

# **Institutional Configurations around Forest Reserves in Zimbabwe<sup>1</sup>**

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## **Abstract**

This paper examines how institutions mediate values placed on different forest resources by forest users. It focuses on the key question: how do the situated practices of different actors, collectively or as individuals influence relations between the State and local people? It also examines how the institutional configurations in different contexts may influence the development of co-management; which institutional contexts produce which sets of relations, with what implications for forest management. In considering the role institutions play in mediating access to forest resources around reserves in Zimbabwe, the paper addresses the ways in which different people's actions are constrained by institutions (structure) and in turn how actors change the nature of institutions through their actions. This conceptualisation draws from Giddens (1984). Taking Giddens' approach renders the notion of "community" rather unhelpful in explaining the practices of different actors in situations where the State is dominant. The institutional approach taken in the paper, which gives emphasis to the situated behaviour of agents or individuals, and how this shapes the nature of resource regulations and organisations, is argued to be more relevant for circumstances obtaining in and around forest reserves. By virtue of focusing on 'rules in use' (after Ostrom, 1990) around forest reserves, the paper offers an opportunity to look critically at institutions and authority systems (Robins, 1998) around a state property regime from the perspectives of the social practices of different users and user groups. In this paper then, it will be demonstrated how access to forest resources for different users/actors is gained through informal and formal institutions and authority systems. This has implications for how certain forest users/actors gain access to certain resources. Some resources end up being accessed through covert means while others are accessed overtly, thereby contributing to the development of different types of relationship between forest authorities and resource users. The nature of these relations, and the embedded struggles over resource use linked to them has implications for joint forest management by forestry officials and different local people.

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## **Introduction**

This paper examines how institutions mediate values placed on different forest resources by forest users. It focuses on the key question: how do the situated practices of different actors, collectively or as individuals influence relations between the State and local people? It also examines how the institutional configurations in different contexts may influence the development of co-management; which institutional contexts produce which sets of relations, with what implications for forest management.

In considering the role institutions play in mediating access to forest resources around reserves in Zimbabwe, the paper addresses the ways in which different people's actions are constrained by institutions (structure) and in turn how actors change the nature of institutions through their actions. This conceptualisation draws from Giddens (1984). Taking Giddens' approach renders the notion of "community" rather unhelpful in explaining the practices of different actors in situations where the State is dominant. The institutional approach taken in this chapter, which gives emphasis to the situated behaviour of agents or individuals, and how this shapes the nature of resource regulations and organisations, is argued to be more relevant for circumstances obtaining in and around forest reserves. By virtue of focusing on 'rules in use' (after Ostrom, 1990) around forest reserves, the chapter offers an opportunity to look critically at institutions and authority systems (Robins, 1998) around a state property regime from the perspectives of the social practices of different users and user groups. Access to resources around forest reserves is complex, embedded in social and power relations, and also dynamic, due to the constant interplay between agency and structure. Power relations are manifest in the many arenas of contestation around resource use. Power relations also lead to the development of factionalism and conflicts (Cleaver, 2000) at different levels of forest use. While in most cases different actors' access to forest resources is influenced by State institutions concerning reserves, enforcement practices are in turn shaped by their situated behaviours and contestations (cf. Giddens, 1984; Long and Long, 1992; Long and van der Ploeg, 1994). The institutional approach taken therefore offers insights about the challenges faced by resource users around a state property.

Fieldwork for material used in the chapter took approximately two and a half years over a period stretching between April 1997 and October 1999, while studying for a doctoral degree

in development studies. The material used in this chapter is derived from interviews (informal, detailed and key informant) as well as from Participatory Rural Appraisal exercises, detailed case studies and from observation. For state institutions, official documents were also analysed to complement interviews and observations. In discussing the role of institutions in mediating access to forest resources in the chapter, the household level is presented first, followed by the community level and finally the state level institutional arrangements. At each level, the evolution of both the organisations and institutions are traced before analysing their contemporary operation in mediating access to resources for different actors. The interface of community and state levels of institutional arrangements, together with the interaction of rules and practice, is key for forest management options, under what circumstances co-management may or may not work. Finally, some conclusions on the roles of institutions and authority structures around State forests are given at the end of the chapter.

## **Background**

About 2,4 per cent (9,414 square kilometres) of Zimbabwe's land area is forest land, which is managed on behalf of the State by the Forestry Commission of Zimbabwe (FC). Two study sites were selected for the study from the indigenous State reserves located in the western part of the country. The first case study area included the Gwayi/Mbembesi Forests (hereafter, Gwayi, for convenience) and is found in the Lupane and Bubi Districts of Matebeleland North Province. To the south, the forest shares the border with Umguza District, while to the south west there is Tsholotsho District. There are communal residents on the borders with the other districts who use forest resources, thereby making the Rural District Councils (RDCs) part of the overall forest outreach system. Each district is further subdivided into several wards. It is from two such wards that two villages were selected for the study in the Gwayi case. This case was selected on the basis of being the biggest and oldest forest area, at over 180,000 hectares (combined area), having been reserved in 1931 and 1940, respectively. The area has the longer history of settlement, stretching back before reservation.

