

**TRADITIONAL AND MODERN INSTITUTIONS OF  
GOVERNANCE IN COMMUNITY BASED NATURAL  
RESOURCE MANAGEMENT**

**By**

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## Preface

The Centre for Applied and Social Sciences (CASS) at the University of Zimbabwe and the Programme for Land and Agrarian Studies (PLAAS) at the University of the Western Cape are jointly implementing a three-year regional programme of analysis and communication on CBNRM in Southern Africa. The Ford Foundation and the International Development Research Centre (IDRC) fund the programme.

The aim of the programme is to contribute to the sustainable enhancement of rural livelihoods in Southern Africa by promoting a broader and deeper understanding of how natural resources can be used and managed sustainably through group based institutions and decision-making. The specific objectives for the programme are to:

- ◆ Enhance regional understanding of opportunities and constraints of CBNRM through in-depth analysis, comparison, synthesis, theoretical development and operational recommendations;
- ◆ Draw lessons for CBNRM policy and practice through the analysis of cross-regional and cross-sectoral commonalities and differences;
- ◆ Contribute to improvement in the practice of CBNRM;
- ◆ Make a range of actors and agencies in Southern Africa more aware of CBNRM concepts, activities, methods, opportunities and constraints by stimulating debate and by communicating ideas and information;
- ◆ Contribute to the regional validation of group based systems of resource tenure and management as viable modern frameworks for sustainable development and as economically, environmentally and socially legitimate alternatives to individualised, freehold based systems.

The programme has **two components**:

- **comparative analysis** of CBNRM issues in Southern Africa that are undertaken by programme staff and by recipients of programme research grants; and,
- **communications activities** by the programme to disseminate information and analysis and stimulate debate on CBNRM through an open and a moderated Internet forum; and through the publication of short guideline papers on policy and practice, research papers, and newsletters.

Each year, key CBNRM themes are identified by participants within the programme to stimulate debate: at regional meetings, through e-mail discussions, and CBNRM newsletters. This Occasional Paper Series is designed to publicise research papers that have relevant aspects of CBNRM across southern Africa and that may help enhance the standard of living of those who practise it.

# **Traditional and Modern Institutions of Governance in Community Based Natural Resource Management**

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## **Abstract**

The advent of independence in most Southern African countries ushered in a new political dispensation emphasising democratic governance as the hallmark of a modern polity. Institutions evolving from this thrust are perceived as modern in contrast to those that are or were based on ascribed status-traditional institutions. In community-based natural resource management (CBNRM), post-independence governments have either condoned or legislated for the complete replacement of traditional institutions by modern institutions of governance. This 'discard approach', based on governments' perception of traditional institutions of governance as undemocratic and archaic, has deprived CBNRM of change with continuity. This resulted in either total or semi-marginalisation of traditional institutions in CBNRM thereby fomenting conflict, confusion and semi-anarchy. In this paper we review literature from South Africa, Zimbabwe, Namibia and Zambia to obtain insights on how the relationship between traditional and modern institutions of governance in the post-independence era affect CBNRM. On the basis of the insights, we argue that successful and sustainable CBNRM neither hinge on the *discard approach* nor exclusive reliance on modern institutions of governance. The forging of partnerships in CBNRM between the two institutions of governance seems to hold a more promising approach to sustainable CBNRM.

## **Introduction**

To varying degrees, traditional institutions have been disenfranchised, both before and after independence (Boesen & Rukuni, 2000:35). Consequent to the attainment of independence in the four Sub Saharan African countries, of Zimbabwe, South Africa, Zambia and Namibia, governments in their attempt to institute democracy at the local level, began a systematic sidelining of traditional leadership. They have literally done away with most local traditional structures of governance that had hitherto been the pillars of colonial communal land administration. The 'modernising' thrust adopted by the new governments emanated from their perception of traditional leadership as stumbling blocks to the evolution, nurturing and exercise of local democracy hence the need for the creation of new structures to replace traditional authorities. However, the entry of a new actor in communal lands administration did not bring respite to the problem of natural resource management. Instead, incessant territorial fights for control of communal lands between the new actor (modern institutions) and the old (traditional authorities) have generally compromised the efficiency of community based natural resource management (CBNRM).

Sub-Saharan African governments' institutional structures for development lack sound representation by traditional leadership. In other words, traditional institutions of governance have not been merged with governments' modern governance structures. This paper reviews literature from the four countries to derive policy insights on the relationship between modern and traditional institutions of governance in natural resource management. Much of the literature on common property resource management in Africa suggests that natural resource use before the imposition of colonial rule was regulated by forms of traditional

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management (Thomas 1991, Mandondo 1997, Ntsala, 1995). This viewpoint insinuates that traditional institutions of governance have the capacity to oversee an efficient CBNRM. However, this paper neither advocates for a 'back-to-the-past' nor the granting of an exclusive mandate to modern institutions of governance in community-based natural resource management. The way forward in sustainable CBNRM seems to lie in the middle, which entails the institutions working as 'nested' enterprises (see Ostrom, 1990). In essence, each institution cannot do without the other in achieving sustainable CBNRM.

