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**THE LEGACY OF DUALISM AND
DECISION-MAKING: THE PROSPECTS
FOR LOCAL INSTITUTIONAL DEVELOPMENT
IN "CAMPFIRE"**

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THE LEGACY OF DUALISM AND DECISION-MAKING: the prospects for local institutional development in "CAMPFIRE".

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Abstract

'CAMPFIRE' is Zimbabwe's 'Communal Areas Management Programme for Indigenous Resources'. It seeks to place the management of the wildlife in communal lands into the hands of those communities intimately affected by it. Much of the communal lands is a marginal environment to which the majority of the African population was relocated under divisive legislation introduced by the colonial powers. Parallels are drawn between the colonial and post-colonial periods; the legacy of dualism providing the context within which the prospects for institutional development are discussed.

The fugitive nature of the resource suggests the determination of jurisdictional boundaries within which appropriate institutions might function is problematical. Moreover, the 'costs' incurred in 'producing' wildlife must be more than compensated by the benefits accruing from its utilisation. How these benefits are distributed must be decided by 'producer communities' themselves.

The success of 'CAMPFIRE' will hinge on the will of central government to decentralise decision-making and control over wildlife resources to local communities, and the willingness and capacity of rural communities to adopt and further this concept of devolution. The legitimacy of the local institutional arrangements which develop will be critical to this success.

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Introduction

'CAMPFIRE' (the 'Communal Areas Management Programme for Indigenous Resources') was conceived in 1982 by Zimbabwe's Department of National Parks & Wild Life Management (DNPWLM). It was incorporated into the National Conservation Strategy in 1985. Its declared objectives, amongst others, were:-

- * to initiate a programme for the long term development, management and sustainable utilisation of natural resources in the Communal Areas.
- * to achieve management of resources by placing the custody and responsibility with the resident communities.
- * to allow communities to benefit directly from the exploitation of natural resources within the Communal ... Area.
- * to establish the administrative and institutional structures necessary to make the programme work.

(Emphases in original) (Martin, 1986).

The original 'CAMPFIRE' document acknowledged "the programme would involve forestry, grazing, water and wildlife." It is not surprising that wildlife has dominated the issues since that time; it is the resource with the greatest potential for generating significant financial returns. It is also the one resource which cannot casually be called a common property resource (CPR). Nowhere is the maxim "resources are not, they become" (Zimmerman, 1951) more pertinent than in considering wildlife in Zimbabwe at the present time. An example from Chapoto Ward in Guruve District highlights a general attitude:

"When asked whether or not wildlife had any perceived value for their households specifically, or the community, in general, 84.8 per cent of the respondents who answered this question (n = 211) indicated that wildlife has no value whatsoever."

(Cutshall, 1990:54)

Wildlife is a resource endowed with biological characteristics which have more complex implications for management than the other resources mentioned. It is a fugitive resource, some species having a wider range than others. This fact suggests that problems might arise; firstly, in assessing the resource base and hence its sustainability, and secondly, in the potential for overlapping political jurisdictions (Buck, 1989). It is the fugitive nature of wildlife, moving across locally-accepted jurisdictional boundaries as well as international borders, which creates constraints and conflicts in considering

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institutional arrangements for its management. For example, how does one define a wildlife 'producer community' in considering the allocation of benefits from wildlife?

In order to place the prospects for local institutional development (LID) in 'CAMPFIRE' into context, the historical development of the communal areas, the demographic and cultural consequences of their establishment, and the socio-political environment in these areas 11 years after Zimbabwe's Independence are discussed briefly. The institutional framework for development introduced by the present government in 1984 and the legislation impacting on 'CAMPFIRE' are then summarised.

The success of 'CAMPFIRE' will hinge on the will of central government to decentralise full control over the wildlife resource to local communities, and the willingness and capacity of rural communities to adopt and further this concept of devolution. The legitimacy of the local institutional arrangements which develop will be critical to this success.

The History of Wildlife Management in Zimbabwe

There is a suggestion in much of the literature on CPR management that natural resource use, prior to the imposition of colonialism, was regulated by forms of 'traditional management'. Effective management regimes must, of necessity, be responsive to the dynamics of the particular resource. Whilst the current situation is unlikely to bear much resemblance to that which existed 100 years ago, there are similarities in management responses to resource depletion.

Traditional systems were unlikely to manage a resource related to modern technical aspects of its sustainability. Management of resources in the nineteenth century reflected a more holistic and less technical approach: Schoffeleers (1979:5), discussing the ecological dimension of territorial cults, provides this description:-

"Cult communities are territorial groups. The fact that one lives in a particular area means that one shares with all other inhabitants the same environment and the same responsibilities towards it. In line with this principle, immigrants are expected to make an act of formal recognition of and submission to the local territorial cult, which means among other things that they formally acknowledge common duties in respect of a shared environment.

Cults whose philosophy is based on a logic of this kind are necessarily communal institutions involving the entire population of a geographic area in a system of common obligations. Moreover they generally form part of a wider organisation which in various ways and to varying degrees establishes links between neighbouring communities. Quite extensive areas are thus converted by a system of interlocking cults which provide a basis for wide ecological cooperation."

At the time of colonisation in the late nineteenth century the Ndebele had extended their influence across much of what is now known as Zimbabwe. Clearly these communities, with a basically carbohydrate diet, would have been in constant search for protein supplement. There is ample evidence that hunting was an annual activity in many African societies. Hunting frequently involved the deployment of large forces under chiefly control. The great annual elephant hunts of Sepopa and Lewanika or the mass hunts of the Ndebele under Mzilikazi and Lobengula were celebrated events. Traditional African hunting, however, was relatively inefficient (Mackenzie, 1987).

The advent of European hunting, with the introduction of firearms, changed this situation dramatically. The period 1850 to 1875 witnessed a staggering destruction of elephants for the export of ivory and hides. The remaining elephant populations retreated to the less populated areas of the country. Other forms of game, notably buffalo, antelope and zebra, were ruthlessly exploited during the last two decades of the century. During this period Africans, exhibiting an insatiable demand, acquired vast quantities of meat.

Interestingly, at this time, both Mzilikazi and Lobengula tried to limit the entry of European hunters into their kingdom, but with little success. At the beginning of his reign, Lobengula issued hunting regulations restricting European hunters to a particular route and charged a licence fee. These hunters were restricted to the outer regions of the kingdom in an effort to protect Ndebele hunters from competition. He also forbade hunters, African and European, to shoot cow elephants or take ostrich eggs. In 1883, he fined the hunters Selous and Martin for shooting hippopotamus against his wishes (Cobbing 1976, quoted in Mackenzie, 1987). Lobengula's efforts to control hunting were a response to the significant decline in the numbers of game which must have been very apparent in the last decades of the Ndebele kingdom. Ndebele hunters found that they had to move further and further from the heartland of their state in order to secure game of any sort. It is a paradox that the 'management' of any resource increases with its increasing scarcity.

