

The Theory and Practice of Governance of Water Resources in Zimbabwe¹

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Abstract

Since independence in 1980, agricultural land reform in Zimbabwe has been and continues to receive extensive discussion, although the question of how the distributed land will be governed has not been spelt out adequately. This article examines the issue of governance of water resources in Zimbabwe since water and land are complementary in agricultural production. The question being addressed is whether the theory of governance of water resources, as laid out in the new water legislation, is leading to a betterment of the management of water resources in the country. The analysis is based on recorded meetings of the Save Catchment Council and two of its subcatchments, the Odzi and Upper Save, representing the new institutions created to ensure local participation in the management of water resources. The analysis focuses on the functions and responsibilities assigned to the institutions, the power and authority that they are allowed to wield and their capacity in relation to information, knowledge, and skill base. The article shows that the issue of governance of water resources in Zimbabwe is imbued or endowed with a lot of theory, which is difficult to follow in practice. For example, it has not guaranteed the empowerment of all stakeholders. There is a need to revisit some of the regulations to make them facilitate good governance of water resources through strong local participation.

Introduction

Since independence in 1980, the Government of Zimbabwe has taken steps to ensure that the formerly disadvantaged Black majority population, constituting about 99 percent of the country's 13 million people (CSO 1992), access productive resources such as land and water. In this regard, land reform has been and continues to be a very prominent public issue, and has, deservedly, received extensive discussion, albeit from different theoretical perspectives (see for example Moyo 1986, Bakare 1993, Rukuni 1994, Moyo 1995, Tshuma 1997, Mararike 2001). The question of how the distributed resources will be governed has, however, not been spelt out

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adequately. For example, the government-appointed *Commission of Inquiry into Appropriate Agricultural Land Tenure Systems* (Rukuni 1994) did not result in a change of governance² of land. Today, provisions for the governance of land are scattered in several pieces of legislation such as the Communal Land Act (Zimbabwe 1982), Traditional Leaders Act (Zimbabwe 1998a), and Rural District Councils Act (Zimbabwe 1988). Until such a time that the dust over the current land reform programme has settled, there is little point in attempting to analyze the issue of how land is governed. This article, therefore, examines the issue of governance of water resources since water and land are complementary in agricultural production.

An examination of the governance of water resources is worthwhile, as there is a water governance crisis in the world (Global Water Partnership 2000). Literature on governance of natural resources that fall into the category of multiple use common pool resources, such as water, has highlighted the criticalness of putting in place clear governance structures and mechanisms in relation to the utilization of the resource. A direct relationship between good governance and the sustainability with which that resource is utilised has been suggested (see for example Ostrom 1992, Edmunds and Wollenberg 2000). Good governance has also been seen as delivering political dividends at the societal level. When people participate in decision-making over issues affecting them, participatory democracy is achieved (Rowlands 1996). In turn this nurtures self-reliance and self-esteem as people feel that they are engaged in their own projects, which may lead to financial and material rewards accruing to the participants (Hartwig 1999).

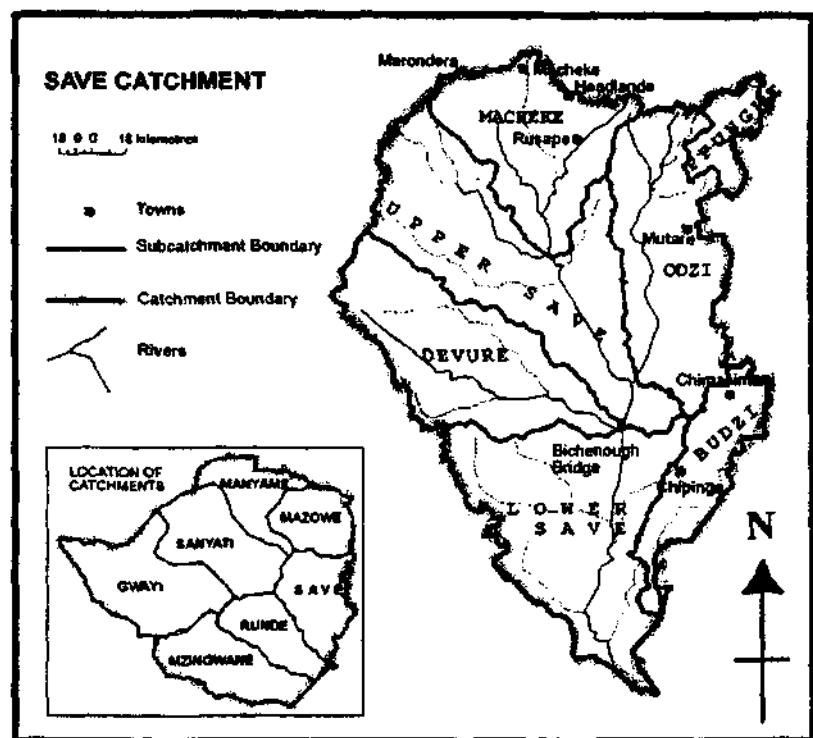
The question being addressed in this article is whether the theory of governance of water resources, as laid out in the Water Act (Zimbabwe 1998b) and the Zimbabwe National Water Authority Act (Zimbabwe 1998c), has resulted in betterment of the management and use of the country's water resources. A unique feature of the new water legislation was the provision for involving users of water in the decision-making process, through catchment and subcatchment councils, which represented a marked improvement from the 1976 Water Act (Zimbabwe 1976).

