the Guruve Communal land (Map, Page 97). Its Southern boundary is the Mavare River from a point where it cuts the communal area/commercial farming area surveyed boundary. It then follows the Mavare in a westerly direction to the confluence of the Mavare River and the Muraswi Stream. From this point the boundary follows the Muraswi upstream in a North Easterly direction to its confluence with the Nyachurunga (Chourunga) Stream. The boundary then follows the Nyachurunga upstream to the surveyed line demarcating the CL and LSCF. This surveyed line demarcating the boundary between CL and LSCF, forms the boundary in

the East.<sup>47</sup> This runs roughly north to south until it bisects the Mavare River at the starting point (GOR 1967, Delineation Report: Guruve).

**Figure 5: Map showing the traditional wards, Guruve District**



<sup>47</sup> Note that the Murisa community came to the area long after the LSCF was demarcated and have always accepted the boundary. In fact they developed a symbiotic relationship with the owner and his family who have owned the property since 1926.

#### 5.4 The Murisa Community (*Dunhu raMurisa*)

Murisa community is defined as that group of people within the boundaries of the traditional ward.<sup>48</sup> Within this area there are twelve *misha* (villages).<sup>49</sup>

**Table 1: Villages within the Murisa community and number of households**

<i>Musha</i> name	Households
Muchada	99
Baradzanwa	43
Nekati	60
Chihota	59
Matsika	29
Mavura	28
Murisa	26
Mhungu	58
Mazivananga	29
Marime	58
Dambaza	80
Chenhamo	110

#### 5.5 Environment

Murisa *dunhu* falls within Natural Region Two (Vincent and Thomas, 1961). It is bounded to the south by the Mavare River, a major tributary of the Manyame. Into the Mavare flow a number of short tributaries running through folds in the granite sands. The upper reaches of these streams are usually associated with *dambo*-like open ‘*vleis*’

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<sup>48</sup> For the sake of clarity it must be pointed out that Murisa is a traditional headman of a *dunhu* (ward) comprising 12 *misha* (villages) one of which is Murisa. Thus there is a Murisa *dunhu* (ward) with a *sadunhu* (ward headman). Within the ward there is a Murisa *musha* (village) under the jurisdiction of a *sabukhu* (village headman). The function of ward and village headman is vested in the same person.

<sup>49</sup> The common perception of ‘village’ follows that described in the Concise Oxford Dictionary: "a group of houses etc. larger than a hamlet and smaller than a town." The word village thus describes an essentially English or European notion of settlement. It is not a true description of a ‘*musha*’ – a collection of people living in small clusters of homesteads spread over a defined geographic area but not necessarily adjacent to one another. However, it has become accepted practice in Zimbabwe to use the word ‘village’ to denote a Shona ‘*musha*’.

– also called *bani* (plural *mabani*).<sup>50</sup> These are typically shallow black clays overlaying decomposed granites and basalts. The *dambos* form the headwaters of springs and streams that converge into rivers flowing into the Mavare and eventually into the Manyame and from there to the Zambezi. Most of these headwater tributaries flow only until April or May. Downstream they flow for longer but by July or August most have dried leaving only a few perennial water holes.<sup>51</sup>

Vegetation in the wetter parts of the *dambos* and around the springs was a mix of grasses and sedges, with *Papyrus* grasses merging into *Phragmites* reeds in the wettest sections. The treeless nature of these areas is mainly due to poor drainage. A distinct sequence (or ‘catena’) of vegetation is found in the change from top land woodland to the wet centres of the *vleis*. The *msasa-mnondo* vegetation gives way to a fringing belt of *Parinari curatelleifolia* (*muhacha* or *mujakata*) which is evergreen, has a high moisture requirement, and can tolerate periodic temporary wetness in its root zone. Where the water table seasonally rises too high, the *muhacha* gives way to *Syzygium guineense*, *S. huillense* and *Protea gagedi* (Vincent and Thomas, 1961).

Thus along stream banks and in the areas of very high water table, and near open water in the *vleis* trees consist mainly of *Ficus sp.*, *Syzygium guineense* and some *Combretum* species (Van Wyk and Van Wyk, 1997; Coates Palgrave, 1984). Most of this vegetation has disappeared in the *Murisa dunhu* though stands of *Syzygium* are still to be found in Nyamhondoro.

## 5.6 History

### *Early History*<sup>52</sup>

The *Murisa* people moved into the Damba area, south of Mhangura, as part of the general migration from Guruuswa<sup>53</sup> in the mid-fifteenth century (Beach, 1980). They

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<sup>50</sup> Dambo (Pl. *matambo*) is translated as “open level stretch of land” (Hannan, 1984:108). *Vlei* is an Afrikaans word (in common use in Southern African English) meaning open, marshy ground. *Bani* (Pl: *mapani*) is ‘treeless grassland’ (Hannan, 1984:7).

<sup>51</sup> Information extracted from Msitwe River Board records supporting personal observation and oral accounts.

<sup>52</sup> This history is a synthesis of accounts given by a number of respondents over the period 1998 to 2002. They tally in most details with similar accounts recorded in the mid-nineteen sixties (Delineation Reports) and with records in the office of the DA, Guruve (Files Per/Chiefs and headmen).



recall that they were hunters and chose to settle in the Damba as elephant were prolific there. Their history in Damba starts with Nechiramba Chisikwa, who is regarded as the first Murisa ('Chisikwa' – The One Created [Murisa]). On his death Chigamauro or more correctly Chigaramauro succeeded him (see table 2).

**Table 2: List of Murisa leaders**

Nechiramba  
Chigamauro  
Mutsikapatinira  
Wenyamawanga  
Mujodo  
Mukuromeso  
Mukoreka  
Nechombo  
Nyamzuza  
Bazare  
Tunduya  
Nyamakaruzza  
Tafira  
Shemu  
Kapiye (current Murisa)

Chigamauro was unsuccessful in conquering Nyamkwerere, the autochthonous ruler of Damba. Nyamkwerere was possessed of strong magical powers. As in other similar myths, the autochthon exercised power over the natural environment. He could turn himself into an anthill. He could create mists and rain to envelop his enemies. Most fearful of all he had four eyes - two in the back of his head. Two eyes were always open making surprise attack very difficult. This formidable enemy had to be eliminated so that the Murisa people could control the country they had appropriated.

Bepura's ancestors, led by Chambavanhu, (Chiyambavanhu: The First Person) arrived at about this time, also as hunters. Chigamauro is said to have invited Chambavanhu to join forces with him to eliminate Nyamkwerere. Senior lineage heads of the Chingowo polity were also engaged as allies. The powerful Chingowo people lived in Guruve, to the west of the Manyame River.

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<sup>53</sup> Guruuswa is spelt and pronounced variously as Gurutwa or Guruhuswa depending upon the recorder and or the informant. It refers to a mythical country of origin of the clan or group, in this case Great Zimbabwe. It is usually associated with the southern plateau area but this is not always the case. See Latham 1987; Lan 1985, Bourdillon and NADA (various).

Murisa's account states that with their help of Chigamauro devised the strategy of giving Nyamkwerere one of his daughters to wife. The daughter having been well briefed as to her part, Chigamauro supported by Chambavanhu, attacked the hill on which Nyamkwerere was living. "Chigamauro climbed the mountain of rocks where the four eyed man was living and said: 'We have come to fight', and Nyamkwerere said: 'why have you come to fight when I have married your daughter?' They then both took up their bows and arrows and shot at each other but Nyamkwerere's wife tied a black cloth around his neck and strangled him and Chigamauro also died of his wounds" (GOR, Delineation Report, Guruve, 1967:92). In gratitude for the part he played in the conquest, Chambavanhu and his followers were accepted into Damba as a permanent *vatorwa* (settlers).<sup>54</sup> The Bepura account differs in one significant detail. It reports that after the conquest of Nyamkwerere, the Murisa people praised Chambavanhu and said:

"Chambavanhu is our King. He will rule us for a time as a 'pension'" (GOR, Delineation Report, Guruve, 1967:86). More significantly both accounts record that it was Nyachava, Dandajena and Dumbu, descendants of Chingowo who supplied the magical ingredients that enabled Nyamkwerere's wife to overcome him. This account is related in some detail as it has a significant bearing on present day relations between the Murisa community and that of the ruling Bepura house, to whom they are subordinate. It also demonstrates a long (and implied dependent) association with the Chingowo dynasty.

### *Recent History*

The latent enmity between Murisa and Bepura was exacerbated by the Murisa account of events set in train by the arrival of the British. The early colonial authorities summoned all chiefs to attend a meeting. This was so that they might be recognised and given badges of office (*nyembe*). Murisa accounts recall that at that time, the ruling Murisa relied heavily on his *mukwasha* ('son in law') Katena Bepura to assist him in his administration (*Avemupurisa wavo* – he was his policeman). So it was Katena Bepura who was sent to deputize for him at the meeting. To Murisa's horrified surprise, Bepura returned and announced that he was now the chief. He had been 'anointed' by the Whites who had taken over this function from the Varozvi.<sup>55</sup>

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<sup>54</sup> *Mutorwa pl. Vatorwa* – from the verb *tora* – take, thus one taken in. A *mutorwa* is a settler accepted into the *nyika*/country of a ruling lineage head (*ishe/mambo*).

<sup>55</sup> Prior to the collapse of Shona hegemony, the ruling clan historically responsible for the appointment of chiefs was the Rozvi (Beach, 1980). There are countless stories of leaders being 'cheated' out of their thrones by their deputies reporting to the *Mambo* and being crowned in their place. The story is replicated in the colonial period in such events as that claimed by the Murisa's.

In the mid-nineteen forties, the colonial government moved the Bepura people from Damba to the southern part of Guruve Communal Land. The Murisa community (then consisting of ten village heads and their followers) were allocated the portion of land that they now occupy. Thus they were able to retain their homogenous community identity.

In 1967, a government report (GOR, Delineation Report, Guruve, 1967) stated that the community had a definitive identity within the new area assigned to it. The boundary was known and respected from without and within. *Sadunhu* Tafira Murisa was acknowledged as a functional leader by his community, by Chief Bepura and by neighbouring communities. The Murisa people claim that at the very least they should be a headmanship within the Bepura chiefdom. Historically they insist that Bepura should be subservient to them. The delineation officer recommended that the headmanship receive government recognition. This recommendation was not acted upon nor has the post-colonial administration given Murisa official recognition. The reasons are not clear. Certainly Bepura has opposed the elevation (Chief Dzukamanja Bepura; Personal Communication; 2001). Opinion in Murisa is unanimous that opposition from Bepura denies them their rightful status. Shortly after their arrival in Guruve, two other masamusha joined the Murisa community, moving from 'Peak' (Mussoorie) Farm near Mutorashanga. They are Dambaza and Chihota.

The area settled by Murisa was formally part of the *Unhova*<sup>56</sup> of Chingowo, now called the chiefdom of Chiporiro. However, the ward was sparsely populated when Murisa moved in. All reports on conditions in those days suggest that it was heavily wooded and that game was plentiful. Those Chipororo people who were living in the ward chose to move north of the Mpinge River and remain under their own leader. A few individual families remained and now fall under Chief Bepura and Murisa.

## **5.6 Central Government Institutional Arrangements**

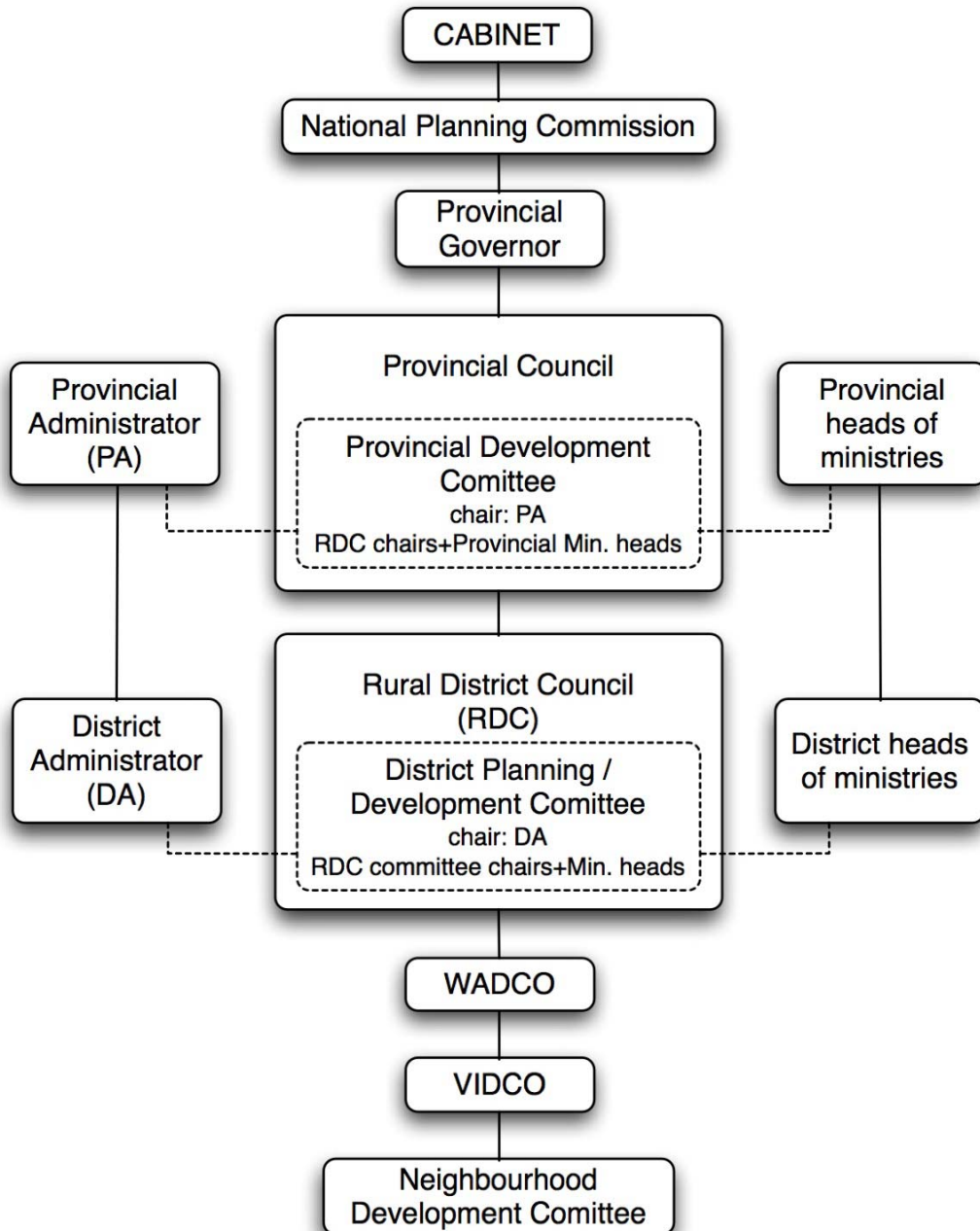
Guruve falls within the province of Mashonaland Central. A provincial Governor, a political appointment holding cabinet rank, heads the State bureaucracy. The governor is served by a provincial administrator, a permanent civil servant in the Ministry of Local Government, whose appointment requires ZANU(PF) politburo approval (Pers. Com. PA Mashonaland Central, July 2000). Each district is in turn headed by a district administrator who has a sapiental, advisory and jurisdictional association with the local rural district council. The district administrator is charged with the administration and

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<sup>56</sup> Unhova: the chiefdom/principality of Chingowo. Nhova translates as fontanel, with attendant interesting symbolic connotations.

coordination of government activity within his district – with special responsibility for the development of the communal areas.

**Figure 6: Organagram of Local Government**



(Source: Ministry of Local Government)

Government ministries and departments are represented at district level. These include Agriculture, Veterinary Services, Transport (Roads Department), Natural Resources, President's Office (Central Intelligence Office), Police and Home Affairs, Water Development, Health, Education etc. The District Development Fund has staff and equipment at district level. Formally under the control of the DA this parastatal body now operates autonomously. All are theoretically coordinated through the Rural District Development Committee, which also comprises chairpersons of rural council committees.

### **5.7 Local Government – Guruve Rural District Council**

Councils are elective second tier local government bodies. They have enshrined statutory powers and responsibilities (GOZ, Rural District Councils Act: 1988). Council areas coincide with district administrative boundaries unless urban councils are included within the district. Guruve has no urban councils. The entire district is within the jurisdiction of the Guruve Rural District Council (GRDC).

The council area is divided into wards. GRDC consists of 39 wards. Each ward in turn is divided into village development areas. Within each village development area a village development committee (VIDCO) is selected to represent the village area on matters concerning council. A village area comprises several traditional villages or segments of villages. A number of VIDCO areas (usually ten) comprise a council ward. The chairman of each VIDCO is a member of the ward development committee (WADCO). The chairman of the WADCO is the elected ward councillor representing the ward on the GRDC. Traditional leaders are invited to participate in WADCOs and VIDCOs.<sup>57</sup> There are three VIDCOs in the Murisa traditional ward. Murisa traditional ward (*dunhu*) forms part of council ward 27 of the GRDC.

### **5.8 Traditional Governance**

The following Chiefs and Headmen<sup>58</sup> in Upper Guruve are recognized by the government:

- Chief s Chiporiro (The *Unhova* of Chingowo) and Bepura

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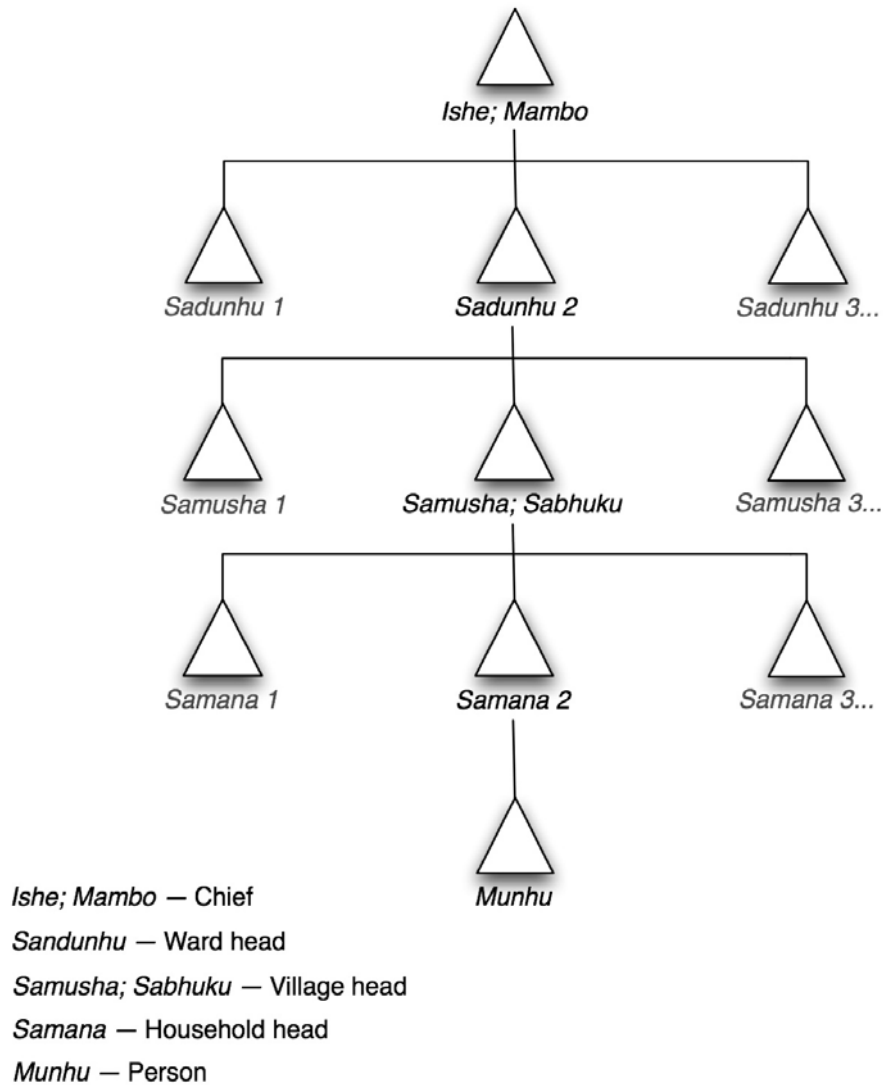
<sup>57</sup> This arrangement is changing under the provisions of the Traditional Leaders Act (1998) that gives statutory recognition to headmen and chiefs on these committees.

<sup>58</sup> Chiefs and Headmen in this context are those 'recognized' in terms of the appropriate legislation (Traditional Leaders Act: 1998).

- Headman Mukwenya (of Chief Chiporiro) and Headman Mamini (of Chief Bepura)

As previously indicated in chapter 2 chiefdoms are functionally organised in nested levels of authority. A chief (*ishe, mambo,*) represents the top tier and a person (*munhu*) the base. Between the *munhu* and the *ishe* are the family head (*samana*); village head (*samusha*) and the ward head (*sadunhu*).

**Figure 7: Theoretical traditional institutional organisation**



Ties of kinship generally exist between members of the chiefly polity especially those holding positions of authority. Thus *masadunhu* and *masamusha* are usually members of the chiefly lineage or are related through marriage. Language illustrates this close relationship. *Masadunhu* and *masamusha* are also sometimes respectfully addressed as *vachinda* (sing. *muchinda*) – more especially in Karanga speaking districts. The radical meaning of *muchinda* is ‘chief’s son’. A *muchinda* is thus a prince. The term ‘royal’ is perhaps best applied to describe the position of *muchinda*. A minority of leaders are ‘outsiders’ who have gained admittance to the area/community by a process of acceptance. They are called Vatorwa – ‘Those taken in’.

Traditional leadership finds functional expression in the *dare*. At each level it is this traditional assembly or forum that governs, manages and adjudicates – *kutonga*.<sup>59</sup>

## 5.9 Spatial Issues

A chief’s area is divided into wards (*matunhu*) and village areas (*misha*). Each *musha* is in turn sub-divided into homesteads (*mana*), with attendant individual traditional rights to arable land and gardens and to communal grazing. Traditional arrangements in regard to spatial and jurisdictional boundaries do not coincide with formal local government arrangements. In the case of Murisa, the traditional *dunhu* is incorporated in a far larger council ward. VIDCO areas usually include more than one traditional village (*musha*). In Murisa *dunhu* VIDCO boundaries actually cut through traditional *musha* boundaries, placing members of a *musha* in different VIDCO areas. Furthermore the historical boundaries of the chiefdoms (*nyika*) have been altered by State interventions. In the case of Murisa and Bepura they were settled within the traditional confines of the *Unhova* of the Chingowo (Chiporiro) polity.

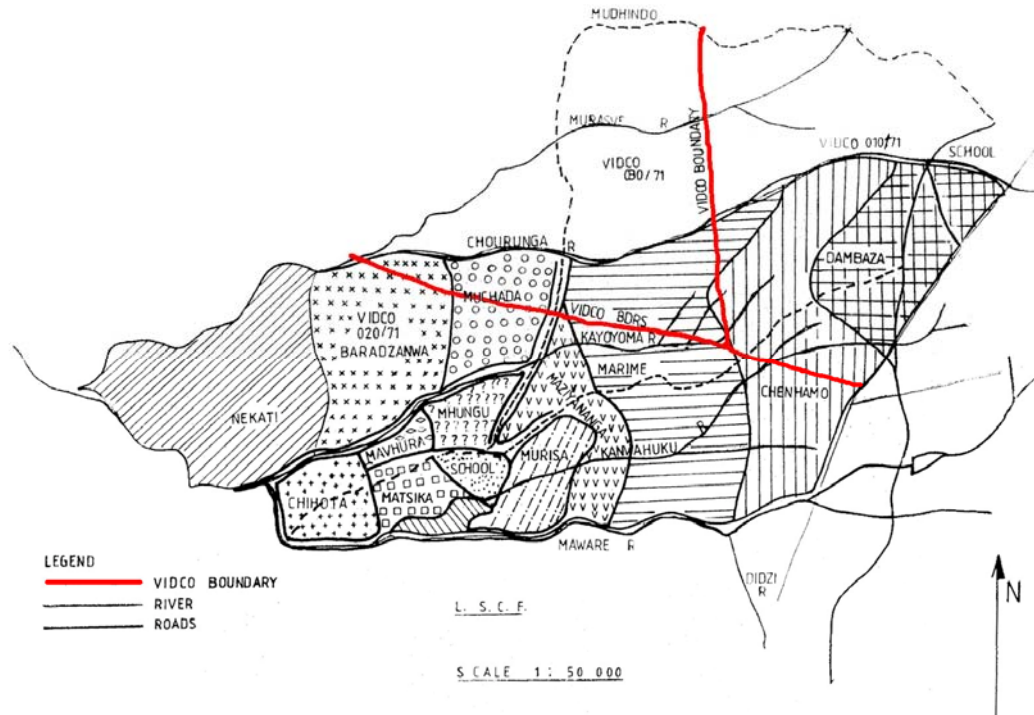
The Rural District Councils Act makes the council the *de jure* administrator of land on behalf of the President (in whom all communal land is vested). This means that instead of the *samusha*, *sadunhu* and *ishe* controlling land tenure issues through their matare, local councillors assisted by village and ward committees now claim this authority. Similarly, because land and resources are a council responsibility, all development programmes and projects are construed as the domain of VIDCOs and WADCOs. These arrangements run contrary to the existing traditional system of governance and the accepted perceptions of the Murisa community. Inevitable frictions arise. At best the two systems operate in tandem. At worst neither system operated effectively. In some instances this leads to a break down in control over resources and the creation of conditions similar to ‘open access’. The Traditional Leaders Act restores some powers

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<sup>59</sup> See also chapter 2 and the case study in this chapter.

of traditional governance to chiefs, headmen and village heads. In effect this partially restores what was in many respects the *de facto* situation in Murisa, where the VIDCOs are largely moribund, and land allocation has always been regarded as the rightful function of the *masamusha* and *sadunhu*. In terms of developmental activity my data suggests that most if not all development initiatives are *de facto* managed by traditional structures with the VIDCOs being involved only in so far as they are necessary to attract possible council financial support. Chapter 7 provides compelling data through case study material in this regard. Figure 8 shows the *musha* and VIDCO boundaries in Murisa *dunhu*.

**Figure 8: Map of *musha* and VIDCO boundaries in Murisa *dunhu***



### 5.10 Jurisdictional Issues

The *masadunhu* Nyamhondoro and Murisa are not recognized by government. Their jurisdiction (*kutonga*) over their respective *matunhu* thus derives from recognition by the inhabitants of their areas. Their authority derives from their people (*'Ishe vanhu, vanhu ndi'she*: the chief is the people, the people are the chief'), not from the State.

The research data from surveys and case studies recorded in this thesis shows that customary law and practise prevails in the allocation and general management of



resources, in the arbitration of disputes and in the adjudication of most civil causes of action. Such governance of daily life finds expression at appropriate levels of jurisdiction from that of family heads (*masamana*), to village heads (*masamusha*) and upwards to the levels of the *sadunhu* and *ishe*. Kinship association, special proximity and a common need for social cohesion link the nested levels of authority. It is only in their scale of jurisdictions that they differ. Significant also is the institutional integration of governance. No distinction is drawn between civil and criminal causes of action (*mhoswa*); management, development and arbitration of natural resources; and protocols for approaches to the Shades.

This expression of a worldview, so much at variance with Western Cartesian reductionism, I call 'African Holism'. While it may not be an appropriate label for the whole continent, it would seem to be consistent with most cultures embracing the 'Bantu' language family.

### **5.11 Institutional Complexity and Issues of Legal Pluralism**

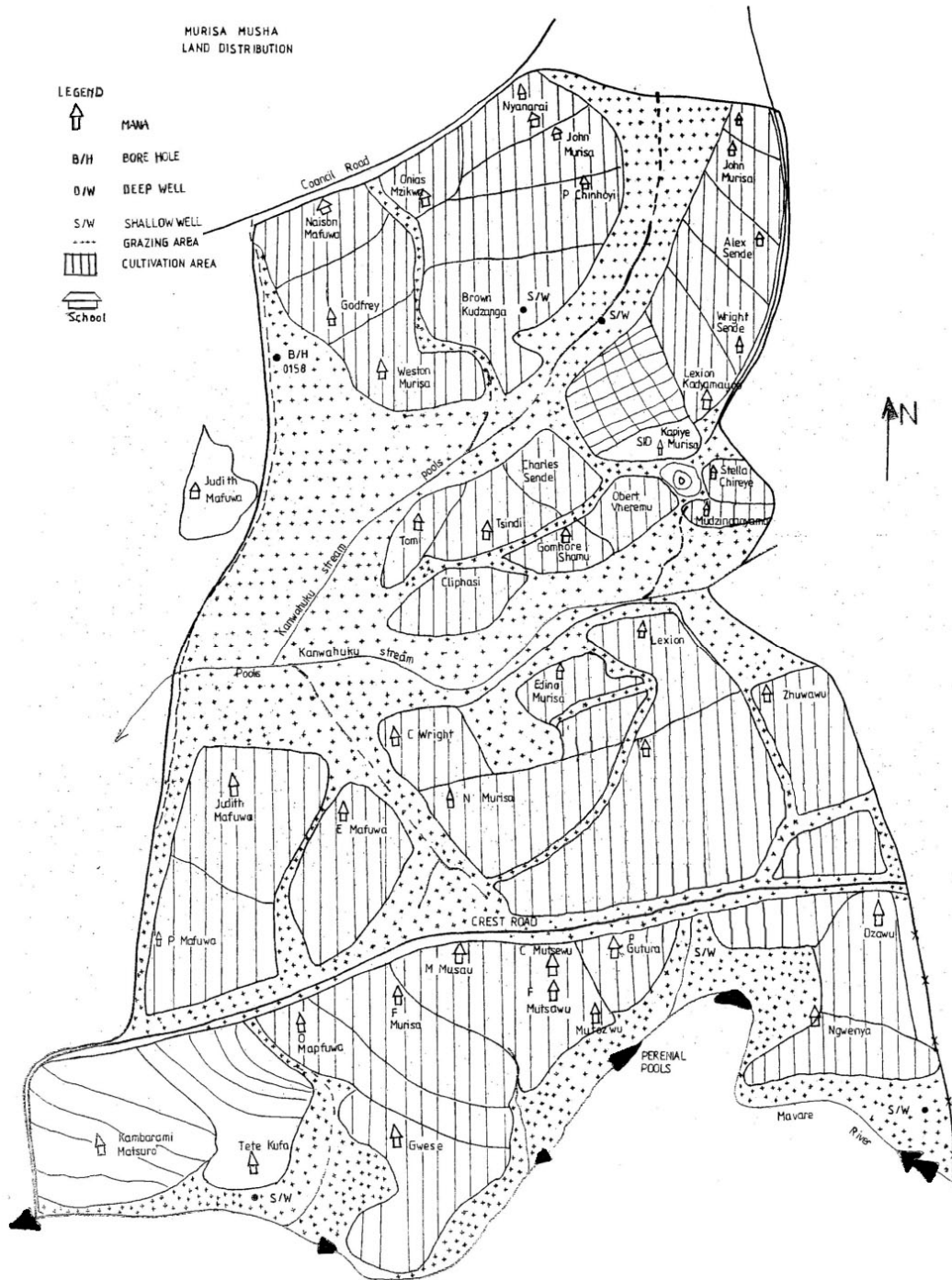
There is considerable spatial, administrative, statutory and jurisdictional overlap between local government councils, river catchment councils, local and state institutions, institutions of indigenous governance; party political organisation and non-governmental institutions. There are also institutions that because of their resource specificity may lack relevance to local communities. The recently formed Catchment Councils (CCs) (GOZ, Water Act: 1998) provide a good example. In all our research areas, people living at local level were usually unaware of the provisions of the Act or the functions of the council. Local water point committees (see below) continue to operate without any reference to the CCs although the latter are charged under their enabling statute, with the management of all water.

Inconsistencies in institutional scale and functional penetration to all levels are another discernible characteristic. Case studies cited in this thesis amply demonstrate this as a major poly-present ingredient of resource management. Issues of scale and legal plurality are common features of all property regimes in Zimbabwe as the case study in the next chapter illustrates. This institutional complexity suggests a dilution of efficiency in the management of natural resources. It is manipulated by politicians (national, district and local) who often act as gate-keepers to access resources for development, to positions of power and to general patronage in the allocation of privilege.

### **5.12 Settlement Patterns: The Resilience of Culture**

While there is a concentration of more homesteads along the road bisecting the ward, the predominant settlement pattern is one of scattered homesteads, each some fifty to a hundred meters from its neighbour. This redistribution has taken place over the last twenty-five years or so as rules imposed by the colonial administration, governing the location of residential sites have fallen into disuse. This is best illustrated by the map overleaf showing the distribution of homesteads, cultivated land and grazing areas.

**Figure 9: Map of *Murisa musha* land distribution**



## 5.12 Musha Settlement

Pre- and early Colonial land settlement patterns suggest that ‘traditional’ Shona settlement was one of scattered settlements (*mana*) or homesteads, within a spatial unit under the control of a *samusha*, the ‘owner/lord/squire’ of the lowest unit of local traditional authority. *Musha* has been translated into English as ‘village’ a misnomer that has created resultant problems relating to perception in narratives and discourse about local level governance. ‘*Musha*’ and ‘village’ embrace completely different notions of landscape, settlement patterns, demographics, and socio-political dynamics. The European notion of a village is a cluster of houses, shops and rural businesses in close spatial proximity. This does not accurately convey the Shona notion of *musha* (village, home) centred round the family of the headman and associated with him rather than with any locality or building.