The effect of the rinderpest pandemic of 1896-97 on cattle has been well documented. It was no less devastating in its effect on the cloven-hoofed game populations. The buffalo population was reduced to a few remnant herds. Elephant (together with rhinoceros and hippopotamus) were immune but European hunting had reduced the population to one which probably numbered less than 4,000 in Zimbabwe at the turn of the century (Cumming, 1990). This led to the imposition of laws to control the hunting of game. In 1901 the British South Africa Company, which had administered the colony since its occupation in 1890, enacted legislation which introduced the concept of the 'King's Game'. The state assumed ownership and control of wildlife on all land.

This expropriation of what, until then, had been a common property resource had the potential to generate problems of an 'open access' nature. Initially this situation did not develop; "Game regulations were largely irrelevant to Africans: their access to game was denied through the operation of gun laws, together with the fact that game became extremely scarce in areas of dense human settlement like the reserves.....Africans had neither the opportunity nor the means to turn to the protein bounty bestowed upon their forefathers." (MacKenzie, 1987:57).

The natural recovery of game populations following the decline of rinderpest effected a concomitant recovery in the tsetse fly (*Glossina* sp.), the only vector of trypanosomiasis. In 1919, game eradication programmes were introduced to control the spread of the fly. Despite the fact that game eradication was a major tsetse control measure, wildlife populations continued to increase both inside state-protected national parks and outside, in areas where human populations were low. The potential for problems of 'open access' had become a reality.

In the 1950's and 1960's there was serious concern that wildlife was disappearing outside state-protected areas; it was being eradicated, often deliberately, because it was considered valueless - commercial exploitation was illegal. New legislation in 1960 and 1975 sought to reverse this destructive trend by introducing limited 'utilisation' of the resource (Child, pers.comm.). 'CAMPFIRE' (Martin, 1986), a natural progression from this earlier legislation, is premised on the supposition that through benefits arising from their management of wildlife, communities would perceive a vested interest in its conservation.

The Development of Dualism : Land and People

Zimbabwe's land area totals some 390,760 km². The country is divided into five agro-ecological regions. Regions I and II represent the most fertile areas with rainfall exceeding 750mm *per annum*. These regions are classified as "suitable for intensive systems of farming based on crops and/or livestock production" (GOZ, 1984a). They cover only 17% of the country (Table 1). Regions III, IV and V receive less than 800mm of rainfall *per annum* and are recognised as "marginal for maize, tobacco and cotton production or for enterprises based on crop production alone" (GOZ, 1984a).

The communal areas represent 42% of the total land area. At the time of the last census (1982) Zimbabwe's population was reported to be 7.5 million (CSO, 1985), some 56% of whom lived in the communal areas (formerly known as 'Tribal Trust Lands' and before that 'Native Reserves'). More than 90% of communal lands are located within Natural Regions III, IV and V and some 76% of the rural population live within these three regions (Tables 1 & 2). The majority of the population came to find themselves in these marginal areas through the divisive land legislation introduced by the colonial administration.

TABLE 1						
LAND DISTRIBUTION BY NATURAL REGION						
	I	NATURAL REGION			V	TOTAL
		II	III	IV		
% Total Land Area	1.8	15.0	18.7	37.8	26.7	100.0
% Total Land Area designated as Communal Lands	0.3	3.7	7.2	19.9	10.8	41.9
% Communal Areas	0.7	8.7	17.5	47.6	25.9	100.4
[Source: Weiner <i>et al.</i> 1991]						

In 1901, when the African population numbered 700,000 (CSO, 1985), the average population density was 1.8 persons per square kilometre. European settlers often identified land for expropriation by the higher population density of local cultivators (Abel and Blaikie, 1988) which suggests very large areas of the country, those unsuitable for dryland agriculture, were scarcely inhabited at the turn of the century. The failure to find a second Rand, the reason Europeans settled originally, meant that by 1907 they were encouraged to take up farming instead. This necessitated

the expropriation of large tracts of land from the Shona and Ndebele people.

TABLE 2 COMMUNAL LAND POPULATION DISTRIBUTION AND DENSITY BY NATURAL REGION - 1982						
	NATURAL REGION					TOTAL/ AVERAGE
	I	II	III	IV	V	
Distribution (%)	2.1	21.4	29.5	34.5	12.4	99.9
Density ^[1]	89.2	62.5	46.7	18.5	12.0	25.7
<p>[1] Communal area population density [ppkm²] related to communal land area totalling 163,393 km².</p> <p>[Thomas, forthcoming]</p>						

The Land Apportionment Act of 1931 legalised the expropriation of 198,539 km² (51%) of the land by the settler community. Native reserves, amounting to 117,602 km² (30%) of the poorer grade, marginal land, were allocated to the African population who, at that time, represented 96% of the population. The remaining land, 72,859 km² (19%) was reserved for national parks, forestry and state land (Kay, 1970). The intention of such legislation appears to have been to undermine the viability of African agriculture in order to provide a source of cheap wage labour for the mines and farms of the settlers. In this way 'native reserves' effectively became 'labour reserves', although it would be incorrect to assume the general demise of peasant agriculture. It has been posited that increased population pressure lead to an intensification of agricultural production in some areas (Mosley [1983], quoted in Weiner, 1988). Ranger (1985) suggests the response of the majority population was to adopt the 'peasant option'; a conscious refusal to be forced into a process of proletarianisation.

The Native Land Husbandry Act of 1951 had as its stated objective:

"to provide for the control of the utilisation and allocation of land occupied by natives, and to ensure its efficient use for agricultural purposes; and to require natives to perform labour for conserving natural resources and for promoting good husbandry."

This legislation sought to confer individual tenure rights to a specified parcel of grazing or arable land which contradicted the customary basis of African land tenure: land and its resources belonged to the community of which every full member had an inalienable right of avail. Reaction to this legislation was hostile for two reasons. Firstly it increased the insecurity of those who felt they might lose their 'rights' either to others in the communal areas or to the settlers. Secondly, it was linked increasingly to the Land Apportionment Act of 1931 which had legalised the expropriation of so much land to the settler community. The Native Land Husbandry Act failed; land allocation by the Native Affairs Department was suspended in 1962 and this function reverted to traditional leaders.

