

# **WAS MRS MUTENDI ONLY JOKING?**

**Access to Timber  
in Zimbabwe's  
Communal Areas**

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**IJED**

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# Preface

The first eight papers in this series are a linked set which focus on Zimbabwe's *CAMPFIRE* programme. The views presented are those of the authors, not of IIED.

*The Communal Areas Management Programme for Indigenous Resources (CAMPFIRE)* is an exploration of rural development and conservation in Africa. It seeks to restructure the control of Zimbabwe's countryside, giving people alternative ways of using their natural resources. A wholly African initiative, *CAMPFIRE* emerged in the mid-1980s with the recognition that, as long as wildlife remained the property of the state, no one would invest in it as a resource. Since 1975, Zimbabwe has allowed private property holders to claim ownership of wildlife on their land and to benefit from its use. Under *CAMPFIRE*, people living on Zimbabwe's impoverished communal lands, which represent 42% of the country, claim the same right of proprietorship. Conceptually, *CAMPFIRE* includes all natural resources, but its focus has been wildlife management in communal areas, particularly those adjacent to National Parks, where people and animals compete for scarce resources. Since its official inception in 1989, *CAMPFIRE* has engaged more than a quarter of a million people in the practice of managing wildlife and reaping the benefits of using wild lands.

*Dedicated to Jabulani Moyo*  
Died 1995

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# Introduction

**I**n a number of rural areas in Zimbabwe local communities have objected strongly to timber-logging by concessionaires. Their grievances include a lack of consultation over the granting of concessions, destructive and wasteful harvesting, and the lack of local community benefits from the timber revenues. Ownership and control of resources as well as the assurance of benefits arising from their exploitation are important conditions for community-

based resource management. In this paper, two case studies underscore problems relating to timber concessions from the perspectives of local villagers in Bulilima Mangwe and Hurungwe districts. The implications of these problems for the development of sustainable community-based resource management, and the legislative context within which they are based, are discussed. The paper concludes with some generalised recommendations for the way ahead.

## Background

The cutting of natural timber from commercial concessions within the communal lands of Zimbabwe produces only a very small percentage of forest products exported from those communal areas. Timber extraction is, however, a legitimate activity involving legal agreements between the timber concessionaires and the District Councils which are the administrative bodies for the communal lands. Other activities, such as charcoal manufacturing and urban fuelwood supply, possibly account for a far greater off-take of forest products; not as valuable as timber in commercial terms but, nevertheless, valuable for the security of local people's livelihoods.

In view of this, one might expect to see local communities defending their rights of access to these resources against interlopers. In many areas this is not the case. Is there a sense of apathy, or of powerlessness? Timber concessions may represent only part of the pattern of unscrupulous extraction of local resources within communal lands, but this should not preclude the responsible authorities from reviewing current practices. A change in the way timber concessions are granted and managed may hold the key to more effective community management; not only of valuable timber resources but also forest products central to community livelihoods.

Commercially valuable stands of timber exist in a number of communal lands around the country. As communal lands are effectively state land, these resources officially belong to the state. Under the

Communal Lands Forest Produce Act 1987 and the Communal Lands Act 1982, District Councils are enabled to enter into agreements with commercial logging companies in order to exploit timber within their districts. The Forestry Commission, as the legal guardian of national forest resources, is responsible for setting the terms and conditions of timber exploitation, as well as ensuring that these are complied with. This involves an assessment of the allowable cut, brokering the agreement between the council and the concessionaire, and monitoring the timber cutting operation.

Timber concessions in communal lands are beset with numerous problems which impact directly upon the efficient management of trees and woodlands in these areas. A central problem is the tendency for councils to ignore the very existence of local communities when negotiating timber concessions. The communities do not benefit from these concessions, but invariably bear the costs, such as extraction damage, for which they receive no form of compensation. This has led to outrage and in some cases, violent resistance from local communities. Cases include:

- **Tsholotsho.** There has been vigorous opposition by villagers to logging in Dlamini ward. The people felt they were not benefiting in any way from the logging operation. The area is very underdeveloped, but the council was not spending any of the money on upgrading their services.
- **Muzarabani.** A large concession was granted in this district to harvest

mopane trees. The council was eager to generate as much revenue as possible for its many obligations and gave the concessionaire carte blanche to remove mopane trees wherever they occurred, including farmers' fields. Not surprisingly, farmers voiced strong objections.

- **Gokwe South.** Here trouble surrounded a timber concession to cut umphaphama, the "wooden banana" tree (*Entandrophragma caudatum*), in the Mutendi area. This is a highly valued species which has long been protected from cutting in Mutendi. The local leadership was outraged when the concessionaire moved in and began felling the trees throughout the village. A group of villagers armed with axes accosted chainsaw operators. The concession staff reported the matter to their superiors and a delegation comprising the concession holders, the Forestry Extension Officer and the District Administrator (DA) visited the village to sort out the problem. The delegation was met by a group of villagers led by a Mrs Mutendi. In his report, the DA stated the concessionaire had the right to cut timber in any area within the jurisdiction of the District Council. It was only as a matter of formality and good public relations that the concessionaire should notify the local leadership of its intentions.

