

THE CASE FOR A COMMUNITY BASED PROPERTY RIGHTS REGIME IN THE
LAWS AND POLICIES GOVERNING ZIMBABWE'S FISHERY RESOURCES: THE
CASE STUDY OF UPPER RUTI DAM

A report compiled following a research facilitated by the Centre for International
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TABLE OF CONTENTS

1.	Executive summary	2 - 3
2.	Delimitation of field research area	3
3	Methodology	3 - 4
4.	Significance of the study	4 - 6
5.	Ruti dam and Zimbabwe's fisheries	6 - 7
	The legal regulation of fisheries in Zimbabwe and Ruti dam in particular	7 - 11
7.	The brief overview of Malawi's laws and policies on fisheries	12 - 13
8.	A field research on Ruti dam	13 - 18
	Shortcomings of the current fish management regime at Ruti dam	18 - 20
10.	Recommendations	20 - 23
11.	Conclusion	24
12.	End-notes and Bibliography	24 - 27

2 -

EXECUTIVE SUMMARY

The main purpose of this paper is to explore the extent to which CBPR and CBNRM strategies can be utilised in the sustainable exploitation of natural resources by rural communities. In this research, the focus of study was the fishery resource in Zimbabwe and particularly the Ruti dam fishery.

The report analyses the ways in which the local communities derive benefit from the Ruti dam within the framework of the existing laws. Further, it also analyses whether the national laws and policies adequately balance the needs of the communities against the ideal of sustainable exploitation, and further still, how these can be reformed to achieve the desired balance. It is recommended that Zimbabwe's laws and policies on fisheries should be altered to recognise and give legal effect to management strategies in which the local communities directly participate. During the field study on Ruti dam, the local communities suggested ways in which they can participate in the management of the fishery resources whilst providing a safety net for ensuring that their exploitation of the resource is sustainable.

The experiences on Mwenje dam in the Mazowe district of Zimbabwe, and in countries like Malawi and Zambia, show that management strategies, where local people have an input, though not perfect, provide a better alternative to the current management regime on Ruti dam and on Zimbabwe's fishery reservoirs in general.

It is hoped that Zimbabwe will develop the desired legislation and policies on fisheries which recognise that local communities have a stake in natural resources occurring within their areas and that the management of such resources is more efficacious if it has got the communities being directly involved.

3 -

On Ruti dam itself, it is hoped that the current command style of management, in which the department of National Parks owns and manages the fishery resources without any involvement by the local communities, will be replaced by a regime in which the communities play a primary role.

DELIMITATION OF FIELD RESEARCH AREA

The field research was conducted on the Buhera side of Ruti dam. The communities interviewed are those in villages located on the upper reaches of Ruti dam along the Nyazvidzi River. The villages are Mapani, Mashongwa, Kichimani and Gojo, which cover a distance of more than seven kilometres along the banks of the Ruti dam.

In view of the fact that Ruti dam stretches for more than 15 kilometres in length, it was not possible to interview members of all the communities along the banks of the dam.

The field research also entailed interviews with the necessary government departments, i.e. the Fisheries Unit in the department of National Parks and Wild-Life, the Aquatic ecologist in charge of the dam, the Natural Resources departments in Masvingo and Buhera and the Buhera Rural District Council.

METHODOLOGY

The field study involved the writer staying with the targetted communities for up to a week and observing ways in which the communities derive benefit from the fishery resources, and participate in the management of the same. The writer also interviewed the local fishermen on whether they were aware of the regulations and policies put in place by the relevant departments, particularly by the department of National Parks and Wildlife, and whether they observe the same.

4 -

Discussions were also held with the local fishermen on the importance of sustainable utilisation of the fishery resource and how the communities can participate in the management of resources in collaboration with the government departments while at the same time ensuring that the communities have regulated access to the finite resources.

The communities were also asked to suggest incentives which should be put in place to ensure that the community based strategies are efficacious, and the institutional arrangements needed to monitor the resources. All the interviews with the local communities were done orally with individuals and with small groups of villagers.

The interviews with government related departments were in two parts. Firstly, the writer sought to ascertain the role of the government department over Ruti dam and how it relates with the local communities on access to the fishery resource. Secondly, the writer sought the comments of the government departments on the proposed management scheme in which the communities would play a significant role.