A *musha* was/is a spatially dispersed collection of *mana* united (mostly) by common lineage affiliation to the *samusha*. “The *musha* is controlled by a hereditary headman, the *samusha*, who is head of the principal family unit which originally founded the village. Membership of the village is based on kinship and (or) residence within the common homestead<sup>60</sup>” (Holleman, 1952:5). But “(n)evertheless a village does have territorial connotations, perhaps vaguely a cluster of homesteads and the surrounding fields; or more precisely a ridge between two streams which mark it off from the territory of neighbouring villages” (Bourdillon, 1976:75).

In this thesis it is important to make the distinction between the English concept of ‘village’ and the Shona concept of ‘*musha*’. For this reason, generally the word *musha* is generally used in preference to ‘village’.

## 5.13 *Musha* and Environmental Influences

A traditional *musha* consists of a scattered group of *mana*. The proximity of *mana* to one another depends to a large extent on the topography, climate and the density of population. In areas of low rainfall, water is the determining factor in distribution. For example, in the Lower Guruve area settlement was found to follow the banks of the major rivers such as the Dande. *Misha* were long straggling lines of *mana*, slightly more

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<sup>60</sup> Holleman uses English words like ‘hamlet’ and ‘homestead’ and ends up confusing himself and the reader. In this context it is clear from the accompanying text, he means an area of land encompassing dwellings and other structures such as grain bins and animal pens.

concentrated near the homestead of the *samusha* – resettlement has often altered this pattern. Typically, in much of the granite-soil uplands, settlement is close to the granite outcrops or koppies (*maware*) where ground water is often close to the surface and may be accessed by means of shallow wells. Murisa and Nyamhondoro *misha* are both situated in such terrain. These areas are generally well watered. Even in the dry season no one has to walk more than a kilometre to draw water. In the rains the figure reduces to 400 meters.

#### **5.14 *Musha* and Political Control of Territory**

In order to emphasise that settlement, territory and political allegiance are also significant factors influencing location of settlements, the case of Begede is apposite:

Begede is a *musha* in the southern Save CL. Begede owes allegiance to Nyashanu, the Hera chief. Begede *musha* area straddles the Nyamashanga River, the boundary between Chiefs Nyashanu and Chamutsa. The Nyamashanga has an adequate supply of perennial water, in an otherwise arid region. Settlement along its banks near perennial pools is in line with similar areas described above. However, by deliberate design Begede's followers all live on the south (Chamutsa) bank of the Nyamashanga and maintain fields in Nyashanu, north of the river. Their settlement thus encroaches into the *nyika* of Chamutsa, the Ndau polity occupying the southern tip of Buhera.

For the entire time that this writer was involved in the Buhera district<sup>61</sup>, Begede defied the Administration every year at the annual tax collections. Because he was resident in Chamutsa's *nyika* he was recorded as a Chamutsa rate-payer. Yet he always failed to appear at the Chamutsa 'tax camp'.<sup>62</sup> Faithfully he would go to Mafuruse, many miles distant, to pay at Nyashanu's camp. Year after year he was admonished by the Administration. Year after year he insisted that although he was on the south bank of the river, he nevertheless was in Nyashanu's country. Chamutsa would summon him to his court. He would defy the summons. Appeals to the DC would result in fines for contempt of court or even imprisonment, yet he steadfastly refused to acknowledge the sovereignty of Chamutsa. Chief Nyashanu naturally appeared to encourage and supported this stand. It strengthened his claim to the land south of the Nyamashanga River and to his control over the Chamutsa people. Begede's *musha*, straddling the contested boundary was important from a strategic and tactical point of view. He

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<sup>61</sup> 1961-1963 and 1969 to 1972.

<sup>62</sup> Payment of rates and taxes is/was a visible way of demonstrating allegiance. Rates/taxes symbolise tribute to an acknowledged authority.

claimed that he settled the area south of the Nyamashanga, before any settlers under Chamutsa moved in. As a senior Nyashanu *muchinda* as he lived south of the river, the area must therefore be Nyashanu country, they claimed.<sup>63</sup>

### 5.15 Proximity to Leadership

Proximity to perennial water has benefits other than water for human and livestock consumption. Wetland gardens are important. Wild game animals need to drink. Water points are thus needed by game as much as by humans. The economy of the pre-colonial Shona depended heavily on game for subsistence and trade. ‘Ownership’ of wildlife was vested in the ruling lineages.<sup>64</sup> Thus if game was shot or trapped, the division of the meat followed a customarily determined set of rules. Usually the foreleg (and tusk, if applicable) of the beast that was nearest the ground when the beast fell, had to be reserved for the traditional leader of the *dunhu/nyika*. Tusks, and other ivory and hides constituted wealth for individuals and for the polity. Thus settlement tended to be denser near the homestead of the leaders. This is reflected in the *musha*. “In the traditional Shona village the spatial distance between the clusters of dwellings (*mana*) reflected to some degree the social distance between the heads of these clusters and the lineage of the headman, whose lineage is regarded as dominant” (Garbett, 1960:3).

In the Murisa *dunhu*, with the dispersal of people from the enforced ‘*maraini*’ created by Centralisation and the NLHA (see chapter 4) the traditional pattern of settlement has to a degree re-asserted itself (see figure 9). For example, Murisa’s *mana* is surrounded by the *mana* of his widowed sister, by the sons of his deceased elder brother and by his ‘*mukwasha*’ (daughter’s husband). All live within a matter of a hundred meters of each other. Thus socially constructed geographies seem to triumph over imposed bureaucratic constructs.

The desirability of proximity to leadership finds expression in another facet of traditional Shona notions of land settlement and proprietorship. In the traditional view of landscape, territory is often identified from the centre outwards. During the delineation programme (GOR: 1963-67), a routine question requested the respondent to give a description of a *dunhu* territorial boundary. Often, the informant would start by

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<sup>63</sup> DA’s office Buhera, Files Per5/Nyashanu; Per5/Chamutsa and Per5/Chamutsa/Begede. Also Buhera Delineation Reports 1965 –1967:82. The Begede *mhoswa* (case, dispute) was still extant in the period Jens Andersson was doing fieldwork in Buhera up to 1999 (Personal communication).

<sup>64</sup> The pangolin (*haka*) is royal game and has strong ritual connotations. If found, it must be delivered to the chief of the area, unharmed. Only the chief may dispatch a *haka*.

describing the area immediately adjacent to his own *musha*. Only by determined questioning would he focus on the perimeter. Yet in most cases this was well known and was demarcated by easily identified physical features such as rivers or hills. But the ‘mind’s eye’ of the informant was focused on the closer landscape.

“After permission to establish a new village has been received, the ward headman (*sadunhu*) or his representative will show the new village headman where he can build his village and cultivate his gardens. The ward headman formally confirms the allocation by driving a peg (*kudzikira bango*) into the ground on the spot where the hut of the principal wife (*vahosi*) of the village headman is to be built. A preferential right to a cultivation area is vested by making some distinctive marks in **the middle of the selected area** (*kuchera gombo*).” (Holleman, 1952:6, emphasis added)

This perception of landscape is understandable in terms of three determining features.

First, the *dunhu* boundary is fixed. Rituals involving the *mhondoro* often stringently prohibit their crossing these demarcation lines. Thus they are so well known that description may seem superfluous to the respondent.

Secondly, when the scale of one’s world is determined by the mobility of the pedestrian, it is the area of one’s immediate neighbourhood that is uppermost in the mind’s eye. This concept of landscape is difficult for people to grasp who have grown up with modern modes of transport.

“Distance changes utterly when you take the world on foot. A mile becomes a long way, two miles literally considerable, ten miles whopping, fifty miles at the edge of conception. The world, you realise, is enormous in a way that only you (and fellow pedestrians) can know. Planetary scale is your little secret.” (Bryson, 1999:71)

In considering peoples’ worldviews, their allocation and use of labour and resources, academic literature seems to largely ignore these inter-connected factors of time and locomotion in relation to scale. Someone living in Murisa Village will take about one hour to Whitemore, the nearest shop. The average walking pace is about five kilometres an hour – four miles or six kilometres an hour, is considered fast. It takes just over an hour to drive from Mutorashanga to Guruve, about a hundred kilometres from my home. So measuring the distances in terms of a time scale, the distance from Murisa to Whitemore on foot, and from Mutorashanga to Guruve by car, is about the same. We can thus assume that for a pedestrian, five kilometres is equal to 100 kilometres to the motorist. People who talk about the ‘global village’ would do well to dwell on these figures, for they have a profound influence on how we see our world; how we use our

time; and how time is consumed by people living in a world devoid of most of the modern world's technologies.<sup>65</sup>

Thirdly, up until as recently as the nineteen seventies in some areas (Andersson, 2002:83), the practise of so-called 'shifting agriculture' persisted. Shona cultivators would clear the heavier timber in an area and cultivate it for several years. The lopped branches were burned and the ash distributed in the fields. Once the land became less fertile, they would repeat the process in adjacent fields; and so on round in a slow rotation. The *mana* would follow the fields, in this progression. Therefore a *musha* enclosed a large 'sphere of influence' in which fields (*minda*) were cultivated. If a *musha* area became exhausted, or if the attraction of less disturbed hunting areas beckoned, the whole *musha* might move, but again within a general area acknowledged as part of the *dunhu*. Population density was low. The best estimate of population at the turn of the nineteenth century was 530 000 (Beach, 1980). Though this figure is probably on the low side as gathering census information was rudimentary, it never the less reflects a population density that can hardly have been threatening to the environment, nor have been the cause of territorial enmity. However, territory was (and still is) indivisible with political authority. Control of territory is synonymous with power and influence over people. One is reminded of the maxim '*nyika vanhu*' – the land/territory, is the people.

### **5.16 Population Density and Access to Resources**

Empirical data accumulated over many years and throughout the country (GOR: Delineation Report 1963-7) confirms that settlement patterns and notions of landscape are determined to a large degree by population density and access to resources. Thus in areas of low population density, spatial boundaries between *misha* are not a perceived issue. *Masamusha* will talk more of the people under their jurisdiction and of spheres of influence than of demarcated boundaries. They even tolerate some intermingling of *mana* within their *musha* areas. However, where the population density is high, conflict over territory may be intense.

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<sup>65</sup> On a recent visit to Murisa, I arrived to hear that one of my friends had that morning received news of a sick relative on the farms some fifty kilometres distant. This news had been brought by another relative who had taken two days to reach Murisa on foot. I left shortly after this and had driven no more than 500 meters when I received a SMS signal on my cell phone. It was from London, sent only minutes before. No more graphic example could be provided for the time/space relationship as experienced in differing technological spheres.



Andersson (2002:75ff) refers to endemic territorial conflicts in the Murambinda area of Buhera during his fieldwork in the nineteen nineties. The same area, which has a high population in the well-watered valley of the Mwerahari River, was the scene of intense and violent conflict during the implementation of the Land Husbandry Act in 1962/3 (Personal observations; and see Buhera District files Lan1, Per5 Makumbe and Per5 Chitsunge).

Thus *musha*, *dunhu* and *nyika* boundaries vary in their precision. In areas of high population density they may be exact.<sup>66</sup> In areas of low density there is less need to define them with such precision. “It is only as a resource becomes scarce that optimal allocation of the scarce resource becomes important. This is in order to ensure that the resource is used in such a way that it provides maximum benefit to society” (Muir-Leresche, 1999:203).

### **5.17 Centralisation, the Native Land Husbandry Act (1951) and its Influence on Current Land Use Practise**

The Murisa/Bepura people came to Guruve without previous experience of government interventions in agricultural conservation and extension. In the newly settled Murisa *Dunhu misha* were in due course subjected to processes of ‘centralisation’ and later the NLHA. Demarcation of arable, grazing and residential areas took place and conservation works were constructed (see chapter 4). Today, twenty-five years after Independence, much has changed in Murisa ward. The *musha* lines are more dispersed. *Mana* are once more scattered.

Extensive arable lands still generally follow the planned arable holdings demarcated during the implementation of the NLHA in the early 1960s. Use rights still apply but modified to suit the prevailing demographic conditions. The way in which the intrusions of the NLHA have been dealt since its implementation, down to the present illustrate adaptive management as an expression of resilience.

The original arable land allocations made under the Native Land Husbandry Act are still recognised. The conservation works that both demarcate their boundaries and still perform the very necessary task of preventing soil erosion remain in place and are

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<sup>66</sup> The most precise delineation of a boundary in my experience was in Gutu CL in 1964. A school was actually demarcated through the centre of the buildings: three classrooms fell within one *dunhu* and three in the neighbouring. Before the chief arbitrated this seemingly impractical determination, the two communities had actually attacked one another using spears and bows and arrows, an act of extreme desperation in the ordered and well-disciplined colonial era. Yet this tends to illustrate that prestige, status and control of people is as important as access to physical territory. See also Andersson (2002:108).

generally well maintained. As requests from extended family of *musha* and *mana* are entertained they are allocated portions of the old ‘grazing area’ if this is available. Otherwise they are permitted, by the landholder, and with the consent of the *samusha*, to use a portion of his or her allocated land right. This is not regarded as a permanent arrangement. Rather is it a sort of usufruct. It is best explained by a *samusha* in response to an anomaly in a household survey conducted in Murisa. We had conflicting answers to the questions: ‘Who has a land right?’ and ‘Who is ploughing/cultivating land?’ The figure for the former was thirty-two out of a total of one hundred and one household heads. The response to the second was seventy-eight. The *samusha* explained.

“Those originally allocated land during ‘*makandiwa*’ [from the English ‘contours’ – the time of the NLHA] are the right holders. They have three *makandiwa* per allocation. Those cultivating are their extended family members who have been allowed to have a small portion. But it is not theirs. It still belongs to *baba* (father).”

As stated above, another indication of adaptive management in regard to land use is that the ‘*maraini*’ are disappearing. Settlement patterns are much as they were pre-centralisation. Small homesteads – a cluster of a few huts – are dotted about the landscape; near to water points or little rock outcrops offering protection from the elements; sometimes in the land between contours. Proximity of *mana* is based largely on kinship relations and expansion of households as generations mature, and sometimes by in-migration of daughters’ spouses.

### **5.18 Husbandry Practises**

As in the distribution and management of land for farming and residential occupation, so in their cropping practises do the people reflect a partiality for their own husbandry techniques. There has been a return to the cultivation of an extensive (from a quarter of an acre to two or more acres) home garden and field. The gardens are a mix of vegetables: beans, tomatoes, *brassic* (cabbage, rape), okra (*derere*), cucumbers (*magaka*), amaranth (*bonongwe*) and other indigenous or naturalised vegetables. Women and children carry water from the nearest water point for the irrigation of these vegetables. In summer maize (*chibakwe*), groundnuts (*nzungu*), Bambara groundnuts (*nyimo*), cowpeas (*nyemba*), sweet potatoes (*mbambaira*), okra (*derere*) and pumpkins (*manhanga*) are inter-grown around the homestead. Yields are comparatively high as these crops benefit from the most farmyard manure and from ‘night soil’ and kitchen refuse. They are more convenient to cultivate, due to their proximity to the living area. As one informant suggested: “Our ‘*magadheni*’ (gardens) we plant and cultivate knowing we will reap a good crop. The crops we plant in the main lands (*makandiwa*)

yield us a bonus. In good years they produce a good harvest. Many times they fail.<sup>67</sup> But our homestead gardens we can rely on for self-provisioning.” A household survey revealed that in the 1998/99 season, most ( $\pm$  82%) of these small homestead gardens yielded sufficient maize for an average family for twelve months (Field notes; Guruve, CL; 1999).

Cotton, sunflowers and tobacco (Burley and some Virginia) are also grown as cash crops. A few innovative farmers are trying paprika. Maize is grown both as a subsistence and cash crop. Surpluses of maize provide for major expenses such as school fees, clothing and blankets.

### 5.19 Livestock and Grazing

Most households have cattle and goats. The average number of livestock units (LSU) is 2.5. There is considerable variation in numbers held. A few people care for as many as thirty head and others none at all. Defining ownership is not easy. Complex relationships develop over the holding of cattle and other livestock. These are based on a range of inter related factors: *roora* (bridewealth) considerations and lineage obligations; women’s rights over *mombe youmai* (a beast given to the mother of the bride) and *masungiro* (a goat offered to mother in law at first pregnancy) and even children’s acquisitions of cattle through *kuedza ropa* (test the blood) (Cousins *et al.*, 1988:26). Caretaker-ship and loans (*ronzera* and *miraga*) involving men away at work are common features. The details of these contracts vary. A customary fee of *kurera* (to raise) may be balanced by a reciprocal consideration for the use of the beast and its products. Inheritance and the long drawn out litigation this often entails can also confuse ‘ownership’ claims.<sup>68</sup>

During the months from July through to November/December cattle graze the crop residues in the arable land areas. The remaining uncultivated land is regarded as ‘communal’ grazing area. Communal needs some elaboration. There is a general and loosely held belief that cattle within the locality of proximate *misha* have access to a common grazing area (‘The Commons’). Where settlement patterns and large open spaces of grazing exist, cattle will often be grazed together (*kufudzirana*), under a

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<sup>67</sup> A group discussion amongst *masamusha*, with the *sadunhu* and GRDC councillor present, held in February 2001, raised this point in regard to concerns by members at poor productivity, resettlement priorities etc.

<sup>68</sup> In a case observed being heard in the *dare*, the plaintiff laid claim to a beast being held in Shurugwi district. Under cross-examination he revealed that the custodian of the beast had died thirty years before. The claim was still fresh in his mind.

system of reciprocity with regard to herding, access to grazing sites and watering. In Murisa, where population numbers, topography and settlement patterns have created a patchwork quilt of small grazing spaces, it is difficult to graze more than a few head of cattle in one spot. In Nyamhondoro *dunhu*, where there are wider ridges and valleys, *kufudzirana* is still practised. Opportunistic grazing practises<sup>69</sup> also determine the size of herds and the distance they must go to access favoured grazing. This comprises *dambos*, stream banks not under cultivation, road verges and grassed waterways at the end of contoured fields (soaks). Small granite ‘koppies’ provide some additional fodder.

Returning to the issue of boundaries between *misha*, it has been the writer’s observation that the common grazing areas are less rigidly claimed as *misha* territory than those areas enclosed by arable holdings. It is thus a strategy for *masamusha* to encroach on the commons as much for purposes of territorial acquisition and political power as for reasons of ‘land shortage’. Once houses are erected and a *mana* established eviction becomes a major problem. This strategy was also observed in Buhera (Andersson, 2002: 75ff). More recently the so-called ‘farm invasions’ of commercial farms in the LSCF Victory Block, adjacent to Murisa have to some extent followed a similar pattern. Encroachment into a *bani* for wetland gardens is another means of extending political control over territory while at the same time gaining access to a valuable resource (Sithole, 1999).

Of all the resources in Murisa it is the *mapani* (plural of *bani*) that are most contested and the management of which has become most akin to a ‘system’ of open access and Hardin’s model of the ‘tragedy of the commons’. Livestock owners state that they have a time-honoured right to the grazing in these commons. They resent this space being diminished by patches of arable lands, dwellings and gardens. Conversely farmers who have dug wells and enclosed gardens are particularly upset by livestock breaking their fences to graze green crops. That it is often individuals who have these dual yet conflicting interests that makes for complex and emotional interpretations of access rights.

Livestock holders in general complain of a shortage of grazing. Much of the area (including *mapani*) set aside for grazing under the NLHA and the subsequent TLAs brought into being by the Tribal Trust Lands Act (1967) has been encroached upon as described above. However, a sample of 101 respondents recorded that all but fifteen had access to some grazing, 15 complained of no grazing (but they had no livestock), but all respondents said that grazing was a problem. Scrutiny of the map of the study site

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<sup>69</sup> For detailed description and analysis of grazing management and the concept of ‘opportunistic grazing’, see Cousins *et al.* (1989) and also Cousins (1990).

confirms that grazing is fragmented rather than lacking. In other words rules of access and exclusion, patterns of rotational grazing and competition over the most resource rich sites define the management of grazing areas. The perceived degradation and conflict is thus an institutional rather than an agro-ecological problem.

Grazing during the summer months from November through to April, when there are crops growing on the *makandiwa* is a problem. Grazing is now confined to the verges, the wetland areas where it is often very wet and to the small areas between the *mana*. Cattle left untended trespassing into crops are a constant occurrence and the cause of a great deal of litigation at *musha* and *dunhu* level. A good example of the latter occurred in the late summer of 2002 when cattle broke into the women's vegetable gardens next to the Murisa Dam. The entire crop was either eaten or damaged. To make matters worse, the cattle were those of the local GRDC councillor. He is the younger brother of the *sadunhu*'s senior *gurukota* (adviser/councillor). He was too powerfully placed to challenge. His wife is chairperson of the women's groups whose gardens were destroyed and so all avenues of appeal seemed closed to them. In the event they did nothing. This is a good example of how local elites can manipulate power to provide themselves with some immunity from community sanctions, yet it may not be a coincidence that the GRDC councillor was not re-elected at the next council elections, despite having powerful ZANU(PF) connections.

It is not surprising that there is an expressed interest in some sort of grazing management scheme to improve the situation regarding erosion, poor grazing and above all to reduce the endemic quarrels that are invoked when cattle trespass. As was pointed out by several farmers at an all-day open discussion, "what we really need is an integrated land use and resource plan". This was summed up by one farmer who said:

*"Mukana unodiwa kuganura dunhu rose,* and then breaking into English, *"Zvatinoda, tinoda farm planning."* ("A way forward is needed to demarcate the whole *dunhu*. In fact what we need is farm planning.")

Nevertheless there is a dominant belief that land set aside for grazing is part of the commons and that exact boundaries are less important than defining the rules of access and exclusion.

## **5.20 Customary Law and its Place in Local Level Traditional Governance**

### *Introduction*

A case study of customary law and its place in local level traditional governance illustrates the synthesis of people and the environment. It graphically exemplifies the proposal made in the introduction to this chapter: the Shona traditional worldview

perceives a cosmos in which society, the natural, and the supernatural environments are integral and indivisible parts of a whole system. It is the theme that dominates this thesis. In chapter 2, I summarised the proposition that the Shona worldview is: *a synthesis of the socio-sphere, the biosphere and what Toffler (1980) calls the technosphere* and that it is this synthesis that provides it with such resilience. This case study advances the argument introduced in chapter 2 that traditional Shona (African) culture exhibits resilience through a balance of constant iterative changes around a core of substantive beliefs and value systems.

In the conventional literature of the twentieth century both culture and tradition are mostly portrayed as static, unchanging organisational systems based on immutable customary laws (Bullock, 1928; Holleman, 1952; Posselt, 1935; Bourdillon, 1976). More recent literature engages the proposition that interpretations and analysis of culture are dynamic and often subjective. They illustrate interpretations of what is traditional and cultural as subject to influences by complex and conflicting stimuli both external and internal (Foster, 1962; Scoones, 1999; Murphree, 2000; Little, 1999; Leach and Mearns, 1996).

However, despite the changing landscape of culture and society, a review of Shona society as it has existed over the last thousand years does demonstrate certain consistent arrangements, particularly below the chiefdom. People's perceptions of how society is structured, of their rights and obligations and of the complex relationship centred on kinship are defining criteria for such paradigms. The charter of legitimacy in these arrangements – the glue that binds together the complex matrix of relationships, of power and status and of rules of governance – is a commonly held worldview.

#### *Customary Behaviour*

Customary behaviour is perhaps best defined as what people consider seemly – what is fitting and acceptable in given situations. This is why it is never static and why defining what is 'seemly' can and does change through time and is dependent on the perceptions and perspective of individuals and groups. Nevertheless, the institutional arrangements that regulate traditional Shona life are based on a strong extended kinship system. The kinship system regulates behaviour between individuals and groups. It determines status and rank. Ruling lineages control territory and access to resources – specifically land. Heads of ruling lineages have judicial powers that enable them to enforce society's rules as expressed in customary usage.

#### *Customary Law*

Shona 'Customary law' does not distinguish between criminal and civil law. All litigation was and is still based on the premise that adjudication is aimed at

reconciliation. Compensation for the injured party is the prime objective rather than punitive punishment of the transgressor.

Legal proceedings invariably commence at the village level. At village level it is important to heal ruptured relationships and restore peace and harmony as quickly and effectively as possible. Marriage contracts bind villages in a web of rights and obligations. Marriage is not a simple union of two people. Consequently any breakdown of relations between spouses effects most people within the local community to a lesser or greater degree. Divorce is highly disruptive, involving return of bride price (*roora*) and the reversal of established kinship relationships. At village level the most common causes of action in the village court reflect to some degree strained relations within a marriage. Adultery and seduction cases are the most common.<sup>70</sup>

Compensation and restitution for aggrieved families are the best ways to restore harmony. If this is not possible or cannot be agreed, then the matter is referred to the court of the *sadunhu*. In independent Zimbabwe, the chief's court (*dare ra'she*) is the court of final appeal before entering the State system of district courts presided over by judicial officers. Judgments in the lower courts were and are hard to enforce if parties cannot be reconciled by arbitration. Commonly they will describe settlements as '*kuenzanisa* – to smooth-out'; rather than '*kugura* – to reach a determination'. Only a chief could enforce judgements – and even chiefs had to resort – in modern times at least – to the state system to enforce judgements in the light of a total refusal by litigants to abide by their judgements.

In the past, it was the knowledge that judgements could be enforced by banishment that provided the chief's court with the necessary power to ensure compliance by litigants (Bullock 1927). In most other respects the jurisdictions of the lower courts were similar, except that lower courts had jurisdiction over less subjects. And certain causes of action, for example incest and murder, were the preserve of the chief's court. Trial rules of evidence and participation in proceedings were the same. Only the scale of jurisdiction differed. Always, even at the court of a chief, the main goal would be to effect reconciliation.

After Independence, traditional courts were replaced (at least in terms of State legislation) by populist 'peoples' courts. Nevertheless, they continued to operate as forums for arbitration. With the resumption of authority implied by the Traditional

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<sup>70</sup> An analysis of delineation reports (GOR 1963/7) shows an overwhelming (85%) of reports stating adultery is the most common cause of action in customary courts.

Leaders Act (1999), the courts of chiefs and headmen (through their ‘assemblies’) are likely to resume their legal status.

It is important to understand that these traditional forums (*matare*) are more than simple ‘courts’ for the trial of ‘cases’. They are places where community members can bring forward any matter for public discussion and where opinions and views on matters affecting the community can be aired. They represent a form of village and community democracy where consensus can be reached on matters of mutual concern. Ironically, they are perhaps best described as ‘peoples’ courts’.

All litigation involves restitution of rights, obligations and property (land, cattle and other goods). Since this is the case, and since communities comprise people linked in complex kinship arrangements that encompass all these ingredients to some degree, any litigation concerns the lives of most members of the community and has a direct and indirect bearing on their resources. It is axiomatic that the traditional court or assembly (*dare*) is thus accessible to all. Participation is not restricted to the plaintiff, defendant and witnesses. Anyone may participate with opinions, corroboration or evidence. A typical case usually brought before the village assembly (*dare* or *chivara*) of village head (*samusha*) Chihota and uplifted to the *dare* of ward headman (*sadunhu*) Murisa may best illustrate how involved the community is in what may initially be perceived as a matter between two individuals.

### **5.21 The Case Study: A Traditional Rural Court Case**

Fungai<sup>71</sup> is second son of Petros. Petros is the third younger brother of *sabhuku*<sup>72</sup> Chihota. Fungai and Nyenyedzi fell in love. Nyenyedzi's father Pedzisayi is a younger brother of *sabhuku* Marime. The two families approved of the marriage of Fungai and Nyenyedzi. Bride wealth (*roora*) was finally settled at 10 head of cattle (or monetary equivalent). This was in 1993. Fungai was 28, Nyenyedzi 24. In addition to *roora*, a further beast was bestowed on the bride's mother (*mombe youmai*). To effect ‘payment’ Fungai's father involved the ‘*chipanda*’.<sup>73</sup> Six of the cattle being paid to him by his *mukuwasha* (son-in-law) Tendayi of Murisa village, who married Fungai's sister (Loveness) would be used to help pay Fungai's *roora*. Only an initial two head of cattle were transferred to Pedzisayi on Fungai's behalf, by Petros.

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<sup>71</sup> All personal names are changed to protect the privacy of individuals.

<sup>72</sup> *Sabhuku* is an alternate title for village head – *samusha*.

<sup>73</sup> *Chipanda* is when two siblings are linked – the *roora* received for the sister being used to pay *roora* for her brother.



Fungai also paid \$3000 in cash, representing another two head. Of the six head outstanding, two more payments were made (cash representing two head of cattle) during the following years. The balance of four head remained outstanding. The single beast for the bride's mother (*mombeyoumai*), was paid for by Fungai. He bought this cow from a neighbour Joseph paying \$1000 in cash and leaving \$500 on credit (*chikwereti*). He agreed to give three bags of maize from the 1994 harvest to complete the sale. Joseph was in turn indebted to a member of near-by Maziyanhanga village for a scotch-cart purchased by his deceased father in 1992. Members of four villages were thus involved in these interlinked transactions.

Fungai and Nyenyedzi lived happily for several years. Fungai was allocated a stand on which to build his home. This was a vacant piece of land near his father's homestead (*mana*). He and Nyenyedzi were permitted to cultivate about two acres of Fungai's father arable holding. Nyenyedzi through her family's prominence on the women's garden project (see chapter 7) was admitted to the women's garden club and thus acquired a small plot (0.10 of a hectare) in the fenced 2 hectares of bucket-irrigated vegetable gardens, near Kayoyoma dam.

Despite these assets, Fungai had to leave the village to seek employment. With only a primary school education, his options were limited. He found work on a commercial farm some fifty kilometres from home. Here he worked for the next six years rising through the ranks from general labourer to the relative affluence and high status of tractor driver. He visited home once a month with cash and goods to support his growing family. Two girls and a boy were born to Nyenyedzi during this time.

This was a normal, modestly successful progress. Two things altered the *status quo*. Fungai in common with many men employed away from home took a common-law wife (*mukadzi wemapoto*), a daughter of one of the other farm workers. This was a socially acceptable practice which wives at home would be expected to accept, if not with enthusiasm, at least without making of it an issue. Nyenyedzi was no exception until it became painfully obvious that Fungai was no longer visiting home every month, nor were month-end remittances as regular or as substantial as they were before.

At about the time Fungai's visits became less frequent. Nyenyedzi began an affair with Pedzanhama, a man from nearby Nekati village. Thus yet another village was being drawn into the looming crisis. Pedzanhama is a well to-do middle-aged farmer with two wives and a large family. His younger wife and Nyenyedzi are friends and work adjacent garden plots in the irrigated vegetable garden. Inevitably Fungai was informed of his wife's affair. He returned home in a fury and severely beat Nyenyedzi at the same time throwing all her possessions out of their bedroom hut – a clear sign of rejection. Nyenyedzi fled to her parents home taking her children with her.

The event caused deep consternation. Nyenyedzi's parents, in consultation with Fungai's, persuaded her to return to her home. The matter was debated at Chihota's *dare* and Fungai and Nyenyedzi were both scolded for their behaviour. Significantly Fungai was reprimanded for his delinquency in regard to remittances. Nyenyedzi was admonished for her liaison with Pedzanhamo which she, however, strongly denied despite overwhelming circumstantial evidence to the contrary. Pedzanhamo refused to be party to the *dare* that has no jurisdiction over Nekati *musha*. *Samusha* Chihota with the support of those present at the *dare* ruled that Fungai must revert to regular visits home bearing the needed remittances. Nyenyedzi was warned to cease her assignations with Pedzanhamo. *Samusha* Chihota was satisfied that he had restored the status quo. “*Ndakaenzanisa mhosva kuti vese vagere zvitsvene*. – I settled the matter so that all parties could live amicably”.

After some months it was clear that both parties were renegeing on their arbitrated agreement. Fungai consulted a local diviner to obtain *mushonga* (medicine) to protect his wife from the advances/ intimacies of other men. If someone slept with her he would suffer *runyoka* – an illness that could lead to death but which in any event would be evidence of infidelity. Pedzanhamo fell ill with gastro enteritis. Fungai took this as sufficient proof that the affair was still in existence. In any event he too had not been sending remittances. Fungai visited home and he and Nyenyedzi had another furious altercation. She fled to her parents a second time and vowed not to return. Fungai took the matter to the *sabhuku* who now referred it to *Sadunhu* Murisa. The marriage seemed doomed.

Headman Murisa summonsed the two parties to attend his *dare*. The case (*mhosva*) was now a matter of serious moment; and not only to the two principals and their immediate families. Because the complicated arrangements of reciprocal debts involving money, *roora* cattle and the *mombe youmai* had not been concluded, there was a wider concern over the case. The co-operative garden group was also affected by the tensions due to Nyenyedzi's relationship with Pedzanhamo and his second wife. Tendayi and Loveness and particularly Tendayi's father were also concerned due to the *chipanda* relationship existing between Loveness and Fungai.

All these concerns now surfaced to create serious tension in the neighbourhood. Fungai (reluctantly supported by his father) sued for divorce and the return of *roora*. If successful, even in part, this would create difficulties for Pedzisayi who had used some of the beasts to help his own son to marry a girl from Dambaza village – raising to six of the twelve villages under Murisa's jurisdiction – those that were now involved in the reciprocal arrangements affected by the rifts that a divorce would create.

