

**AN INVESTIGATION INTO THE ROLE OF TRADITIONAL LEADERS IN
NATURAL RESOURCE MANAGEMENT IN MUTASA SOUTH**

BY

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Abstract

The study sought to establish the existing relationship between government ministries and agencies with traditional leaders in light of their role as custodians of communities in natural resource management. In pursuit of this it also went on to scrutinize the state of existing laws, institutions and legislation that directly link to the management of natural resources in communal areas which are under the jurisdiction of traditional leaders in Mutasa South constituency. To unfasten the perspectives experiences, perceptions and feelings on these research traditional leaders, community members and other relevant stakeholders were interviewed. The qualitative approach was used in this research. The research discovered that there is incongruence with regards to the role of traditional leaders in natural resource management and that of government and its agencies. Traditional leaders get their legitimacy from the pre-colonial era and heritage whilst the government gets its authority from the Constitution and the democratic process of elections. The decentralization theory was implemented by the Zimbabwean government through the Prime Minister's Directive of 1984 that empowered the Rural District Council as the representative of government at community level. The aim of this process was to enable central government to reach out to communities in rural areas and improve the efficacy of central government. However, it emerged in the research that the process of decentralization has marginalized communities and traditional institutions from natural resource management. It instead has consolidated power upwards to central government through Rural District Councils pushing traditional leaders to subjects of central government. According to Ray's theory of legitimacy which was used in this research, traditional institutions and the government must coexist because they derive their legitimacy from different centres of authority. Possible solutions to these inconsistencies and challenges could be solved by Ray's theory of legitimacy which entails a mutual process of coexistence without acrimony between the state and traditional leaders.

Declaration

I, Freeman Bhoso, do hereby declare that the work here presented, is a result of my work except where acknowledged and that it has never been submitted in any University for the award of any degree.

Signed

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Dedication

I dedicate this work to my wife Iren, daughter Farai, my twin sister Mai Dhliwayo and family members for believing in me during trying times. I also want to dedicate this dissertation to my spiritual father Prophet Emmanuel Makandiwa and Pastor Jacob Tembo for guiding me spiritually, with God everything is possible in this year of Divine Solutions.

List of Acronyms/Abbreviations

CBNRM MANAGEMENT	COMMUNITY BASED NATURAL RESOURCE
CSOT	COMMUNITY SHARE OWNERSHIP TRUST
AREX	AGRICULTURAL RESEARCH EXTENSION
RDC	RURAL DISTRICT COUNCIL
VIDCO	VILLAGE DEVELOPMENT COMMITTEE
WADCO	WARD DEVELOPMENT COMMITTEE
ZINWA	ZIMBABWE NATIONAL WATER AUTHORITY

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CHAPTER ONE INTRODUCTION

1.0 Introduction

The role of traditional leaders dating back to the pre-colonial era has been shrouded in controversy, manipulation and abuse by politicians during the colonial and post-colonial era. Traditional leaders were used as proxies of the white colonial regime to assist in maintaining the white minority rule (Makumbe, 1998). The attainment of independence in Zimbabwe resulted in a political and administrative process where the powers of the traditional leaders were relegated to mere ceremonial powers as a direct reaction or punishment for the role they were accused to have played in the colonial era. Traditional leaders are very important and strategic in that they connect the community with various arms and institutions of government.

Zimbabwe being endowed with vast natural resources (Reserve Bank, 2008) the legal regimes and amendments of laws after independence clearly manifest the strengthening and control of the state supremacy either for easier administrative execution or a ploy to consolidate political power. The decentralization of state power to the Rural District Council (RDC) as the administrative hub of natural resources in 1984 under the Prime Minister's Directive at community level raises a lot of speculation as to whether this could also be viewed as a genuine attempt by the state to devolve power to local communities. The role of traditional leaders must not be taken in isolation but should be interlinked with that of the state through its respective arms and provisions within the legislative framework, which primarily sets the backdrop of all functionaries and to

what extend legitimacy, authority and power can be prescribed for traditional leaders in natural resource management. In other countries traditional leaders have been empowered with clear authority and decision making powers as a direct response to active community participation, access, use and profit sharing. The Royal Bafokeng community in South Africa has benefited from the platinum within its community¹.

The new government of Zimbabwe formulated in 1980 through the Prime Minister's Directive decentralized local government in 1984 to give room and permit communal citizens to have a say in the improvement and expansion of development through the structures of Ward Development Committees (WADCs) and Village Development Committees (VIDCOs). Nevertheless, the Rural District Councils Act of 1988 is divergent to the idea of local community participation in the development process (Chikowore *et al*, 2002). The Act empowers the Rural District Councils (RDCs) as 'appropriate authorities' to direct the exploitation and management of natural resources in communal areas, and authorize RDCs to administer natural resources in communal lands. Apart from the disagreements inherent in the Act, affairs between the state, local government structures and traditional structures have perpetually been a source of conflict. VIDCOs and WADCs are believed to be replacing traditional authority, stimulating clashes and antagonism, in so doing reducing the efficacy of community

¹The Royal Bafokeng Community has benefited and developed its through royalties and active participation in platinum mining in their community. The chieftaincy has clearly been empowered and has accrued significant economic growth.

based natural resource management institutions, and gravely compromising sustainable local natural resource management (Chibisa, 2008).

The Prime Minister's Directive of 1984 was initiated as a mechanism of putting in place development structures that would create a scenario where participation of communities would cascade right from central government down to the village level. The move was seen as a very huge step towards the decentralization process taken by government. The Rural District Council Act had to be realigned to accommodate key legislative changes to allow it to give statutory planning powers to the Rural District Councils through Statutory Instrument 175 of 1999 and in 2000 the Traditional Leaders Act, in an effort to reinforce the function of traditional leaders over local planning and development issues. The composition of the sub-national government in Zimbabwe is shown as follows:

- i. Provincial Level - The Provincial Development Council (Political) and Provincial Development Committee (Technical)

Its role is to consolidate the district plans and provide a link for local government to central government.

- ii. Local Authority - Rural District Council and Rural Development Committee .It is the planning and development authority at local level. The Rural District Development Committee (RDDC) provides technical support to the Council and is chaired by the District Administrator who is the national government's representative at local level.

- iii. Ward - Ward Assembly and the Ward Development Committee (WADCO) is a unit of planning which coordinates village plans and links them with local government planning processes. The Ward Development Committee provides technical support to the Ward Assembly and is chaired by a councillor who sits on the Rural District Council.
- iv. Village - Village Assembly and Village Development Committee (VIDCO). The Village Assembly is where plans are generated and is chaired by the Village head. The Village Development Committee provides technical support to plans at the village level through an elected chairperson (Masendeke *et al*, 2004).

The Traditional Leaders Act gave power to chiefs, headmen and village heads to facilitate development processes and distribute land on behalf of the Rural District Council in management of natural resources, safeguard and uphold culture, try a range of crimes and collect levies and taxes payable to council. It is however not clear and debatable as to whether the Act is sufficient in linking traditional leadership and democratically elected rural district council structures in a conduct that will eradicate rivalry, tension and conflict both in planning and management of natural resources in communities *ibid*.

The different opinions given are clear about the fact that the decentralization of power of central government was an attempt to enable communities to be able to be part of processes of planning and development. However as articulated by the various authors there seems to be lack of clarity as to where traditional institutions fit within the structures that were created as the structures are dominated by elected people hence the VIDCO'S and the WADCO'S were seen as a replacement of traditional authority by traditional leaders. Furthermore, the fact that the Rural District Council is the "appropriate authority" to direct exploitation and management of natural resources in communal areas is reinforced . Traditional leaders have been mandated to allocate land on behalf of the Rural District Council as well as collect taxes and try trivial cases suggesting that the Traditional Leaders Act is being administered by the Rural District Council on behalf of the state and that the role of traditional leaders is not autonomous since the management of natural resources by traditional leaders in accordance to the Traditional Leaders Act is ambiguous about the parameters of their authority in natural resource management. The decentralization theory will be further discussed in the next chapter through the Prime Minister's Directive which created pockets of administrative and authoritative challenges as exemplified by the perpetual conflict between the state local government structures and traditional structures.

The different views of authors give testimony as to whether the enactment of the Rural District Council brought about the desired connection between central government and the communities or it further marginalized traditional institutions and their communities

from access and use of natural resources. A closer introspection will be done in chapter two.

1.1 Background to Traditional Leadership

The existing literature on traditional leaders has the same opinion that traditional authorities are the leaders of traditional communities (Lutz & Linder, 2004; Makumbe, 2010; Mamdani, 1996; Ray, 1997; Ribot, 1999). The word traditional refers to historic roots of leadership, which legitimizes the implementation of control. Traditional leadership is defined as including those socio-political and religious structures that are ingrained in the pre-colonial period rather than in the establishment of colonial and post-colonial states (Ray, 1997). By these reflections, traditional leaders comprise kings, other aristocrats holding offices, heads of extended families, and office holders in decentralized polities, as long as their offices are rooted in pre-colonial states and other political entities (Ray, 1997). Zimbabwe's traditional leaders Act (1999) thus define chiefs, headmen (or sub-chief) and village heads as traditional authorities. Traditional leaders have a longstanding history and background that must be included regardless of the current constitutional and democratic government setups since the leaders within the modern government trace their roots back to the traditional lineage suggesting that the traditional institutions are an integral component of our society.

1.2 The Politics of Traditional Leaders in Zimbabwe

Traditional institutions during the pre-colonial era were constituted by chiefs and headmen respectively. According to (Malasha 2003) historical evidence suggests that traditional institutions were largely independent under chiefdom leadership with no political authority over one another. The emergence of the British colonial rule did not change the autonomy and independence of the traditional institutions but created a new system of reporting to the central state through district native administrators.

The Government of Zimbabwe at independence in 1980 took rural local government reform measures as an initiative that sought to create and expand a framework that would improve service delivery systems and services to the peasant communities. This was done in the spirit of attempting to redress the imbalances and neglect of the colonial regime. The reform measures were clearly a move that sought to undermine the authority and legitimacy of the traditional institutions in judicial and matters pertaining to land in communal areas and natural resource management.

These changes were gravitated by the perception that traditional institutions during the colonial era were accused of being functionaries of the colonial regime and aided processes of the oppressive white minority rule over the black majority. The second factor was that there were individuals within the new Government who were of the notion that traditional leaders were a negation to the modernization project by

government to transform rural society hence traditional institutions were viewed as an impediment to new government undertakings.

Furthermore, some intellectuals within the Government alleged that traditional leaders were a threat to central government as they created centers of alternative power and authority to that of the formal state thus resulting in potential perpetual conflicting regimes of legitimacy between the state and traditional institutions. The new Government of Zimbabwe after independence failure to integrate traditional institutions within the formal state structures two decades after independence is a clear manifestation of the perplexity surrounding the administration of land and other natural resources in communal areas after independence. This bewilderment at the local administrative levels was further fueled by the lack of lucidity on responsibility and functions within the traditional institutions that is the chief, headman, village head and the elected leadership of Village Development Committees (VIDCOs) and Ward Development Committees (WADCOs) in land matters. This created a major challenge of communal leadership in communal areas in that elected rural institutions were viewed as illegitimate by traditional grassroots Traditional leaders faced difficulties of being recognized, respected and acknowledged by the new government especially against the advent of the modernized state initiative (Makumbe 1998; Makamuri 1995 and Ncube 2011).

The different views expressed by the authors further exposes the complexity of affairs between traditional institutions and central government whilst other proponents felt that government's decentralization initiative was meant to reach out to local communities and provide improved service delivery to the peasant community as well as redress the imbalances and neglect that was allegedly left by the colonial regime. Diverging opinions see the move as an attempt or strategy to undermine the authority and legitimacy of traditional leaders in judicial matters pertaining to communal land and other natural resources.