Following the Unilateral Declaration of Independence in 1965, a 'community development' approach to the communal areas was adopted. This approach was less authoritarian and relied heavily on the cooperation of the chiefs, headmen and kraal-heads. The Tribal Trust Land Authorities Act of 1967 and the Land Tenure Act of 1969 restored to these traditional leaders the right to allocate land. The underlying motive for this reversal of authority can be seen as an attempt to replace African nationalism with 'tribal government' which would be more controllable and act as a buffer against grass-roots opposition (Ranger, 1985). Government was also seeking to keep costs low by administering through the traditional institutions, including customary law. The credibility this may have given the traditional leadership was undermined significantly with the advent of civil war; cooperation with the Government in any form was seen as collaboration.

The extraordinary alliance between the guerrillas and the spirit mediums during the war (in which the guerrillas achieved legitimacy as representatives of the ancestors) provided the opportunity for a great deal of consciousness-raising. By the time of Independence in 1980 there was a rapidly-developed capability for local political organisation, rule-making and enforcement (Lan, 1985).

The land issue was central to the debate on post-Independence transition. The newly-elected government introduced its Transitional National Development Plan (TNDP) in 1982, a major objective of which was the "acceptable and fair distribution of land ownership and use" (GOZ, 1982). This was to be achieved through a programme of land resettlement. Ambitious targets were set for the programme, the intention being to resettle 162,000 families (1,296,000 persons) by 1984. By the middle of 1989 a total of 52,000 families (416,000 persons) had been resettled (Murphree & Cumming, 1991), most of the land having been acquired in NRs III and IV.

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The 1980s closed without the land issue being satisfactorily resolved:-

"In practice there has been little major change in the overall patterns of land use, production and environmental effects compared with earlier decades. The developments of the 1980's can probably best be summarised as 'more of the same'." (Murphree & Cumming, 1991:14)

The intent and effect of the colonial legislation was to concentrate the African population into the more marginal areas of Zimbabwe. Less obvious, perhaps, was the impact this must have had on traditional social relationships. A "strong emotional bond exists between individuals and the territory of their ancestors. The desire to live there is equalled only by the desire to be buried there." (Lan, 1985:20). The translocation of the majority of the African population from their traditional homelands to 'foreign' territories must have been traumatic. Those people moved in this way would have been "expected to make an act of formal recognition of and submission to the local territorial cult" (Schoffeleers, 1979:5). However, the assimilation with a new clan identity and, hence, a closer association with the new territory is a process which is only likely to occur over "a very long period of time." (Lan, 1985). Prior to the arrival of the settlers in 1890 it is reasonable to assume relatively homogeneous communities existed, although this assumption is rejected by Murombedzi (1989) who suggests "stratification and inequality existed even prior to the colonial era....". Whilst in many cases the area settled was dominated by people from one tribal grouping, the effect of colonial land legislation was to create, or increase significantly, the heterogeneity of communities.

Post-Independence Institutional Framework for Development

Independence in 1980 brought with it an understandable air of optimism and expectations of change. "When ZANU-PF overwhelmingly won the first Independence elections, it appeared that a socialist transformation was on the agenda." (Davies, 1988:18). The TNDP of 1982 declared "a democratic, egalitarian and socialist society" a primary objective. In 1984 the Prime Minister issued a Directive which outlined the institutional framework for development in Zimbabwe. The declared objective of this Directive was:-

"To define the administrative structures at provincial and district level and the relationships and channels of communication between all participants in development at provincial and district level in order to achieve the co-ordinated development of provinces and districts in Zimbabwe." (GOZ, 1984b)

An ancillary objective of this policy of decentralisation (which might be seen to contradict the above statement), was to increase the involvement of local communities in the planning and development of their areas. The rhetoric emphasised the 'grass-roots', 'bottom-up' rationale of the new structures. In retrospect it was naive to expect a rapid and universal understanding of the essence of Independence after 90 years of subjugation and dependency. As Murombedzi (1989:42) points out, the absence of such structures until recently "makes them novel structures and in such a situation, it is to be expected that participation will only gradually develop as the people come to have a better understanding of the workings of local government."

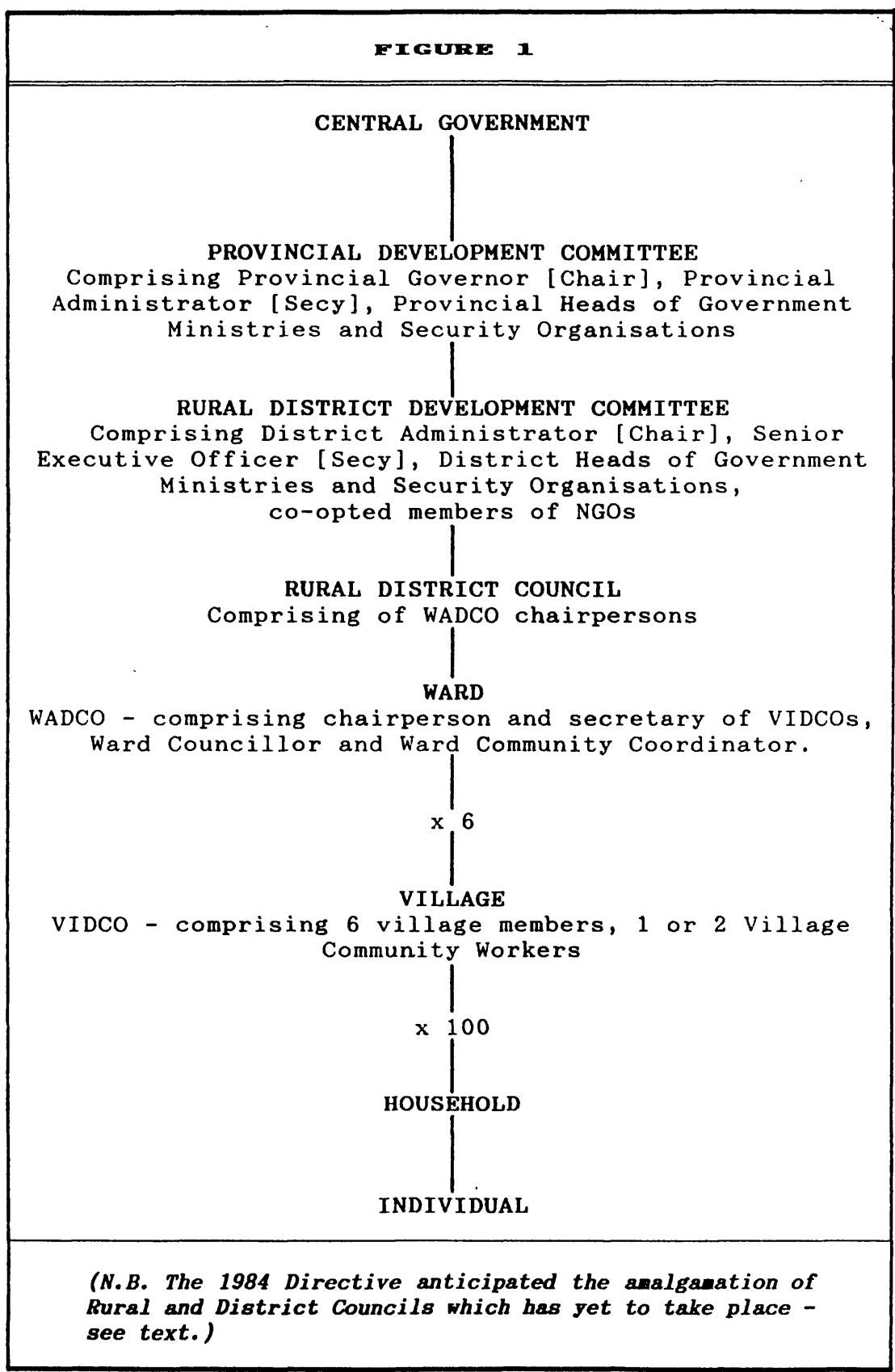
Village Development Committees (VIDCOs) were identified as the fundamental planning units. Each VIDCO would represent 100 households (approximately 1,000 people). The committee would submit plans on an annual basis to the Ward Development Committee (WADCO). The WADCO, representing six villages (approximately 6,000 people), would coordinate the plans from all VIDCOs in its jurisdiction. It would then submit the coordinated plan to the District Development Committee (DDC) which coordinates district plans for approval by the District Council (DC). The DC, it should be noted, only 'approves' plans coordinated by the DDC, yet the DC is the only democratically-elected body at district level; it comprises the ward councillors, who are automatically the chairpersons of their WADCOs.