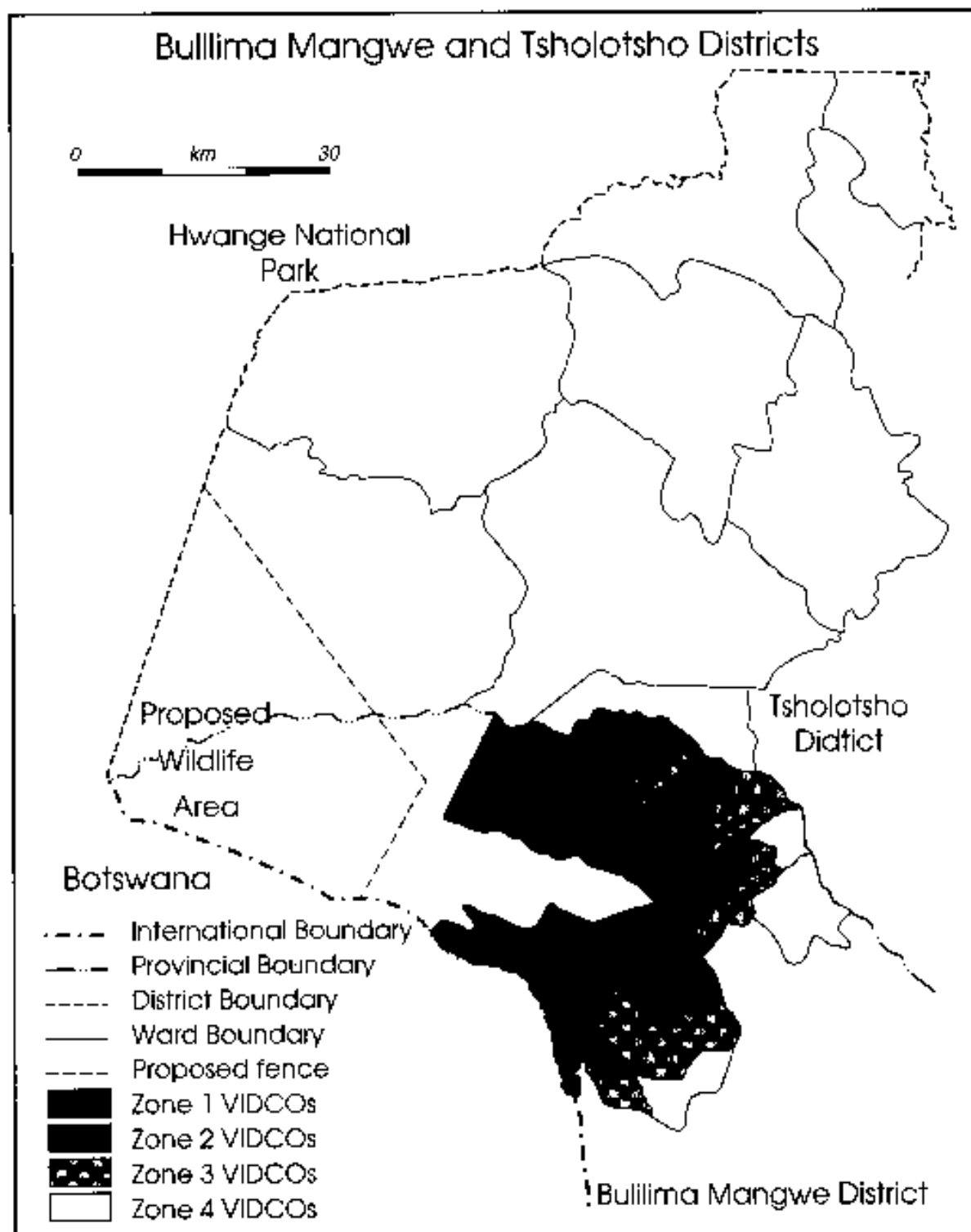
An interesting adjunct to this particular case, which highlights the confusion relating to proprietorial rights over trees in communal lands, was also summarised by the DA. It transpired Mrs Mutendi had agreed that the cutting team could remove certain trees from her fields. But she then told the delegation she wanted

payment because she had sold the trees to the timber company. While tenurial relationships with trees are complex in communal areas, there is a sense that the traditional situation in which any community member had rights to trees, even in other people's fields, is now being supplanted by a form of customary law where rights are held by the farmer who is perceived as the "owner". Ultimately, the DA agreed that the concessionaire had an obligation to discuss extraction with the owners of the fields who could direct them to selected trees. Everyone would gain, it was felt, as such trees were sometimes burnt down. And, in any event, each field falls under the council's administration. In conclusion, the DA expressed the hope that "Mrs Mutendi was only joking" when she had demanded the money realised from the sale of the timber removed from her trees.

- **Bulilima Mangwe.** Following the granting of a concession to exploit mukwa the bloodwood tree, (*Pterocarpus angolensis*), in Bambadzi Ward, hundreds of local residents, shocked by what they saw happening to the trees they had protected for so long, attempted to stop the concessionaire's workforce using knobkerries, axes and any other weapons they could lay their hands on.
- **Hurungwe.** The lack of transparency concerning the Forestry Commission and its allocation of timber concessions, in contrast to the arrangements made by the National Parks Department for the safari hunting concession, created such resentment that a local resident felt

compelled to write to a popular local magazine accusing the council of corruption and of exploiting local people.