The perception that traditional leaders were agents of the colonial regime against the black majority is also factored in, whilst the new government of Zimbabwe officials post-independence felt that traditional institutions were a retrogressive factor to the modernization project since they represented archaic values of the pre-colonial era which found no space in the modern society. The new government officials also felt that traditional institutions threatened the legitimacy of central government as they created an alternative source of power that has led to rivalry and conflict between traditional leaders and central government in the management of natural resources in communities where traditional leaders also claim authority.

1.3 The Traditional Leadership, Structures and Roles

1.3.1 Chief (*Mambo*)

Chiefs are appointed according to section 3(1) (2) of the Traditional Leaders Act, their powers are as follows:

Performing the functions pertaining to the office of the chief as the traditional head of the community under his jurisdiction by promoting and upholding cultural values among members of his or her community under his jurisdiction, the cultural values are essential for preservation of the environment. The chief shall supervise headmen and village heads in their performance of their duties. He is responsible for overseeing collection of village heads levies, taxes and discharging any functions upon him in terms of the Customary Law and courts Act Chapter 7:05. Ensuring that communal land is allocated in terms of the Communal Lands Act Chapter 20:04. Chiefs shall also be responsible for preventing any unauthorized settlement and use of any land, notifying the rural district council of any intended land disposal of a homestead and any permanent departure of inhabitants from his area, acting on the advice of the headman and village heads. They also ensure that the land and its natural resources are used and exploited in terms of the law and in particular, controlling;

- a) Veld fires
- b) Illegal cultivation
- c) Over-grazing
- d) Deforestation

- e) Illegal settlements
- f) Illegal mining of minerals
- g) Stream bank cultivation

They ensure that all public property including roads and bridges, telephones and electricity lines, public institutions like schools, clinics and hospitals is not damaged or destroyed by the inhabitants or visitors or intruders. Liaising with the RDC and government departments and other development agencies on matters relating to planning and implementation of local Development Plans. Assist in drought and mitigation measures.

Performing any other function as may be assigned by any other enactment in Zimbabwe.

1.3.2 Delegation of Functions or Duties

Traditional Chiefs may delegate all or part of their duties and functions to headmen within the area of headmen's jurisdiction. The delegation of any function by a chief shall not divest of the function.

1.3.3 Headman (*Ishe*)

Headmen are appointed in terms of Part 111a of the Traditional Leaders Act Chapter 29:17. Headmen are appointed by the Minister of Local Government in consultation with Chiefs in any given area and headmen are appointed in terms of this section shall be installed in the office by the chief in the area concerned their roles:

Headmen shall exercise similar roles and duties to that of chiefs in areas under their jurisdiction but should exercise their roles and duties in the consultation with local chiefs.

1.3.4 Village Head (*Sabhuku*)

Village heads are appointed in terms of part IV section 11 of the Traditional Leaders Act Chapter 29:17 and their duties include:

- i. To assist chief and headmen in the performance of their duties.
- ii. To carry out all lawful and reasonable orders of chiefs and headmen.
- iii. To lead his/her village in all cultural and traditional matters.
- iv. Help in the settlement and resettlement of people in his /her village.
- v. Preside over village assembly.
- vi. Ensure all land and its natural resources are utilized in accordance to the law of Zimbabwe.
- vii. Responsible for producing and implementing village development plans.
- viii. Collection of taxes and other revenue payable to the RDC
- ix. Ensure sustainable natural resources management at village level (EMA Handbook for traditional leaders).

An interview with Headman Saungweme established the following:

1.3.5 *Sadunhu*

He is a person who is an overall head of village heads in a particular area depending on the headmen's discretion. His duty is to monitor every activity in his area and getting reports from village heads and reporting to the headman.

1.3.6 *Samusha*

Samusha is the father of a household responsible for the family as the leader of a family. If one wants to gain access into a family setting he seeks authority through the *Samusha* interchangeably also used as the *Saimba*.

1.3.7 *Svikiro*

It is a person who gets possessed by the spirit of ancestors of his clan (*dzinza rake*) or that of an area in this case the Mutasa Chieftaincy's totem is *Shumba* (Lion). The role of the svikiro varies depending with the situation at hand, a svikiro connects the living with the dead and is consulted by the living on issues bedeviling the community, family or individuals. It advises on remedies to redress or correct situations and also deal with issues of people who will have violated the values of the spirits of the land.

1.4 Background History of Mutasa Chieftainship

Muponda was the chief of Manyika including the now Mutasa prior to the arrival of Nyamubvambire the founding father of Mutasa chieftaincy whose origins had links from the Tete province in Mozambique. Nyamubvambire a well acquainted hunter was given a place to stay at Bingaguru a mountain in Mutasa, after having impressed Muponda with his hunting prowess. Muponda and was given a wife for a bride price. After Muponda died Nyamubvambire assumed chieftaincy and gave birth to Matida and Bvumbi. Following Nyamubvambire passing away Matida became the paramount chief, Bvumbi killed his brother Matida and became the chief.

According to Rev Sells (1832-1897) the name Mutasa came when Nyamubvambire refused to be buried with his hands and legs tied he opted to be untied (*maoko nemakumbo akati tasa*) meaning hands and legs freed untied. Tendai and Mparutsa, sons of Matida ran away to their *Sekuru* (their mother's brother in Zimunya) where their mother had come from. They underwent rigorous training climbing up mountains in preparation for revenge to what happened to their father Matida they came back in to Bingaguru which was the headquarters of the Chief where Bvumbi resided (1902) According to Headman Ndorikanda. Tendai and Mparutsa met Bvumbi's wife her name was Pfete and connived with her to killed Bvumbi after she was promised to be the *vahosi* (the first wife if the planned succeeded) the plan to get to Bvumbi was crafted. Tendai killed Bvumbi as revenge for the killing of their father Matida. This was followed by the drumming of the *shima* (traditional drum that is played when a chief has died).The soldiers who guarded Bvumbi were surprised on how this could have

happened since they were the gatekeepers and did not see anyone or anything from outside. However for one to prove your bravery he ought to behead the defeated. Mparutsa was asked by his brother Tendai to behead Bvumbi but refused as he was too scared to do this, Tendai then took it upon himself to behead the corpse of Bvumbi thus automatically ascending to power for having shown bravery.

Tendai then established *Gutaramambo* Mutasa and started directing his wars from there. After killing Bvumbi Tendai also killed the wife fearing that she would also connive with enemies to do the same as he did to Bvumbi. The history of placement of Mutasa was located after the war between Mutasa and Makoni, the chief's lieutenants Kamugureni and Saungweme, the area called Mutasa was then established (Machiwenyika 1952; Sells 1832-1897). The traditional chiefs of Mutasa are buried in a mountain called Bingaguru where traditional rituals are performed prior to their burial. Bingaguru is a shrine which cannot be accessed by people who are not ordained through cultural processes. The Mutasa people consult if anything besieges them and animals like lions and zebras can be seen around the Mutasa community as a sign that the ancestors are not happy about something or they are trying to communicate certain messages to their community this was said by Headman Ndorikanda in an interview.

1.4.1 The Sacred days in Mutasa

The sacred days in Mutasa differ according to areas under some headmen their sacred day is Friday its called *chisi* (a sacred day under customary beliefs), on this day

community members according to the customary beliefs are not supposed to work the fields and in some area in Mutasa it's observed on a Wednesday. These days were established during the pre-colonial period where traditional leaders made spiritual oaths regarding these days. Anyone caught breaking this custom is fined and it is believed that if he is not caught some misfortunes will besiege his fields to the extent that he/she might record low yield or harvest.

1.4.2. Mutasa Community Customary Practices

The first yield before harvest is formalized to the Headman or Chief (*kusuma*) so that a ritual can be performed to thank the spirits and ancestors of the land for enabling community members to get a harvest. If one ignores this process they become vulnerable to pestilence in the next season for failing to recognize the spirits for guiding their agricultural process. A similar process is held when its time for preparing the land for the next harvest.

Veld fires -If a community member starts a veld fire and burns the forests he/she is fined by the traditional leadership for exposing the spirits. A ritual will be done to appeal to the spirits not to react.

Tree cutting- trees such as *Muonde* and *Mikute* are part of trees that are prohibited from being cut because they represent a spiritual aspect of the people of Mutasa. Anyone caught cutting such trees is fined either by traditional leaders or Environmental Management Agency officials.

Wetlands-They are not to be disturbed under customary beliefs as they are seen as a source of water for community members, some believe that mermaids reside in these wetlands anyone seen tempering or farming close to wetlands is fined by traditional leadership or Environmental Management Agency officials.

Hunting- The Parks and Wildlife department is responsible with issuing permits for hunting and they work closely with the rural district council at traditional institution levels communities can only hunt small animals like rabbits.

Fishing- The same applies with fishing a permit is acquired in order to fish, traditional institutions and communities are required to get these permits too and are not exonerated from the same procedure in an interview with headman Saungweme.

Mutasa Constituency is endowed with vast natural resources that include water, land, wildlife, forests and minerals *ibid*. History suggests that Mutasa has always been an area of contestation because of natural resources and traditional leaders play a significant role. The role of traditional leaders in this period in accessing natural resources was of fundamental importance as they controlled not just the community but the socio, economic and political issues. Mutasa constituency under chief Mutasa brings an interesting question in the modern society especially in trying to find out whether traditional leaders still possess the ultimate powers and authority they had during the pre-colonial era in matters pertaining to natural resources.

overlapping and contrasting local organizational structures that have different operating boundaries, thus drawing their sources of authority and legitimacy from different centers of power. This has produced fragile and incongruent local institutions. Zimbabwe's local government system now constitutes of three formal hierarchical structures that exist side by side. These span right from the state cascading to the grassroots. This decentralized local government system encompasses the provincial development committees, rural district development committees, ward development committees (WADCOs), and village development committees (VIDCOs). The customary system that encompasses chiefs, headmen, and village heads and the bloated multi-sectoral hierarchy of government ministries are all conflicting and coming out of several administrative, developmental, social, political and other bodies creating administrative challenges (Sithole, 1997; Mandondo, 2000). In particular the ministries and agencies that deal with natural resources.

The removal of application of customary law with regards to access and use of land and other natural resources from traditional leaders (chiefs) to the newly elected local government institutions (the rural district councils) implied that the new government of Zimbabwe was effectively removing power and authority of traditional leaders through customary law and redefining it into non customary law institutions (Nyambara 1997a). This meant that the authority of traditional leaders clearly became limited in terms of the extent to which they can exercise authority over natural resources in their area implying that their custodianship to communities and natural resources was fragmented.

The Traditional Leaders Act of 1998 Chapter (29: 17) asserts that the authority of the chief was being re-established. However the matter of crucial concern is whether this was genuine or a cosmetic attempt to redress the existing contradictions, thus it is prudent to analyze the actual power created and to what extent it advances the aspirations of local communities. The critical fundamental is that the Act states that the chiefs are appointed to perform functions of their office as the traditional heads of the community but it does not stipulate or define what exactly these functions are and can misguide traditional leaders in thinking that they have ultimate authority yet that is not the fact (Mohamed-Katerere 2001). The Traditional Leaders Act ,The Mines and Minerals Act (21:05), The Rural District Act (29:13), Communal lands Act (20:04) Environmental Management Act (20:27) and other relevant institutions have either usurped the role of the traditional leaders in natural resource governance or have vague and ambiguous regulatory frameworks that do not clearly outline the jurisdiction and the extent to which power is vested in traditional institutions with regards to control of the processes of natural resource management in communal areas as custodians of communities. This prevailing situation has perpetuated a resource curse resemblance² with seemingly no genuine efforts to redress the status quo. The research sought to establish whether there are overlaps and or deficits that are currently in connivance under the current laws, policies and institutions conflicting and confusing the mandate of

²The communities fail to accrue benefits and meaningful development from the vast natural resources within their locality yet the same resources are benefiting others elsewhere. Europe and United States of America among other continents have developed from natural resources from Africa whilst Africa remains impoverished and underdeveloped. The abundance of natural resource become a curse.

the traditional leaders in natural resource management within the matrix of customary law. The research was done in Mutasa South constituency an area with natural resources under the chieftainship of Mutasa. The Mutasa community has natural resources such as gold, agricultural and residential land, water, wildlife and forestry.