The second case study area is Mafungautsi and is found in the Gokwe South District of the Midlands Province. In Mafungautsi there has been no settlement inside the forest since 1986, but it is completely surrounded by communal areas, where there are large numbers of people

living and using forest resources. Originally, the forest was 105,000 hectares in extent but it now covers an area of 82,000 hectares after the rest was ceded to neighbouring communities in 1978. As in the Gwayi case, two villages from two wards bordering the forest were selected for the study. The first was in Ndhlalambi Ward One in the north where I had done previous research and the residents were working officially with the FC in resource management inside the forest. The second village was selected from Chirima Ward in the south where residents had resisted participating in the FC resource management project because their land demands had not been recognised.

## **Household Institutions**

What role exists for household and intra-household level institutions and authority systems in mediating access to resources owned and controlled by the State around forest reserves? The way different resources were brought into the different homes began at the household level. Therefore, it is useful to discuss and analyse how household members gained access to different forest resources. In this regard, household labour and task allocation systems are central to the way in which resources were collected for the home. Institutions around the family and marriage were important in shaping who collected what resources within different household types for their livelihoods.

At the household level, family and marriage institutions put pressures on different members to undertake certain collection activities as part of their roles. Family institutions give authority to parents in allocating tasks to other members of a household. Husbands are usually responsible for decision making about household production. Marriage institutions in general, and across the main groups in the study sites, confer authority on the husbands over production decisions while wives are charged with the reproduction of their families. Whereas this division holds in general, each household has its own nuances depending on the presence or absence of a male “head” within each household. A more aged family confers different authority on younger members than one that has middle-aged parents, for example. Thus, women as those who cook for their households, have a lead role in firewood collection with the assistance of young women. However, in the Mafungautsi south and Gwayi east villages, in particular, these roles are changing. As the distance to collection places increases, young men (in rich and average households) have taken over the role of firewood collection for stockpiles from the forest. This

is because axes are used to cut the firewood and carts have to be used in transporting the firewood back to the homes from distances of up to five kilometres. However, for poor and average households without carts for transport, women collect firewood and carry it on their heads for making stockpiles. Turning to men's roles within households, young men herd livestock as part of the family institutions. Older men in turn oversee the care of livestock and as such are the ones who get involved in the power politics in institutions over grazing. The teacher's case in Gwayi east illustrates this household level arrangement. The man, as the head of that household, is not responsible for the day to day taking of livestock for grazing, but when it comes to the "politics" (negotiations over the use of grazing spaces) of grazing resource use, he becomes the household member responsible.

However, as State institutional arrangements supersede those at the household level, changes are taking place in access to resources by different household members. Some men are now assisting or have taken over the harvesting of thatch grass from women altogether in Mafungautsi north. Likewise women in average to poor households can also be observed cutting poles for the construction of their homes, as male members are busy doing piece-work for rich households. As distances increase to collect resources such as thatch grass, family institutions are also changing, with men taking on greater roles. However, there are mitigating circumstances arising from the value of the resource that has increased the participation of especially Shangwe men. Through the resource sharing project which Shangwe men (through the Resource Management Committee) control, men have taken over the harvesting and sale of thatch grass from women. One case from Mafungautsi north illustrates this point:

One settler man (from a poor household) was observed to work together with his wife in harvesting grass from the collection area in the forest. The man gets a permit from the local RMC, from whom he also gets the direction to the collection area (as under the project each RMC has their own harvesting areas). The next few days are then spent harvesting the grass in the forest as a family unit. Half the bundles (around 25), after about fourteen days, are given to the RMC while the other half are taken back home. Once at home, the man then resells them to richer households from the village and beyond. From the sales, the family, through the husband, realises about \$800 as a minimum from selling at \$8,00 a bundle.

The State, through the resource sharing agreements controlled by men, is thus aiding changes to take place within households over arrangements for resource collection. Where women were the sole harvesters and collectors of thatch grass before the project in 1994 (Matose, 1994), men are now participating and taking over the control of the resource within households. Changes in resource values (in relation to the transaction costs of collecting them and in the case of thatch

grass, monetary values derived from them) are contributing to changes in family and marital institutional arrangements for resource collection. More importantly the situated practices of different agents within households are changing institutionalised household resource collection. Settler men in Mafungautsi north are changing established thatch grass collection systems in their favour against women as the resource increases in monetary value and becomes a source of cash income for households. In the next section, the focus shifts towards “community” level arrangements.

### **“Community” level institutions**

Beyond the household level arrangements, community social practices, norms, conventions, values and authority systems mediate resource access for different users. In turning to discuss these, the following subsections draw from a typology used by Bruce *et al*, (1993).

#### ***“Sacred controls”***

For the Gwayi case study, certain species are not used for firewood, medicines, carving materials or even poles for constructing fences or other structures because of the beliefs surrounding those species. Belief systems are passed through many generations. For example, *umphafa*, *ichithamuzi*, *umqhobampunzi*, *umnyelenyele* and *ibhanda* are not supposed to be used, especially for firewood, but for other purposes as well. These species are believed to bring bad luck to their users and sometimes to the wider community. This type of institution also applies to certain wildlife species, for example, eland, pangolin, elephant and buffalo. These species are not supposed to be hunted because of the beliefs around them. Mostly, they are "royal" species, once reserved only for the chiefs and kings. However, prohibition on the hunting of these wildlife species at community level has changed with the FC's tightening of hunting arrangements in the late 1980s and 1990s. All these animals are now being hunted, with eland now the favoured species among hunters. The change in beliefs might also be linked to the distance from the chief's control, for Gwayi forest residents. Since the introduction of the agricultural tenancy system in the 1960s, forest residents have become more isolated from their communal area relations, and the chief in turn.