### **Traditional Authority in Colonial and Post-Colonial Africa**

The co-option of traditional authorities into colonial administration came about as a result of colonialists' quest to stabilise 'alien rule' (Mamdani 1996:16). Traditional authorities such as chiefs were part and parcel of the colonialists' arm of 'indirect rule' which was preserved for rural areas and was all about incorporating natives into state enforced customary order (Mamdani, 1996:18). The strategy of divide and rule saw colonialists forming native institutions through which to rule subjects on tribal lines, using customary law, which was defined in the plural as 'the law of different tribes'. The chieftainship that the colonialists created was built on the administrative variant not the traditional, and laid the basis of decentralised despotism (Mamdani: *Ibid*). The chief was pivotal in the colonial administration. Ntsebeza (1999) observes that key to the authority of the chief was the fusion of various powers in his office, rather than a separation thereof. Mamdani uses the analogy of a "clenched fist" to depict the concentration of power.

Most African governments after political independence have maintained the colonial legacy of inadvertently undermining indigenous customary systems. Boesen and Rukuni (2000:34) contend that abuse and exploitation by colonial and contemporary governments alike has shown little respect or understanding of the traditional systems. Similarly, governments have shown little appreciation that traditional institutions are unique and develop over time to suit local needs. Within Africa, there appears to be ingrained colonial and post-colonial belief that indigenous or traditional systems are incompatible with Western or modern systems of governance, as well as associated economic institutions.

### **Unpacking Concepts: 'governance', 'institutions', 'community', 'traditional authority/institutions' and 'modern institutions of governance'**

Hyden (1992:7) defines governance as the conscious management of regime structures with a view to enhancing the legitimacy of the public realm. The four properties essential to achieving this are, 'authority', 'reciprocity', 'trust' and 'accountability' (Field-Juma, 1996:13). The legal framework policies and institutions both formal and informal are then the mechanisms through which governance finds expression, from the local to the global level. According to Field-Juma (1996:14), institutions are the most broad-based element of governance, existing at the formal level, including the norms and behaviour at the local level.

Redfield cited in Cousins (1993) observes that there are four defining features of a community, that is, distinctiveness, small size, self-sufficiency and homogeneity of inhabitants. However, Cohen cited in Cousins (1993) argues that 'community' implies both similarity and difference. The term expresses a relational, the opposition of one group to other social entities. Cousins (1993), contends that this sense of discrimination is embodied in the boundary which may be political, linguistic, religious or exist mainly in the minds of beholders. In other words, a sense of community is based on feelings of oneness that a group has against others or perceived outsiders.

Murphree (1994) perceives traditional authority as structures of authority and power whose legitimacy is based on a shared value system and collective cohesiveness. This type of authority is rooted in a shared history and legitimacy derived from kinship and descent. In essence, its legitimacy is embedded in the social and cultural life of rural communities, where the discourses of 'tradition' and 'cultural identity' remain persuasive for many of the

residents (Cousins, 1997). Murphree and Cousins' observations on the nature of traditional leadership aptly describe perceptions of traditional institutions of governance during colonial (apartheid included) and pre-colonial political systems in Southern Africa. However, the institution of traditional leadership faces a crisis of legitimacy in post-independence political dispensations. Empirical evidence from South Africa, Zimbabwe, Namibia and Zambia relegates claims of 'shared values', 'collective cohesiveness' and 'cultural rationality' identified with traditional institutions to mere normative judgments. In fact, from the viewpoint of modern democracy, Murphree and Cousins present a romanticised picture of traditional institutions of governance but this critique hardly suggests that with regard to democratic governance, traditional and modern institutions are absolutely antithetical.

Thomson cited in Wunsch (1990) also regards traditional institutions of authority as diverse mechanisms by which Africans regulated social and economic affairs, exercised and controlled political power in the pre-colonial era. Village councils promulgated and enforced access rules that regulated the balance between livestock, water and forage, assuring that overgrazing was minimized. According to Thomson, the institution served as an embodiment and guardian of people's norms and values. Nevertheless, if this holds true, does the current unpopularity of the role of traditional leaders in natural resource management imply the non-existence of shared values between the people they govern and them? This raises one fundamental question, to what extent are the so-called 'shared values' really shared?

On the other hand, modern institutions of governance are structures steeped in Western traditions, invariably bureaucratic and inherited in part or wholly by post-colonial sub-Saharan African governments from their former colonial masters. Field-Juma (1996) observes that modern institutions of governance are based on the nation state, with norms and values that were entrenched in developing countries during the colonial era and reaffirmed at independence. In essence, they had their roots in the centrist, elitist and absolutist government system, which concentrated the authority to establish, revise and interpret rules in a structure entirely removed from local popular mechanisms of control [Wunsch, 1990: 26]. Furthermore, Field-Juma (1996) argues that modern institutions tend to have one major shortcoming, that of being characterized by centralized structures which separate the resource users from the decision makers, thereby circumscribing the flow of information. Wunsch and Juma's observations typify the operational procedures and structure of modern institutions of governance at district, provincial and national levels, in most post-colonial administrations in Africa. The situation at the grassroots or local level is different. Civic organisations and Village Development Committees (VIDCOs), responsible for natural resource management at local level in South Africa and Zimbabwe, respectively, indicate some semblance of accountability to the people and the adoption of a participatory approach to management. A similar situation obtains in Namibia and Zambia.

