

**A Report on Legislative Representation and the Environment
in Zimbabwe: The Case of MP Paul Mazikana**

Final Report

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Introduction

As elsewhere in the world, linkages between natural resources management, democratization, governance and human rights have become increasingly apparent in Zimbabwe. The national economy relies on resource extraction, while resource-dependant rural communities comprise 70% of the population. The challenge for law and policy makers (legislators) is to think creatively about how best to address past abuses and promote more democratic and sustainable resource management in the country.¹ Without legislative intervention and return to public confidence in the legislature, legislative representation of natural resource is likely to remain elusive.

A reasoned interpretation of Zimbabwe's legislation, policies and the common law and policies will reveal that there are incentives and disincentives that are found within legislative representation in the country. For example national legislation regulating both village governance and natural resources is still based on the primacy of centralized state authority as the ultimate arbiter of "national good". Legislators can play a vital role in natural resource conservation, utilization, protection and rural development. Natural resources in developing countries are mainly located in rural areas. However, these are the same areas and people that face poverty, illiteracy, insecure resource tenure rights, non-existent to inefficient social services and all the ills of living in rural areas. The governance, control, access and ownership of natural resources in Zimbabwe's rural areas are issues that dominate many debates.

Since the rural areas and even urban areas face such environmental problems, there are elected representatives who are supposed to represent their interests at the Parliamentary level and national level. These people are entrusted and mandated by people to speak for them. The legislature can be defined as a template for public participation in decision-making through representation. The legislature is an important institution that should link people with the government. It is supposed to be a forum for people to air their views through their representatives to the government. It is not practical for all people to converge at parliament to register their concerns, so this will be done through elected representatives and sometimes appointed representatives who are supposed to be the voice of the people.

In terms of natural resources management it is therefore vital to deal with elected representatives on an on-going basis to strengthen the relationship between legislators and constituents and increase the possibility of legislators acting on behalf of their people.² However, the environment is not prioritised, so it plays second fiddle to other issues. The environment will only become an issue if it brings about publicity for the decision makers or if there is an environmental crisis whereof the politicians would want to be identified as having addressed the problem. There are a lot of environmental issues

¹ Owen Lynch and Emily Harwell, *Whose Natural Resources? Whose Common Good? Towards a new Paradigm of environmental justice and the national interest in Indonesia*, Center for International Environmental Law (CIEL), January 2002 Page xxvi

² "The Legislature and Constituency Relations",

<http://mirror.undp.org/magnet/Docs/parl...otes/Constituency%20Relations%20520.htm>

ranging from land use, forest management, water management, wildlife production, pollution that are important for the life of people but are not viewed as matters of national importance.

In an attempt to understand legislative representation and environmental representation in Zimbabwe, this report will focus on a number of thematic areas. The report will first outline what the research is about and why it is important and timely. The methods for the collection of data that were employed during the research will also be noted. A special feature of this report will be a focus on theoretical foundations of legislative representation. This includes a look at the historical development of legislative representation, the legislative and policy framework for legislative representation and a look at the general practice of legislative representation in the country.

After reviewing the theoretical aspects of legislative representation, an analysis of environmental representation in Zimbabwe will be done. In all cases the report will go through an analysis of the history of legislative and environmental representation from the colonial period through to the post-independence period. Through the environmental lens the report will reveal the incentives and disincentives of legislative representation to democracy, popular participation, justice and equity in Zimbabwe.

A special feature of this report is the case study of Hon Paul Mazikana who represents Guruve North Constituency in Parliament. The report will outline the activities of the MP in representing the human-wildlife conflicts in Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) villages in his constituency. This is an environmental issue that has great implications for legislative representation, environmental justice, democracy, economic development and social equity. In that regard the impact of his involvement to try to address human-wildlife conflicts will be reviewed.

Linked to the case study will be a discussion of the incentives and disincentives of legislative representation in Zimbabwe. This will be done through four thematic areas that is; accountability, autonomy, authority and ambition of legislative representation. These conceptual themes have been applied to assess what motivates the case study MP and his fellow MPs to represent the interests of their constituencies. Such interests include healthy, education, economic and political interests. The four themes have been applied on the ground as questions to measure the advantages and disadvantages (incentives and disincentives) to Members of Parliament in representing and servicing the environmental interests of their constituencies.

More specifically, the incentives and disincentives of environmental representation will be looked at. This will reveal why the case study MP decided to represent the issue of human-wildlife conflict within the CAMPFIRE villages in Guruve North. In this case we will be focusing on the national interests, private interests and political party interests that motivated the MP to represent or not represent his constituency's environmental interests.

An important part of this report will be the policy recommendations that will be outlined at the end of this report. These recommendations will be informed by the research findings. In particular it will look at the policy and practical changes that would encourage other Members of Parliament to perform their environmental representation roles. Further, it will also profile the necessary steps to enhance the implementation of the proposed policy changes. These next steps will state what needs to be done after doing such a research in Zimbabwe to immediately implement the recommendations. However, there are constraints that are likely to be faced in implementing the policy and legal reform to improve legislative representation will also be noted in this report.

Research Methodology

The research was carried out through two principal methods of data collection. Firstly it was based on an extensive review of primary and secondary data related to the various aspects of legislative representation. The research began by the collection and review of materials derived largely from existing documents / literature, both published and unpublished on legislative representation. Furthermore, newspapers, articles, magazines and periodicals on legislative representation were reviewed.

The literature reviews were complimented by interviews with voters, members of parliament, social scientists, political scientists, human rights lawyers and environmentalists. The output of the literature review provided the basis for an intensive field research composed of interviews to elicit more information from key informants. Firstly, some questionnaires were developed for specific groups of people like voters, social and political scientists, other legislators, past-MPs, for the study MP and for people with an environmental background. In administering the questions to the illiterate voters the assistants had to translate the questions from English to Shona to make sure that all the voters understood the questions. The exception to this was when the interviewees were literate. This was evident when interviews were being done with teachers, some game guards, local government officials and staff members of NGOs that are based in Guruve North constituency.

Five researchers were involved in carrying out the interviews with voters. Two of the researchers were from ZELA and the other three were research assistants selected by ZELA. The three assistants were selected because they are resident in Guruve. As a result they had prior knowledge of the people, culture, language and the geographical nature of the constituency. In fact, they were born and breed in Guruve. Most of the voters who were interviewed were very cooperative because they trusted the three research assistants since they are part of their community. So the success of the field research is mainly attributed to the three research assistants.

Five wards were covered during the field research. These are Mushumbi, Kanyemba, Masoka, Angwa and Chitsungu. Voters and households were randomly selected for the interviews, but with the need to ensure gender balance. In Masoka the researchers found the people gathered at a local meeting place where they were receiving food aid. This

made it easy for the researchers to select different people with whom to carry guided interviews and sometimes unguided discussions.

Besides only administering prepared questions, the research team held discussions, consultations and informal conversations with the electorate. This method elicited a lot of information from the voters. It gave some people leeway to speak out their minds without being guided by written questions.

On a different note, a working lunch was organised for the Parliamentary Portfolio Committee on Mines, Energy and Environment. The objective of this working lunch was to discuss with the legislators the aims and objectives of the research. At the same time interviews and separate discussions were carried out with individual MPs. All in all, the legislators were met at three meetings. One of the meetings was a seminar that was organized by the International Union for the Conservation of Nature (IUCN) Regional Office for Southern Africa and officially attended by ZELA for Parliamentarians. The other two meetings were organized by ZELA. It was during these meetings and sometimes in different constituencies that the research team managed to speak to legislators.

Legislative Representation and Environmental Representation in Zimbabwe

Legislative representation simply put entails the roles and responsibilities of Members of Parliament in servicing the interests of their constituencies. It is understood as a reflection of the views, values and principles of constituencies by elected or appointed individuals. The elected individuals are mandated by the people to relay their interests and values to the government through Parliament.

Legislative representation according to one social scientist comprises three elements, namely, a representation role, a consultative role and a control function³. Accordingly, their representation role involves relaying to parliament the interests of the constituency. The constituency could be geographical, sectional or determined by various interests and the legislator will be speaking on behalf of that constituency. A consultative role means that MPs are not only doing work in parliament, but they are supposed to consult with certain experts and their own people. Such consultation can be with different government ministries or the business community. In practice consultations with stakeholders by Parliamentary Portfolio Committees have increased over the past year. Furthermore, the control function entails that MPs control how resources are allocated and used. This mainly includes a check on calling upon Ministers to account how they are conducting governmental business and debating national budget allocations. The main function of legislators is to make laws, representing constituencies and acting as a constraint on executive power by exercising a degree of oversight.⁴ Therefore, the role of the legislator

³ Interview with Dr John Makumbe, Lecturer at the University of Zimbabwe and Chairman of Transparency International Zimbabwe, held 17 February 2003

⁴ "The Legislature and Constituency Relations",
<http://mirror.undp.org/magnet/Docs/parl...otes/Constituency%20Relations%20520.htm>

demands active engagements with the constituency in order to gauge its interests, expectations and problems and articulate them in parliament, thus transforming people's views into law.⁵ In other words legislators are said to be the voice of the people by serving as a bridge between the constituency and government. Logically not all the people of Zimbabwe can sit in the House of Parliament, so the idea is to make sure that people are represented and this is one attribute of democracy.

