

Caught in the Act: New Stakeholders, Decentralisation and Water Management Processes in Zimbabwe¹

By

Sobona Mtisi, University of Manchester, Institute for Development Policy and Management
Sobona.Mtisi@postgrad.man.ac.uk

Alan Nicol, Overseas Development Institute, Water Policy Programme, ANicol@odi.org.uk

Abstract

One of the responses to the global policy thrust of 'integrated water management' has been the establishment of catchment councils. Zimbabwe has not been an exception, and following the water reforms of the 1990s, a number of catchment councils were created. This paper

of a permit, potentially many more water users can gain access to water resources for livelihoods than under the previous policy regime. However, what emerges from the study is that despite the neat design of catchment approaches, their operation is very much based on who can negotiate most effectively. In practice, those who already have high levels of water access (in Zimbabwe, often larger-scale commercial farmers) are most likely to benefit, as they both dominate the council membership and are more effective at articulating their demands. Different conceptions of rights and entitlement to resources also affect how debates within catchment councils are carried out. The unequal playing field of water resource access and use, and the politics this inequality implies, therefore affect fundamentally the functioning of such new institutions, which are ostensibly designed to be participatory, inclusionary, and pro poor.

Key Words: Water, Decentralisation, Stakeholders, Policy Processes, Institutions, Catchment Councils, Zimbabwe.

Introduction

Governance of water resources is a key global policy theme. Since the late 1990s, mainstreaming the concept of governance in water management has been led by the Global Water Partnership. The *Framework for Action* (FFA) document began this process by promoting a concept of integrated water resources management that 'promotes the coordinated development and management of water, land and related resources, in order to maximise the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems' (GWP 2000: 22). This approach sought to accelerate the devolution of responsibilities to water users and build transparent and accountable mechanisms for resource allocations (GWP 2000: 30). Many southern Africa countries including South Africa, Mozambique and Zimbabwe have had such an approach and bundle of ideas embedded within new policy structures and national plans in the sector. Regional networks such as the GWP regional Technical Advisory Committee and bilateral donors are also active in the uptake and dissemination of ideas of water governance embedded in Integrated Water Resources Management (IWRM). Some donors within the region have also led the uptake of these ideas, including German Technical Cooperation (GTZ), which established an international IWRM Network that acted as an 'incentive for government and institutions to optimise water resources management'. Piloting began in

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southern Africa because of a perceived 'broad acceptance' by regional actors of IWRM concepts.'

The emphasis on reordering the governance of water in the region is not surprising. All three key countries in the SLSA study have undergone rapid political change since the early 1990s. New political systems that are more inclusive and ostensibly representative have triggered demands for greater access to natural resources. In many ways the new policy frameworks reflect this situation. But it is important to ask whether the policy frameworks and their institutional vehicles, in practice allow a new, more inclusive system of resources governance to take place? Key questions addressed in this study include: How is policy developing at national, sub-national and local levels? How are local narratives on resources access reflected in institutional structures? Which forms of participation are emerging and what are the formal and informal rules and 'events' governing access? What are the new structures and access by the poor to the resource? And how does IWRM 'fit' with wider decentralisation processes underway? This study was conducted in Zimbabwe in the period 2000 to 2001. It focuses chiefly on the experience of water resource governance in one main river basin, the Save.

Zimbabwe's Water Resources

Water in Zimbabwe is becoming increasingly scarce largely due to the growing demands for domestic, agriculture, and industrial water needs (Chenje *et al.* 1998). This has also been compounded by rapid population increase. Surface water resources contribute over 90% to the country's water supply, of which rivers provide the largest proportion. However, river flows are annually and inter-annually variable due to rainfall variations. Surface water resources are supplemented by the building of dams. In 1998, there were 140 dams with a greater capacity of one million cubic metres, and 10,747 smaller ones providing more than five billion cubic metres of impounded water capacity (Chimowa and Nugent undated). Use of water varies from one dam to another, but it generally includes irrigation, commercial/industrial, domestic supply, power generation, and recreation.