### **The Dis-empowerment of Traditional Institutions of Governance**

In 1984, Zimbabwe created new local government structures in order to restructure local resource management within the framework of a socialist ideology. This resulted in the emergence of 'popularly elected' village development committees (VIDCOs) and Ward development committees (WADCOs) with a mandate to monitor resource use within their boundaries. The transition from traditional authority to modern, elected bureaucratic authority has been characterised by conflict (Mukamuri 1995, Campbell et al 1997). WADCOs and VIDCOs purport to be representative of the communities who elect them into office, yet they lack legitimacy in the eyes of the same communities. This hampers the smooth execution of their duties. Furthermore, VIDCOs and WADCOs are in essence more of political rather than administrative structures, making the incumbents wary of enforcing decisions that may be deemed unpopular by their constituent communities thereby jeopardizing their chances of re-election. This political and social milieu at grassroots level curtails the evolution of modern structures of governance into effective and legitimate resource policing bodies. In the case of Zimbabwe and South Africa, this has been worsened by the fact that modern institutions

have tried to sway local communities to their side. For instance, in South Africa, traditional authorities are dismissed by modern local structures as a regrettable hangover of the oppressive apartheid homeland system, hence they are deemed irrelevant in the current thrust of democratisation of local governance (see Fakir & Mayet 1998).

In Zimbabwe, the Communal Land Act of 1982 vests all land authority with the District Councils, which in turn delegate authority to allocate land to the VIDCOs and WADCOs creating a convoluted institutional framework. Murombedzi (1992) asserts that the extent to which these lower tier institutions have been able to dispense this function remains an open question. They have been caught in the throes of conflict with other existing institutions at that level, wanting to assert their own authority over land, especially the chiefs, headmen and kraalheads. In essence, VIDCOs and WADCOs are not legally constituted; hence, they are not empowered to be land and resource management units. Furthermore, they are not resource utilization units nor do they correspond in any way to resource use patterns in their areas, which often cut across ward and village boundaries (Murombedzi, 1992).

In fact, much of the legislation passed since independence in Zimbabwe dis-empowered traditional leadership. This was in spite of the fact that "chiefs, sub-chiefs, headmen and kraalheads in effect constituted the communal lands' administrative and legal institutions with historically defined areas and sets of rules and regulations clearly understood by the rural people (Thomas, 1991). The emasculation of traditional institutions had its roots in the superimposition of colonial institutions on local institutions to service the needs of a new economic order and political dispensation.

In South Africa, the rise of liberation movements in the rural areas and townships saw the beginning of new and competing ideologies that also deliberately sought to undermine the role of traditional leaders by questioning and de-legitimising traditional rule systems (Fakir & Mayet, 1998). The introduction of new ideologies and forms of political discourse and rules espoused by liberation politics had a crippling effect on the exercise of customary rules and norms. Customary law and traditional authorities are dismissed as undemocratic since they were formally used to prop up, entrench and perpetuate the apartheid regime's control over areas occupied by black South Africans. Hence, this provides a rationale for them to be shunned by all and sundry in the pursuance of democracy and good governance.

On Namibia's communal landscape, there exists no encouraging dimension to the community based natural resource management question. Traditional authorities for the management of common property resources have also undergone the same trials and tribulations witnessed elsewhere in Southern Africa as the modernising drive took its course.

While under South African colonial rule the common perception in Namibia's communal lands was that land belonged to the chiefs who in practice were the *de facto* land allocating authorities, post independence government policy has impinged on this authority (Jones 1999). Jones (1999) views the erosion of the authority of traditional leadership and its usurpation by modern institutions of governance as having contributed to a large extent to the development of 'open access' regimes on much of Namibia's communal lands. In essence, in the ensuing environment where no credible, effective and legitimate authority exists, communal area residents lack the ability to deter others from personal appropriation of the land and its resources. Jones (1999) further observes that in such circumstances people appeared to have little incentive to invest time and effort in managing the land and its resources for the future and they had developed an inclination towards using what they could before someone else did. As Katjiua (1998) observes, the fragmentation of rural institutions accompanied by deprivation of natural resource ownership has left some communities in Namibia with no other option but to overexploit the resources.

This observation is corroborated by Blackie's (1998) reports of escalating cases of spontaneous enclosure of large areas of grazing land by anyone who could afford fencing material culminating in the disruption of seasonal migratory routes of livestock. Bromley and Cernea (1989) argue that it is the norm everywhere that when local level institutional

arrangements are undermined or destroyed, the erstwhile common property regimes were gradually converted into "open access" regimes in which the 'rule of capture', drive each to get as much as possible before others. It is important to realise that although their areas fall under the communal land and is therefore state-owned, traditional authorities still maintained territorial claims which specified rules of access to resources. In some communal areas where they remained strong and respected, traditional authorities continued to enforce these rules. Katjiua (1998) contends that it was these rules that created incentives for a member of a tribe to remain with the tribe and have a sense of belonging and acceptance, and to share in the well being of the community.