The expectation of every constituency is that their elected MP would represent, consult, play an oversight role and make laws that fulfill their specific interests. In effect he/she is expected to convince other MPs that the interests and values of his/her constituency are of paramount importance and should be given national attention. Nevertheless, in reality parliamentarians represent various interests, be they economic, social, political or environmental.

However, not all people clearly understand the role of legislators clearly. Some people do not even know what MPs do. There is an evident confusion by people with regard to the role of the MP and local councilors. People think that in Zimbabwe MPs are mandated to implement development projects like, such as constructing roads and bridges and sinking boreholes. This is in fact the role of councilors and Rural District Councils or Urban Councils with jurisdiction over that constituency. The Chief Whip of ZANU PF, Joram Gumbo also said that confusion is caused by MPs who lie to people about their role and what they would do for people during campaigns.⁶

This observation underlies the current problem in Zimbabwe's rural areas where the electorate is in most cases tricked into voting for some MPs who promise to personally supervise or initiate projects that are supposed to be implemented by Rural District Councils. As a result, voters are disillusioned about the role of the MP.

However, legislative representation can be narrowed to focus on the environment thus, the concept environmental representation. Environmental representation is an important part of legislative representation through which MPs consult, play an oversight role and make laws that relate to the use (either sustainable or unsustainable), protection, conservation and management of natural resources. The environment can be represented in its various components like forests, rivers, minerals, wildlife, land and fish. The various areas for intervention by legislators include wildlife management, water and air pollution, land degradation and waste management.

By taking the specific environmental concerns of their constituencies to Parliament or facilitating or initiating new projects for using natural resources or preventing the depletion of resources legislators will be representing the environment. MPs can also represent the environment through making new laws and explaining to their constituencies the essence of those laws.

⁵ Interview with Mr Masunungure, Political Scientist, 19 March 2003

⁶ Jealousy Mawirire, Features Editor, Weekend Tribune, 1-2 February 2003

History of Legislative representation and Environmental Representation

Legislative Representation (Pre-Colonial to Colonial Period)

The concept of legislative representation has a long history in Zimbabwe. Even before the advent of colonial rule, there were traditional institutions that existed for purposes of governing the different clans and states. There were traditional democracies and dictatorial systems of rule as well.

The area between the Zambezi and Limpopo Rivers, now modern day Zimbabwe was governed through a system of kingdoms and chiefdoms. Each king or chief had control over his own people mostly made up of people belonging to the same tribe. The chief or king had the administrative, religious, legislative as well as the judicial powers over the kingdom. He would however be assisted by a council of elders known as “dare” which he would consult in his day to day ruling of the kingdom or chiefdom. The council was mainly composed of respected elderly people who were selected by the King or Chief. This group of people had the role of advising the King or Chief on matters of state concern. The King’s advisers were also chosen from the relatives and close reliable friends of the King. However, they were viewed as representatives of the people. For example the Ndebele King had Induna’s who were part of the chief’s council. There were different social groups of people within the same state and these people had their own representatives who aired their views to the King or “Mambo”.⁷

During the pre-colonial days, the people had a system of appointing or selecting their king or chief who usually was the eldest son of the king or chief. The king or chief was accepted and respected and lived in harmony with his people, who would stand up to defend their state against any outside aggression. Some of the Kingdoms included the Ndebele state, the Mutapa Empire and the Rozvi Kingdom among others.

However, Kingdoms such as the Ndebele State collapsed with the fall of Bulawayo in 1893, when British settlers invaded and defeated the state. The British Government gave Cecil John Rhodes and his British South Africa Company (BSAC) the powers of a government. Although the British government was reluctant to give so much power to a company, it regarded this as convenient since all the expenses of colonisation would be met by the company. The company was given power to make treaties, promulgate laws, preserve the peace, maintain a police force, undertake public works, mine or establish industries and to establish banks among other things. In essence, the company had powers to do everything in the process of governing the colonised people. The legal right of the BSAC to rule Southern Rhodesia was laid by the Royal Charter of 1889 and enforced by the Order in Council of 1894.

Colonial legislative representation had unique features in that it was aimed at discriminating against the black majority. All the political, social and economic

⁷ “Mambo” is the Shona term for King

institutions were planned and geared to protect the interests of the European classes. The first attempt to put in practice the idea of legislative representation was in 1898 through an Order-in-Council. The Order-in-Council was a body of laws that were passed to make Southern Rhodesia (now Zimbabwe) a British Protectorate thereby reducing the powers of the British South Africa Company by giving it specific rules on how the country should be governed. It also established a Legislative Council for the colony. However, Africans were left out of the Legislative Council.⁸ An Administrator was chosen as the head of the legislative council who would control the executive functions of government. He would appoint government officials, oversee government ministries and appoint Native Commissioners who were responsible for native (African) affairs.

In 1903, another Order-in-Council raised the membership of the Legislative Council to seven representatives from the British Southern African Company (BSAC). In addition it had seven representatives of the Settlers. Therefore, the fourteen members in the Legislative Council represented the interests of the company and the settlers who were all Europeans. For the Africans Native Commissioners were appointed.

Then in 1923 the Constitution replaced the Legislative Council with a Legislative Assembly to represent the interests of the white community in Southern Rhodesia. The Legislative Assembly was headed by a Prime Minister and a cabinet. The Assembly had 30 members elected by 15 Districts in all-whites elections.⁹ These elections were to be held after every five years.

A Federation of Southern Rhodesia (Zimbabwe), Nyasaland (Malawi) and Northern Rhodesia (Zambia) was formed in 1953. The federal constitution created a federal government in Salisbury with the objective of strengthening the position of the white settlers especially those in Northern Rhodesia and Nyasaland who were fewer in numbers. There were about two and a half million Africans in Northern Rhodesia and Southern Rhodesia while there were 225 000 European in Southern Rhodesia, 75 000 in Northern Rhodesia and 10 000 in Nyasaland. The Federal Parliament had one chamber composed of 12 MPs from Southern Rhodesia, 8 from Northern Rhodesia and 4 from Nyasaland. A new development was that Africans in the three territories had 6 representatives, 2 from each colony.

During the colonial period, 1890-1980, legislative representation was sought to serve the interests of the Europeans and not the Africans. Africans were regarded as lower class people who had no right to vote for their own representatives in the law making bodies of the state. The fact that Africans were not well represented in most governmental and law-making bodies gave rise to the liberation struggle. Africans were demanding the removal of all the discriminatory laws that were passed by the colonial government.

All this demonstrates that legislative representation had a long history in Zimbabwe. It started at the traditional level and developed through the colonial period until the present

⁸ Moyana H and M.Sibanda, *The African Heritage, History for Junior Secondary School Book 2*, Zimbabwe Publishing Housing, Harare 1984 page 26.

⁹ M.Prew et al, *People Making History, Book 4*, Zimbabwe Pushing House, Harare, 1992 page 82

day. However, the problem was that legislative representation during the colonial era was discriminatory and biased. The black majority in the rural areas remained marginalized and not adequately represented in the Legislative Assembly and still had laws and issues affecting them imposed on them without their participation. However, in order to try to be fair to the blacks, some Commissioners of Native Affairs were appointed. These people were whites who had the interests of whites at heart and did not fairly represent the interests of the blacks. It was only a way of trying to understand what the blacks wanted. All the laws that were passed were aimed at suppressing the indigenous people. Some of the discriminatory laws included the Land Apportionment Act, the Land Tenure Act and the Law and Order Maintenance Act among other Acts.

The lack of participation by Africans led to the intensification of African consciousness, formation of trade unions and eventually political parties such as ZANU and ZAPU that spearheaded the war of liberation. When the liberation struggle had intensified the Rhodesian government agreed to negotiate with the African political parties in 1979. This led to the Lancaster House Constitution of December 1979. Under this constitution 20 of the 100 seats in parliament were reserved for whites for a period of ten years. One of the important issues was land acquisition. The new government was authorized to acquire land on a willing buyer-willing seller basis. Then the independent government had to wait for ten years before giving back land to the landless people of the country who had been dispossessed by the colonial settlers.

Environmental Representation (Colonial period)

Since Europeans dominated the legislature, all the laws that were promulgated served the interests of the minority. When African affairs were being discussed it was with the aim of making sure that they remained under European control. The majority black population was confined to the Tribal Trust Lands or rural areas. Most of the people in the rural areas relied on the use of natural resources. Environmental representation also had a history although this was on a small scale. There were times when issues of natural resources conservation were discussed in parliament. Colonial laws such as the Water Act of 1976, the Natural Resources Act of 1941 and all the other laws that regulated land management. One of the most notable environmental conservation legislative framework that was passed by the colonial administration was the Parks and Wildlife Act of 1979 that prohibited hunting of wildlife and fish resources which the people relied on.