SIGNIFICANCE OF THE STUDY

Ruti dam is situated in a poor agricultural area of Zimbabwe characterised by inconsistent rainfall. The communities bordering the dam are poor, subsistence communities who need to be given access to all the natural resources in their physical environment in order to uplift their living standards and provide alternative sources of livelihood.

The management styles of the government departments over the fishery resources best illustrate the command style in which decisions and regulations are imposed on the communities without their participation in the formulation of the same, how the communities are legally denied access to their resources and how they are excluded from the management of the same.

The plight of the communities does not end there. The department of National Parks introduced numerous crocodiles to "police" the dam and deter the local people from poaching in the dam. This amounted to a denial to the local population of a right which had been enjoyed over generations and even before the dam was built.

Villagers said that the crocodiles have reportedly killed at least seven people and severely maimed several others in the past 24 months or so. Mr Pomuri Machawira is one of the victims. A crocodile mauled his left leg and he had to be amputated at knee level.

It is clear that the approach taken by the government departments focussed only on conserving the fish resource without providing for the socio-economic needs of the local communities. Although illegal fishing activities have deteriorated due to people's fear of the reptiles, some fishermen indicated that they would continue to poach fish to sustain their families and take the risk of being attacked by the crocodiles.

Both the government departments and the villagers have an interest in ensuring the sustainable use of the fishery resource to provide for present and future needs. From this starting premise, it should be possible to develop a framework, which addresses the needs of all the stakeholders. Legal recognition of community based property rights and the fostering of community based management strategies provide a better alternative to the command style of management and would go a long way in curbing the silent antagonism between the two camps.

On a national scale, the study highlights the inadequacy of Zimbabwe's legislation and policies pertaining to fisheries and recommends that legislation and policies be put in place, which recognise the role of communities in resource management. It should be noted that countries like Zambia and Malawi have more progressive legislation and policies on fisheries, which have seen an improvement in the management of their fishery resources. Zimbabwe should emulate the same.

RUTI DAM AND ZIMBABWE'S FISHERIES

Zimbabwe is a land-locked country with no significant natural lakes. It however, has got numerous man-made reservoirs, which are mainly used for hydroelectric power generation, domestic purposes, and as an industrial resource. No reservoir was built specifically for fishery purposes.

There are more than 10 3000 dams in the country and 120 of these are classified as large dams, with lake Kariba being the largest dam.

There are 114 indigenous fish species and 30 exotic fish species in Zimbabwe's dams. It should be noted that 80% of the country's total fish production is on lake Kariba.

The common fishing methods are the hook and line, gill and seine netting, traps (plastic and basket), and scoop and cast nets.

Besides lake Kariba, catches from other reservoirs are estimated at 2000 tonnes per year. Catches from small dams constitute another 2 000 tonnes while river sand fish farms are estimated to yield another 1 000 tonnes of fish¹.

Ruti dam is regarded as one of the large dams in Zimbabwe. According to Mr Mudzi, the Senior Scout in the Masvingo Aquatic ecologist's office, the main fish species found in Ruti dam are the red breasted bream, white bream, (*omosambicus*), the lab-cylindricus, the seasonal limpopo sardine, eale, and cat fish.

7 -

It is difficult to estimate the quantity of fish, which Ruti dam can yield per annum because of the lack of organised fishing activities. Most of the fishing activities are done by individuals and virtually all the current fishermen operating on the dam are poachers in the eyes of the law.

Ruti dam is situated along the Nyazwidzi River, which runs along the boundary between Buhera and Gutu districts. As will be noted later, the dam's physical location has been one of the main reasons why it has lagged behind in terms of regular fish surveys, developmental projects beneficial to local communities, research on biodiversity and so on.

THE LEGAL REGULATION OF FISHERIES IN ZIMBABWE AND RUTI DAM IN PARTICULAR

Zimbabwe does not have a legislation dealing specifically with its fisheries. The resource is mainly regulated through the Parks and Wildlife Act, (Chapter 20:14) and as amended by the Parks and Wildlife Amendment Act No. 19 of 2001.

The Act itself regulates among other resources, national parks, wild animals, botanical gardens and botanical reserves, sanctuaries, safari areas, recreational parks and indigenous plants.