The waning of authority and responsibility over natural resources management by traditional authorities engendered by their loss of control of the communal lands to modern institutions of governance is also a feature of Zambia's communal lands administration. Kamuhuza (1995) observes that rural communities no longer viewed themselves as the real owners of the resources in their areas ascribing such ownership to the government. In effect, with the government's passing of a new Land Act in 1995, which usurped traditional leaders' authority over land allocation and other associated responsibilities over natural resources, rural communities were of the perception that nobody in particular had the responsibility over natural resources (IUCN-ROSA 1998). This change in legislation whereby traditional authorities have been deprived of the responsibility over natural resources has weakened the system because there is little flow of information, no effective control over utilisation and lack of respect for traditional knowledge and values. In essence, natural resources are exploited as "open access" as they are perceived as belonging to everybody and at the same time to nobody as is the case with national or state property (Kamuhuza, 1995:33).

Zambia's land tenure systems and supporting legal framework inherited at independence remain the major impediment influencing and determining the development of land resources (Chileshe 1998). In most rural areas random and unplanned allocation of land by traditional authorities has continued resulting in disorderly settlements and unregulated exploitation of natural resources (Ibid). Thus, despite government's creation of modern institutions of governance to take over roles hitherto the preserve of chiefs and headmen, traditional authorities were clinging on to their accustomed duties which they now implemented haphazardly.

Various studies on natural resource management in Zambia point to the proliferation of conflict in resource use due to the tenuous link between resource use and resource tenure (Chinene, 1992, Chileshe 1998, Mwenya, 1992). The marginalisation of traditional leadership initially by the colonial regime and presently by the post independence government destroyed the tradition and custom embedded in the tribal system (Mwenya 1992).

### **Governance, Competition and the Weakening of CBNRM**

The coming of independence in South Africa, and accompanying new forms of legitimate authority allowing new social actors into the political arena compounded the local institutional framework. Kepe (1997) observes that present day South Africa's rural communities are not homogenous, harmonious and collective groupings with firm and effective traditional leadership rooted in the past. Instead, there has been a growing reconfiguration of local political power and increased contestation of leadership and authority thereby precluding any idealized notions of community. These new power relations at the local level have consequently affected the institutional matrix and impacted on people's access to resources and use including the way different practices are interpreted and legitimised (Kepe, 1997: 53).

Murombedzi (1990) observes that far from providing solutions for resource degradation, modern institutions of governance in Zimbabwe inherently lack the ability to regulate access to and utilization of common property resources. The same scenario obtains in South Africa



where Fakir (1995) observes that in most communal lands local government is weak and it has poor delivery systems.

Perhaps a clearer picture of the protracted struggles for power and control of the communal areas between traditional authorities and modern institutions of governance may be aptly illustrated by the case of Mkambati Nature Reserve (South Africa). For generations, people in neighbouring Pondoland communal lands scrounged for wild fruits, game and other resources from Mkambati. The presence of modern institutions of governance affected the hunting activities of local communities in various ways (Kepe, 1997). In order to claim authority over chiefs and headmen of the area and be seen as legitimate leaders, pursuing local development, local civic organisations encouraged clandestine poaching of wild game. This was a way of asserting their rights over an environment they hold to belong to the community. At the same time they attempted pursuing negotiations with the Reserve authorities to demonstrate to the communities their capacity to interact with and influence government bureaucracy on their behalf (Kepe, 1997: *Ibid*).

However, it is worth noting that some people who remained loyal to the headmen or chiefs loathed these practices. In this environment, conservation authorities eager to negotiate co-management arrangements for the Reserve's resources suffered a setback since it was not clear who to initiate discussions with. This is succinctly put in one official's words, 'There is no community and no leadership; it's just one big minefield!' (Kepe, 1997:53).

A similarly chaotic institutional arrangement prevailed in the communal lands of the Peddie District where Fakir (1995) observed that people knew what needed to be done about the management of their resources but could not agree under what auspices and authority it could be done. An effective management system could not be put in place nor could institutions execute their functions properly amid a multiplicity of political and other social structures at play. A result of this breakdown of administrative control was the virtual collapse of agricultural extension in the Peddie District. Livestock grazing was no longer controlled at any level and fencing of common areas and along roads had been lost through lack of maintenance and theft by people in villages, who took both the fencing and poles to enclose their homesteads and home gardens. The tribal authority system had been rejected by all village communities in favour of ANC aligned SANCO resident associations. Factions of people, usually small in number who are loyal to the headman still existed in practically every village and this further weakened village and district administration (Ainslie and Fox 1995:34).