Notwithstanding the fact that ownership of forests rests with the FC, forest inhabitants and neighbours retain their own environmental religious practices inside the forests and attach great importance to the sacred sites they consider their own. These practices revolve around the holding of ceremonies and the performance of rites at certain sacred sites within the forest at certain times of the year as observed in the case of Mafungautsi north. One of the sites where only a few elders and village heads hold these ceremonies is near Bandakamwe on the eastern part of Mafungautsi Forest, which is also the headwaters of the Lutope River. The area of the forest is deeply revered by the Shangwe people, even beyond the forest periphery. Immigrant livestock herders also respect the area out of fear of being taken away by the spirits alleged to reside within it. Legend has it that the area is sometimes awash with "traditional" music at certain times of the year. Many former forest residents (Shangwe settlers) argue that the Lutope River no longer flows because their elders no longer perform rites at designated pools. Many big pools along the river from which big fish could once be caught have virtually dried up since the eviction of forest residents in 1986. All these practices are no longer performed primarily because certain Shangwe elders are now estranged from the forest in which the sacred sites are located and now live too far away to come and perform them. In Gwayi west, such sites exist around certain trees where rain-making ceremonies are conducted. Rain making ceremonies are performed before the start of each wet/rainy season by ruling elites.

Sacred sites are locations of contested protection systems amongst different groups of people. Authority systems around sacred controls lie in a system of cultural beliefs in which fear of the spiritual world is of prime significance. The fear of afflictions to one's family or a wider group works as an enforcement mechanism. An example from Mafungautsi north illustrates the point:

Rains in the 1996-97 agricultural season did not fall in one part of the village. One immigrant family was alleged to have transgressed the sacred site in the forest before the onset of the rains. At the same time, surrounding fields (not more than 2km away) had received good rains and harvested good yields. The immigrant family's neighbours were very unhappy with them to a point where they felt like 'misfits'<sup>2</sup>.

While in reality that rainy season had been patchy, the coincidence served a purpose to enforce belief systems around the sacred site in the forest, particularly for immigrants who sometimes do not follow the settler cultural norms. The case also illustrates the lack of uniformity in belief systems. Immigrants are less likely to follow the sacred controls of settlers given their differences in ethnicity and norms. Likewise different religious groupings, particularly

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<sup>2</sup> Insight from Homera, my research assistant, October, 1998.

Christians, are also unlikely to follow the sacred practices of settlers, and sometimes even contest them. This was observed in Gwayi east and Mafungautsi north where there are many ethnicities and cultures in the same localities, leading to a mixture of belief systems. It could be argued that settler groups use these sacred controls over parts of the forests in order to retain control over immigrant groups. The 'old' authority systems vested in the *sobhuku* and chiefs also plays a part in controlling access to resources such as grazing, fruit trees, thatch grass, medicine and fibre, although these are also regulated through established social relations. These resources nevertheless lend themselves to a set of relations that are different from all others. In turn, they have their own implications for co-management, given the retention of some "traditional" authority. The next section turns to a different set of local level institutions.

### ***Social relations and access to resources***

Bruce *et al* (1993) have referred to this type of institution as 'civil contract' around which 'norms of civility' play a major part in regulating behaviour and practices around resource use. Local versions from the study sites include; *kugarisana* (neighbourliness), *ukuncedisana* (mutual assistance), and *kudyidzana* (good relations, reciprocity). These social practices, to which can be added kinship ties and obligations, are important from the perspective of different groups of people in gaining access to certain resources. Thus the resources to which these institutions apply include thatch grass, mushrooms, fruits (only in Mafungautsi north), game meat (as well as other poached resources such as poles and fibre in the case of Mafungautsi north), grazing and sometimes firewood. All these resources entail some level of difficulty or complexities in accessing them such that social practices have evolved to minimise these. Difficulties can take the form of long distances to collection places inside forests or as in the case of game meat, constraints imposed by the State or the nature of the resource. Within these households, women and men who collect these resources rely on such arrangements in order to gain access to them.

For thatch grass and fruit collection by Mafungautsi north, women group together mobilising their networks of relations, neighbours and friends, to collect resources from forests. Thatch grass, fruits (for Mafungautsi north only), mushrooms and firewood for stockpiles are collected through these nested networks of relations. The networks are important both for getting into the forests (either because of distance or because forests are deemed fearsome) as a group and in order to keep each other company. Each person collects the resource for their own household, so

collection is still at the individual level, except in the case of thatch where assistance in transport may mean working as a group at that point.

Mutual assistance practices around grazing vary slightly across all the four sites. The practices are carried out to overcome labour shortages in herding livestock during the rainy season, and also to look for livestock for penning in the evenings during the dry season. Thus, neighbours, kin or friends take turns to look after each other's livestock. Groupings around herding turns rarely exceed three households while those for collecting resources such as fruits range from five to eight. Members sometimes enter and leave these groupings for various reasons depending on the nature of relations at any time. Groupings tend to be within the same wealth category but in cases where kinship ties are strong, the arrangements work across such boundaries.