During this period one of the few Africans who happened to be in the Legislative Assembly contributed immensely to the debate on wildlife management legislation to make sure that the interests of African were protected. The then Ministry of Lands and Natural Resources, wanted to pass the Parks and Wildlife Act according to the Minister to give the holder of land (white commercial farmers) custodian rights over wildlife and that the land-owner should derive benefits from wildlife production. These privileges were also to apply to fish and plant resources found on the commercial farmers owned by the whites. They were given powers to commercially exploit wildlife on their farms.

In 1979 one of the few Africans who were in the Legislative Assembly was Mr Bhebhe who was representing Ntshonalanga Constituency. During debate on the Parks and Wildlife Act of 1979 he said;

*“ I think it is commonly known that the African is or has a practice of hunting from early in his life...what is said in this legislation will make it an offence to catch animals. What I am worried about is the fact that wild animals like wild pigs , jackals and kudu are quite a nuisance to the crops of the people not only in the Tribal Trust Lands but also to the residents of the farms. It will be an offence to trap and kill these animals should they be encroaching on your fields....we are creating criminals out of Africans by this type of blind legislation which is European biased, which has absolutely no consideration for Africans”.*¹⁰

This statement by one of the representatives of the blacks in the House of Assembly had a number of implications. Firstly, in a realistic sense it was not going to achieve any change since there was no way his opinion could have prevailed over that of the white minority and therefore this was not effective. It also shows that the legislator was concerned with the plight of the Africans in the rural areas who relied on wildlife resources for survival. With the prohibition of hunting by the new Act, his constituency was going to suffer. As a result he tried to convince the predominantly white legislature not to pass the Act. This statement has a direct bearing on the case study of this research as will be shown later. It is one of the early statements about problem animals or human-wildlife conflict to be aired in Parliament in that the legislator raised concern about the destruction of crops and property by wild animals. Therefore, the legislator was debating from an informed position as an African, and this shows that he had the interests of the Africans in his constituency at heart. Africans were going to be made criminals by this new law because they were going to continue hunting without any licence, thus poaching for survival.

This means that environmental matters were represented even during the colonial period. However, both legislative and environmental representation was biased in favour of the ruling class and the voices of the few African representatives were not heard in the Legislative Assembly. The few African representatives in the Legislative Assembly were outnumbered and their views on the need to advance the interests of the African to use natural resources like wildlife were not considered as important.

Besides the conservation and protection of wildlife there were other environmental issues that were discussed in the Legislative Assembly that were brought forward by the members. However, the interests were to further alienate natural resources for the whites and remove the black majority from utilizing these resources. For example the Water Act of 1976 had created private ownership for the benefit of white commercial farmers. It also had a provision calling on water users to refrain from polluting water bodies such as rivers and lakes.

¹⁰ Mr Bhebhe contributing to Debate in the House of Assembly during the passage of the Parks and Wildlife Act, Rhodesia House of Assembly Debates, 13 February 1975, (Volume 89) 1974-5 page 1386

In sum environmental representation during the colonial period was sectoral and based on racial grounds, always aimed at making sure that only the Europeans benefited from the use of resources.

Law and Practice on Environmental Representation

Good environmental management is one of the key elements of sustainable development. Given the understanding that parliamentarians will be amongst the first people to fully understand the contents of any environmental legislation by virtue of having discussed, debated, and finally approved the legislation, parliamentarians are in a better position to assist people in their constituencies to use legislation to promote and protect their interests particularly with regard to the management of natural resources.¹¹

This is ideally what is supposed to happen in the country. However, the history of the country and the nature of politics reveal that environmental matters as a single component consisting of different elements has not been given enough attention. Representation of environmental and natural resources issues has been sectoral, focusing on single natural resource elements and not as a system of integrated elements. The lack of concern for environmental issues was raised by the Deputy Attorney General of Zimbabwe, Mr Bharat Patel, who said that in Zimbabwe the environment is not a priority.¹²

For example, the land issue has been given priority as a separate thing. The management of water resources, wildlife and forests has also been treated as separate issues and not as parts of the same thing that is, the environment. However, these issues have not formed part of the campaign strategy of most legislators until recently when the ruling party took up the land as its campaign strategy. But the understanding was not to conserve the environment but wholesale land delivery to the landless. This has caused a lot of degradation in the rural areas, with trees being indiscriminately cut down and poaching on the increase. Only a few legislators from rural areas talked about rural development but without any specific reference to the importance of using and sustainably conserving natural resources.

So representation of environmental issues has been rather slow and reactive rather than being proactive. The legislators have been reactive to issues like floods, water pollution and deaths from wild animals. Through such reactive responses legislators will be trying to encourage the government to address the effects and not the cause.

It should be emphasized that the conservation and wise use of natural resources that form the backbone of the Zimbabwean economy cannot succeed without the support and active

¹¹ Nelson Marongwe, "Roles and Responsibilities of Legislators in Environmental Management", paper presented at the Parliamentary Seminar on Environmental Legislation in Zimbabwe, organised by IUCN Regional Office for Southern Africa held on 18 October 2002.

¹² Bharat Patel Deputy Attorney General during an Interview with Shamiso Mtisi, in 2001 (Undergraduate Dissertation, "The reception of international environmental treaties in Zimbabwe", University of Zimbabwe 2001.

cooperation of MPS. MPs play an important role in the implementation of sound environmental practices as well as creating awareness since they command a lot of support from the public and are always in touch with people at grassroots level. Environmental management involves a number of administrative institutions and this means the involvement of the government. Agriculture is the mainstay of the country's economy. However, due to the land invasions and disturbances on commercial farms Zimbabwe is no longer the bread basket of Southern Africa.

The other resources that are found in abundance in Zimbabwe include wildlife resources, fish resources, rivers and forests. Besides these natural resources there are other pressing environmental matters in Zimbabwe such as, water and air pollution in the cities and towns, sewage problems, land degradation due to gold panning and stream bank cultivation among others. These are issues that can be represented by legislators as they affect the various constituencies.

Nevertheless, the situation in Zimbabwe is not as bleak as it sounds. Some environmental law reforms have been embarked on. The law reforms have strengthened the efforts of those members of parliament who have the environment at heart and who know that their constituencies rely on natural resources. What these legislators will be calling for is the giving of strong rights and public participation to communities to get involved in natural resources management.

For example a system of Parliamentary Portfolio Committees was also introduced and this has generated interest among legislators to represent environmental issues. The relevant Committee that deals with environmental representation is a synthesis of three government line ministries. It is called the Mines, Energy and Environment Committee. This Committee encompasses the Ministry of Mines, the Ministry of Power and Energy and the Ministry of Environment and Tourism. The concept of Portfolio Committees came into existence through the parliamentary reforms that were adopted by the 4th Parliament in the 5th session of 1999-2000. Committees are appointed in terms of Standing Order Number 153, which stipulates that each, Committee shall be known by the Ministry it shadows. The problem for the Committee in question is that the area it covers is too broad such that all sectors may not be covered within a session. As a result, the Committee normally concentrates on topical issues or issues dominating public debates. For instance, recently, the Committee was making inquiries into the current fuel crisis and reviewing the Mines and Minerals Act in view of the land resettlement programme and mining claims in resettled areas. This has also involved hearing on the escalating levels of gold panning in the country.¹³ Thus one MP summed up the role of the Committee by saying that,

*“We play a watchdog role on the executive ensuring that it delivers what it would have promised the people. Some of the work is done through parliamentary committees where MPs call ministries to explain what is happening in their ministries”.*¹⁴

¹³ Mrs. Nyawo (Clerk of the Parliamentary Portfolio Committee on Mines , Energy and Environment) during an Interview held on 14 February 2003

¹⁴ Innocent Gonese, who is the MDC Parliamentary Chief Whip, and the MP for Mutare Central, quoted in the Weekend Tribune of 1-2 February 2003.

The fact that the idea of Portfolio Committees was introduced in 1999 shows that committees are still going through the experimental stages. So far there are 12 Committees that have been established to shadow different ministries.

In terms of composition, the Mines, Energy and Environment Committee have a diversity of MPs from both rural and urban constituencies. The committee consists of 13 members, 7 from ZANU PF members and 6 from the MDC members and this roughly reflects their respective proportions in the whole House. Interestingly the committee is mainly made up of MPs from rural constituencies and from tourism and mining communities who want to bring to light the interests of their people. Each party is expected to be represented in every Committee. In order to be a specific Committee each members is required to indicate his/her choice, however, the party might have to appoint its members to specific Committees.