In Zimbabwe legislation governing the exploitation of natural resources overrides the authority of traditional leadership in the communal lands. The Communal Land Act, 1982, for example, places the control of communal lands under the President through the Rural District Councils rather than under chiefs, headmen and kraalheads. As Nhira et al (1998) observe this Act not only empowers Rural District Councils to develop land use plans that override customary land claims, but also provides for their control of woodlands utilization. The Rural District Councils Act mandates Rural District Councils to enact by-laws to regulate natural resource use and issue licenses for the commercial extraction of wood products. In effect these Acts provide for the regulation of natural resource use in the communal lands without any regard for the authority and concerns of the local traditional leadership.

New legislation has not only usurped traditional leadership's authority over communal land resources but it has also altered their jurisdictional and administrative boundaries. Writing on the effects of legislation governing the mining of minerals on local environments in the communal lands, Mamimine (1999) observes that the Mines and Minerals Act entrusted the control of all mining activities under the Minister of Mines, Environment and Tourism. The implications of the Act to the local institutions of governance were that mining concessionaires were not answerable to the traditional authorities under whose jurisdiction their mining claims fell.

In a study on stone mining in Guruve district, Mamimine (1999) observes that the overriding authority over local institutions conferred on the mining concessionaires by the mining licenses they held rendered traditional leadership ineffectual in managing stones (mined for mementoes carving) and other resources in their areas. This resulted in over mining of the stones and degradation of the environment. Mining claims were launched and processed in Harare (the capital) with traditional leadership having no role to play in the transaction. One headman commented, "These strangers (miners) come from Harare holding a paper (license) which allows them to do anything they want with stones in this area and I have no say over what they do" (Mamimine, 1999:150).

While Rural District Councils have the authority to manage and regulate the utilisation of natural resources in their areas of jurisdiction through the application of land use and conservation by-laws, enforcement of the by-laws by local institutions of governance is at best negligible. The political dynamics which traditional authorities and modern institutions of governance namely VIDCOS and WADCOS have been enmeshed in precludes effective enforcement of resource-use-by-laws. While traditional leaders have been systematically undermined and viewed as retrogressive and undemocratic, VIDCOS and WADCOS in a bid to position themselves as bastions of local democracy have contested the administrative powers of traditional leaders thereby wresting control of communal lands from them. Mamimine (1999) observes a third dimension to the power struggle whereby the local leadership of the ruling party commanded more respect and authority than the local headmen. The struggle for power and control of communal lands between traditional and modern institutions of governance has often resulted in a vacuum permitting a few daring individuals to be primary beneficiaries.

Nemarundwe (2000) contends that the prevailing environment in Zimbabwe is so chaotic that in many communal lands many people violate land use by-laws by converting land originally demarcated as pasture into arable land with the blessing of modern institutions of governance. Nemarundwe chronicles incidences of desperate land seekers in Chivi District liaising with one of the local institutions in order to get land in the absence of consensus between traditional authorities, VIDCOs and WADCOS. Thus, the existence of the two systems of control, that is the traditional authorities (chiefs and headmen) and modern institutions (VIDCOS and WADCOS), without well defined mandates and articulation processes and their reliance on contrasting sources of legitimisation (customary versus state) bred conflicts that undermined the scope for coordinating land use decisions. In the end these dual authority structures competing for power, precipitate the development of 'open access' regimes. In effect communal areas residents are encouraged to violate resource use by-laws with impunity.

Cousins (1997) argues that all these factors depict that presently the rights, duties, responsibilities and powers of actors and institutions at "different levels within the matrix of communal land administration are ambiguous, conflictual, and highly contested." In essence the institutional dynamics between traditional authorities and modern institutions of governance have engendered a paralysed situation in which there exists no effective tenure holding institutions to effectively control and manage resource use in the communal lands.

Mwenya (1992) observes that in Zambia, the absence of legitimate authority with a mandate over natural resources coupled with the sidelining of traditional leaders, resulted in communal areas residents failing to realise how resources over which they have no control are supposed to be utilised sustainably by them. The passing of the new Land Act of 1995, which vests all land in the person of the President is understood by communal people to imply the demise of their power and control over the land they held resulting in the dissipation of their collective responsibility towards the natural resources. The common perception among rural communities was that the president owns and had taken control over all their land (IUCN-ROSA 1998). Lawry (1989) argues that the imposition of state ownership resulted in the loss of legal rights by traditional authorities to control local resource use. Bromley and Cernea (1989) also contend that it is the dissolution of common property

resource management institutions at the local level through the imposition of state ownership, rather than any inherent unsuitability of the communal system of tenure, which is to blame for the degradation of most common property resources.

### **Impact of Differentiation on Governance in CBNRM**

Although the authors could not find literature from South Africa indicating some form of socio-economic differentiation handicapping traditional institutions' exercise of their authority in CBNRM, the cases of Namibia, Zambia and Zimbabwe are quite insightful. In Namibia's communal lands, the "privatisation" of common property resources is also largely attributed to socio-economic differentiation and growing stratification (Jones, 1998). As Bromley and Cernea (1989) observe, with differentiation the similarity and convergence in community members' interests gradually gave way to increased divergence of interests and unequal concentration of power. According to Bromley and Cernea (1989), this enabled more powerful families to press for exclusionary use and *de facto* appropriation of the commons, gradually subverting and eroding the corporate communal institutional arrangements. Generally, there is a disturbing lack of harmony of interests at the local level, and modern institutions of governance that are unfortunately being relied upon for natural resource management are dominated by the local elite, whose interests triumph in decisions pertaining to natural resource management.