Catchment Councils are statutory bodies created as platforms for different stakeholders to consult and collectively manage water resources in a catchment area. Catchment boundaries straddle provincial and district boundaries, as they are based more on the major river systems than on political administrative boundaries. The country was divided into seven

2. The concept of governance refers to the task or process of running a government or any other appropriate entity. Implicit if not explicit in this perspective is a call for liberalization and democratization (Hyden 1992).

catchment areas, namely Save, Sanyati, Mazowe, Runde, Mzingwane, Gwayi and Manyame (Figure 1). Each catchment area is under the management of a catchment council that consists of the chairpersons and vice-chairpersons of all the subcatchment councilors in the subcatchment area. This article focuses on how catchment and subcatchment councils, established in 1999, conduct their business.

Figure 1: Save Catchment Area and its Subdivision



Analytical Framework and Methodology of the Study

Axes of the Study

Governance of water resources is analysed in this article by juxtaposing the responsibilities of catchment and subcatchment councils, as contained in the legal framework, and the realities these new institutions face on the

ground. This means looking at the degree of decentralization/devolvement³ of authority and responsibility to stakeholders, meant to empower communities to manage the resources that they use. According to Friedmann (1992) and Farrington *et al* (1993) an empowering approach emphasizes decision-making autonomy, self-reliance and participatory democracy. Decision-making autonomy refers to a state where all stakeholders are able to make crucial choices concerning their affairs or resources, which can assist them in local development (Rowlands 1996: 87). Self-reliance refers to a situation where stakeholders are able to function or direct their own affairs without depending financially and materially on the help of outsiders (Hartwig 1999: 58). Viera (1991: 17) defines direct (participatory) democracy as a process based on the stakeholder's real participation in managing, shaping and benefiting from local development.

The discussion in this article revolves around two axes. First, the relationship between the state and the user community is examined, paying attention to how much space was provided for the community to pursue and protect their interests as far as water resources are concerned. Second, the intra-relationships between and among the user community are scrutinized to see how the interests of different stakeholders are reconciled. The new institutions are evaluated with respect to a) the scope of functions and responsibilities assigned to them, b) the power and authority that they are allowed to wield (which touches on the degree of autonomy), and c) information and knowledge (Manzungu 2002).

The Study Area

The evidence for the study was gathered from Save Catchment Council. The Save catchment area is characterised by a diversity of water uses and users (van der Zaag, Bolding and Manzungu 2001). The Catchment Council

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3. There are four forms of decentralization namely devolution, deconcentration, delegation and privatization. Devolution, which has been adopted by the Zimbabwe government in the management of natural resources including water, involves the creation of subnational units of government whose activities are outside the direct control of central government. These local units are largely autonomous and they constitute distinct legal entities from the central government. Deconcentration entails the spreading of facilities or functions from central government to sub-units in an effort to improve the effectiveness and efficiency of a delivery system. Delegation involves central government transferring specific duties and functions to subordinate administrative units in the form of public corporations, regional development agencies and various parastatal agencies. Privatization comes about when central government or local government divest itself of responsibility for certain functions and transfers them to public or private institutions which then perform functions that were previously performed by or regulated by central or local government (Manyurureni 1995).

area covers some parts of the three provinces of Manicaland, Mashonaland East and Masvingo. There are seven Subcatchments that fall under the Save Catchment Area, namely the Odzi, Upper Save, Lower Save, Macheke, Pungwe, Devure and Budzi (see Figure 2). Specifically the material for the study was gathered from the Odzi and Upper Save, which as described below, have a number of contrasting characteristics.