These last two cases are now studied in greater detail. In the Bulilima Mangwe case, the paper will emphasise problems relating to timber concessions in communal lands whilst in the Hurungwe case, it looks at the opportunities to overcome such problems.



## Case Study

# The Bambadzi Area of Bulilima Mangwe

**B**ambadzi is a remote area in Bulilima Mangwe District with a population of approximately 4,200 people. It is one of 24 wards within the District Council. [With the amalgamation of rural and district councils the district now has 33 wards].

Mukwa trees have been important in Bambadzi for as long as the locals can remember. The mukwa tree has many uses including:

- **Shade** - both at the home and in the fields.
- **Timber** - for making household and school furniture, doors, scotch carts, and many other useful items.
- **Fuelwood** - from the timber cut-offs.
- **Branches** - used for fencing fields, cattle kraals.
- **Seeds** - used as medicine, and providing food for domestic animals and wildlife.
- **Bark** - used for livestock medicine.
- **Spiritual** - there are very strong beliefs that the big trees draw rain to the area.

Since the early 1950s there has been a small-scale local furniture-making industry based on mukwa exploitation in Bambadzi. There were always careful controls on cutting in order to ensure that the mukwa trees were not depleted. The fact that there were sufficient stocks of mukwa to grant a timber concession in 1990 is evidence that utilisation of mukwa in Bambadzi up to that time had been sustainable.

In 1990 the District Council granted a

mukwa concession in the Bambadzi area to a commercial logging company. Based on the Forestry Commission's advice, the concessionaire promised the local authority a continued cash flow for two to three years. Payments would be based on the volume of mukwa cut per month. In the event, the concessionaire worked day and night and all the timber was removed in a period of three months. Council seems to have been prevented from appointing its own person to monitor the exercise. According to local people, every last mukwa tree was cut irrespective of size. There has been no regeneration of mukwa since then.

It is not surprising that the logging operation caused much anger and bitterness amongst the people of Bambadzi. Their grievances included the following:

- **The timber resource**, which was of great importance to the local economy, was completely removed and there is no sign of any regeneration.
- **The many other products and services** derived from the mukwa tree are no longer available.
- **None of the local people benefited** from the concession in the form of employment or otherwise. It is estimated that 75 per cent of the young people from Bambadzi work in Botswana and South Africa due to lack of economic activities in the area. Many are charged every day in local courts for border jumping.



- Plans to develop carpentry shops at local secondary schools to improve local carpentry skills, thereby enhancing chances of employment for local people, had to be dropped after the logging operation removed all the mukwa trees. An established furniture production industry could easily have been supported and further expanded, instead of being put out of business.
- Furniture for local use was also made in Bambadzi. Now the people are forced to buy furniture from town, at exorbitant prices which they cannot afford. They then pay almost Z\$200 just to transport the furniture back to their home, from where the wood was originally taken.
- Promises were broken, although the extent to which these broken promises were breaches of contract by the concessionaire is unclear. They included:
  - i. The concession was cut out in three months instead of the two to three years indicated on the contract.
  - ii. Locals were promised jobs on the concession, but the concessionaire brought a 30-tonne truck-load of general workers from the neighbouring district [Tsholotsho] where the concessionaire had his initial operation.
  - iii. A mini sawmill was to be constructed within the district for timber processing which would have ensured that off-cuts were available for the local community for fuel and production of doors, benches, scotch carts, etc. The sawmill was never established, and all the timber was taken away in trucks.
  - iv. Local schools were promised school furniture and fences to protect plantations within the school grounds.

Nothing materialised.

v. Bambadzi's roads were badly damaged by heavy trucks during the extraction of timber. The concessionaire promised to repair and upgrade the roads, but this was never done.

When these promises were not fulfilled and no action was taken against the concessionaire, suspicion naturally arose among the community of corruption within the local authority workforce and the Forestry Commission advisors. In desperation, the people decided to take the matter into their own hands. Hundreds of locals, armed with knobkerries, axes, and other weapons tried to stop the concessionaire's workforce from cutting the mukwa. The operation came to a halt for some days, but the council executive members used a variety of tactics, apparently including threats, to neutralise the resistance.

All this seriously affected the credibility of local councillors who lost the political support of their followers. Moreover, efforts to start mukwa plantations by local schools were not supported by the people who felt the trees would be stolen from them just as the others had been and that they would be investing in a resource that would not benefit them.

## **What were the problems?**

### **Centralisation of resource management systems**

Customary [undocumented] laws which were popular, respected, and agreed upon by all in the Bambadzi area seem to

have played a crucial role in the good management of land and its natural resources. Traditionally, certain natural resources such as trees and animals were respected and used wisely for the benefit of all inhabitants of the area. In recent years, these traditional natural resource management systems have started to break down as a result of the removal of the powers of traditional leaders soon after Independence. Responsibility for land distribution and land management was taken over by the so-called democratic structures introduced in 1964: the Village Development Committee [VIDCO], Ward Development Committee [WADCO], and the District [later, Rural District] Council. There was little communication and no acknowledgement of the existing traditional systems by the new structures. Consequently a vacuum was created. This has resulted in the local communities losing all control over their natural resources. They had no say in the granting of the concession, in the setting of conditions, or in the monitoring of the operation.