1.6 Research Objectives

- 1 To establish the role of traditional leaders in natural resource management in Mutasa South.
- 2 To examine current laws and institutions that relate with traditional leaders in playing a role in natural resource management.
- 3 To analyze the relationship between traditional leaders and other authorities and institutions in natural resource management.

1.7 Research Questions

- 1 How are traditional leaders involved in natural resource management in Mutasa South?
- 2 How do current laws and institutions impact the role of traditional leaders in natural resource management?
- 3 What is the relationship between traditional leaders, other authorities and institutions in natural resource management?
- 4 What recommendations do stakeholders have on the role of Traditional Leaders?

1.8 Justification to the Study

Natural resources play a critical role in local democratization because local populations depend on them daily hence they are central to the livelihoods of communities thus their lives are anchored on resources. Communities resort to them as a survival mechanism, whilst the governments rely on them as a potential source of the much needed wealth (Mamdani 1996a). However traditional leaders being the custodians of communities have a fundamental obligation to ensure that communities accrue benefits from the exploitation of resources within their locality. The study sought to look at the role of traditional leaders in natural resource management and how opportunities for communities can be created to achieve lasting participation, access and use from natural resources within their areas. The research sought to look at options on how traditional leaders can be further empowered in the realization of equitable resource management and community participation. The conflict or friction between the state and local traditional institutions in terms of access and use of natural resources cannot go unnoticed thus the study attempted to analyze and recommend alternative solutions that allow the two centers of power to coexist whilst serving their purposes effectively.

1.9 Conclusion

The chapter gave an a brief synopsis of traditional leadership during the pre-colonial, colonial and post-independence eras respectively on how these periods have impacted on the autonomy and authority of the traditional institutions in relation to natural resource management. It further looked at the background of the Mutasa people's history and

discovered the origins of the chieftaincy. The traditional authority's structure, roles, spirituality and sacred days were also briefly outlined. The views of other scholars with regard to natural resource management and the relationship between the state and traditional institutions shall be reviewed in the next chapter.

1.10 Definition of Key Terms

Traditional institutions- They are led by community leaders who get their legitimacy from culture and pre-colonial period.

Natural resources management- The administration of wealth by traditional leadership or government.

Conflict- Misunderstanding between traditional institutions, the government and its agencies on how to manage natural resources.

Authority- The one who possess power over the use of natural resources between traditional leaders and government

Government- Leadership of the country that is recognized through the constitution and a democratic process of elections

Coexist- The ability for traditional institutions and government to work together without acrimony

CHAPTER TWO THEORETIC FRAMEWORK

2.0 Introduction

Traditional leaders and the office of the traditional rulers have evolved right from inception of the establishment of polities within the region of modern Africa. As a collective, it is also referred to as the chieftaincy institution. Indeed, the institution dates back several centuries and remains the prime custodian of African culture. The institution is much honored and held in admiration while at the same time it is perceived to be the picture of the spirit of the ancestors and a link between them and the living community. It provides a renewed sense of belonging as well as being a powerful agent of social cohesion and harmony. The office of traditional rulers has been transformed as it has passed through various phases back to the pre-colonial era through the colonial period to the present (Donkoh, 2002). The debate around the role of traditional leaders against that of government has been topical in Zimbabwe with no clear delineation of duties and defined mandate. The Chapter looks at the views of other scholars pertaining to the role and relationship of traditional leaders in natural resource management. Ray's legitimacy theory and the decentralization theory were used to explain the current relationship that exists between traditional leader, government and its agencies. The chapter seeks to marry the theories proposed with the existing literature on natural resource management in Zimbabwe with regards to traditional leaders and the government respectively.

2.1 Ray Theory of Legitimacy

The Ray (1997) concept of legitimacy mainly focuses on the fact that the political authenticity of traditional leaders ought to be added to that of local government so that it may increase the capacity of local government in its efforts to encourage development and democratization. Traditional leadership and the contemporary state make different appeals to people on issues of legitimacy that is the reason why people conform to authority. Ray argues that the differences between modern democratic governments and traditional leadership do not make them irreconcilable institutions pertaining to legitimacy.

The democratic government, local government included, derives their legitimacy from electoral processes and constitutionally derived mandate that was created during the colonial periods and independence. In traditional leadership legitimacy is derived from history and cultural beliefs, commonly joined with sacrosanct references. Ray argues that the only way to increase opportunities for more effective local government in an attempt to promote development and democracy. One approach would be to add the legitimacy of traditional leadership to local government. He further argues that legitimacy is why people obey authority thus the desired result would be more development as people put more endeavor into local government. The question is how this link can be developed and accomplished, Ray's concept of legitimacy connects with issues of natural resources in that since traditional institutions and government derive their legitimacy from different sources of power subsequently the use, access and control of natural resources is derived from the different sources of legitimacy. Legitimacy in

terms of whom and how the resources are managed and governed between the state and traditional institutions. Traditional leaders and the state clearly have conflicting dimensions as to how natural resources are administered though to somewhat extend there is recognition of their existence and perceived role as prescribed by the Traditional Leaders Act. Hence Ray's concept emphasizes on the need for traditional institutions, the state and its agencies to coexist and administer natural resources without acrimony.

2.2 The Decentralization Theory

The decentralization theory entails a process which transfers responsibility and authority in decision making, executive power, responsibility and administrative capacity to local groupings such as local governments and communities (Agrawal and Ribot 1999; Crook and Manor 1998). In the process of decentralization, a central government becomes smaller because of the transfer of some entrustments to other arms of government which remain responsible to government Ribot (1999a). This however is problematic to full participation and ownership of community involvement, often with the central government reserving the right to supervise, overturn or withdraw the entrustments (Pomeroy, 1999). The structure of decentralization undermines the extent to which Traditional leaders operate and restrict them to prescribed roles by the state that might exclude full participation in natural resource management as all authority is vested in the Rural District Council. The emphasis and points made by (Ribot 1999a and Pomeroy1999) are clear about the retention of authority of power and authority by central government though to a certain extent devolved impressing that decentralization

might not necessarily be a process that allows greater community participation in but rather administrative improvement of the state's activities at communal level.

The Prime Minister's Directive of 1984 effectively decentralized state power to the Rural District Council to administer central government authority at community level. Though decentralization of state power remains controversial due to the arguments raised by different authors some feel it brings efficacy to central government at community level, improved service delivery, community participation and redress of colonial imbalances at community level. The same process is viewed as a direct attempt to usurp and undermine the power of traditional leaders as exemplified by the creation of VIDCO's and WADCO's under the Rural District Council to replace the authority of traditional institutions over natural resources in communities (Masendeke *et al* 2004; Chikoore *et al*, 2002; Makumbe, 1998; Makamuri, 1995 and Ncube, 2011)

(Mamdami, 1996 and Ribot, 1999 in Ribot, 2006) argue that rural communities situated in developing countries are always marginalized in terms of control over public decision making and have been governed as subordinates instead of empowering them as citizens because of the fundamental role that natural resources play in local livelihoods. Hence a successful process of decentralization of which also include natural resources management decisions to local communities will transform, enfranchise and empower traditional institutions with meaningful representation and recourse concerning valuable natural resources.

In the process of decentralization the issues that are of fundamental importance include the role of the state alongside local traditional institutions that already exist, clarity on how the areas of control are going to be defined and using which criteria especially with matters pertaining to natural resource exploitation between traditional institutions and the state. Furthermore, the theory of decentralization focuses on how central government distributes power to lower levels within its structures but not much is articulated pertaining to clearly cut out positions of traditional institutions, leaving them under a risk of being sidelined or subjects to the state in this process.

2.3 Traditional leaders and Management of Natural Resources

2.3.1 The Traditional Leaders Act (Chapter 29:17)

The Traditional Leaders Act authorizes the permanent secretary of the ministry of local government to appoint village heads after a process of getting recommendations by the headman and written endorsement from 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 of Zimbabwe in accordance with the traditional leaders Act Part 2 Subsection 2 and headmen by the relevant minister, village heads are given a number of responsibilities, many of them with performing functions of a nature best described as ‘policing’ and fiscal. The direct involvement of government squarely puts traditional leaders under the control of government and negates the traditional value of traditional

institutions. It clearly dilutes the extent to which traditional institutions can exercise their autonomy as they consequently become subjects of the state to somewhat extend as their mandate is regulated by an Act of parliament. Under customary law traditional leaders are supposed to be installed through a traditional process done within the confines of traditional sacred functions that must be void of government interference *kugadzwa humambo pachinyakare*³. The installation process of traditional chiefs by the state is a deliberate move not only to undermine the traditional authority but to also shift their mandate and role of being accountable to their communities and report to the state instead.

The limitation of the applicability of customary law and belittling the significance and fundamentals of local belief systems, the mandate of chiefs has been strategically controlled as they are required to function in accordance with the ideals and philosophy of the common law system to a large extent as traditional leaders and can only preside over small disputes, which may contradict to local values. As a result, the chiefs have become only upwardly accountable to the central government structure and system and the very spirit of representativeness of their office has been grossly undermined (Nyambara 1997a). Traditional leaders have been couched to report to central government consequently distorting and diluting their source of legitimacy and authority which is not vested in central government but in traditional hierarchy.

³A traditional ceremony of installing a chief which is performed under strict cultural and traditional norms and values void of external interference.

2.3.2 The Relationship Between Government and Traditional Leadership

The central government system of Zimbabwe like in other countries in Africa has structures of hereditary chieftainship that exist in an otherwise declared nation or democracy. Traditional leadership is vigorous and visible within the structures of government at all levels of authority in Zimbabwe that is from the village level right up to the national level from the national level. Traditional institutions are acknowledged within the constitution, but fail to go beyond the acknowledgement in terms of real authority over natural resources. There are contradictory views to authority and complex co-existence between traditional institutions and government. Traditional leadership and local government officials occasionally trade accusations of misuse of power, non-compliance with laws; customs and traditions, especially concerning distribution and administration of limited resources such as land. Suggesting that the struggle of legitimacy and authority is a matter that is existent between traditional leadership and government. The biggest challenge is at the local government level where serious conflict between the modern administrative system and traditional leadership has problems (Ziminstitute, 2005)

In Africa, resource management is not just an issue of safeguarding nature, it is an affair of survival (Mudimu, 2001). Substantial figures of rural people have sources of revenue that depend largely on natural resources. There has been a huge insight of the need to strike a sense of balance between present livelihood approach and the necessities of future generations. According to Berger (1993) African governments use a top-down

approach in natural resource management, which present very little prospect for discussions with local communities. They retain most of the decision-making responsibilities downgrading the communities to mere proxies of the state. Therefore there must be a provision to produce management establishments that can sustainably manage resources and local communities are best placed to manage these resources rather than entrust distant corporate organizations (Antonio, 2000). Community Based Natural Resource Management (CBNRM) programme is designed to substitute the government-centered management establishment, which has long been attested to be unsuccessful to sustainably managing resources. Insufficient staff creation and insufficient financial resources are the chief limitations that handicapped these management regimes. This has resulted in unrelenting resource degradation in both protected and unprotected areas (Murombedzi, 1999). The colonial system was clear about its determination to reduce to nothing traditional institutions responsible for resource management by using a central government's approach. Murombedzi (1999) observes that such a set-up created institutional vacuums and overlaps in the communal areas as most of these institutions catered for alienated lands.

2.3.3 Rural District Council Act Chapter (29:13)

The Act gave the RDCs, the power to enact land-use and conservation by-laws in their jurisdictions negating and compromising the role of the traditional institutions. This also created contradictions as traditional leaders claim to have similar powers under the Communal Lands Act (Stewart *et al*, 1994; Mandondo, 2000). However, this

empowerment of the Rural District Council further endorses the RDC's as the 'de jure' land authority. The Rural District Council Act (Chapter 29: 13) effectively established a local government structure that excluded traditional leaders. It is somewhat ironic that many of these structures were inaugurated with the blessing of traditional leaders.