Procedurally, all policy and advocacy or interest groups are free to write or approach the Committee and air their environmental, mining or tourism grievances/interests. This approach by the committee has enabled organizations like the Zimbabwe Environmental Law Association (ZELA), IUCN Regional Office for Southern Africa and the Zimbabwe Council for Tourism, the Zimbabwe Chamber of Mines among others to lobby the Committee on a variety of environmental issues. In turn, all members of the committee are expected to contribute issues or topics that should be included in the committee's workplan. Each member is expected to contribute meaningfully towards issues under consideration by the committee. The idea of committees has created avenues for legislators to forward the environmental concerns of their people. In most cases if a committee is tasked by the Speaker of Parliament to investigate a certain matter, the Chairman of the committee will have to present a report to the House, which report will be debated. Committees are also empowered to call upon a Minister to give evidence during inquiries on specific issues of concern to the committee. This is another opportunity that has been created to enable MPs to question the activities of Ministers and to ensure that Ministries are accountable to the nation and to people in different constituencies.

As will be shown under incentives and disincentives of environmental representation, the idea of Committees has enhanced environmental representation in that MPs have a focused mandate to deal with environmental issues. This will create a strong voice in favour of environmental concerns when the MPs are debating in the House. The legislators will be discussing issues from informed positions. During the debate on the Environmental Management Act in October 2002, it was revealed that active participation and meaningful contributions came from MPs who are in the Mines, Energy and Environment Committee.¹⁵ Therefore, the idea of committees contributed environmental representation in Zimbabwe.

¹⁵ Peter Nyoni (Member of Parliament for Hwange East, representing MDC), Interview held on 6th of March 2003.

In Zimbabwe, environmental representation gathered momentum in 1998 when the Ministry of Environment and Tourism organized a national workshop to discuss environmental law reforms with legislators.¹⁶ The objective of the workshop was to sensitise MPs on the need to enact an environmental management law. The laws that existed at that time for the conservation and utilization of natural resources were fragmented, confused and often overlapping without any particular reference to the need to sustainably use resources.¹⁷ However, despite the undertaking by the legislators during that workshop to support environmental reforms, it took another four years after the workshop for the Bill to be passed into law. The Environmental Management Act only became law in October 2002. So the current Mines, Energy and Environmental Committee had the opportunity to debate the Bill.

Another aspect that imply an inclination for environmental and cultural representation is the appointment of Chiefs to Parliament as Non Constituency MPs. Ideally, the appointment of chiefs was seen as a way of bringing into parliament custodians of our customs. These chiefs come from rural areas that boost a lot of natural resources and they are in daily conduct with the people who use and live with resources like wildlife, forests, birds, rivers systems and the land. In legal terms the chiefs have power to oversee the use of these resources in collaboration with the local government institutions.¹⁸ They work with the Village Development Committees, the Ward Development Committees and the Rural District Councils. Therefore, their intercourse with rural administrative institutions enhance their capacity to represent the interests of various rural people. One of the chiefs in parliament, Chief Chirau, is also a member of the Parliamentary Portfolio Committee on Mines, Energy and Environment.

Obviously there are incentives and disincentives for MPs who are members of the committee. These will be discussed later in this report. But what has to be noted is that although environmental representation is still weak in Zimbabwe, it is gathering momentum in parliament. It remains to be seen how it will develop in the near future. But at this point debate is mainly focused on land delivery without enough consideration of the environmental impacts of the programme. Of late debate has mainly focused on the shortage of basic commodities, foreign currency and fuel shortages, then the drama by legislators from the MDC and ZANU PF who will be trying to outwit each other during debate.

CASE STUDY FINDINGS

As outlined earlier the research is an attempt to investigate and understand the activities of MP Mazikana of Guruve North Constituency. The aim is to see how he has represented the environmental interests of his constituency in Parliament. More specifically, this study is based on his representation of the human-wildlife conflicts within the CAMPFIRE villages of Guruve North. In the same breath, the objective is not limited to problem animals but to look at other environmental or developmental issues

¹⁶ WORKSHOP REPORT cite

¹⁷ (NCUBE)

¹⁸ Traditional Leaders Act (Chapter 229:17)

that the MP has represented or failed to represent. In one way or other such issues have a bearing on the CAMPFIRE projects in the district.

In order to gather the views of the people, the research team travelled to Guruve North Constituency to interview the MP, the electorate and other key stakeholders to find out what they think about environmental representation and how their MP has represented them. In presenting the findings of the study, the following areas will be looked at, the geography of the area under study, resources found in the area and the issue of human-wildlife conflict within the CAMPFIRE programme. Furthermore, the study will reveal what the MPs has done in parliament and in the constituency. All this information was extracted from the views of the constituency, social and political scientists, fellow MPs and past MPs.

Geography of the Case Study Area

Guruve District is a complex area that has been divided into two parliamentary constituencies. Since the area is large and covers vast tracts of land, it was divided into Guruve North Constituency and Guruve South Constituency. Guruve North lies to the northern part of the district in the Zambezi Valley. Guruve North is also known as Lower Guruve since it lies in the Zambezi Valley. On the other hand, Guruve South Constituency is located on a high plateau, overlooking the valley to the north. Consequently, it has been termed Upper Guruve. The case study area for this project was Guruve North Constituency represented by MP Paul Mazikana in Parliament.

Guruve North Constituency is also termed Dande. The constituency is found in region 5 of the country, which is hot, arid and basically unsuitable for farming and human habitation. Those who live in the area are used to these conditions. Guruve is characterised by low rainfall, remoteness, underdevelopment and a sparse population. The people of Guruve North Constituency are clustered in pockets of village settlements. There are vast areas that are not settled and this has subsequently created space for wild animal's habitation, ecosystem growth and multiplicity.

Geographically, the constituency occupies its largest part in the Mid-Zambezi Valley. Despite its harsh and tortuous climatic conditions, the area is very rich in biodiversity. Resources that are found in the area are wildlife, forestry, fisheries, rivers and land. Of all these abundant natural resources, the highly prized resource is wildlife which has attracted a lot of interest as evidenced by the proliferation of non governmental organizations (NGO's) in the area. On the other hand, the constituency shares a common boundary with Mozambique to the North East, and Zambia to the North West. In turn, Mozambique, Zambia and Zimbabwe share the mighty Zambezi River and there are efforts to establish a Transboundary Natural Resources Management (TBNRM) called ZIMOZA named after the three countries.

For administration purposes Guruve North Constituency falls under the Guruve Rural District Council. However, the offices of the council are based in Guruve South Constituency. Each ward in the constituency is under a councillor who is elected by the people. However, the fact that the council offices are located in Guruve South has caused

an outcry from people within Guruve North Constituency who want to have their own Council offices. The reason for this outcry is that Guruve South does not have many wildlife resources that are relevant for the CAMPFIRE project as compared to the north. However, it is the southerners who are benefiting a lot from the proceeds of wildlife through CAMPFIRE. Villagers demand more benefits to be realized by those communities in the North who bear the brunt of wildlife through crop, livestock and property destruction as well as injury or death.

As an administrative measure for local communities, Guruve North Constituency has also been divided into 11 wards. In those 11 wards there are small groups of households called villages. A ward is made up of a number of villages that are put together as one unit for local government administrative purposes. Each village is under a village head who will be the community leader. At the same time each ward has its own Councillor who is elected by the people to represent them at the Rural District Council level.

For purposes of this research, five Wards were selected for interviews with the electorate. Interviews were carried out in Chitsungo (Ward 10), Masoka (Ward 11), Angwa (Ward 2), Mushumbi (Ward 9) and Kanyemba or Chapoto (Ward 1). These wards were selected because of their significance in the CAMPFIRE programme and because they have a lot of wildlife. These are the same areas where human-wildlife conflicts are rife. From the research it emerged that a number of villagers have been killed, or have had their crops and property damaged by wildlife in these wards.

The people of Guruve North Constituency are a mix of different ethnic groups who speak different languages. The Tande, Kore-kore, Tayara, Chikunda, Dema, Karanga and Zezuru form the nucleus of the people in Guruve North Constituency. The Kore-kore are the dominant group in the constituency. In 1997, the population was estimated to be more than 60 000 inhabitants spread out on an area covering about 2 600 square kilometres. The average household in Dande has approximately 7 people.

At the outset, it should be said that because of the remoteness of the area and the abundance of natural resources, Guruve North Constituency is the ideal case study to measure the level of representation. The people in the area are divorced from all facets of modern living, electricity, transport and tapped water, among other essential services. Such a situation gives a compelling reason for the people to be efficiently and effectively represented in Parliament so that their problems can be addressed.

The CAMPFIRE Programme

In 1982 the Parks and Wildlife Act was amended to grant appropriate authority status to Rural District Councils to enable them to manage wildlife on behalf of the local people. This is because local communities in Zimbabwe do not exist as legal entities with the ability to own and manage natural resources as one entity. So the RDC was the only legal entity that was available to manage wildlife resources on behalf of the people. Following this legislative amendment some RDCs started to apply for appropriate authority status in 1986 and this gave rise to the CAMPFIRE projects in some communal areas where there

was wildlife. CAMPFIRE stands for Communal Areas Management Programme for Indigenous Resources. CAMPFIRE was conceived by the Department of National Parks and Wildlife Management (DNPWLM) in the early 1980s.