### The Council

There was a lack of understanding and appreciation of community efforts, plans and initiatives in the use and management of the mukwa trees. The opportunity to support the local furniture industry in Bambadzi, instead of selling the timber to an outside company, was not recognised by the council. The two councillors from

Bambadzi and Hurungwe Wards, who were strongly opposed to the concession, were defeated 22 to 2 in favour of the contract. This so-called democracy is questionable where those without the resource make decisions about how such a resource must be utilised. In addition, the council clearly had vested interests in the funds earned from the concession. About Z\$200,000 was realised but nothing found its way back to Bambadzi in any form of development. More importantly perhaps, there seems to have been no mechanism within the council to prevent the resource from being plundered in the way it was.

### The Forestry Commission

The concessionaire was supposed to have harvested the mukwa trees in a sustainable manner [cutting only mature trees] over a period of two to three years. Instead all the trees were removed, irrespective of size, in three months. Furthermore, there were allegations that the Forestry Commission did not keep the council informed or involve them in monitoring the terms of the contract. There was a general perception that the Forestry Commission was assisting the concessionaire to extract as much timber, as quickly as possible, at the expense of both the local community and the council. This led, naturally, to suspicions that the Forestry Commission was involved in a deal with the concessionaire to the detriment of council. At all levels, there appears to have been a lack of effective communication.

Case Study

# Mukwiche Area of Hurungwe

**T**he Mukwiche area of Hurungwe District contains extensive natural woodland, which also includes valuable timber species such as mukwa. Much of the area is, as yet, unsettled but the continued existence of this wilderness area is under constant threat from a steady influx of new, mostly unregistered and illegal, settlers who are clearing large areas for cultivation. Many of the original inhabitants farm on the edges of the forest areas and often between pockets of remaining natural vegetation which are on ground too steep and rocky for even the most enthusiastic farmer to clear. They are, therefore, living in close contact with the natural forest and utilise it for a variety of purposes, such as firewood, poles, honey, fruits, and medicines. There is great potential for developing sustainable natural resource management, given adequate incentives.

However, it is clear that at present such conditions and incentives do not exist for a variety of reasons which include:

- The overwhelming numbers of new settlers making control of the utilisation of common resources very difficult. There are a number of issues here which are outside the scope of this paper such as the extent to which the immigrants are legitimately settled and by whom. In 1980 power to allocate land in communal areas was removed from traditional chiefs and placed under the new administration, the District Council. However, traditional authorities continued to settle people for some sort of consideration, such settlement being seen as legitimate by both the settler and the chief. These official and unofficial settlement processes reflect the confusion of authority over resources which seems to pervade rural existence in communal areas.
- An apparent lack of awareness among the people as to the importance of effective management and conservation of the resource. This is partly a result of the enormous social changes taking place within communities through the influx of newcomers who may have different social practices and taboos to the original inhabitants. Practices and rules which previously worked in small homogeneous communities are no longer satisfactory or effective.
- The obvious exploitation of the timber resource, without consideration of the community, by a partnership of the District Council and a commercial concessionaire. This again adds to the confusion of control: local people feel the whole issue is out of their own control and that local resources are not theirs at all.

These three factors have created an attitude of indifference: *"Why should I protect something for the benefit of someone else? Better I grab what I can before someone else does."* Signs of this are apparent in people's reluctance to take part in tree planting projects, failure to report or take any action against "tree poachers", setting forest fires to flush out wild animals, and the practice of burning all timber when

stumping new fields, leaving nothing standing, even around the edges of fields. In this way, much valuable timber is lost and the land left bare to erosion.

There are at present two commercial concessions in the Mukwiche area: one for timber, the other for safari hunting. Each is managed along very different lines. The safari hunting operation has been incorporated into the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) since 1992 and is monitored by the District Council through the local Ward and Village Wildlife Committees. The revenue from any animal shot within a ward boundary is returned directly to the people living in that ward - the "producer community" - and they are allowed to decide for themselves how to use the money - whether to divide it between themselves as individual household cash dividends, or whether to use it for their chosen community projects.

The timber concession, on the other hand, is a direct agreement between the District Council and the concessionaire which is monitored by the Forestry Commission. All revenue is paid to the council which then decides how it should be used. In fairness, some of the money has been used in the producer community for development - for example to build a veterinary dip tank and a nurse's house - but the community was not involved in identifying the projects and received only a relatively small proportion of the total amount generated by the concession. The community was also given no choice as to whether or not the concession should be granted, whereas they are free to reject a CAMPFIRE concession proposal.

The result of all this is that the general

attitude of the communities towards the hunting concession is positive, although the programme is not without its flaws. There are many difficulties which still need to be overcome and which cause resentment among the people, typically crop damage by wild animals and widespread poaching, but there is public awareness and interest in the programme. People attend meetings in large numbers and their wildlife committees function well, often putting forward their own ideas for extending and improving the programme. These facts suggest some progress has been made and a basis for further education and development of good conservation practices exist.