Another set of networks exist to overcome constraints or difficulties imposed by State institutions over resources such as game meat, poles and fibre (in the case of Mafungautsi north). Assistance is important for surveillance of the forest police's movements before getting into the forest to collect these resources and for ferrying the resources from the forest. For game meat, mutual assistance is also used in killing the animals. Because the resources are all "poached" from the forests, groupings rarely exceed five members, although in hunting, groups sometimes extend to ten. The groups tend to be very close and usually revolve around a core group of kin members. Success in getting the resource often reinforces the strengths of grouping. If any member is caught that member is usually the only one apprehended by the forest police while the rest lie low for a while. These tactics rely on the strength of such nested networks of relations and social practices. Social practices, norms and relations around resource use persist beyond the benefits derived because what is at stake is *ukama* (relationships). Friendship, neighbourliness and kinship ties last for long periods although the strengths of the ties may weaken at times, particularly when the State becomes too overbearing over resource access.

In practice these institutions are underlain by factionalism (after Cleaver, 2000). Such factionalism manifests itself in the form of behaviour of some households within these groupings taking advantage of networks to enhance their claims on particular resources at particular times. Thus, richer women rely on such networks, although they are built around thatch grass collection, they are used to maintain relations with poorer women whose labour is

relied on for other activities. Likewise, the older Ndebele groups incorporate immigrant neighbours into their hunting networks in the case of Gwayi west. For the old settlers hunting is part of their cultural identity while for the immigrants they participate in the networks to gain legitimacy amongst the host groups, particularly in stating the settlers claims against the State. The fact that those with higher status within the social networks are relying on their relations with those of lower status is illustrative of how these sets of institutions are characterised by “free riding” (cf. Ostrom, 1990). That is, those in positions of status within the groups of social networks, such as the richer women among thatch grass collectors and the older settler groups within the hunting networks, are using their status within the networks to gain access to resources with the help of their lower status relations. As a result, network related institutions last as long as they are not underlain by divergent behaviour of a high magnitude, especially by members with higher status. Now it is necessary to look at authority systems at “community” level that have been recently formed through the State, and at how these mediate access to forest resources.

### ***State assisted authority systems***

Sacred and other controls rely on the authority vested in *sobhukus* and chiefs to oversee their maintenance, alongside cultural beliefs. These longer-established authority structures that rely on kinship systems and cultural norms generally play a greater role in mediating access to forest resources, particularly outside forests, than the State assisted and more recently established structures. The latter include Resource Management Committee (in Mafungautsi north), Forest Residents Associations (in Gwayi), councillors and the ruling party structures.

The more recently established and State aided organisations are called upon to mediate resource access disputes between local people and forest managers. These are not resource custodians, nor do they have any authority over social practices or rules. The organisations are elected by forest residents to represent them over their concerns to and with the State. Thus Residents Associations in Gwayi were initially formed as Permit Holders Associations in the 1970s but attained their new name in 1987 when residency permits for tenants stopped being issued. Membership is open to all forest dwellers who collectively elect an RA to represent them over liaisons with forestry officials and vice versa. The Association has a chairperson, a secretary who takes the minutes of every official meeting, a treasurer and a number of ordinary members to represent each village in a forest area/locality. Whenever an Association ceases to be

effective in articulating residents' issues to forestry officials, they are voted out of office through a general meeting. RA membership has both men and women as well as youth. Since 1993, the Residents Association (RA) has had to mediate and negotiate over the issue of relocation of forest residents to the east of the forest. Several meetings were held with residents to strategise how to articulate concerns and to discuss how to have these taken beyond local forest managers. In turn several meetings have been held with local forest managers and more senior members of the FC hierarchy and Matebeleland north politicians and administrators in order for residents not to be moved and to be "treated better" by the FC. Forest residents' representatives also happen to be the ruling party leaders. Thus, higher level politicians are called upon when the FC "tightens" regulations around forest residency and general forest use, as happened in September 1997:

Relations between forest residents in Gwayi west and forest managers at Forest Hill worsened when over 20 residents were issued with fines for offences ranging from cutting poles without permits (which were no longer issued) to settling on forest land without permission (when the land was being cleared by former tenants' children who were establishing their own lands). The chairman of RA after failing to defuse the rising tensions with foresters, then reported the issue to the ruling party hierarchy in the province who in turn through the governor had meetings with two members of the FC board who were based in Bulawayo. The board members eventually convened meetings with FC management and set up a committee to look at problems of forest residents throughout Matebeleland and at the same time halted the "harassment" of forest residents in Gwayi west. That is allowed residents to be given permits for access to several resources as well withdraw the fines that had been served on the over 20 residents.

Thus community level authority structures are called upon at such times to ensure that access to resources is maintained even when the State becomes too overbearing in applying the law. The above case also illustrates how the State has lost control over the RA to the residents since relations changed with the relocation issue (see Matose, 2002). In both Gwayi contexts the representatives are effective in articulating issues to forest administrators and beyond.

In contrast, the Resource Management Committee in Mafungautsi north plays a different role. It is supposed to play the role of local monitor of forest resource use (where the Forest Protection Unit had that sole role) and is supposed to draw up time-tables for collection of the agreed resources like thatch grass, mushrooms and firewood. Thus in order for a resident of the village to get a resource from the forest, he or she is supposed to obtain a permit from the RMC. In reality the RMC is beset with inter-ethnic conflicts and corruption as well as having received inadequate training. Thus it has tended to be plagued by favouritism, shaped by the agency of

Shangwe people to work in their favour in accessing resources from Mafungautsi, and against immigrants in the village.