The Rural District Councils Act under Section 6 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 headman and chief controlling land occupancy issues through traditional court systems (*matare*) the prerogative of the administration of land is vested in the rural district council yet traditional leaders are the custodians of the natural resources according to the Traditional Leaders Act and under customary law. The issue relating to land and other natural resources has become the responsibility of council, and developmental initiatives have been assigned as responsibility of the VIDCO and WADCOs. These arrangements are in sharp contradiction to the traditional systems and values thus inevitably creating pockets of friction and conflicts. At the best scenario the two systems operate in tandem as espoused by Ray (1997) who advocates for a system where local government structures operate together with those of the traditional system.

In principle there should be nothing wrong with decentralization that focuses powers at the district level. The district is, in fact, the lowest unit of local government that encompasses popularly elected grassroots structures including village development committees (VIDCOs) and ward development committees (WADCOs). In practice,

local-level planning is supposed to start at the village or VIDCO level. The VIDCO is presided over by an elected chairperson, and it comprises of 100 households on average (Roe 1995). VIDCO plans are then consolidated into a WADCO, which consists on average of about six VIDCOs, with slight variations from area to area. The WADCO is presided over by an elected councilor, who then becomes the ward's representative at the district level. In championing community rights at the district level, the mostly peasant councilors have to engage with a variety of other stakeholders including government bureaucrats and technocrats, who have superior literacy levels and negotiating skills (Hlambeni and Kozanayi, 2005) The notion that traditional leaders are illiterate and cannot negotiate is a bit misguided in that these traditional institutions have preserved communities using indigenous knowledge systems for centuries and are better placed to articulate what they desire as communities. The RDC's are proxies of central government that seek to make sure that the interests of government are safeguarded and advanced at the same time. The arguments proffered in the decentralization theory are clearly put into perspective in that whilst the initiative is noble it threatens traditional institutions through the establishment of democratically elected members of council without taking due consideration to traditional institutions in natural resource management.

Furthermore, Ray (1997) argument of legitimacy here exposes the dilemma of a diametrical conflict of a constitutional democratic system derived from central government and that of traditional institutions established pre-colonial era and hereditary

in nature. Ray proffers his view that the two centres of powers should coexist since legitimacy is seen by what the people respect and acknowledge as their bonafide authoritative leadership whether customary or constitutional. Although District Councils have community representatives, the structuring of accountability at the district level is such that the significance of community representatives gets impaired. Most effective decisions at the district level are made within the Rural District Development Committee, which is dominated by bureaucrats and technocrats at the expense of community representatives.

The question that one may want to put across is whether the Rural District Council is the most strategic institution to deal with matters pertaining to land tenure and management of other natural resources. Would it not be better for the RDC to pose as a managing agent acting on behalf of the traditional leaders rather than to be the regulatory authority Murombedzi (1991). The mandate of the rural district council also include assessing and supervising the completion of development plans organized and carried out by other ministries and departments or agencies of government; and, implementing the District Council's own plans, programmes and projects once they have been approved at the national level (Makumbe, 1998). This reinforces the relation and the role of the rural district council as a decentralized institution meant to represent the and implement central government directives and initiatives. The relationship is evident in the legislative provisions that compel agencies, ministries and departments to work with

rural district council such as the Mines and Minerals Act, the Forestry Act, the EMA Act, the Parks and Wildlife Act among others.

2.3.4 Communal Lands Act Chapter (20:04)

The Communal Land Act vests all communal land in the State President. This means that communal land in which traditional leaders reign are only privileged with usufruct rights⁴ and can be moved or relocated to allow initiatives as directed by the state's directive. Traditional institutions are subsidiary to the state thus land can be allocated through the various ministries and laws without necessarily seeking approval from traditional institutions.

In terms of this statutory provision, residents of Communal Lands have no more than usufruct rights. There are many communities that have been displaced or relocated to pave way for economic ventures such as mining in some communal areas⁵. Ray's theory can be put into context in this scenario in that the incorporation of traditional institutions into the rural district council in which the president vests authority on his behalf enables decisions and interests of traditional institutions to be well represented in the event that the state wants to retain communal land for a certain venture. The communities can be easily co-opted into the venture rather than being relocated or excluded. In accordance to

⁴ A legal right accorded to a person or party that confers the temporary right to use and derive income or benefit from someone else's property.

⁵The relocation of Chiadzwa Community Members to ArdaTransau to pave way for Diamond Mining in Marange.

the Communal Lands Act Section 7 and 8 the state or President strategically retains the power over land.

The Communal Lands Act section 8 assigns the RDC's as the accountable authority to control and manage communal land. This clearly proves that traditional leadership is ancillary to the Rural District Council with regard to land. The authority over land is clearly not within the power of those who have traditional rights to access and use. This is in spite of the fact that the village head is accountable for resolving disagreements concerning customary law and traditions this also takes into account matters involving agricultural land boundaries, grazing and residential land. The decentralization theory is ambiguous in that in principle it is a move to allow efficacy in administration at community level and also allow community participation in matters that affect them yet the Rural District Council retains authority over the allocation of land where traditional authority has similar powers though checked by the Rural District Council.

2.3.5 The Environmental Management Act Chapter (20:27)

The Environmental Management Act of 2002 gave birth to the Environmental Management Agency (EMA) which is responsible for the regulation of policy with regards to the management of the environment and. The Act provides for the sustainable management of natural resources and the protection of the environment, the prevention of pollution and environmental degradation and preparation of a National Environmental Plan. The Act requires those rural district councils and all other stakeholders including

individuals to work with the Agency in ensuring that there is sustainable management and use of natural resources in communal areas.

2.3.6 The Mines and Minerals Act Chapter (21:05)

Zimbabwe is a rich endowed with precious minerals that are top selling these include diamonds, gold, platinum and various others (ZELA 2010). However these minerals are located within communities and can play a very big role in alleviating poverty as well as fostering a process of sustainable development and exploitation of minerals, community access and use. The question begging for an answer is: to what extent do local communities living in mineral rich areas share equitably in the benefits of mining? Does the legal framework promote the interests of local communities and concomitantly ensure a mining industry that is socially, economically and environmentally sustainable? (Murombo, 2009) These questions are fundamentally the basis of making an inquest as to whether the Mines and Minerals Act is cognizant of the fact that traditional institutions are custodians of communities where these minerals are being exploited and to what extent are local communities empowered to actively participate.

The Mines and Minerals Act in according to section 2 of the Act, rights to minerals are vested in the State President. The Ministry of Mines and Mining Development works in conjunction with the rural district council on claims that are on communal lands and the ministry of lands on claims that are on commercial land pertaining to issues of prospecting and pegging of claims. The Ministry of Mines and Mining Development is not obliged to report to the traditional leaders by way of consultation because it directly

deals with a decentralised arm of government which in this case is the rural district council for administration purposes. This suggest that traditional authority is subsidiary to that of the state in terms of the right to minerals is concerned .The administration of mining rights is the responsibility of the Ministry of Mines and Mining Development in the form of a permit. The mining rights can be obtained by individuals, companies and partnerships. Partnerships in this regard are defined in Section 61 of the Act as consisting of no more than six people according to the Mine and Minerals Act.

The provision for partnerships in the Act can open-handedly be construed as a genuine endeavour to advance a culture of community access and participation in mining. On the other hand, the constraint of the number to no more than six people negates the principle of community participation. Community participation in most cases means or refers to the inclusion of all people in the village or whole ward. This clearly disqualifies active participation of communities from a perspective of partnerships as it also becomes a limiting factor for community based natural resource management (CBNRM) in the mining sector especially where the involvement of communities and traditional institutions derive livelihoods.

The relationship of institutions is of fundamental especially in ensuring that community participation is not merely cosmetic but real in the mining sector. Thus communities through their traditional leadership structures have to take a leading role in terms of engagement with stakeholders on policy and decision making. The Mining Affairs Board a key institution established by the Mines and Minerals Act consists of the

following: Secretary of Mines, Undersecretary, Chief Government Mining Engineer, Director of Metallurgy, Director of Geological Survey, two members appointed by the Minister from the Chamber of Mines, a member of the Commercial Farmers' Union, a member of the Institute of Chartered Accountants of Zimbabwe and two other members appointed by the Minister.

A closer assessment of the membership that constitutes the Board depicts a highly academically qualified and technical composition which has a glaring absence of participation by community leadership. The inclusion of various other stakeholders and absence of traditional leadership shows that there is gross marginalisation of communities and this make it difficult for community's interests, including access and benefit sharing to be expressed and integrated at the highest level.

2.3.7 The Management of Water

The Water Act (CAP 20:24) of 1998 and the National Water Authority Act (CAP 20:25) of 1998 are the cornerstones of the Government of Zimbabwe's legal framework governing water resources. The authority over water resources are vested in the Presidency hence cannot be owned privately in accordance with the Water Act. The Zimbabwe National Water Authority Act established the Zimbabwe National Water Authority (ZINWA), the government agency responsible for water planning and supply (FAO 2005; Chikozho and Latham 2005). The fact that the Act that governs the management of water is vested in the state significantly reduces the extent to which

traditional leaders can claim authority and legitimacy over the way water is managed within their communities. The Zimbabwe National Water Authority (ZINWA) is the authority responsible for all matters with regards to water and is the revenue collecting arm working with various institutions or bodies for enforcement. Under formal law, the state owns all surface and groundwater in Zimbabwe. All Zimbabweans have the right to water for primary (domestic) use while other uses require state approval. Water rights are managed by Catchment Councils, which can issue permits for water use for agriculture and industry. Permits are typically valid for 12 years and are renewable. Payments are made based on the volume of water used, and permits transfer with the sale of land (FAO 2005; Sithole 2002; Magaramombe 2007; Chikozho and Latham 2005). This limits the power of traditional chiefs with regards to their role in the management of water in their communities.

The Catchment Council level is consists of assigned chairpersons of the Sub-Catchment Councils, representatives of Rural and Urban Councils (modern leadership), chiefs (traditional leadership), miners, and various government bureaucracies including Agricultural Research and Extension (AREX), Department of Irrigation, Environmental Management Agency (EMA) and any other stakeholder representatives the Catchment councillors deem important to be part of the Catchment Council. The Catchment Council works with Zimbabwe National Water Authority – a quasi-public entity that has decentralized its offices mainly for administrative purposes in each of the seven catchments.

On the contrary under customary law, traditional leaders are deemed to be custodians of water since Zimbabwe's water belongs to the land. Customary law stipulates that the community has the right to use water for all traditional purposes, without obtaining a permit or making any payment. The Water Act and the National Water Authority Act are not clear about the roles of traditional leaders such as village heads and spirit mediums (Mubaya, 2009).

This assumption of central government control over natural resources has been in perpetuity from the colonial regime where the colonial government saw itself as having the authority of building know-how which replaced pre-existing natural resource management institutions. Livelihoods of people in rural areas of Zimbabwe are closely linked to availability, accessibility and management of natural resources such as water for both subsistence and income generation (Mubaya, 2009). The importance of water among communities in communal areas is evident in its spiritual, social and economic significance. Water is a sacred resource and its insufficiency is a source of concern and social disorder, traditionally, the norms and controls with regards to governance of the utilization of water and related resources were ideally premised in that there were no limits imposed in accessing water mainly because of its importance in production and reproduction purposes.

2.3.8 The Management of Forests

The most important forestry legislation is the Forest Act (19:05) which applies (for gazetted forests), the Communal Lands Forest Produce Act (19:04) (CLFPA) applies

(for communal areas), and the Parks and Wildlife Act (PWLA). CLFPA empowers the management of forestry exploitation within Communal Areas with the Minister of Environment and Tourism. Exploitation of forest resources in communal areas by inhabitants of communal areas under the law is limited only to household use. Community individuals are only allowed to use forest resources for their private use in accordance with a license, permit or other agreement (Hlambeni and Kozanayi, 2005)

The sale and supply of forest product is prohibited, forests can only be exploited by the Minister on behalf of the state through granting of concessions for commercial uses by the rural district council (Shumba, 2001a). Shumba also impresses that the Forestry Act regulates forests accessible within lands used by large scale farmers and state forests. The Act prohibits the destruction and harvesting of timber under the terms of a valid permit, separates forests areas and establishes the Forestry Commission. Forest policy is guided primarily by the Forest Act and Communal Lands Forest Produce Act. The Act is administered by the Forestry Commission and is meant to make sure that there is sustainable use of forest resources. The objective of enacting the act was to empower the Forest Commission as the state forestry authority in Zimbabwe. It has the authorization to oversee execution of the forest policy. Its role includes regulation of the forestry sector, forestry extension, Management of gazetted forests, forest research and forestry training.