The Odzi Subcatchment area spans over five rural districts in Manicaland province, namely Nyanga, Makoni, Mutasa, Mutare and Chimanimani (Kujinga 2001). The population of the Odzi Subcatchment area varies slightly from the one shown in Table 1. This is because the national census, upon which the figures are based, was taken on the basis of administrative districts, which as already said, do not coincide with subcatchment boundaries. For example, some parts of districts such as Chimanimani and Nyanga are in Lower Save and Mazowe respectively. The Upper Save Subcatchment area covers the rural districts of Buhera (in Manicaland), Chikomba and Hwedza (both in Mashonaland East). The population of the rural districts that fall under the Upper Save and Odzi Subcatchment area is shown in Table 1.

There are some 1 365 water permits with a combined volume of 660 715 megalitres (ML) in the Odzi Subcatchment. The Upper Save area, on the other hand, has 232 water permits. The combined volume is 41 439, which is 16 times less than that of the Odzi Subcatchment.⁴ Figure 2 shows that there is more commercial farming in the Odzi area.

Table 1: Population Distribution in the Odzi and Upper Save Subcatchment Areas

Subcatchment	District	Population
ODZI	Nyanga	128 439
	Makoni	242 611
	Mutasa	163 812
	Mutare	131 808
	Chimanimani	110 836
	Total	777 506
UPPER SAVE	Buhera	203 909
	Chikomba	124 745
	Hwedza	69 981
	Total	398 635

Source: CSO (1992)

4. This information was obtained from ZINWA headquarters.

Act [Chapter 20:25] in 1998.⁵ According to the Water Act [Chapter 20:24], it is the responsibility of the minister to:

- Fix the number of members representing water users in the river system who shall constitute the Catchment Council and the manner in which they are elected or appointed,
- Assign a name to the Catchment Council,
- Prescribe the procedure at the meetings by the Catchment Council in discharge of its functions, and
- Fix the remuneration and allowances payable to members of a Catchment Council from funds allocated from the Water Fund.

Catchment Councils are supposed to:

- Prepare an outline plan for its river systems,
- Determine applications and to grant permits for water use,
- Regulate and supervise the use of water,
- Supervise the performance of Subcatchment Councils, and
- Resolve conflicts among water users (Zimbabwe 2000a).

Statutory instruments 33 and 47 of 2000 define a stakeholder as any person under the jurisdiction of the Catchment/Subcatchment Council who has an interest in water. In practice, the main stakeholder groups constituting membership of Catchment and Subcatchment Councils include Rural District Councils (RDCs), communal farmers, Zimbabwe Farmers Union (ZFU), resettlement farmers, Small-scale Commercial Farmers (SSCF), Commercial Farmers Union (CFU), Indigenous Commercial Farmers Union (ICFU), urban authorities, large-scale mines, small-scale mines, industry and any other stakeholder group the Subcatchment Council may identify.

Subcatchment Councils

Subcatchment Councils have jurisdiction over subcatchment areas. The composition of subcatchment councils does not differ from that of catchment councils. Subcatchment Councils consist of elected representatives from all the stakeholder groups. The maximum number of the representatives per catchment or subcatchment council is 15. Stakeholder representatives on the subcatchment councils elect their own chairperson and vice-chairperson who then represent them on the catchment council. The functions of Subcatchment Councils are given as follows:

- Regulate and supervise the exercise of permit allocation including groundwater use,

5. The functions of ZINWA are to advise the Minister on the formulation of national policies and standards on water resources planning, management and development, water quality and pollution control and environmental protection, hydrology and hydrogeology, dam safety and borehole drilling and water pricing (see Zimbabwe 1998b).

- Monitor water flows and use in a catchment council in accordance with the respective allocations,
- Promote catchment protection,
- Monitor waste discharge,
- Assist in data collection and participate in catchment planning,
- Collect rates and fees, and
- Collect levies (Zimbabwe 2000b).

The Minister of Rural Resources and Water Development has powers to abolish a catchment council or subcatchment council, alter the area for which it was established and to change the membership or the name of the Subcatchment Council (Zimbabwe 1998b).

Catchment Outline Plans

According to the law, catchment outline plans should:

- Indicate major water uses,
- Proportion of the potential yield allocated to different water uses,
- Indicate maximum permissible levels of exploitation of water and relevant quality standards,
- Phasing of any development and priority of that proposed development,
- State the relationship of the development proposals with neighboring river systems,
- Identify reserved areas for dams and water for future use and benefit for the environment,
- Indicate priorities in utilization and allocation of water taking into a Catchment Council or policy guidelines provided by the minister, and
- Provide for changes in priorities of use due to the availability of water or social or economical priorities (Zimbabwe 1998b).

The Ministry of Rural Resources and Water Development approves catchment outline plans.

Operational Rules of Catchment and Subcatchment Councils

The operational guidelines of catchment and subcatchment councils are contained in the Water Act and in some statutory instruments. This section outlines some of these operational rules.

