



# Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 20-24, 2017



## **The Tragedy of Myopic Policy Planning for the Commons: Managing Customary Land and Other Natural Resources in Zimbabwe's Mberengwa Communal Area**

**Takunda Chabata**

Department of Sociology and Gender Development Studies, Women's University in Africa,  
Zimbabwe

presenting.takundachabata@gmail.com

**Paper prepared for presentation at the  
"2017 WORLD BANK CONFERENCE ON LAND AND POVERTY"  
The World Bank - Washington DC, March 20-24, 2017**

*Copyright 2017 by author(s). All rights reserved. Readers may make verbatim copies of this document for non-commercial purposes by any means, provided that this copyright notice appears on all such copies.*



# Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 20-24, 2017



## Abstract

This study sought to establish the use patterns of customary land and other natural resources in a selected patrilineal communal area in rural Zimbabwe. It examines the different institutions responsible for the use and governance of land and related natural resources. The communal area selected three kraal heads (also referred to as villages) which are Tagwirei, Muchemwa and Mazhambe. These three villages were studied together because they share the bulky of customary land and natural resources that exist in the area. The study, which took place over a period of three years (from 2014 to 2016), utilised mixed research methods to elicit data from the locals. It relied on key informant interviews with traditional authorities and some senior elders. Observations and transect walks were also used to establish the nature of land and natural resources found in this area. Through these methods, the researcher was also able to establish the impact of existing use patterns on the natural resource base.

**Key Words:** Communal areas, customary land, governance, natural resources, Zimbabwe

## Introduction

The experiences of Mberengwa communal area with regards to management of land reveal that the traditional systems of land governance are not only robust, but affords all members of the community an equal access to land and other land based natural resources. Land and all other land based natural resources in this communal area are collectively owned and managed through a system of land centralisation which was born during the colonial era. In this article, I expressly focus on the nature of traditional land tenure system in a communal area. In interrogating this land tenure system, I assess how it works, how it benefits individuals, households and the entire community. I inevitably explore the traditional institutions that are central in the management of land and related natural resources. Established in the study is the notion of equal access to available resources. However, equal access in this case does not translate to adequacy. The scarcity of resources encourages competition and ultimately indiscriminate utilisation that depletes the environment. The traditional institutions are rendered weak to control this practice as population pressure takes its toll. Certain harmful land and natural resource use patterns deemed harmful to the environment are never discouraged as the community switches into a survival mode.

Despite enormous resettlement efforts done by the government from the early 1980s through to the Fast Track Land Reform Programme, and indeed rural to urban migration, most communal areas remain besieged by incessant population pressures which strain the available land and land related resources (Wekwete 1995). Given a host of challenges faced by people in communal areas, they are, as the research



# Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 20-24, 2017



established, now putting a strain on available natural resources. They use the land in a most unsustainable way, ploughing along the stream bank which ultimately results in siltation of communal rivers and dams. This makes the supply of water very problematic. Long before the rain season, all these water sources will have dried up except for one borehole which also succumbs to pressure and has to be given some breaks to allow it to replenish. More so, other commons natural resources such as trees, timber and non-timber products face a quick depletion due to indiscriminate use by the inhabitants. The pastures are also getting reduced because many people are now getting settled on land which was formally designated for livestock grazing. On the other hand, all these different households try to keep livestock, yet the grazing land is becoming more and more limited. All this causes untold problems on the environment and indeed people's livelihoods.

The government is urged to seriously look into the customary land policy and the governance of natural resources for the commons. There is need to decongest these communal areas by resettling more people in large farms which are not fully utilised. The government is also encouraged to create employment for the rural poor so that they stop relying entirely on the natural resource base. This has a vast potential in saving the environment.