The overall authority to manage these resources is conferred on the Parks and Wildlife Management Authority established in terms of Section 3 of Act No. 19 of 2001. It replaced the Parks and Wildlife Board.

The statutory functions of the Authority include *inter alia*, the following: "*the conservation and utilisation of the wildlife resource of Zimbabwe, [and] the conservation and utilisation of the fish resource of Zimbabwe*"³.

- 8 -

In terms of section 83(1) of the Act, the Minister of Environment and Tourism, who administers the Act may, on the recommendation of the Authority, and by statutory instrument, "*declare any person to be the appropriate authority for any waters*".

The persons who have largely been designated to be the appropriate authorities for water resources are local councils and the Director of National Parks and Wildlife Management. For instance, the Mwarazi dam in Makoni is administered by the Makoni Rural Council, the Suri Suri dam by the Chegutu Rural Council, the Umguza upper dam by the City of Bulawayo while the Mazvikadei and Osborne Dams are administered by the Director of National Parks and Wildlife Management.⁴.

There is no record of any local community, or its traditional leadership having been granted appropriate authority status, whether on its own or in conjunction with another person or entity, such as a local council.

Appropriate authority status confers on the person certain privileges in terms of the Act. For instance, such a person may fish at any time in his/its waters, and may issue permits to other persons allowing them to fish in the waters⁵, is allowed to possess a fishing net without obtaining a permit⁶ and so on.

The Minister is empowered by the Act to control fishing activities in any dam in the interests of fish conservation which he may do by restricting or prohibiting fishing in such waters, and taking measures to increase or reduce fish populations in such waters.⁷

The Act stipulates that before controlling fishing activities in any waters, the Minister shall cause notice of his intention to do so to be published in the government gazette and any interested persons may file objections to the Minister who is obliged to consider such objections⁸.

9 -

The notion of public participation is espoused by the above provision. Though commendable in principle, the provision is worthless in the context of local communities who are usually affected by such decisions.

For a start, the local communities are not aware of their rights to challenge the Minister's intention to control their fishing. Further, the local communities do not have access to the government gazette where the notices are published.

Further still, the objections are determined by the same Minister who may have his own personal interests to safeguard. Politicians are not the ideal authorities to make decisions in the interests of sustainable development, and the interests of local communities.

Ruti dam for instance has been declared to be "controlled fishing waters" and there is restricted fishing allowed thereon. It was evident from the field research that the local communities were never informed nor aware of the Minister's intention to do so and were not aware of their rights to make representations in that regard. The only notification they had was the non-issuing of permits by the appropriate authority and the introduction of vicious crocodiles into the dam to curb poaching activities.

The Act also provides for the issuing of permits to fish in Zimbabwe's waters,⁹ provides for the need for a permit before one can catch and sell fish,¹⁰ controls the possession of fishing nets by persons,¹¹ and controls the fishing gear which can be used in Zimbabwe's waters.¹²

The Act provides penalties for any contravention of its provisions. Before the promulgation of Act No. 19 of 2001, the fines ranged from \$1 500.00 to \$8 000.00.

The fines have now been increased and now range from \$15 000.00 to \$80 000.00 and can be coupled with terms of imprisonment.¹³

10 -

While the imposition of criminal penalties can instill a sense of restraint in would be violators of the Act, it should be noted that in disadvantaged communities, there is a general ignorance about the provisions of the law. The end result is that offenders get to know about the gravity of the offences *post facto*, i.e. after conviction in court.

It should also be noted that the Act is silent about the fate of fines obtained from people who violate it. In such circumstances, the money would go to the national fiscus. There is, however, no reason why such monies should not be utilised to promote the interests of the fishery resources. The money can, for instance be used to increase the capacity of the appropriate authority to monitor the water resource and ensure its sustainable utilization.

The designated appropriate authority for Ruti dam is the Director of National Parks and Wildlife Management. Most of the work on the ground, however, ought to be done by the ecologist's department. Such work would include conducting surveys to keep records of the fish stocks, monitoring fishing activities and issuing permits to fishers. As will be noted below, authority over Ruti dam appears not to be clearly defined between the Masvingo Aquatic ecologist and Manicaland Aquatic ecologist with the result that neither of them appears to have taken an interest in ensuring that the dam is properly managed and regulated.