Given the reality of commercial and subsistence poaching to wildlife stock especially the larger game like elephants and buffalo there was need to make people aware of the value of wildlife. The objectives of CAMPFIRE were, to initiate a programme for the long term development, management and sustainable utilization of natural resources in communal areas, to achieve management of resources by placing the custody and responsibility with the residents and to allow communities to benefit directly from the exploitation of natural resources within the communal areas. The main focus of Zimbabwe's approach to wildlife is on economic value, equity, conservation, creation of protected areas and maintenance of ecosystems, species and habitat.

Despite the vague legal framework, the Campfire projects have benefited a number of communities in Zimbabwe. Some local authorities using the benefits from wildlife management have put up schools, grinding mills, electric fences and sales depots in the communal areas. The immediate examples of such villages are Mudzi, Chikwarakwara in Beitbridge, Mahenye, Uzumba Maramba Pfungwe and a number of villages in Guruve. In Guruve some schools, clinics and grinding mills were constructed from the proceeds of CAMPFIRE.

Guruve Rural District Council was one of the first district in Zimbabwe to be granted appropriate authority status to manage wildlife on behalf of the communities. Through this authority the District stated some CAMPFIRE projects in the area. This was after it was realized that people who live with wildlife should benefit. The area has a lot of wildlife.

In Guruve, CAMPFIRE projects are found in Masoka, Angwa, Kanyemba, Gonono, Chikafa and other wards. These are the areas that have a lot of wildlife resources. Incidentally it is in the CAMPFIRE areas that there is the highest rate of human-wildlife conflicts because of the high number of wildlife. Nevertheless, the people have intermittently benefited through trophy hunting, hunting concessions, safari operations, craft and other tourism activities and employment as game guards. Sometimes they are given game meat. There were also fundamental changes in the attitudes of communities who live with wildlife whereof they now perceive wildlife as an asset with value and not merely as posing a threat to life, property, crops and domestic stock.¹⁹ Guruve attracts a lot of safari hunters and sport hunters and also commercial poachers.

However CAMPFIRE remains unsupported by any specific legislation. There is no specific law that has been passed by the legislature to regulate the operations of the projects. The only legal basis is the appropriate authority status that was given to RDCs

¹⁹ Shamiso Mtisi, "A Review of the Legal and Policy Framework for Wildlife and Land tenure rights for communities in Zimbabwe", Research paper for the IUCN Environmental Law Internship project, August 2002.

through the 1982 amendment of the Parks and Wildlife Act. In practical terms vulnerability is inherent in a process lacking legislative guarantees to prevent sudden policy reversals by the government. This vague legal framework has led communities to find themselves losing a lot of revenue to unscrupulous RDC officials. RDCs are merely government administrative structures that represent the interests of central government and not the ordinary people. They are political administrative structures that were established soon after independence. This means that there was failure to devolve actual decision making to the lowest village levels for wildlife management.

Since Guruve North Constituency has small pockets of human settlements in the area, the most prominent environmental issue is wildlife management. The settlements are not dispersed as in many parts of the country. This has created space for wild animal's habitation, ecosystem growth and multiplicity. Further, the constituency forms part of the Zambezi valley and is part of a wildlife corridor that has been the backbone of CAMPFIRE projects in Zimbabwe. Among the wild animals found in the area are, elephants, buffalos, wild pigs, hippos, lions and baboons. When the Ward Clerk of Kanyemba Ward was asked what environmental issues are of concern and importance in the constituency he said that,

*“Wildlife is of concern to us. These animals include elephants, buffalos, leopard, fish and land for agriculture. The animals are of concern because they bring income and we have been able through CAMPFIRE to build schools like Chapoto Primary and Secondary Schools”.*²⁰

Apart from wildlife, Guruve North Constituency is also endowed with indigenous forests. People can use the trees for construction purposes and for firewood. However, the state retains authority over the land and forests in the communal areas. All forest resources belong to the state, excluding those on private land, which are vested in the landowner. In the communal areas, such title is vested in the RDCs, sometimes in conjunction with the National Forestry Commission. Communities in the communal lands have access to Forest resources for immediate household needs such as firewood. Another important resource in Guruve North, are rivers. The Constituency lies near the mighty Zambezi River. So fisheries are a source of livelihood for those people who live near the river. The river is a transboundary natural resource that is shared by Zambia, Mozambique and Zimbabwe.

Agriculture is also an important economic activity in lower Guruve. Crop production is done along the rivers and watercourses (*dimba cultivation*) and on the upland (*munda cultivation*). Maize is the most important crop and the staple food for Zimbabweans.

The main institution for wildlife management is the Rural District Council (RDC) of Guruve. The RDCs have a wide range of developmental and environmental functions. Ward and village development committees are established as part of the planning process. Village assemblies have been established under the Traditional Leaders Act, through which chiefs and headmen were granted powers in the management of natural

²⁰ Interview with Mr Charuma, the Ward Clerk of Kanyemba Ward, held on 22 December 2002

resources. RDCs are empowered to make by-laws to: protect property controlled by the council, protect common property, preserve vegetation and conserve natural resources. On the other hand NGOs are very active in Guruve North, like the Center for Applied Social Sciences (CASS Trust), Zimbabwe Trust, Africa Resources Trust, Plan International, Christian Care and CIRAD.

CAMPFIRE has become a forum for a wide range of issues, including representation, economic participation and the governance of communal areas. Originally it was concerned with wildlife management. Environmental governance is the main challenge in all CAMPFIRE projects in the country. The process has been dominated by government institution, however with interventions by NGOs. The local authorities have been active than the actual people who are supposed to benefit. So the question of community participation has not been adequately addressed. Management of resources has not been decentralized to make sure that people are involved in the process. For example, in Lower Guruve wards, lack of decentralized decision making has led to human/animal conflicts leading to death and injury as village heads and chiefs are powerless to protect their people.

It is within this CAMPFIRE setting that human –wildlife conflicts are much pronounced. The people have been advised to live peacefully with wild animals and to conserve natural resources in order to benefit from these resources. As stated above the objective of CAMPFIRE is defeated according to the people when the same wild animals they are supposed to conserve raid their crops, destroy their homes and kill people. The solution according to some villagers is to kill the animals through poaching. The main thrust of this research was to understand what MP Mazikana has done to address the problem of human-wildlife conflict within the CAMPFIRE villages in the constituency.

Human-Wildlife Conflicts in CAMPFIRE Villages

Human-wildlife conflict is an endless problem in Southern Africa's rural communities that live close to national parks and other protected areas or areas where wildlife can roam freely. For the people, living side by side with wildlife can be both rewarding and costly. This is mainly pronounced in Guruve North Constituency where the problem has reached alarming levels. On an annual basis, the community incurs huge losses due to wild animals that raid crops, prey on livestock, destroy household property, injure and kill people.

These problem animals include buffalos, elephants, baboons, hippopotamus and wild pigs. On a weekly basis, elephants or buffalos attack two people especially in the Kanyemba area.²¹ This problem is mainly pronounced from January to May. During this period, wild animals come close to villages to raid crops like cotton and maize. The number of animals in the Guruve North Constituency especially buffalos and elephants is now beyond its carrying capacity. This over population may explain the upsurge in conflicts between people and wildlife. As these animals increase in numbers, their natural

²¹ Tsitsi Matope, "Wild animals wreak havoc in Guruve", The Herald, Tuesday 18 February, 2003, p.9

habitats diminish and the chance of them invading places meant for human settlement in search of grazing space increases.