It would be difficult if not impossible for Pedzisai to recover the cattle should he be called on to do so by the *dare*. His strategy therefore, was to counter-claim for the balance of *roora* outstanding. Pedzisayi further demanded that Petros should pay him for five years dip fees and grazing maintenance (*kurera*) for the cattle he had received for Nyenyedzi's *roora*, if they were to be returned. He insinuated to the *dare* that his daughter had fled home as she was ashamed by the delay in payment which reflected on her worth. Petros expostulated that she was worthless anyway as she was guilty of adultery (*upombwe*). Nyenyedzi became hysterical and screamed her innocence before the assembly. Joseph confounded matters by demanding his *mombe* back from Fungai as he had not honoured their agreement and he was in danger of loosing his scotch cart.

A day or two after this *dare*, Nyenyedzi was dismayed to find her newly planted cabbage seedlings at the garden project had been pulled up. Pedzanhamo's second wife was suspected. It was commonly believed she had done this as she resented her husband's attentions wavering towards another (married) woman. There was a considerable amount of tension amongst the usually harmonious women's group.

Murisa 's *dare* sits on Fridays. Friday is *Chisi* Day. *Chisi* is the day of the week upon which it is forbidden to cultivate in the fields. To do so would anger the *mhondoro* – *varidzi vepasi* who could withhold the rains in the following season. Thus Friday is a convenient day to hold court, as people are free from activities in their fields.

Shona customary law does not distinguish between criminal and civil jurisprudence, nor does it separate litigation into separate causes of action. Evidence and testimony often bear little reference to a sequential time frame. Participants may make statements embracing different periods in time, involving players seemingly unconnected to the main cause of action, either to mask a point or to obfuscate issues as they see fit. Seldom is anyone brought to book for introducing such additional material to the trial. Hearsay evidence is allowable. This permits the *dare* to listen to and encompass any and all oral testimony. Court is open to all.<sup>74</sup> Those present not only submit evidential testimony to support a given litigant: they also freely give of their opinions, either on matters of law, or as to who may be 'guilty' or 'innocent', or as to the weight of compensation or redress that should be meted out by the court. In this way the bundle of interconnected issues stemming from the action for divorce presented by Fungai was heard as one all embracing '*mosva*'.

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<sup>74</sup> The writer witnessed passing 'strangers' join the gathering at the *dare*, listen keenly to debate, contribute an opinion and then continue their journey.

The traditional head of the *dare* is assisted by a judicial panel of *makurukota* (assessors/advisors/councillors). Principal amongst these is traditionally his sister's son (*muzukuru*), someone who is close kin but not eligible to succeed the leader and therefore no threat to his position and authority.<sup>75</sup>

Due to the flexibility of proceedings; the tendency of litigants and witnesses to refer to events without specific temporal points of reference; the tolerance of the content of testament, irrespective of specific cause of action; and because often people will talk at the same time, the adjudicators have to have considerable skill in interpretation. More than this they have to have a detailed understanding of the dynamics of local events, an inventory of inter-personal relationships and knowledge of local history. It is customary for the head of the *dare* to remain silent. He seldom asks questions or seeks clarification on evidence. This task falls to the assessors. The head of the *dare* sums up proceedings from time to time. At each such summation, supported by the *makota*, he will try to nudge the rival parties towards effecting compromise. Eventually, if successful, he will gauge the mood of the assembly and deliver a more positive judgement. If this is received with general approval, he will ask the parties to accept the court's ruling. In the face of a consensus of public opinion in support of the judgement, the litigants must either be very obstinate, very aggrieved or very greedy not to bow before the *vox populi*.

## 5.22 Observations

In the case study outlined above the main litigants capitulated in the face of public opinion. The two parties that set the whole complex process in train, namely Fungai and his wife Nyenyedzi, were compelled into reconciliation. Fungai was asked to pay a token '*muripo*' (payment/fine) to his *tezvara* (father-in-law) indicating that he accepted that he had been neglecting to support his family. He agreed to hasten the payment of *roora* though no dates were set. His *tezvara* in turn acknowledged that he would discipline his daughter for her wayward behaviour with Pedzanhamo. Most of the other issues now fell away. The exception was the more commercial issue of the scotch-cart payment. In this regard, Fungai was bound over by the court to make payment to Joseph of the outstanding amount, as a matter of urgency. He was given a month to comply, witnessed by the whole assembly. This satisfied Joseph as he could use this promise as collateral to quieten the growing anxiety of his own creditor.

Examination of the judgement shows that it is Fungai who receives and acknowledges the most blame. Until such time as he took up with his *mapoto* wife, all had been well.

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<sup>75</sup> This is a neat example of institutionalised kinship rules being employed to prevent schism within the community.

Regular remittances had kept the family in reasonable prosperity. Regular visits had satisfied Nyenyedzi's conjugal rights and passions. If the community, through the influence of the *dare*, could induce him to return to this pattern of living then the rifts that developed – not just within his nuclear family, but within the wider community – could be healed. That these rifts were also a threat to matters concerning distribution of livestock and thus grazing as well as the good governance of the garden project meant that a satisfactory outcome of proceedings was important to the *dunhu* community at large. If it were allowed to escalate who knew how many other issues might be drawn by the complex inter-related community contractual relationships.

This case study illustrates how the interactions that make up community life are managed. Paramount in this process is the knowledge that there are threads that link the complex inter-relationship of both people and their resources. It is thus a primary concern to ensure that breaches are healed by reconciliation and compromise rather than punitive measures. Unlike adjudication in most Western countries the approach is inclusive rather than exclusive. The very opposite of Cartesian reductionism, it is holistic and integrated. This is what I have dubbed African Holism.

In this chapter, field data and case studies have been described in some detail in order to advance the argument about local governance as perceived through the lens of traditional society. Its worldview or value system enables it to manage complexity. Yet this seems often to be ignored or decried in the interventions and programmes so earnestly pursued by 'outside' agencies, whether they be governmental or non-governmental.

The data suggests that it is sensible to expect that it is simpler for communities to make iterative strategic adaptations if they are founded in systems that are known and appropriate to them. This is the essence of what is being termed adaptive management. But to be effective the apparatus of State must in turn have the courage and commitment to agree the rules of devolution to local community level. There is evidence to support the notion that this is beyond the will of many State structures. State structures, by definition at the centre of power, are driven by a dynamic that re-enforces the retention of power at the centre. It takes committed political will to ensure a release of authority to lower levels (Keeley and Scoones, 2000).

Chapter 6 takes up on this theme with a case study of a commercial farming area where the local level community is frustrated in its efforts to manage water by the limited decentralisation afforded by the State and exacerbated by the lack of adequate local level ('traditional') systems of governance to manage its affairs.

## Chapter 6

# Management of a Common Pool Resource on Techno-Bureaucratic Principles

*“More water glideth by the mill than wots the miller of.”*

*William Shakespeare; Titus Andronicus*

### 6.1 Introduction

This chapter is based on a case study of the management of water as a common pool resource. It helps to develop the hypothesis that local communities, acting in their own best interests, best manage resources at local level. It shows that even in property regimes where radical ownership of land is the dominant tenure arrangement, when people have to manage a common pool resource (in this case water), similar institutional dynamics seem to apply. To advance this hypothesis it is necessary to define some of the key words and concepts enlarged upon in this chapter and in the thesis in general.

#### *Natural Resources*

“(Natural) Resources may be defined as those components of an ecosystem which provide goods and services useful to man” (Berkes; 1989:22). There are two types of natural resources – renewable and non-renewable resources. With non-renewable resources the physical quantity remains more or less fixed. Minerals, coal, etc. are examples of non-renewable resources.

Renewable resources are capable of replenishing their stock. They include water, sunlight, forests, fisheries, wildlife etc. One may define the whole resource as a stock and the draw down on the resource as a flow.

“(T)he distinction between the resource as a stock and the harvest as a flow is especially useful in connection with renewable resources, where it is possible to define a replenishment rate. As long as the average rate of withdrawal does not exceed the rate of replenishment, a renewable resource is sustained over time.” (Ostrom, 1990:30)

The management of a resource in this way, is known as sustainable management.

### *Water*

Water is classified as a fugitive resource in that it is mobile and thus not subject to the control of only one authority or tenure system. Indeed, in defining water as a resource, one should more accurately include the whole hydrological cycle. Water is one component of a system in which it returns to the atmosphere only to condense and return to the earth in an endless and continuous cycle of use and replenishment.

### *Institutions*

In chapter 2 I gave fuller definitions and discourse in regard to institutions. Suffice it here to briefly define institutions as the rules society abides by in order to sustain the governance of daily life. “The technical environment provides the tools and knowledge which define how a resource is used as a factor of production. The institutional environment defines who can control the resource and how the technique is applied” (Berkes, 1989:23).

### *Tenure*

Tenure may be defined as a condition. It is a form of right or title under which property is held. Thus tenure may be radical, permanent and individual such as in an entitlement to certain property or land (for which a written instrument is proof of title – a title deed). It may be a limited right to some good or thing for a limited period – such as rental or hire of a parcel of land. Tenure can also refer to a period during which certain powers or functions are imparted on a person or persons: a person elected president of a country has certain powers and duties during his tenure of office.

Systems of tenure over biological resources such as land and water reflect a wide divergence. Differing institutional arrangements dictate the type of tenure that is exercised. Within a country different classes of tenure may apply in different areas. Land in Zimbabwe’s large-scale commercial farming areas (LSCF) is held as private property under deeds of radical title. Water, on the other hand is a common pool resource throughout Zimbabwe, regardless of the land tenure system. These institutional arrangements define the rights and obligations of the users and determine who those users may be (Ostrom, 1990; Berkes, 1989; Bromley and Cernea, 1988; Leach, 1999). They also help to determine their appropriateness and legitimacy.

## 6.2 Water Allocation and the Management of Agricultural Water

“The most highly developed examples of common-property regimes are probably found in irrigations, (sic) where effective water management is dependent on the interrelated actions of a unified set of water users... (T)he physical scope of the system and the pattern of water rights largely help to define the organisation which must manage the system. Government agencies by themselves cannot provide sufficient resources to manipulate water flows down to the level of farmers’ fields, maintain every canal, or settle every conflict. The farmers must participate through organisation based on an acceptable set of rules for collective water management. Water management to be successful requires some sort of legal status whether this is customary or contemporary law or a combination of both. The law defines who controls the water and water facilities and who has the responsibility for operating and maintaining the systems.” (Berkes 1989:27)

Bob Yoder of the International Irrigation Management Institute is quoted (Berkes 1989) as saying that irrigation requires three sets of related activities or functions.

1. Development: includes systems-development activities (design, construction, operation and maintenance);
2. Management: includes water-management activities: water acquisition, allocation, distribution and drainage;
3. Institutional and Organisational: institutional and organisational activities – decision-making, mobilisation of resources, communication and conflict resolution.

Yoder suggests that water management works well when all three sets of activities intersect. Managing the common water resource may break down if one or more aspect is neglected. This chapter examines the second and third sets of criteria, though this is in part related to the considerable development of water resources in the area.

## 6.3 Water: A Common Pool Resource

Within a catchment area or river system, the manner in which water rights are allocated or appropriated and managed will vary, but the underlying dictum must be that water is *de facto* a common-pool resource, regardless of the legal (*de jure*) arrangements. “(A)n important step is to assume that all recurring situations are shaped by a set of institutional rules. Institutional rules are prescriptive statements that forbid, require, or permit some action or outcome” (Ostrom, 1990:139). All three of these ‘deontic operators’ she asserts, make it possible to “identify the set of rules that constitute a situation” (Ostrom, 1990:139). Often the users themselves are not clear on what these are. They do, however, usually have a clear notion of what they perceive as a selection of management tools/rules to achieve best practise.



Managing common-pool resources is complex. In order to avoid the ‘tragedy of the commons’ (Hardin, 1968), institutional arrangements governing access and exclusion have to be understood, accepted, enforced and enforceable. Study of enduring and sustainable CPR management suggests that another important ingredient for success is not just to have rules but for the concerned community to be empowered to make and enforce its own rules. Ostrom lists “Minimal recognition of rights to organize” as an essential element in sustainable CPR management, where “rights of appropriators to devise their own institutions are not challenged by external government authorities” (Ostrom, 1990:90). This case study seeks to illustrate and amplify this criterion of CPR management – indeed of community based natural resource management.

This chapter and the next, present two contrasting approaches to local level governance – the one based on techno-bureaucratic assumptions (Keeley and Scoones, 2000), the other on systems thinking (Senge, 1990; Uphoff, 1996).

The case study described in this chapter is a narrative of the dynamics created by contest for control over access to a common pool resource, as exemplified by the now repealed Water Act of 1976. As in chapter 4, it illustrates how legislation can create opposing dynamics that develop into competing paradigms of resource management. The case study illustrates how the players become locked in struggles not just over access to resources but how those resources are governed and how conflict is managed. This longitudinal case study provides a canvas for the analysis of adaptive management<sup>76</sup> of a natural resource (water) over an extensive period. It documents the Msitwe River Board’s (MRB) efforts to manage a catchment area.

#### **6.4 The Water Act: Act 41 of 1976**

Because water is so important to Zimbabwe’s agricultural sector – in particular to the economic success of its large-scale commercial farming sector – legislation was enacted to control use rights. The original Water Act (Chapter 160) was enacted in the early years of colonial occupation – 1926. The act was redrafted and re-enacted in 1976 (Water Act 1976) and then more recently in 1998.

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<sup>76</sup> Adaptive management has been defined as “a paradigm that satisfies a widely perceived need to give more prominence to ecological imperatives, at a time when economics provides the dominant model for a design of the future.” And “adaptive management addresses the management of complex systems.” (Jiggins and Roling 1999). Perhaps the most colourful definition is provided by Murphree; “in every programme the wheels fall off. Adaptive management occurs where communities develop mechanisms to put the wheels back on track.” (Quoted by Sithole, 1999:3).

The common law of Zimbabwe is based on Roman-Dutch Law, introduced into the country by the early Southern Rhodesian colonial administrators. Thus Roman-Dutch Law influenced the Water Act (1976) inherited by the independent state of Zimbabwe, in the manner in which it defined rights to water.

“Water in any stream is owned by the state. If you want to use water for irrigation you have to apply for a water right. A water right is issued on satisfaction of two conditions: (1) whether public water is available and (2) whether public water is going to be put to ‘beneficial use’” (Bolding, 1999:23)

Management and administration of water was vested in the Ministry of Water Development (MOWD). The two major components regulating the management of water were the issue of water rights to appropriate water, and the priority date system (PDS).

Any user of water for purposes other than ‘primary use’ (non-commercial domestic use, see below) required the appropriator to apply to the Water Court (Administrative Court) for a water right under Section 47 of the Act. The requirement for water was assessed by technical staff of the Ministry of Water Development (and in the case of agricultural irrigation, the Department of Agricultural Extension) upon whose expert advice the Water Court made its determinations. A right once granted was deemed to exist in perpetuity. The grant of a water right to an individual by the Water Court was tied to the title deeds of the property upon which the right was situated and upon which it would be exercised. The right therefore passed with the land upon the property being sold to or inherited by a subsequent owner. In the case of State, Forest or Communal Land the right was issued in the name of the appropriate Minister of State.

All water rights were issued against a specific date. Water rights within a given catchment or river system were thus placed in a hierarchy of ‘priority’ based on the date the right was applied for. In times of scarcity, the right with highest priority date received its entitlement before others granted after it and so on down the priority date list. Section 63 of the Act stated:

“1) Whenever the volume of public water to the use of which rights have been granted proves insufficient to satisfy all such rights, a holder of any right shall not, subject to the provisions of subsection (2), exercise his right to the use of public water until the rights to the use of public water of prior holders have been satisfied.

2) Holders of rights to the use of public water within a priority zone shall, subject to the provisions of section fifty nine, take priority for the purposes of subsection (1) according to the dates on which they lodged their respective applications for rights to the use of public water.” (GOR/Z; Water Act: 1976)

Section 59 of 1976 stated that the right to primary use of water was always to be regarded as a right prior to any rights issued under the Act. Primary use was defined as including normal domestic and garden use, animal and stock watering, cleaning purposes at a place of business and the making of bricks for private use. The Water Act (1976, Section 9) also made provision for the establishment of River Boards. River Boards were statutory bodies with limited powers to control and monitor the use of water within a defined catchment area. River boards were selected by stakeholders within the river board area of jurisdiction. In the case of the Msitwe River Board these were commercial farmers.

## **6.5 A Case Study: The Msitwe River Board Catchment Area**

The whole of Zimbabwe has been demarcated into hydrological areas, based on river catchments. The Msitwe (sub) catchment (designated catchment area CH2 by the Hydrological Division of the MOWD) consists of the Msitwe River and all its tributaries flowing ultimately into the Manyame, and thus becoming part of the Manyame Catchment, one of Zimbabwe's main water drainage systems flowing into the Zambezi. The CH2 catchment area is 1153 km<sup>2</sup> with a mean annual run-off of 120mm.<sup>77</sup> The mean annual rainfall average is about 850mm<sup>78</sup> though there is considerable variation within the catchment.

Within this area, the Upper Mutorashanga River basin forms the focus of more detailed study and analysis. The Mutorashanga is the major tributary of the Msitwe. The confluence of the two rivers is near the 'tail' of the CH2 area before the Msitwe flows into the Manyame. The entire case study area falls within natural region 2(a) and 2(b) (Vincent and Thomas, 1963). The Mutorashanga River rises on the great Dyke at grid reference TS 575015 (GOZ; S-G 1:50 000 topo-cadastral series). Its entire catchment is within the large-scale commercial farming area (LSCF). With one exception all water rights issued along the river are for irrigation purposes. One mining water right (M01440) on the upper river at grid reference TS 519032 (Ibid) permits the impoundment of 1250 ml per hydrological year.<sup>79</sup> For the purposes of this study, the Upper Mutorashanga River catchment terminates at map reference TS 404092 (the dam

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<sup>77</sup> Personal communication from Chief Hydrologist, Ministry of Rural Resources and Water Development to Msitwe River Board dated 19<sup>th</sup> February 1999, under reference H/99/17. See footnote 80 for definition of mean annual run-off.

<sup>78</sup> The recording station at ZIMASCO Mine offices, Mutorashanga averaged 855 over the period 1982/3 to 1998/9 (Personal communication N. Rogers, Manager).

<sup>79</sup> The hydrological year used for the measurement of water consumption, runs from 1.10 to 30.9.

wall of the ‘Mutora Dam’ – water right 12983). Its catchment area is 89 sq. kilometres. The Mean Annual Run-off (MAR)<sup>80</sup> is 120mm. The Village of Mutorashanga, which has grown up around the Mutorashanga (ZIMASCO) Chrome Mine, is the only significant urban development in the catchment. The population is estimated at 5000.

## 6.6 The Msitwe River Board: Background and Formation

The Msitwe River Board (MRB) was established by Statutory Instrument 19 of 1987. The first formal record of a meeting of water right holders is dated 25th June 1987. A committee of seven members was chosen by popular voice. A farmer – A. Evans – without water rights was chosen as chairman, apparently so as to ensure his impartiality.

The first official meeting followed on 20th July 1987, attended by all committee members and three other farmers. The invited speaker was Mr. Bill Darby, the water bailiff for Mazowe River Board that had been operating for some three years. He was regarded as a peer expert in the operation of river boards. Mr. Darby’s message was that

“(T)he policing of water was done by local farmers, then if problems arose these were taken to the Water Court. (...) The River Board can be of great benefit to the community and cut down on the problems that go with water rights etc.” (MRB minutes 1987:July)

The meeting concluded with the board outlining its objectives.

“Circulation of everyone’s water rights as they stand at present. *Reasonable applications for seed beds and dry planting rights will be encouraged with storage works for carrying out these, as long as it is not detrimental to those who have prior rights down stream.* (...) The River Board has been formed to help people stick together and not cause arguments and for the understanding of water rights held by each other.” (Emphasis added)

One other meeting was held in 1987 on December 7<sup>th</sup>. A Mr. Quealy from the Hydrological Department gave a talk on how to apply for a water right and gave his explanation of the Water Act as it concerns river boards.

“Section 9 of the Water Act states that River Boards can be formed in agricultural communities so that the community can solve any problems without the necessity of court orders from the Water Court *as they are so short staffed* (sic) and it is a more amical (sic) way of dealing with these problems.” (MRB Minutes 7.12.87 page 2, emphasis added)

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<sup>80</sup> Mean Annual Run-off refers to the amount of water flowing into the surface streams of a river system after deducting the water absorbed into the ground (ground water) and water lost to evapo-transpiration.

## 6.7 Early Activities of the MRB

The meetings held during the first three months of 1988 reflect an interest in the granting of water rights to member farms. Farmers, anxious to obtain rights – very often for small amounts of water for short periods such as tobacco seedbed irrigation – referred their requests direct to the board for consideration, believing (with the board) that it had the power to grant such abstractions. There is the beginning of a sense of frustration in that letters sent to the registrar of the Water Court or to ‘Hydro’<sup>81</sup> mostly go unanswered or take a very long time to be answered. “A letter sent to the registrar with queries from the last meeting – no correspondence has been received to date” (MRB minutes 14.2.89).

The committee grappled with the problem of ensuring fair representation on the board. The area was broken down into wards, with councillors from each ward. The board also grappled with the complexities of measuring water by means of v-notches, gauging weirs and flow meters. “All farms with rivers running through them and with dams are required to have V-notches or flow meters *in situ* by June” (MRB minutes 23.5.89, page 1).

From a study of these early and subsequent minutes three dominant issues or themes emerge that can be traced throughout the entire life of the MRB. These are:

- The issue and control of water rights
- The monitoring of water by appropriators
- The resolution of conflicts between water users

## 6.8 Water Rights

It is clear that from its inception there was a perception amongst water users that at the very least applications for water rights would be issued by the Water Court on the recommendations of the board. To this end the board granted temporary requests to abstract water for tobacco seedbeds. In other cases it considered applications and forwarded its recommendations to the Water Court. In the initial life of the board, government officials (MOWD and Agritex) seem to have referred to it before filing their recommendations with the Water Court. By May of 1988, however, there were indications that Hydro was no longer taking this requirement seriously. Item four of the May 1988 minutes reads:

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<sup>81</sup> ‘Hydro’ is the popular term used for the department of Hydrology within the MOWD.

“A letter is to be sent to Mr Quealy of the Hydrological Department requesting that the Board is notified of water right applications in our area”.

Quealy replied saying it is not his responsibility to do this and refers the board to the registrar of the Water Court.<sup>82</sup>

A letter was sent (5.9.88) to the registrar stating that “numerous applications are going through from the CH2 area and we would like to know (a) when these will be passed and (b) whether there will be enough water in the rivers to cover the applications being forwarded”. They asked what they could do about people contravening the water laws. The registrar replied promptly on 8<sup>th</sup> September: “In answer to query (a) I advise that I require the application numbers to tell me when they are likely to be passed. For query (b) I refer you to the Hydrological Branch”. In regard to the breaches of the law the registrar replied: “(I) refer (you) to statutory instrument 384 of 1988: Water River Board Regulations 1985”. This bureaucratic pettifogging is typical of responses received over the subsequent years. Section 13 of these regulations states that “the Registrar shall **give due notice** to a river board of every application for and grant of a water right within the area ...for which the board has been established” (emphasis added).

The board is not given any power to influence the court’s adjudication on the application. However, the court may take account of the concerns of the board, if it so wishes. These regulations (Statutory Instrument 384 of 1985) were issued in support of section 9 of the Water Act that was the enabling legislation for river boards. The section reads:

“Subject to the provisions of this Act and without derogation from the powers of the Water Court, the Minister may establish such river boards as he considers to be necessary or desirable for the purpose of regulating and supervising the operation of rights to use of public water within the area fixed by him”. A subsection states: (a river board shall) “exercise such functions and possess such powers as may be prescribed for the purposes set out (above)”. In other words a board will have powers only to *regulate and supervise the operation of rights to the use of public water within the area fixed by the minister*.

Throughout the life of the MRB this remained the core issue in regard to the management of water. On the one hand is the belief on the part of the board members that their local knowledge and requirements have value and that the board should employ these assets in the interests of water users. On the other is the rigid techno-

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<sup>82</sup> The use of the term Water Court is common practice. In fact the court is correctly designated the Administrative Court. It is presided over by a judge and assessors – usually retired water engineers.

bureaucratic attitude of the officials they engage with who regard the board only as an aid to policing the use of water and which has little or no technical expertise in regard to technical hydrological matters.

The minutes (20.2.1990) reflect a growing concern that the Msitwe River is over righted. The chairman says that “having walked the river this year the water just doesn’t seem to be there”. The chairman grapples with the complexities of water management. His attempts to balance his local knowledge with the demands of the Water Act are evident. Typical is a letter sent to all farmers at the end of the rainy season 89/90, which has an early cut off.

“With the early cut-off of the rains my opinion is that there is going to be less water available this year than last. All flow must be regarded as normal flow from now on and should be passed. However, if there are any dams that have not filled and are able to be filled, I would suggest every effort be made to fill them from present flow, as it is going to waste below me.” (MRB files: letter dated 27th March 1990)

This letter is revealing in two respects. First it is a clear contradiction in terms of managing ‘flow’. The 1976 act stated that all normal flow must be passed downstream. Only floodwater could be stored. Thus there is a clear indication that the chairman, while trying to comply with the act, allowed his local knowledge to dominate and he actually contradicts himself by advising farmers to continue to fill dams that are not yet spilling.

Secondly his letter reveals that his perception of water management does not include anyone downstream of his area of jurisdiction. Water that passes him at the tail of the catchment is “going to waste below me”. In fact, of course, below him are more farms, resettlement areas, communal areas, the Mushumbi Pools Irrigation Scheme and ultimately the Lower Zambezi River. This attitude is no different to that expressed by the people of Murisa *dunhu*, living along the Kayayoma Stream, a tributary of the Msitwe. “The water in the river is ours. Downstream from us they must take what water comes to them”<sup>83</sup>.

Later in the same year, a Mr. Calder of Hydro abruptly brought the board to book. The chairman of the board had been granting farmers permission to irrigate their late crops of tobacco without formal water rights. Calder wrote:

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<sup>83</sup> See following chapter for further case material on the Murisa community and their management of water.

“Section 43(2) of the Water Act (states that water) shall not be abstracted, apportioned, controlled, diverted, or used otherwise than in accordance with the Act. In short, unless a person holds a water right for a particular property, no water can be granted by any person or body, other than a water court.” (Letter ex Hydro 23.4.90 MRB files)

The chairman’s efforts to manage the allocation of water in his area, using local knowledge and immediate decision taking, was dealt a near-fatal blow. He reported to the board that “the water board at present is being treated as second best (sic) and water rights are multiplying” (MRB Minutes 16.10.90). Clearly applications for water rights were being made directly to the Water Court without reference to the board. Even the requirement for consultation with the MRB by MOWD and Agritex seems to have been given only cursory consideration by the officials. Yet they doggedly continued to consider such water right applications as were referred to them (either by the Water Court or by applicants) and make recommendations to the Water Court in the light of their local knowledge. There is no indication of reciprocal feedback.

**Box 3: Examples of the board’s lack of influence in regard to water rights**

1. The dam proposed by ZIMASCO, in the upper reaches of the Mutorashanga River was discussed at the board meeting of 22.1.91. A recommendation that this application be refused was minuted: “M1440 (ZIMASCO) an alternative source of water is to be sort (sic) as the river is over subscribed already and an alternative source of water should be sort (sic)”. Despite the board’s unequivocal decision of 26th January 1991, the Water Court issued water right M1440 to the mine, with a priority date backdated to 30.10.90, to store 1250ml.
2. An application (13346) to abstract and store water from the Mutorashanga River (Wellow Farm) was considered and a recommendation sent to the Water Court. “The board OBJECTS (sic) to the abstraction of 20 litres a second all year round ....The Mutorashanga River is already heavily over righted”. (MRB letter dated 12.11.91). The objection falls on deaf ears.

A meeting in October 1991 called by the chairman (and poorly attended) drew attention to the board’s possible closure due to its inability to administer water under its nominal jurisdiction. However, the AGM that followed decided to continue operating. So important did the appropriators consider the management of water that they decided to increase their levies and employ an ‘educated’ bailiff. In December 1991 the chairman wrote: “it has become necessary to employ a person whose responsibilities will be to understand the Water Act and water rights. In doing so the person would be able to control and monitor the abstraction and storage of water, ensuring all irrigators are within their legal rights”. (1991 Correspondence, MRB files: Per3).



## 6.9 Monitoring of Water

From its inception the MRB regarded the monitoring of water use by appropriators as another core function. This was to be achieved by compiling a data base of all water rights and their permitted volumes; by enforcing the legal requirement for measuring devices on all water installations and abstraction points (dams and abstraction pumps); and by ‘policing’ the water rights under its jurisdiction.

The bailiff employed by the MRB after 1991, set up a comprehensive computer database of all water rights within the MRB catchment. This was operationalised in late 1992/3 by the employment of ‘river watchmen’ (RWs). The task of the RWs was to patrol the whole area on a weekly basis and record meter readings on abstraction points, rate of flow through v-notches installed at the head and tail of dams erected as storage works; and the height of water in these storage works by means of graduated staffs embedded in the dam basins.

In order to do this “all farmers with rivers running through them and with dams are required to have v-notches and or flow meters *in situ* by June” (MRB minutes 23.5.89). This objective was achieved with a few notable exceptions, though the target date had to be reset throughout the life of the board. For example: “The 31st of December 1990 is declared to be the deadline for users to install flow meters so as to measure water drawn down from their water rights” (Minutes MRB July 1990 and again in May 1994 referring to a deadline of September of that year). It is instructive to note that the board’s formal means of enforcing these requirements was by referring to the Water Court. This they never did, preferring to use peer pressure for compliance. Irrigators seemed to realize that proper monitoring protected everyone and was essential for good management of the common pool resource. This did not stop individuals from cheating: meters were ‘broken’ and not re-fitted without pressure from the bailiff; v-notches were often the last installations to be put in place, partly because of the expense but mainly because they provided clear evidence of how much water was entering and exiting from dams. However, right up until its dissolution the MRB was engaged in exerting continuous pressure on some users to comply with these necessary requirements.

A much more difficult management issue was the interpretation of ‘flow’. The Water Act required of water right holders the necessity to let down “normal flow” from their storage works. Only ‘flood water’ could be dammed. Abstraction rights direct from rivers were granted subject to abstraction ceasing once the determined flow of the river dropped below a stipulated volume. The act’s definitions of ‘flood’ and ‘normal flow’ were, however, in reality almost impossible to measure. As Manzungu suggests, “(R)ights are expressed in absolute volume terms which is at variance with the natural fluctuations of a river flows” (Manzungu, 1999:181). This created ambiguities for the

monitors and users alike, difficulties that were sometimes exploited by users but in any case which led to conflicts between them, especially in times of water scarcity.

## **6.10 Conflict Management**

Perhaps the most important ingredient for the management of water, particularly in the perception of the users, is the resolution of conflicts between rival claimants to water. The institutional relevance of the MRB depended on its competence in this regard.

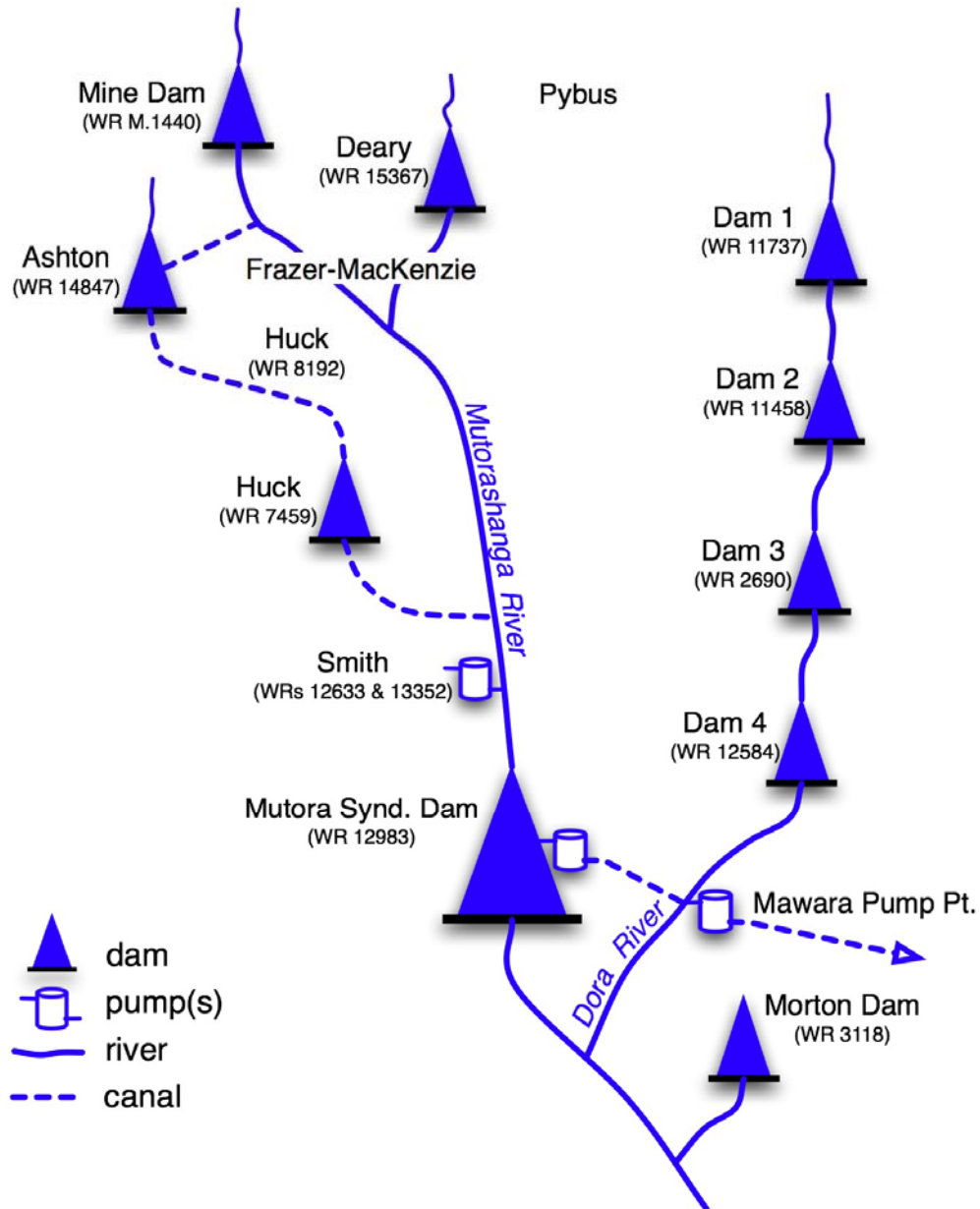
Such conflicts as arose from the time the board was formed until 1993 were handled successfully. When disputes arose between appropriators, arbitration, or the threat of involving outside agencies, proved sufficient to effect reconciliation. Conflicts were characterised by right holders accusing one another of abstracting water to which they had no entitlement, or, more commonly, holding back water to which they felt entitled. For example, Brooker the owner of Brandon farm, on whose property a dam had been constructed in the Msitwe River, shared the rights to the stored water with two other right holders who had contributed to the dam's construction. Harrington and Wood who owned land upstream of the dam frequently appealed to the MRB (and always with the requests that their complaints be addressed without involving them) that Brooker was abstracting more water than he was entitled to. Brooker's tactics were to so confuse the bailiff's staff by swapping water meters, reticulating water between his various water rights and generally 'muddying the waters' that monitoring became almost impossible unless done on a daily basis. However, when MRB members or staff informed him that he was perceived as being unfair to his neighbours, he made every appearance of cooperation. And as no one really went short of water, matters were always resolved. The local gathering place for the farmers in the lower Msitwe was on Brooker's farm where he had built a squash court and small clubhouse. Here too, convivial peer pressure usually had more effect than any formal interventions by the MRB.