Originally it was envisaged that wards should submit their annual plans direct to the DC, which would then refer matters to any of its technical committees if necessary. This would have enabled the ward "to follow the progress of its activities through its chairperson" (GOZ, 1985). This arrangement would appear more appropriate than the existing situation. The DDC, which coordinates ward plans, is composed entirely of district heads of central government ministries and departments and therefore has no 'popular' representation. The district plan, once 'approved' by the DC, is submitted to the Provincial Development Committee.

Figure 1 shows the hierarchical structure established by the 1984 Directive. It should be noted, in order to avoid confusion, that this structure anticipated the amalgamation of Rural Councils^[1] with District Councils to form Rural District Councils. This amalgamation has not taken place to date.

[1] Rural Councils, created in 1966, constitute the local authorities governing the predominantly European-owned commercial farming areas and their service towns cf. District Councils which represent the communal areas.

FIGURE 1



(N.B. The 1984 Directive anticipated the amalgamation of Rural and District Councils which has yet to take place - see text.)

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A notable exclusion from this institutional structure for development is any representation by traditional leadership. Moreover, VIDCO and WADCO boundaries have not necessarily been aligned with the coexisting communal boundaries, thereby creating uncertainties over institutional jurisdiction. Predictably, the transition from traditional and chiefly authority (i.e. local, hereditary and long-standing) to elected and bureaucratic authority (i.e. transient and possibly immigrant) has been a source of conflict.

The extent to which the new structures may be judged to have been a success can be measured by a ministerial address given in 1989:

"What is however disturbing is that in some areas there is an unacceptable level of participation in the planning process by residents at the village and ward levels. Reports reaching my ministry suggest that people are not sufficiently involved or active in the village and ward development committees. They are not being effectively mobilized to actively participate in development committees in order for them to identify, prepare and plan their development needs."

(MLGRUD [1989], quoted in Murombedzi, 1989:22).
My emphasis added.

There are many reasons why the rural population has responded with such apathy. Firstly, as has already been suggested, much of the legislation enacted since Independence has been seen to remove, rather than empower, traditional leadership. The chiefs, sub-chiefs, headmen and kraal heads in effect constituted the communal lands' administrative and legal institutions with historically defined areas and sets of rules and regulations clearly understood by the rural people. New legislation has not only removed their authority over communal land resources, it has also sought to alter their 'jurisdictional' boundaries to accommodate the new administrative structures.

VIDCOs and WADCOs then are perceived as instruments of local administration. Ostensibly representative of the rural populace, having been democratically elected to represent them, they are essentially implementation units for plans that continue to be developed in a 'top-down' fashion. The majority of the rural population appear to have chosen the 'peasant option' again in response to government's attempts to create a democratic, egalitarian and socialist society.

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Eleven years after Independence, despite the radical restructuring of local government introduced in 1984, administrative structures within many communal lands remain a confused issue, at least from the perspective of the inhabitants. Government's intention to train VIDCOs and WADCOs in administrative skills has proved overly-ambitious, not least because of a lack of sufficient financial and human resources. VIDCOs and WADCOs have tended to operate, if at all, in a vacuum, without the wherewithal to enable them to function effectively and with no real mandate from their constituency. Rural people have had little option other than to 'get on with their own lives', much as they did prior to Independence. The air of optimism which introduced the 1980's has given place to an air of resignation.

Government has failed to honour promises made in 1980 and the disenchantment of the population is evidenced both by the relatively poor turnout for national elections and by the fall in attendance at political rallies held by the ruling party, ZANU-PF. However, probably the clearest indicator of popular disenchantment with the ZANU-PF Government was the performance of the Zimbabwe Unity Movement (ZUM) in the 1991 General Election. ZUM recorded a sizeable vote despite its sudden appearance prior to the election and its inability to project a clear and coherent political programme. Not surprisingly, most political commentators attributed its electoral performance to voter disenchantment with the ruling party; the so-called 'protest vote'.

It is within this institutional context that 'CAMPFIRE' is being promoted.

The Legislative Context

A number of Acts of Parliament impinge upon 'CAMPFIRE'. Those most relevant to this paper are:-

- The Parks and Wildlife Act 1975
- The Natural Resources Act 1941
- The District Councils Act 1957
- The Communal Land Act 1982
- The Communal Land Amendment Act 1985
- The Communal Land (Model)(Land Use and Conservation) By-laws 1985
- The Communal Land (Model)(Land Use and Conservation) (Amendment) By-laws 1985
- The Rural District Councils Act 1988

It was through a 1982 Amendment to the Parks and Wildlife Act that provision was made for the Minister of Environment and Tourism (MET) (then the Minister of Natural Resources

and Tourism) to designate DCs as the 'appropriate authority' for wildlife on lands under their responsibility. This amendment redressed the previously discriminatory nature of the Parks and Wildlife Act which had been targetted at the mainly European "owners and occupiers of alienated land." District councils, almost wholly comprised of communal lands, were now granted the same rights and responsibilities accorded to the largely European community.

The Natural Resources Act was introduced in 1941 "To make provision for the conservation and improvement of the natural resources of Rhodesia;". Sections 50 and 51 of this Act allowed for the appointment and composition of 'conservation committees' for areas of land designated 'intensive conservation areas' (ICAs). The functions of such committees were generally:-

- i) to preserve, protect and improve the natural resources in its area; and
- ii) to inaugurate and undertake works for the conservation and improvement of soil and water resources in its area.