At the 12th Conference of the Parties to the CITES Convention held in Santiago, Chile, 2003, Zimbabwe proposed to cull its ever increasing elephant population which can no longer be sustainably managed. Unfortunately, this request was turned down. The problems caused by wild animals have led to communities to start questioning whether it was worthwhile to conserve wildlife. Some analysts have also started to question the relevance of CITES in the sustainable management of wildlife. As one villager noted, “We are aware that conserving wildlife is important but our lives are in danger as these attacks are unremitting.”²²

On the 15th of December 2002, during the research team’s visit to the area, a villager named Joel Muparaganda was attacked and killed by a buffalo while he was returning home from the fields with his 16 year old son in Angwa Ward. Narrating his father’s death, the son said they met the buffalo a kilometer away from their homestead on their way from the fields. “I saw it coming and hid in a bush before I heard my father cry for help until he lay still, I later ran home to inform my grandmother about what had happened”.²³ For Mrs. Muparaganda (the late Joel’s mother) problem animals are leaving a legacy of problems in her family. She is 85 years old. Two years ago, she lost a daughter in law when she was attacked by an elephant. She is taking care of the five children. At her age, this is a terrible burden. Describing how her son had died, she had the following to say “It pained me to see my son’s body in such a state. This happens everyday but it is not something people can get used to, simply because we want to benefit from these animals. They are a menace and they must be kept in a game reserve.”²⁴

Mrs. Esnath Nhetera of Chiraka village was attacked and killed by an elephant while returning home from her garden. She is survived by two children. Mr Clever Mutema of Vhenya village was also attacked and killed by an elephant while tending his crops. He left behind 8 children and they have since stopped going to school. Chief Chitsunga of Chitsunga area lost a sister after she was attacked by an elephant. This happened shortly after his return from the CITIES conference and he vented his frustration on those who had refused to allow Zimbabwe to sell more as this would in turn have enabled Zimbabwe to cull more elephants. “I wish the people who turned down our proposal were here to view my sister’s body which was badly mutilated. Many people here leave in fear and are not free to move around because of these animals”²⁵

Crops are always being raided by buffalos, elephants and hippopotamus in the various wards. This has also led to hunger and starvation as many house holds fail to sustain themselves. In Kanyemba Ward for example, out of every 4 acres that the 700-800 farm, about one and half acres is lost to wild animals.²⁶ This means that 1000 acres of crops is lost to wildlife every year. Harvesting in the Masoka area this year has been ruled out due

²² Taona Karimo quoted by Tsitsi Matope in Wild animals wreck havoc in Guruve, The Herald, Tuesday 18 February, 2003, p.9

²³ Ibid

²⁴ Ibid

²⁵ Ibid

²⁶ Manyanga, Field Research Report, Interviews held on 1 January 2003

to a combination of drought and raids by problem animals.²⁷ The electric fence that used to protect their crop fields was vandalized and has since not been repaired and wild animals are roaming into the fields freely.

In a bid to combat these raids by problem animals on crops, some villagers have resorted to spending sleepless nights guarding their fields. However, this is a dangerous exercise fraught with a lot of risks as some have been injured or killed in the process. These people face a great risk because they walk early in the morning and late at night during the time when wild animals are most active.

Sources of Conflicts

There are a number of reasons that have led to the increase of human-wildlife conflicts in the mid-Zambezi valley. One of the major sources of conflicts is the competition between man and wild animals for access over scarce resources for example water. In Masoka (ward 11) there has been a lot of clashes at water points. The area used to have four boreholes for people to fetch water from. However, after they broke down they have not been repaired for a long time and people are forced to fetch water from the Angwa River and other nearby streams. Wild animals use the same natural sources of water. The same problem is also experienced in other wards such as Kanyemba and Chapoto where borehole facilities are inadequate to address the water needs of the people. As a result they resort to fetching water from the Zambezi river where they face an extra problem of crocodiles. There are very big crocodiles in the river and a lot of people have lost their lives and many more others have been maimed.

Poaching of wildlife is another source of human –wildlife conflict both on a commercial and subsistence basis. It is believed that poaching activities which take place drive wild animals into the villages or near human settlements. Some of these animals would have been wounded, scared and frightened during the attempted poaching and they became very dangerous as they attack humans easily. A good example is the buffalo which once injured has a tendency to move out of its natural habitat and settle near human settlements ready to vent its anger on anyone in sight. For example Joel Muparaganda was attacked and killed by a buffalo on the 15th of December, 2002 after it was injured. While the communities say he was killed on his way from the fields, the official version is that he had tried to snare this buffalo. The buffalo escaped the trap but sustained some injuries and waited for him. As he came to check on his snares, the buffalo attacked and killed him.²⁸ The people are frustrated by the damage that wild animals are causing to their lives, crops and livestock and they try to trap them and many have lost their lives in that attempt. For injuries sustained they are paid Z\$ 4 000 and Z\$ 8 000 for death as compensation.

However, despite the problems that these communities face due to problem animals, they appreciate that living with wild animals can be rewarding and they are still supportive of wildlife conservation. The communities have benefited immensely from CAMPFIRE projects. Schools and clinics have been built and wild animals are also a great source of protein and employment to the local youth most of whom are now game guards and

²⁷ Muzeza, Field Research Report, Interview held on 1 January 2003

²⁸ Personal communication with Jonah Chikuni, Guruve Wildlife Officer, 18 December, 2002

hunters. The Gonono community which is one of the areas most affected by human-wildlife conflicts received Z\$5 million from the proceeds of last year's hunting season. It is hoped that through such benefits people will appreciate the value of wildlife. What the communities are calling for is balance between their interests and those of wildlife. Electric fences to protect people from wild animals have also been provided in Gonono.

Institutions put in place to deal with the problem of Human-wildlife conflicts

The local government authorities do realise that there are problems associated with human-wildlife conflicts in CAMPFIRE areas. One of the coordinators of problem animal control observed, "The increasing number of elephants and human populations seriously undermine human livelihood security as well as elephant conservation".²⁹ As a result institutions have been put in place to deal with the problems caused by human wildlife conflicts. A good example is the Problem Animal Control Unit (PACU) established in 1987 by the Department of National Parks and Wildlife Management. Until then the department used to deal with the problem of problem animals by shooting them. This was found to be a waste of a precious resource and this has now been discontinued. PACU operates through anti poaching units and it has two main functions namely;

- a) protect communities against injury, death, damage to livestock , crops and property
- b) deal with poaching activities which result in the loss of wildlife and can also provoke wild animals to attack people

Other Institutions apart from Department of National Parks and Wildlife Management include, the Ministry of Local Government and National Housing, World Wildlife Fund (WWF) Zimbabwe, Zimbabwe Trust, Center for Applied Social Sciences (CASS), Africa Resources Trust and the CAMPFIRE Association.

Other Constituency Problems

During the interviews, it emerged that the main concern for people in CAMPIRE villages was the human-wildlife conflicts. This was mainly because of the death of one of the villagers a few days before the research began. However, there are other problems that pose a great challenge to the local MP. The road network in Guruve North Constituency is not tarred from Mahuwe to Kanyemba. It will grow some pools of water during the rainy season, thus making it inaccessible to for buses and cars. Transport is a problem to people who live in Masoka ward that villagers have to walk up to 30 km to catch buses. They wake up at night exposing themselves to problem animals.

The other problem in Guruve North Constituency is that there is no form of communication with the outside world. The area is remote and there are no telephone lines. People communicate through word of mouth or letters. The other option to communicate is to use radios, but they are not efficient. The Lower Guruve Development Association, a local NGO has a few radios that are used as a means of communication. This has in turn affected the passage of information to the relevant authorities when

²⁹ Isaac Chaipa, Co-ordinator of problem animal control project, Gonono, quoted in Tsitsi Matope, *supra*

someone has been killed by wildlife. Because of this problem there will be no quick response by the Problem Animal Control Unit.

In addition, the people of Lower Guruve are far from their administrative offices. These offices are surprisingly located in Upper Guruve making it difficult for people to have easy access to the RDC for the resolution of a number of problems. At the same time the people are angered by the fishing regulations in Zimbabwe, whereof people are required to have permits in order to catch fish in the Zambezi River. What makes this requirement frustrating for the people is that their Mozambican and Zambian counterparts are not required to do the same. So people are worried by the laws in Zimbabwe on fishing.

The Doma people in Guruve, Zimbabwe, are marginalised. Frequent fires destroy food and property. Other problems include siltation of rivers, natural disasters such as droughts and floods. There is often low agricultural production due to lack of extension services, crop and animal diseases, poor infrastructure and low draught power.

What the Legislator has done

Who is Paul Mazikana?

Paul Mazikana was born on 24 October 1960 in Guruve District. He first worked as a teacher at various schools in Guruve District for a period of ten years. As such he has established a strong relationship between himself and the communities or wards found in Guruve North Constituency. This has led him to appreciate the problems that his people were facing. Notably MP Mazikana holds a Diploma in Philosophy and a BSC degree in Sociology from the University of Zimbabwe. Through such academic achievements the legislator has also been able to learn about issues of development.

MP Mazikana was first elected into Parliament in 1995, to represent Guruve North Constituency. During the 1995 election he campaigned and won the election on a ZANU PF ticket. The people of Guruve North rightly viewed him as a progressive candidate who would represent their host of problems mostly related to environmental issues, like wildlife management, poverty alleviation, the need to built more schools, the need to resolve the human-wildlife conflicts and to attract investments into the constituency.

After serving his first term in office from 1995 to 2000, the legislator was again re-elected to represent the people in the June 2000, parliamentary election. The people had faith in him so they entrusted him with their voice again to speak on their behalf.

The Legislator's activities to solve the human-wildlife conflicts

MP Mazikana's vision is a developed and self-sustaining constituency free from poverty. He want his constituency to be able to manage wildlife resources in a way that brings benefits and result in the construction of schools, a good road network and the establishment of communication links. He also intends to work harder and ensure that other means of solving human-wildlife conflicts are found.

When he was first elected as a Member of Parliament in 1995, MP Mazikana worked hard to make sure that the problems of his constituency solved. The challenge for him was to represent the conflict that his people had with wildlife. So he resolved to take up the issue of problem animals and their conflicts with people to parliament and get a response from the responsible ministries. He set this as one of the problems he was going to tackle from the time of his election in 1995 until the end of his first term in 2000.