## **Background of the Study**

Communal Areas in Zimbabwe are a colonial legacy. They have assumed different names since their inception during the colonial era. They were formerly known as native reserves (1894 to 1950) before they changed to Tribal Trust Lands (1951 to 1979), then to Communal Areas in 1980. Politically, Zimbabwe's communal areas remind the locals of land appropriation at the behest of colonial masters between 1890 and 1980. For close to a century, Zimbabwe experienced massive land alienation which created 3 types of land tenure, the State, European and African land. The creation of the first reserves ensued the defeat of the Ndebele people in the Anglo Ndebele War of 1893-94. Gwaai and Shangaani, as they were known, were the very first attempt to by the settler whites to separate blacks from the whites. The reserves were notoriously known for poor sandy soils, high temperatures, tsetse flies, poor rainfall patterns, among other horrible characteristics. The blacks were overcrowded in these reserves which led to environmental degradation of high proportions. The crop yields reduced drastically plunging the indigenes into abject poverty. In an effort to end the misery brought about by the early reserves, the Ndebele people, this time together with the Shona joined hands in a protracted struggle for independence in 1896-97. Unfortunately,



## Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 20-24, 2017



the blacks lost the war to the settler whites, with the Ndebele suffering a second major defeat. The rebellion only worsened the settler whites' perception of the blacks. To the whites, the blacks were a bunch of untamed barbarians who intrinsically possessed harmful tendencies. To manage this barbarism, the settler whites conceived a total separation of the blacks and the whites. This was made possible by the Southern Rhodesia Order in Council promulgated in 1898. With this Order, more reserves were created for the blacks. The Order which recognised land in Rhodesia the property of the British South African Company, as presented by Hanlon et al (2013:31-32), '...set apart (land) for the purposes of native settlements exclusively'. Also noteworthy as an outcome of this Order was that land was duly divided into European/crown/white and African/native/black areas. The blacks were thus forced to migrate to the native reserves created for them. However, as noted by Kramer (1998), by the 1920s, the reserves were already overcrowded leading to environmental degradation. The then Native Agriculturalist, Father Alvord, recommended to the government the need to introduce the Centralisation process to better manage and improve the carrying capacity of land in the native reserves. For him, food insecurity and other related challenges, were not a result of limited land, but a direct result of poor and unsustainable methods of farming and settlement adopted by the natives. Father Alvord then suggested,

*'I pointed to the waving miles of uneaten grass and told them that the only way to have fat cattle was for poor people under headmen to centralise their scattered crop lands together into large arable blocks and to set aside large stretches of other land to be used as communal grazing lands where cattle could graze freely during the growing season. Then, after the crops are harvested the cattle could graze freely in the arable areas to clean up crop residue for a month or two while the grazing land had a rest'.*

Centralisation entailed that land in the native reserves be divided into three distinct areas, that is, the arable land on one side, the grazing land on the other, and the homesteads in the middle. The native homesteads were placed in-between so that they would serve as a buffer shielding the crops from the livestock in the grazing areas. The grazing areas were selected based on their unsuitability for planting such as the mountainous side with rivers. This meant that all arable land could be brought under cultivation. This Centralisation started in Selukwe in 1929 and was later received, or rather forced down on other native reserves in the intervening years. The scheme yielded pleasing results and helped a long way curb the problem of population pressure on the reserves. However, what this meant was the need for more land was abated. The successes also encouraged the colonial regime to tighten its laws on land appropriation as



# Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 20-24, 2017



evidenced by the passage of the Land Apportionment Act of 1930 which further alienated land from the blacks.

Conditions in the Native Reserves however started to deteriorate again as hordes and hordes of blacks were evicted from European Crown land following the Land Apportionment Act and the six-year ultimatum given to all blacks resident on Crown land to vacate. At this point, Hanlon et al (2013:33), aptly put it that, 'Reserves became increasingly overcrowded, and by the mid-30s there was clear ecological deterioration'. All those blacks on Crown land were treated as squatters (Jennings 1935 and Rifkind 1968). Despite the fact that the 1930 Land Apportionment Act also enunciated the creation of Native Purchase Areas for the successful black farmers, pressure in the reserves was never eased. In 1951, the colonial regime made further reformations on the land policy by introducing the Land Husbandry Act. By this Act, the Native Reserves assumed a new name, the Tribal Trust Lands. It however became apparent that what only changed was the name and not the conditions obtaining in these areas (Hanlon et al 2013:36). This situation remained until after independence. As a way of trying to break away from the colonial past, the independent Zimbabwe made significant changes to all sectors of its economy. Even names of places and policies were changed, and the Tribal Trust Lands assumed a new name, Communal Areas. For the purposes of the ensuing discussion, I must hasten to note that the Communal Areas were wholesomely inherited by the independent government of Zimbabwe in