History of Water Management in Zimbabwe

The origins of institutional access to water in Zimbabwe are found in the political economy of the settler-colony. From the 1920s up to 1998, there existed a legal and administrative framework that governed the access to, and ownership, control and use of water in favour of sectional interests—namely commercial farming, and mining and manufacturing industries. The various pieces of colonial legislation, culminating in the 1976 Water Act saw Africans being legally denied access to, and use of, water for secondary purposes, such as irrigation. Some of the basic principles enshrined in the Water Act (1976) are:

- All water, other than private water, is vested in the State and its use apart from primary purposes requires that a water right be granted to the user by the Water Court.
- During periods when there is insufficient water, the available water is distributed on the basis that water right holders who were allocated water earlier have to satisfy their needs first, before late water right holders can exercise their rights (priority is based on date of application for a water right), the 'first in right, first in time' principle.
- Water rights are granted in perpetuity and are attached to land. Thus, only individuals or persons with title deeds to land could apply for, and be granted, water rights.

The Water Act (1976) allowed owners, lessees, or occupiers of any land to construct wells or drill boreholes on the land. The amount of ground water abstracted was not controlled. However, the minister was empowered to declare groundwater control areas, in which case deepening or drilling boreholes with a depth greater than 15 metres required ministerial permission.

The administration of the Act was the responsibility of the Water Court, which was empowered to investigate the use of water granted in a right, and revise or cancel a water

being connected to Southern Africa. This was a major step towards improving trade and commerce with the outside world.

But being one of four projects that were intended to meet the primary goal of opening up the landlocked interior, this was a modest achievement. The railways project, in which two branch lines would connect Rwanda and Burundi to the East African Community (EAC) grid through the port of Bukoba; the roads rehabilitation programme; and the navigability of the Kagera never got beyond the feasibility study stage.

The KBO regional centre for economic documentation: The centre was set up in Kigali as part of the Human Resources Development project portfolio. Funded by the UNDP, it boasted² of a collection of over 8,000 items that included reference books, periodicals and project study reports and documents; and a modern Statistical Data Bank and Information Service. It was to serve the purpose of acquiring, storing and disseminating information to the KBO Secretariat, specialists and consultants participating in the organisation's activities and other relevant bodies in the member States.

The Kagera Polytechnic Institute, which was the other project in this portfolio, was shelved in part due to its intended beneficiaries preferring to study abroad.

The tsetsefly and trypanosomiasis control project: This was one of six projects under the Agriculture Sector. Under this project, the Economic Commission for Africa's International Centre of Insect Physiology and Ecology ECA/CIPE conducted vector distribution surveys and trials on various control methodologies in the heavily infested (former) Akagera Park region. It is on the basis of this that the full-scale control programme was to be launched. This, however, was not implemented due to funding constraints.

The Rusomo Hydroelectric project, which at the organisation's inception was conceived as the key to industrial activity in the basin areas of Burundi, Rwanda and Tanzania ended up being the subject of several inconclusive studies. Thus, in terms of implementing the Priority Action Programme, the KBO clearly under performed. Indeed viewed in financial terms, only US \$18.75 million³ of the budgeted US \$3 billion capital cost of the PAP was mobilised. This represents a huge investment gap and a failure to capture the interest of potential funding agencies. Also, considering that member contributions averaged about 30% of funding requirements, it could be that its architects overestimated the members' financial capacity to meet regime costs or that the riparian states lacked faith in the organisation.

Adaptive capacity: an alternative evaluation criteria

As Rangley *et al* (1994) concluded, the organisation's overextended mandate and a lack of clear objectives were key factors that influenced its performance, but going by Waterbury's (2002) argument, extending the agenda to include non-water related sectors presented an opportunity for increased trade-offs between the riparians which was not exploited. Which brings into question the role social resources, or their lack of, played in the KBO's performance.

The social resources referred to in this context can be defined as the ability of administrative organs and managers responsible for natural resources utilisation to deploy the appropriate development, reform and adaptation mechanisms for management organisations to function: in essence Adaptive Capacity (see Homer-Dixon, 2000, 1994; Ohlsson, 1999; Serengeldin, Aster, 1994; Turton, 2002; Turton, 1999, 2000). Social resources determine the openness and flexibility of an institution thus defining the progressiveness of an institution in the face of

² Almost all of its collection of equipment and materials were looted in the 1994 civil war in Rwanda.

