

COMMONS FORUM *RESPONSE*

Response to: Institutions for the Management of Common Pool Resources in African Floodplains: The AFWeP Research Project, by Tobias Haller

Opening up the CPRs: Institutional Change and the State in Kafue Flats, Zambia

Tobias Haller, University of Zurich, Switzerland

Sonja Merten, Institute for Social and Preventive Medicine, University of Basle

Common Pool Resource (CPR) Management among the Ila, Balundwe-Tonga and Batwa in the Kafue Flats is an example of how the State has intervened with locally developed institutions for the management of fisheries, wildlife and pasture and how it has created open access situations. Local stakeholders would like to re-establish old rules or new regulations but outsiders consider that, as Zambians, they are allowed by the state to get access under formal laws. But the State is absent when it comes to the enforcement of these laws.

We are sitting in a traditional house of a Ila/Balundwe chief in the Kafue Flats, a floodplain of about 6,500 km² in the Southern Province of Zambia. The area had once been rich in fish, wildlife and pasture. Now the situation is different: local people are facing a food crisis. We are here to see one of the chiefs because we want to explain to him our research objectives. We would like to know more about old institutions governing CPRs, especially fish, wildlife and pasture, and how they have changed. As we finish the Chief stands up: "Please wait here for me", he says and leaves the room. After two minutes he returns, holding a piece of black cloth in his hands. "There are people from other areas of the country coming here and fish with this kind of net in the Kafue area. We cannot do anything!" During our research it becomes clear that people from the Fishery Department cannot interfere because they do not have transportation.

This is the classic situation in the Kafue Flats today, which is inhabited by the transhumant Ila and Balundwe pastoralists (also practising agriculture), Batwa fishermen, and now also by Tonga peasants in the South and Lozi commercial fishermen in the North. The economy of the Ila and Balundwe is mostly based on cattle, which is also the foundation of their identity. Nevertheless, agriculture, fishing and hunting are important. They are organised in territorial areas (*chichi*) and were historically living in fenced big villages with big-man like headmen as a protection against slave raiding groups (Lozi-Kingdom). Access to CPRs such as pasture, fish and wildlife was embedded in the local traditional land tenure system: All the resources in such a territory were CPRs under the spiritual ownership of a headman or several headmen. In the territory Mbeza (Chiefdom Nalubamba), where the main research took place, the first ones to settle in the area were the Batwa (resembling the San), who stayed on the levies at the Kafue River and control the fisheries (river sections).

Fishing in breeding season of spawning places of bream fish and use of nets were not allowed and rituals had to be performed for fishing. According to the Batwa, not respecting such rules would make ancestral spirits angry: spirits would either not let out fish or attack by crocodiles or hippos. In the 18th and 19th centuries, cattle herding groups began immigrating. The first of these immigrants - an Ila man - intermarried with the Batwa and started to control the best pasture and hunting rounds in the area as well

as fishing grounds. After a series of conflicts, regulations were set whereby access to pasture, fish and wildlife was controlled.

Only members of an area could get access to cattle camps. Fishing was based on clear regulations adapted to flooding patterns. Collective fishing in tributaries especially was monitored by ritual supervisors (*utamba*), responsible for private pasture because now they can get leasehold titles. So, one is faced with privatisation on one hand (reducing the area for other local pasture users), with open access for wealthier cattle owners on the other. All of these developments lead to a series of conflicts between local people, external fishermen, poachers and game scouts as well between cattle owners and people wanting to use the flats for agriculture. In most of the cases, outsiders have greater bargaining power than locals. In the fisheries, this leads the locals to blame the immigrant ethnic groups for their problems. Generally, locals are not just against outsiders as old reciprocity rules show, but against “newcomers who just fish anyhow.”

This is a classic example because it shows how total State involvement disconnects local people from CPRs and when the State’s institutions are not robust, open access and privatization constellations occur. Use and management of CPRs are in the hands of outsiders who claim to have access rights because they are citizens of the state. They can misuse this ideology because the state is absent. In order to reintroduce local power there are attempts based on local initiatives in collaboration with the local Department of Fisheries. A pilot project for the development of local by-laws (in addition to the national fisheries law) has been started now based on local demands and on our research results. The project is financed by the World Fish Center (a CGIAR organisation). The aim is to help mitigate these problems by establishing a locally crafted co-management system of CPRs.

hallerto@yahoo.com sonja.merten@unibas.ch