## **6.11 Conflict on the Upper Mutorashanga River 1993-97**

### *The Upper Mutorashanga River Basin: Water Right Allocation*

The Upper Mutorashanga River catchment terminates at map reference TS 404092 (the dam wall of the 'Mutora Dam' – water right 12983) and commences at the river's headwaters on the Dyke at map reference TS575015. The Upper Dora River is included for the purposes of this case study. The catchment area is 89 sq. kilometers. The Mean Annual Run-off (MAR) is 120mm (Pers.com Chief Hydrologist, 1999). See figure 10 for a schematic outline of Upper Mutorashanga River.

**Figure 10: Schematic representation of the Upper Mutorashanga catchment**



The biggest development along the river took place with the granting of water right 12983 for the impounding of 15500 megalitres of water in a dam. The Mutora Dam Syndicate (MDS) is situated at grid reference TS 404092. This water right commanded a priority date<sup>84</sup> of 8th November 1984 for the first 13800 ml and 21st November 1992 for the remaining 1700. Due to the heavy capital cost of construction, the applicant (B. Smith) subsequently syndicated the right amongst 7 other irrigators who helped fund the construction costs. They were issued with participation rights in volumes commensurate with their contributions to construction costs.

The writer has described the MRB's resistance to the issuance of water rights along the upper Mutorashanga River after the MDS dam was built. The completion of the dam coincided with a severe drought: 1991/2 recorded only 430mm; 1992/3 862mm; 1993/94 738 and the next season (94/5) a disastrous 490mm. The dam showed no signs of filling. The syndicate members, who had invested huge sums of money, became extremely anxious to secure as much water as possible in order to maximize winter cropping and thus begin to recoup their finances.

Upstream of the dam, right holders were equally anxious to draw as much water as possible from the system in order to irrigate winter crops and fruit plantations. Despite the mean annual run-off (MAR) and the size of the catchment area being known, no reference to this data was made by any of the appropriators in the conflicts that developed. With a catchment area of 89 square kilometres and a MAR of 120mm the dam is more than capable of filling in an average year. The catchment is capable of producing on average, in excess of 60 000 ml. The total water rights issued for this section of the river was 21871ml – including the MDS 'Mutora Dam'.

This rather challenges the perceptions of the MRB with regard to the river being over righted, but in fact, rather than in theory, drought years drain the system which then floods during years of plenty, sending huge volumes down stream despite the dams. This excess flood is lost to these users. The catchment area is characterized by a typically dendritic drainage pattern consisting of a number of short (annual) streams. The Mutorashanga River itself is not perennial. The river usually dries by the end of August and significant flow only recommences in late December or early January. The Dora River, a major tributary of the Msitwe, that runs parallel to the Mutorashanga in

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<sup>84</sup> See section 63 of the (now repealed) Water Act of 1976. A priority date entitles the holder to preferential use of water; i.e. he may claim his entitlement before users with rights issued subsequent to his issue date.

the upper river system, is included in the study area because water from the Mutorashanga River is stored in four dams in the Dora for irrigation purposes on Dalston Farm.

The irrigation potential of the upper river was developed over several decades. The first medium sized dam (1050ml) was authorised by water right 7459 on 20th July 1967. This permits the landowner of Mussoorie Farm to store water from a tributary of the main Mutorashanga River. A supplementary right to draw the same amount of water from the main river was granted on 15<sup>th</sup> January 1969. Dalston Farm (Smith; the main share holder in the Mutora Dam) obtained two high volume abstraction rights on the Mutorashanga River at the point where the river flows into the Mutora Dam. Water right 13352 allowed for the abstraction of 180 litres per second up to a total of 1724 ml of water. The priority date for this right was 5<sup>th</sup> December 1985. Water right, 12633, was for 50 litres per second with a limit on the amount of water that may be abstracted of 525ml. The priority date was 8.11.83. Landfall Farm has a low volume storage right totalling some 500ml. issued shortly after the right for the Mutora Dam.

The Village of Mutorashanga, relies entirely on borehole (ground) water for its domestic needs, though the dam constructed at map reference TS519032 (water right M1440) was built to augment water pumped from ground water. It has not been used for this purpose and its water retention is severely impaired by at least three massive leaks in total exceeding 75 litres a second when the dam is at half supply level.

The upper Mutorashanga river system provides irrigation for 1500 hectares<sup>85</sup> of summer supplementary irrigation and 1000 hectares of winter irrigation crops, during the years covered by the case study. Main crops grown are maize, tobacco, soya beans, wheat and paprika. Irrigated fruit includes bananas, mangoes and oranges.

At the MRB meeting of 12.3.92 it was reported Huck's two water rights (Mussoorie Farm, water rights 7459 and 8192) had been used to capture water let down by the Mutorashanga Mine Dam that the board considered was more appropriately 'flow' than 'flood' although it came down in one flush. It was the first time the management of his water had ever been questioned. Huck resisted attempts to release any water as he had a prior right and felt secure in asserting that it granted him the right to water once the flow in the river exceeded 143 l/s. To counter balance the strength of the MDS the

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<sup>85</sup> Estimate based on interviews with farmers, who notoriously mis-state their operations as a matter of course.

community had voted in a new chairman.<sup>86</sup> Brendon Fox regarded himself (and was regarded in the district) as a community leader. His involvement was a clear signal that farmers believed that the MRB should help them manage their water, and resolve differences between appropriators.

Many subsequent meetings drew attention to the difficulties experienced in trying to determine what is ‘flow’ and what is ‘flood’. Further, the mechanics of ensuring downstream prior right holders receive their legal entitlement, while at the same time trying to fill dams as high up in the system as possible so as to avoid water ‘running away to Mozambique’, remained a perplexing problem. The new bailiff seems to have been aware of this dilemma when he reported to the board that “he could foresee problems in the future in certain areas of the river systems ... In the area above the Mutora Dam all water right holders were to receive copies of each other’s water rights in order to avoid confusion over priority dates and amounts” (MRB files October 1992).

Within a short time these measures were to prove inadequate in preventing the bitter wrangle that was to develop and continue for several years, culminating in lengthy and expensive litigation. The November meeting highlights that the Mutora dam was a growing concern of the board. It draws attention to a serious situation in regard to the construction of the dam and the attendant water rights and their priority dates. The was reported to the board

“that the Registrar of the Administrative Court had sent a notice allowing objections to be submitted to water right application 12983 (the Syndicate dam) to revise storage from 13800 ml to 15500 ml. The chairman noted that the reason for the request to increase storage was because the engineer had miscalculated the volume of the dam to a degree of 12%. He said the Hydro Department could not refuse this application as it was engineer error, but right holders should still object so that their concerns are recorded on file. If in future there was ever a court case brought... those involved would receive a more favourable hearing” (MRB minutes 19.11.92: page 2).

The next meeting (28th January 1993) noted that “applications which might have been prejudiced by the Mutora Dam (Syndicate) revision were those submitted by Ashton, Deary and the Mine Dam.” Thus was defined the major conflict that was to develop.

At the meeting of 22 February 1993 the issue of Huck’s dam resurfaced. The Bailiff proposed that the river board ignore normal flow procedures when monitoring rights

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<sup>86</sup> His election marked a change in the previous policy of choosing a chairman with no or few rights. Fox was one of the largest operators in the catchment area. His family has been in the district for several generations with a long history of service to the community and the country. His father had been a Member of Parliament and held office on the Tobacco Authority.

and work principally on priority dates. He explained that this would be easily monitored, but that figures for normal flow were almost impossible to collate.

The Bailiff told the meeting that, if policed properly, the system would work to right holders' advantage, but he had asked for Huck's attendance because he had complicated rights that allowed abstraction for storage in his dam, as well as abstraction for irrigation. Huck stated that he was allowed to abstract water from the Mutorashanga river (w/r 8192) an amount (1050ml) equal to the amount of his storage right (w/r 7459) which could be used for irrigation purposes or to top up his dam.

A previous ruling on this right that was placed before the board some years before stated that this was not the case and that the abstraction right was a supplementary right to fill the storage works by means of a seven kilometre canal, if the dam failed to fill from normal runoff in its catchment area – a tributary of the Mutorashanga River. However, the board was unaware of this ruling by Hydro and accepted Huck's interpretation, which was clearly more favourable to him. This meant that he could use the abstraction right to irrigate direct onto his fields, in addition to the water held in the storage works and doubled the amount of water he could utilise. Although he never actually did so this issue would be an area of dispute. Huck admitted privately to this researcher that he adopted this ploy purely to frustrate the MDS as he believed they were being greedy. He reinforced this stance by helping neighbours with water from his dam during the drought years, something that is illegal in terms of the Water Act.

The abstraction right permits water to be moved some seven kilometers in an unlined canal to the head of the dam. The transmission loss in this canal would also be the cause of much debate. The MRB noted that Huck was allowed to fill his dam prior to the Mutora dam (MSD), as his was the prior right. The minutes continue as

“Mr. M. Brown (MDS Chairman) asked that Mr. Huck put in place his measuring devices so that water usage and abstraction could be monitored accurately. The Bailiff told the meeting that he had already told Mr. Huck to place temporary V notches in the canal and the river and that this would be done within the week”.<sup>87</sup> (MRB minutes 22.02.93)

The board also reviewed “Water Right application M 1440 Mutorashanga Mine Dam to increase storage from 1250 ml to 1500ml for use in mining plant. This right allows storage only after the 31<sup>st</sup> of March. The committee felt that “the committee should

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<sup>87</sup> At the next meeting of the board (22.3.93) the bailiff elaborated on Huck's rights and reported that w/r 8192 entitled him to abstract 114 l/s to fill his dam (WR 7457) and he was entitled to an additional 114l/s FAMLAWs (“For as much land as water supplies”) up to a total of 1050ml. This entitlement is later successfully challenged.

object” (MRB minutes 22.02.93). This is the one instance in which an objection seems to have been successful, as this right was never increased.

Up-river farmers, however, were persistent in trying to gain access to water from the river. Ashton refused to release water from his dams, in defiance of the PDS system. The minutes also reflect an address to the board by another upstream user.

“Mr. Deary wished to make it clear that his present storage right was not sufficient for Maplanka Farm to operate efficiently in the current economic climate. At present the farm has only 91 ML of water which covers seedbeds only. There is no water available for an irrigated crop. Deary told the committee he had made an application to store 173 ML. However, because of the Mutura (MSD) Dam having a prior right, it would appear that his application for storage would never be satisfied. Mr. Deary asked the committee if they thought it fair that large farms with large quantities of righted water should gain yet more rights, hence putting smaller farms in jeopardy. Mr. Deary said he would like to see all right holders in the river board area store 250 ML of water *before passing it downstream, irrespective of priority dates*. Deary said all he was asking for was 173 ML of water – only 1% of the Mutura Dam.” (MRB minutes 28.6.93, emphasis added)

At its meeting in February 1994 the board, in an effort to compromise on the issue of storage high in the system and satisfying prior right holders down stream, took a decision:

“As has been the board’s practice and policy it was agreed that water should be stored in dams until the end of April. At that time, if prior right holders down stream have not filled their works, they can call on the MRB to instruct right holders upstream to discharge water, in priority date order, down the river to fill the prior right holder’s works.” (MRB minutes February 1994)

### *Conflict Erupts*

The next meeting of the board took place at the home of Mr Ashton on 11<sup>th</sup> April 1994. It proved to be a lengthy and emotional event. Tempers were lost and harsh words uttered. It marked the beginning of a serious rift in the community. The minutes run into sixteen pages.<sup>88</sup> Although no elections changing the composition of the board are on record, the membership of the board had changed, giving a stronger representation to members of the MDS – a total of three out of eight.

The main points of dispute were:

- Huck’s two water rights and his canal;

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<sup>88</sup> This was the first meeting attended by the writer, who tape-recorded the proceedings. The meeting started at 14:30 and ended at 18:30 that evening. Tempers flew, people accused each other of lying and there were veiled threats of violence.



- Ashton's water (storage) right (w/r14847);
- The Mine dam (w/rM1440);
- Smith's two abstraction rights and one of his storage works (Dam Four) on the Dora River. The Fourth dam on the Dora fed into a dam (Morton Dam) downstream the right holders of which claimed that Smith was not letting normal flow down to them.
- The inflexible demands of the MDS for all water to be let down to them in priority date order, regardless of local arrangements.<sup>89</sup>

The chairman defused the issue of Huck's canal. It was agreed that Huck could only fill his dam once. If he used the river water from the canal to do this then that proportion of his abstraction right would be deducted from his storage right. Only the surplus could be used for irrigation direct to his lands. Huck agreed and the matter was concluded.

In so far as the Mine Dam and Smith's 'Dam Four' were concerned the board determined "that with regard to the board's policy of storing water as high in the catchment as possible there should be two exceptions. The first would be 'Dam Four' on the Dora and the other would be the Mine Dam. They should remain open to let water down" (MRB minutes 11.04.1994). This decision by the board was the first indication that their policy of holding water high in the system, regardless of priority date, was being eroded by conflict.

The MRB then addressed the issue of Ashton's dam. The chairman stated that he had written to Mr. Ashton requiring him to let his water down. It was now for Mr. Ashton to respond. Mr. Ashton stated that he saw no immediate solution. He felt that he had a moral right to the water, but was still awaiting legal opinion. As his total water was only 1/60 of the Mutora Dam he could not believe that they would ask for it. He asked for each individual in the syndicate to indicate if he needed his portion of the water. Mr. Graves (Senior) Sipolilo Estates (and then chairman MDS) stated that morality did not come into it. Mr. Ashton stated that what he meant by morally was that not only he was affected by the Syndicate Dam. There were Deary, Pybus and Frazer-Mackenzie, none of whom now got 'a look in'. Why had they not been asked to join the syndicate at its inception? Graves farm was 12 kms from the dam, his, Ashton's only three! Graves' farm was not even in the Mutorashanga catchment. The Chairman summed up and told

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<sup>89</sup> The bailiff also reported that in his opinion there were institutional problems that emerged from his analysis of the record of the previous meeting: "There is no common perception of duties and responsibilities of the board members, the chairman and the bailiff and staff."

Ashton that the MRB had received his letter; (refusing to comply with the demand to let water down) that if the syndicate demanded their water and if the matter went to court and the case went against him he could be faced with a very grave situation.

Board members appealed to the MDS to be more flexible but this met with a negative response. Mr. Graves said he did not think it was for the syndicate to take Ashton to court, but for the MRB. The Chairman stated that the Board would inform Hydro and the Water Court of the position but it was for right holders to pursue the matter through the courts, not the board. In the event this is what transpired.

The MRB was demonstrably powerless to resolve the most important issue placed before it simply because Ashton defied them. This resulted in the MDS taking the matter to the Water Court where they successfully sued Ashton.<sup>90</sup> The case took several years to be heard, so the outcome achieved nothing as the new Water Act was passed into law and abolished the system of priority dates.

Smith's two abstraction rights on the Mutorashanga River were then discussed. The MDS chairman, felt that their real problem was Smith's 180 l/s and 50l/s abstraction rights. These rights meant that Smith – a major stakeholder in the MDS – was able to divert huge quantities of water before it entered the dam and that furthermore as these rights were situated for all practical purposes within the dam itself, monitoring of the abstractions was very difficult. The MRB was neglecting this issue. The MRB chairman's response was to reiterate their position. Internally, within the MDS, the MRB refused to monitor the participant users' abstractions thus neatly avoiding the increasing bickering between them over how they managed their own CPR – a CPR within a CPR. He pointed out that Smith's abstraction rights were legal. In terms of the PDS they took priority over the MDS right and their only recourse was to negotiate with Smith.

At its very next meeting (27.6.94) the MRB found itself challenged again. The Mine Dam remained closed and mine management indicated that they had appealed to the Water Court for a change in the status of the right.

In the mean time they refused to open their taps. In essence they were adopting the same strategy as Ashton. Down stream right holders were advised to contest the Mine's application for revision. The mine was to be instructed again to 'open taps'.

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<sup>90</sup> The case took several years to be heard, so the outcome achieved nothing as the new Water Act was passed into law and abolished the system of priority dates.

Smith, who had a better understanding of the water law than his peers, attended this meeting. He reported that he had translated a provisional right to place abstracted Mutorashanga water into all his dams on the Dora into a final right. This in effect meant that he could transfer water into Dam Four and that monitoring flow on the Dora River would be very difficult. However, he stated that he would let water down, including a figure for evaporation (0.7 meter for the season), but that the MRB must monitor carefully. The MRB stated:

”After being advised that the revision to this application had now been translated into a final right, the board felt that any discussion on this matter was superfluous, though it was noted that while it had no objection in principle to the arrangement, it felt that its practical management and monitoring by the board would be very difficult.” (MRB Minutes: 27.6.1994)

Smith also conceded a part of his water right for 180 l/s to the common-pool of the Mutora Dam in exchange for an increase of his allocation from its 19% to an unspecified figure to be agreed with other members. This successfully took the management of this right out of the hands of the MRB and placed in the hands of the MDS and thus complied with the MRB’s ruling. This was a ploy satisfactory to both Smith and the MRB.

Another major shift in the direction of a policy of ‘open taps’ was made at this meeting. It was agreed that if dam owners opened their taps at the beginning of the season and allowed flood to go down (until prior right holders’ needs had been met) then evaporation loss need not be considered. Owners would not be asked to pass this down later. However, if taps were not opened, then owners ran the risk of being called on to pass evaporation loss later in the season, regardless of the state of the rains. In essence, this meant, ‘if you store – you gamble’ and represents a fundamental change in board policy (MRB Minutes: 27.6.94). This decision was one of the most pragmatic and strategically important that the MRB was to make. In essence what they were saying could be summarised as follows:

“The law requires you to keep your taps open to satisfy prior right holders, from the start of the season. We believe that water should be stored as high up the system as possible. However, there are a few amongst us who don’t play the game when it comes to letting water down. Consequently we are telling you to let water down if you wish to stay inside the law and avoid any sanctions against you later on. If you keep your dams closed – and it later transpires that there is a need to let water out – we will penalize you to the extent of following the law to the letter. We will insist that you let down not only the water stored this season but in addition make compensation to the extent of the evaporation loss – which we calculate as about 1 meter of water. If the system fills and there is no need to let down water, you will have stored as much water as you can without prejudice to anyone.”

For the most part, the new rulings by the MRB worked. In so far as the area under its jurisdiction was concerned, only the small section on the upper Mutorashanga River

became an area of conflict in which they were unable to arbitrate a successful conclusion in regard to the MDS, Ashton and the Mine. The rest of the district managed its water very well without any unresolved conflicts.

## **6.12 Observations**

The case study illustrates how an irrigator community living in a mixed property regime – water, a CPR and land falling within the definition of private property – failed in its attempts to manage some issues within its common-pool water resource, yet was successful in others. The failures were because its institutional framework (a river board set up in terms of government statute. The Water Act of 1976 and supported by regulations) was flawed in respect of its relationship with government authority. There was no statutory mechanism provided for the resolution of conflicts at board level and so the board had no powers to enforce decisions. Conflict resolution was attempted on numerous occasions by the MRB. “Any resource, such as water, when used by more than one person, tends to attract conflicts about how it is shared” (Manzungu, 1999:179). When there was real competition for a perceived scarce resource, competitors refused to compromise. The board lacked the means to bring appropriate sanctions to bear. This more than anything provided the conditions for failure to manage the CPR formed by the Upper Mutorashanga River.

As Boesen and Rukuni state “efficient management of natural resources is dependent on the political, legal and administrative capabilities of rural communities to determine their own future and to protect their natural resources and other economic interests” (Boesen and Rukuni, 2000:31). The authors go on to say that tenure security is a basic requirement for sustainable management of resources, whether they be ‘common-property’ or property held under ‘registered title’. Security of tenure they claim is associated with four sets of rights. These are:

1. Use rights;
2. Transfer rights;
3. Exclusion and inclusion rights;
4. Enforcement rights (Boesen and Rukuni, 2000:32)

The MRB had a conspicuous lack of these rights and particularly the fourth.

In respect of use right allocation they were quite unable to restrict the increase of appropriators gaining access to the common-pool resource because this function was reserved by central government. This fatal legislative flaw was in turn the product of

central government's retention of authority in the hands of the techno-bureaucrats. The case study data indicates that these State technocrats ignored local knowledge and the concerns of water users, seemingly placing more trust in their own technical understanding of water management. The Water Court relied on technical reports rather than the submissions of the MRB in making its determinations.

The 'priority date system' (PDS) of water allocation and the associated interpretations of 'normal flow' and 'flood' was clearly very difficult to administer. Manzungu states that the priority date system was "culturally incompatible with irrigators" (Manzungu, 1999:181). He is referring in his case study to small-scale irrigators in the Communal Lands (CL). However, Large Scale Commercial Farmers (LSCF) also found it difficult to let 'water down' simply to satisfy a priority right low in the system, while dams with lower priority rights high in the system may not fill. The fact that the management of the CPR water using the PDS had become almost impossible to administer was lost on the MRB. They were locked in a paradigm in which no other possible alternative systems presented themselves. They saw only an endless and unreasonable bickering that they were unable to contain or resolve. In the end they pushed the disputants in the direction of litigation by resolving to stick to the PDS and by refusing to enter formal or informal arbitration between the warring parties or to consider alternative management such as fractional allocation.

"In many places it is felt that the existence of multiple interests and their need to accommodate them mostly applies to common property regimes, to a lesser extent to public or government owned lands and not at all to privately held lands. However, it appears that, although the degrees vary, multiple interests come into play on all types of ownership. The various 'co-owners' must come to agreements about the management of the area but are also subject to government regulations. Mechanisms for joint decision-making and negotiation are necessary for all (types of) Property Regimes." (Anderson, 1999:3)

### **6.13 Conclusion**

This is a case study of institutional problems in the management of a CPR (water) in a mixed property regime. In order for CPR management to be effective, scholars have identified sets of criteria that need to be present. Perhaps the most important of these, in the context of this case study, is the need for the CPR to have an effective degree of self-government over their resource or resources. This condition was not present. Yet despite all these difficulties, the MRB was successful in managing most of its area where users complied with the (often compromise) rules it laid down. However, certain conflicts were beyond their ability to arbitrate thus diminishing their effectiveness.

"(C)onflict management should be considered an essential part of water resource management and not be dismissed as an appeal matter" (Manzungu *et al.*, 1999:181).

The act of 1976 fell short in this respect and created an institutional weakness that made the drama on the upper river an inevitable conclusion to appropriators' struggles for access to a valuable resource. This case study illustrates that whether the resource is within a common property regime such as Zimbabwe's Communal Lands or in a mixed property right regime such as the LSCF areas, legislation that is unsympathetic to local requirements and fails to decentralise power to local level is unlikely to be successful, and thus hampers rather than enhances the resilience of the local level community in its efforts to manage its resources.

The MRB lacked clear rules, powers of exclusion, arbitration mechanisms or powers of enforcement. At no time did the Ministry attempt to give clear guidelines to the MRB. It saw the board's function as being a monitor and 'policeman' of water abstraction. Any attempt by the MRB to arbitrate, to raise objections to applications or to seriously enter the business of managing its CPR was either ignored or heavily stamped on. The Water Act of 1976 while aspiring to de-centralise authority to river boards, in fact retained all effective control in the hands of central government. It is surprising not that the board failed to resolve some of the issues with which it was confronted in the Upper Mutorashanga River, but that it displayed sufficient resilience to generally manage the system.

## Chapter 7

# Managing Water through Systemic Holism: A Case Study

### 7.1 Introduction

Chapter 6 documented a case study of water management in a large-scale commercial farming area, where management was dominated by techno-bureaucratic principles. Water is a difficult resource to manage. Its distribution through time and space is uneven, leading to inequitable access. By nature a fugitive common pool resource, its capture and control is often expensive and technically complicated. The chapter concluded with the observation that the lack of meaningful devolution of power was one critical element contributing to the failure of local level water management, regardless of the tenure regime.

Another critical ingredient in the management of natural resources is the degree to which formal institutions of management have congruence with the worldviews and perceptions of those managing the resource. Institutional ‘fit’ is a key ingredient of resilience. In the overlapping arcs of the bio- and socio-spheres, man and the natural environment are fused in what may be seen as a ‘humans-in-environment’ or ‘dwelling’ place, rather than a humans and environment perspective (Davidson-Hunt and Berkes, 2000). I have called this the ‘arena of adaptive management’ (see also chapter 2). Local strategies and tactics – the day-to-day reality of adaptive management of resources – used by communities in their struggle to cope with the dynamics of their environment, are informed by their view of the cosmos (Dankelman, 1999:3). An extension of this proposition is that local communities “have an intimate knowledge of the complex of factors in the local situation and an inherent wisdom gained from long experience with things that effect them in their daily lives. Furthermore, they have the ability to synthesize the complexity of factors affecting them and to reach decisions about them” (Latham, 1993: 10).

To make any kind of sense of this sort of complexity, it is helpful to introduce systems thinking. “A system is an interconnected set of elements that is coherently organized around some purpose. A system is more than the sum of its parts. It can exhibit dynamic, adaptive, goal-seeking, self-preserving, and evolutionary behaviour” (Meadows, 1992:278). The development of a storm is a typical ‘system’. A cloud forms,

the sky darkens, lightening and thunder split the silence and we know it will rain. After the rain the runoff will feed the streams and rivers and replenish the ground water. The sky will clear. All these events are distant in time and space, yet they are all connected. Each element has an influence on the others that comprise a system, though they may not be visible to observers or to the elements within the system. “*You can only understand the system if you contemplate the whole, not any individual part of the pattern*” (Senge, 1990: 7).

Human affairs are also systems bound by invisible fabrics of interrelated actions. Since we are part of the intricate patterns that make up these dynamic social systems, it is doubly difficult for us to understand them. Hence social scientists and philosophers since the days of Montesquieu in the middle of the eighteenth century, Malinowski (1945) and Radcliffe-Brown (1952) writing in the nineteen forties and early nineteen fifties, were concerned with the analysis of social systems and the dynamics of culture transfer. Worthy successors are found in the works of Bennett (1969; 1976) and the writings of Smith and Reeves (1989). More recently it has been scholars like Mary Clark, Murphree, Scoones, Berkes, Melissa Leach, and others that have with scholastic fluency, led the social and natural sciences into the new and exciting symbiotic disciplines of social ecology, ecological anthropology and political ecology.

“*The human systems ecology approach is not only willing to see causality as multidimensional and multidirectional; it is also highly interdisciplinary*” (Smith and Reeves, 1989:9, emphasis added). Bennett (1969) admits to an eclectic approach – and indeed it seems to me there can be no other, when so multi-layered and faceted a subject as human interaction with the environment is being studied. Complexity cannot be compartmentalized nor studied in a linear, reductionist fashion.

The writer’s own research reflects this methodology. On the one hand it is diachronic, attempting to collate empirical data for a given area, through time, as it concerns the adaptive management strategies adopted by given communities. In another quadrant, the impact of the State on local level rural communities and *vice versa* is studied. The influence, one on the other, of the macro and micro-environment is another element. All these components, and of course not least the geographical location and the overall physical environment of the area, must be included for any systemic paradigms to be coherent and meaningful.

Systems analysis is perhaps the only way to deal with this complex of issues. ‘Systems thinking’ is the opposite of reductionist Cartesian analysis. Senge emphasizes the distinction between ‘process thinking’ and seeing only snap shots. “Systems thinking (is) a philosophical alternative to pervasive ‘reductionism’ in Western culture” which he defines as “the pursuit of simple answers to complex issues” (Senge, 1990:185).



Systems analysis is in a real sense circular – perhaps spherical would be more apt: reductionist analysis is linear and confined to one plain. Systems analysis is fluent and dynamic as opposed to static, conventional Western reductionist analysis.<sup>91</sup>

The study of the commons has created an interdisciplinary approach for understanding the relationship between humans and the environment. The commons acts as a concept in which the interactions between social and ecological processes are studied through a set of spatial and temporal parameters. The commons approach differs from most other Western notions that have generally maintained a clear separation between the environment and society. The commons approach is systems-based. Commons scholarship emphasizes that systems are often characterised by non-linear processes and that unpredictability and surprise are endemic to any system. “Commons literature has begun to move toward a human-in-environment instead of a human and environment perspective. These ecological models suggest that more emphasis should be placed upon the relationships and processes at given spatial and temporal scales as well as cross-scale dynamics” (Davidson-Hunt and Berkes 2000). The case studies in this chapter give some useful insights into temporal and cross-scale dynamics.

One concept which has proved useful at moving toward a ‘dwelling’ or ‘humans-in-ecosystem’ perspective has been resilience (Ruitenbeek and Cartier 2001; Murphree and Mazambani 2002). This chapter seeks to extend the proposition that the concept of resilience helps in understanding environment-society linkages. It examines water related development issues, using case material that helps to develop the thesis that in local level management it is the indigenous institutions rooted in traditional worldviews that have the required resilience and legitimacy for the daily governance of the complex array of inter-related factors associated with CBNRM. However, there are problems relating to scale, plurality and attendant institutional complexity. The case studies documented in this chapter are illustrative of these issues. Chapter 9 will suggest a case study using systems modelling and planning to engage with local communities in experimenting for the future.

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<sup>91</sup> Shona worldviews and culture seem to reinforce systems thinking rather than reductionist view of the cosmos. This can be seen in their traditional methods of agriculture which favour mixed cropping, absence of the straight furrow, so beloved of western farmers, and a leaning towards self-provisioning from a mixed husbandry of food crops and animals. Their architecture, whether the majestic ruins of Great Zimbabwe, or a humble village homestead, is invariably circular.

## 7.2 Shona Perceptions of Water and Water Usage

Without exception villagers interviewed believe that water is a gift from God (*Mwari*, *Dzivaguru*<sup>92</sup>, *Musikavanhu*). Rain is provided or withheld by God, in association with the hero ancestors (Latham 1987) – the Varidzi vePasi – the ‘Owners of the Earth’ (Lewis, 1971). Senior lineage founders are revered as *mhondoro* – sometimes translated as lion spirits. Spirit mediums (*masvikiro* or *homwe*) are hosts to these spirits of founding and senior ancestors. They are custodians of community mores. They have the power to intercede with the Almighty to insure a good rainy season or to withhold the rains if they are angered by attitudes or behaviour within their spirit domain (Garbett, 1969; Bourdillon, 1976; Latham, 1987, Lan, 1985; Fry, 1976; Gelfand, 1977; Spierenburg, 2003; Schoffeleers, 1979).

Spirit mediums say that everyone is entitled to what water is available, as it is a gift from God and the ancestors (Spierenburg, 2003; Manzungu and van der Zaag, 1996). Thus, they suggest, no one, including the State, has a right to determine who should and who should not have access to this resource. People in the temporal world echo this sentiment. Only water in sacred pools<sup>93</sup>, wells and springs has restrictions placed on access.

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<sup>92</sup> *Dzivaguru* is more than a synonym for *Mwari*. *Dzivaguru* (The Great/Sacred Pool) symbolises the feminine aspect of the Deity. *Dzivaguru* in genealogical terms is the autochthonous progenitor of the Hungwe people, the original Proto-Shona settlers from whom the *Mbire-Shoko* Late Iron Age immigrants took wives. *Dzivaguru* is thus ritually one generation senior to *Shoko* and two generations senior to *Sororenzou* (*Moyo*) lineages. At the Matopos and other sacred shrines, the praise name used first when addressing God (*kunamata*) is ‘*Dzivaguru*’, representing the matriline followed by ‘*Shoko*’ and perhaps ‘*Sororenzou*’ representing the patriline (Latham, 1987; Daneel, 1970).