Commercial timber extraction in communal areas is administered by the Rural District Councils (RDCs). This on a forest record approved by the Forestry Commission, the RDC may call for commercial tenders for exploitation, for one to get this tender an environmental impact assessment is required. Ten percent of the revenue that is realized from the winning concessionaire is remitted back to the local communities and distributed for public and social amenities in the community (Shumba, 2001b). The role and function of traditional leaders is salient and assumedly customary, this poses a question on whether traditional forests from where they get medicines and perform rituals are exonerated from commercial use as prescribed by the Forestry Act in terms of the law. The rural district council continues to play a significant role on behalf of the state in ensuring enforcement of the provisions in the different Acts. What is given back to the communities is determined by the Act and not the community or its leadership.

2.3.9 The Management of Wildlife

The Ministry of Environment and Tourism is in charge of the Department of National Parks and Wildlife Management. The Parks and Wildlife Act (29:04) defines six types of protected areas: national parks, sanctuaries, botanical gardens, botanical reserves, and recreational parks. Within these areas, which comprise 13% of land area, all human activity is prohibited except by permit, license, or other authorization (Shumba, 2001a). The wildlife within communities is regulated by the Parks and Wildlife Act and not traditional authorities thus it is prohibited for one to engage in hunting or fishing without acquiring a permit. Traditional leaders also claim ownership of wildlife with most of the

animals such as lions resembling certain meanings and communications with ancestors. Hence restrictions and enclosure of wildlife is a direct infringement to the traditional beliefs and values of traditional institutions as these animals do not only provide sustainable livelihood but perform special functions in traditional processes. The management of wildlife is fundamental in that it does not only play a significant part in their livelihoods but defines their cultural beliefs, norms and values.

The Acts, ministries and government agencies that were analyzed showed that the decentralization theory which enacted the distribution of authority to the community level through the Rural District Council working with various government agencies and ministries to ensure community participation in decision making access and use of natural resources was clearly negated as government retained power to access and use of natural resources. (Tienhaara, 2006) argue that in decentralization of state power central government deliberately inclines power to upward accountable institutions as a strategy to maintain central control of natural resource. Decentralization can fail to work as a theory because of improper implementation and the influence of external factors such as ideologies and lack of capacity and financial resources *ibid*.

Ray's legitimacy theory complements the deficits of the decentralization theory in that it encourages the coexistence of the state and traditional institutions. Traditional institutions representing local communities are vaguely accommodated within the structure of the Rural District Council yet their represent the ideals of a decentralization

process of reaching out to communal areas whilst respecting the existing traditional institutions.

2.4 The Community Share Ownership Trusts

The Community Share Ownership Trusts (CSOT) were established through the Indigenization and Economic Empowerment Act (Chapter 14:03) IEE Act. The primary idea of the Community Share Ownership Schemes is a mechanism of give power to local communities and indigenous Zimbabweans under the Indigenization and Empowerment Act in areas where there are big mining investments. However this initiative has been riddled with a lot of controversy in that some have viewed the CSOT as a political vehicle for Zanu PF through the Minister Kasukuwere to drum up support for the upcoming elections. There has been no significant meaningful developmental initiative that has been observed in some of the established CSOT. The Marange Zimunya CSOT is reported to be dysfunctional with an initial deposit of US\$50million by the mining companies unaccounted since its launch in July 2012 by the President Robert Mugabe according to the Zimbabwean October 2012.

The operational framework of what a community is for the intention of defining the CSOT is derived from the Rural District Council Act (Chapter 29:13) and the trusts are district based. The Composition is as follows:

- i) Chief – (Chairperson) it is rotational where there are more than one chief in the district.
- ii) Other Chiefs in the District.
- iii) District Head of the Ministry of Youth Development, Indigenisation and Empowerment.
- iv) District Administrator.
- v) Council Chairperson- (Vice Chairperson)
- vi) CEO of RDC Ex-Officio (Secretary)
- vii) Representative(s) of qualifying business(s) drawn from senior management level of business
- viii) Representative of women
- ix) Representative of the youth
- x) Representative of the disabled
- xi) A Lawyer
- xii) An Accountant
- xiii) Any other person co-opted by the trust for their expertise and/or special skills from time to time (Mawowa, 2013)

However the CSOT have been shrouded with a lot of complexity and lack of transparency in their setting up and composition. The interesting part here is the involvement of the Chief as the chairperson of the trust the background being that they are the chief custodians of the community. The question is that is the Chief vested with

adequate authority to exercise his mandate with minimum interference from other stakeholders or interested parties. This Integration of Authorities between the state agencies and traditional institutions is exactly what is prescribed by Ray (1997) in his argument of the legitimacy theory who proposes the coexistence of the different institutions since they derive their legitimacy from different centres of power.

2.5 Conclusion

It is clear that the various Acts and government institutions are in contradiction, overlapping and incongruent, however the interesting aspect is the nexus between the global dynamics and the traditional institutions. The threat of traditional leaders by a growing commercial and modernised society is further aggravated by a multiplicity of legal regimes that are in conflict. Natural resource management is seriously a matter of consideration as the state and traditional leaders derive their sources of legitimacy and authority. The process of genuine decentralisation of state power to local communities is not pronounced as was intended but rather further marginalised communities.

CHAPTER THREE RESEARCH METHODOLOGY

3.0 Introduction

The research was conducted to investigate the involvement and role of traditional leaders in natural resource management in Mutasa South. The Chapter looked at various methods of data collection and tools analysis which were employed in the research. The study aimed at unpacking the views of traditional leaders, the rural district council, the district administrator, community members, The Ministry of Mines and Minerals, National Parks and Wildlife and Environmental Management Agency officials. The research sought to get the views of these stakeholders with regard to the involvement of traditional leaders in natural resource management in their community. The study also looked at the relationship of traditional leaders with key stakeholders in the management of natural resources. A qualitative approach was used in this study given that it anticipated ascertaining community and institutional views. This chapter narrates how the various methods of data collection and tools of analysis were used during the research study. The research design, population, the interviews, sampling procedures and methods of data collection, and ethical considerations that were observed during the research process all in attempt o fully comprehend the views of stakeholders.

3.1 Research Design

A research design according to Nachmias and Nachmias (1976) define research design as “the program that guides the investigator in the process of collecting, analyzing, and interpreting observations” Schummacher (1989: p150) defines research design as data collection procedures used to answer the research questions. It located the researcher in the practical world and links them to exact sites, persons, groups, institutions and bodies of appropriate interpretive material. It also spelt out how it tackled the two critical questions of representation and legitimacy in natural resource management. The details of this study’s research design are discussed below.

3.2 Qualitative Methodology

The researcher investigated and interrogated the perception of traditional institutions, communities, and other stakeholders. The researcher adopted a case study approach after the realization that traditional leaders exist in almost all rural settings in Zimbabwe and are endowed with natural resources in one way or another. Thus the research undertook a qualitative bias, taking into cognizance that people are naturally different and have likelihoods of viewing things differently. The quantitative approach created an opportunity to get numerous realities or opinions in an endeavor to dig up motives, feelings, emotions and perceptions of people. The study primarily endeavored to obtain the perception of traditional leaders on their role in natural resource management and this approach was best suited to unlock the hidden views in a comprehensive manner (Strauss and Corbin 1990). A Qualitative research according to Lincoln and Cuba (1985)

aims at bringing together an in depth appreciation of human actions and the explanation that direct such behavior as it is based on a phenomenal paradigm

The two major research methods used in qualitative research were used in the research were in-depth interviews and focus groups. In-depth interviews were ideal for collecting data on individual's personal narrations, viewpoints and understanding, particularly when sensitive topics were being investigated. Focus groups were effective in extracting data on the cultural norms of a group and in generating expansive overviews of issues of concern to the cultural groups or subgroups represented.

The qualitative approach was used for data collection and analysis on information for this research study to get an understanding of the diverse discernments of different traditional leaders in Mutasa South on their involvement and role in natural resource management and how they view the existing relationship with other government departments and stakeholders with regards to their mandate. The primary principle of applying the qualitative research design in this research study was its fitness to convey reasonable and concrete information as articulated and point up by the respondents who were consulted in this research study. An additional reason that also encouraged the use of qualitative research design was that, the a variety of methods that were engaged in this method produced immense prospects of accuracy in documenting genuine actions, opinions articulated and motivations from the respondents themselves as the researcher will be communicated with them directly. Casley and Kumar (1988) argue that qualitative methods enable the researcher to capture nonverbal and verbal conduct in

order to extract the opinions, feelings, and perception of the respondents. Through interviews and focus groups the researcher was able to take hold of relevant information as he will be scrutinized and deduced importance of statements and gestures from respondents.

3.3 Population and Sample

3.3.1 Population

The population for this study was traditional leaders and community members in Mutasa South constituency, government ministries and government agencies were other key informants. The research looked at views of traditional leaders under headwoman (*Muzvare Chikanga*) and headman (*Ishe*) Ndorikanda from Manica Bridge headman Saungweme.

To unfasten the perspectives experiences, perceptions and feelings of stakeholders, 3 areas under 3 different headmen were picked, 3 focus group discussions were conducted with an average of 10 participants, and 15 community members were interviewed. The information from these respondents was substantiated with findings from key informants such as traditional leaders, Ministry of Mines, Rural district council, The Environmental Management Agency, District Administrator, Parks and Wildlife and ZINWA. The qualitative approach necessitated interviews for key respondents that were not necessarily within the sample during the investigation process of the research particularly to authenticate information.

In an attempt to solicit information pertaining to how they discharge their duties in their respective jurisdictions, how they relate with other stakeholders in executing their mandate. This was also informed by the possibility of variance of natural resources within their community as well as differences in ways of dealing with matters. Some communities in Mutasa South are situated within the peri urban area, adjacent to Mutare whilst others are far off hence the need to reach far and wide.

Mutasa South possesses natural resource ranging from minerals water, wildlife, forests and arable land for domestic and commercial purposes and these resources are dotted across the constituency hence the need to get far reaching views from structures of traditional institutions represented.

3.3.2 Sampling Procedure

The purposive and snowballing sampling techniques was used in this research, data collection targeted traditional leaders, households and community members from ward 21 to 26 under Mutasa Rural District Council, the respondents fall under Chief Mutasa and particularly in areas being led Headwoman (*Muzvare*) Chikanga Ward 23, Headman Ndorikanda Ward 24 and 25, Headman Saungweme of Ward 21 to 25 it entailed use of appropriate and informed respondents to put into picture the research because of their widespread acquaintance in the issues regarding to the role of traditional leaders and how they manage natural resource. The respondents were purposively sampled due to their proximity to natural resources in Mutasa South as well as accessibility to relevant stakeholders such as traditional leaders the rural district council

and district administrator. Traditional leaders and other key informants were accessed through snowballing as one respondent would link you to the next respondent who they felt might have relevant information especially oral history. Purposive sampling is selecting a sample on the understanding and your own acquaintance of the population, its elements, and the nature of your research aims (Babbie, 1990). This individual selection was prepared to acquire the authentic respondents with necessary knowledge in the area of investigation. Purposive sampling harmonized with snowballing targeted a group of people and in this case traditional leaders and selected households and community members.