This piece of legislation, enacted during the colonial era, was directed at 'owners' of land and, hence, by definition the holders of alienated land.

However, the District Councils Act 1957 (as amended in 1980) enabled the Minister of Local Government Rura and Urban Development (MLGRUD) to "confer upon a council in respect of its whole area.....all or any of the powers conferred upon a conservation committee under the Natural Resources Act....". A notice gazetted in 1980 conferred upon all district councils this power. This means a 'Natural Resources Committee' is a statutory committee of the DC. Its composition is determined by Section 36A of the District Councils Act which states that the Minister responsible for the administration of the Natural Resources Act shall:

- i) determine the number of members to be appointed;
- ii) appoint half of the members (the other half shall be councillors appointed by the council);
- iii) approve the terms and conditions upon which the committee may appoint sub-committees.

Section 36 provides "that a council shall not delegate to a committee any power to make by-laws,....".

The natural resources committee was obviously intended to be a technical body by virtue of its composition. It is not empowered to deal with matters pertaining to the

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expenditure of revenues, whether these are derived from the exploitation of natural resources or not. However, it would be the appropriate body to consider questions of the sustainable use of the wildlife resource and, for example, the issuing of hunting permits.

The Rural District Councils Act of 1988, which provides for the amalgamation of rural councils (which are responsible for commercial farming areas and their service towns) with DCs (responsible for communal areas) has yet to be implemented. It reflects current institutional policy. The Rural District Council (RDC) is empowered to be a Natural Resources Conservation Committee (NRCC) for the whole or any part of its area which is declared an intensive conservation area by the Minister responsible for the administration of the Natural Resources Act. The Rural District Councils Act further allows for the formation of sub-committees within one or more wards within the council area to which all or any of the functions of the conservation committee may be delegated. The chairman of such sub-committee shall be the councillor for the ward (or one of them) and the chairman of the RDC shall be an ex-officio member of every such committee.

Section 88 allows RDCs to make by-laws in relation to any matter specified in the Second Schedule (see below) - in respect of the whole council area or any part thereof:-

"After a council has resolved to pass any proposed by-laws, they shall be submitted to the Minister (MLGRUD) for his approval,.....Once the Minister has approved any proposed by laws., he shall cause them to be published in the Gazette, and they shall have the force of law within the area to which they apply...."

[Section 90 paras 1 & 4]

The sections of the Second Schedule relevant to this paper are:-

" 'Protection of common property'

Paragraph 9 "Preventing damage to any property to which the inhabitants of a council area or any portion thereof have a common right and providing for the recovery of compensation for such damage."

'Conservation of natural resources'

Paragraph 11 "The preservation and conservation of natural resources."

The Communal Land Act 1982 and the Communal Land Amendment Act 1985 laid the foundations for rural development within communal areas. The 1982 legislation transferred legal authority over land allocation from traditional leaders to DCs. The 1985 Amendment enabled DCs to levy charges (rates) "for any services, amenities or facilities provided by the State..... whether.....such service is used or not." (Section 2 [4][a]). These enactments facilitated the underlying intention of the government to introduce the demarcation of arable and grazing lands, and areas for rural housing construction. For many local people this is reminiscent of the series of land legislation which supported the colonial government's divisive land policy between 1930 and 1960.

Whilst the Prime Minister's 1984 Directive sought to promote 'grass-roots' development (see page 9), the Communal Land (Model)(Land Use and Conservation) By-Laws 1985 authorised DCs to prepare and adopt development plans of their own volition [Section 4 (1)]. In preparing any plan the council was to seek the advice of those regional officers of government ministries tasked with land use planning, viz;

- * The Department of Physical Planning,
- * The Department of Agritex,
- * The Department of Natural Resources,
- * The Department of National Parks and Wild life Management. [Section 4 (3)]

No mention was made of consultation with local people, other than the fact that when a plan has been prepared and approved by the council, a copy should be sent to the chairman of every VIDCO of council affected by the plan [Section 4 (5)(c)] who is given 30 days to consult local inhabitants and report back any objections to the plan to council, together with the identity of the objectors [Section 4(6)].

Section 6 of the Communal Land (Model)(Land Use and Conservation) By-laws stipulate the "Contents of a Plan". This covers grazing areas, cultivation plots and, of relevance to this paper, "measures appropriate for the conservation and proper use of any wild life in any grazing area", a clause inserted by a later amendment to these By-laws. Unfortunately, the rather autocratic nature of these model by-laws tends to preclude their potential to enable rural people to plan their own land use strategies.

The legislation impacting on 'CAMPFIRE' is ambiguous and certain Acts contradict each other, particularly in regard to resource use. However, in practice little reference is made to these official precepts.

Institution.....Which Institution?

"Residents of communal lands will be encouraged to manage wildlife for their own direct benefit and government will actively promote the appropriate institutions to achieve this."
(GOZ, 1989)

"Wherever possible, alternative strategies to reduce conflict between people and wildlife will be explored. This may include..... the development of appropriate institutions in communal lands so that individual farmers affected by problem animals become the main beneficiaries of revenue earned from wildlife and part of the decision-making process." (GOZ, 1989)

This paper has highlighted the dichotomous nature of much of Zimbabwe's institutional development. Whilst "a new era did begin in Zimbabwe with Independence in 1980, ... the political and economic inheritance of the past determines many of the constraints and opportunities facing the new leaders." (Herbst, 1990:13). This legacy of dualism provides the critical context within which to discuss the potential for the promotion and development of an 'appropriate institution'.

Much of this discussion revolves around the two forms of public institution identified by Uphoff (1986). Local administration (LA) is usually accountable to bureaucratic superiors and is represented by staff of central government ministries; local government (LG), conversely, is accountable to its constituency. LG institutions are elected or 'appointed' and have authority to deal with development and regulatory tasks. Traditionally chiefs held this position, having been 'appointed' by virtue of their lineage. Subsequently DCs, together with WADCOs and VIDCOs, have assumed this role. Their effectiveness in this respect has already been questioned (see pages 11 & 12). As Uphoff points out "when LGs have little financial or operational autonomy, they function for all practical purposes as LA units." (Uphoff, 1986:5).

The innovative nature of 'CAMPFIRE' is evidenced by the paucity of references in the literature to community wildlife management. Uphoff (1986) refers to five main kinds of natural resource management; wildlife is not one of them. He goes on to point out that each resource "has different local institutional requirements because of the ways in which resources and user/managers interact." (Uphoff, 1986:21). Many authors have written about these variable factors and how they impact upon CPRs and their management (See, e.g. Buck, 1989; NAS, 1986; Oakerson, 1984).