<sup>93</sup> *Nyamakati* is a sacred pool at *Mitimichena* near *Nhenene* Hill in *Chigango*, Mt. Darwin District. It is the home of *Karuva*, son of *Dzivaguru*. *Mitimichena* is the seat of several *mhondoro* in the *Dzivaguru-Karuva* dynasty. They protect the pool from pollution and their mediums (*masvikiro*, *homwe*) transmit their dictates to the living world. On moonlit nights it is said that these spirits emerge from the pool. Their drums may be heard as they dance and sing, grazing their cattle along the banks of the river. At dawn they return to their watery home. No one may watch them – indeed to see them spells death. Mortal livestock may not graze nor be watered from *Nyamakati* despite the area being arid and lacking in surface water. These resources are reserved for the shades.

This universal access to water resonates with current international sentiment as expressed by human rights advocacy and

“such instruments as enunciate the Dublin Principles, the Convention on the Rights of the Child Article 24 and the draft Protocol to the African Charter on the Rights of Women in Africa which place an obligation on the State to (provide) women with access to clean drinking water, etc. It has been picked up in the rhetoric of the ruling party and the government. In presenting the Water Act to Parliament Patrick Chinamasa, Minister of Law, emphasised that the act making all water public to be held by the President on behalf of the Indigenous people emphasised how reform constituted a reinstatement of indigenous principles.” (Hellum and Derman, 2003)

Within the Murisa community, as with most Northern Shona groups, Friday is marked by a prohibition (*chisi*) against working in the fields. This is in essence a Sabbath day. Those who break the prohibition offend the *mhondoro*. The penalty may be the withholding of rain.

At some water points, cleaning of cooking utensils blackened with soot from open fires, may also cause offence resulting in the source drying out.<sup>94</sup> Springs and wells are often home to ‘water spirits’ (*njuzu*). *Njuzu* may impose these sorts of restrictions on the use of the water they occupy.

### 7.3 A Case Study: Murisa Dam<sup>95</sup>

#### *The Project*

When the Murisa people moved into their present locality, they occupied land that had previously been part of the Chingowo/Chiporiro *nyika*. However it was sparsely populated. There was no dipping tank. Dipping of cattle on a weekly or bi-weekly basis is legally enforced in Zimbabwe. The nearest dipping tank was at Murasvi. This is more than ten kilometres each way for the outlying settlements to drive their cattle to the dip. The colonial government was unsympathetic to their requests for a tank. After

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<sup>94</sup> A well-intentioned programme to line wells and cover them with slabs to protect the water from contamination led, coincidentally, to a number of wells drying up. Villagers expressed concern that *njuzu* (water spirits) had been offended by lack of consultation with the local people and the *varidzi vepasi* (owners of the land) over the project. They refused to co-operate with the officials from the Ministry of Health, who were promoting the scheme. The team of builders had to be withdrawn until negotiations with local leadership conducted by a perceptive official from the District Administrator’s office was able to overcome local sensitivities. Well improvement continued and no more wells dried up (Latham 1987).

<sup>95</sup> The Dam is situated on the Kayoyoma stream and is often referred to by this name but for the sake of clarity the name Murisa dam is used and this emphasizes the dam is one to which the whole *dunhu* contributed.

Independence the new government had other priorities. Thus in 1982 the twelve *masamusha* meeting at the *sadunhu*'s dare, decided to build a tank. A site was selected that was central to the ward. Consultations took place with the veterinary officer who informed them that the water supply from the river was erratic and that they should consider building a small dam so that the dip would be assured of a perennial supply of water. The dam site was chosen with help from Agritex.

Each household contributed two bags of maize to a community chest. The maize was sold and the money put in a savings account at the nearest bank, in Mvurwi. Further collections of maize took place to augment the community chest. This collective action by the traditional local community is particularly interesting in the context of the period in which it took place. At Independence in 1980, the new government dismantled the powers and duties of the traditional institutions. Chiefs and headmen were stripped of their judicial powers. Their authority to manage land and natural resources was transferred to district councils. Development functions were likewise passed to councils and their VIDCOs and WADCOs. Yet despite these sweeping changes it was the *sadunhu* and his *masamusha* that identified the need for a dip-tank and mobilised the community towards the achievement of their objective.

Nevertheless, the local government council was approached for help. All heads of households were ratepayers and there was thus a reasonable expectation that council might help. The Council, however, responded by insisting that all their money, which was accruing interest in the bank, be withdrawn and lodged with council. They would then proceed to lobby for donor help and would, they said, assist with some council funding as well. Five years passed with no progress. A long and bitter wrangle ensued between the informal ward committee and the council. Surprisingly, in the end, the locals won and managed to withdraw their money from council. They re-deposited it in another bank in the same centre, one that gave them better terms and more flexible access to withdrawals. Contributions towards the project re-commenced.

They then set about looking for a donor. In 1995/6 they finally succeeded in being included in a donor sponsored scheme for developing water sources for agro-forestry schemes. "*By this time, we were very good at preparing proposals and so our scheme was favoured over others*" (Secretary to scheme: Pers. Comm. July 1999). Another long wait to coincide with the next dry season followed this success. However, the women involved seized the opportunity offered to start an irrigated garden near the dam site, by sand bagging the stream. Funded by the donor, they fenced their two-hectare plot – allocated by *samusha* Marime and with the *sadunhu*'s approval – and planted crops. Water was and still is, carried to the garden in buckets.

In the dry season of 1997/8 a dam building firm was contracted by the dam development committee to construct the dam. Agritex paid a cursory visit and once more approved the site, the day before the bulldozer moved in. Five days later the dam was completed. It filled in its first season. In its second season, exceptional rains caused the dam to overflow.

In the following dry season, the researcher attended a routine meeting of the *dare* called by the *sadunhu* and his senior *makota*. At this meeting he was requested to assist them by locating a suitable engineer to inspect the dam. This I was able to do. A donor was also found who would pay for the cost of the engineer's services. The engineer recommended that the spillway be widened and deepened. Contemporaneously the LSC farmers in the adjacent Victory Block had consulted me as to ways in which they could help foster development in the neighbouring CL. I recommended they assist with the spillway and it was thus agreed that they would send tractors and dam scoops to undertake the work. However, national events now intervened.

The 'fast track' resettlement of LSCF was attended by considerable violence and vigorous campaigning against the commercial farmers. Faced with continued harassment and malicious damage to their property the farmers withdrew their offer of assistance to the Murisa Dam project. Despite these dramatic events, the *dare* was dismayed at the farmers' withdrawal and expressed surprise that they should have changed their minds. They were equally dismayed and confused by the donor NGO's similar decision to withdraw. The tensions and conflict caused by the intense political activity, stimulated from outside the community, clearly illustrates the dynamic interaction between 'local' and 'outside' influences.

#### **Box 4: Rationale for adaptive management**

Much as communities appear to have 'self-reinforcing' practices they are not immune to external influences and it works in their favour if they seek to reconcile with these influences. This lays the framework and practical rationale for adaptive management – this being an approach or response that enables players to interact and influence environments and developments that would otherwise be hostile to them (Gonese, 2007 personal communication).

As a result of the withdrawal of the LSC farmers and the donor the *dare* mobilized the surrounding villagers to try and clear the spillway using hand labour. It is significant that the women of the garden club figured prominently in this work. Outlying villagers were reluctant to participate as they now saw the dam as a being primarily a water supply point for the garden. Bearing in mind that the concept of the dipping tank dates

back to 1982 this is hardly to be surprised at. And the work was very hard. The spillway consists of decomposed granite that is almost impossible to dislodge with hand tools. Such progress as was made ended with the on-set of the planting season. Nevertheless the *masamusha* when consulted on the matter all averred that the dam's main purpose is to supply permanent water to a dip tank and that a community-wide effort was justified.

Next, the local government council collapsed for the second time in five years. Together with the post referendum and pre-election violence, the withdrawal of the donor and the commercial farmers it seemed that any hope of effectively deepening the spillway and proceeding with the project was doomed. Notwithstanding this, on a routine visit to the area (September 2000) community leaders and the *sadunhu* expressed impatience and frustration. They implored me to contact the farmers and the donor. I did so and they were dismayed when I reported to them a continued refusal of any further help from either quarter. Outsider's worldviews and notions of democracy and the belief that it was unsafe for them to come into the area clearly influenced their decision to withdraw, even if it meant that the majority 'innocent' members of the community would now suffer for the 'sins' of their (mostly) younger unemployed youth. So yet again the project stagnated.

In 2003, a new organisation<sup>96</sup> was found that finally responded to another proposal to make good the dam structures and to introduce an irrigation system based on water pumped to a reservoir from where it would be reticulated to the gardens. A tractor and dam scoop were employed to widen and lower the spillway after an engineer had surveyed the site and made his recommendations. The spoil from the spillway was placed on the dam wall raising it by a metre. The committee was re-activated with much the same membership and assisted by mobilising volunteers to plant grass on the dam wall and to help with any other manual work necessary. The dam was finally made safe from breaching.

The pump to lift water to a tank above the gardens was installed. From the tank the water can be gravitated to the gardens. The pump is powered by solar energy and drip irrigation lines are being installed. Rather than sink the pump into the open water, a six metre deep well was dug on the upstream bank of the reservoir. A hand operated drill (auger) was used for this purpose and both men and women volunteered for the strenuous work. A roster was prepared by the committee to ensure a steady supply of labour. Significantly as this was deemed to primarily benefit the women's garden

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<sup>96</sup> Funded by the Canadian Embassy, a commercial farmer who had been evicted from his farm in circumstances of extreme violence nevertheless decided to set up a small trust to promote micro-irrigation in the communal lands.

members, only those involved with the garden project were mustered – women and their husbands or other male kin.

Before all this activity started, a suitable length of black cloth<sup>97</sup> and a cone of snuff tobacco (*bute*) were purchased and sent to the Murisa *mhondoro* with a small delegation to inform him of the developments and obtain his acquiescence. They reported back that the *mhondoro* was satisfied that progress was being made but that he also pointed out that the irrigation scheme would benefit only a small number of Murisa's people and that further schemes should be considered. Finally he underlined the fact that water came from the spirit world and the dam was rain filled. The community was reminded to look after its *mhondoro* and not to breach any customary requirements so as to insure that rains fell accordingly.

The community was not consulted in any detail regarding the innovative and relatively sophisticated technologies. While the women have expressed joy at being relieved of the time consuming and back-breaking task of carrying water by bucket to their allotments they do not fully understand the technology involved, yet for the moment they are content with the fact that it produces water for them. However, they have yet to be convinced of the efficacy of drip-irrigation, though they acknowledge that the donor funded demonstration garden seems to be producing excellent vegetables using this method of water distribution.

It will be interesting to see if they have the institutional capacity to regulate the distribution of water. There are three water points, one for each section. Within each section water is then distributed to the allotments. A system of in-line valves regulates this distribution to individual gardens. The problems of controlling water distribution to field (or garden bed) edge are too well known to elaborate here, so the experiment will be another test of the resilience and competence of the local institutions to manage.

“During recent years (...) engineers in many countries have designed and built (...) thousands of water supply systems in villages and small towns. (...) Unfortunately many of these projects have functioned at less than top efficiency: breakdowns are frequent, and repairs are slow in coming. (...) Whole systems have fallen into disuse for one reason or another. These failures can be understood (...) if it is recognised that a water supply system is not simply a problem in engineering design, but rather a function of the total way of life of the group.” (Foster, 1962:15)

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<sup>97</sup> Cloth used to pay homage to a *mhondoro* is also worn by the medium (*svikiro* also referred to as the *homwe*) as a toga. It varies in colour combinations. Always it is basically black; sometimes a little white or dark green is used as a lining. The cloth and the garment are often referred to as *hungwe*. *Hungwe* is the fish-eagle and is regarded as a holy bird. In flight its under-wings appear as bars of black and white. It is closely associated with water and more specifically with the totem of the first-wave Proto-Shona peoples who settled the plateau at about the time of Christ.

The women have indicated to us a growing tension between themselves and the more dominant men on the dam committee who have been the main contact with the donor's field representatives. This is personified in a tension between the chairman of the dam committee, Silas Marime, and the chairwoman of the garden committee, his sister-in-law, Mrs Bramwell Marime, also known as Sinikiwe Kasiga. The *sadunhu* is also uneasy about the emphasis being placed on this one micro-irrigation scheme and that sight is being lost of the dip-tank and of similar pleas for water development in other parts of the *dunhu*. So at a recent meeting of the kraalheads at the *sadunhu's dare*, it was agreed that each *sabhuku (samusha)* would identify a suitable dam site for his *musha* area so that proposals could be drawn up to seek donor assistance similar to that for the Murisa Dam project.

The dam project was originally drawn to our attention because the *sadunhu* wanted to show us the site for a dip tank – not the dam. When later we asked the committee what had motivated their continued endeavours in the face of so many set backs and delays they were unanimous. They still aim to build a dip tank. This position remains unchanged after over twenty years. In the light of this extraordinary persistence and of the determination of the whole community to realise their objective it is instructive to examine the institutional arrangements that have contributed to this dogged determination and resilience.

### *Institutional Linkages*

In chapter 6, I identified three major sets of activities in the management of water for irrigation. The third set involves institutional and organisational activities – decision-making, mobilisation of resources, communication and conflict resolution. In the case of the Murisa Dam data it is these institutional arrangements that are of such absorbing interest in the quest to determine the essential appropriate, enduring and resilient recipes for CBNRM. By way of comparison the water community in the LSCF described in the previous chapter, had no comparable institutions. They were reliant entirely upon the bureaucratically imposed institutions provided by the Water Act.

This thesis has already described the theoretical structure of the indigenous system of governance through nested levels of authority – from *nyika* through *dunhu*, *musha*, *mana*, to *munhu* – and how this is reflected in the Murisa-Bepura polity (see chapter 2 and chapter 5). It would be tedious to repeat this here but one is reminded that it provides the framework upon which the institutional organisation described below is hung.

The Murisa Dam project provides a graphic canvas on which these arrangements can be portrayed, illustrating consistencies, variations and flaws. It also provides data on the impact (or lack of it) of central and district government on the management of daily affairs



at local community level. Issues of de-centralisation; overlapping jurisdictions (pluralism) and scale are exemplified and presented for analysis.

The development of the *dunhu* is under the overall umbrella of the *dunhu dare*, wearing, as it were, its ‘development hat’. Beneath this is the dam development committee, which in turn is underpinned by the garden committees.

**Table 3: Murisa Traditional Ward (*Dunhu*) Core Development Committee (Ward 27B of GRDC)**

Position	Name
<i>Sadunhu</i> /chairman	Kapiye Murisa
Vice	Wilson Majasi
Secretary	Everisto Mhungu
Treasurer	Saul Marime (principle <i>gurukota</i> )
Security	Solomon Tagara
Committee Member	Faro Mafuwa
Committee Member	One Kapondoro

This core committee is based on the traditional *dunhu dare*. The chairman is the *sadunhu*, Kapiye Murisa. The secretary is the *sadunhu*’s clerk (*mabarani*) and messenger. He is the son of *samusha* Mhungu. He keeps a register of cases (*mhoswa*) decisions and other matters (*nyaya*) brought before the main *dare*. His duties on the development committee are thus identical with his main *dare* duties. The Treasurer Saul Marime is senior *gurukota* – traditional adviser or councillor to the Murisa *dare* and is also the *sabhuku* for the *musha* of Marisa. The Murisa dam is situated in his area. The position of ‘Security’ needs explanation. Every committee has a ‘security’. He is the representative of the ruling party and has a brief to report any deviant behaviour upwards to his political commissar. He also reports local crimes to the police.

**Table 4: The Dam Committee**

Position	Name
Chairman	Marime Silas (younger brother of Saul)

Vice Chair	Mai Eunice Madziva
Secretary	Mai Chipo Chanetsa
Vice	Tewu Order
Treasurer	Mai S. Kasiga (Mrs B.Marime)
Security	Mai Martha Madzimirwa
Vice	Mai Catherine Kasiga
Committee Member	Mai Bessie Katuka
Committee Member	Mai Elizabeth Kunaka

The dam committee is chaired by a younger brother of Samusha Marime. The number of women on the committee is a reflection of the importance of the dam to women's livelihoods. The treasurer is the chairperson of the garden committee and the wife of former councillor Bramwell Marime.

**Table 5: Kayoyoma (Murisa) Garden Committee**

Position	Name
Chairperson	Sinikiwe Kasiga (Mrs Bramwell Marime)
Vice	Mai Farness Gombararo
Secretary	Sammy Katsomu
Vice	Mai Catherine Kasiga
Treasurer	Mai Sotiya Chitemerere
Committee Member	Silas Marime (chairman of dam committee)
Committee Member	Mai Betty Murisa

The garden consists of three divisions each with its own sub-committee. Overarching these sub-committees is the overall garden committee. Membership of the garden committee comprises a majority of women. The chairperson is the wife of Bramwell Marime, younger brother of the *sabhuku*. He was, until the last council elections, the councillor for ward 27. Thus even at this grass roots level, a linkage is maintained with higher levels of management. Mai Betty Murisa is the wife of the *sadunhu*'s brother's son. Silas Marime is a younger brother of *samusha* Marime and is chairman of the dam committee. Bramwell Marime is also his elder sibling. The garden is situated on the banks of the dam. Both the dam and the gardens fall within the *musha* jurisdiction of Marime.

The gardens were in communal grazing area and were ‘donated’ to the project by Samusha Saul Marime with the approval of the *sadunhu*’s *dare*. The ‘trade off’ was undoubtedly an increase in Marime power and influence. However, to refuse would have been inconceivable. In fact when asked what might have been the outcome of such a decision Saul Marime simply said: “*Kuramba hakubvirwi! Nyika ndeyavanhu vose.* – To refuse would be impossible. The *nyika* belongs to all (of us)”.

### *Nested Levels of Jurisdiction*

My thesis sets out to substantiate the hypothesis “*that in the governance of natural resources in common property regimes (with an emphasis on Zimbabwe) the most appropriate institutions of management are those rooted in indigenous organizations*”.

Within the Murisa ward, the Murisa Dam project is an on-going central case study. Murisa Dam and its associated projects are an example of local management and development of resources. They demonstrate the strength and resilience of indigenous institutional arrangements. *This strength is in part a product of the nested levels of jurisdiction or authority inherent in the system.* The system seems to allow for the maximum devolution of authority while at the same time guaranteeing a corresponding line of vertical accountability. The system integrates the whole community through an elaborate network of cross-cutting kinship relationships. What I call Indigenous African Holism implies a matrix of interconnected activities.

Resilience and congruence (fit) of local level strategies and tactics in the management of local affairs are further reinforced by a commonly held worldview. The Murisa dam case study illustrates these mutually supporting ingredients and the way in which the lowest level groups and organisations are linked through a pattern of authority, legitimated by embedded institutionalised kinship relationships. It illustrates how communities cope, almost unconsciously, with the complexities of levels of jurisdiction and scale. It also shows that tensions and conflicts occur and how these are managed. The next section is concerned with some of these issues and how they are dealt with.

### *Reality versus Theory: Further Data from the Case Study*

In a normal chieftaincy, the *sadunhu* would be a member of the chief’s *dare*: in this case Chief Bepura’s. However, because of the strained relations between the Bepura and Murisa people, Kapiye Murisa is not brought into the deliberations of this body. This creates some difficulties. For example, Chief Dzukamanja Bepura was until his death in 2003, the chairman of the Manyame Catchment Council. One of the main objectives of the council was the formation of ‘water user boards’, a third tier non-statutory body to manage water at a level below the sub-catchment (Latham, 2002a).

The council, headed by the chief, held a series of ‘outreach meetings’ throughout the catchment area to enlighten water users of the provisions and advantages of the Act, and to advise the formation of user boards, based on common usage and catchment criteria. For example, the LSCF farmers in the area described in chapter 6 were met on several occasions leading to the formation of a user board for the Upper Mutorashanga River. Three meetings were held in Bepura’s *nyika* of Guruve Communal Land. Two of these were held at Mudhindo, a growth point some ten kilometres north of Murisa’s *dunhu*. No member of the Murisa hierarchy attended the meetings at Mudhindo. One meeting we attended was distinguished by having more speakers than audience.

No meeting was held in Murisa yet his *dunhu* is bounded by an important tributary of the Manyame – the Mavare River. Here plans were being made to promote a huge dam which would flood some of the Murisa lands, as well as provide irrigation for farmers. The Murisa people were far from happy with the Mavare Dam scheme, mainly as they had not been consulted.

Indeed, other sections of the wider Bepura community also seemed to be apathetic about attending meetings and several well-known respondents, told us that this was a deliberate snub of the chief, whose legitimacy was regarded as doubtful by a large section of the community. They said he was a ‘brief-case chief’. He lived in Harare and was a member of the Electoral Supervisory Commission, as well as other state or parastatal organs. Although he had a rural home some fifteen kilometres north west of Mudhindo, he seldom visited and his dare, presided over by his senior *makurukota*, lacked an element of legitimacy.

In essence then, traditional governance continued despite rather than because of him. This is a graphic illustration of the maxim ‘*Ishe vanhu* – the chief is the people’. When a chief is *not* the people his activity or lack of it is simply ignored and *dunhu* and other structures take up the resultant slack. Thus his one government recognised headman, Mamine, whose area covers a large portion of Kachuta CL appears to also function as an essentially autonomous unit. Despite, or perhaps because of this dysfunction at chiefly level, the Murisa community also operates as an autonomous polity, demonstrating that legitimacy and authority are invested from the bottom up rather than the top down.

Dzukamanja Bepura died in 2003 and it was a commonly though discreetly held view that his death as a relatively young man – he was in his fifties – was an expression of displeasure by the *mhondoro* at his irregular appointment. Dzukamhanja came from a house that was traditionally not eligible for the chieftainship. A commonly expressed view was ‘*akatenga chigaro* – he bought the chair’.

I have demonstrated above that *samusha* Marime and his family are represented on all the local level institutions associated with the dam and related developments. The dam and garden project, and the planned dip-tank are situated on Marime land. It would be surprising if the *samusha* and his extended family were not so well represented on the committees. Marime is also a very big *musha* (see figure 8) and a number of its people are relatively wealthy. In consequence there have been assertions that the dam and other projects within the community have been hi-jacked by the Marime's.

There is an expressed suspicion that funds and materials may have been misappropriated, specifically by the Bramwell Marimes. This may have prompted Bramwell to not run for the last council elections. He has recently commenced plans to move out of the district to a resettlement farm. His wife too has been ousted. The garden club was given a knitting machine by well-wisher which was handed over to her for safe keeping. She attempted to appropriate this for own use. The case was finally taken to the *sadunhu* for settlement and the machine recovered. The Bramwell Marime's over reached themselves and were brought to book because the community had the institutional mechanisms with the legitimacy to enforce the community's interests. Once the machine was restored to the club, no further action was necessary or taken. Mrs Marime continues to live in the community and is still active in the garden project. No one seems to bare her any ill-will though she is no longer chairs the committee. This is an excellent example of the practise of indigenous law. It is designed to heal fractures, and compensate for wrongs. It is the very antithesis of Western Laws adversarial and punitive inspiration. The community is still intact and even those who over reached themselves have not been excluded.

#### *Legal Plurality and Scale of Jurisdictions*

From its inception the GRDC has had an impact on the Murisa community. Its most profound influence has been in the arena of land allocation and administration. The jurisdiction of the traditional leaders was formally transferred to the council. This I have discussed in chapters 4 and 5. The effect was to create a plural system, where *de jure* the GRDC was the land authority but *de facto* the somewhat emasculated traditional institutions continued to function in an uneasy compromise with the GRDC. With the introduction of the Traditional Leaders Act (1998) jurisdictions have been returned to the traditional leaders though in a subservient position to the local government authority (council). This will be dealt with in greater depth in chapter 9.

Water is similarly subjected to legal plurality. The Water Act of 1998 places 'ownership' of all water in the hands of the State (president). Water (other than water for primary use) may be abstracted for commercial purposes only with a use-right permit issued by a catchment council. Murisa falls within the Manyame Catchment Council (MCC).

Catchment Councils (CCs) have statutory jurisdiction for the administration of water related functions (Water Act 1997). There are seven catchment council areas in Zimbabwe. They are demarcated by hydrological criteria. CCs overlap and cut through administrative districts and provinces (Latham, 2002a). The MCC encloses the area of the entire Manyame River Basin (catchment), that is all rivers from source to mouth flowing into the Manyame River. It includes portions of Mashonaland East, West and Central Provinces as well as the greater conurbation of Harare (designated as a province for administrative and political purposes). The MCC area incorporates portions of eight administrative districts. In only one case – Guruve – is a whole district enclosed within the council area (Latham, 2002a).

Catchment councils are demarcated into units called sub catchments. These too, are delineated by hydrological criteria. In the case of the Lower Manyame Sub Catchment Council (a major focus of my research), the area of jurisdiction embraces parts of four districts and one complete district. It covers parts of two different provinces.<sup>98</sup>

Below the sub catchment councils are water user boards (WUBs). Though these do not have statutory authority they may become the operational units of catchment and sub catchment councils. They supervise allocation of water to permit holding appropriators, recommend possible development of water resources and – in CL and Resettlement Areas – provide a theoretical channel of authority and communication down to water point committees.

Water point committees manage boreholes and in some cases small dams and weirs such as the Murisa Dam. These may have been sunk with funds from a number of sources: most commonly by the GRDC but in some cases by central government through the District Development Fund (DDF) as well as by local initiative with donor participation. Management at this level is theoretically by the Water Point Committee (WPC) with support from the GRDC through the local councillor. The councillor in turn would be approached by the VIDCO or WADCO to lobby for assistance with maintenance and repairs from the council. Proposed new works would similarly be channelled upwards from local area committees – VIDCO or WPC – to council.

With the formation of Water User Boards (WUBs) there is now a clear case of institutional overlap. To compound the confusion at local level, the Traditional Leaders Act (1998) stipulates that the village and ward assemblies are charged with considering and resolving issues “related to land, water and other natural resources” (section 15(c)).

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<sup>98</sup> Zvimba and Magonde in Mashonaland West, Mazowe, Mzarabani and Guruve (in its entirety) in Mashonaland Central.

In this case study, the VIDCO, WADCO and GRDC are effectively ignored. There was almost total or declared ignorance of the MCC and LMSCC. Over 90% of a household survey declared complete ignorance of the Water Act and its statutory institutions. Only the rural councillor Bramwell Marime had heard of the MCC but he had no idea of its functions. When informed that the damming of the river required a permit to store and abstract water all respondents expressed surprise. When told that the permit would attract a levy payable to the LMSCC, they were disbelieving. Their response was, predictable. They had built the dam without aid from the government or council:

“The water in the river derived from God and neither the government, MCC or GRDC had a right to charge them for the use of water. Any water we capture for ourselves is ours. We are not concerned with what happens to the water that goes down the river from here. That is not our concern”.

*Vide* similar remarks by the members of the Msitwe River Board.

The issue of overlapping jurisdictions and functions is evident not only at the local level. While the catchment council is tasked for the main part with managing water, it has responsibilities with regard to planning the use and distribution of water. It also has a ‘developmental’ agenda. Through the collection of levies for water use and with assistance from the National Water Fund, it may allocate funds for the construction of dams and weirs and the sinking of boreholes. This clearly infringes on the role of rural district councils.

#### *The Shindi Dam Project*

The Shindi Dam project is described in some detail in Appendix 1. It provides a graphic contrast to the tribulations experienced by the Murisa community. The rapid progress at Shindi where they constructed a dam of comparable size provides useful indicators that could inform the experimentation and scenario modelling advocated in chapter 9.

Shindi Dam was part of a district wide programme initiated in response to the then government’s policy of ‘community development and local government’ (see chapter 4). It formed part of a wider programme to encourage local self-help projects.

- Local traditional institutions received formal recognition and support;
- Lengthy consultation and planning preceded inception, but the actual construction was completed in four months;
- Policy was reinforced by a clearly defined set of rules defining the roles of central government and local level institutions;

- The ultimate aim of the government of the day was the establishment of local government at district level;
- Within each district each chief's area (*nyika*) would form the spatial and socio-political unit for a local government council.

#### **7.4 Observations and Discourse**

The case studies provide a striking contrast in terms of local empowerment. The Murisa dam project was hampered by a lack of genuine support from either the district local government (GRDC) or from the agents of central government at district level. There was no coordinated effort by either government or NGO's. Local level institutions were denied recognition and new institutions were introduced that diminished the authority of indigenous institutions (VIDCOs and WADCOs; sub-catchment councils, water user boards, water point committees, etc.) The judicial and land authority of the traditional institutions and their leadership were removed, reduced or ignored.

In the case of Shindi Dam there was an unequivocal devolution of authority down to the level of the *sadunhu's dare*. Indeed, the whole machinery of district and central government was so arranged that the community board was supported by the institutions of central government. Central government support was coordinated and managed in such a way as to direct it in a focussed and concentrated manner. Exogenous influences were also managed so as to prevent a dilution of authority and a diffusion of effort.

A project that from inception to completion in the case of Shindi took a matter of a few months, in the case of Murisa took twenty years to reach partial completion. Yet ironically it is the very length of time taken and the patient persistence of the community over time that strikingly demonstrates the strength, resilience and legitimacy of the indigenous rather than imposed institutions of governance.

Despite a flawed local government council that was often inoperative during these years, despite or perhaps because of a weak delivery of extension and other services by central government, the indigenous institutions of governance persisted and provided the only consistent and appropriate governance of daily life within the Murisa community. It was the *masamusha* and *sadunhu* who by their presence and effective, demonstrable *de facto* management of local affairs were able to provide the continuity and direction over such a prolonged period of time. This resilience of indigenous institutions of governance seems less astonishing than the fact that it should receive so little support or recognition by development professionals or academics.



There is, rather, a pervasive counter-narrative that needs to be recorded if only to be challenged. This argument posits that customary or traditional institutions do not have (and indeed never have had) institutional rules for the governance of the commons (Dore, 2000). Dore's iconoclastic argument suggests that Hardin's 'tragedy of the commons' (1968) far from being put to rest proves, on re-examination to be a true reflection of African commons management (Dore, 2000:5). Citing an impressive array of contemporary scholars he shows how a wide range of resources seem to have no rules governing them. He quotes Lynam *et al.* (1996), Mandondo (1998), Guveya and Chikanda (1996) and others, all recording that in their field of investigation local respondents reported no or at best blurred rules of exclusion and he argues that without a defined rule of exclusion the resource is in effect an open-access tenure system and thus subject to the 'tragedy of the commons'. Can all these scholars be wrong?

My research would suggest that while they have faithfully reported their conclusions, based on legitimate and authentic fieldwork they may nevertheless have erred in their interpretation of the landscapes they have been analysing. Dore hints at this when he states "*(W)hen natural resources become either scarce or valuable, more well-defined and enforceable rules are created*" (Dore, 2000:8). Economists would refer to this as a manifestation of the Pareto Principle. The New Institutionalists posit that an institution survives or adapts in the light of its economic worth. That which is economically worth retaining is strengthened and adapted to changing environments; that which is economically an encumbrance or of no value may die. Both these arguments, it seems to me, are a manifestation of what we now call adaptive management and are a latent ingredient of any management system, provided it is given the jurisdictional 'space' to manage.

Those that would decry the efficacy of indigenous institutions to manage the commons also seem to imply that because clear cut physical boundaries are not in place, no clear jurisdictional rules of exclusion can be applied: ergo, open access. But as Murphree incisively points out:

"(J)urisdictions imply boundaries. These may be spatial or resource-specific. They may overlap or be nested in larger systems. But most importantly they require social boundaries, the specification of who has responsibility, who has authority, who has appropriate rights, and what the limits of these rights and responsibilities are." (Murphree, 2000:2, emphasis added)

He makes the telling point that "(J)urisdictions are socially determined, but this determination is constrained by conditions set by the resource base" (Murphree, 2000:2). In other words boundaries – both spatial and jurisdictional – will be 'soft' or 'hard', depending upon the value and quantum of the resource.

Use of the word ‘traditional’ to describe institutions rooted in indigenous (native, autochthonous) societies is part of the problem. Use of the word ‘customary’ often used as a synonym for ‘traditional’ has the same inherent danger. It implies a sort of immutable, static state condemned to extinction because of its inability to change. But of course the reverse of this state of affairs would be a more accurate indication of reality. All cultures change and adapt to their environment – and here one refers to ‘environment’ in its widened sense, to embrace Mankind as one of its components. Thus, as the need for new institutional rules to control Dore’s feared ‘free riders’ is perceived to be a requirement for good governance – and given that State bureaucracies remain too weak or are sufficiently enlightened to refrain from too much overt interference – then are rules invented to cope with new situations.

The management of water provides a splendid example of what I am suggesting. There are few, if any studies of pre colonial irrigation ‘schemes’ in Zimbabwe. The account of irrigation on the Nyanyadzi River is one (Bolding, 1996). The point is irrigation farming of a common pool resource was not a common pre-colonial practise in Zimbabwe (unlike the Chagga in Tanzania) and although it may have been practised in Nyanga and other parts of the Eastern Highlands we have no extant records of how this was done. Certainly the Murisa people have no knowledge of such indigenous management systems. So we are left with the notion that customary law dictates that water belongs to God and that all have equal access. Therefore, say the likes of Dore, there are no rules of exclusion.