Conversely, the timber concession has generated a great deal of criticism and public anger, to the extent that one local resident felt compelled to write to a national magazine in 1992 complaining that up to 3,000 trees had been cut down and taken away without any formal notice to the community from the council: *"The council must be making big money out of this exercise," the correspondent said, "but the resource belongs to us, the people, and if sold should be used to develop our area in the form of roads, clinics, and schools within the community...Just like the CAMPFIRE scheme, we need a financial report of the project instead of forgetting about this corruption and the deforestation it is causing..."*

The following complaints have been voiced repeatedly by the community:

- Soil erosion and environmental damage have resulted from careless dragging of trees from felling sites. Staff of the Department of Natural Resources support this complaint. Under the terms of the contract such

damage was supposed to be repaired by the concessionaire, at its own expense, but poor monitoring and supervision has failed to enforce this.

- Trees have been taken directly from peoples' fields, or from sacred places, without consultation.
- People are discouraged from monitoring activities by lack of information from the Forestry Commission or the District Council as to what agreements and conditions have been set with the concessionaire.
- Nothing is paid to the community for the use of the land on which the concessionaire has established a saw mill.
- The concessionaire behaves as though the local people are of no account or do not even exist, driving too fast and regularly running over livestock without apology or offer of compensation.
- Large amounts of water are taken for the saw mill from pools upon which people are dependent for watering their cattle during the dry season.
- Timber is sometimes cut and then left to rot.

In view of this, people in Mukwiche are now requesting that the timber concession be run along CAMPFIRE lines. With the realisation of the benefits gained from the safari hunting concession and an understanding of the CAMPFIRE philosophy, they now say "these are our trees, and we should have the money from them".

## What are the opportunities?

### Decentralisation of resource management systems

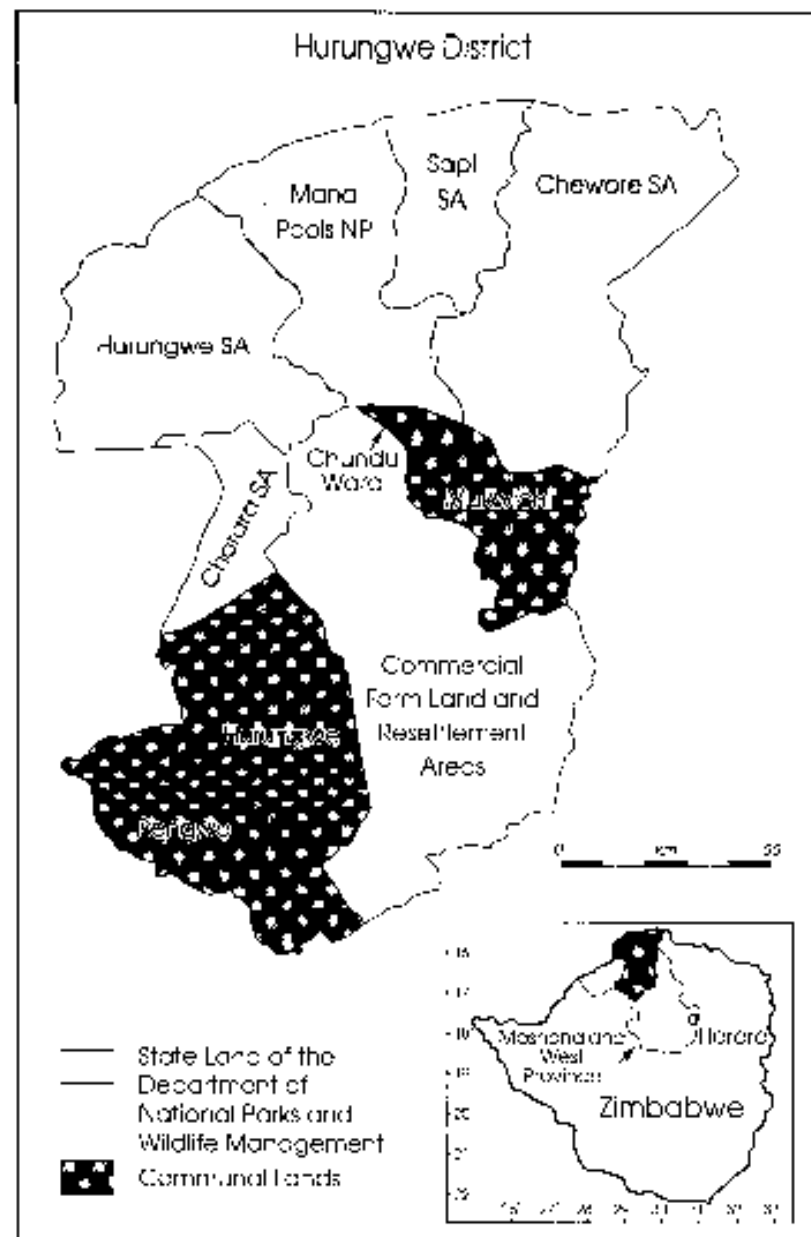
Encouraged by this evidence of increased community awareness, the local Forestry Extension Officer and the council's CAMPFIRE Co-ordinator have drawn up a proposal for the adoption of a CAMPFIRE system for running the concession. It is recognised that under current CAMPFIRE guidelines, where up to 80 per cent of the wildlife revenues are expected to be returned to the producer communities, the sudden "loss" of 80 per cent of timber revenues could present council with a serious fiscal deficit. These conditions have been moderated with the suggestion that, initially, council retains 50 per cent of the revenue and 50 per cent is returned to communities.