In Namibia's communal lands, headmen's wards nominally contain groups of people who accept the authority of the same headmen and share a sense of community in other respects. In practice however, there are people living within the wards who look to other wards for their sense of 'community' and most wards contained people of different ethnic backgrounds. In effect, the exercise of consensus based traditional rule systems for resource use was significantly impaired.

Traditional authorities are effective in resource management in fairly undifferentiated and homogenous communities. It is worth noting that Zambia's communal lands administration are also a stark contrast to this, as most of the communities are not homogeneous but differentiated along ethnic and economic lines engendering an environment where no notion of tribal, community or other cohesion existed (Chileshe, 1998). This rendered it impracticable to enforce resource use regulations whose sole effectiveness lies in consensual and harmonious relations. Under the new Land Act, foreign nationals have been allowed to acquire vast tracts of land displacing indigenous populations who had to be accommodated on land occupied by different tribes. This resulted in the lumping together of people from different ethnic groups with diverse customs and norms thereby curtailing the exercise of traditional resource regulations since their effectiveness hinges on shared value systems and collective cohesiveness. In essence, the modernising drive of communal lands resource management institutions has failed to take cognisance of the internal and cohesive logic of tradition and custom which had hitherto rendered traditional resource self sustaining and enduring.

In Zimbabwe's communal lands a process of differentiation has also been noted among the peasantry (Scoones and Wilson 1989, Cousins 1990 ). The advent of independence came with the introduction of increased access to markets, credit facilities and cash remittances for some households giving rise to a redefinition of individuals' relationships with common properties and their relationship with each other (Scoones & Wilson 1989, Cousins 1990, Murombedzi 1990). High incidences of rich and powerful peasants expropriating and privatising the commons have been noted (Cheater 1989, Murombedzi 1990). Such differentiation resulting from the diversification of income earning opportunities and strategies within households impinged on traditional authorities' ability to exercise authority in local resource management. In fact, the demise of local mechanisms for managing resources is for the most part attributed to the diversification of household economic strategies and economic differentiation making the emergence of community rules to meet contemporary resource management problematic (Lawry, 1989: 39).

It is therefore not surprising to note that in Zimbabwe's communal lands, the rich peasantry also dominates local politics. Those who align themselves with VIDCO and WADCO officials could abuse natural resources without risking the wrath of the law. In a study of stone mining in Bepura communal lands in Guruve District, Mamimine (1999) observes that VIDCOs and WADCOs merely 'presided' over the degradation of the environment since they condoned over-mining of carving stones by the local elite and some outsiders.

### Traditional Institutions in CBNRM

Traditional institutions of governance in their various guises continue to exercise some control over common property resources in much of Sub Saharan Africa's communal land (Campbell *et al*, 1993, Nhira & Fortmann, 1993), as the following analysis of experience from Zimbabwe and South Africa will show.

Local controls remain the building blocks for common property resource institutions in many parts of Zimbabwe (Campbell *et al*, 1997). In a study of traditional institutions and local controls relating to trees and spaces of the local environment in Nyamaropa communal lands, Nyanga District, Mandondo (1997) observes that 'controls' could be broadly considered as an inclusive framework incorporating codified rules, taboos and regulatory norms. The aforementioned rules, taboos and norms have implications on the organization of the local environment and regimes of resource utilization occurring in them (Mandondo 1997).

Burial places, for example, were accorded special reverence because of their status as spaces where the dead who became spirits of the clan resided. They were held to be sacred and extraction of resources from such areas constituted gross desecration of their sacral significance and could attract secular, political and religious censure (Mandondo, 1997). Although there was scope for evading political censure by fellow human beings, Africans generally believed that ancestral spirits could not be evaded maintaining a universal omnipotent and omnipresent surveillance over the affairs of the living.

Ancestral spirits were believed to unleash divine visitations (misfortunes) upon those who in their extraction and utilization of resources violated the rules of the land. Spirits were also believed to inhabit certain flora and fauna as their hosts. *Azelia quanzensis* (mugoriwondo), for instance, was believed to play host to rain spirits while *Ficus capensis* (muonde) and *Cussonia spicata* (mushenje), were favoured by hunter spirits.

Water bodies and similar norms and taboos also protected the aquatic life resources in them. Some pools were believed to host lion clan spirits (*mhondoro*) and people fishing from them were limited to catching not more than two fish. Violating of these resource exploitation regulatory norms did not only attract the sanctions of the spirits but were also punishable by the chiefs, headmen or others of their lesser officials as they perceived any violation as likely to attract the wrath of the spirits against the community in its corporateness. In effect, political office in the form of traditional leadership such as chiefs, headmen and kraal-heads were instrumental in reinforcing what may appear to be purely religious beliefs and in so doing safeguard certain species from unsustainable exploitation and some spaces of the environment against wanton destruction.