Given the foregoing, local level social practices and authority systems therefore conjoin to mediate access to resources. However, such arrangements are replete with disputes, conflicts and negotiations over access given the inherent inequalities among forest user groups. Thus rules in practice represent arenas for power relations and politics among different stakeholders as they try to gain access to resources as - observed in the meetings over land and permits, particularly in Gwayi west and Mafungautsi north. Community level arrangements are nevertheless important for the ways different resource users access forests, and are reproduced by their actions as well as shaping users' opportunities. This was illustrated by the case of permits withdrawal in Gwayi west, and also the several representations by the Mafungautsi north RMC to the forest officer over changing the regulations around access to poles and arable land in the forest.

The next section explores how State institutions and authority systems add another layer of complexity to different households' access to forest resources.

### **Interactions between State and local institutions around forest reserves**

Access to resources within forest reserves is mediated by the Forest Act (1949, revised 1996), the most significant piece of legislation governing State forests in Zimbabwe (see Matose, 2002). However, access to wildlife resources is mediated by the Parks and Wildlife Act (1975) which has even more powerful ramifications for forest users than the Forest Act. Formal institutions do not necessarily have as many negative impacts on different households' access to resources as they appear to in principle. The reality is better depicted by the ways power relations operate at the local level in response to the situated actions of different users at different sites. This shapes the ways the institutions are enforced. Institutional arrangements around different resources in practice are different, even though in terms of the formal institutions they are supposed to be the same. These are discussed separately under the subsections that follow.

### *Unenforced resources*

The first group of resources are those that are accessed with relatively little difficulty in relation to the institutional arrangements around their use. The resources include grazing, fruits, firewood, medicines and mushrooms. In all these cases no permits in practice are required for accessing them although in terms of The Forest Act (1996), use is supposed to be through the permission of the FC. Instead, local level institutions mediate access to these resources. That is, which places to graze when and which species to use are governed in practice through social norms and conventions rather than through the State institutions.

These sets of resources could also be placed under Bruce's (1993) 'pragmatic controls' typology in relation to the State's authority over them. The resources represent either a non-threatening use or their use may actually be complementary to State forest management, as in the case of grazing and fuel load reduction. As a result, forest managers in practice do not issue permits for these resources, nor do they retain as much surveillance over their use as they do for other resources. These resources are thus more amenable towards co-operative management between the State and local people. However, when the economic values of the resources rise, the institutional arrangements tend to also change. For example, a firewood sale scheme was devised in 1996, initially in order to mitigate the effects of the drought for forest residents in Gwayi east, but to also rid the forest of materials that would increase the volume of fires in the event of outbreaks. Some households from Gwayi east that participated in the scheme were asked to form co-operatives and to be issued with permits by the FC, enabling them to sell firewood to merchants from the City of Bulawayo. The same pattern occurred over commercialised grazing leases in Gwayi forest. Whereas grazing is not normally accessed through permits, grazing leases for large parts of the forest are obtained at a price and a contract agreement is signed between the FC authorities and the lessee. However, when grazing leases were put up for tender, local forest residents were not offered the opportunity and in the view of rich cattle owners in Gwayi east, ended up losing access to their "traditional" grazing area to the west of the Victoria Falls road. In turn, the loss of access to the grazing area has led to the development of poor relations with the forest authorities.

In general, forest managers at the local level avoid unnecessary bureaucratic paper work associated with the issuing of permits under formal institutions unless the resource in question either has revenue generation potential or is perceived to lead to the "destruction" of forests.

Thus in practice, access to fruits, medicines, mushrooms, grazing and firewood is mediated by community and household level arrangements rather than through State ones. These practical institutional arrangements lead to the development of a laissez-faire type of relations between local people and the State in some cases or to cooperative relations in other cases. However, other resources they are mediated by more formal arrangements are discussed next.

### ***Forbidden and moderately enforced resources***

For the next group of resources, State authorities, in line with provisions of the formal institution of the Forest Act, forbid use but issue access permits to users. At the same time, the issue of permits is not regularly enforced such that users do not necessarily always access the resources with permits. Poles, honey, *macimbi*, fibre and carve wood are resources over such institutional arrangements prevail. The arrangements over use of these resources have changed over time. Main poles were for a long time up to independence in the early 1980s not prohibited, except for the use of the favoured commercial species. With the increase in forestry personnel in the forest areas in the 1980s, however, permits to access main poles became a requirement in both sites. In Gwayi east, the issuing of permits now takes place at the village level but enforcement still lies with the FPU, on behalf of the FC.

In Gwayi west and Mafungautsi north, permits are required and sometimes enforced. A variation for the Mafungautsi north village is that the RMC is supposed to monitor pole requirements in the village and issue permits for the collection only of dry materials. In practice very few households use dry materials while most households now rely on the few settler households who sell poles for a living. These few supplier households are kin of members of the RMC who “turn a blind eye” to the illegal cutting activities of their relations. In Mafungautsi south, access to poles is unfettered, in spite of the formal arrangements which completely prohibit the cutting of poles. Thus there are differences between the two forests in relation to practical arrangements for accessing poles. In Gwayi, permits are required and are sometimes monitored, with adverse effect on household welfare. This happened in September 1997 when over 20 households were issued with fines ranging from \$200 to \$5,000 for having cut main poles without permits. On the other hand the FC had stopped issuing permits to forest residents in the western part of Gwayi as a means to compel them to relocate to the east. The following year permits were resumed again after mediation by FC board members and Forest Residents chairperson. When enforcement is low, very few households bother to obtain permits. In most

cases only people from poorer households are concerned, perhaps feeling compelled to gain access legally because richer households dominate the institutional structures. Carving materials are not accessed differently from poles but because of a lack of a peak for their collection, collectors obtain them without permits and are rarely apprehended by the FPU.