Stakeholder representatives of the catchment and subcatchment councils are supposed to hold office for a term of three years. Statutory instruments 33 and 47 of 2000 further state that among those chosen at the inaugural general meeting, one third of them have to vacate office at the first annual general meeting (AGM). The other one third will vacate office at the second AGM with the remainder vacating office at the third AGM (Zimbabwe 2000a, Zimbabwe 2000b).

If a stakeholder representative wants to resign from the catchment or subcatchment council, he or she has to write a letter of resignation to the chairperson. A representative who absents himself from three consecutive meetings without previously obtaining leave of the catchment or subcatchment council, will have his/her position declared vacant.

A catchment or subcatchment council is required to give notice of every meeting to each representative, giving date, time and place of the meeting, together with the agenda, at least 14 days before the date of the meeting. Catchment and subcatchment councils are not supposed to discuss any matter that is not on the agenda unless at least two thirds of the members present agree to the matter being discussed. Two thirds of the members of a catchment council or subcatchment council constitute a quorum (Zimbabwe 2000a, Zimbabwe 2000b).

Between the 1st and 31st of October of each year, catchment councils and subcatchment councils have to convene their AGMs. The main purpose of each of them to hold AGMs is to receive and consider the chairperson's report, consider the adoption of the financial statement of a (sub)catchment council, elect members to fill any vacancies and to transact any business that may be appropriate (Zimbabwe 2000a, Zimbabwe 2000b).

Applications for water permits are forwarded to the catchment council for consideration. Applicants pay a fee of Z\$2000 to ZINWA in order for their application forms to be processed. The various monetary payments are set by the Minister, in consultation with the catchment council.

Statutory instrument 47 of 2000, section 14, sub-sections 1 and 2, stipulates two requirements which have to be fulfilled before a water permit is approved by the catchment council. The stipulations are that:

The Catchment Council shall notify . . . any other persons whose interests are likely to be affected by such application and shall be given a period by which objections and comments may be lodged.

An applicant shall be allowed time to make representations before a catchment council at a place and time and date set by the Council.

The next section examines how the new water institutions have conducted their business.

The Conduct of Catchment and Subcatchment Council Business

Attendance at Meetings

Table 2 shows that attendance at meetings by stakeholder representatives between July 1999 and November 2001 was generally low. A number of stakeholder representatives failed to attend meetings without excusing themselves. Although some of the representatives were reprimanded for absenteeism, none were ever dismissed for being absent for three consecutive meetings.

Table 2: Attendance of Save Catchment Council Meetings

Subcatchment Council	Percentage of Meetings Attended
Odzi	61
Devure	68
Budzi	42
Pungwe	25
Upper Save	32
Lower Save	26
Macheke	55
Ex-officio members	38

Source: Save Catchment Council Records

Out of the seven subcatchment councils in the Save Catchment area, only three representatives attended about 50% of the scheduled meetings. None of the subcatchments had an attendance above 70%. Beyond these aggregate figures, it is important to find out the attendance patterns of the different stakeholder groups. This can be obtained by examining the attendance records of the Odzi and Upper Save Subcatchment Council meetings. Table 3 shows that the Odzi and Upper Save Subcatchment Councils meetings were generally poorly attended by all the stakeholder groups.

Table 3: Percentage Attendance of Odzi and Upper Save Subcatchment Councils Meetings

Sector	Percentage of Meetings Attended	
	Odzi	Upper Save
CFU	68	7
Subcatchment Council	25	0
ICFU	60	21
Traditional leadership	35	29
Small-scale irrigators	28	68
Forestry	33	0
RDCs	10	90
Mining	15	46
ZFU	53	57
City of Mutare	15	N/A

Source: Odzi and Upper Save Subcatchment Council Records

Both Odzi and Upper Save Subcatchments had only three stakeholder representatives who managed to attend more than 50% of the scheduled

meetings. In Odzi, the Commercial Farmers Union (CFU) attended the greatest number of meetings. The sector representatives who attended meetings regularly were also the same people who dominated the proceedings in both catchment and subcatchment council meetings (see Table 4 and 5).

The Commercial Farmers Union recorded a low percentage of attendance in the Upper Save Subcatchment Council. The individual representing the CFU also sits on the ZINWA Board, which raises the possibility of the individual being over committed. The low number of commercial farmers in the area may also explain the low attendance.

Rural District Councils in Upper Save had the highest attendance. This could be attributed to the fact that both the chairperson and the vice-chairperson were stakeholder representatives from RDCs and saw themselves as being obliged to attend most of the meetings. The attendance of the Zimbabwe Farmers Union (ZFU), which represent communal farmers in both subcatchment councils, was average.

The Issues

Overview of Contributions

Table 4 and 5 show the pattern of contributions in the Save Catchment Council and in the Odzi and Upper Save Subcatchment Councils meetings.