Administration costs would be met from the CAMPFIRE [wildlife] budget and would function through the existing structures of wildlife committees. The only extra cost should be the employment of a local timber monitor, to be paid from the CAMPFIRE budget and selected from the local community by the people, to whom he should therefore be answerable. Thus, the hope is that the community should feel a greater sense of involvement with the project.

### The Council

The adoption of such a proposal by council would provide the opportunity to counter allegations of corruption, thereby reducing conflict between council and communities. But the simple transfer of revenues to local communities is not all that is needed to achieve this resolution. Council would need to ensure

transparency in advertising for tenders and in drawing up contracts. It should attempt to incorporate local needs wherever appropriate and feasible. Contract terms should be clearly understood by all parties, including the community. Opportunities for local employment and local responsibilities for monitoring logging activities would engender an understanding of people's rights over their resources. The need to involve traditional leaders in all aspects of natural resources management is a point which has already been well made. From experience, it is clear that nothing can be achieved in a community without their support, and this they will not give unless approached in the right way and involved from the beginning.



### The Forestry Commission

Obviously, such a proposal would need to be supported with increased efforts towards local awareness and education in woodland conservation and sustainable utilisation. Small-scale projects, such as beekeeping and planting wood lots can assist in promoting an increased sense of community proprietorship and responsibility. The proposal is very much in line with the Forestry Commission's Forest Resources

Management and Development Project [Forestry II Project], the second phase of its Rural Afforestation Project, which acknowledges the need to involve local communities in the management of indigenous woodlands in the communal areas. The employment of local timber monitors, as proposed, would seem to offer the Forestry Commission the opportunity to relieve its over-stretched human resources in monitoring the contractual obligations of the concessionaire.

# The Legislative Context

**M**uch of the legislation pertinent to natural resource management was inherited at Independence in 1980 and reflects the dualistic nature of the colonial period. For example, the Natural Resources Act [1941] provided for the voluntary establishment of Intensive Conservation Areas [ICAs] on private land which at that time was almost exclusively white-owned. These areas fell under the administrative umbrella of the now defunct Rural Councils. In effect, the ICAs constituted a system of self-policing and investment to promote guidelines for sustainable production which stood in stark contrast to the experience in the communal areas where the approach was based on state enforcement of restrictions. The extent to which changes, recently introduced following the amalgamation of Rural and District Councils, will promote self-policing of sustainable production is questionable. Under the Rural District Councils Act [1988], any part of the council area may now be designated an ICA for which the council becomes the conservation committee. This potential change in the status of ICAs from voluntary to statutory would appear to effectively recentralise rather than decentralise resource management systems.

The District Councils Act, now repealed, made provision for District Councils to engage in and/or establish enterprises, only if due consideration was given to whether such enterprises:

- a. fostered a sense of community among the inhabitants of the area; or
- b. promoted initiative and a sense of responsibility; or

- c. promoted the development and economic progress of the area with the active participation of the inhabitants.

This would seem to imply that District Councils should engage in undertakings only where necessary to serve the needs of the inhabitants, and provided such action did not undermine local initiatives. Although scant regard appears to have been paid to such provisos, the new Rural District Councils Act, under which legislation the communal areas are now administered, makes no such provision. In the light of experience to date, particularly in the CAMPFIRE programme, this exclusion lends support to those councils which seek to engage in economic enterprises for the purpose of securing revenue for their own council budgets.

The Communal Land Act [1982] and the Communal Land Forest Produce Act [1987] have the greatest bearing on woodland use in the communal lands. Aspects of these Acts are ambiguous. The Communal Land Act allows occupation and use of such land for agricultural or residential purposes by consent of the council, although the council is expected to "have regard to customary law relating to the allocation, occupation, and use of the land in the area concerned". This latter proviso presumably sought to reduce the conflict such fundamental changes in land allocation authority were likely to engender. But the Act also empowers councils to issue permits to any person [or class of persons] authorising occupation and use for any purpose which, in the opinion of the Rural District Council, "is in the interests of inhabitants of the area concerned".

Similarly, the Communal Land Forest Produce Act enables the council to exploit forest produce in communal areas provided due regard is paid to the interests of the present and future inhabitants of any communal land that will be affected by the exercise of such right or power.

In the manner in which we have emphasised the letter of the law, both the Communal Land Act and the Communal Land Forest Act place the interests of the [present and future] local inhabitants above other interests when issues such as those we have raised in this paper are discussed.

However, the Communal Land Forest Produce Act, although re-enacted in 1987, was adopted virtually unchanged from its colonial precedents. The fact

that it has been re-enacted as a piece of legislation, quite distinct from the Forest Act [which established the Forestry Commission in 1954], reflects the continuing dualism which pervades policy formulation in post-Independence Zimbabwe. It restricts the utilisation of forest produce in communal areas in such a way that suggests much current usage is illegal. Incorporated within the Act is a schedule of 60 reserved trees, which includes many of the more important fruit trees, for which any form of exploitation is prohibited without a special licence or permit. At the same time, the Act allows any inhabitant to "*exploit any forest produce, including reserved trees, on any land which [s]he is permitted to occupy, in the course of clearing such land for residential purposes or for the purpose of planting crops*".