3.4 Methods of Data Collection

3.4.1 Structured and Unstructured Interviews

Interviews were undertaken with key informants in an effort to ascertain a clear appreciation of the respondents' points of view on how traditional leaders, communities and other stakeholders perceive their relations in local governance of natural resources. By way of interviews, the researcher also had the opportunity to speak to traditional leaders in Mutasa South and got a clearer understanding of what they feel through body gestures, tone of the voice and emphasis put on certain issues. Casley *et al*, (1988) asserts that the use of in-depth interviews avails the interviewer unlimited freedom and flexibility to investigate the wide subject with respondents who are encouraged to articulate their views and experiences. The justification for the use of interviews was to collect the varied views of the respondents on the role of traditional leaders in natural

resource management. Interviews were appropriate in that the researcher could probe for clarification and elucidation of unclear responses. The interviews made it possible to ask questions, record responses and in the course capture the non-verbal signals which had verbal responses. Interviews were conducted to traditional leaders and community members as well as representatives of key informants such as the rural district council, The Ministry of Mines and Mining Development, Forestry Commission. Community members were also interviewed on their perceptions of traditional leaders to avoid victimization from their leaders and to also allow a free flow of discussions with privacy. The researcher however faced challenges of convincing the respondents regardless of the fact that they had been assured that the research was for purely academic purposes. Some informants felt that the topic was a sensitive topic as it involved matters concerning power and authority so some admitted being stereotyped through the main stream political involvement of political parties to the extent that everything is construed within political lines. Officials at the Ministry of Mines and Mining Development and Zimbabwe National Water Authority were difficult to access as they are reportedly out of office most of the time. The researcher managed to reschedule and proceeded with the meetings and convinced them that the information given would be regarded as highly confidential.

3.4.2 Focus Groups Discussions

Focus group discussions are a rapid assessment, semi-structured data gathering method in which a purposively selected set of participants gather to discuss issues and concerns

based on a list of key themes drawn up by the researcher (Kumar, 1987). Focus group discussions were relevant given that under purposive sampling they located a group of people who were conversant with the subject matter furthermore residents of Mutasa South. The researcher managed to interface with sizeable numbers of people at once as this was an advantage in terms of time. Focus group discussions were held with groupings of 15 community members and discussed issues pertaining to the role of traditional leaders in natural resource management and the functions of relevant stakeholders in their community in relation to the subject matter. The focus group meeting was an opportunity for the researcher to view how community members different attitudes and perceptions on the various issues. The only challenge was that some participants clearly expressed displeasure of expressing their views in an open forum. This was captured by the individual interviews which were later administered to ascertain individual perspectives.

3.4.3 Oral History

To discover the history of the Mutasa people and their chieftainship, the community members and informed traditional leaders were also interviewed and implored for the traditional practices of the Mutasa people, their customs, spiritual and traditional values. These were put in comparative with the mandate of the state in terms of natural resource management. The origin of the Mutasa chieftainship was discovered using this technique as the informants narrated the genesis of the Mutasa dynasty to the present day.

3.5 Ethical Considerations

For the purposes of this research study and to assure a good study, the research study was carried out on the basis of respect, privacy and trust which were vital ethical concerns in gaining the informant's self-assurance. Some respondents viewed the research study as sensitive, the researcher clarified and reinforced confidentiality and impressed on the rationale for the study, this was instrumental in building confidence and trust from the respondents. The researcher assured the respondents with emphasis that the research was conducted for purely academic purposes only and that the data that was gathered would not be divulged to third parties. The researcher followed due process in consulting authorities prior to holding interviews with relevant bodies which were intended for interviews to avoid setbacks. Data was treated with the highest confidentiality it deserved to avoid pilferage of information into wrong hands thus the researcher exercised extreme levels of privacy to information provided. The researcher also urged the respondents to communicate in a language which they were comfortable with for unambiguous explanations and clarity of issues.

3.6 Summary

This chapter discussed and presented the techniques that were employed on data collection in pursuit to respond to the research questions. The research was conducted in Mutasa South constituency and as well as external bodies were also engaged. The population consisted of traditional leaders, selected community members the rural

district council, government agencies and ministries respectively. The population was purposively selected as a way of guaranteeing dependable information from respondent

4.0 Introduction

The study sought to seriously scrutinize the rapport between traditional authorities, the state and its arms and agencies in natural resource management. In view of that, the research investigated the roles of traditional authorities, the state and its various arms on their relationship and evaluated the levels of interaction with a view to look at opportunities that can be pursued in encouraging a correlation between the stakeholders. The research completed by analyzing how the various entities make out their relationship in the management of natural resources in communities. Based on these factors the study discovered that indeed the relationship between traditional authorities and other stakeholders in natural resource management is littered with overlaps and deficits and therefore is tense.

4.1 Traditional Leadership In Natural Resource Management In Mutasa South

The traditional leaders were emphatic about their role as the leadership of the community giving direction on matters of custom, this included the management of natural resources. In interviews held in Mutasa South traditional leaders impressed that they were the custodians of the area meaning that everything within their *dunhu*⁶ that includes trees, rivers, grass, stones, sacred places wildlife and the people included were

⁶ A District

their responsibility. Hence their role in the area is to make sure that everything is well kept with the dignity deserved. Traditional leaders alluded to the fact that it is fundamental for community members who are subjects to traditional leaders to safeguard their community too. One traditional leader from ward 23 said “*Humambo Ivhu zvichireva kutonga kwevhu*⁷” (In a focus group discussion, 19 March 2013). They further alluded that in accordance to the Traditional Leaders Act, all natural resources in their area is the responsibility of traditional leaders hence they have a prerogative through the Act of Parliament and customary law respectively to preside over natural resources within their area. Village heads in ward 24 consented that traditional leaders have the power and authority to effect some various forms of fines in cash or kind to community members who violated the ethos of environmental protection as espoused by customary law and the environmental management Act which has the power to fine anyone found doing something that may potentially cause harm to the environment. In a focus group discussion community members concurred that the traditional indigenous knowledge systems have been employed stretching to the pre-colonial era to date proving that traditional institutions are very capable of managing their natural resources with no interference.

Community respondents thought differently and were of the opinion that challenges relating to deforestation, stream bank cultivation and brick mould were rife in Mutasa. There are certain trees such as *Muparamhaka*, *Muchakata* which must not be cut

⁷ The primary basis of chieftaincy is authority over land. Land in this case representing everything on it and in it .

randomly under customary law and such trees are recklessly and randomly being cut down because outsiders get permits from local authorities especially those who cut down trees for firewood in brick construction. Some traditional leaders complained that they were losing a lot of medicinal trees due to deforestation and soon there would be a crisis within the communities as important medicines would be hard to find angering the spirits. A headman presiding over ward 21, 23 and 25 expressed satisfaction over his relationship with the environmental management agency for collaborating well with traditional institution over the protection of natural resources. He attributed this cordial relationship to consistent consultations and capacity building programs they have with members of the agency. He also commended the effective fining system where if traditional leaders effect a fine The environmental management agency officials consider that fine and do not double fine as this is not permissible according to law to double fine an individual for the same offense.

4.2 The Traditional Authority And Power

Traditional leaders are primarily the custodians of natural resources and they deal with the customs which include the management of natural resources , power in their context is derived from two centres the state and customary law. There is a general understanding and appreciation that traditional leaders are not completely autonomous in their involvement in natural resource management. An appreciation of the traditional leaders Act as a referral and guiding document meant that they understand the functions of the state in their mandate since the Act provides for their functions. The differences in

understanding of the role of traditional leaders in natural resources also signifies the extent of not only the leaders but even the community members on how much they can influence their involvement rather than giving excuses and not taking advantage of opportunities present. It is reflected through the appreciation of indigenous knowledge systems of natural resource management whilst others viewed the current dispensation especially on environmental degradation as a justification of the inability of traditional authorities to manage natural resources. In other areas a cordial relationship with environmental management agency was commended as a possible mechanism of integrating customary law and the state.

4.3 The Implications Of The Law In Natural Resource Governance

The respondents recognized government to be that entity whose function towards the general public is to provide and protect citizens through the various arms. The community members and traditional leaders expressed concern over the structures and set ups that exist in regulatory authorities of government, local communities are compelled to seek permits from various authorities to access certain natural resources. They cited fishing permits and hunting permits that are acquired from ZINWA and Parks and Wildlife respectively. This according to them allowed foreign bodies to access natural resources at their expense as people from outside were either using insiders to get permits to access these resource whilst little was being done to avert this challenge especially by traditional leadership .

The Community Share Ownership Trust (CSOT) is said to have been informally launched in September 2012 but to date nothing has materialized as political meddling by politicians is fingered to be the major setback. However community members and traditional leaders were skeptical as to whether the CSOT would be effective in establishing an institution that would advance the interests of the communities due to alleged corruption, under dealings and secrecy on current developments as no one was privy to what has been done to formalize it. Community members felt that the precedence that has been set in other CSOT in terms of corruption which might also affect the Mutasa initiative. However some members expressed optimism if there is proper administration of the CSOT it could bring communities to a position of access and use especially to matters concerning gold mining in their area. Muzvare Nechikanga and Headman Saungweme expressed concern over the delay of the formalization of CSOT as this would give them an opportunity to benefit from the gold that is being mined in their communities whilst community members were failing to get employment even for menial jobs.

In focus groups discussions conducted community members were of the opinion that it is strategic for government to retain some power over natural resource management as this would result in chaos, confusion and an escalation of corruption that is already prevalent within the current dispensation. They further questioned the ability of some traditional leaders in effectively administering the resources. Community members argued that traditional leaders had little or no power over communities since they were not within

the authority to control decisions made over their area of jurisdiction some cited the relocation of part of the Chiadzwa community of how laws undermine the effectiveness of traditional institutions as their power was derived from what they called *tsungu*⁸. The impact on their legitimacy would be that they would also be dislocated from their culture and heritage and power as they would become subjects to new traditional leadership in their new area of location.

A traditional leader in ward 23 complained that

The relocation of community members to Headlands to allow the construction of Osborne Dam displaced local communities from their roots, culture and heritage and exposed them to strangers, alien norms and values furthermore becoming subjects. This is just a bit to show you how we have become powerless and just gatekeepers of government. (Interview with a headman 19 March 2013)

The interesting thing though is that traditional leaders around the Osborne Dam situated in Mutasa were consulted by government and the construction company to perform rituals that would pave way for the smooth process of constructing the dam. This according to some community members meant that though government was retaining a lot of decisions and power over resources in communities they know that there are certain traditional roles that traditional institutions play and cannot be ignored. The construction of the dam came to a standstill as mysterious occurrences at the site were witnessed that disrupted progress. This was viewed as a direct reaction by the ancestors

⁸An area that a traditional authority presides over.

for allowing foreign bodies to exploit local natural resources without indulging the spirits of the land to get permission.

Traditional leaders, community members and other respondents were furious about the government direct involvement in the selection and installation of chiefs and headman. It is a total disregard of our culture for the Minister of local government to preside over the installation of the chief.

Tendai unotsamwa nemhondoro muBingaguru nevadzimu havafarinazvo kufumura nekurerutsa humambo ndosaka pamwe pachu mvuraisikanayi. Tendai was a chief Mutasa who is buried in a sacred mountain called Bingaguru where traditional rituals and ancestral spirits are appeased by the people of Mutasa, The gods are not pleased by the intrusion of their affairs by foreign bodies (In an Interview with a Headman 19 march 2013)

Politicians have sneaked their heads deep into traditional affairs *hatizvidi*⁹. This alone in itself was seen as a direct threat to the autonomy of traditional institutions, the involvement of the state through the rural district council and the ministry of local government is a direct message that government has vested interests in the dealings of traditional leaders said one community member in ward 24. He further alluded that traditional leaders have been weakened by the role of the rural district council which has to somewhat extend usurped the role of allocating communal land allowing aliens to

⁹ This must stop.

come and reside within the community causing conflict in matters of culture and values. Respondents were very clear about why they view traditional leaders as powerless they argued that if a chief's power is vested in the land how then does ZINWA, RDC, the Ministry of Mines and Mining Development, Parks and Wildlife preside over these resources and why is it that the state deliberately empowers these institutions when it is fully aware that traditional leaders are the rightful custodians of land and communities. Villagers also argued that all communal land is vested in the state hence it is only cosmetic and misguided to think that traditional leaders are superior to the state they are actually subsidiary to the state.