Table 4: Stakeholder Participation in Save Catchment Council

Issue	Frequency of Contribution (%)					Lower Upper	
	Odzi	Devure	Macheke	Budzi	Pungwe	Save	Save
Catchment finances	11	0	0	0	0	0	0
Travel and subsistence allowances	5	2	2	0	1	0	0
Levies	4	0	1	0	0	0	0
Water Permits	2	0	3	2	1	0	0
Outline Plan	5	0	1	0	0	0	0
Subcatchment reports	9	11	13	9	2	13	14
TOTAL	36	13	20	11	3	13	14

Source: Save Catchment Council Records

Table 4 shows that Odzi representatives tended to contribute in almost all the above issues. Incidentally, the chairman of the Odzi Subcatchment Council was also the chairman of the Save Catchment Council.

A number of subcatchment council representatives mainly contributed when it came to giving subcatchment reports as each subcatchment was required to give a report at the full Save Catchment Council meeting. However, as can be seen from Table 4, not all Subcatchments were able to give reports on each and every meeting of the Catchment Council.

Table 5: Number of Contributions per Stakeholder Group in the Odzi and Upper Save Subcatchment Council Meetings

Issue	Sector	Odzi	Upper Save
Subcatchment Council finances	CFU	13	0
	ZFU	1	0
	RDC	0	1
Travel and subsistence allowance	CFU	5	1
	RDC	0	0
Water levies	CFU	7	0
	ZFU	3	
Meeting attendance	CFU	3	
	RDC	0	3
Water permits	CFU	4	0
	Small-scale irrigators	1	0
	ZFU	0	1

Source: Odzi and Upper Save Subcatchment Council Records

Most contributions in the Odzi meetings were made by the CFU representative(s). There was very little debate in the Upper Save Subcatchment Council. It can safely be concluded that there was not much debate on different issues that took place in both Subcatchments.

Travel and Subsistence Allowance

The issue of travel and subsistence allowances was raised or 'debated' on a number of occasions in the meetings of the Save Catchment Council as well as the Odzi and Upper Save Subcatchment Council meetings. All the three institutions faced problems with paying stakeholder representative travel and subsistence allowances between July 1999 and October 2000. In fact, all failed to hold their monthly meetings due to the unavailability of travel and subsistence allowances. For example, the Save Catchment Council managed to hold only one meeting in 1999, after the inaugural meeting. In one of the meetings the chairperson of the Catchment Council appealed to representatives to use their money to come for monthly meetings. He told

them that their money would be reimbursed when the Catchment Council finds a donor.⁶ In time, the Swedish International Development Cooperation Agency (SIDA) provided financial assistance amounting to Z\$12 390 345 to the Save Catchment Council and its affiliate Subcatchment Councils.

When the Save Catchment Council and the Odzi Subcatchment Council started paying travel and subsistence allowances, minimum amounts were paid so that some of the available money could be used for other things. At the beginning of 2000, the Save Catchment Council paid Z\$4.00/km regardless of the mode of transport used. In February 2001, the allowance was raised to Z\$6.00/km and to Z\$15.00/km for those using their own vehicles and Z\$7.50 for those who used public transport. In June 2001, the Catchment Council started paying subsistence allowances of Z\$300 per meeting.⁷ Subsistence allowances were not paid to representatives before because the Catchment Council was said not to have enough money for the purpose. Some of the representatives of the Subcatchment Council who sat on the Catchment Council complained that the allowances being paid were not enough especially for those who used their vehicles. The chairperson reminded them that the Catchment Council was not yet self-financing and, as such, could not afford to pay high travel and subsistence amounts.⁸

Stakeholder representatives on the Odzi Subcatchment Council started by receiving Z\$2.00/km for transport and a sitting allowance of Z\$150.00 for every meeting attended. The transport allowance was raised to Z\$6.50 in September 2001.⁹ Recorded meetings of the subcatchment revealed that only the chairperson raised the issue of travel and subsistence allowances. The chairperson announced the travel and subsistence allowances rates paid to stakeholder representatives without input from the other members.