## What's To Be Done?

**I**t is clear from these case studies that the current system of running timber concessions in communal lands runs counter to efforts to promote sustainable natural resource management. In addition, the logging operations may further impoverish local communities who have been deriving both cash and subsistence benefits from the products of these trees. Lack of effective control over logging operations leads to over-exploitation and environmental damage by the loggers. In brief, the effects of the problems arising from the current practices include unsustainable resource exploitation, increasing poverty of rural communities, and environmental degradation.

By ignoring local people in the granting and carrying out of timber concessions, local ownership and control of resources is undermined. In both the case studies, a recurrent theme is the sense that people have of having had their trees "stolen". There is direct evidence from the case studies that the perceived theft becomes a disincentive for tree management and tree planting initiatives by the people. What incentive is there for people to plant and manage trees if they cannot be sure they will benefit from such activities?

The problems we see in timber concessions need to be viewed within the context of the wider problems related to centralisation of control over natural resources. In the two case studies presented here, it is clear that granting concessions without consulting local communities leads to the erosion of local-level resource management capacity. There is a clear case for councils and the

Forestry Commission to return control to, or share control with, the local communities. While the Forestry Commission has recognised this fact, little in the way of progress in this direction appears to have been made to date. It is to be acknowledged that this is no simple process, as the experiences with CAMPFIRE have shown. There is a myriad of interweaving causes and effects, all of which appear to work against the goal of returning control and management of resources to local people.

### The Legislation

We have attempted to show the ambiguous and contradictory nature of much of the legislation governing resource use and management in communal lands. This fact provides ample opportunity for communal land administrators and resource managers to interpret the letter of the law in the spirit in which it was undoubtedly conceived by its colonial architects; that is, in a preservationist, protectionist and paternalistic manner. With this interpretation, the Communal Land Forest Produce Act expressly prohibits local people from profiting from the sale of forest resources and makes provision for these resources to be accessed by external commercial concerns through the council. Thus, the spirit of the law would appear to protect and reserve any valuable resource found in communal lands from local people, for exploitation and profit by a partnership of the state and private enterprise. The spirit continues to pervade the policies and, more importantly, the attitudes of institutions such as councils and the Forestry Commission.

But we have also emphasised that the letter of the law may be interpreted in a different way. Subject to this interpretation, opportunities for community-based resource management are apparent. There are examples of councils which have adopted progressive policies towards community-based resource management. In Chipinge District, for example, following an approach made by a concessionaire to harvest timber in Mahenye Ward, the council executive organised a community meeting at which the concessionaire presented his proposal. The council made it clear to the local community it would not influence their decision, notwithstanding the fact that council would probably have received an administration fee of 15 per cent if a contract had been agreed. The local community considered the financial value of the offer was much less than the economic value of the resource to them and declined the offer. Their decision was accepted by the council which clearly paid due regard to the present and future inhabitants of the area. In this example there would appear to be no need to change the actual content of the law. However, in the vast majority of cases, it is the spirit of the law which has seemingly infiltrated public consciousness and attitudes and it is embedded in institutional policy. There would, therefore, appear to be a need to remove the ambiguities and contradictions within the legislation affecting forest resources in the communal lands. A review of all existing legislation governing natural resources in communal lands has been advocated by many observers. The National Policy Review of forests and trees suggested that priority areas for legislative reform include:

- Reform of legislation to give communities greater control over resource use and management, and the replacement of central directives regulating resource use by locally-derived solutions.
- A legal mechanism is needed to vest proprietorship for natural resource ownership, management control, and woodland-derived revenues in one group at the local village level, and to decentralise control below the council level.
- Incentives for the sustainable management of natural resources should increasingly be incorporated into legislation. A legal mechanism is needed to channel financial incentives for improving the management of woodlands and trees to local institutions.

### The Council

In most cases, District Councils are reported to be hostile to the idea of giving local people any say in timber concessions. There are some notable exceptions, however, including the Chipinge case cited above. Factors influencing councils include:

- Attitude and awareness of council executives about issues surrounding natural resource use and management. The attitude that rural people are backward and wilfully destructive is institutionalised among professionals in Zimbabwe, and council officers are no exception. There is very little knowledge and appreciation of the importance of natural resources for rural livelihoods and of resource management systems that exist at the local level. Timber

concessions are seen as "salvage operations" to remove valuable timber before the locals destroy it.

- **The need to generate revenue.** The old District Councils suffered from the gradual reduction in their administrative grant from the central government. Revenue-generating opportunities became increasingly important in order to supplement council budgets. Now that the Rural District Councils are in place, and in the long term expected to generate their own revenue entirely, this becomes an even more pressing concern. Many councils are highly dependent on income from timber concessions, and are therefore strongly opposed to any move towards adopting CAMPFIRE principles for timber concessions. In response to these attitudes, it has been argued by proponents of CAMPFIRE that councils should tax their constituency rather than the unevenly distributed natural resources upon which some of their constituency depend.