This is why you even see them in Parliament what are they doing there if there are not an arm of government which is the responsibility of the state. (An Interview with a community member 20 March 2013)

Traditional leaders explained that all the Acts that regulate natural resource management are created by government and this includes the Traditional leaders Act which regulates the mandate of traditional leaders meaning that government is the top authority although the traditional leaders have their own power.

Respondents supported what they called the oversight role of the government through the provided legislative framework as a mechanism of allowing checks and balances within the operating framework of the traditional leaders as this would create pockets of corruption, mismanagement and other related governance challenges at the level of central government since traditional leaders would wield certain authority that would cause anarchy. Respondents further buttressed this notion by alleging that the current

traditional leadership was getting “parcels” from the mining company DTZ-Ozegeo that they are not at liberty to disclose and share with community members. Community members also accused the traditional leaders for putting their selfish interests at the expense of the community

The road to the Chief’s home has been serviced by DTZ-Ozegeo what about the rest of the constituency who shall stand for us. (An Interview with a community member 20 March 2013)

one community member asked. It became a major referral point why some community members felt that traditional leaders must be carefully monitored and managed to avoid abuse of natural resources in communities.

4.4 The Relationship Between Traditional Leaders And Other Authorities

The relationship between traditional leaders and authorities was viewed with a lot of pessimism and skepticism by traditional leaders and villagers. Some traditional leaders felt that their power is being overshadowed by that of government ministries and agencies. An example of the mining operations of DTZ-Ozegeo¹⁰ there is uproar, dismay and discontent over its mining operations as traditional chiefs allege that they were not consulted prior to the establishment of this venture in their area as they are the customary custodians of the gold in the area.

¹⁰ A joint mining venture of Development Trust Zimbabwe and Ozegeo a Russian mining company which is mining gold in Mutasa south constituency.

Community members and Traditional leaders complained that further to little consultation and involvement on the mining activities, community members were not benefiting from the extraction of gold as people from outside their communities were being employed to do menial jobs that did not require specialized skills or expertise at DTZ-Ozegeo. Traditional leaders argued that traditional values and culture was being eroded and diluted by the dual system of authority as some of their functions were no longer effective, they stated as an example that all communal land is vested in the president and administered on his behalf by the rural district council hence the Ministry of Mines and Mining Development was not obliged to consult with them but the rural district council implying that the interests of the state supersede theirs. The multiplicity of Acts of Parliament that regulate the exploitation of minerals, water, wildlife forestry and land has resulted in challenges of correlations with the customary ways of governance.

A Headman in ward 23 spoke about the problem of land.

We have a problem when it comes to issues of land as of September 2012 we have been stopped from allocating land because there is a directive from government to allow amendments to the local government to come to fruition. The responsibility of land allocation is with the Rural District Council we only get directives from them this is why you sometimes see foreign people to this land getting communal lands.(In a an Interview with a headman 21 March 2013).

Community members who seemed to be acquainted with some provisions argued that though the various Acts that regulate different natural resources overlap the role of

traditional institutions, the interesting thing to note is that all of the Acts are vested in the state so technically there should be no acrimony over their relationship because government is the superintendent. He suggested that inconsistencies were a natural phenomenon and constant revisions and amendments can solve the current overlaps in tandem with the economic and political landscape.

In an interview with an official from the rural district council he impressed on the role of the council with regards to implementation of the various acts such as the EMA Act, the forestry Act, the Traditional Leaders Act, the ZINWA Act, Rural District Council Act, Mines and Minerals Act, Parks and Wildlife Act among others as their key referral documents to their mandate. The rural district council has the responsibility of capacitating traditional leaders to familiarize them with the provisions of the law with regards to natural resources management. He impressed the fact that the rural district council administers these Acts on behalf of government and they work closely with government ministries and agencies. The engagement of ward enforcers through capacity building, knowledge and skills of how to monitor resources whilst traditional leaders get tokens of appreciation for their work. The Rural district council gives a permit or license for the extraction and transportation for sand, soap stones, gravel, reeds, pit sand and stones. It also gives permits for brick molding (for commercial use). The resource monitors in communities regulate the frequency of exploitation and at a later stage there is rehabilitation of the area that the resources have been extracted. The Council official said that they give back into the community sometimes only in the form

of rehabilitation and infrastructure. They work in conjunction with EMA and traditional leaders for the enforcement thus regularizing their activities. However this role by the rural district council has been the born of contention, government ministries and agencies included in that traditional leaders argued that activities done in their area is damaging the community's environment whilst the proceeds are accrued by the district council yet communities are left to inherit the environmental consequences.

A respondent from the District Administrator's office impressed that traditional leaders in accordance with the traditional leaders Act are the custodians of natural resources and government agencies are only there to assist the traditional leaders. The respondent was of the view that the community members must work with the traditional leaders in natural resource management because they are appointed by the state. The conflicts that the DA's office had noted were with regards to issues of proceeds from sand extraction fees in that traditional leaders complained that Council gives people permits to extract sand yet they are the custodians of the natural resources. Traditional leaders argued that if there are cases of deforestation the Forestry Act and EMA Act are enforced yet traditional leaders also help in the management of these resources.

The traditional leaders view the Forestry Commission and EMA as benefitting from the proceeds at their expense. Traditional leaders were also expressing the feeling that there is not enough consultation with the rural district council on issuing permits as this amputated the authority of the traditional leaders. The respondents also spoke about the

issuance of gold claims in that the challenge was that The Ministry of Mines and Mining development had empowered the commissioner of mines through the Mines and minerals Act to issue claims and claims were being located on areas that are reserved for cultural rituals and this process has no prior consent of traditional authorities.

Respondents also highlighted the dynamics pertaining to fishing at Osborne in that traditional leaders assume that they control natural resources but if they want to fish in rivers and dams within their jurisdiction they require a permit from the department of Parks and wildlife. Same applies with hunting the department of parks and wildlife regulates such activities through licenses and hence anyone found without a permit would be deemed to be poaching.

4.5 Summary Interpretation and Analysis

4.5.1 The Traditional Leaders

The traditional leader Act Chapter (29:19) regulates the mandate of traditional leaders as a functionary of the state though it spells out the customary obligation of the chiefs. The mere fact that an arm of the state is through the legislature defines the responsibilities of the traditional leaders just like any other Acts of Parliament. This is evident in the installation of the Chief by the minister of local government on behalf of the President meaning that there is a negation of customary values and a certain level of interference of traditional institutions by government. This clearly brings out the fact that traditional leaders are subsidiary to the state and their terms of operation and mandate is stipulated

by a constitutional provision yet their source of legitimacy is cultural. Though the Traditional Leaders Act provides for the responsibility of natural resources, the law is ambiguous as to what extent traditional institutions can exercise their authority. They are shown to be the custodians of the community and the natural resources within their constituency but the actual authority is vested elsewhere, their mandate is not very clear on natural resource management. Traditional leaders as articulated by respondents given by some respondents do enjoy pockets of cordial relations with some agencies like EMA this mainly might be due to the fact that consistent training and interaction is prevalent between the two entities but it is not always the case that these institutions are not in conflict.

4.5.2 The Rural District Council

The Rural District Council Chapter (29:13) empowers the rural district council as a decentralized arm of the state to manage affairs of the state at a rural level this is viewed in two aspects. To work as a proxy of government and to enforce and implement rules, regulations and Acts enacted by the state through parliament and statutory instruments. The rural district council is the “appropriate authority “over the administration of all communal land and this tend to contradict with the fact that traditional leaders are also in accordance with the traditional leaders Act custodians of natural resources land included. This notion was vigorously pointed out by respondents who argued that if traditional leaders have the sole responsibility of natural resources, the involvement of government through rural district councils defeats the whole essence. This scenario is a

give with the right hand and take with the other. The role of the rural district council in coordinating and implementing Acts and works of other agencies clearly means that the state only acknowledges the traditional institutions for administrative purposes and not for authoritative purposes. The salient role of traditional leaders within the structure of the rural district council clearly amplifies the acrimonious relationship prevalent. Respondents argued that traditional leaders were never consulted in the formation of these councils hence their exclusion from district council set up .The rural district council handles proceeds accrued from permits issued in the Forestry, Wildlife and Parks and other natural resource exploitation like minerals, sand ,reeds and soap stones yet traditional leaders feel left out because they claim that they also monitor these resources. This further exposes the fragile relationship that exists between traditional leaders and other stakeholders. The rural district council Act is virtually the epicenter of all government related work pertaining to the related agencies and government ministries as further expounded below.

4.5.3 The Ministry of Mines and Mining Development

The Mines and Minerals Act Chapter (21:05) vest all minerals in the state and the management of these resources on behalf of the president by the Minister of Mines and Mining development. This implies that traditional leader's role in the management of minerals is non-existent. The Commissioner of Mines is responsible for the issuance of prospecting licenses and claims without any prerogative to notify or seek customary passage to traditional leaders. The Ministry of Mines and Mining Development is only

required to seek audience with the ministry of lands if it is commercial land and the rural district council if it is communal land to verify land which is open for pegging. This is further buttressed by discontent expressed by traditional leaders over the manner in which mining companies and claim owners of gold have found their way into the Mutasa South community extracting local heritage without prior approval from the traditional custodians of the land.

The sharp conflict of authority and power over the control use and access of minerals is determined by the relationship between the rural district council and traditional leaders. Traditional leader's role and relationship here with the Ministry of Mines and Mining development is clearly compromised with a government institution dominated system of administering minerals and silent role of traditional leaders in the process. Though some respondents felt that the role that government plays is critical and fundamental in that traditional institutions do not have the capacity to effectively manage the administration of natural resources and hence they are vulnerable to corruption and poor decision making. The reference to what they called the "parceling" system where traditional leaders were being given direct fringe benefits from mining companies was given as justification of why central government should continue to control the minerals and the process of administration. Traditional leaders also argued that they are often consulted to perform rituals when strange things happened suggesting that the role of traditional leaders is inevitable and to correct this unfortunate and misleading tendency dialogue between the state and traditional institutions must be done.

4.5.4 Parks and Wildlife

Parks and Wildlife Act Chapter (29:4) The Act empowers the officials from Parks and Wildlife even to prosecute traditional leaders who are caught hunting without permits which they called poaching. Traditional leaders argued that wildlife in Mutasa South was not only a source of livelihood but also reflected a lot on their cultural beliefs and to get authority from a government agency was derogatory. The Parks and Wildlife closely work with the rural district council for enforcement of their statutory instruments. Respondents expressed the same sentiments with regards to fishing in Osborne Dam and Chiodzani River where local communities are compelled to acquire permits for fishing. They claimed that this was an abomination because some of the water and fish they were historically sacred and Mermaids live in those water bodies hence provoking the ancestral and traditional spirits to react with unspecified action. The consistency of the ambiguity of the role of traditional leaders and government agencies is also clearly manifested here as traditional institutions and community members are guided by the systems put in place by the state yet they also claim a traditional right to these resources without necessarily paying homage to government agencies.

4.5.5 The Forestry Commission

The Forestry Act Chapter (19:05) is administered by the Forestry Commission and it was primarily established to regulate the use of forestry resources and is the state's forestry authority. Respondents complained about the alleged connivance of the rural district council and the forestry commission on the proceeds from forestry exploitation

living out local traditional institutions. Traditional leaders argued that forest were also a responsibility of traditional institutions hence the need to consider them too when it came to sharing of proceeds accumulated from permits and fines. Once again the discord between state run institutions and traditional institutions continue to be evident. However the Forestry Commission acknowledges that traditional leaders are the custodian of forestry resources as provided by the traditional leaders Act, the Forestry Commission a wholly owned government agency has the duty of promoting sustainable utilization of forestry goods and services.