Honey collection has been viewed negatively by State forest managers ever since forest reservation during the colonial period. Thus, honey collection, given the associated use of fire, was strictly prohibited. All the same, herd boys always devised ingenious ways of avoiding detection by forest authorities. One of the major offences under the Forest Act involve the causing of fire: ‘Any person who - without authority, in or on a State forest... (iii) lights or assists in lighting or uses, rekindles or adds fuel to any fire...’<sup>3</sup>. Be that as it may, honey collection per se is not monitored, rather people who cause fire without putting it out are the ones who face prosecution under this institution. Felling of trees for purposes of gaining access to honey is also prohibited. However, due to the limited time it takes for a collector to complete the task, it is very rare for honey collectors to be found on location. Thus, the FPU reacts only in the event of an outbreak of fire; they trace the source and if it happens to be a honey collector they are prosecuted under the Forest Act. As the head of the FPU put it, ‘we are humane, we know that people also want survive therefore these little things like honey collection, unless one causes a fire outbreak, we just let them off’<sup>4</sup>.

Authority systems for these resources where permits are required are not uniformly applied and there are no established patterns. In Mafungautsi north, probably because the village lies closer to the main rivers that drain from the forest, the Forest Act as it relates to injuring or cutting any trees in a State forest is applied to the fullest degree and the authorities are in constant surveillance of people who transgress. In the other three villages, particularly in Gwayi, users of the above mentioned resources under much less surveillance. Enforcement was rather episodic and random such that in practice, households accessed the resources as if they were under the same institutional arrangements as the first group. In turn, these institutional configurations led to the development of either cooperative relations amongst different stakeholders or where enforcement was observed, conflictual relations.

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<sup>3</sup> Forest Act, Chapter 19:05; Section 78, Subsection (a).

<sup>4</sup> Discussion with Head of the FPU in Bulawayo; October, 1997.

### ***Strictly forbidden and highly enforced resources***

The third form of arrangements take the form of strict prohibition and high enforcement on the part of State authorities. Resources mediated by such arrangements include all the commercial species, wildlife, arable land and the felling of trees (in Mafungautsi). The use of these resources is perceived by State forest authorities to lead to the destruction of the forest, hence access to them is strictly prohibited and severe penalties are given to local people who try to gain access.

This group of resources represents the main objectives of forest conservation. Gwayi Forest, as the first to be reserved, was set aside to control exploitation of the three favoured species by logging companies. Thus the forest reservation, and subsequently the forest law (1949), were aimed at prohibiting the use of teak, mukwa and *Umtshibi*. Mafungautsi, on the other hand, was reserved primarily for watershed conservation such that the removal of tree cover is highly prohibited and regulated. In both sites, settlement and farming are carried out only through the forbearance of the FC. In the Mafungautsi forest, settlement and farming are unlikely to take place in the foreseeable future due to the protective function of the forest (see Matose, 2002). In both sites wildlife institutions have been changing since forest reservation in the colonial period to post-independence. The historical context of institutional arrangements for each of the resources is discussed in turn.

Commercially valued species have always varied and were first protected under the Tribal Trust Land Forest Produce Act of 1929. But the prohibitions were applicable in what are now communal areas and commercial farms rather than on forest reserves. Use of these species by residents in and around forests was strictly prohibited to the extent that elder members of these communities remember how the first foresters "educated" them about not felling these trees. In any case prior to the arrival of foresters, these species were hardly used except for mukwa (for medicines and carving utensils) and teak (for sledges, firewood and shade fields and around homes). Because of the fear of the colonial forestry administration by forest inhabitants and neighbours, many people were afraid of being evicted from forests or being incarcerated. However, medicinal use of mukwa continued unabated. The attainment of Independence in 1980 brought a euphoria that rural people could now do what had previously been prohibited, and combined with the subsequent long absence from the forests in the mid-1980s, there was a general dearth in regulations over the use of forest resources from forest reserves. The period saw the use of mukwa for carving returning to forest residents and communities after a long

period of prohibition. But with the cessation of "dissident activities" in 1987, the FC authority returned to the forests with vigour. Permits for the cutting of poles were reintroduced and forest patrolling/policing was also increased. In Mafungautsi, the FPU was eventually introduced in 1990 and oversaw the prohibition of access to nearly all forest resources. At the same time people started using the prohibited species such as *musenya* for poles, not only for their livelihood but as a means of getting back at the FC. The contemporary situation is that in Gwayi, carvers now rely on *Combretum imberbe* where they were once using mukwa due to the tight regulations around the use of the species and the policing by the FPU. In Mafungautsi covert means are now used for accessing both *musenya* and mukwa for poles and carving materials, respectively. This is in spite of the policing by the FPU.

Wildlife access regulations were fairly "liberal" at the beginning of forest reservation, that is up to the 1960s. Problem animals straying into people's fields could be trapped or hunted until they returned to the forest ridges. From the 1960s, forest residents in Gwayi vividly recall the foresters prohibiting the hunting of problem animals. In Mafungautsi, the liberation war in the 1970s and the hostilities in the 1980s meant that forest authorities did not police access to wild animals for meat. Since 1987 and with the increasing value of wildlife in the 1990s, wildlife policing has been bolstered by a major increase in the size and coverage of the FPU. The main duties of the FPU now seem to revolve around catching wildlife poachers. Wildlife regulations are implemented through the Parks and Wildlife Act of 1975 and the FPU receive regular training from the Department of National Parks and Wildlife Management (DNPWM) in relation to gun use and apprehending poachers. The remaining hunters within communities thus in turn develop more ingenious methods to elude members of the FPU on patrol.