- **Corruption.** Hardwood timber resources are valuable. The temptation to exploit such resources in the shortest possible time and convert them to cash 'before the locals destroy them' is strong. In Zimbabwe, it is probably true to say that the CAMPFIRE programme has raised the profile of communal land natural resources and their potential value. These days business enterprises exploiting natural resources involve the highest levels in government. The pressure upon council officials to allow commercial exploitation of communal land resources is high. The only way to ensure honesty at the district and local levels is to ensure

greater accountability by making sure business dealings are transparent and involve all stakeholders.

### **The Forestry Commission**

There are a number of problems that have been identified in the case studies with respect to Forestry Commission policy and practice. There are three stages where the Forestry Commission is involved:

- i. The decision to grant a concession.
- ii. The drawing up of the contract between the council and the concessionaire.
- iii. Ensuring the terms of the contract are met.

Currently, there are problems at each of these stages, where the interests of concessionaires are routinely put before those of local and/or council interests, at the expense of the resource.

- **The decision to grant a concession.** Currently, this decision is based only on the quantity of timber available. Once an inventory has been done and sufficient stocks of timber found to exist, the council is given the go-ahead to advertise the concession. There is no assessment of alternative resource-use strategies. There is a need to develop a methodology and practice of evaluating the costs and benefits of granting a concession to an external logging company in relation to other options, such as developing the wildlife potential of the area, developing local logging and carpentry cottage industry, or even just retaining the forests for multiple non-timber

services and uses. The Forestry Commission, through its district officers, should play an advisory role in assisting councils and local people to make the best decision, guided by the principle of promoting sustainable natural resource management.

There is a need to review the basis upon which timber resources are valued. There is an assumption that, provided tenders for concession areas are invited through general advertisement, the best bid per cubic metre will be realised. This has clearly been the case in the marketing of safari hunting concessions. However, the fact that there is a limited number of timber concessionaires provides the opportunity for an informal cartel arrangement which could have a depressing influence on the prices paid. Moreover, stumpage fees are only assessed against timber which is extracted to the roadside. The result is that concessionaires only pay for what they extract rather than for what they harvest, a policy that ignores the value of small-dimension timber left to rot.

- **The drawing up of the contract.** The current contract is standardised and there is no process whereby the council or the local community participates in determining the terms and conditions. The Forestry Commission's officers should instead assist councils in consultation with local communities to set conditions, as well as to devise ways of ensuring they are met, and the penalties for infringing them. Local communities could set conditions such as prohibitions on cutting in certain areas such as sacred groves or trees perceived as belonging to a family, as well as conditions about the use of roads and water supplies. When it

comes to **infringement**, it may be necessary to introduce a refundable deposit payable by the concessionaire which can be withheld in the event of breaches of contract conditions.

- **Ensuring the terms of the contract are met.** It seems clear from the Bulilima Mangwe case study that, at least in some areas, the Forestry Commission does not have the manpower to monitor commercial operations. The Forestry Commission has evidently not been able to protect the interests of the council in a way that ensures the long-term sustainability of the resource. The involvement of the local community, which in many cases has voiced concerns about its exclusion from the process, would appear to offer significant complementarities in this respect. The Hurungwe case study makes the point that the existing CAMPFIRE institutional structures in that district could administer and monitor timber cutting operations, as they do with the safari hunting concession.

### The Local Community

The post-Independence years in Zimbabwe have increased confusion over rights of access to local resources for the majority of the communal area inhabitants. Therefore they may have felt justified in supposing Independence would have conferred on them such rights of access. The colonial policies and legislation were clearly aimed at removing control of natural resources from local people. But, in effect, the colonial disregard for the communal areas enabled a system of management under the traditional authorities to remain in place. Rather than uphold such a system of management, the advent of

Independence together with the adoption of facets of colonial legislation completely undermined local traditional authority. The resulting confusion has contributed to the increasing degradation of the communal areas environment. It is this degradation which is often cited as the justification for more centralised control of resource utilisation by those who refuse to address the underlying cause. But, even in the confusion over access rights, it should be clear from the case studies presented here, that local communities will actively protect what they consider to be their resource from outsiders.

Zimbabwe's National Conservation Strategy (1987) advocates "a community approach to the ownership and management

of natural resources...such that the people using those resources also accept full responsibility and accountability for their conservation". In view of the sanctioned destruction of their natural resources by complete strangers, it is hardly surprising that local communities see an inherent contradiction between policy and practice. It would seem the local community can do little more than take up their axes and knobkerries in defence of their resources until the authorities acknowledge their role in the degradation of the communal environment and take steps to clarify the roles and responsibilities of the various stakeholders. Hopefully, such steps will recognise the basic principles which have been developed from studies of successful common property resource management regimes elsewhere.

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#### **Please note that:**

- With the Introduction of the Rural District Councils Act in 1988, all Rural Councils and District Councils in Zimbabwe were amalgamated to form Rural District Councils. The two terms are interchangeable in the CAMPFIRE papers.
- The Department of National Parks and Wildlife Management has been referred to as the Wild Life Department in this series of papers.

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