This ignores the way landscape is perceived by people in the Communal Lands. Resources are not perceived individually or in isolation. Rather are they perceived as part of an integrated whole. Thus management of resources is systemic rather than Cartesian. The Murisa dam was built to supply water for cattle. It is used by a group of women to irrigate their gardens. To build the dam all the commons had to be considered: land for the dam and the gardens as well as water for the dip and school. This meant excising part of the grazing land falling into the *musha* area of Marime. This in turn involved the introduction of specific rules of exclusion/inclusion – proprietorial rights for participants in the wider objective of the dip and of the narrower pursuit of an irrigated garden.

A dictum of CPR management theory is that the larger the ‘community’ the more heterogeneous it is, and therefore the harder it is to impose meaningful social sanctions on free riders. Thus units of management should be as small as compatible with the social, economic and resource specificities of scale. The issue of who is best suited to manage at this level is also crucial: traditional or statutory local government? And what is the desired level? Is it ‘district’ or is it something even smaller? Does the unit of management/governance have sufficient constituent accountability to be able to counter

balance or control the expropriative inclinations of the district or state levels? Finally does the institution charged with the management of the resource or resources have the accountability to be able to manage its environmental dwelling? The case studies of Murisa, Msitwe River Board – and Shindi Community Board – offer useful comparative insights.

## 7.5 Exclusion and Proprietary Rights

In many interviews throughout the research area the question was posed as to how an individual or group of people gained access to a resource, either an extant natural resource or a ‘project’ such as the Murisa Garden Project. The most graphic reply – which indeed summed up the general responses – received in answer to “How would a late-comer gain access to a garden plot?” (By late comer was meant someone who had not participated in the earlier communal work on the dam or the garden surrounds – fencing, tree planting etc.) the respondent’s answer was:

“Kana munhu achida kupinda mumba anombogogodza – When a person wants to enter a house, he first *gogodzas*”. It is customary when seeking admittance to utter the onomatopoeic phrase *gogogo* – to *kugogodza*. The reply is *pindia* – ‘enter’.

By responding to the question in this way the respondent implied the applicant must politely ask for entry. When asked how the applicant was expected to *gogodza* the respondent explained:

“Those of us on the scheme have expended much time and labour to reach this stage. The new comer must catch up with us. Usually this would be a cash contribution to the project, once he or she had been approved. As to approval on this scheme – we approve only people who are members of one of the Murisa *misha*.”

This is an example of the dynamism of ‘traditional customary law’: membership of the Murisa community being a prime requisite and ‘new institutionalism’ – in the shape of cash contributions – replacing more traditional tokens to indicate admittance and acceptance (*kutenda*) into the dam and garden projects. The newcomer is expected to compensate in cash for his or her lack of participation in the project to date. Similarly a person seeking admittance into a *musha* would be obliged to make ‘customary payment’ to the traditional leadership before being admitted to the community and gaining access to resources.

Here one must stress yet again that *resources* is not only ‘natural resources’. It includes the enormous resource of acceptance by and admittance into the extended kinship arrangements; and acceptance by the *mhondoro* and the *varidzi vepasi*. It is acceptance into becoming a part of *nyika*. That this has now come to be a payment in cash and is

seen by many as an outright purchase is not to diminish the ‘customary’ view of land and resources as being inherently owned by the ‘*varidzi vepasi*’ – the traditional owners of the land.

Chapter 5 described, *inter alia* the notion of *musha* and the proposition of ‘soft boundaries’ (Mandondo, 1998). Strict rules of exclusion develop out of a perceived reduction in access to a resource or resources. I would agree with Mandondo that such strict rules become necessary and are perceived as such as the resource scarcity creates increasing tension and haemorrhages in the body politic. It is this dynamic, based on local life experience and necessity, which provides resilience. When it is unnecessary to enforce foraging rules regarding the collection of mushrooms, for example, then no one bothers. Place a monetary value or create a scarcity and rules are enforced in order to prevent disruptive conflict situations. But in essence the rules/laws are ever present, it is only that they are not always enforced. It is this fundamental verity that may not have been perceived by other observers.

It is hard for any individual or group to envision the length of river. One’s concerns are with the stretch from which one derives one’s water. ‘Downstream it becomes someone else’s but here it is mine’. Or even more usually any water that passes down stream is ‘wasted’ as has already been shown in this and the preceding chapter. But as circumstances create situations where rules become necessary, so the expropriators of a common pool resource will move towards some sort of arrangement that reduces conflict.

This is demonstrated in a neat paper based on a case study of the Nyachowa River in the Mutare district, where the principle of ‘everyone is entitled to water as a God given resource’ forms the basis for compromise along the over utilised river so that nearly everyone gets something (van der Zaag and Roling, 1996) and where the *sadunhu* is the most prominent player in bringing this about. A similar solution seems to have been applied along the Nyanyadzi River, “Informal principles of dealing with scarcity of water seem to be based on giving every stakeholder ‘a chance’” (Bolding, 1996:215). ‘Giving everyone a chance’ could be regarded as an interpretation of two customary law precepts: ‘water belongs to God; and no one may be denied access’ and in the event of dispute, it is the arbitrator’s first duty to seek compromises so as to heal rifts in the body politic. The notion of ‘dwelling’ and ‘people-in-environment’ (Davidson-Hunt and Berkes, 2000) is compellingly portrayed by these worldviews.

## **7.6 Summary**

In chapter 6 the point was made that “water management to be successful requires some sort of legal status whether this is customary or contemporary law or a combination of

both” (Berkes, 1989:27). No matter how water is appropriated or allocated, the underlying fact is that water is a common pool resource, regardless of the institutional and organisational arrangements. Managing a CPR is complex. Fundamental to successful management is the necessity for the institutional arrangements governing access and exclusion to be understood, accepted, enforced and enforceable (Ostrom, 1990).

It is a postulate of this thesis that these ingredients are most likely to be made socially functional when they conform to the worldviews of the concerned social unit or community. It is this latter component that provides the necessary stability and legitimacy giving the system sufficient resilience to manage the complex interconnected system that comprises what I have termed the arena of adaptive management.

Chapters 6 and 7 present two contrasting case studies of resource management at local level. Chapter 6 is an example of techno-bureaucratic management where resource management is constrained by laws and regulations created and dominated by the State. In chapter 7 it is epistemic customary practices that provide an institutional framework for a holistic, systemic resource management regime. *The case studies seek to illustrate the strengths and weaknesses of the two ‘types’ as well as provide data for the analysis of any contextual similarities (consistencies) and differences (variables).*

#### *Similarities*

Both case studies demonstrate that the state bureaucracy is unable to penetrate effectively on a continuous basis to the local level. This means that local level communities need institutional structures to assist in the management of their resources – in the case studies water is the main focus. In the LSCF a techno-bureaucratic institutional framework is introduced by the MOWD. Users do not participate in the formulation of its structure, rules and regulations; or its powers and responsibilities. They are encouraged to form a board because the MOWD simply does not have the capacity to ‘police’ the use of irrigation water down to field edge. Though there is provision for the board and thus the users to be consulted on appropriations, in practice this is not taken seriously by the state officials, whether hydrologists, agriculturists or jurists though the board representing irrigators initially thinks otherwise. Thus no real jurisdiction over water is de-centralised to the board.

In the case of the CL case study, there is a similar lack of capacity by either central or local government to involve itself in any meaningful way at the local level. State imposed structures such as the district council and its WADCOs and VIDCOs lack the credibility and capacity to give institutional support to local initiatives or the management (conservation, development and appropriations of resources). However, in

both cases the State denies the local community any real devolution of jurisdiction over resource management.

In both cases the data suggests that a key ingredient for effective resource management was not provided by the State's statutory institutional dispensations i.e. that rights and obligations must be understood, accepted and enforceable by the community. How the communities coped with these deficiencies becomes the core issue in regard to substantiating my claim that in the CLs it is the indigenous institutions that provide communities with appropriate alternative institutional support.

Another striking consistency is that both the LSCF and the CL communities have a strong belief in their rights to water that extends only to the limits of their own requirements and usage. They are not concerned with what happens to water down stream – whether this goes to 'waste' or is insufficient for the requirements of users below them.

In both scenarios, powerful elites were sometimes able to ignore peer groups and informal institutional sanctions. In the LSCF Smith was able to dominate the Upper Mutorashanga catchment, force through his 'rights' even when peer pressure demanded he conform to conventional ideas of farmers supporting one another. In Murisa, Bramwell Murisa was able to 'get away' with the trespass of his cattle through the vegetable garden plots, because he was at the time so powerfully placed as a gatekeeper with the GRDC and the ruling ZANU(PF).<sup>99</sup>

### *Variables*

The most striking difference between the two case studies, as the chapter headings suggest, is that the management system imposed in the LSCF area is based entirely on techno-bureaucratic criteria, where as in the CL local management, in the absence of strong State intervention, reverts to indigenous, holistic resource management.

In the LSCF, water is deemed to be managed as a discreet resource, using technical criteria such as catchment capacity, mean annual run-off, measurement of flow and abstraction etc. to determine allocation and usage. In the CL planning, development and management of the dam is part of a wider, inclusive approach to the management of the total environment. The need for all to have a share (if only in theory); the shared need for a dip-tank, not only because of the environmental degradation induced by its absence but because of the impact of its absence on the time and resources of cattle

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<sup>99</sup> Local displeasure eventually succeeded in bringing him down, however. Both he and his wife have been accused of misappropriations. They are planning to leave the district for a resettlement area.

owners; the need to maintain social equilibrium as far as this is ever possible; all these are factors that influence the way the environment (including the human component) is managed.

By far the most significant variable highlighted by the case studies is the way the two communities coped with the inadequacies of the State's institutions of management or governance. The LSCF lacked any local formal or informal institutions to replace or substitute those imposed by the State other than normal peer cooperation. When this was too weak to cope with the resolution of conflicts, they were helpless to provide solutions without resorting to the formal courts of the land. In the case of Murisa, statutory arrangements created a degree of plurality that in some ways weakened their powers of local traditional governance, but in the final analysis it was these local institutions that gave the necessary cohesion and resilience upon which the community relied for the governance of daily life.

LSCF perceptions of state techno-bureaucrats is an interesting commentary on the long culture of technical support and extension within the LSCF in so far as farmers have relied on technical advice through the various extension services of government and the chemical and seed companies for the best part of a century. Farmers are inclined to accept uncritically the received wisdom and technical expertise of these agents.

This uncritical acceptance of technocrats seems to have played its part in the remarkably passive response of the board to the continued ignoring of their advice and requests. The attitude is exemplified by the chairman announcing at a meeting of the board which queried the issuance of a second right on the Mutorashanga Syndicate Dam to bring it in conformity with actual volumes, that 'the right had to be issued as this was to correct the engineer's error'. Techno-bureaucratic power is so strong that any error they make must be condoned without question.

While CL farmers may share this reverence for their extension agents, the fact that the degree of contact has become so sporadic means that there is far more reliance on local indigenous knowledge systems (IKS) and it is conventional wisdom reinforced by an almost unconscious understanding of the complexity of human and natural resource systems that dominates every day management and governance issues.

Thus there has been a return (has there ever been an absence?) to practices that conform to worldviews and resonate with their institutional arrangements. For example, scattered homesteads have started to replace the centralised village 'lines'. "Inchoate landscapes of scattered huts and disorderly livestock and crop production" (Keeley and Scoones, 2000:14) re-populate the landscape, having by a slow process of dispersal, escaped the "rectangular grid of civilisation" (Comaroff and Comoroff, 1991 quoted by Keely and Scoones, 2000:14) and the "iron cage of bureaucracy" (Keeley and Scoones, 2000:15).

This resilience is a product and a component of the indigenous institutions that provide the main ingredients of governance at the local level. It is their presence and their strength that enables a community to pursue a programme for a period of over twenty years, and to absorb and adapt to the changes and trauma of centralisation, local government legislation and successive water laws without serious damage to their social fabric where as the LSCF has no such safety net and has to resort to outside institutions (the courts) to try and resolve irreconcilable conflicts within its jurisdiction.



# Chapter 8

## Culture, Continuity and Change

*“Conservation is about nature, but it is also inextricably about culture”*

*Adams 1996:96*

### 8.1 Introduction

This thesis examines culture, continuity and change in the context of natural resource management. It substantiates the hypothesis that the indigenous traditional institutions of governance are the most effective for the management of natural resources in Zimbabwe’s Communal Lands.<sup>100</sup> This proposition has been supported by a series of case studies and narrative material that comprises the main body of the study, validated by comprehensive and cross-disciplinary data from relevant literature. Research was based on a diachronic methodology, implying comparisons and analysis through time. Analysis focused on the identification of key indicators that seem to encourage institutional efficiency and conversely those that may curtail the management of resources. This chapter is an attempt to make observations and to engage in discourse over issues of governance, in order to draw final conclusions.

In general science advocates an integrated, holistic, systems approach to natural resource management. Circumstances and considerations coalesce to create conditions for optimal efficiency. How they do this and why they do this are determined by a complex and ever changing array of issues and events. Applied social science strives to capture their dynamics, and to describe and analyse them to determine best practice. The paradox is that this requires a degree of Cartesian descriptive technique, which inevitably produces angled snapshots rather than dynamic, rounded management paradigms. Analysis must strive for a balance between reductionist and systems perspectives in an effort to reach positive-sum, open systems description. In the following discourse it must be born in mind that the subject headings are reviewed

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<sup>100</sup> Caveats to this position have been suggested in the text: most prominent is the problem of tenure and the political reluctance to devolve real ownership at either collective or individual level in CL’s.

within the context of the dynamic systems of environmental and institutional complexity.

## **8.2 Epistemologies**

A key indicator of institutional sustainability and growth is congruence with its epistemic interpretations of the Cosmos. Institutions and worldviews adapt to change in order to maintain congruence with their environment and culture. Worldviews are thus an expression and component of the environment in which they have evolved. As has been succinctly expressed, “group interests (...) are as much a part of the environment as are climate, soils, water, cropping systems and the like” (Chambers, 1983:163).

The notion of ‘environmental dwelling’ has been expressed by Davison-Hunt and Berkes (2000) by which they imply that ‘Mankind’ and ‘Nature’ are actually indivisible and together comprise the environment – Mankind’s dwelling-place. This is what Scoones, less fancifully, alludes to as “(an understanding of) environment as both the product of and the setting for human interactions” and expresses “the need to go beyond the restrictive nature-culture divide (...) to challenge other unhelpful dichotomizations and so encourage a more integrative style of enquiry” (Scoones, 1999:497).

The writer refers to this notion of environment, which fuses the Man/Nature dichotomy, as the arena of adaptive management.

“Recent serious texts and efforts are now addressing interdisciplinary social, economic, ecological and institutional issues. Conservation ecology has provided us with the concept of panarchy and related this to the importance of scale within various areas of analysis and policy support. Ecological economics has (...) extended these (ideas) to permit broader investigations of humans as part of the ecosystem: from it we now have the term *Homo sustinens*.” (Ruitenbeek and Cartier, 2001:3)

These comparatively new scientific initiatives in terms of Western Science march remarkably closely with what in this thesis I have called African Holism. The perceptions, inter-disciplinary strategies and methodologies suggested, coincide with the descriptions of indigenous governance given in the case studies in previous chapters. It is one of the main assertions of this thesis that recognition of African worldviews, rather than their domination by Western notions of science and epistemologies, would enhance local communities’ inherent capacity for resource management.

Despite the changing landscape of culture and society, an historical review of Shona society demonstrates a consistency in regard to their social organisation and institutional arrangements. People's perceptions of how society is structured, of their rights and obligations and of the complex relationship centred on kinship are defining criteria in

the construction and endurance of such institutional models. The charter of legitimacy in these arrangements – the glue that binds together the complex matrix of relationships, of power and status and of rules of governance – is a commonly shared worldview.

There can be no real devolution of resource management that dilutes, ignores or denies this functional reality. It is a strength that needs to be recognised. Politicians, scientists, techno-bureaucrats, practitioners and managers strive for sustainable use of resources. Sustainability is achieved more by resilience operationalised through a guiding epistemology than the sort of immutable stability envisaged in earlier literature (Douglas and Wildavsky, 1982). Resilience may be defined as “negotiation over time” (Murphree, 2001:2). It is a community’s common worldview that provides the roadmap that sanctions these iterative adjustments.

### **8.3 Scale, De-centralisation and Levels of Jurisdiction**

If the traditional *dunhu* is the unit of governance that displays the most ‘fit’ with the requirements of resource management at the first level, it is at this level that one should focus analysis. In doing so it is useful to reiterate “the importance of scale within various areas of analysis and policy support” (Ruitebeek and Cartier, 2001:3). In the management of natural resources there are complex issues regarding the reconciliation of spatial, resource and temporal scale. Murphree (2000), emphasises problems with regard to matching jurisdictional, functional and ecological scale. To manage this complexity he recommends what he terms the ‘principle of jurisdictional parsimony’ to avoid dysfunction in the search for ecological, institutional and management congruence. Examples from the case studies in this thesis illustrate how institutional interventions in the form of the Rural District Councils Act (1988), the Water Act (1998) and the Traditional Leaders Act (1998) superimposed upon traditional institutions of management – and upon each other – have produced a complex overlap of jurisdictions and diluted the functionality of traditional institutions although they nevertheless remain the *de facto* instruments of daily governance at the local level.

This thesis, in line with the principle of jurisdictional parsimony, suggests that devolution to *dunhu* level (grounded in appropriate graduated levels of jurisdiction) would create the required institutional congruence between resources, institutional functionality and worldviews. In making this proposal, one must emphasise that it is their qualities of institutional endurance as well as their adaptability in the face of exogenous influences that contributes to the resilience so necessary for functional governance at local level. In many instances adaptations have been more cosmetic than substantive – tactical rather than strategic. Slight iterative shifts often have high value tactical returns.

Examples include the role played by well-placed political figures as gate-keepers to outside resources; the ‘placing’ of councillors with strong lineage and political connections; the obliging convention of forming committees to satisfy outsiders; and the way the dysfunctional dichotomies of VIDCO and traditional *dare* are managed. The data is convincing that the indigenous nested levels of governance continue to be the main institutions of management at lower levels. It is these iterative adaptations to accommodate intrusive changes and mould them into acceptable instruments that accord with society’s perceptions that underpin this remarkable resilience. How the enduring strength and relevance of these nested jurisdictions can best be strengthened and merged with the formal institutions of State, rather than weakened is the abiding conundrum. I shall return to this below.

Economics, demographics and surprise events also influence institutions. The Zimbabwean economy has been characterised by a pattern of consumptive extraction of iron, copper, gold, silver and ivory for something like two millennia (Dart, 1955). There can be little doubt that Zimbabwe’s wealth in minerals and ivory helped to shape social and political structures, and influenced tenure arrangements and livelihoods. The scale of jurisdictions and the power of central hegemonies varied through time depending on the relative strength of state institutions. For example, in the mid to late nineteenth century, the events of the *mfecane*<sup>101</sup> caused by Nguni and Sotho upheavals in the South had traumatic effects on Shona dominated areas. They coincided with instability brought about by disease in both humans and cattle<sup>102</sup> and certainly led to the demise of the Changamire Rozvi State. There was, in consequence, considerable movement of people and re-alignment of allegiances and a scaling down of the units of governance. It was first- level governance that retained a level of stability and was of primary significance in the management of resources and indeed of governance in general during this period.

By the end of the nineteenth century, eye-witness accounts (Beach, 1980; Bent, 1969; Edwards, 1960; Posselt, 1924; Ranger, 1999), combined with oral tradition to provide a picture of small polities moving their settlements deeper into the refuge of the hills and

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<sup>101</sup> The *mfecane* is the Zulu word used to describe the upheavals that were started by the rise of the Zulu state under Chaka and which caused widespread redistribution of populations, migrations from the south as far as Tanzania, widespread disruption, famine and war.

<sup>102</sup> A pandemic of pleura-pneumonia, which reached the Ndebele in 1861, came at the same time as major epidemics of smallpox and measles ravaged the entire subregion. “This in effect was the beginning of the forcible incorporation into the world capitalist colonial system of the Zambezi-Limpopo Highveld – ‘softened up’ by the rapidly spreading diseases (...) which caused dislocation and disequilibrium to African societies a generation before European political pressures were applied” (Roberts, 1979:88).

koppies. This was probably a replication of settlement patterns in the days of inter-Shona wars (what Beach (1980) refers to as the ‘little society’) and suggests that settlement may have always tended to be near or on defensible sites.

The data shows that scale, formal de-centralisation and graduated levels of jurisdiction alter through time, depending on the strength, will and capacity of central institutions. At lower levels, however, there is a greater degree of consistency and stability. Data in this thesis suggests that while chiefdoms (*nyika*) may vary in scope and scale, and while *misha* may expand and contract through time, the relative stability of the *dunhu* has important implications for resource management as functionally the most appropriate and resilient unit of resource management within the traditional socio-political hierarchy.

#### **8.4 Discourse and Disagreement on Institutions, Landscape, Tenure and Settlement Patterns**

There are those who vigorously challenge the construction hypothesised in the previous paragraphs. Cousins synthesises an hypothesis emanating from work done in the nineteen eighties when he states:

“Recent work by Scoones and Wilson (1989), Cheater (1989) and Ranger (1988) have (sic.) pointed to the discrepancy between commonly held views on the nature of the ‘communal’ tenure system in the CLs and the actual practice in the past and today. They point out that ‘traditional tenure’ is largely a colonial construction, (now accepted by post-independence policy makers), invented because it was useful to the shapers of the labour reserve system.” (Cousins, 1993:10)

Although the writers differ in their emphases, they are in broad agreement with regard to these aspects of ‘communal tenure’ in the colonial period:

- Self selection of lands rather than chiefly allocation, in the early colonial period at least;
- Inequality of land holdings as against the common presumption of an inherent egalitarianism;
- Individual proprietorship and cultivation of arable lands rather than collective use;
- The emergence of individual entrepreneurship from within the system, as against a supposedly inherent subsistence orientation;
- The relative security of individual holdings.

Cousins goes on to report

“that the dominant farming system in the nineteenth century was not shifting cultivation but intensive, continuous cultivation of vlei areas, under the direct control of war-lord chiefs. Social control over commoners was directly political in character, and exerted through blocking their access to labour, rather than through land allocation.” (Cousins, 1993:11)<sup>103</sup>

The analysis by Scoones and Wilson (1989) and of Cousins (1993) has some commendably succinct points to make. It came at a time when received wisdom portrayed the CL indigenous social organisation and attendant resource management as egalitarian, communal and subsistence oriented. The five claims, listed above, would today receive little in the way of opposition. But they display vulnerability when they conclude from this that twentieth century chieftainship was a colonial invention, or that the pre-colonial leader was little more than a ‘war-lord’.

These scholars correctly conclude on the evidence that traditional land rights conveyed a degree of ‘ownership’ on the recipient (GOZ, 1994), and that land holdings were largely dependent on the energy and influence of the individual. Because of this they infer that the chiefs – or the traditional authorities – were not pivotal to the indigenous system of tenure. They go so far as to say, in fact that

“(A) mythology of chiefly allocation of shifting cultivation farming lands has grown up in which land was allocated by ward heads or chiefs, with the land remaining the property of the community at large. The land was held by the chief in the name of the patrilineal ancestors, elevated to the role of land spirit guardians. This model is ahistorical, though it is justified on the basis of tradition.” (Scoones and Wilson, 1988:31)

This statement, unsupported by any reference to source of authority, shows a lack of understanding of indigenous perceptions of landscape and of how tenure over resources, particularly land for cultivation, was (and still is) perceived and managed. Chapter 5 addressed, *inter alia*, the idiom of possession or right to land use. This was illustrated by the example of the traditional token of acquisition, enshrined in the formerly practised ceremonial practice of *kudzikira bango* (Holleman, 1952:6) which demarcated the centre of the recipient’s land right, not the outer perimeter. That the outer boundary may have been determined by the energy or influence of the recipient is not to question the overarching traditional authority of the chief or of the boundary of the *dunhu* or *nyika*. At the local level, what changes the mechanisms that enforce boundaries is the relative abundance or scarcity of land. As Muir Leresche (1999) points out, when the

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<sup>103</sup> Cousins uses Scoones and Wilson (1989) as his authority for this assertion.

demand on the resource becomes more intense the boundary becomes more precise. This is a dynamic as old as we are as a species.

Robert Ardrey quotes two authorities on the subject of territoriality:

“(Harvard biologist) Ernst Mayr (...): ‘If territory is of survival value, then you’ll be territorial. If it isn’t, you won’t bother.’ And another of Harvard’s great biologists, E.O Wilson (...): ‘Territory is a set of behaviours independently evolved (and sometimes lost and re-evolved) of varying intensity and form, moulded during relatively short periods of evolutionary time to meet particular environmental exigencies’”. (Ardrey, 1976: 102)

While it may seem curious<sup>104</sup> to quote from Ardrey, who in turn is citing two biologists, the statements – particularly the second – help us to understand the fluidity of interpretation of what is ‘mine’ to acquire and what may be challenged, in terms that add support to Muir-Leresche’s economist’s Pareto-based model. Biology, it seems, is at one with economics and the New Institutionalism. Institutions designed to control access to resources are consistent with E.O. Wilson’s proposition that our attitude to territory – and thus to definitions of what is my entitlement and what is not – are very clearly defined and influenced by the need to ‘meet particular environmental exigencies’.

This thesis has illustrated the point that the delineation of boundaries is clearest and most vigorously applied where there is a high concentration of population and therefore pressure on resources; and that these are less important where there is an abundance of land and resources. I have also stated that it was, and still is, the *dunhu* boundary that is usually the most clearly demarcated below the chiefdom, and well known to those concerned with power, status and the governance of resources. It is at this level that governance or management is an observable functional reality.

It is necessary to elaborate on the discourse in chapter 7 in regard to resource allocation. Within the *dunhu*, in less populated times and places, the boundaries of *misha* are or were less precise. This is particularly so in regard to shared grazing areas and what Nhira and Fortmann call the ‘social forest’ (Nhira and Fortmann, 1991) or indeed the whole ‘Commons complex’, to borrow a term from Sithole (1993:3). Thus the suggestion by Scoones and Wilson that because village heads, or even household heads, in times past may have simply opened new lands or extended existing ones implied a

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<sup>104</sup> Ardrey is viewed by most conventional academic social scientists with some caution, and even by some with hostility. He proffers unconventional hypotheses with the dramatist’s (he was a successful playwright) flourish that tends to obscure his scholarship. His underlying thesis that man evolved because of his success as a killing animal is greeted with dismay by more politically conventional scholars.

diminution of the role of higher traditional leadership in the determination of access to territory, is misleading.

In this regard, it is also important to record the normal institutional rules<sup>105</sup> governing individuals' access to land and resources – indeed to reside within a given community. These rules are a logical and sequential demonstration of the nested levels of authority implicit in the indigenous system of governance. That they have been eroded and altered over time, does not diminish the substantive base upon which they exist. In fact when other forms of governance falter or fail, it has been observed that the indigenous institutions are the only functional form of legitimate governance (Anstey and de Souza, 2001:195-207; Latham 1995; Hulme and Murphree, 2001).

At *musha* level a *samusha* is empowered to allocate resources to members of his *musha*. Outsiders from within the same *dunhu* wanting to settle in his area must receive the sanction of the *sadunhu*. Outsiders entering his area from outside the *dunhu* or overarching *nyika* can only be approved by the chief (*mambo*), who acts in dare with his advisors sitting as a land tribunal, where they consider the recommendation of the relevant *samusha* and *sadunhu*. “The chief is the overall land authority for his *nyika*. Within the *nyika* the various *masadunhu* are delegated land authorities for their *dunhus*, always, however, with the understanding that they must refer to the chief as the ultimate authority on matters of dispute” (GOR: 1963/1967:ii).

Ten years before the delineation reports, Holleman reported:

“In spite of differences in size and numbers of population, the function of the *dunhu* is the same. It is a sub-division and component part of a greater tribal grouping (*nyika*), and it consists of a number of separate and mutually independent villages under the political control of a hereditary ward headman (*sadunhu*) (...) As in the village, the population of the ward is composed of a nuclear body of agnatic kinsmen of the ward headman.” (Holleman, 1952:11)

He goes on to make the point that although kinship is an important element in the composition of a ward, ward unity is based on territorial grounds rather than kinship. A study of Shona land tenure reveals that the *dunhu* functions primarily as a land unit. It is the semi-autonomous *dunhu* community, which holds the communal right over all the territory within its boundaries. It is as an accepted and eligible member of this Common Pool Resource (CPR) that a person may make use of the land for building and

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<sup>105</sup> Every community interviewed by delineation team during the period 1963 to 1967 gave these institutional rules. People were questioned from all strata of society from chief to commoners. The response was similar throughout the country, including Ndebele speaking areas. That this response sometimes may reflect a perception of how things should be and not what they actually are must of course be factored in.



cultivation purposes. “When this happens the communal right of the ward appears to be largely suspended from areas actually held and used by member villages, while it remains in force throughout the rest of the ward territory on which no such individualised rights are vested” (Holleman, 1952:11). These latter portions of the CPR thus remain available for the reasonable requirements of all ward members and may be used collectively for grazing purposes, while the natural resources (firewood, wild fruits, honey, water, game, pot clay, thatch, etc.) may also be used by them.

Even from the individualised *musha* areas the communal right is never completely removed. “It may be temporarily suspended in favour of the right of the village, and this suspension may last as long as the latter right remains effective, but its grip is resumed, partially or fully, as a matter of course as soon as the right of the village either weakens or ceases” (Holleman, 1952:11).

The notion of a village site being given up is largely fictional. In my experience this only occurs when people are disrupted or in rare cases when they voluntarily decide to re-settle elsewhere. In the latter case it is more usually the rule that some members remain behind and simply expand their *mana* into the largely vacated area of their departing kith and kin. This notwithstanding, local level acknowledged authorities on indigenous law were unanimous in averring that the land reverts to the *nyika* once a village vacates the site. Yet interestingly the area abandoned is often referred to as ‘*dongo raNingi*’ – the abandoned village site of so and so – for decades afterwards. When walking through uninhabited forest, one has sometimes been told that this is someone’s dongo. The presence of burial sites probably adds credence to this association of locality and identifiable people.

Of particular significance in the conflicting perceptions of this observer and that of Scoones, Wilson and Cousins are the incisive remarks by Holleman in the paragraphs. This is the idea that once a village (*musha*) is in place its rights supersede the ‘communal right’ of the *dunhu*. Holleman suggests that they temporarily suspend the rights of the *dunhu* and may revert if the *musha* moves on. While this may have applied in the past where populations were small and territory large, the distinction has now become blurred. But nevertheless, the perception is still extant and explains why *musha* boundaries are less formal than *dunhu* boundaries and why in the non-arable areas there is less concern with distinct lines of demarcation. It explains further, why *masamusha* ‘invade’ these areas and settle their followers, thereby establishing a *de jure* claim to real estate in terms of indigenous law (Andersson, 2002).

The notion of *dunhu* is still an observable and functional reality. My research in Guruve in two *matunhu* (Murisa and Nyamhondoro) during the period 1997-2003 shows no significant changes since Holleman’s findings reported above. Nor is there any

significant change since the delineation exercise of 1966-67. In this period (1997-2003) I also revisited a *dunhu* in Zvimba (Chimbamauro) that had been ‘delineated’ in 1966. Its identity and status had altered only marginally as a result of VIDCO and WADCO interventions. Local informants all stated that it was the *sabhuku* (*samusha*) and *sadunhu* who were the land authority and that VIDCOs and WADCOs generally referred to them on matters of land allocation. “VIDCOs are for development. In land cases it is the *sabhuku* and *sadunhu* who are the ones who *tonga*”. A visit to chief Bushu’s *nyika* in Shamva district in 1999 showed similar consistencies.

These data reflect the reality of peoples’ attitudes to tenure and the governance of local resource issues; and they show that they have enduring value and pertinence for local communities. In refuting Scoones and Wilson, Cousins, and Cheater I must stress yet again the enduring nature of the institutions of indigenous governance, and their close association with territory.

### **8.5 Patterns of Settlement and Landscape: The Interface of Culture and Environment**

Using the five points made by Scoones and Wilson (1989) about patterns of settlement as a point of departure, a further determination based on the data in this thesis needs to be expanded. It is empirically obvious that the landscape of the Zimbabwean plateau is conducive to settlement in or near hills that provide refuge and defence; and that are often located close to springs at the head of *dambos*. Springs and water points often have their source at the foot of the granite outcrops thus making them sensible site locations. It is reasonable therefore, as postulated by Scoones and Wilson (1989) that the most pragmatic choice of arable cultivation would be in fertile *dambos* and in the alluvial soils of river valleys, where water is plentiful and situated where possible near homesteads, in turn situated on hills for easy defence. What seems to be compelling proof of the desirability of this use of landscape is exemplified by the return to this sort of settlement pattern after Independence, described for the Murisa *dunhu* (see chapter 5).

Indeed, this use of landscape forming the basis for local level livelihoods and social institutions is reasonably merely an echo of the settlement pattern so dramatically exemplified by the historical stone buildings that are a ubiquitous feature of the Zimbabwean countryside. They too differed only in scale and the grandeur of the architecture and thus the numbers of people they supported. They were obviously a natural evolution of existing settlements. It is surprising that current social ecology has

paid so little attention to the *dzimbahwe*<sup>106</sup> in our attempts to capture a sense of the institutional arrangements that determined pre-colonial governance, tenure rules and resource management. Even a cursory scrutiny of the massive buildings – both in sheer size and in their distribution across the country – infers a degree of social organisation and wealth that vividly contradicts the pictures of Shona society in the late nineteenth and early twentieth century (Robinson, 1966). The institutional strength required to mobilise so many people for their construction suggests powerful control over large numbers of people. It suggests, further, a form of governance with qualities of endurance and stability indicative of a healthy economy.