The Masvingo Aquatic ecologist's department indicated that it had not put in place any bye-laws pertaining to Ruti dam in particular. National laws, and in particular, the Act itself, were being used in monitoring the dam, for instance, to curb poaching activities and ensure the use of permissible fishing methods.¹⁴

It is clear from the above that the Zimbabwean laws on fisheries do not confer nor recognise the rights of local communities regarding local fisheries. Further, the law does

not in any way seek to empower them to participate in the management of the fishery resources in their immediate environments. It emerged from the field research that the

11 -

current management structure over most of Zimbabwe's fisheries, and on Ruti dam in particular, is fraught with problems most of which could be solved if local communities participate in the management of the dam resources. The problem is particularly attributable to the fact that while the country has developed a wildlife policy vis-à-vis local communities, that is, the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE), there is no such policy regarding fishery resources on a national scale.

Zimbabwe can use the CAMPFIRE principles as a starting point in developing a fisheries policy. The dictum behind CAMPFIRE is that "*those who pay the social cost of living with wildlife should reap the economic benefit*".¹⁵ The policy seeks to ensure that the management of wildlife is put in the hands of communities who live with it. The income from the wildlife goes to the communities' households to ensure that local people derive maximum benefit from the land they occupy which has a suitable habitat for wildlife. The programme is administered by Rural District Councils who are conferred with appropriate authority status in terms of the Parks and Wildlife Act. Despite the relative success of CAMPFIRE programmes it is sad to note that Zimbabwe has not developed a specific legislation to regulate the programme. Reliance is still had on vague provisions of the Parks and Wildlife Act which provide that Rural District Councils maybe conferred with appropriate authority status over certain areas of communal lands.¹⁶

It is not clear, thus, what rights the CAMPFIRE communities have in relation to the council with appropriate authority status, nor the appropriate authority's obligations and powers over the communities. It is also not clear why a Rural District Council, and not the affected community, should be conferred with appropriate authority status. It is accordingly submitted that Zimbabwe needs a specific legislation regulating CAMPFIRE and extending the programme to fishery resources. Zimbabwe lags behind countries like Zambia and Malawi which have developed sounder laws and policies on fisheries.

12 -

A BRIEF OVERVIEW OF MALAWI'S LAWS AND POLICIES ON FISHERIES

Malawi has well developed fisheries legislation and policy. The Fisheries Act was revised in 1997 to produce the Fisheries, Conservation and Management Act. In 1999, the National Fisheries and Aquaculture Policy was formulated.

The changes reflected *inter alia*, the need to take into account aspects of conservation and the involvement of resource users in resource management.

A policy called "Co-Management" was adopted which focuses on resource ownership, the devolution of power and participatory processes. Some of the main objectives of the policy are :-

- to promote fisheries and aquaculture in order to enhance the capacity of local communities, in partnership with the department of fisheries, to manage and regulate the utilisation of fish resources in Malawi;

- to provide the information necessary for sustainable exploitation, management and conservation of biodiversity and investment in the fisheries sector through appropriate biological, technological, sociological and environmental research programmes, and

- to increase and sustain fish production from small holder and large fish farming operations in order to improve fish supply in the country.

Malawi requested assistance from the Germany government for its programmes and this was granted leading to the formation of the National Aquatic Resources Management Programme (NARMAP) (usodzi walero in Chichewa, a local language), in 1997. The envisaged outputs of the programme include the establishment of functional

13 -

participatory fisheries management in pilot areas and the economic empowerment of communities and support to community self-help activities.

The new Act defines the management agreement between local Fisheries Management Authorities and the Department of Fisheries, specifically through a new section in the Act on local community participation. It makes provision for byelaws, the appointment of honorary fisheries officers with power to confiscate illegal gear and a fisheries fund for administrative purposes.

Co-management has been successfully implemented in various parts of Malawi for instance, on lake Malombo (where local Beach Village Committees participate in the enforcement of regulations) lake Chilwa and lake Chiuta.

Issues which are still of concern in the Malawi system pertain to resource ownership, the extent to which communities should be involved, and the demarcation of boundaries.¹⁷

Malawi's developed system is partly attributable to the fact that more than 50% of its land is under water and the local populace is heavily dependant on the fish resource for subsistence, whereas in Zimbabwe agriculture is the main activity and fishing supplements it.