There is no information about when the Upper Save Subcatchment started paying travel and subsistence allowances and how much each stakeholder representative was paid. There was only evidence of concerns expressed by unidentified stakeholder representatives that most stakeholder representatives were failing to attend meetings due to the lack of travel and subsistence allowances. Some of the representatives said that if these allowances could be made available, more representatives would attend meetings.¹⁰

6. Minutes of the Save Catchment Council meeting held on 28 January 2000.

7. See the minutes of the Save Catchment Council of February 2000, February 2001 and June 2001.

8. Minutes of the Save Catchment Council meeting held on 23 January 2001.

9. See the minutes of the Odzi Subcatchment Council meetings held on 14 March 2000 and 14 September 2001.

10. See the minutes of the Upper Save Subcatchment Council held on 8 August 2000 and 17 August 2001.

Water Permits

The Save Catchment Council and ZINWA agreed on the process to be followed when applying for water permits. All subcatchment councils would collect water permit application forms from ZINWA offices. People wanting to apply for water permits were required to go through the Subcatchment Councils. It was decided that, in order to discourage frivolous applications, prospective applicants would be required to pay a Z\$2000 application fee. Subcatchment Councils were to collect the application fees and hand over the money and the completed forms to ZINWA.¹¹ If the application was approved by ZINWA, it would be passed on to the Save Catchment Council for possible final approval.

If the catchment manager presented an application for approval, the Catchment Council chairperson simply asked the other representatives, especially those from the subcatchment area the application originated, if they had any objections. If there were no objections, the chairperson would ask any two people to support the applications for approval and then a provisional water permit would be issued to the applicant.¹²

Water Levies

One of the primary aims of the reform process was to make water management self-financing. Commercial users are supposed to pay for the water they use or store as well as pay a levy for the general management of the water sector (Dube and Swatuk 2001). The levies collected by subcatchment councils are supposed to help them to finance their operations. ZINWA asked all subcatchment councils to collect water levies on its behalf at the rate of Z\$40/ML per quarter for directly abstracted water and Z\$270/ML for providing raw water from its water sources. Out of the amount each subcatchment council collected, it would get a commission of 7.5%.¹³

The issue of levies and rates does not feature much in the meetings of the Save Catchment Council. Some of the representatives on the Catchment Council were concerned about why subcatchment council rates were different. One of the representatives suggested that, since ZINWA had a uniform levy of Z\$40/ML for abstraction and Z\$270/ML for agreement

11. See minutes of the Save Catchment Council meetings held on 29 June and 28 September 2001.

12. Minutes of the Save Catchment Council meeting held on 29 June 2001 show how water permits are approved by the Save Catchment Council. At this meeting the Catchment manager presented eight water permit applications for approval from Pungwe Subcatchment Council. There were no objections from the Pungwe Subcatchment Council chairperson. Two representatives from different Subcatchment Councils supported the applications and they were approved.

13. Minutes of the Save Catchment Council meeting held on 31 August 2001.

water (water secured by a long-term contract between farmers and government), subcatchment councils should also have uniform rates. The Catchment Council chairperson rejected this suggestion.¹⁴

The issue of water levies was raised a number of times in the Odzi Subcatchment Council meetings. However, the chairperson mainly spoke about this issue. Some sector representatives argued that it was important for the Subcatchment to educate communal stakeholders on water levies, as some were resisting paying the levies. It was agreed that the Subcatchment Council should employ a training officer who would educate communal farmers on various water issues, including the payment of levies and rates.¹⁵

Some sector representatives on the Odzi Subcatchment Council said that they wanted to know the course of action which would be taken with respect to water users who failed to pay ZINWA but paid the Subcatchment Council. The chairperson said that it was important for the Subcatchment Council to help ZINWA make all the water users pay its levies and rates, as this money would in the end help the Subcatchment Councils when donor funds from SIDA were terminated.¹⁶

The chairperson not only dominated the discussion but also prepared the budget, which touched on how much each water user should pay. In the budget presented to the subcatchment council by the chairperson, the water rates were pegged at Z\$5.00/ML for water abstraction and Z\$2.00/ML for storage.¹⁷ For the year 2001, the Odzi Subcatchment Council managed to collect Z\$85 989.33 as water rates.¹⁸

Another issue concerning water levies raised in Odzi Subcatchment Council meetings was that most of the commercial farmers with farms invaded by the ruling Zimbabwe African National Union Patriotic Front (ZANU PF) party supporters and those with farms designated for resettlement were no longer paying water rates. The Subcatchment stakeholder representatives said that it would not force the commercial farmers to pay the levies neither was it going to appeal to the invaders to acquire water permits so that they would pay levies.¹⁹

The Upper Save Subcatchment Council has not been able to collect much in levies since its area does not have many commercial water users. It did not have measuring devices that could be used to gauge the amount of water used. On this issue it was decided that estimates were to be used to

14. Save Catchment Council minutes of 26 January 2001, 27 April 2001 and 12 October 2001.

15. See minutes of the Odzi Subcatchment Council meeting held on 14 March 2000.

16. See minutes of the Odzi Subcatchment Council meeting held on 9 March 2001.

17. Odzi Subcatchment Council minutes for the meeting held on 13 October 2000.

18. This is contained in the Odzi SCC 2001 income and expenditure statement presented by the chairperson in the meeting of 11 January 2001.