These variables are generally recognised as:-

- 1) the technical and physical nature of the resource;
- 2) the characteristics of the users and the legal and political environment in which they reside (NAS, 1986) which effect the decision-making arrangements (Oakerson, 1984);
- 3) the patterns of interaction (Oakerson, 1984).

Whilst little precedent exists for community wildlife management in the modern state, the nature of the resource is comparable with that of fish, about which much has been written. These resources are classified as "fugitive-renewable" and the fugitive nature has unique implications for the development of appropriate management institutions. Bromley & Cernea (1989:24) suggest that "if open access is to be converted to an effective common property regime, then the existence of clear resource boundaries, small (manageable) resource size and scope, and accessible information about the condition of the resource are critical." (Emphasis added).

In the Zimbabwean context, wildlife comprises species which reside within a single jurisdiction (the term 'producer community' has been coined although its relevance to existing jurisdictional boundaries is ambiguous); other species may range across the jurisdictions of two or more producer communities; and still others, such as elephant (*Loxodontus africana*), may roam across international boundaries. The implications for collection of sufficiently reliable data for the sustainable utilisation of the resource seem obvious. However, it has been argued that local management has a comparative advantage over centrally-managed systems in this respect (Freeman, 1989).

The characteristics of the users is another critical factor affecting the outcome of CPR management. It is generally accepted that successful CPR management "will be facilitated in those instances in which the size of the user group is small, the users are reasonably homogeneous in important socio-economic characteristics, and the users reside in close proximity to the resource." (Bromley & Cernea, 1989:24).

In Zimbabwe, the propensity for local membership organisations (MOs) to take organised collective action to meet common goals has been illustrated by Bratton (1986). One of the distinguishing features of collective action is that it is "self-managed", involving voluntary membership, government by agreement and social control by peer pressure. Such organisations have the potential to become recognised institutions but, paradoxically, lack the legitimacy and authority accorded to LAs or LGs for resolving conflicts. There is an urgent need to enable such

organisations to draw up rules which effectively institutionalise the resolution of conflicts.

Moreover, MOs have no recognised legal status. Communities wishing to engage in enterprises will have to enter into agreements regulating the rights and obligations of members which, in effect, means forming an association recognised by law (Wood, 1991). Co-operatives are attractive in this respect and may be the only form of association available to rural communities to satisfy this need. It is unfortunate that the performance, to date, of co-operative societies in Zimbabwe has been uninspiring and this tends to be, with some notable exceptions, a world-wide phenomenon (Uphoff, 1986). The potential of co-operatives has been undermined by the feature which makes them more appropriate than MOs as institutions, that is official recognition by the state. Bratton points out:-

"As states penetrate the countryside, political conflict will inevitably arise as the central quest for integration collides with the local urge to retain autonomy. This conflict is already manifest in Zimbabwe in disputes between farmer organizations (*sic*) on the one hand and the ruling party and co-operatives ministry on the other."
(Bratton, 1986:382)

It is questionable whether the criterion that "users reside in close proximity to the resource" has any heuristic value when discussing fugitive resources such as wildlife. Where CPRs are static, there is at least some chance that the underlying boundary conditions determined by nature will concur with the jurisdictional boundaries determining the legitimacy of the decision-making body. Wildlife is a "multi-jurisdictional resource" (Buck, 1989); as such, whilst the underlying boundary conditions may be defineable in technical terms of species composition and numbers, the physical nature of the animal is to ignore jurisdictional boundaries. Consequently wildlife as a resource affects, and is affected by, a variety of user groups - one or more may be small and reasonably homogeneous; others, because of the nature of the resource, will be larger and more heterogeneous. "These overlapping jurisdictions generate complex management problems which require innovative institutional arrangements." (Buck, 1989:130).

The complexity of the management problem is exacerbated by the historical development of the legal and political environment in which the users reside. When the European settlers moved into the country the resident Shona were organised under fragmented polities or chiefdoms; the Ndebele were under centralised rule. The boundaries of the various polities, and the sub-divisions within them, were contiguous and constituted defined jurisdictions (Murphree

& Cumming, 1991). Changes in land distribution wrought by early colonial governments destroyed much of this institutional structure and critically undermined the autonomy of traditional leadership. Subsequently, the provisions of the Native Councils Act 1937 and the African Councils Act 1957 sought to integrate traditional leadership within the bureaucracy of the settler regime. The appointment of the 'District Commissioner' as secretary to all such councils however, ensured strong representation of and control by central government.

The 'community development' approach, introduced in the 1960s as an attempt to divert attention away from growing African nationalism, encouraged the development of African Councils. Government provided small grants to facilitate minor infrastructural development. The power of chiefs to allocate land and preside over community courts was returned to them. However, "the African Councils and the new formal powers of the chiefs only to a limited extent reduced the real power of the District Commissioners who, as the central government's representatives, continued to dominate government of the Tribal Trust Lands." (Helmsing, 1991:447). This alternating empowerment and emasculation of traditional authority has played a significant role in the development of confusion surrounding the decision-making arrangements.

Independence provided the opportunity to redefine (and rename) administrative and political jurisdictions. The 174 Tribal Trust Lands were renamed Communal Lands whilst the 242 African Councils were abolished and replaced by 55 District Councils. District councils comprise the elected chairpersons from the WADCOs within each DC area, but they did not become autonomous 'local government' entities. The role of the District Administrator (DA) is pivotal in this respect and closely parallels that of the District Commissioner in the African Councils. The DA is the Chief Executive Officer of the council and is appointed by the Ministry of Local Government, Rural and Urban Development (MLGRUD). Whilst they are expected to serve in an advisory role to DCs, DAs are accountable only to the Ministry that appoints them. In terms of the District Councils Act, a council is required to delegate all administrative and executive duties to its staff whilst it deals with matters of policy and deliberative and legislative functions. The potential for conflict is great - on the one hand DAs have to implement government policy, whilst on the other hand they are expected to serve in an advisory capacity, 'guiding the hand of council'.

The role of traditional leaders was undermined yet again with the creation of DCs. Power to allocate land and to deal with other aspects of resource management was vested in the DC; the community courts were placed under the

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Ministry of Justice. The imposition of VIDCO and WADCO structures led in many cases to the exclusion of traditional leaders from the planning and decision-making process which was, and remains, a source of conflict. Although ostensibly democratically elected, the legitimacy of the new local 'leaders' has yet to be sanctioned by their constituency. This will remain the case whilst the new structures continue to be seen as instruments of local administration (cf. local government). This is a critical constraint affecting the evolution of effective organisational or institutional arrangements which is aggravated by the multi-jurisdictional nature of the resource. Successful CPR management requires some form of organisation recognised by the community of users as legitimate to effect rules and regulations that determine "who decide(s) what in relation to whom" (Oakerson, 1984).