Be that as it may, Malawi's experiences are invaluable to countries like Zimbabwe, which are still devising alternative resource management strategies in the face of the failure of state centered resource management.

THE FIELD RESEARCH ON RUTI DAM

One full week was spent by the writer conducting a field research in the villages specified above. Due to the political tensions currently gripping the country, the writer

14 -

could not spend a longer time there as some sections of the community were suspicious of political messages which could be communicated to the rural people by anyone from the urban centres.

The following information was obtained from the field research.

Benefits traditionally derived by the local communities from the Ruti Dam

It was observed that the main benefits derived by the villages from the dam are fish, water for livestock watering and vegetable gardening on the banks of the dam. The more enterprising individuals use canoes to ferry people across the Nyazwidzi river from Gutu district to Buhera or vice versa, and charge a fee.

The vegetable gardening enterprise is widely practised and villagers earn modest incomes from selling the vegetables in neighbouring communities. The villagers pointed out that the Natural Resources Department in Buhera monitors the vegetable gardens to ensure that they are not erected too close to the river which would lead to degradation and alluvial deposits into the dam.

Fishing is the main activity done by the communities on the dam. It ranges from the simple rod and line method, the use of fish nets and fish traps. The actual fishing is largely done by men while women process the fish and sell it in neighbouring communities to supplement foodstuffs from subsistence agriculture. The fish is also consumed domestically and is the main source of protein.

One fisherman, Mr Munaro Kichimani, pointed out that the fishermen usually work in pairs or in groups of up to four. The partnerships are loose ones and

15 -

can last a day, a week or months. It is therefore safe for each fisherman to have own equipment.

Net fishing is usually done overnight while the hook or line method is done during daylight. Trapping is a continuing fishing method and the fisherman checks the trap, which is left underwater, regularly for any catches.

On average, catches of about 20kg are obtained from an overnight fishing expedition. The main fish species caught is the white bream, cat fish and the lab-cylindricus.

Problems faced by the fishermen

The main hindrance to the fishermen's activities are the crocodiles which were reportedly deposited by the anti-poaching unit of the National Parks Department to curb poaching activities. The crocodiles have reportedly killed more than seven people over the last 24 months and maimed several others.

The fishermen say that it is now very risky to fish in the dam but for socio-economic reasons, they are prepared to take the risk.

The crocodiles also endanger and kill the communities' livestock, especially cattle and goats.

The communities are aware that their fishing activities are illegal and that permits are needed. They said that they had learned this fact over the years from experience, with encounters with National Parks' Officers and the arrests of some of them. They however pointed out that the department is not giving fishing permits and it does not have an office at a convenient place. Further and in any event, they do not see any reason why they should "buy" permits for

16 -

a God given resource and when there is no guarantee that they would get good enough catches to cushion them from the permit fees.

When it was explained to them that the permits were a way of controlling fishing activities to ensure sustainable exploitation of the resource and to avoid overfishing, the villagers argued that they were never informed of this rationale and in any event they had their own fish stock sustaining fishing methods such as using nets with large holes to ensure that the small fish is not caught and the custom against harvesting small fish.

Further, the villagers saw no reason why any fine levied from offenders should not be used on the dam. When explained that this was rooted in the nature of our criminal law system and the Parks and Wildlife Act, the villagers argued that the Act should be amended accordingly so that the fines proceeds are used locally.

The other drawback cited by the fishermen is the fragmented nature of the "industry". There is no central or institutional organisation for the fishermen. Each individual is responsible for his own fishing, processing and selling of the

fish. The fishermen lamented this scenario saying it affected their ability to realise more money from sales.

When it was suggested that they could form a cooperative, some of the fishermen were sceptical of the idea since they felt that some government department would control them and would want a stake from the business.

The fishermen were generally ignorant of the country's laws on fisheries and more particularly, they were ignorant of the Parks' department's position that the

17 -

dam was currently controlled fishing waters and fishing was restricted until further notice.