Parliamentary and National Level

At the parliamentary, level MP Mazikana has been active to ensure that ways of reducing the human-wildlife conflicts in Guruve North constituency are found. The legislator joined the Parliamentary Portfolio Committee on Mines, Energy and Environment when the idea of committees was introduced in 1999. The Committee shadows three line ministries. It is a special committee that has the mandate to inquire, investigate, call the three line Ministries for hearings and can be lobbied by any individual, NGO(s) and other stakeholders. This committee has sufficient powers to summon ministers to give evidence on any inquiry concerning environmental problems.³⁰ The committee has an oversight role over those ministries, organizations and departments that deal with environmental issues. Different stakeholders channel their concerns to the committee which then relays the stated issues to the ministry concerned. Furthermore the committee is mandated to go out and meet the people of different constituencies to hear their environmental concerns.

The fact that the MP has joined such a committee is a clear sign that he has identified himself with the concerns of his constituency which relies on the utilization of natural resources through the CAMPFIRE projects. Through his membership in such a committee the MP demonstrates that he is aware of the needs of his people and such membership is *prima facie* evidence that he is representing his constituency. He has selected a committee that represent and discuss issues raised in his constituency.

Another important aspect about the legislator's need to show the whole nation that he supports environmental issues that are paramount to his constituency is his small profile on the web site. The Parliamentary web site, (www.parlzim.gov.zw) indicates that the legislator has a deep interest in issues of conservation.³¹

MP Mazikana testified about his interest in natural resource issues during an interview with the researchers. He said that he has an interest in issues that relate to mines, energy and the environment because he represents a constituency where natural resources like wildlife, agriculture, forests and fish resources are the main economic activities. The MP also said that his views are better understood in the parliamentary committee and that there is much time to focus on the concerns in his constituency in the committee than in the House of Parliament where other issues take precedence. This is true of the present situation in Zimbabwe in that topical issues take precedence during debates than issues that do not need urgent attention. Such issues that take precedence include, election violence, persecution of opposition party supporters and MPs, the economy, the national

³⁰ *ibid* (Interview with Mrs. Nyawo)

³¹ <http://www.parlzim.gov.zw>

budget, housing and the land among other national problems that need the attention of the legislators.

MR Mazikana said that as a committee they have supported the approval and passage of the Environmental Management Act in October 2002. Although the committee was not involved in the preliminary drafting and consultation stages of the Bill from 1994 onwards, it called a Stakeholders workshop to hear what stakeholders thought about the Bill before it was presented to parliament. Together with other legislators in the committee, MP Mazikana would firstly agree as a committee to support the committee's own position on any environmental matter which will be delivered to the house by the committee Chairman in a report.

From the Parliamentary Debates (Hansard) that were reviewed it emerged that MP Mazikana has been consistently calling government ministries and departments to intervene to address human-wildlife conflicts in CAMPFIRE villages in Guruve North Constituency. The animals have been wreaking havoc to crops, property and the lives of villagers in Guruve North Constituency. During one of the debates in 1997, Mazikana asked the Minister of Environment and Tourism the following question in Parliament,

*“Why has the Ministry instructed Rural District Councils under CAMPFIRE programme to seek authority from Provincial wardens to control problem animals when the Rural District Councils have the appropriate authority”*³²

What the MP was advocating for was the granting of powers to Rural District Councils to control the human-wildlife conflicts in CAMPFIRE villages. This statement focused at a national level since the structures of CAMPFIRE are the same nation-wide, so it applied to all districts with such projects. Through this question the legislator wanted to make a case for his constituency that was always under threat from problem animals and other areas where the same problem was prevalent. The problem which the MP had seen was that it took time for the RDC to first seek for permission to control wild animals that destroyed crops, kill or injure people. What he was calling for was an end to this practice which was not working well in order to make sure that human-wildlife conflicts are limited. In addition, what he wanted to see was the devolution of power to control problem animals to Rural District Council which had been given the authority to manage wildlife on behalf of communities in CAMPFIRE areas.

Because of this representation in parliament and other efforts from different stakeholders, the question of the MP had a positive impact. There was a revision of practice in the control of problem animals. The power to deal with problem animals in the CAMPFIRE programme was transferred from the Provincial wardens to the Rural District Council. As a result the different RDCs in Zimbabwe had to establish Problem Animal Control Units within the RDC CAMPFIRE department. However, despite the establishment of PACU, there are practical problems that face the department. The institution does not have enough guns and power to kill wild animals that are problematic. In fact the authority to kill is vested with the Department of National Parks and Wildlife. What the PACU does

³² Parliamentary Debates, Vol 23 No 76, 1997, line 4680, Government Publications, 1997

is just to scare away the animals and not to kill. What is evident from the above position is that the representations by MP Mazikana through questions to the minister in parliament led to a shift in practice, although other problems have emerged.

During the same session in 1997, the Mazikana again asked the Minister of Environment and Tourism that,

*“...why is the Department of National Parks and Wildlife not coming to the rescue of villagers in Kanyemba, Lower Guruve where lions are causing terror, destroying villagers livestock and threatening human lives....Whose responsibility is it to compensate villagers whose properties have been destroyed by these animals”*³³

The issue of compensation which the legislator asked about is a critical and often emotive point in Guruve North Constituency, especially to those people who have lost their relatives or whose crops, livestock and property have been destroyed by problem animals. Unfortunately despite raising concern about compensation for crop destruction to this day no one in Guruve North Constituency has been compensated for crop destruction while the compensation given to the people of people who die is still very low.

MP Mazikana was also quoted in November 2002, in a Radio News Bulletin on the Zimbabwe Broadcasting Corporation (ZBC), as having said that the issue of problem animals has caused great suffering to the people of Guruve. He said that it has increasingly becoming difficult for school children to go to school since their lives were always under threat from wild animals like buffalos, elephants and lions. As a result, he was advocating for the establishment of a new school in the Constituency, to make sure that the children will not walk long distances to go to school.

Through such news bulletins the legislator was able to communicate with the people in his constituency and the whole country. People came to know that their Member of Parliament is at least appealing for help from well-wishers for the construction of a school and the protection of children from problem animals. With the intervention of the MP a number of schools have been built in the constituency. The MP has also sourced donations from donors. One of the donations of \$200 000 was made by President Robert Mugabe to the constituency in 2002. However, some villagers said that this was a political gimmick to buy people's votes since it was done towards presidential elections in 2002.

Such concern for the constituency shows that the MP has tried to advance the environmental interests of his constituency. He has always recognized that wild animals are an important resource through the CAMPFIRE programme, but they also pose a great danger to people. Thus he has always been calling for a balance between the need to conserve wildlife and the need to make sure that people live safely.

³³ ibid,(line 4682)

Other Issues Represented by the MP in Parliament

Besides the human-wildlife conflict, Mazikana also represented other issues that are important to the people of Guruve North Constituency in Parliament. In 1997 there were floods that affected villages in Lower Guruve. The floods destroyed crops and homes leaving some families without food and shelter. This was an environmental disaster. The MP responded by going to parliament to seek an explanation from the Minister of Local Government, Rural and Urban Development whether his Ministry had any plans to assist families whose crops and homesteads had been destroyed by the floods that occurred in the Zambezi Valley.³⁴

In another debate in Parliament, the MP asked the Minister of Local Government, Public Works and National Housing to explain the circumstances surrounding the delay in implementing the Mid-Zambezi Valley Land Use Project that was to be funded by the European Economic Community and to explain why 54 boreholes funded by the African Development Bank in 1995 for the Mid-Zambezi Rural Development Project have not been drilled.

In the same year, the legislator asked the Minister of Local Government in parliament to explain why villagers in Kanyemba, Lower Guruve, had not been given the approval to go ahead to use Kanyemba irrigation scheme funded by DDF. The irrigation scheme has been very helpful to the people of Kanyemba.

The MP further asked the Minister to explain in Parliament the delay in the implementation of the Mid-Zambezi Valley Land-Use Project in the Constituency. During the same debate he also asked why there is no Agricultural Extension officer based at Kanyemba to assist the Doma people in their agricultural activities. The Doma people are a marginalized group in Guruve North Constituency, so the MP wanted to make sure that their plight is addressed, by the Ministry of Agriculture.³⁵

Activities in the Constituency

At the Constituency level, MP Mazikana has been attending some functions when invited. He has also participated at different forums organized for parliamentarians in the constituency. This has seen him liaising and encouraging NGOs, individuals and professionals who are interested in working with the people of Guruve or to start new projects. These projects normally involve environmental researches and projects. Most of these researches which he has been encouraging relate to wildlife management and the CAMPFIRE project in the constituency. He has been very encouraging to a number of environmental organizations. For example, in 2002 he has been working very well with Environment Africa a local NGO, in its gully-reclamations projects in Guruve District.