History and archaeology generally state that the wealth required for this to happen was based on mining. Another and less heard hypothesis advanced is that prior to the crash in cattle numbers in the nineteenth century brought about by the rinderpest pandemic it was an economy based more on cattle than on mining (Roberts, 1979).

Rinderpest and the resultant expansion of tsetse fly had a profound effect on the distribution of cattle and game, and therefore of people in the latter part of the nineteenth and early twentieth century. This in turn shaped the images of landscape portrayed by early European explorers and administrators of the late nineteenth century; images that influenced environmental policy and practice down to this day. “The early visitors encountered a land ravaged by epizootic epidemics, drought, and famine” (Brockington and Homewood, 1996:92).<sup>107</sup> Land was distributed to settlers without due regard for the rights of local people, sometimes in total ignorance of their occupation. By the late nineteenth century the combined effects of human and cattle losses had reduced the population of both to levels that allowed for these sorts of impressions. The people on the plateau were living in small settlements, usually well hidden in the hills, with small herds of cattle and goats. It was thus easy for the new settlers to discount their presence and claim sovereignty over the land.<sup>108</sup> This set the template for the dual-tenure system that has endured down to the present, with the majority of the population

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<sup>106</sup> I deliberately spell the word Dzimhahwe to differentiate from the Zimbabwe state. Dzimhahwe is a derivation of *dzimba dzemabwe* – ‘houses of stone’.

<sup>107</sup> Brockington and Homewood describe how received wisdom based on these initial views of landscape has influenced generations of environmentalists and nature conservationists, both academic and professional. Yet the premise upon which they founded their work has now been demonstrated as a typical (see also an article Anon. *New Scientist* 12 August 2000).

<sup>108</sup> “You go to a place called Siboutsi. I do not know whether this is a man or a mountain. Mr. Selous is after the opinion that it is a man; but we will pass that by.” Lord Metheun addressing Rhodes’ Pioneer column before departure (Pakenham, 1991:374).

living in ‘reserves’ without recognised property rights, while in the rest of the country radical title to land was ordained.

## **8.6 Surprise**

‘Nature to be conquered must first be obeyed’, so goes the sophistry attributed to Francis Bacon. It makes a point that is so often ignored. Man’s best endeavours, civilisations, and general progress are often subjected to random environmental surprise.<sup>109</sup> As exemplified in the previous paragraph, a series of major events had a profound influence on the flow of subsequent dispensations throughout southern Africa. How people coped helped to reshape their worldviews, their use of landscape and determined the direction of institutional modifications. There is often no way of anticipating events. Society is compelled to accept and adapt itself to the changes wrought by such environmental and other human interventions or it perishes. What sequence or combination of alternatives occurs is sometimes arbitrarily decided, sometimes coincidentally and of course sometimes by deliberate strategy.

## **8.7 Balancing the Centrifugal and the Centripetal**

It is necessary to maintain a balance to what I have been writing, lest the impression is given that exogenous influences are undesirable, whether they be rinderpest or conservation measures imposed by planners from a remote central government. On the contrary, stagnation lies in the direction of isolation. Exogenous intrusions or events (whether by ‘Man’ or ‘Nature’) may lead to beneficial change. But what is true is that very often the deliberate top-down plans formulated by outsiders for the ‘betterment’ of others have effects other than those being sought. It is also true that very often these interventions tell us more about the intentions – often un-stated and sometimes covert – of the intervener than they do about the target community.

Often, exogenous influences produce lasting consequential results that are arbitrary and totally unpredictable. An apt exemplar, as has been stated above, is the rinderpest and consequential tsetse event that created an altered landscape. This landscape was what early European explorers and administrators mistakenly regarded as a pristine environment. This in turn led to the development of the notion of national parks or sanctuaries where Nature could subsist unsullied by Man’s destructive intrusions. Oats (1999) for example, seems to believe that the truly natural state of the environment

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<sup>109</sup> The devastating tsunami in South East Asia in 2004 is the most recent and graphic example of surprise as a real component of all systems.

excludes Man entirely and exemplifies the notion of ‘Fortress Conservation’ (Adams and Hulme 2001).

Other exogenous intrusions such as new technology and the expansion of Zimbabwe’s foreign trade have helped to shape the economy, and with it the relationship between people and their resources. One can postulate that until the expansion of extractive crop production, brought about by intrusive foreign influences, the Zimbabwean economy was dominated by cattle, mining and trade. Crop production could only have been regarded as a subsistence strategy: the annual production of sufficient food to sustain the population.

### **8.8 The Past is the Present Country: Iterations of History and Landscape**

All this suggests a number of issues. The first is that pre-Nguni Zimbabwe must have, in part, had a character very different to the landscape projected by many early British accounts of what they encountered. It suggests a society with a wide differentiation of wealth and power between the poorest commoners on the one hand and the nobles and those with access to the cattle, minerals, and ivory that formed the basis of power and the export trade on the other. Society was far more stratified in terms of wealth and influence than received wisdom would suggest – and here I agree entirely with the Scoones, Wilson, Ranger, Cousins, and Cheater school of thought. Not only was it stratified but also it must have displayed considerable specialisation. History and archaeology inform us that mining was a considerable industry. Iron founding (Hwedza Mountain) was another industry involving specialisation. Hunting, though probably universally undertaken, was also an area where specialist professionals would certainly have featured.<sup>110</sup>

Cattle holdings on a large scale must have been dependent on the control of territory. Large herds of cattle would also suggest a transhumance pastoralism (Roberts, 1979). There was considerable fluidity and movement of groups of people within the major state areas (Beach, 1980) as well as struggle for control of territory involving lesser polities. One of the endemic characteristics of Shona political entities is segmentation, brought about by the collateral system of inheritance and the structural weaknesses thus

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<sup>110</sup> Even today skilled hunters are regarded with some awe. Many are believed to be possessed by a patronal spirit (*shavi*) that accounts for their skill: they are possessed by a skilled ancestor, who in turn may be possessed by a leopard or other hunting animal.

created.<sup>111</sup> All these factors in combination would have created perceptions of landscape and resource use that influenced settlement patterns and the institutions of government, just as they have done in the twentieth century.

The main point, however, is how pre-Nguni settlement patterns were probably constructed and how these were subsequently influenced by changes wrought by invasion by the Ndebele, subsequent colonisation by the British and interventions by the post-colonial regime. One of the most reliable accounts of settlement patterns, agricultural and pastoral resource use is documented by Ranger's (1999) 'Voices from the Rocks'.

Ironically, though at the heart of the Torwa and Changamire states and later the Ndebele hegemony, the Matopos, by nature of its terrain retained its settlement patterns, tenure arrangements and indigenous governance well into the twentieth century. Ranger (1999:18) quotes from two sources, one from the nineteenth century by E.P. Mathers<sup>112</sup> and the other from the twentieth century oral historian Dawson Munjeri.<sup>113</sup> Munjeri writes "The *sipiti* (small springs of water) provided good pasturage which in turn encouraged the Nyubi to keep large herds of cattle". Mather reported in more detail:

"(t)heir mealie gardens in the rich soil of these valleys produce good crops. Their method of cultivation is to cut down the trees to within three feet of the ground, or merely to strip the lower bark and so kill the tree. They thus obtain the necessary light; they then raise the ground into ridge and furrow two feet high and two feet apart. On the ridges they plant corn. The Shashani River has water running through rocky pools and the large mealie gardens on its banks testify to the richness of the soil."

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<sup>111</sup> Collateral succession is defined as inheritance not through direct primogeniture but through (in the case of the Shona) male siblings of succeeding generations. This leads to inevitable competition between rivals caused by imprecise data on relative ages and generations. Oral history records countless instances of disgruntled claimants to a particular *umambo*, departing with their followers to form their own political unit in some vacant area, or re-aligning themselves to another *mambo*.

<sup>112</sup> E.P. Mathers (1891) "Zambezia; England's El Dorado in Africa".

<sup>113</sup> Dawson Munjeri, (1986) "Oral Traditions and the Matopos Hills" in C.K. Cooke's *The Matopos Hills. A guide*.

Munjeri adds “The settlements were small all though numerous. (...) There were no powerful chiefs (...) nor large towns” (Ranger, 1999:18).<sup>114</sup>

These descriptions of landscape have currency for the Murisa Ward, in Guruve one hundred years later, despite the upheavals of colonisation, imported ideas of conservation and land use planning; and finally post Independence social and political reforms. People have drifted away from living sites in the centralised lines along ridges. Some have built their homesteads in what was previously demarcated as grazing area, closer to water sources and to hills on which firewood may be found.

“The most significant method of arable expansion into grazing lands is through home field around the homestead. (...) The reasons for this are not only to extend access to arable land, but are agronomic. Home fields enable the application of higher rates of fertility inputs without transport problems and the benefits of homestead litter may also be considerable. These fields also enable farmers to guard their crops from livestock, and hence to plant earlier.” (Scoones and Wilson, 1988)

This pattern of land use has been described in some detail in chapter 5. What seems to be clear, from the records and reconstructions of history, is that the use of landscape as described above, has been an outcome of Shona institutional arrangements, crafted around a worldview and knowledge of landscape and that it has been around for a long time.

This does not mean that some exogenous interventions do not have profound impact and force changes to both the social fabric and the planning and management of natural resources. Their impact, however, may be less than enduring if they fail to comply (have fit) with the indigenous perceptions of land use and the worldviews that underpin them. At the local level there is a constant interplay between people and their environment: the arena of adaptive management.

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<sup>114</sup> Ranger points out that these people lived here close to the centre of power and yet their governance of local affairs was not affected to any great extent. That this may have always been the case throughout the early Zimbabwean era and in colonial and post-colonial times is supported by an incisive study of Buhera (Andersson, 2002). Andersson’s thesis suggests that in the colonial period the knowledge and control of the administrators was not nearly as intrusive as either they or subsequent narratives would suggest. “(S)tate control over the southern Sabi (sic) Reserve was limited in the early colonial period. Scattered water sources and the few records towards the south-eastern end of the sub-district seriously hampered the surveillance of its inhabitants” (Andersson, 2002:21). Even in the fifth decade of the last century contact and communication within the district was difficult.

## 8.9 Adaptive Management

Some elements of alien influence are accepted, while others are discarded. The central planning and implementation of the Native Land Husbandry Act (NLHA) saw millions of acres planned and demarcated. Arable holdings of approximately eight acres were allocated to individuals (see chapter 4) who were forced to construct contour banks along lines pegged by professional staff. This notion met with keen resistance, not so much because of the enforced conservation – though this was sometimes projected as the main reason by those resisting the programme – but because it interfered with popular notions of landscape and of lineage rights.

Today, in those sites selected for this study, the contour banks constructed with so much resistance thirty odd years ago are remarkably well preserved. Their worth as soil protectors is well understood and appreciated. More important though, they have come to have incalculable value as easily identified demarcation lines between individual and family land rights. Thus, though the most valuable lands for production of essential subsistence crops may be those immediately surrounding the homestead, the demarcation of which follows less obvious definition, the *makandiwa* have enormous value as land holdings, the legitimate control of which is difficult to dispute.

The examples given in the preceding paragraphs demonstrate how exogenous influences (environmental, political and economic) are accepted or rejected, or more accurately are adapted, to ‘fit’ local perceptions and needs. It is more than a simple choice. What may be rejected for good reason in a given timeframe may be accepted later for reasons not directly associated with the original motivation for its introduction, but because it now has gained legitimacy and functional importance (often for quite different reasons). The innovation may also shift local perceptions of tenure and resource conservation in subtle ways. The NLHA allocations have, after so many years of resistance, come to represent a shift in local people’s notions of land rights (see chapters 4 and 5). In Murisa the lands originally allocated to individuals during the implementation of the NLHA are regarded as ‘belonging’ to the person who obtained the NLHA right. This entitles him to subdivide it for the benefit of family members, though the subdivision is seen in most cases as a sort of usufruct or benefit. The allocation still ‘belongs to *baba* (father)’, I was repeatedly told. But the NLHA allocations also reflect a need on the part of land right holders to have a clearly demonstrable and lasting demarcation of what their entitlement is. This is doubly important, as there are substantial data to suggest that land transfers are now taking place as financial transactions.

Throughout my enquiries in the Murisa area it was obvious that the main cause of disputes over resource use – and land in particular – is the lack of either documentary or physical proof (beacons, fences, contours) that legitimate claims. Thus disputes over rights invariably resort to claims based on historical narratives. For Buhera, Andersson



(2002:76-109) documents the same phenomenon. Sometimes the economic value of the land is often less important than the social and political dimension, thus to an extent revealing the notion of the New Institutionalism from a different perspective.

The drivers of change that influence the way in which people adapt to exogenous and endogenous influences have been exemplified by the paragraphs above. Local level communities adopt strategies to cope with these intrusions, accepting elements that are perceived to be advantageous and rejecting others. For example, NLHA contour banks as demarcations accepted but homestead settlement patterns rejected. Thus it is that the indigenous traditional system has persisted – weakened perhaps, and altered by time and local circumstance – as the only significant, permanent instrument of government at the local level. In so far as the Shona Communal Land areas of Zimbabwe are an indicator, radical institutional arrangements of resource management and control (governance) alter surprisingly little. One reason for this it seems, is that interventions to ‘reform’ resource use whether by government or NGO interventions, lack the institutional capacity and endurance to really penetrate to local level in any meaningful way. Thus it is that local people are able to ‘ride the punches’ of such innovations, accept any aspects that seem to be advantageous, adapt others and discard the rest.

Where institutional practises have a consistent fit with other factors such as agronomic and site security issues and are consistent with society’s worldviews then they persist even in the face of exogenous pressure to conform to other concepts or agendas.

### **8.10 The New Institutionalism in the Context of Continuity and Change**

Another approach to analysis of institutional change is encapsulated in what has been termed the New Institutionalism. For example Haller (2002, after North, 1990) states that indigenous or traditional institutions are retained, altered or discarded depending on their economic worth in reducing or maintaining transaction costs at acceptable levels:

“If institutions work properly they actually reduce transaction costs. If they do not work because (these formal institutions) are badly governed, they in fact raise transaction costs as is shown in the work of exponents of the New Institutionalism (Ensminger 1997, Ostrom 1990).” (Haller, T. 1999:2)

What is especially interesting in these approaches by the New Institutionalists is the focus on what they often call informal institutions. By this they mean rules, values, norms, constraints and customary laws developed by ‘local groups’ (Haller’s rather ambiguous term) to regulate use of resources. While economists may define these as

informal institutions, my definition suggests that the restrictive adjective ‘informal’ is a tautology.<sup>115</sup>

Haller believes that in the “(a)bsence of the effective working of formal institutions, older informal, indigenous rules or transformed versions of these ‘rules of the game’ give local people a framework for action” (Haller, 2002:2). While this is a trend commented upon by other researchers (Anstey and De Sousa, 2001) and one with which I would agree, the revealing aspect of Haller’s remark is that, through the precise focus of his Swiss lens, he consigns ‘indigenous institutions’ to some sort of informal and inferior status. Yet it is on these that people ‘fall back’ (have never truly forsaken?) when the other systems falter. They do this because they conform to their worldviews and have congruence with their daily experience. In short, for them they are valid and they work.

That aside, the proposition presented by Haller is interesting and deserving of serious contemplation. As do others of his school of thought he argues “that indigenous institutions which would actually be beneficial for sustainable resource use but do not give access to cash, are transformed or eradicated, while those local institutions which stay in place, are mostly being transformed for cash-gaining purposes” (Haller, 2002:1). The new institutionalism postulates that institutions prevail, endure, change and develop because of their importance for economic activities. This is because they assist in the reduction of transaction costs. Any arrangement that helps to reduce these costs is therefore valuable. Regardless of the tenure regime or the worldviews of the participants, as the world becomes more and more concerned with money as a means of exchange, and as a commodity for accumulating possessions and power, so any margins that can be gained by institutions that favour these activities will be chosen in preference to those that do not. Put another way, those people who begin to accumulate wealth, accumulate power and thus use that power to strengthen institutions that are useful to, and eradicate those that hinder, their progress. Society becomes more stratified.

Haller’s (2002) hypothesis states that locally developed institutions that were working in former times do not work any more. Those traditional institutions that can be monetarised will stay in place and those that are in the way or hinder the adaptation of local users to earn cash will be selected against.

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<sup>115</sup> My definition agrees with Uphoff (1986) and Dovers (2000) in the modern literature and Radcliffe-Brown’s (1956) in the classic social anthropological sense.

While this view may be considered extreme it helps to illustrate the truth of the intrusiveness of money and its influence. There is little doubt that this plays a significant part in how people and communities alter and adapt their notions in regard to resource management and to issues of tenurial rights. Examples from my research are apposite.

Over the last decade and more, many researchers have commented on the influence of wage and salary earners and the value of their remittances to the development of their home-based resources. My own research has demonstrated unequivocally that the most successful CL farmers and entrepreneurs are those who had access to well paid jobs outside the environs of the local community. Significant portions of their income have been capitalised to construct better homes, buy farm implements and livestock (particularly cattle which have value as draft animals as well as help to increase local power bases). Their farming activities have improved with the timely arrival of inputs (fertiliser, seed) and with improved tillage facilities they have often expanded their holdings by leasing neighbour's fields or encroaching on the commons. Through time, this has increased the wealth and status differentiation. But more importantly, in terms of Haller's model, the effect of capital accumulation on home-sites and the perceived improvement to fertility status of arable holdings has placed a higher value on their traditional land rights. This in turn has caused a change in attitude to tenure.

In Murisa, one key informant came to be in a position of relative wealth through formally transferring much of his wage earnings into cattle and improved buildings and infrastructure. Being the younger brother of a *samusha*, he was also able to exert considerable influence through lineage ties. His brother was also the senior adviser to the *sadunhu*, and so he too became part of the inner circle of decision-makers in regard to local *dunhu* politics. He also positioned himself through other family connections to the powerful ZANU(PF) political structures. The leverage he gained in these ways meant that he was the 'unanimous' choice of the local community when a vacancy occurred in the GRDC. Thus by a combination of coinciding key criteria he entrenched his powerful position within the community.

When the Mugabe government introduced the Fast Track land reform programme, it ensured that as part of its policy of patronage, those people loyal and useful to the regime were rewarded. Thus it was no surprise to any one when he was informed that a farm had been allocated to him. He now had to decide what to do with his assets: arable land (four *makandiwa*), home field, an improved well, a solid homestead of brick under iron and solid grain storage facilities etc. His solution was to put them and his traditional land right on the market for a figure of \$300,000 (2002 values.). When asked how this conformed to traditional notion of tenure and use rights, he showed no discomfort. The sale of his assets meant the sale of improvements. But the purchaser

would still have to be accepted by the *samusha* and *sadunhu* – if he came from ‘outside’ – before he could exercise any rights to resources. Though the improvements were constructed on property over which he exercised traditional use rights – rights theoretically granted to him through rules governing traditional access to resources – he rationalised their proposed sale by the expedient of averring that the new ‘owner’ would have to be sanctioned by the traditional ‘rules of the game’.

Asked if this practice was common informants generally smiled knowingly and pointed out various people who had either ‘sold’ or ‘bought’ their properties in this way. So there is no doubt that the influence of cash and the monetary value being placed on permanent dwellings and other improvements is having a marked influence on how the traditional system of transfer of resource rights is being transacted. Is the *dunhu* being regarded more and more as a sort of community trust, run by the legitimate ‘trustees’ who entrust benefits (rights) to individuals using a bundle of often-conflicting criteria in determining who the beneficiaries should be? ‘Traditional’ rules of kinship and inheritance have blended pragmatically with the inevitable consideration of market values and transferability that that term implies.

In the Zambezi valley the *musawu* tree is much prized for its fruit. This is distilled into potent liquor called *kachasu*. Sales of *kachasu* are a source of considerable wealth. Fruit are also dried and sold in the upland areas. Today there is also a jam making industry using *musawu* fruit. It is not surprising then that the *musawu* trees have become valued property. In the Chizviti, Mukumbura and Kaitano areas trees are fenced off and are regarded as individual possessions. In the Beitbridge area *mlala* palms tapped for wine making are also regarded as the property of individuals. A similar arrangement is evident in southern Mozambique amongst the Tsonga people near the South African border (Latham 1995).

One final example of the New Institutionalism’s principle seems germane to the Murisa, Nyamhondoro and Chimbamauro research sites. Up until the seventies it was common practise to hold communal work parties (*nhimbe* or *majangano*). In exchange for beer and food prepared by the host, villagers would congregate at his fields and cultivate, reap or harvest depending on the season. These work parties no longer occur. Hired wage labour has replaced them. This is partly a result of the widening differential between richer and poorer villagers.

The underlying principle in New Institutionalism provides a useful analytical tool. It not only seems to support the more conventional sociological and historical conclusions in regard to institutional change but provides a useful pointer to the possible future direction in which change might be managed.

### **8.11 Concluding Observations: Constraints and Opportunities**

This thesis has been about sustainable management of natural resources. It has thus concerned itself with the identification of critical inter-related components of governance and management, namely appropriate epistemologies, institutions, plurality, de-centralisation, complexity and scale.

The material in this thesis points to the traditional graduated institutional arrangements of *nyika*, *dunhu* and *musha* as demonstrating the most appropriate set of institutional variables for sustainable management of resources in Zimbabwe's communal lands. Here the word 'sustainable' applies more directly to institutional resilience than to resource sustainability. For without institutional resilience and functional capacity, there can be no sustainability (conservation) of natural resources. The data posits that it is a peoples' worldviews that provide the foundation of institutional resilience. It is the often sub-conscious ontological perceptions that inform epistemologies, legitimate institutional behaviour and determine the use of landscape.

The strength of the indigenous institutions of governance is grounded in their worldviews. It is this that gives them the legitimacy to make iterative changes to accommodate their shifting institutional and ecological environment.

Despite the clarity and logic of the data, successive governments and NGOs, have failed to achieve any real measure of success in sustainable natural resource management by devolution to indigenous structures. There is a growing concern amongst CBNRM practitioners in southern Africa over the apparent "failure of devolution" (Murombedzi, 2005:1).

Management at lower levels is impossible without some form of de-centralisation. De-centralisation broadly refers to the transfer of power from a higher level of government to a lower. Whether this takes the form of de-concentration or devolution, the defining criterion is that the State de-centralises authority to a lower tier of formal government. It is important to stress that de-centralisation is always a process that "occurs between, and within government institutions, agencies and departments. Transfers of authority outside of government are in fact a process of privatisation of authority – to individuals, corporations or groups" (Murombedzi, 2005).

As has been amply demonstrated, de-centralisation generally founders on the rock of central State resistance to any real dilution of its own grip on power over natural and human resources. In this it often has had the support of some of the academic and techno-bureaucratic fraternity. Transfers of authority and ownership to institutions, groups or communities outside the formal structures of government whether they be the private sector or 'traditional' are even harder for them to countenance. Yet if sustainable

management of natural resources is to be achieved, then not only is devolution a requirement, but the ultimate need for a tenure reform process that places genuine power over land use and tenure in the hands of ‘traditional landholders’ in communal regimes is necessary. This goes beyond simple devolution. As Murombedzi (2005:1) explains, this is a privatisation of authority over resources, the ultimate in decentralisation. But “communities do not have rights to these lands and natural resources precisely because they have been historically appropriated by governments, for the benefit of other groups and individuals. So-called communal tenure is in practice state tenure” (Murombedzi, 2005:1; Communal Lands Act: 1982).

CBNRM practitioners, techno-bureaucrats and academics do not generally advocate the transfer of authority and ownership to ‘communities’ or traditional institutions. This is partly because of a degree of misplaced self-interest, partly because of the strength of received wisdom (Leach and Mearns, 1996) and the phenomenon of labelling and black-boxing (Keeley and Scoones, 2000) all of which produce bad science (Clark, 1989, 1992).

As important, if not more so, is that communities themselves seem to lack the institutional and organisational strengths to contest rights on their own behalf. The current methodological paradigm employed by practitioners is to advocate on behalf of communities, to ‘build capacity’ amongst communities so that they are able to distribute and manage any benefits accruing to them as communities – such as CAMPFIRE – but not to actually engage with communities in how they manage or would manage devolved rights. Chapter 9 offers an alternative methodological approach.

If the conclusion of this thesis is that traditional institutions show the most appropriate congruence with the accepted requirements for sustainable resource management because they display resilience, they are congruent with society’s norms and values (worldviews); they are appropriately placed in nested levels of jurisdiction and finally, they are *in situ* – then there is an obligation for science to move beyond academic speculation into the arena of application and practice. Because there is confidence in the data and conclusions drawn in this thesis, chapter 9, as the post-ultimate chapter, proposes a case study for the future, based on scenario modelling and planning.

## Chapter 9

### Breaking the Paradigm: A Case Study for the Future

“Kukanya hurangana: *a communal project needs common consent.*”

*Shona Proverb*

#### 9.1 Introduction

This thesis is concerned with management and governance of resources. Governance implies a need to identify acceptable systems of accountability and representation. The broadly labelled system of ‘Western democracy’ is only one such system. Yet Western worldviews, articulated by their notions of democracy and economics, have profoundly influenced the dynamics of resource management from the smallest scale of local units of governance to those of national polities. The dominance of Western ideologies, grounded in their perceptions of representative government and economics have thus intruded and influenced the governance of developing countries, often with consequences that have inhibited or weakened local level management (Keeley and Scoones, 2000; Murphree and Mazambani, 2002).

This chapter moves towards policy advocacy for a greater recognition of institutions that are an expression of epistemic, indigenous notions of governance, systems that in certain circumstances display a healthy holistic involvement of local communities and are congruent with their perceptions and worldviews. My research suggest that within Zimbabwe's Communal Lands, the spatial, institutional and social unit that seems to best fit this requirement is the traditional ward headman's area (*dunhu*) within the framework of the graduated levels of jurisdiction of a chiefdom (*nyika*). However, a move towards introducing and advocating and implementing such a notion is fraught with a plethora of problems notably in the arena of cognition but also in terms of institutional arrangements.

#### 9.2 Methodology

In its quest for solutions to the problems facing the management of natural resources applied social science has a duty to try and find practical answers, not simply to advance hypotheses based on academic theories and esoteric conjecture. We need to

help develop practical models of resource management, based on iterative experimentation and scenario modelling, in partnership with civil science. This is the operational facet of applied social science, one that is perhaps given less than adequate attention by academics.

“It is clear that the first step needed in the establishment of appropriate local level common property resource management institutions is a process of participatory research designed to consult with local communities on existing resource use patterns, the desired changes in property rights, and the appropriate institutions to regulate these rights. Such a process must, in the final analysis, utilise local technical knowledge as far as possible rather than ignore its existence.” (Murombedzi, 1990b: 3)

Murombedzi’s suggestion has been answered only in part by my research. What I believe I have been able to determine, however, is which institutions seem to function best below the rural district council and at what levels. In essence my thesis supports the proposition of ‘jurisdictional parsimony’; “scaling down to the local and then scaling up through delegated aggregation to deal with functional and ecological management” (Murphree, 2001:2). “While the centre matters critically in political terms, it is evident that the ‘local’ is where ‘development’ initiative and entrepreneurship are more dynamic” (Hulme and Woodehouse, 2000:231). One reason for this is that in “conditions of high complexity, information becomes much more policy-relevant when those who gather it are as well those who use it” (Roe, 1998:130). What is still required is a fuller participatory engagement with these local level communities to determine the best possible scenarios for the management and conservation of their resources – a participation they have themselves requested.

It must be emphasised that in most so-called participatory programmes, it is locals who are invited to participate. The methodology advocated for this case study will be based on “inside-out planning for eco-system management, where local leaders and residents are themselves the experts and where the planning process is itself initiated and guided from within the local eco-system” (Roe, 1998:130). Thus academic involvement “should be invited rather than imposed where the outsiders are directed rather than directing, and their role is that of facilitators” (Murphree, 2001:2) and conduits for information and technology.

The critical issue facing our times is the need for sustainable natural resource management. This has created a new branch of predictive science that employs scenario planning usually on global or continental scales and on large temporal scales. With its origins in strategic planning, systems analysis and modelling often uses mathematical simulations to predict future trends and scenarios (Meadows *et al.* 1972 and their sequel in 1992). But because these modelling systems when applied to “long term futures in complex systems with uncertain causal interactions” (Murphree, 2004:2) have



predictive limitations there has been a move to a non-predictive scenario exploration. “This shift has been accompanied by greater attention to cultural and institutional variables” (Murphree, 2004:2) thus “internalising human choice into sustainability science” (Swart *et al.* 2004:137). By inference this implies a methodology of adaptive, iterative experimentation, sometimes accompanied by “game” playing and modelling – “experimentation in a ‘virtual’ world” (Senge, 1990:258). A virtual world is a constructed representation of the real world.

Scenario modelling and planning derives from ‘systems thinking’ (Senge’s ‘Fifth Discipline’):

“It is the discipline that integrates the disciplines, fusing them into a coherent body of theory and practice. Without a systemic orientation there is no motivation to look at how the disciplines interrelate. By enhancing each of the other disciplines, it continually reminds us that the whole can exceed the sum of its parts. (...) vision without systems thinking ends up painting lovely pictures of the future with no deep understanding of the forces that must be mastered to move from here to there. Without systems thinking, the seed of vision falls on harsh soil.” (Senge, 1990:12)

“Systems thinking is a conceptual framework, a body of knowledge and tools that has been developed to make the full patterns of systems clearer and to help us see how to change them effectively.” (Senge, 1990:7)

System thinking was operationalised by types of organisation that were prepared to experiment and take risks and survive by innovation and the ability to adapt strategies by iterative tactical manoeuvres: namely corporate businesses. A leader in this field was Royal Dutch/Shell (de Geus, 1988; Senge, 1990). Business relies heavily on putting ideas developed by teams into practice, sometimes by scenario modelling, sometimes in field conditions and more usually by a combination of these methods. Above all, however,

“business is the locus of innovation in an open society. Despite whatever hold past thinking may have on the business mind, business has a freedom to experiment missing in the public sector and often, in non-profit organisations. It also has a clear ‘bottom line’ so that experiments can be evaluated, at least in principle by objective criteria.” (Senge, 1990:15)

De Geus of Royal Dutch/Shell is quoted as saying

“that continuous adaptation and growth in a changing (business) environment depends on institutional learning, which is the process whereby management teams change their mental models of their company, their markets, and their competitors. For this reason we think of planning as learning and of corporate planning as institutional learning” (Senge, 1990:8)

This develops what Senge calls ‘a learning organisation’.

It is this sort of ‘learning organisation’ that the case study seeks to emulate. This inspires the notion of learning (not just ‘capacity building’ – though this would be an apt description if the phrase had not become so hackneyed) not simply ‘being taught’. Received wisdom is challenged, our own hidden worldviews are held to scrutiny. It includes the ability to carry on constructive dialogue and discourse that balance enquiry with advocacy and encourages people to expose their own thinking effectively and make that thinking open to the influence of others. It is these philosophical notions of liberating ‘social energy’ (Uphoff, 1996) that encourage the methodology for the proposed case study.

These will involve concurrent processes, some of which will be:

- Scenario modelling by the community. This will mean them building a vision of their locality based on their material and cultural ‘felt-needs’ in relation to their modes of production and their resources (both natural and human).
- Counter-balancing the visioning will be a requirement to address constraints and possible alternatives.
- Borrowing from the techniques of strategic planning, first developed by the military and later adopted by business, these components can best be realised by focus groups using SWOT analysis techniques and methodologies. Facilitators help the participants to list their ‘strengths’ (S), ‘weaknesses’ (W), ‘opportunities’ (O), and ‘threats’ (T) – S.W.O.T.

A SWOT analysis leads by natural progression to the development of an action plan and *scenario modelling then becomes scenario/strategic planning* based on an interpretation of the identified issues and variables. The action plan, with defined goals and time frames evolves into a continuous process of adaptive management “through regular and iterative evaluation and adjustment (...) If progress is not satisfactory, the reasons are examined” (Murphree, 2004:3) and a revised action plan for the next period is negotiated.

The methodology outlined above has few startling innovations. For example, successful programmes were conducted in Chivi and Buhera in the late nineteen sixties and early seventies and have been described in this thesis. Uphoff’s narration of his Sri Lankan experience is seminal (Uphoff, 1996). What is emphasised for this case study is the genuine requirement that the primary directors must be the local community or communities; and an increased liberty to experiment – to allow the natural tendency for local level communities to adapt institutionally to the changing demands of new scientific innovation and technology and to run the programme over an extended,

perhaps unspecified, period. These requirements do, however, require 'breaking the paradigm' by encouraging a 'learning organisation'.

It will form a critical area of facilitation and advocacy to get the national and district techno-bureaucratic fraternity, as well as local and national politicians genuinely to buy into the notions being advocated. Policy if it is to change will have to follow practice, and for the sort of programme being advocated in this chapter to succeed, local elites, must be a part of the process: de Geus's 'institutional learning' that excludes them may well create within them an insecurity that would ensure their use of power to stifle the process at community level.

The methodology suggests that the external participants (development practitioners) must truly be facilitative and never directive. Facilitation must be sensitive and in harmony with local worldviews and therefore with African Holism. In the very strict sense of the word facilitators must be capable of dialogue.<sup>116</sup> Their role will include offering information not available to the local participants, and imaginatively adapting specialist techniques to local conditions that are acceptable to the local community. A training component in the use of new or alternative appropriate technologies and techniques would also fall to the external partners if requested to do so by their local partners. At all times, however, the external partners would be in support, rather than in a lead role.