The potential for appropriate institutional development at the local level is constrained further by decisions which originate from outside the community of users. External influence threatens the homogeneity of local institutions. Where such influence is domineering, it undermines local government and replaces it with local administration which is unlikely to receive popular support.

In Zimbabwe, the state retains ownership of the wildlife resource and, for the time being, will continue to determine its sustainability for consumptive uses - although 'producer communities' are being encouraged to determine their own annual offtakes with DNPWLM guidance. Previously, revenues from safari hunting in communal lands accrued to central government on the principle that such revenues would be returned to DCs to finance development projects planned by them and approved by the MLGRUD and DNPWLM. These revenues had the potential to form a significant part of DC income. For example, the budgeted wildlife revenues for Nyaminyami District Council (the first DC to receive 'appropriate authority' in November 1988) represented 63% and 59% of its total budgeted revenues in the fiscal years 1984/85 and 1985/86 respectively (derived from Murombedzi, 1989). In practice, less than 50% of wildlife revenues found their way back to producer districts.

The strategies adopted by individual participants in 'CAMPFIRE' will depend upon their perception that the costs incurred in 'producing' wildlife are more than offset by the benefits received in return. Patterns of interaction involve not only individuals' behaviour in relation to one another but also their collective behaviour in relation to the resource. Wildlife has the potential to inflict significant costs; reports from Binga district alone suggest 18 people have been killed by wild animals this year. The 'benefits' required to offset such costs can only

be determined by those bearing the burden; they will be greater for the individual most closely afflicted than they will for the community at large.

Appropriate authority to manage the wildlife resource in communal areas is granted to the DC. Hence "Councils have the statutory authority and the responsibility which goes with it." (Murphree, 1991:2). In practice this responsibility has been construed to include the determination of the use and distribution of wildlife revenues in producer communities. Thus the history of dualism is perpetuated.

It is instructive, at this point, to recall the nature of the planning process at district level (see page 9); "district development planning.....is prepared by the District Development Committee (DDC) which is, however, not a committee of the District Council." (Helmsing, 1991:452). The DDC is wholly composed of district heads of government ministries and departments, together with representatives of the state security organisations, and is chaired by the DA; it is, therefore, a committee of central government. There is no 'democratic' representation on the very committee which coordinates district plans, again reflecting the didactic nature of decision-making at the district level. DCs are responsible for approving annual development plans coordinated by the DDC and, progressively, are expected to generate their own revenue to effect these plans. MLGRUD policy is to phase out the grant awarded to DCs to cover recurrent expenditure; this fact, coupled with the significant contribution wildlife revenues make to DC income, constitutes a disincentive for DCs to devolve these revenues to lower-tier structures such as producer communities.

The following agenda item for Guruve District Council's meeting of 13th May 1991, convened to discuss the distribution of wildlife revenues, is illuminating in this respect:-

"CONSOLIDATION OF DEVELOPMENT PROJECTS

Although each ward has its own development plans, it is policy that such development plans must be brought together as one budget, 5 year development plan etc."

(Guruve District Council, 1991)

The potential for DCs to be coerced by their executive (the DAs) to capture the revenues from wildlife for this purpose was recognised prior to the implementation of the programme. With this potential increasingly becoming a reality, discussions between the MET and the MLGRUD culminated in the issue of an MLGRUD advisory circular to all DCs with appropriate authority status. This stated:-

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"It is generally agreed that of the total (wildlife) revenues received 15% should meet central administration costs, 35% for management, that is, for provision of roads fencing water points, law enforcement etcetera and that the remaining 50% goes direct to the local community. These percentages are however only a guide as each council should determine such depending on its own local circumstances....."

(MLGRUD, 1991a)

'Local community' was defined as "the community where wildlife is resident and protected." The manner in which benefits would go "direct to the local community" was not further elaborated.

In the initial stages of 'CAMPFIRE' little, if any, effort was made to secure the cooperation of the MLGRUD. This is not unusual in Zimbabwe - there tends to be a lack of coordination between and even within ministries, not least because of the number of conflicts which arise between the various administrative divisions and levels. This situation has been addressed with the appointment of "CAMPFIRE" liaison officers within the MET and MLGRUD and, recently, the DNPWLM was asked by MLGRUD to provide a set of guidelines as a preface to a MLGRUD Handbook for DCs with appropriate authority (DNPWLM, 1991).

Understandably, these guidelines embodied a number of principles clearly written from the perspective of the DNPWLM. The areas likely to be contentious are described here. The first principle was that benefits should be returned to producer communities, "Councils are required to return at least 50% of the gross revenue from wildlife to the community... which produced it (e.g. where the animal was shot)." The need to avoid an autocratic approach whilst at the same time wishing to forestall the potential for DCs to act in the role of LA is an obvious dilemma for the implementing agencies.

The guidelines stipulated that 'producer communities' should be small and homogeneous. "The ideal size for a producer community is 100 to 200 households because this is large enough for a wildlife programme, and small enough that all households can be involved in the programme and accountable for it." The original 'CAMPFIRE' document (Martin, 1986) discussed the concept of Communal Resource Areas with clearly-defined boundaries. Such theoretical suggestions satisfy some of the criteria for successful CPR management, but they conflict with the currently accepted idea that the ward is the relevant unit of management. A ward has been defined by government as a sub-division of a district representing 6 villages, each of approximately 100 households. The idea of further fragmenting the jurisdictional boundaries, recently redefined with the

Prime Minister's Directive of 1984, by promoting new categories will only add to the bemusement of the people living in these areas.

A third principle was that "Producer communities must be given the full choice of how to spend their money, including both projects and cash payments..... Where communities value cash above projects, they should be allowed cash." It is enlightening to set-off against these principles the perspective of the MLGRUD, particularly in reference to the distribution or allocation of revenues. In his closing address to the first AGM of the Campfire Association, the Minister of Local Government, Rural and Urban Development addressed this issue thus:-