## **Presentation and Discussion of findings**

This section presents and analyses findings gathered from the study area. The study gathered that land and other land-based natural resources in these three villages, Mazhambe, Tagwirei and Muchemwa, are significantly deteriorating. It was observed that the population pressure is increasingly taking its toll on infinite resources in this area. Conflicting systems and institutions of resource governance do not help matters as the role for regulating resources is thrown to different conflicting authorities. Running parallel are the traditional system of resource governance and the modern system of authority inherited from the colonial era. However, the traditional system of governing land seems to be the most dominant one. The chief is the custodian of all land and superintends of its allocation and use. He delegates such powers to the Headsmen who further delegate such authority to the kraal heads, and down to the family heads. Since the village is founded along patriarchal lines, gender is one of the most important institution that mediate allocation and use of land.



### **Customary Land and Use patterns**

According to the villagers in the communal area under study, land belongs to them all. They live peacefully as a community with three different headmen namely: Mazhambe, Tagwirei and Muchemwa. Different pieces of land (mainly for residence and cultivation) are allocated to individual families which in turn subdivide among its members. This system of land allocation is in line with Bourdillon's (1976) findings among the Shona peoples. The traditional authority was responsible for land allocation and use supervision. Communal ownership and control over land and other natural resources tend to be dominant. Very little has changed in these three villages. About half of the initial occupants of this land, in all the three villages, have since died leaving behind their children. As pointed out by one senior villager who is the eldest son of the original occupant Mazhambe:

‘We moved onto this land in 1959 under very unclear circumstances. We left our old homes in Gwebanda area at the chief's instruction. This is the year a new chief was installed. Rumour had it that the relocation was to dispossess us of fertile land in favour of the Muzembegwa community, which is related to those in chieftainship. The chief was a son in law to the Muzembegwa family which took over our land when we took over comparatively infertile land. We moved into this area in 1959 at the instruction of the then chief. Since then, we were never moved. This gives us the right over this land.’

The land belonging to the three headmen is divided into three areas. There is no physical demarcation separating the three villages. The old homesteads are built following a continuous curving line that form a half-moon shape. To the eastern side of the communal area are the grazing areas (generally referred to as *kuzhe*, meaning outside) marked by some wild bushes. The western side which they call *mukati* (literally meaning inside), has the arable land for the villagers. Though the strips of land allocated to different families do not follow any particular order, they are clearly marked with less contested boundaries. Each family has an approximate of 3 to 5 hectares of arable land. This does not include the land on which their homes are built. Separating the homesteads and the grazing areas is a paddock made of barbed wire and some often replaced wooden poles and some iron droppings.

Over the years, a strange pattern of settlement emerged. There is another strip of homesteads forming in the western side of the traditional homes eating into the arable land. The same occurrence is also forming in the area traditionally designated for pastureland. Comparatively, the homesteads forming in the grazing land outnumber those located *mukati*. Another communal area commonly called Varembe or Nhin'a, which lies in the eastern part of this community, also has some homesteads extending to the west thereby eating



# Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 20-24, 2017



into the pastureland. The main uses of land in this area, as observed and opined by the village informants are: 1. For settlement 2. For crop cultivation, and 3. For livestock pastures. Other uses also include building of a dam (though the dam is shared by the entire chieftainship), construction of a community borehole and some unprotected village wells.

Land under cultivation has therefore been cultivated since 1959, at least by the current inhabitants. The Agritex officer commented that the soils have become sandy and now lacking in fertility. He noted that without manure or fertiliser, it is virtually impossible to get any meaningful harvests. When I asked villagers to rate their yearly harvests, they indicated that they have had a series of poor harvests. They attributed these poor harvests to lack of resources like fertilisers and adequate farming knowledge. They also noted that the land allocated to them by their families was far way too small to accommodate all their different crops, let alone expect a meaningful harvest. One villager explained in detail why he felt the land was too small:

‘The land that I am using initially belonged to my father who had a small family to feed. We are 4 sons born to my father and we were each parcelled out pieces of land from his share. Now myself have 5 sons, of whom 3 have married and I have further parcelled that small piece of land to 2 of them. At least the other one got a plot during the jambanja I don’t know what I will do with the other 2 when they marry. The government must do something.’