Suggestions by the community on Management of the dam

The villagers argued that there was no reason why they should not be involved in the management of the dam. They argued that rather than having crocodiles in the dam, the local people should police the dam, the government should put in place incentives to benefit the people so that they could have proprietorship over the dam's resources. The fishermen were the best people to monitor the dam as they knew the ways of the poachers. The fishermen generally agreed that there was need to ensure that the fish stocks were sustainable at all times but they would need assistance in doing surveys on the biodiversity.

The fishermen agreed that the community management could be centered on an organizational structure like a cooperative for local fishermen with exclusive rights to fish on a certain portion of the dam. In discussions with the community, it was generally agreed that this would be a better way of controlling fishing activities as long as technological assistance on determining fish levels could be obtained. Fish yields would then be controlled from a central

structure. The greater surrounding community would benefit in that they would have a more reliable source from which to buy fresh fish at affordable rates.

The idea of forming a cooperative was also acceptable to the Aquatic Ecologist's office in Masvingo. Mrs Mangwaya pointed out that there are records of a cooperative having been formed on the Gutu side called the Domborevazungu fishing group whose permit was last reviewed in 1995. She was not aware whether the cooperative was still existing. She indicated that a new cooperative would accordingly be welcome.¹⁸

- 18 -

The Buhera Rural District Council indicated that there is no fishing cooperative operating on their side of the dam. Mr Chad Dube, the Projects Planning Officer indicated that the council was not involved in the management of the dam and that it had recommended the registration of a fishing cooperative but when the fishing permit was applied for, the

Parks Department in Mutare declined to grant it on the basis that they were still building fish stocks up to the desired level before granting fishing permits. He indicated that the council would support the institution of organised fishing in the dam. On an interesting note he pointed out that the council is planning to put in place a cultural tourism project at Matendera ruins, which is 7 kilometres to the north-east of Ruti dam. Activities would include knitting of chalets for sale and cultural dances.¹⁹

It is clear that all the stakeholders agree that a community based management regime would be a better and more rewarding alternative to the current top-down system where all the management is implemented by government departments.

Before analysing the alternative community based management regime in greater detail, it is necessary to analyse the current regime and highlight its weaknesses.

SHORTCOMINGS OF THE CURRENT FISH MANAGEMENT REGIME AT RUTI DAM

The clearest pointer to the failure of the state based management system is the loss of life due to crocodile attacks.

The noble intention of conserving fish species in the dam can never justify the loss of life. It is therefore important to address the cause which forces the local fishermen to risk their lives in the face of the vicious crocodiles, that is, the people's socio-economic interest. Any successful management regime has to have this dimension.

19 -

The main reason cited by the Masvingo Aquatic ecologist for failing to monitor the dam is the lack of resources. She complained that her department has inadequate manpower and only one vehicle. She herself had not been able to visit the dam site since 1995 when she assumed office. Ideally, her officers should visit the dam once every month to conduct fish surveys.

An ecologist from the Nyanga fisheries research unit, Mrs Musakwa pointed out that the problem with Ruti dam is that it is located on the boundary for Gutu District (in Masvingo province) and Buhera (in Manicaland province). The tendency appears to be that the authorities in either province tend to rely on the other in managing the dam. It appears not to have been clearly defined as to which province should manage the dam. There is a loosely defined co-management structure between the provincial parks' departmental offices.

Mrs Musakwa further pointed out that the main problem hampering progress on the Manicaland side is that the province does not have an independent fisheries unit to research on and monitor the dam. The only unit is Manicaland in the Nyanga fisheries unit which focuses mainly on the trout fish found in Nyanga.²⁰

In addition to the institutional problems in the Parks department, the other shortcomings of the management structure lie in the failure to harness the energies of local communities in the management system, nor to consult them. A management structure which gives the local communities a role to play in collaboration with government departments would be cheaper to implement and it is likely to be more successful than the heavy handed actions of the Parks Department which would only serve to make it the most hated government department in the fishing villages.²¹

Isaac Malasha²² notes that the reasons why laws and bye-laws are disregarded by fishing communities vary from historical to socio-economic reasons. The fishers say some laws are unrealistic and do not take into account their problems and needs while

20 -

the authorities say that the fishers are irresponsible people, who do not care about sustainability of the fish resources.

Some of the socio-economic reasons are that poaching is better than stealing, that there is a tempting ready market for fish coupled with the harsh living standards in the communities where alternative means of survival are very limited.