19. Odzi Subcatchment Council minutes for the meeting held in September 2001.

charge water users.²⁰ There were no records that showed how much the Subcatchment Council was able to collect from rates in 2000 or 2001.

It is important to highlight the fact that the subcatchments could have suffered financial prejudice as the regulations outlining the level of rates that could be levied were only available in mid-2001. The rates that were used, it would appear, were from the old river boards.

Changing Representatives

This section looks at the extent to which the Catchment Council and the two Subcatchment Councils adhered to laid down procedures such as those of holding general meetings.

The first AGMs were held in late 2001. The Upper Save held its AGM in September 2001 instead of October as stipulated. The Save and Upper Save, unlike Odzi, went to great lengths in trying to follow the procedure of holding an AGM. The outgoing chairpersons presented their reports and tabled financial statements before handing the position of chairperson to the respective returning officers.

The chairperson and vice-chairperson of Save Catchment Council were invited to the Upper Save AGM. The elections for the positions of chairperson and vice-chairperson were supervised by the Save Catchment Council chairman and his deputy.²¹ All the same members were allowed to stand, contrary to the provisions. A letter had been obtained from the relevant Ministry to waive the regulations for some of the members stepping down. It was curious that none of the members provided evidence that they had been nominated by their constituency to stand for election.

The Odzi Subcatchment Council held its AGM on the 12th of October 2001. The procedure followed at this meeting was not recorded. There was no evidence from the recorded minutes that the chairperson presented his annual report and the financial statement of the Subcatchment Council. The nominations for stakeholder representatives and elections for the positions of chairperson and vice-chairperson were not recorded in the minutes. How the allocations were done is not known. In all the three cases the incumbent chairpersons retained in their positions.

Discussion

To better understand the nature of governance of water resources in Zimbabwe, as represented by what is going on in the Save Catchment

20. Minutes of the Upper Save Subcatchment Council meeting held on 15 September 2000.

21. See the minutes of the Upper Save Subcatchment Council AGM held on 19 September 2001 and Save Catchment Council AGM held on 30 October 2001.

Council and the Odzi and Upper Save Subcatchment Councils, we need to recall the analytical points given earlier on in the article as representing a framework within which to determine the effectiveness of these new institutions. It was argued that it was important that the new institutions be evaluated with respect to a) the scope of functions and responsibilities assigned to them, b) the power and authority that they were allowed to wield (which touches on the degree of autonomy), and c) the information, knowledge and skill base.

The discussion below centres around the issues of autonomy of the institutions, the capacity and competence of the different stakeholders, the differences between the stakeholders and the role played by contemporary politics in the water reform process.

Autonomy

Good governance of any natural resources depends on the stakeholder institutions, such as the catchment council and subcatchment councils in this discussion, to act independently and to make independent decisions (Burkey 1998). The question that can be posed is to what extent were the new institutions given space to exercise their responsibilities?

Lack of financial resources by the Save Catchment Council as well as the Odzi and Upper Save Subcatchment Councils, for example, to pay travel and subsistence allowances, a reflection that the institutions were not generating enough income from water levies and rates, undermined the autonomy of the institutions. Consequently, they had to rely on outsiders for financial help, which showed the lack of financial autonomy (Hartwig 1999). In fact, the two subcatchment councils and the Catchment Council itself were not in a position to discharge their responsibilities because of financial problems. In the case of the Save Catchment Council, the problem was that it did not receive a budgetary allocation as provided in the Act.

However, it is doubtful that the Upper Save Subcatchment, even if it collected all its dues, could finance its operations on account of the little commercial water use in the subcatchment, which had to do with the boundaries that had been set up. (In other words, there was not much commercial water use under the jurisdiction of the subcatchment). The determination of boundaries, it is obvious, had financial implications.

The point needs to be stressed that government officials determined the boundaries of the subcatchment in ways that compromised the autonomy of the subcatchment. The question then becomes why were the local people not involved in demarcating the boundaries. It would appear that this was considered to be a technical exercise in which stakeholders could not participate. This shows the tension between the economic-technical and social objectives of the reforms and how these contributed to the erosion of the autonomy of the new institutions (Manzungu 2001). There is also the

fact that all decisions of the Save Catchment Council and the Odzi and Upper Save Subcatchment Councils had to be sanctioned by ZINWA. For example, rates collection was hampered by the fact that ZINWA had not put in place the necessary regulations. In fact they were only instituted in July 2001, 12 months after the establishment of the institutions. The same administrative bottlenecks also hindered permit processing as ZINWA had to make up its mind on the various issues.