Although traditional institutions for the management of common property resources in South Africa's communal lands have been besieged by the onslaught of various external forces, they have however, demonstrated a high degree of resilience. Writing on the experiences of the Tswana of South Africa's NorthWest province, Ntsala (1995) observes that they have evolved through the ages, a highly sophisticated conservation ethic that is expressed in taboos, totem animals, laws and customs passed down from generation to generation. Among the Tswana one important forum for the dissemination of this conservation ethic to successive generations is the "Bogwera" or traditional initiation school. As young men and women underwent initiation into adulthood, elders of the tribe stress the importance of resource conservation as the hallmark of tribal survival.

Again, among the Tswana, Ntsala (1995) notes that most tree species could not be clean felled except when a tree was judged to be dying or if its trunk was needed for special medicinal use. Firewood could only be collected from deadwood lying on the ground while timber for building was obtained by cutting branches off living trees. Branches could not be cut from rare and protected trees without the prior consent of the chief who usually restricted such cutting to winter months and during early and late afternoons (Ntsala 1995). In effect this allowed for the regeneration of the branches.

Wildlife was similarly protected by a battery of taboos and customs which ensured its sustainable utilization. People were socialized to shun the killing of ecologically rare species. The vulture, for example, a highly endangered species was accorded exceptionally high protection status (Ntsala 1995). The killing and consumption of the vulture, together with other rare and ecologically important species such as ox-peckers, egrets, secretary birds and pythons was prohibited. It is important to note that the majority of South Africans living in the communal areas did not eat these species. Permission for the killing of rare species was only granted to medicine men when the animals' parts were required for a healer's particular line of specialized medicine.

As noted earlier on, some of Namibia's communal land chiefs are the custodians of the land. The chief has immediately below him the "*ngambela*" whose role is comparable to that of a Prime Minister. The "*ngambela*" has senior "*manduna*" under him, and below him are minor "*mandunas*" (Katjiua 1998). In the communal areas where they still wield some influence, traditional authorities hear cases, investigate and pronounce judgments on natural resource violations. In the East Caprivi, for example, where traditional authorities are well developed, communities have a strong sense of natural resource ownership. Katjiua (1998) observes that in East Caprivi communal areas, access to resources is not open as is usually assumed for communal lands. Instead, access is through membership of a tribe residing in the area. In East Caprivi, the history of natural resource management by traditional authorities' stretches back to the colonial era of South African occupation. Although they were constantly sidelined and systematically weakened, they held their fort in trying to safeguard their natural resources. During the years of South African colonial administration a decline in wildlife populations began. East Caprivi residents apportioned the blame for this decline on translocation and indiscriminate killing by South African occupation forces. Realizing the continued decline of wildlife populations, traditional leaders consulted with their communities and approached the colonial Department of Nature Conservation to proclaim one Salambala Forest a conservation area. Their request was turned down due to lack of funds. However, they did not lose sight of their goal and after independence when the government started to formulate the conservancy policy, the traditional authorities resumed their request, and with the assistance of IRDNC formed a tentative Salambala Management Committee in 1995. With time, all the 19 areas under chief Listwani of the Masubiya people met to elect members of the Salambala Management Committee tasked with getting the conservancy off the ground. The Salambala Conservancy consisting of forest and flood plains was to have 7,000 –8,000 ha fenced on three sides to keep out livestock as well as allowing wildlife movement between the core area and the Chobe National Park in Botswana (Katjiua, 1998). The Management Committee and the constituent communities agreed that nobody should graze their livestock or reside in the core conservation area (Turner, 1996).

The conservancy is made up of 26 villages comprising 19 districts with each district having a number of village communities, which elect a representative to the Management Committee. The second representative on the committee is appointed by the '*manduna*'. Together, the two representatives are accountable to and report to their constituent communities and to the '*manduna*' on the developments concerning the conservancy hence ensuring that traditional leadership and the whole community is kept informed (Katjiua, 1998). The involvement of traditional authorities in the management of conservancies has helped woo the support of communal area residents who had earlier on been alienated from their wildlife resource by the exclusionist policies of apartheid South Africa. Their role in conservancy

management committees provide rural communities with a forum consistent with their culture for the deliberation and settlement of poaching and other resource use violations.

### **Traditional and Modern Institutions of Governance in CBNRM**

Although the paper has noted a prevailing chaotic institutional arrangement as resulting from the struggles for control of the communal lands between traditional and modern institutions of governance; governments and NGOs have to some extent realised the importance of involving traditional authorities in natural resource management. While traditional authorities have been begrudgingly incorporated into the local institutional matrix for natural resource management, some of them have acquitted themselves well as the following analysis of Namibia's conservancy approach and Zambia's ADMADE programme will highlight.