The villagers also noted that the government has done very little in resettling their people in new resettlement areas. They argued that the government, through its land reform programmes had managed to move only a small number of people which is not proportionate to population growth. Some people were resettled in the early 1980s kuMundamirefu and others were resettled during the Fast Track Land Reform in 2002. However, this didn’t improve things, as one villager weighed in:

‘The land reform has not helped matters here. Very few people benefitted from the programme. Even the migration to towns and neighbouring countries doesn’t seem to have eased the population pressure on land.’

## **Other Land-based natural resources**

The communal area has different forms of natural resources, the bulk of which lie on the grazing land. There are forests which serve the community with timber and non-timber products. The community rely on the forest for the following resources: 1. Timber for building houses, gardens and paddocks; and for making (majoko nezvikeyi) among other things 2. Harvesting wild fruits such as: matohwe, matamba, makwakwa, sosoti, ruguru, nhunguru, humbakumba, makokoro, mavhirin’ombe, shuma, mavonde, chakata, mapfura,



nhengeni, chechete sekesani, gumbamusero, mavhirin'ombe, nyii, gan'acha, 3. Insects such as: Macimbi/madora (mopane worms) 4. Honey from the beehives formed in the holes in tree trunks, rock crevices and some natural holes on the ground 5. Water from natural rivers and village wells, dams and boreholes.

### **Village-level Institutions and natural resource governance**

At the village level there were two systems of authority which were both charged with the governance of land and other land based resources. In this section I present these two systems highlighting their roles and the challenges they met in managing the resources.

#### **The traditional institution**

Customary land in this community is traditionally controlled and managed by traditional systems of authority. These systems of authority, dating back to the pre-colonial times and reinforced by the settler whites, continue to govern land use and the exploitation of other land-based resources in this community. The supreme authority figure at the level of this community is the headman. The headman however reports to the chief, though the chief enforces all the customary laws of the land through the headmen. The headmen now work with a secretary, but this is a recent development which was introduced after the 1990s. Commenting on the role of the secretary, one headmen said:

‘These secretaries are our own local arrangements. The secretaries only help in keeping records for the village and recording minutes of the meetings we hold. They don’t make any decisions and they are not even known or recognised by the government. *Ini sabhuku ndini ndinotonga muno kwete secretary.*’

The headman has the role of monitoring the use of all land and natural resources under his jurisdiction. He is the one who first and foremost allocates land to different families, and can sometimes re-allocate the land when need arise. In cases of land wrangles, the headman is expected to solve the issue. However, sometimes the land wrangles involving ‘thick-headed’ people may require the attention of the chief. In one case, two families in one of the tree villages fought over a certain piece of land. The headman failed to resolve the issue, resulting in the two parties taking their case to the police. The police gave a verdict which was honoured by all the parties including the headman. In another slightly different case, two families fought over boundaries. The headman gave a ruling that one family, which had encroached into another’s land,



## Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 20-24, 2017



remove his paddock. The assailant refused to comply and the situation remained unsolved to date. The case has gone on for more than a year now.

The headmen also control the grazing area. They restrict the use of their pasturelands only to members of their community. They try to close out people from neighbouring villages, though this proved to be a daunting task. This is even made worse by the boundaries which are blurred. However, activities such as hunting for small animals such as hare and buck are rarely controlled. People use both snares and dogs to get game meat. This remains an unregulated livelihood activity. The forests have been combed and mopped of these small animals such that meeting an animal bigger than a hare is newsworthy in the community. The forest has also lost a great deal of vegetation cover due to overgrazing, veld fires, and deforestation. People tend to indiscriminately cut down trees for firewood, wooden poles for paddocking, house construction and roofing. The cutting down of trees in this community is also practically uncontrolled. However, the new chief installed in July 2016 has tried to fine people who cut down trees indiscriminately. The headmen however don't seem to enforce this resulting in massive depletion of trees. The pastureland has also been drastically reduced as people start to build fresh homesteads there. Successive chiefs, with the help of respective headmen have tried over years to control this practice without success. The pasturelands are now growing thinner and thinner, but the number of livestock is multiplying as families continue to grow and the labour migrants continue to invest in cattle. The villagers concurred that there is no system in place meant to regulate the size of family herds hence overgrazing. One villager boasted:

'No one can control the size of my herd. I keep the number of cattle, goats, sheep and donkeys as I wish and as my money permits. They graze wherever they deem. Who can control my livestock during the off-season? I sell and slaughter them as I wish, they are mine, and I worked hard to get them.'