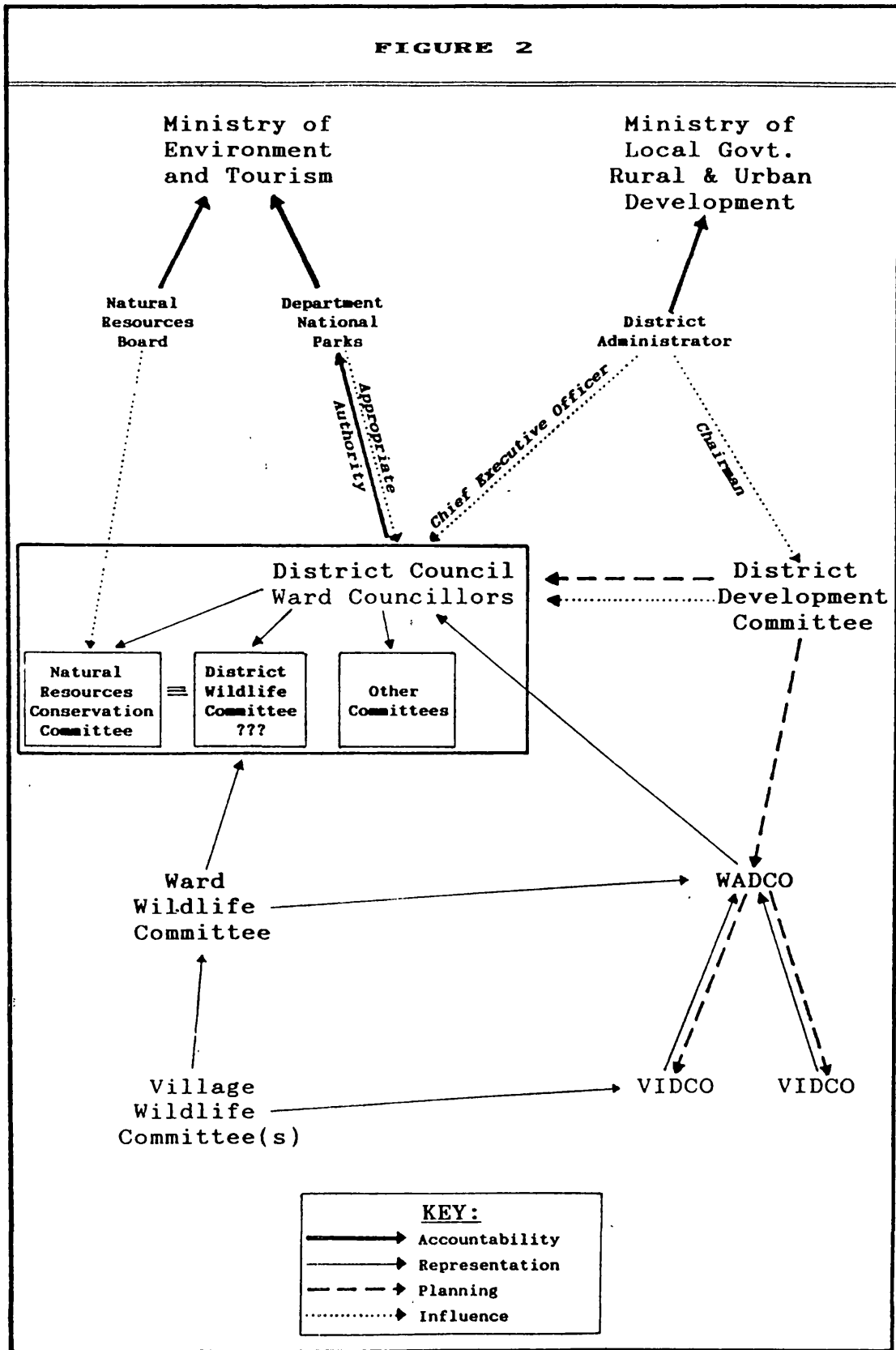
"The producer communities (must) decide for themselves how to allocate these benefits. Here they must be allowed a full choice of options whose aim is to improve the well-being of the people by providing direct benefits, through improved social services like schools, clinics, infrastructural projects, like water, grinding mills etc or by paying cash dividends where this is felt extremely necessary. Councils must assist the producer communities in identifying projects that address their felt needs so that this source of new wealth is not put to waste."

(MLGRUD, 1991b) (Emphases added)

It is acknowledged that significant inroads have been made towards a common understanding of the nature of 'CAMPFIRE', but the definition of 'direct benefits' is likely to remain a contentious issue. Ultimately, the success of 'CAMPFIRE' will depend upon the communities affected by the resource, those incurring the direct costs, becoming the decision-makers - that is, effective local government whose jurisdictional boundaries are clearly defined and whose power is embodied within its constituency.

Figure 2 is an organogram of the institutional structure which appears to be unfolding at this moment in time within 'CAMPFIRE' districts. It illustrates the complexity of institutional relationships and, as discussed in this paper, the conundrum this poses for the success of 'CAMPFIRE'.

The MLGRUD is the Ministry responsible for DCs whilst the MET is the Ministry responsible for administration of the Parks and Wildlife Act, under which 'appropriate authority' is granted to DCs. Within the MET are two departments; the Natural Resources Board and the Department of National Parks and Wild Life Management. What is immediately striking is the lack of any liaison between these two departments. The DNPWLM is the responsible authority for wildlife in Zimbabwe and is the department which confers



'appropriate authority' to DCs. For its part the NRB plays a significant role in determining the composition of the DC's statutory NRCC, a committee responsible for the technical aspects of natural resource management. The DA's relationships with the MLGRUD, DC, and DDC have been discussed.

The evolution of institutions in districts with appropriate authority status has tended to parallel the institutional framework introduced in 1984. A notable exception, however, is that the composition of Village and Ward Wildlife Committees has generally included traditional leaders alongside the 'new' leaders. In some areas these new committees are sub-committees of the existing VIDCOs and WADCOs; in other areas they are independent bodies, either because of the conflicts noted earlier or, more often, because effective VIDCO or WADCO organisation does not exist. In any event Ward Wildlife Committees (WWCs) are invariably sub-committees of newly-established committees of council, generally known as District Wildlife Committees (DWCs). This raises the question of whether or not DWCs are synonymous with the statutory NRCCs. It was mentioned earlier (page 14) that NRCCs have the power to appoint sub-committees for a ward, or part of a ward area. The MLGRUD does see the statutory committees as the representative bodies for promotion of 'CAMPFIRE' and has referred to the VWCs and WWCs as "the already established local government structures" (MLGRUD, 1991a). In terms of existing legislation the NRCC is a purely technical body and, as with all committees of council, it has no authority to determine the expenditure of revenues. The potential for conflict between the DWC/NRCC and the DC, the authority which does determine the expenditure of revenues, is manifest.

A fundamental requirement for an effective institution is a set of rules which establishes an authority structure whose legitimacy is recognised and accepted, both by those governed by the rules and by the state:-

"Villagers should hold meetings and work out constitutions where they have their own bye laws thus they are proud of their laws and automatically abide by the laws rather than having the law imposed upon them by other organisations."

(Gutu Communal Land resident, quoted in du Toit *et al*; 1984).

The Rural District Councils Act of 1988 allows RDCs to make by-laws for any part of the council area. Hopefully RDCs may also adopt by-laws originated by 'producer communities'. This would provide a context within which local institutions could achieve autonomy and confer legitimacy upon local leadership.

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