Apart from environmental issues, the MP has helped NGOs that promote HIV/AIDS awareness in Guruve North Constituency. This has mainly been in Chitsungo Ward his

³⁴ *ibid* (line 4215, No 68)

³⁵ *ibid* (line 4232 and 4214, No 68)

home area. As a result of this some people who were interviewed said that the MP is now more concerned with HIV/AIDS issues than environmental issues. One important attribute about MP Mazikana is that he can easily interact with people from different social backgrounds.

In some wards the MP supported the construction of schools, clinics, youth projects and he initiated a rice growing project although it failed because of the lack of water for irrigation. Administratively, the MP has always been in conduct with the Rural District Council in order to find if they have any problems or issues that they think should be raised in parliament. The RDC has councilors who represent each ward and these are the eyes of the RDC and they take ward problems to the RDC.

The Biodiversity Programme and the CAMPFIRE projects in the constituency afforded the legislator an opportunity to meet and discuss with the people, especially with their representatives or leaders on environmental issues. On the other hand, the MP always meet some local development organizations such as the Lower Gurube Development Association (LGDA). The LGDA is a local NGO formed to facilitate the development of Gurube North Constituency. The legislator attends its annual general meetings to discuss issues of development in the constituency. Such issues involve wildlife management, tourism and the economic and social life of the villagers. LGDA operates some projects in Gurube North Constituency. These include chalets for accommodation for visitors, a grinding mill, groceries stores and other projects.

What People Expect from their MP

The interviews with voters in the five wards listed above revealed that the people in Gurube North Constituency wants their MP to pay them constant visits.

The voters are also calling upon their MP to attend funerals of those people who die, get injured or lose their crops due to wild animals. The villagers also said that their MP should lobby Parliament to review the compensation paid when a person is killed by wildlife. Currently the compensation is \$8 000 for death and \$4 000 for injuries. Some suggested that problem animals should be killed and compensation should be increased to \$100 000. They are also calling upon the MP to make sure that the Problem Animal Control Unit had enough manpower and guns to be used for the control of wild animals like buffalos. The children of those who die due to attacks by wild animals should be taken care of by the government.

In Masoka people would like the MP to ensure that the fence to control wild animals is repaired, and he should initiate an educational campaign for people to know what to do when they are in conflict with wildlife. The RDC should be more efficient in problem animal control and attend the problems in time. People say that buffalos must be killed and not wounded when people are hunting so that they will not kill people. Further, it was recommended that the MP need to advise people to keep a distance away from wildlife because if wild animals fight and gets hurt they become dangerous and can easily charge at people. It was said that people should be discouraged from poaching and setting up snares.

The communities that live near the Zambezi River want the MP to initiate law reforms for the fishing industry in the area. They would want to fish in the Zambezi River without any restrictions like what their Zambian and Mozambican counterparts are doing. This legislation is viewed as something that will empower the local communities.

The other solution suggested was that the MP should find a way of making sure that people benefit from the CAMPFIRE proceeds. Officials in the CAMPFIRE projects are said to be getting the money from CAMPFIRE, safari hunts, tourism and spot hunting in foreign currency. In turn, the CAMPFIRE communities are given the money in local Zimbabwean dollars currency. People are also calling for more involvement in the CAMPFIRE projects, more powers given to wards and village assemblies to manage Wildlife than the RDC. Further, some people are calling for communities to be given legal capacity so that these communities can be registered as legal entities for the management of natural resources like wildlife.

This is already happening in Gonono and Masoka where Community Trusts have been established. The Community Trust are being established in terms of the common law. A specific number of trusted community members will be chosen as the Trustees and form a Board of Trustees that will manage natural resources on behalf of the community. Community Trusts give a legal basis to the operations of communities and it increase their bargaining power. Thus, the RDC will not be managing resources on behalf of the people. Wildlife management should be further be given to communities and led by the wards and village leaders. Rural District Councils should entrust producer communities with responsibility for managing benefits and get involved in all aspects of wildlife management especially the financial element from CAMPFIRE proceeds.

It was generally agreed that the MP should have a secretary to write notes when he attended meetings with the people. This will make sure that he will refresh his memory in Parliament when he will be representing their interests. Further, the MP should pay constant visits to discuss with people how projects are being handled and how the money is being used. For example the Village head of Masoka said that they would like the MP to pay constant visits to his village, to discuss with people how projects are being handled and how the money from CAMPFIRE projects is used. Some people suggested that the MP should hold at least two meetings every month with the people. However, the feasibility of this is doubtful given the busy schedule of the MPs. Every Thursday of the week he has to attend Portfolio Committee meetings. On the other hand, it will not be practical for the MP to hold two meetings in each ward per month.

The other key intervention areas that people felt the MP should work on include the development of more irrigation schemes, tourism, fisheries and creation of awareness of natural resources policies. These issues can enhance livelihoods, the improvement of environmental governance, sharing of social services between neighboring countries and the development of conflict management mechanisms at the local level.

Recommendations from Guruve North Constituency

1. The MP should visit all areas to give feedback on issues discussed in Parliament and give aid where necessary like contributing some money when someone is killed by wild animals. The MP should visit people 3-4 times a year. The MP should be more visible to the constituency and should regularly hold meetings with people. Some people even recommended the MP to influence his party ZANU PF to provide people with food and other basic commodities.
2. To reduce human –wildlife conflicts the constituency said that it would be wise for the local leadership to encourage the use of wildlife proceeds from CAMPFIRE for the repair of boreholes that are in disuse. Further the legislator should look for donors to assist communities like Masoka Ward to erect an electric fence to divide settlement areas and wildlife habitats to prevent conflicts between the two. The people also suggested that the MP should look for donors who will construct dams to reduce human-wildlife conflicts at the few water points that exist in the constituency. There should be adequate Problem Animal Control labour force and these should have enough guns.
3. It has also been recommended that the MP should promote access by local communities from CAMPFIRE proceeds to benefit so that they will understand the importance of preserving and co-existing with wildlife and this will help eliminate poaching which has been attributed to poverty and linked to most deaths caused by animals.
4. It was recommended that compensation paid when a person is injured or killed should be raised from the current \$4000 and \$8000 to \$100 000 and \$1,000 000 respectively. People also suggested that funds should be set aside to pay anyone whose crops are destroyed by animals.
5. People should be taught what to do and what not to do when they are in conflict with animals. The Department of National Parks and Wildlife should get involved and monitor the animals well and the Council should be very efficient in animal control and attend problem animals in time.
6. Since the MP is in the Mines, Energy and Environment Committee, he should teach or promote environmental law awareness in his constituency. Parliamentarians should with the assistance of government officials explain to their constituencies the contents and key provisions of specific like the Environmental Management Act.
7. Some people called for less Ministerial intervention on local matters and argued for MPs to be given more powers to come up with local policies that immediately benefit people.
8. The legislature and the different Ministries should always work together to consult and discuss with people if they want to introduce new legislation.
9. People need their MP to campaign for legislation that empowers the local communities to manage resources on their own. This will include making sure that people can easily get licences to fish in the Zambezi river, because those on

the Zambian and Mozambican sides do have not such licencing requirement, they can fish anytime of the year.

10. Some formal links should be established that will see all NGOs and government department that are working in the Constituency meeting regularly with the MP to discuss progress, problems and chart the way forward together.

NEXT STEPS

1. From the field and literature researches done, it emerged that people in Guruve District have been subjected to a lot of research interviews. So they were complaining that after most of these researches by academics or research Institutes, the results are not communicated to them. Worse still they said that most of the researches yield no tangible result to them since they will not see any projects being implemented in their constituency to solve their problems. During the interviews in the constituency some respondents said that they are tired of being interviewed by various researchers who go to Guruve North Constituency searching for information. Taking into account the concerns of the electorate it is proposed that the first step after coming up with the research report is to distribute it in Guruve District through the MP and the RDC.
2. It is also proposed that, funds permitting, some workshops should be organized in Zimbabwe to sensitize Members of Parliament on environmental laws. Some do not even know how the law works on environmental issues. The other aspect is that a workshop should be organised for legislators to recommend ways in which the laws can be implemented AND encourage them to come up with laws that can be implemented.
3. There is a need to link legislators in Zimbabwe with those in other countries to ensure exchange of information. The Mines, Energy and Environment Committee can be supported to come up with its own section or link on the Parliamentary web site which specifically deals with environmental issues.
4. ZELA should work closely with the UNDP and the Parliament of Zimbabwe to enhance information dissemination through the Parliamentary Information Centres.
5. Organise a workshop in Guruve for the MP to meet his people to talk about environmental issues, problem animals, the implications of the environmental laws.
6. Increase lobbying and advocacy initiatives by environmental organizations on MPs to improve their understanding of the need to conserve and protect the environment.
7. Workshops should also be regularly held in Constituencies so as to sensitise people on environmental issues so that when MPs talk about environmental issues they will not be perceived as talking about trivial matters. People need to appreciate environmental issues so that they can appreciate them when their representatives talk about them.