The Zambian government has also realized how communities' lack of control over the resources in their areas essentially translates into a characteristic dearth of commitment to conserve and sustainably utilize them. In line with this, with the assistance of the Worldwide Fund [USA] and USAID, the government effected institutional changes necessary for the refinement of community based wildlife management. The Department of National Parks and Wildlife Services instituted the Administrative Management Design [ADMADE] and introduced ten Game Management Areas (Mwenya 1992). ADMADE is basically an uncomplicated design for administering wildlife management through participation and leadership of communities resident in the Game Management Areas. The design accords villagers an opportunity to participate in the use of their wildlife within the confines of their traditional respect for natural resources, their tribal customs and their sense of custodianship of wildlife (*ibid*). ADMADE established for each self-supporting wildlife management unit a local policymaking body made up of local chiefs and elected political representatives of government called ward chairmen. Senior government leaders, including the area's member of parliament, district governor, provincial wildlife warden and the unit leader who is a National Parks and Wildlife Services officer trained to administer the ADMADE program constitute a body—the Wildlife Management Authority. When Wildlife Management Authorities convene tribal customary values of the traditional leaders coalesce with the technical views and opinions of resource specialists. Wildlife Management Sub-authorities were also established in each chieftom, a unit with the local chief acting as the sub-authority chairman. Mwenya (1992) observes that sub-authorities gave local communities a forum consistent with their traditional customs to participate in formulating ideas on managing and developing their wildlife resources. The channeling of revenue benefits from wildlife towards community development enhanced personal commitment in wildlife management efforts among chiefs serving as sub-authorities chairpersons. They in turn encouraged and fostered a spirit of cooperation among their communities with National Parks and Wildlife Services.

### **Discussion**

Traditional authorities and modern institutions of governance can not do without each other. In order to ensure change and continuity, modern institutions of governance should not be allowed to completely displace traditional institutions of governance. The two institutions should operate as 'nested enterprises' (see Ostrom, 1990's *design principles*). The working together of the two institutions will compensate for the weakness identified by Chileshe (1998), that traditional leaders operate well in undifferentiated and homogenous communities. In fact, the 'discard approach' adopted by some governments, in which traditional institutions of governance fall victim largely leaves CBNRM as a major casualty. The situation on the ground calls for the respect of each other's values and ideologies rather than the constant bickering that militates against community based natural resource management. Instead of perceiving traditional institutions as archaic and retrogressive, with no significant role to play in today's common property resource management, traditional authorities should be accommodated in any attempt towards the formulation or evolution of effective resource use regulatory mechanisms in communal lands. Governments and policy

makers should be cognizant of the fact that traditional authorities are not only repositories of indigenous knowledge systems in natural resource management but also have hands on experience acquired over the years through intimate contact with the resources in question. Thus any emerging institutions for the management of common property resources on the rural landscape that fail to incorporate or treat traditional institutions as inconsequential are bound to worsen rather than ameliorate resource management. In the four Sub-Saharan African countries, traditional institutions continue to have a following, as they constitute a way of life for communal area residents. The fact that some sections of these same communities in cahoots with the modern institutions portray traditional authorities in unfavourable light has only served to polarise communities hence rendering community based natural resource management difficult.

Nemarundwe (2000)'s observation that in the communal areas of Zimbabwe, villagers aligned themselves with either the traditional leadership or the modern institutions, namely the VIDCOs and WADCOs in order to be allocated land, depicts a chaotic institutional arrangement where no single authority seems to have legitimate and unchallenged land allocation powers. In this environment natural resource management regulations can not be comprehensively enforced as the two opposing camps, namely the traditional and the modern institutions allow flouting of rules to go uncensored as a means of attracting or retaining a following.

As noted in the review, Africans residing in the communal lands in the four Sub-Saharan countries, have resource management mechanisms subsumed into their cultures. Traditional institutions for the management of natural resources focus on utilizing and managing resources based on the knowledge of the community. This is done within the framework of their worldview, in other words, in accordance with their ethics, norms and beliefs [Juma1996]. Hence post independence governments should at least take this as their point of departure if they are to be successful in instituting enduring community based natural resource management systems.

It is important to point out that where communal land is perceived as belonging to the president and not to those who use it as has been the case in Zambia following the passing of the new land Act, residents would not hesitate to exploit it as a 'degraded' resource. When rural communities do not identify the land in their midst as belonging to them, they lack not only any vested interest in it but also the power to exclude and deny outsiders its use. There is thus urgent need for tenure reform to give peasants proprietary rights to the land they hold and consequent to these rights obligatory responsibilities towards the land and other resources will ensue.

## **Conclusion**

A review of literature indicates that in spite of the perception of traditional institutions as archaic and undemocratic held in some quarters, a successful and sustainable CBNRM in Southern Africa would be attainable when this institution is regarded more as a partner than a competitor in community based natural resource management. The goings on in Zambia and Namibia bear testimony to this. There is a need to recognise that both traditional and modern institutions of governance have a role to play in making CBNRM a success. Case studies from Zimbabwe illustrate that where modern institutions of governance completely replace traditional institutions' authority over CBNRM, they sometimes operate as stumbling blocks and worse still, also facilitate the degradation of natural resources.

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