Sustainability of natural resources is dependent upon the sustainability of appropriate human management systems. Natural resource management institutions, as components of the institutions of governance are critical variables in the search for resilience. For this reason they have engendered much scholarly discourse. As has been expounded in this thesis, the determination of the best institutional arrangements for resource management at the lowest level involves a bewildering array of inter-related polyvalent variables. These hinge on the central issue of de-centralisation.

Any methodology designed to respond to invitations by local communities to engage in scenario modelling through a set of longitudinal internally designed successional experiments will initially have to overcome some daunting obstacles. As stated above, in the forefront will be the possible resistance of the techno-bureaucratic fraternity that occupies the Central State's 'high ground'. One can predict a reluctance to permit the sort of freedom to experiment that would be essential for the success of this sort of methodology, particularly as it predicates changes to power over resources.

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<sup>116</sup> Dia-logos to the Greeks meant a free flow of ideas and meaning through a group, allowing the group to discover insights not attainable individually.

“The State, its private sector allies and its bureaucracies have their own appropriative interests in local resources and the state is loath to legitimate local jurisdictions in ways that diminish their ability to claim the benefits of these resources. This tendency, more than any other factor, is responsible for the failure of programmes ostensibly designed to create local natural resource management jurisdictions” (Murphree and Mazambani 2002)<sup>117</sup>

### 9.3 Scenario Planning

In the case of Murisa, this researcher has maintained a cordial relationship with the District Administrator (DA) for a period in excess of six years. With his predecessor, now Provincial Administrator, he has a relationship spanning a longer period.<sup>118</sup> Throughout the research phase, when opportunity arose, informal briefings of the DA have taken place thus ensuring the district head has been cognisant of progress. This culminated in the DA requesting that I help facilitate a district strategic planning session for his district development committee. Unfortunately this session failed to materialise when planned, and on a subsequent date when it did take place I was away.

The current plan is for the final outcomes of this thesis to be presented to his team and with them to contemplate the way forward in the light of the data. In terms of the methodology outlined above with regard to the lead being taken by the locals, it would be beneficial if the DA and his team, as a result of the pending presentation, were to invite continued participation along the lines envisaged. Without their intellectual as well as functional support, no programme stands much hope of sustainability.

It is not just the ‘local level communities’ that should invite the external participants (academic researchers, facilitators and development practitioners). It should extend to district bureaucracies as well who ideally should also invite external participation, and in turn who should be invited by local level communities to be participating partners. That is why through enquiry and advocacy “where people expose their own thinking effectively and make that thinking open to the influence of others” (Senge, 1990:9), a culture of institutional learning through planning and adaptive management becomes possible.

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<sup>117</sup> See also Boutinot (2002) for institutional problems caused by state foresters and local jurisdictions in Senegal; Lentz (2002) for conflict between traditional and new ‘elected’ leaders in Ghana; Nijenhuis (2002) for similar institutional dynamics in Mali. Chapters five and six of this volume provide detailed case studies from LSCF and CL communities in Zimbabwe.

<sup>118</sup> Quite coincidentally, when fieldwork was contemplated in Guruve district I called on the DA to discover we had served together when I had been in the pre-Independence District Administration.

Thus a multi-disciplinary panel of researchers might join in a programme, involving government and non-government bureaucracies, and central and local level stakeholders. A list of these may include provincial and district representatives from national and local governments, national political organisations, national NGOs, national and local bureaucracies, national and international private sector enterprises, traditional leadership and local community based organisations (CBOs.).<sup>119</sup>

With regard to the traditional institutional structures, it would be at the invitation of the chief (*mambo, ishe*), his *masadunhu* (both officially recognised and those without State recognition), and *masamusha* representing community interests that the programme would be initiated. In districts where traditional religious observance of the *mhondoro* is active, *masvikiro* would also need to be included.

In practical terms it is not possible to engage with all these people all of the time. Participation would be periodic, depending on requirement, availability and commitment. Thus the method of entry into the community is particularly important if the intervention is to be seen for what it is: an invitation to participate in a planning, development and management programme.

It must be a response on the part of the external team that they request to be introduced to the community by the chief (*mambo*), his senior advisers (*makota*), *masadunhu*, RDC councillor(s) and such others as they may wish to be present. Such a meeting should then be replicated at the level of the *dunhu* and of the *misha* included in the case study. At each successive level any introductory presentation should be led by a representative of the higher level (i.e. *mambo* or his representative introduces team to *sadunhu* and asks for them to be received; *sadunhu* does same for each *musha*; and *samusha* for *samana*).

The writer and his part-time assistant went through this process. It offers powerful symbolic testimony to the relative status of the participants. Maybe because of this approach, within the core area of Murisa we are now regarded as members of the community or perhaps more accurately as privileged outsiders. I have even been invited to become a member of one of the *misha* and be allocated a traditional right of avail. On this piece of land it would be our intention to erect a resource centre from which external members of the envisaged team would operate, conduct research and demonstrate agreed new technologies.

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<sup>119</sup> See also Murphree and Mazambani (2002:28) for a catalogue of stakeholders.

#### 9.4 Critical Issues

The following paragraphs draw attention to some of the issues that will need to be addressed bearing in mind that categorising them under headings should in no way detract from the need for these critical issues to be addressed holistically using systems thinking and modelling. They have resonance with the issues and variables enumerated in chapter 1 thus suggesting, in the idiom of scenario modelling, a systematic ‘closing of the loop’. The issues have been the subject of many discussions with small groups and of informal interviews with members of the community ranging from hereditary leaders like the *sadunhu* and *masamusha*, their advisers (*makota*) and spirit mediums (*masvikiro*, *homwe*), to teachers, RDC councillors and business men but mostly with the people (*vanhu*) in the *misha* falling within the study area.

Enough insights have been gained to confirm that respondents are keenly aware of the governance and resource management implications of de-centralisation, scale and tenure. In fact, it was as a consequence of a growing understanding of local knowledge systems and perceptions of good governance, that the notion of a case study for the future was envisioned. It is humbling to discover that local civil society is keenly aware of the issues surrounding the governance of their daily affairs. One does not need to be a graduate social scientist to appreciate the nuances of de-centralisation and scale nor to offer pragmatic, holistic solutions to sustainable use of resources.

##### *De-centralisation and Institutional Complexity*

Of all the problems facing CBNRM the issue of de-centralisation is the most important. It is a polyvalent variable within all institutional configurations. The act of de-centralisation immediately imposes institutional relationships and the regulation of accountability and authority. The central critical question of de-centralisation is: what authority is de-centralised and over what resource? One must then seek to ascertain what form of de-centralisation is implied: de-concentration or devolution? To whom is the authority devolved and for what purpose? Is the de-centralisation acceptable to the ‘units or sub-units’ (Jones and Murphree, 2002)? Is de-centralisation acceptable to the scientific, state techno-bureaucratic establishment?

There is a suggestion that a legacy of the colonial era is that the State remains the dominant power (Derman, 1993; Keeley and Scoones, 2000; Murombedzi, 1990a, 1990b; Murphree and Mazambani, 2002). Certainly, as described in the previous section there is often a marked resistance from politicians, as well as techno-bureaucrats, to permit genuine devolution of power over resources, mainly because of an inherent fear of a diminution of their own authority, status and wealth but often rationalised as a belief in the inability of local communities to manage their own resources.

### *Complexity*

Issues of scale, of legal and other plurality, contribute to a bewildering, complex array of competing and conflicting dynamic variables. This complexity formed the basis for the case studies and narratives comprising the bulk of this thesis and the discourse in chapter 8.

Identifying a functional community such as a traditional ward (*dunhu*) is useful as a methodological tool for defining a group of people with common institutions, whose aspirations generally can be expected to have a common interest in the resources upon which they rely. Yet it masks some complex overlapping and often conflicting issues concerning resource allocation and management. This takes one into the realm of institutional complexity. In simple terms this refers to the complex interlocking influences of scale, (temporal, spatial, and jurisdictional) legal and institutional pluralism, and not least, accountability.

Determining what is de-centralised is often related to the resource, which in turn may be affected by stakeholders' interests in a given resource. The nature of the de-centralisation (de-concentration or devolution) is also similarly dependent on a combination of categories of stakeholders and critical issues. Linear analysis becomes more and more difficult the larger is the number of cross cutting groups, categories, institutions and issues, none of which operate in isolation. "(Indeed an organogram of their inter relationships would show a complex pattern of opposition, inter-dependence and inter-penetration" (Murphree and Mazambani 2002:29). In this regard, another polyvalent issue, that of scale, is profoundly relevant.

### *Scale and Jurisdictional Overlaps: Rural District Councils, Catchment Councils*

Influencing the way de-centralisation is institutionalised is the scale of jurisdiction and whether it is resource specific or not. In Zimbabwe good examples of this are the rural district councils (RDCs) and the river catchment councils (CCs).

RDCs have been gazetted for each administrative district of the country (GOZ: Rural District Councils Act, 1988). Each RDC encompasses an administrative district. De-concentrated authority is granted to RDCs to manage a wide range of natural resources (see chapter 5).

Catchment Councils (CCs) have statutory jurisdiction for the administration of water related functions (GOZ: National Water Act, 1998). There are seven catchment council areas in Zimbabwe. The spatial delineation of these councils is aligned to river basin catchment areas. "These are ... administrative units with no relationship to political and administrative entities, a dysfunction that does not augur well for effective or equitable resource access and use" (Gonese, 2001; see also chapter 7). Literature abounds with

examples of interventions in the field of resource management that mirror Gonese's concerns about catchment councils. They too are resource specific interventions introduced by the State or powerful NGO's: grazing schemes (Cousins, 1990, 1993), irrigation schemes (Manzungu *et al.*, 1996, 1999). The Manyame Catchment Council (MCC) includes the whole or part of eight administrative districts. Yet each district is the responsibility of a RDC or municipality. These local government bodies have clear administrative and institutional jurisdiction over matters such as planning and development including the planning of water related development. Each rural district also has a unit of the District Development Fund, charged with, amongst other matters, the construction of small to medium sized dams, under the umbrella of the Ministry of Water Development and the Ministry of Agriculture, once such developments have been sanctioned by the RDC and the District Planning and Development Committee.

There is little linkage between the CC<sup>120</sup> and these institutions despite their close association with the management and development of water. At sub-catchment level (SCC) the position differs only in matters of scale. Yet the CC on the recommendations of their SCC allocate use rights to water and are then responsible for managing its distribution and the collection of levies charged for this service. These overlaps both spatially and in management and development, create institutional problems (Latham, 2002a:9).

Water Point Committees (WPCs) manage boreholes and in some cases small dams and weirs with support from the RDC through the local councillor sometimes through the VIDCO. In practice it is more usually the WPC chairman and local *samusha* that report to the councillor.<sup>121</sup> Proposed new works would similarly be channelled upwards from local area committees (VIDCO or WPC) to council. With the formation of Water User Boards (WUBs) there is now a clear case of an institutional overlap. Adding further to this, the Traditional Leaders Act (1998) stipulates that the village and ward assemblies are charged with considering and resolving issues "related to land, water and other natural resources" (Section 15(c)).

The issue of overlapping functions is evident not only at the local level. While the catchment council is tasked for the main part with managing water, it also has a 'developmental' agenda. Through the collection of levies for water use and with assistance from the National Water Fund, it may allocate funds for the construction of

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<sup>120</sup> Local government councils are apportioned seats on sub-catchment councils as stakeholder representatives but have to date played little or no part in council activities and debate.

<sup>121</sup> In most cases in the study area, the local traditional leaders (*masamusha* and *sadunhu*) are also involved either directly or through representation on the VIDCO.



dams and weirs and the sinking of boreholes. This clearly infringes on the role of rural district councils. RDCs draw up annual development plans that are implemented with funds raised from district rates and levies supported by central government grants. Thus de-concentration in terms of the Rural District Councils Act and the National Water Act has set in train a whole series of functions that influence affairs down to household level. Almost predictably, they are mutually conflicting rather than supporting.

The effect of this plurality and overlap of jurisdictions is to inhibit local level institutional capacity as illustrated in chapters 5 through 7. Respondents were generally cynical about the confusion and many confessed to resorting to ignoring the formal State inspired institutions and relying on their own known institutions. The Murisa Dam project is thus exemplary rather than exceptional.

#### **9.5 The Traditional Leaders Act (Chapter 29:17) of 1998: Ambiguity, Plurality and Overlap**

The Traditional Leaders Act (TLA) empowers the permanent secretary to appoint village heads after receiving their nomination by the headman and written approval of their chief. Section 11.1 “provided that any village head appointed in terms of this section shall be installed in office by the headman who nominated him”. However, the appointment may only take place if in “the opinion of the secretary there is no good reason to the contrary”. Chiefs are appointed by the president; and headmen by the appropriate minister, with similar provisos.

Village heads are charged with a number of duties, many of them of a nature best described as ‘policing’ and fiscal. More importantly the village head “shall subject to the Communal Lands Act 1984 (chapter 20:04) consider, in accordance with the customs and traditions of his community, requests for settlement by new settlers into the village in consultation with the village assembly (which consists of all persons living in the village over the age of eighteen) and make recommendations on the matter to the ward assembly”. In this regard two points need to be emphasised:

- The Communal Land Act vests all CL in the State President. This means that it is State Land.
- In terms of this statutory provision, residents of CLs have no more than usufruct rights.

The Communal Lands Act designates the RDC as the responsible authority to administer and manage communal land. This means that the traditional leadership is subordinate to the RDC in regard to land. The land is not in any way owned or vested in individuals who have traditional rights, to use the Rukuni Commission terminology

(1994: Section 77). Yet the village head “shall settle disputes involving customary law and traditions, including matters relating to residential, grazing and agricultural land boundaries and, where necessary, refer these matters for settlement by the headman”. He also presides over the village assembly and the village development committee.

The village assembly and its executive arm the village development committee have a host of functions, the most significant being:

- a) “To ensure good government of the village in compliance with this Act, the Communal Areas Act and the Rural District Councils Act;
- b) To consider and resolve all issues relating to land, water and other natural resources and make appropriate recommendations in accordance with any approved layout or development plan of the village or ward;
- c) To review and approve any development plan before its submission to the ward development committee.” (Traditional Leaders Act, 1998)

This wording implies a great deal of devolution. However, it is negated by section 17 of the Act. This deals with development committees *per se*. It states: “Every village assembly will elect a village development committee (VDC) in accordance with regulations made in terms of the RDC Act” and “the functions of the Village Development Committee shall be as provided for in terms of the RDC Act”. So, only subject to regulations made in terms of the RDC Act will a VDC meet for the “despatch of business and otherwise regulate meetings and proceedings as directed by the village assembly” (TLA Act, 1998).

In regard to Communal Land planning and boundaries “*the minister shall cause all CLs to be surveyed for the purpose of showing by way of maps, the boundaries demarcating each village*” (section 23) following which he will issue a village registration certificate to each village so demarcated (section 24). At this stage, when the VDC and Village Assembly have agreed the boundary and formulated plans, agreed on settlement and who should be allowed to live in the village, the Act does a complete *volte face*. It demands that “*upon the issue of the certificate, the RDC shall prepare a land use plan for the village in accordance with such details as may be prescribed and issue a settlement permit to the head of each household in the village concerned*” (Section 24).

Thus any devolution that may have been envisaged is negated and the bureaucrats of the central and local government authorities will *de facto* be able to determine outcomes in regard to land use plans and who may be issued a settlement permit in the village area. At the stroke of a pen, the village assembly, the village development committee, the ward assembly and the ward development committee, become nothing more than

advisory bodies. This cramping section of the act must be amended if meaningful local level governance of land and natural resources is to become effective. Murombedzi (1990(b):6) states: “(O)f particular importance (...) is the need for local bureaucratic and technical staff to realign their perceptions of local capabilities to manage their own resources”.

Science in action at field level that exposes academics, technical and administrative civil servants and NGO staff to the realities of civil science, is the best form of advocacy available. Without it such damaging insertions as section 24 of the TLA will continue to frustrate efforts to bring about devolution to appropriate levels. It is for this reason that this chapter envisions a pilot scheme for the Murisa traditional ward, where the provisions of the TLA, building on parts of the Rukuni Commission and the research conclusions of this dissertation are made operational.

## **9.6 Land Tenure and Resource Management**

The Land Tenure (Rukuni) Commission (1994) states: “it is extremely important to recognise that arable and residential land in Communal Areas is actually held under traditional freehold tenure which gives ownership rights to the family” (GOZ, 1994:24). However, the commission report is silent as to what precisely such traditional rights actually are. Stating that “traditional rights are held by the family” is vague and while it suggests that it is the family head who is the *de facto* holder of the right it is unclear as to what this implies.

If the Traditional Leaders Act and the RDC Act are to become effective instruments in the management of such rights, then they need to be defined and possibly codified through a process of engagement between formal legal practitioners, academic legal specialists and judicially minded local level wise men at convened assemblies (*matare*). It is likely that definitions of tenure rights may have to be adopted on a community or chieftainship basis, certainly in the initial stages.

In Murisa the laws of inheritance in regard to land and residential rights are ambiguous. Two main notions seemed to prevail, though these ideas were not exclusive. Most commonly heard was that the eldest son inherits the entire estate together with its family responsibilities. This is the accepted, conventional view of inheritance (Bullock, 1928, Holleman, 1952). But in a number of households it was the youngest son (*gotwe*) who was deemed the most suitable person to inherit the arable land as it is he who traditionally stays at home to care for the ageing parents (*sarapamusha*). The question of widows’ rights is very fluid with much depending on individual families and personalities. The ranking male of the lineage whose decision on inheritance matters is

deemed to prevail, is the final family arbiter. Appeals in the first instance are to the *samusha/sabhuku*.

It will be useful to join with the Murisa community, as indeed they have requested, to codify the laws governing inheritance, specifically as they impact on land and natural resources. But caution will be needed. If codification creates a rigidity that impinges on the system's natural elasticity, then resilience might be impaired thus reducing the very strength one would be hoping to enhance.

### **9.7 Successional Experimentation and Modelling**

All these issues seem to be overshadowed by the *de jure* State ownership of the communal lands. Central government and its bureaucratic executive retain effective control over all institutions nominally charged with land administration. Until this is rectified by truly empowering the indigenous institutions to govern their resources through a transfer of ownership, such opposing jurisdiction severely inhibits effective management. Advocacy should be directed towards shifting policy through a process of repeal and amendment of relevant statutes. The contradiction between the 'normative' definition of Communal Land and *de facto* land appropriation practices needs to be addressed. Policy decisions should be facilitated by current and on-going research. Successional, incremental experimentation – science in action – provides increased leverage to adaptive management as a way of developing a realistic model of land tenure practices and influencing legislative changes. Scenario modelling is a useful tool that strengthens local community articulation.

The fact of a wide differentiation in access to and utilisation of land and its attendant resources such as grazing, *dambos*, arable, irrigated gardens, water and forest produce is reason enough to question the myth of egalitarian communal distribution and management of these resources (Cousins, 1993; Murombedzi, 1990a). This text has described how 'traditional land rights' are being negotiated in the market place, through 'sale of improvements' and capital assets. It is a loosely guarded secret that newcomers often acquire their holdings by purchase – though this is legitimated by calling it the purchase of 'improvements' or saying it is a customary gift. This commoditisation of land should be factored into the reality of CL tenure evolution. Rules/laws regulating transfers of land (and other resources) through the legitimate institutions of the assemblies (*matare*) may need to be codified as regulations of the Traditional Leaders Act (TLA). This will need to be balanced against the belief that access to land and all its resources is within the remit of the people (*nyika vanhu*) legitimated by historical charters. The '*varidzi venyika*' (the owners of the land) as symbolised by the *mhondoro* are defined by tradition and history and made operational by indigenous traditional institutions. It is logical therefore, that 'ownership' should pass from the state directly to

such ‘communities’. It will be necessary for the community to construct and test scenarios of how these conflicting requirements can be built into a sustainable system of resource management.

One way this could be achieved is by title being vested in a trust held in the name of the community. This goes beyond de-centralisation in its accepted sense. It becomes an exercise in privatisation, where the State passes ownership to a body corporate, or to individuals. In a country where the State is steadily appropriating all property to itself, this will clearly be most difficult. However, this case study is proposed as a way to navigate and manage the future. As such it must realistically include scenarios no matter how fraught they may be with obstacles. By applying the methodologies outlined in this chapter, (experimentation through iterative scenario modelling and planning) legislative changes in such statutes as the Communal Areas Act, the Rural District Councils Act, The Water Act, the Natural Resources Act and the Traditional Leaders Act might occur.

It will be an iterative process. As a start, for example, researchers can help with the process of mapping boundaries, something that the TLA requires and which the community has asked for assistance in effecting.<sup>122</sup> In the case of Murisa *dunhu*, boundaries of all *misha* have been traversed and sketched onto a 1:50000 map (Appendix 1). They need to be more carefully delineated and described, perhaps with the aid of the Global Positioning System (GPS) and the latest aerial photographs or satellite images.

Geographical information systems (GIS) have advanced to the stage where they would be a valuable and practical method of achieving these goals. They have the advantage of being transferable to local level. A local resource centre could thus team academics with local participants. By involving youth in this sort of work, within the areas selected for such a pilot scheme, their participation and ‘ownership’ of the outputs would increase a sense of legitimacy within the communities and endorse the status of local traditional institutions. Similarly for *musha* areas we need to map the arable holdings: main *makandiwa*, homestead gardens, *dambo* and riverine gardens. There is a need to differentiate and record the different types of land holdings and their attendant rights. As the mapping progresses it should also record other resources such as grazing areas, water points, homestead locations and other features such as sacred areas.

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<sup>122</sup> They were participants in translating boundaries of *misha* as well as individual holdings with one *musha* area onto aerial photographs and from there onto maps, during the research for this thesis. Rural people generally display a facility for this sort of work.

*Musha* and *dunhu* (ward) assemblies are envisaged in the Traditional Leaders Act. Models of agreed necessary refinements would help clarify the role and powers and restrictions of such institutions. How will they build on the existing traditional bodies? How will the development committee be selected? How will it function bearing in mind the institutional overlaps already described? What will its relation be to the traditional dare? How much flexibility of membership will be permitted and how will it relate to specific interest groups within the *dunhu*. Chapter 4 hints at a similar process conducted in the more restrictive conditions of the colonial period. Comparative analysis along the lines of the diachronic methodologies employed in this doctoral research programme may have relevance. Certainly it would be building on this research.

Attention has already been drawn to the contradictions expressed in the legislation regarding the TLA, the Communal Areas Act and the RDC Act. Advocacy as a component in developing proposed pilot models will further this necessary evolutionary process. Process will influence policy. Examination of how representation on the rural district council can best be achieved will be necessary. Is the current ward system satisfactory? The Rukuni Commission findings reveal a sharp criticism of the way the Act performs in this regard: "The vast majority of the people in Communal Areas believe that the delineation of VIDCO boundaries ignores the existence of traditional villages and often splits traditional villages" (GOZ, 1994:25). This is certainly the case in the Murisa area where boundaries have been traversed and mapped. The problem though, is more than merely delineating functional boundaries that are acceptable to people on the ground. This thesis cites case studies that show *musha* boundaries themselves present problems when it comes to final enclosure. The real problem is in representation. At present councillors represent wards that only coincidentally represent traditional leaders *matunhu*, sometimes combine them and sometimes split them. Would it be more representative to follow the delineated traditional chiefs' *nyika* and headmen's *dunhu* boundaries in the creation of wards? Would it not be better for councillors to be elected to council from wards so based? This is a solution suggested by the Rukuni Commission (GOZ, 1994:133). In this way the councillors and the traditional leaders would be representing the same constituents. To do this presents a problem of scale, both in regard to demographics and geographical areas. However, there are remedies such as the number of councillors being eligible from a ward being dependent on population numbers. Again this might mean a much larger council. Does this matter if most council activities are devolved to ward level?

Is the RDC the institution best charged with land tenure administration? If so, should it not be the managing agent on behalf of the traditional leaders (*varidzi vepasi*) as opposed to the regulating authority? These and other issues identified through dialogue with stakeholders should be drawn into a proposed model for local self-government and their efficacy tested. It may be, as Murombendzi (1991) optimistically suggests that

“(s)cholars and development practitioners alike have come to realise that successful intervention to reverse resource degradation at the local level is predicated on an understanding by policy makers of the nature of property and authority systems over natural resources”. A decade later this seems doubtful. And the fault may lie with Academia, as suggested by Mary Clark (1992) and re-iterated by myself earlier in this chapter.

Responsible advocacy is a prime responsibility of applied social science. It is incumbent on us as social scientists. We are privileged to have access to indigenous knowledge systems and ‘grass roots’ modalities. Our research consistently points to certain specific conditions for good governance at local level. We must apply scholarship’s *raison d’être* – the dissemination of knowledge – vigorously to demonstrate to policy makers and the sponsors of development the critical need for controlled and scientifically monitored devolution. The most erudite and elegant scholarship needs reinforcing by practical application. To move out of the seminar room and form partnerships with civil society, so as to apply our scholarship to real-life situations in the governance of daily life is an avocation that is too often neglected.

## **9.8 Final Reflections**

This chapter identifies some strategic issues and the sorts of discourse they engender from discussion with local respondents and from the literature on CBNRM. As part of this iterative dialogue, and without trying to be pre-emptive, it seems that the sort of model that may first emerge from the modelling process will have some of the following ingredients all of which are already present within the system of indigenous holism.

- Nested levels of traditional jurisdiction from the *musha* to the *dunhu* and the *nyika ya’she* integrated with the rural district council and the central government Administration.
- The traditional assemblies (*matare*) demanded by the Traditional Leaders Act will be open forums. They have congruence with the indigenous institutions described in this thesis (the *musha*, *dunhu* and *nyika matare*) and generally operate by consensus – itself a much-debated process where issues of equity will no doubt need to be resolved. The dare may thus convene as a development committee, a judicial authority, a water user board and as a land settlement board. To be effective rules and byelaws may need to be developed and codified. Decisions will have to be recorded.

- In so far as catchment councils may still be operating, the traditional and the statutory institutions will probably merge at the level of the chiefdom. Water management based on the spatial delimitations of basin watersheds causes problems of management dysfunction. Traditional units may present problems in terms of water distribution. Compromise may well have to be reached. Another possible outcome that should be the focus of scenario modelling and planned experimentation is the notion of doing away with the catchment councils and merging their management functions with those of the rural district council, an idea already informally mooted by the Guruve RDC chief executive.
- All these administrative and jurisdictional adjustments can only be achieved through iterative adaptive management. Questions such as who pays for the time of those involved at local level, and how will need to be addressed. One way, already suggested by my local (civil) research partners is that levy collections on behalf of councils (local government and catchment) must be conducted on an agency basis. In other words a percentage of levies and taxes collected on behalf of these bodies should remain in the community chest for disbursements covering its own expenses.

The current legislation in the form of the Traditional Leaders Act, flawed as it is and fraught with contradictions, offers a window of opportunity for Academe to combine with other stakeholders to begin a process where by practise will inform policy. Perhaps, by engaging in this way we can hope to bring about genuine devolution to local level communities and by so doing create a system that creates conditions for sustainable resource management. In the process other issues will have to be engaged.

Agronomy and marketing; sanitation and water development and all the other issues that occupy governments and NGOs will need to be revisited by the partnership that builds up between the research team, the techno-bureaucrats, donors, NGOs and of course the local communities.

It may well be that the programme that I am suggesting fosters no more than cynicism. Nevertheless I firmly believe that it is a possible outcome of the research already undertaken in this doctoral programme.

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November 2005



## Appendix 1

### Extracts from the Southern Rhodesia Community Development Review, 1968

During the months of February, March and April 1968 meetings were held throughout the district with the seventeen chiefs and recognised headmen respectively (in this district the headmen have a fair measure of autonomy, and control considerable numbers of people stretching over fairly big areas of territory).<sup>123</sup> At each meeting the elders of each community were present together with the majority of the kraal heads. It was considered the duty and responsibility of the Administration to make people aware of Government policy with regard to community development and local government.

It was explained that the community could undertake to do those things that it wished to do to better conditions in its own area, providing at all times that projects did not infringe on the rights and privileges of neighbouring communities. These meetings were received with enthusiasm and inspired intelligent questions from those attending. It was also made clear to them that should they choose to do nothing with regard to local community development this was their privilege and no pressure would be brought to bear. Similarly no pressure would be exerted as to the choice of members of their dares but it would be perhaps wise to consider the appointment of ad hoc members with known skills should projects be embarked upon – i.e. a teacher if a school project was contemplated, etc.. The size and composition of the dare was the concern of the *dunhu* members only and not Government.

It was stressed any aid from government would be in the form of materials or technical advise. No money grants as such would be given to community boards.

And because of the limited resources at the disposal of government it would be impossible to assist more than one project per *dunhu* at any one time. This meant that no project would receive assistance until such time as any other project in that *dunhu* had been completed.

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<sup>123</sup> See delineation report (1966) for Chivi District.

“Following this round of meetings, the C.A.’s<sup>124</sup> were busy at kraal level and at nearly every meeting held by the dares, promoting confidence and providing information as required.<sup>125</sup> In May, following a meeting in April with the Shindi Dare, there was a unanimous decision to embark upon a dam, after a series of other priorities had been considered. Simultaneously, in the Nemavuzhe Dunhu, priority was given to the construction of a weir, which would necessitate the collection of money from the community in order to pay a building contractor to construct the wall. A flat rate of 10/- per head was levied throughout the community and a sum of &1000 and more collected.

In other parts of the district less dramatic activity was evident. A great deal of planning and discussion was taking place and requests for advice were being received.

“The Shindi Dam building commenced operations towards the end of May, after the area had been surveyed by the water engineer. Initially two or three hundred people were turning out to work in the morning and it became obvious to the dare that too many people were present. A roster was agreed by the dare and headman and after a week or two things settled down. The dam was finally completed by the end of September. The Nemavuzhe weir was completed a few days later.

“Meantime in the north of the district, the Vutete community board, Watungwa community board, Madamombe CB and the Madlangove CB were all active. Each in turn adopted different methods and attacked different felt needs. Vutete has constructed twenty miles of road including three drifts. Watungwa has opened up an old administrative road, widened it and constructed mitre drains. Both these roads were inspired by the need for bus services. Madamombe has constructed a short road to his own kraal and has learned the lesson that his own felt needs are not those of his community. This project has been a failure in the sense that the community has been

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<sup>124</sup> C.A. – community adviser. With the inception of the policy of CD, a position of community adviser was created. The ranks of these men and women were mostly filled by serving members from the ranks of agricultural demonstrators, health demonstrators, teachers and a smattering of new recruits. The CA’s were sent on a six months course at Domboshava Training Institute where they were equipped with the skills necessary to foster community development rather than single discipline extension work.

<sup>125</sup> “In broad outline the CA must work for and with the people and he must help them in their development of a programme devised by them in answer to their felt needs. In approach he will need to avoid any method which can be associated with direction or unasked for instruction by him, or which seeks to remove from the community their free choice in matters of development.... The CA in Southern Rhodesia will not be, as he is in other countries, the “multi-purpose worker” with a shallow training in many subjects giving him knowledge to instruct and teach people how to tackle simple projects in a wild field of activities. His training will be designed to make him the link between the people and the administrator, the technician and local government.” (SRG Broadsheet: 1963).

disillusioned and are now very cautious about any new venture. Madlangove collected about &300 and sunk a borehole which regrettably proved a “dud”.

The Makonese community has spent six months trying to resolve the representation on its board. It has finally settled this issue and plans a dam for the next dry season. The neighbouring community of Musavugwa settled upon a project which may prove the most interesting in the district. This is the fencing of some 5 miles of sponge, the extraction of water from the sponge to troughs outside the fenced area and the planting of the sponge to improved pasture grass (Magugu Star). This project was inspired by the desire to solve a water supply problem but grew into the present project as a result of timely advise by the agricultural extension officer. In other communities major sponge fencing programmes have been undertaken but on a less dramatic scale and today some twenty small sponges have been fenced. I would stress that these projects are entirely the idea of the people living in the communities.

At present the whole district is blanketed by community boards (matore). Naturally not all of these are active on projects at the same time though it is true that the majority are active in planning or actively engaged upon work of varying magnitude. Significant throughout the last year has been the fact that technical advice has been demanded and been given timeously. This has meant one field officer (PDO)<sup>126</sup> devoting all his time to the provision of technical advise to the various communities. I am convinced that had this assistance not been provided the small measure of success that has been achieved would not have been evident. Furthermore the district conference has been used to advantage in obtaining outside expertise and in coordinating (government) effort.

A major difficulty that had to be overcome was the provision of mechanical assistance in the form of tractors and trailers for the carting of stone, scooping and scraping dams and the like. Unless government is seen to ‘deliver’ its side of the CD bargain the community soon loses its enthusiasm.” (Latham, CJK 1969)

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<sup>126</sup> PDO: Primary Development Officer. PDOs were stationed in every district and fell under the DC. Their main function was to supervise maintenance of roads, dipping tanks, dams and undertake and supervise the major development works within the district with assistance from technical experts where necessary. Thus a PDO might be in charge of dam construction with advise and guidance from a water engineer; or building a bridge with help from the roads engineer etc. they were also tasked with providing technical aid to communities and calling in experts when faced with projects beyond their own competence. Most PDOs were practical men with minimal technical qualifications but with years of practical experience.

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