It can, therefore, be concluded that the autonomy of catchment councils and subcatchment councils in Zimbabwe is undermined by the fact that the state allocated to itself disproportionately huge powers, in contradistinction to the democratic ideals of the reforms (Manzungu 2001).

Capacity of Stakeholders

As noted above, the capacity of catchment and subcatchment councils to function effectively was negatively affected by the lack of financial resources. There are, however, other dimensions that compromised the capacity of the new institutions, including lack of sufficient knowledge and information of the stakeholders concerning the various aspects.

There was also the inability to adhere to laid down procedures. For example, none of the stakeholder representatives were replaced after missing three meetings as stipulated in the regulations.

One other area that was a problem was the number of stakeholders. The number of stakeholder representatives on the catchment and subcatchment councils was fixed at not more than 15. In the case of Upper Save, it was difficult to accommodate all the stakeholder groups. Where there was heterogeneity among the stakeholder groups this had the potential of leaving some stakeholders without any representation (see Manzungu 2001).

Stakeholder Differences

So far the discussion has largely focused on what was said to be the first axis of the discussion, that is the relationship between the state and the user community. We now turn to the second axis, that of differences between the user community.

We notice that the socio-economic background of stakeholders determined to a large extent their participation and contribution in the debates. This explains why representatives of rural communities did not participate in the discussions in any meaningful way. In the early stages when individuals had to pay their way to meetings, representatives could not attend meetings. They just did not have the financial resources.

The problem of attendance of meetings continued even when money for transportation was available. This suggests that something was the matter than transportation. We suggest that the problem was that these

representatives were not really representatives – they were representing people who had no stake in water because of the low usage of commercial water. There was another problem. Some of the representatives are in many cases handpicked. They therefore do not represent a constituency.

Contributions in the catchment council and subcatchment councils were dominated by a few stakeholder representatives. This basically means that though most stakeholder representatives from different subcatchment councils and different sectors attended meetings, their presence did not make much impact. If some stakeholder representatives attend meetings but do not participate in the debate, that cannot be termed participation (Dube and Swatuk 2001). It is not surprising that in Odzi Subcatchment Council, the CFU, which was represented by white commercial farmers, dominated in the meetings. This sector has been involved in water management under the 1976 Act. The experience of the CFU stakeholder representatives in water management made other representatives uncomfortable.

The use of English in the meetings and the presence of White commercial farmers with experience in water management did not provide an even platform for the participation of the formerly disadvantaged stakeholders such as communal farmers (Sithole 2001). This has hindered other stakeholder representatives who were not fluent in English from contributing. This was quite unfortunate. Full participation by all stakeholder representatives would have helped the water institutions get different ideas on how water resources in the catchment and subcatchment areas could be managed efficiently and effectively. Finsterbusch and Warren (1978) call this beneficiary participation.

The above raises questions about the effectiveness of heterogeneous stakeholder representatives governing/managing natural resources collectively (Sithole 2001, Dube and Swatuk 2001). It would be useful if strategic representation was explored to ensure that the groups are empowered before they are brought together in circumstances that do not promote their interests (Manzungu 2001).

Contemporary Politics

The governance of water resources by catchment councils and subcatchment councils has also been hampered by contemporary Zimbabwean politics. The on-going commercial farm invasions by ruling party supporters and the controversial acquisition of farms by the government for resettlement purposes impacted negatively on the governance of water resources by catchment and subcatchment councils. It was difficult for catchment and subcatchment councils to plan how to manage water resources located on such land. Besides, the invaders were not willing to apply for water permits.

Farmers whose farms were earmarked for acquisition also stopped paying levies since they were unsure about what would happen next. These events demonstrate clearly that water resources cannot be separated from the contemporary body politic.

Conclusion

This article has attempted to critically analyse how the latest decentralisation drive in the water sector in Zimbabwe is promoting efficient and effective governance of water resources by the catchment and subcatchment councils. It was shown that the process has not yet led to the full participation of all the stakeholders in water resources management. Based on the evidence of proceedings in the Save Catchment Council and the Odzi and Upper Save Subcatchment Councils, we can say that governance of water resources in Zimbabwe is yet to be clarified although it was better than the case of land.

This article has shown that placing governance of natural resources in the hands of devolved institutions does not guarantee that the different stakeholders will all be empowered. Legislation can be put in place, which can theoretically state how the institutions should function, but practice always proves otherwise. Thus, the issue of governance of water resources in Zimbabwe, is imbued with a lot of theory, which is difficult to follow in practice. We therefore conclude that, though water institutions have been in existence for over two years now, their future regarding the governance of water resources by all stakeholder water institutions does not seem to be bright. There is a need to re-look at the legislation so that good governance of water resources that practically empower all the stakeholders is achieved.

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