4.5.6 The Environmental Management Agency (EMA)

EMA is responsible for the enforcement of The Environmental Management Act (20:27) which supersedes all other Acts on environmental legislation. EMA works closely with traditional leaders in enforcing the Act however some respondents felt that EMA had to be very firm on policing as some traditional leaders were also caught in the ring of environmental degradation and this caused a lot of challenges as to who would police the police in this case. The autonomy of traditional leaders in natural resource management should not be the ultimate as there is suggestive evidence that they themselves actually need monitoring hence putting into perspective the importance of the state and its agencies in the management of natural resources. In an interview with an official from EMA she also impressed the fact that traditional leaders were indeed custodians of natural resources but in accordance with the EMA Act it has the overall mandate of enforcing environmental law.

4.6 The Significance of Ray's Legitimacy Theory

The data presented shows beyond measure the need to impress on the core existence of traditional institutions and the state both at central government and at rural district council level. The overlaps of government ministries and agencies over the jurisdiction of traditional leadership cannot go unnoticed it should be further redefined and ambiguity of roles especially on traditional leaders need to be spelt out clearly. The interesting reality though is that traditional institutions to some extent are a integral part of the government, this is reinforced by the mere fact that they are installed by the President after being cleared of criminal records which is a contradiction to customary law itself¹¹. Furthermore the government through its arms have reduced the role of traditional leaders to gatekeepers because the authority over natural resources through the traditional leaders Act are vested elsewhere. Thus Ray's legitimacy theory which urges the core existence of the state and traditional leaders from a stand point that they derive their legitimacy from democracy and culture respectively cannot be over emphasized.

4.7 The Decentralization Theory

The decentralization of central government power to local communities through the Rural District Council as a result of the Prime Minister's Directive of 1984 effectively created more challenges for traditional institutions and local communities in natural

¹¹ Under customary law there is no such thing as criminal or criminal records. If one breaks the customary values he or she is fined accordingly and then reintegrated into the society. Thus a chief cannot be vetted by a common law system to assume a position of traditional leadership.

resource management as this move has not resulted in significant community participation in matters that affect them. Though the relationship with agencies like EMA consultations and capacity building has cemented relations between the two institutions. The fact that the Rural District Council retained “appropriate authority” over all natural resources at community level puts into question the genuineness of the decentralization process. The RDC’s were further implored to administer the various Acts that have been discussed and work closely in implementing government ministries and agencies directive suggesting that the decentralization process did not put into consideration the priorities and traditional rights of communities since the traditional leaders Act is subsidiary and couched within the mandate of the Rural District Council. The process of decentralization only further marginalized traditional institutions and communities from access and use of natural resources in their communities.

4.8 Conclusion

The apparent inconsistencies in the legislative framework of natural resource management and the role of traditional leaders cannot go unnoticed as government has seemingly deliberately diluted their authority vexed in overlapping roles of government ministries and agencies. The role of traditional leaders appears to be ceremonial as what they are deemed to be entrusted with in terms of customary law is vested in other arms of government.

Thus the relationship of traditional leaders with government ministries and agencies is viewed with a lot of suspicion and animosity. Traditional institutions date back to pre-colonial times and the contemporary models of governance are to a certain magnitude responsible for this delicate scenario which can be averted if the Ray legitimacy theory is put into context carefully.

Traditional institutions are also caught in a web of maintaining the moral values of their standing by exhibiting high standards of integrity, and resist the temptation of denigrating the essence of the cultural embodiment vested in them through corruption. The law is clearly in defiance and parallel to the mandate of traditional leaders and their institutions this thus because it is derived from government. Traditional institutions are facing a myriad of challenges and even risk losing their cultural consistency through government initiated relocations to pave way for “developmental projects” The Osborne and Chiadzwa relocations among others baring testimony.

The strike of balance between the priorities of government and that of traditional institutions must be seriously considered. The decentralization process should instead enco-opt local communities in these economic ventures rather than sideline them through relocation .The very same cause that government intends to achieve is defeated communities can be involved through the CSOT if administered transparently, get government financial and technical support to partner with prospective investors to exploit the resources within their communities. The Royal Bafokeng community in

South Africa is an example of how local communities can access and use resources within their locality. The Bafokeng community has benefited from the Platinum mining proceeds in their locality through partnerships. This can also be achieved here in firstly allowing traditional institutions to be part and parcel of decision making and secondly access, use and profit sharing.

CHAPTER FIVE SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This Chapter gives a summary of the research, its key findings and the recommendations. It is imagined that the conclusions here will have a positive impact and influence on policy and have a say on future research. The role and relationship between traditional leaders and state institutions continue to be confronted by conflicts.

5.1 Summary

The study sought to establish the existing relationship between government ministries and agencies with traditional leaders in light of their role as custodians of communities in natural resource management. In pursuit of this it also went on to scrutinize the state of existing policies, institutions and legislation that are directly linked to the management of natural resources in communal areas which are under the jurisdiction of traditional leaders in Mutasa South constituency. This was against a background of an upsurge of natural resources not only in Mutasa but the country at large.

To make certain that question related to traditional leaders and the paradox of natural resource management in relation to the state are effectively exposed, the major methods of enquiry were the structured and unstructured interviews which gave room for the researcher and interviewees to converse in a relaxed atmosphere. Structured interviews

were carried out for the key informants. Oral history was used on interviews with traditional leaders and community members. The controversies emanating around issues with regards to legitimacy over control, ownership, access and use of natural resources in communal areas between the state its agencies and traditional leaders is very much unresolved. To evaluate the conflict and emerging overlaps, Ray's legitimacy theory and the decentralization theory were employed. The theories were clear in confirming the prevailing lock gem that exists between the centres of authority, it also reinforced the need to address issues pertaining to equity in terms of representation in decision making and distribution of power.

5.2 Conclusion

The Mutasa South case study substantiates that the current legal framework is littered with overlapping provisions that render traditional institutions mere gatekeepers in natural resource management. The discord within the management of natural resources in communal areas bears witness to the fragmented efforts of natural resource management which are not very clear especially with regards to the role and relationship of traditional leaders and government. The research revealed how government has vested interests in the welfare of its people through legislative frameworks that allows it to actively participate in the discharge of this mandate, this notion was well articulated by the decentralization theory though it has failed to sufficiently create a genuine process of community access and use of natural resources. However in the process of decentralizing state power to local communities the government has consolidated power

rather than the alleged intended motives. This is evident through the usurpation of the rights of traditional institutions through relocations and lack of consultation in critical matters that require their consent in decision making. The question of legitimacy as expounded by Ray's legitimacy theory exposed where the primary source of conflict emanates that the state derives its power from elections whilst traditional institutions get theirs from culture dating back to the pre-colonial period hence there is no need for acrimony between the two entities. Ray further recommends that the two institutions must co-exist, the challenges of traditional leaders was also fuelled by their alleged role during colonial rule working as close allies of the colonial regime. Ray's theory complements the decentralization theory which has seen communities being further marginalized from accessing natural resources within their communities yet they have a cultural entitlement to them as a source of livelihood.

The mixture of intrusions of a myriad of different legislations and institutions that deal directly with different natural resources is the first biggest challenge especially to traditional leaders as each and every Act responds to a ministerial directive, government agency or the rural district council. The Environmental Management Agency, The Rural District Council, the Mines and Mineral Act, Forestry Act, Parks and Wildlife Act and the Water Act and the Traditional Leaders Act all being directed by the state adds to the confusion of locating the traditional leaders in this complexity since they are also a product of government on one side but are practically not effective when it comes to real power and the rural district council takes centre stage.

5.3 Recommendations

Traditional leaders are evidently marginalized in the management of natural resources yet there have a genuine role and responsibility to the natural resources under customary law. Their relationship with natural resources is not a new phenomenon as the traditional institutions have been in existence way before the colonial era hence traditional leaders do have indigenous knowledge systems that can sustain natural resources within their communities. Government should seek for mechanisms of engagement in an attempt to deal with the prevailing imbalances. This role is also recognized within the legislative framework of the country. The following are possible entry points that may avert the impasse between traditional institutions, government and its agencies:

The establishment of a review mechanism to look at the current gaps and overlaps that are prevalent within the legislative provisions pertaining to natural resource governance. This mechanism will provide a platform for stakeholders to articulate areas and matters of concern and proffer possible strategies of mitigation.

There is need to appreciate the role and mandate of traditional leaders as they are the custodians to our customary heritage and derive it from the pre-colonial period. A mechanism of reviewing the current and future relationship of traditional must be pursued either through a government led initiative, civil society or traditional leaders themselves. The process is ideal in making a forensic introspection of where government and traditional leaders duplicate and overlap or undermine each other in terms of natural resource management.

Ray's legitimacy theory prescribes a mutual coexistent relationship between government structures and traditional institutions since they derive their sources of legitimacy from different centres of power, democratic and traditional respectively. The theory is a possible panacea to the prolonged ambiguity of the mandate of traditional leaders in natural resource management.

The decentralization process must be evaluated as a mechanism of ascertaining whether it has resulted in better relations between traditional institutions and central government especially in the involvement of traditional leaders in natural resource management in communities. The decentralization was a good undertaking in principle but it systematically usurped the legitimacy and mandate of traditional leaders as power has been evidently controlled upwards and not downwards to the intended beneficiaries.

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APPENDICES

APPENDICE: A: INTERVIEW GUIDE FOR TRADITIONAL LEADERS

What is your boundary under which chieftaincy?

What are the natural resources located within your area of authority?

What are your responsibilities pertaining to the management of the natural resources within your area?

How do community members participate in access and use of natural resources?

What forms of collaborations do you have with other authorities in natural resource management with regards to access and use by you and community members?

Are there any areas of conflict or challenges in authority and responsibility in natural resource management in your community with other authorities?

Who is subsidiary to the other government and traditional leaders and why ?

**APPENDICE: B: INTERVIEW GUIDE FOR FOCUS GROUP DISCUSSIONS
(COMMUNITY MEMBERS)**

What are the natural resources found in your area?

Who is the custodian of the natural resources in your community?

What are your responsibilities as community members in natural resource management?

What is the situation with regards to access and use of natural resources by community members in your area?

To what extend do traditional leaders control and have authority in natural resource management in your area?

What other stakeholders or authorities are involved in natural resource management besides traditional leaders?

Who in your opinion is subsidiary to the other between government and traditional leaders?

APPENDICE: C: INTERVIEW GUIDE FOR COMMUNITY MEMBERS

Can you identify the natural resources within your community?

Who is responsible for the management of the natural resources in you community?

What is your view on the role of traditional leaders in natural resource management in your community?

In your opinion do traditional leaders have authority over the management of natural resources in your community and why?

How do community members use and access the natural resources in your area?

Are there any other authorities that superintend over natural resources in your area besides traditional leaders?

Which authority do you see as subsidiary to the other government and traditional leaders?

APPENDICE: D: INTERVIEW GUIDE FOR GOVERNMENT DEPARTMENTS AND AGENCIES

What are the legislative instruments that you use with regards to natural resource management in communal areas?

How do your provisions related to the role of traditional leaders in natural resource management?

What forms of collaboration in terms of access and use do you have with traditional leaders and communities in natural resource management if any?

Are there any areas of conflict in responsibility and authority in natural resource management with authorities?

Are there any overlaps or deficits in natural resource management that may cause challenges in execution of your mandate?

In your opinion what is subsidiary to the other government and traditional leaders?

What do you recommend as mechanisms to consolidate the existing relationship between traditional leaders and the government in natural resource management?

APPENDICE: E: INTERVIEW GUIDE FOR TRADITIONAL LEADERS

What is your boundary under which chieftaincy?

What are the natural resources located within your area of authority?

What are your responsibilities pertaining to the management of the natural resources within your area?

How do community members participate in access and use the natural resources?

What forms of collaborations do you have with other authorities in natural resource management with regards to access and use by you and community members?

Are there any areas of conflict or challenges in authority and responsibility in natural resource management in your community with other authorities?

Who is subsidiary to the other government and traditional leaders and why?