However one headman lamented the plundering of natural resources in his village as he stated:

'Imagine people use cruel methods of harvesting honey. They use fires that kill bees and make them relocate altogether, they forget that next season they will be needing honey again. All the fish in the dam and that river, have been plundered by people who use nets. They do the fishing during the night and no one can control them. This is the end of the world.'

One other problem which falls short of strong regulation is stream bank and vleij cultivation. My respondents noted that it is very difficult to regulate stream bank and vleij cultivation due to population pressure. Finding nowhere to cultivate, people end up opting for areas that traditionally had been deemed unsuitable for cultivation. An Agritex officer noted that:



# Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 20-24, 2017



‘The headmen are not helping matters by allowing people to cultivate anywhere they want. We now have the problems of river and dam siltation due to these unsustainable ways of farming. Tell the farmer that this is not good, they ask me, ‘who are you here? Unless the government intervenes through other lines of authority, this place will soon become a hub of abject poverty’.

## **The Modern Institution**

After independence, the government introduced a system of natural resource governance which ran parallel to the traditional system. At village level, there was a Village Development Committee (VIDCO), which was a committee headed by a chairperson and had committee members. Their roles, according to the locals, were not very clear. However the once VIDCO chair said that his roles were akin to that of a sabhuku and argued that, in practice, he was somewhere above the sabhuku in terms of authority. He argued that he served to make sure that natural resources were used wisely. He also pointed out that land management fell under his jurisdiction. Ironically, he could not quite pinpoint clear cases of natural resources law enforcement that he had tackled during his tenure of office. He however mentioned that the arrangement could not work well with the traditional system still in place. He thus noted:

‘The committee died a natural death before it had done anything significant. The results were never in tandem with the hype it generated at its inception. But this committee could have worked better because it was composed of educated people who understood the importance of conserving natural resources. Pity that it died at its embryonic stage’.

The VIDCO worked with the police to enforce conservation schemes in the community. It however reported to the Ward Development Committee (WADCO). The WADCO in turn reported to the district council, the Rural District Council (RDC).

## **Conclusion**

This paper has unravelled the different systems of land and other natural resource use and tenure. It explored the two parallel systems of resource use and governance and the problems they each pose to sustainability issues. It was clear from the findings that the systems of natural resource governance are porous and lack the stamina to conserve the environment. The open-system of use allows for indiscriminate use of resources. Though attempts to block outsiders are there, it is noteworthy that in practice, controlling outsiders is an uphill task. There is therefore an unbridled competition on access to resources which tends to decimate the ecological base of the villages under study. There is over-exploitation, irresponsible exploitation and lax governance of resources which spells a bleak future to the villagers. As population increases, completion



# Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 20-24, 2017



over resource exploitation also tends to soar dealing a terrible blow to the livelihoods of future generation of these villages.

## References

Bourdillon M. F. C (1976) *The Shona Peoples*. Mambo Press, Gweru.

Hanlon J, Manjengwa J. and Smart J. (2013) *Zimbabwe takes back its land*. Kumarian Press. VA.

Jennings, A. C (1935) 'Land Apportionment in Southern Rhodesia' *African Affairs* (1935). 308-311

Kanyenze G, Kondo T, Chitambara P. and Martens J. (eds) (2011) *Beyond the Enclave: Towards a Po-Poor and Inclusive Development Strategy for Zimbabwe*

Krammer E. (1998) *A clash of Economies: Early Centralisation efforts in Colonial Zimbabwe, 1929-1935*.  
*Zambezia* (1998) XXV (1)PP 83-98

Moyo S. (1995) *The Land Question in Zimbabwe*, SAPES Books, Harare.

Rifkind M. L. (1968) *The politics of Land*. Masters Thesis. University of Edinburgh

Wekwete N. N. (1995) *Population and the Environment in Zimbabwe: The case of Rural Livelihoods*. S.  
*Afr. J. Demography* Vol 5 (1) pp 60-64