The conclusion is inescapable that in Zimbabwe, the laws and regulations are not sufficient tools for safeguarding the fish resources against depletion. Rather they should be used as a part of a more comprehensive management scheme.²³

The challenge is on devising the ideal scheme which takes into account the socio-economic interests of local communities and the need to manage the resources sustainably.

RECOMMENDATIONS

On a national scale, there is a need to revamp the country's laws on the fishery resources. Zimbabwe needs a legislation dealing specifically with fisheries and the legislation should incorporate a fisheries policy which recognises that local communities have rights to the resource and they should be involved in the management thereof to achieve sustainability. It is hoped that when the local communities are thus involved they will have a sense of proprietorship over the resources and will not utilise them unsustainably.

Further, a fisheries specific legislation will have the advantage of doing away with the overlap of functions between provincial departments of parks departments as is the case on Ruti dam.

Zimbabwe has the advantage of learning from the experiences of Malawi which has reformed its laws and enjoyed some success with co-management.

21 -

Before a community based management regime is put in place, Zimbabwe needs to deal carefully with problems of human resources constraints, inadequate financing arrangements, inefficient management structures and weak management systems which variously contribute to community based organisations' inability to effectively and sustainably manage natural resources. For the decentralisation and devolution to be complete, there is accordingly need to invest in human capital, institutions and practices.²⁴

Professor Murphree postulates that rural communities should be empowered in either of three ways, viz, :

by changing the law, permitting conferment of appropriate authority status directly on the producer/ local communities, instead of local authorities such as the Rural District Councils, or

use of current legislation such as the Companies Act, or Co-operative Societies Act to allow local communities to form institutions with authority to determine the management and use of their resources.

district councils with appropriate authority over resources should delegate that authority to producer communities and retain safeguards as are necessary to ensure that their statutory responsibilities are fulfilled.²⁵

It is suggested that the 3 modes above can be harmonised in successive stages of the process of devolving power to local communities depending on the position obtaining for each set of circumstances. For instance, where a Rural District Council is already appropriate authority, it can delegate its power while retaining certain safeguards to ensure that the resource is sustainably exploited. If the arrangement turns out to be viable, the law can then be amended to confer appropriate authority on the localised institution and remove it from the Rural District Council. There may not even be a need to amend the law for the conferment of appropriate authority status since S.83(2) of the Parks and Wildlife Act empowers the Minister to change the appropriate authority for any waters.

22-

It should be emphasised that in the formative stages, the local organisational structure to be formed should be linked to established institutions, e.g. local non-governmental organisations for natural resource policy interpretation and representation at the national fora and technical assistance. This would also help the community structure to develop organisational structure and stability for self regulation when it enforces its own self-made norms.

In the case of the Sunungukai camp in Zimbabwe, four local institutions were involved, i.e. the local community, the CAMPFIRE ASSOCIATION, Zimbabwe Trust and the Uzumba Maramba Pfungwe Rural District Council.

The state has now conferred appropriate authority to the local community which in turn formed the Sunungukai Management Committee- which is responsible for enforcing locally developed rules and regulations, for instance, the prohibition of any fishing method other than using a single hook fishing line and the restriction of fishing to local people.

The challenge here is for local environmental organisations to work with local communities in building suitable alternative resource management strategies which emanate from the community.

Zimbabwe should also develop a fisheries policy which takes into account the socio-economic interests of the local communities while at the same time emphasizing the need for sustainable exploitation. There should be two stages in the devolution of authority to local communities. The first stage should be the creation of a community based management regime in which the local community directly participates in the management and also reaps benefits from the resource. Such a scheme would be along the lines of the one developed at Sunungukai camp.

The Second stage should be implemented after the community has successfully developed a management arrangement which is effective in enforcing locally developed

23 -

rules governing the resources. This stage will involve the recognition by the state of the local community as the owners of the resources. The community should have property rights over the fishery resources. In the case of Ruti dam, the community in question

should have their property rights over their own portion of the dam recognised by the law. It is further suggested that this second stage should also be implemented in CAMPFIRE programmes as a follow up to the first stage of mere community participation.

The main advantage of recognising the community's property rights is that it will make the local people utilise the resource sustainably as there will be no threat of deprivation by state authorities.