When forest land was reserved in 1929, at least for Gwayi forest, use of that land came to be only through the forbearance of the FC. Forest-land is still held inviolate. To this day, foresters still view forest residents suspiciously and would want to evict them from Gwayi west. Thus in the early 1980s, in 1987, and in 1993-98 the FC management in Bulawayo burnt people's homes, stopped issuing residency permits and employed harassment strategies, respectively, in order to move residents from the forest. Forest authorities closely monitor any form of land expansion by forest residents in Gwayi and sometimes opening of new land by grown up children is prohibited, as happened in September 1997. In Mafungautsi, events outside forest management aided authorities in "ridding" the forest of residents who were perceived as a threat to the watershed conservation function of the forest (see Matose, 2002). As a result all forest

neighbours' attempts to change the prohibition of farming and settling in the forest continue to be denied by the State authorities. The land issue is not part of the sharing agreement despite the overwhelming demands by and needs of the forest's neighbours (Matose, 2002). No surprisingly this set of configurations has led to the development of conflictual relations between local actors and the State.

Two sets of authority structures are intended to ensure compliance with forest use regulations around reserves. On the ground, patrolling the forests are members of a Forest Protection Unit (FPU) who in effect are the “forest police” while above them is a hierarchy of foresters who manage the forests on a day-to-day basis.

The FPU falls under a section of the Indigenous Resources Division of the FC that is responsible for forest protection activities. In Gwayi forest, the unit has around six men who patrol the forest with the immediate support of the head of the section and his assistant whose headquarters are in the forest. Mafungautsi forest also has six men as well who report to their head of office based at Forest Hill in Gwayi Forest, over 200 km to south west, through the Gokwe FES office. Various members of the FPU point out that they could never possibly cope with the full extent of their policing duties. They admit that no matter how many people are employed to police the activities of neighbouring and forest resident communities, people would still get into the forest to obtain whatever resources they wanted, legally or otherwise. This is because people tend to develop ingenious means to gain access into the forest each time the unit develops new strategies to catch them. For example, a group of women pretended to be weeping when two members of the FPU came across them in the Mafungautsi forest, prior to the project before 1995. When asked why the women were weeping they claimed to be going to a funeral. However, after walking a short distance from the women, the FPU members were surprised to hear the same women laughing. Eventually, they found out that the women had feigned going to a funeral to escape being prosecuted for collecting some clay soil<sup>5</sup> they were hiding in bushes nearby. Because of such clever tactics that different resource users employ at different times and places, the FPU sometimes employs a policy of stopping and searching nearly everyone they meet in the forests in order to deter illegal activities.

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<sup>5</sup> A particular type of clay soil that is favoured for painting walls found in the forest that is prohibited.

One of the major reasons why the unit fails to be as effective as it could be is because of the conditions under which it operates. Members of the unit walk very long distances, given the sizes of the forests at nearly 200,000 and 82,000 hectares, for Gwayi and Mafungautsi, respectively. Because of the long distances they have to walk, they have to camp in the area of the forest that they will be policing for that specific period, usually about three weeks. During the period they are in camp, they operate like a guerrilla army in order to be effective. Despite cold winter nights, they have to put out their fires in order to be less detectable to game poachers. Sometimes their effectiveness is limited by lack of adequate food and water supplies, in which case their mission ends prematurely. The FPU in Gwayi is better supported by virtue of proximity to the headquarters while those in Mafungautsi work through the Gokwe FES office, which is 30 kilometres away from Lutope camp where the unit is based.

When the FPU gets to one part of the forest where they intend to police local activities, they sometimes have to blend into the local community. One of their members usually joins a beer gathering and scouts for potential informants. Thus a network of paid informants all around each forest is maintained. It is from these informants that the FPU usually traces the movements and activities, especially of hunters. In a number of instances they would have failed to apprehend game poachers operating very close to their camps, had it not been for these local informants. Unit members also have to walk the same long distances with the poachers they apprehend, in some cases carrying the evidence of poachers' illegal activities with them, which can be a whole carcass of game meat. However, the meat usually provides an incentive for the unit as they take it for their own consumption. The head and legs of the slaughtered animal are then used as evidence when they bring charges against the poacher at the nearest police station. Sometimes the FPU embarks on a house to house search of all homesteads adjacent to a particular section of the forest in which hunting recently took place. It is not unusual for these searches to find many kilograms of meat hidden in granaries. All cases have to be processed within twenty-four hours of catching the offender.

On the whole, members of the FPU wish the FC could deregulate the collection of a wide variety of forest products for use by different households. This would make their work easier in the sense that they could focus on major resources such as wild animals and specific tree species.

Nevertheless the results from a survey in 1994 (Matose, 1994) indicated that only 16.5 per cent of those who used the forest had ever encountered the FPU while in the forest. This contrasted to 81.8 per cent of respondents who said that they had used forest resources, and had thus been in the forest illegally. This means that the majority of forest users never come across the FPU largely because of the FPU's small force in relation to the large sizes of the forests they patrol/police. This statement from one of the more experienced members of the FPU sums up the picture, 'At the moment people are forced to use some "environmentally damaging methods" to collect certain products because they feel excluded from the forest and it is difficult to control all of them'<sup>6</sup>. In the end the FPU focuses on what they consider the most valuable resources or the most 'damaging' (the FPU's term) activities to the forest environments and let users have access to all the rest.

Turning to the authority system lying with the foresters in charge of the forests, communities have very vivid memories of different forest managers over time in so far as they mediate access to forest resources and in turn impact on the nature of relations they have. In both sites, nearly every individual forester or forest manager is remembered and renowned for the particular way they enforced forest regulations. A forester in Gwayi in the 1960s, for example, is infamous for having enforced the prohibition on hunting problem animals and also for being anti-forest tenants. Yet another forester in the early 1980s in Gwayi is fondly remembered for having issued permits to forest returnees (officially 'squatters'). Another forest manager in Gwayi in the mid-1990s is remembered for having used an approach that was conciliatory in dealing with the issue of residency and yet his successors are remembered for having pursued a policy of "harassment" from 1996-98. As one elderly former tenant put it: 'they don't want to see us here, they want their animals (wildlife) and want residents to get out of the forest'<sup>7</sup>. At the time the area forest manager and forester at the time were officially harassing forest residents through various means, but mostly denying them permits for all forest resources as a way to "push them out" of Gwayi west. Similar patterns were observed in Mafungautsi, where tree felling for poles or fibre was not and continue not to be part of the resource sharing arrangements. However, due to their training in extension methods, forest officers in Mafungautsi tend not to push the FPU to pursue tree poachers. The FPU, on the other hand, tend to apprehend all forest users who fell trees in accordance with the provisions of the Forest Act.

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<sup>6</sup> Discussion with Mafungautsi FPU leader in 1998.

What the above experience illustrates is that enforcement of forest regulations, that is “rules in practice”, are shaped by the authority system and the styles of individuals, represented by forestry officials. Institutions end up being shaped by individuals charged with their execution and vice versa, depending on how each forester interprets the Act or provisions therein. The more pedantic the forester, the more they followed regulations to the letter of the law and vice versa. Presently, Mafungautsi forest officers seem generally to have been less concerned about enforcing forest regulations than about building “good relations” with forest neighbours so that the neighbours can police resource use among themselves. Managing forest environments is not their strength. Officers in Gwayi, on the other hand, are more concerned about managing the forest environments, and the resources within them, than they are about managing forest relations with residents and neighbours. Managing human interfaces is not their strength. These differences between the two relate to with the contrasting policy contexts of the two sites. Further, in Gwayi foresters are appointed on their knowledge about forestry and the productivity side of forest conservation, while in Mafungautsi, forest managers are appointed from the Extension Division of the FC on the basis of excelling in working with rural communities. Moreover Mafungautsi is the site of the pilot experimental co-management scheme.

## **Conclusions**

This chapter has shown that forest reserves are sites of complex institutional arrangements over different resources. Around each site are groups of different stakeholders attempting to gain access to and control over resources through enmeshed institutional arrangements. In practice, formal institutions are a reflection of different stakeholders’ interests in certain resources. Institutional arrangements around forests are always changing due to the situated behaviours of these resource users at the different sites, depending on the values they place on the resources at a given time.

The creation of State-sponsored organisations in Gwayi west and Mafungautsi north has sparked new layers of practices for accessing resources, overlying those controlled by “old” ones. On the one hand, there are the mutual assistance type institutions being used to overcome “difficulties” in gaining access to some resources such as game meat, and thus being invigorated

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<sup>7</sup> Discussion with Gwayi west councillor in June, 1997.

in the process. At the same time, these arrangements are exploited for developing strategies to gain access to prohibited resources. On the other hand, new forms of community-level authority system reflect the inherent power relations within forest user groups. Thus, if one takes the case of Mafungautsi north RMC, Shangwe settlers have used it to extend their control over resources in the State forest through the sharing project as well as maintain their hegemony over immigrants. In the Gwayi west case, recent authority structures have been used to assert local meanings of forest environments to the State. On the whole, local level arrangements and authority systems represent arenas for negotiation by the different users and interests within villages on the one hand and with the State (FC), on the other.

Finally at the State level, this chapter has provided insights into how the practices around formal institutions are shaped by the behaviours of different actors at different levels. What resource is prohibited, under the law versus in practice, from use is shaped by the actions of the different users of the resource and the vested interests of the different actors within State authority structures. The prohibitions and enforcement patterns also depend on the policy context and values attached to a resource by forestry officials at a particular time. The outcomes of the changes at the State level are reflected within the strategies that different resource users at the local level then employ to gain access to the means of livelihood and to assert their understandings about forest environments. At the same time it can be discerned that formal institutions necessarily have to be nuanced and robust to articulate the multiple values of different resources at the local level in different places. Therefore authority systems over the formal institutional arrangements necessarily need to cope with the complex and varied needs of the diverse forest users in different places. Whereas co-management is globally taking hold as a means to resolving conflicts around state property regimes, evidence provided in this chapter, from an institutional perspective, points to the addition of another layer of complexity for resource management by communities, however defined. New forms of organisations emerge that are not necessarily best placed to manage resources.

In this chapter then, it has been demonstrated how access to forest resources for different users/actors is gained through informal and formal institutions and authority systems. This, as evidence presented in this chapter indicates, has implications for how certain forest users/actors gain access to certain resources. Some resources end up being accessed through covert means while others are accessed overtly, thereby contributing to the development of different types of relationship between forest authorities and resource users.



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