The challenge of delimiting communities should be left to the communities themselves. This can be done using for instance, the spatial distribution via the village system. It is important to ensure that the community based management initiative is not manipulated to benefit other stakeholders different from the local communities. The implementation should reflect a genuine desire to involve the local communities and to enhance their meaningful participation in accessing and managing the resources.

The national policy and laws should also put a direct obligation on the relevant government department to ensure that surveys of the fishery resources are constantly undertaken to determine the species and stock levels from time to time. Such information would help the communities in determining the sustainable number of fishermen, the number of fishing licences to be issued and the fishing technology to be used. The absence of data on the biomass of Zimbabwe's reservoirs is prevalent,²⁶ yet the information is relevant to enable the communities to constantly take into account the variability of the fishery resource. In due course the communities should pay for the expert services of the ecologists since they would be the owners of the resources.

24 -

CONCLUSION

The rationale behind fisheries management is to maintain optimum sustainable yields of fish population by promulgating and enforcing conservation principles.²⁷ The current approach in Zimbabwe of having state departments solely involved in the management, save for isolated cases where communities are involved, has proved inadequate. There is an urgent need to espouse a national policy which emphasizes the participation of local communities in fisheries management. Environmental groups with the interests of local communities at heart should play a leading role in the development of the policy. Although countries like Malawi have made progress with the "co-management" principle embodied in its legislation and national policy, it is recommended that Zimbabwe should go further and implement a CBPR regime in which the local communities get to own, and manage the fishery resource with the assistance of experts from government departments. It will not be adequate for the success of the initiative to simply change our laws and devise the policy. Genuine participation of all stakeholders is needed, that is, the local communities, the state, environmental organisations and others. A community centered natural resources management regime not only provides a viable alternative in the face of an incremental trend in the violation of state regulatory arrangements and mechanisms in the fisheries as well as the state's failure or diminished capacity to maintain the regulatory system in place, but it also recognises that the communities have rights over the resources and these rights deserve recognition by the state.

END NOTES

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<http://www.fao.org/fi/fcp/FICP - ZWE - E.aspx> visited 2/04/02.
Data obtained in an interview with Mr Mudzi on 24 April 2002.
See section 4(I)(b)(ii) and (iii) of Act No. 19/2001.

25 -

See the schedule to the Parks and Wildlife (Appropriate Authorities for Waters) Notice, 1981 as amended by Statutory Instrument 118/81, S.I. 31/85, and S.I. 116 of 1993.

5. See Section 86 of the Parks and Wildlife Act, (Chapter 20:14).

Section 91(I)(c) of Cap 20:14

Section 84 of Cap 20:14

See the proviso to S.84(I) of Cap 20:14

In terms of section 85 of Cap 20:14, the general rule is that no person may fish in any waters unless he has a permit. The Minister may however, specify in a notice, waters for which a permit is not required.

See section 90 of Cap 20:14.

See section 91 of Cap 20:14

12. See section 93 of Cap 20:14

13. See section 128 of Cap 20:14 and section 19 of Act No. 19/2001.

Information obtained from Mr Mudzi on 24 April 2002.

See Simon Metcalfe - "*An Analysis of the Policy of Wildlife Management in Zimbabwe's Communal lands*" 1991 (Zimbabwe Trust) at page 9.

See for example S.108 of Cap 20:14

See S Johnson *et al* : *Community management of fisheries* (2000)

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See I Malasha *Socio-economic studies in the in shore fishery of lake Kariba - a synthesis* 1998 (cass).

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27 -

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TABLE OF CONTENTS

1.	Executive summary	2 - 3
2.	Delimitation of field research area	3
3.	Methodology	3 - 4
4.	Significance of the study	4 - 6
5.	Ruti dam and Zimbabwe's fisheries	6 - 7
	The legal regulation of fisheries in Zimbabwe and Ruti dam in particular	7 - 11
7.	The brief overview of Malawi's laws and policies on fisheries	12 - 13
8.	A field research on Ruti dam	13 - 18
	Shortcomings of the current fish management regime at Ruti dam	18 - 20
10.	Recommendations	20 - 23
11.	Conclusion	24
12.	End-notes and Bibliography	24 - 27