³ Excluding the cost of constructing the Headquarters and regional offices buildings.

emerging problems. They form the required foundation upon which policy options and strategies can subsequently be built. A sound principle is that for the development of a functional institutional framework, a level of social resources corresponding to the required level of adaptation to the increasing complexities of natural resources development must be achieved and maintained. A failure to meet and sustain this level would mean the failure of the institution.

Continuing with the construction analogy, we find that the pillars of institutional development are technical ingenuity on the one hand and social ingenuity on the other.

Technical ingenuity deals with the creation of the capacity to manipulate the environment in order to develop and utilise natural resources. In institutional design, this forms the structural component whose construction parts are the technical and financial aspects of the institutional arrangements. It lays out the procedural rules; the actors; the mechanisms for creating capacity in data generation, capture, processing and sharing; and the intellectual capital needed to interpret the data in order to generate and implement viable strategies or policy options. This is a well-covered subject in institutional literature upon which we will not dwell much (see Bromley, 2000; Carlsson, 2001; North, 1990; Young, 1989, 1980; Young, Osherenko, 1993).

Social ingenuity as an aspect of management institutional development is often mentioned in passing, but has not been explored in depth as a critical success factor in regime formation. It constitutes the social element of regime formation that determines the level of success that can be achieved when creating an enabling environment for:

- Inspiring commitment to the institutional arrangements among stakeholders;
- The regime to generate strategies or policy options that are perceived as being both reasonable and legitimate by the stakeholders; and
- The institutional organs to develop adaptive mechanisms with which to ensure that the regime is not held hostage by 'high-politics' especially if the latter is characterised by tense relations between riparians.

Perceptions are therefore very important especially among sovereign States whose interests are dynamic. It is for the purpose of understanding these perceptions and, where appropriate, changing them or instituting reforms to adapt to them that makes social ingenuity an indispensable element of regime formation.

Obviously, these two pillars, technical and social ingenuity, cannot be developed in isolation from one another. Yet in the case of the KBO, all the activities leading up to the Rusomo Treaty focussed entirely on the technical aspects of the regime with no attempt whatsoever to explore the social resources that would legitimise the regime for its intended actions and thus garner member commitment and, more importantly, eliminate the donor skepticism that undermined its existence. In developing countries, exogenous support from such actors as aid donors, specialised agencies and financial institutions plays a central role in institutional development. Similarly for the KBO, the UNDP and the Kingdom of Belgium played such a central role in the activities to justify the KBO's formation and its design that even the Rusomo treaty was based on a draft prepared by two UNDP consultants⁴. Under such circumstances, the social component was required to develop a mechanism to adapt these arrangements to the historical, cultural and political conditions that existed among the riparians. It goes without saying that the negotiating dynamics leading to successful establishment of water management accords vary from basin to basin and as such there is no global applicability (Cano, 1986; Marty, 2001; Mitchell, 1990), which is why there was a need for feedback to take place between the technical and social components of the KBO's establishment.

⁴ The treaty was based on a draft put together by Guillermo Canas of Argentina and Roger Hayton of the USA.

utilisation and conservation of the country's water resources through a coordinated approach.

- *Water would be managed by catchment areas.* Catchment and Sub-Catchment Councils would be set up for all river systems and aquifers, and would be based on sub-hydrological zones. They include representatives from communal, small-scale commercial and large-scale commercial farms, mines, as well as representatives from industry, manufacturing and local authorities/ municipalities. These would replace the River Boards and the Advisory Councils and be responsible for granting water permits.

Institutions of Water Management and the Creation of ZINWA

The water sector was previously characterised by a multiplicity of institutions with diverse and divergent interests. In addition the various players operated from different ministries and departments:

- Central government institutions such as the Ministry of Rural Resources and Water Development through the Department of Water Development.
- Ministry of Local Government, Public Works and National Housing through the National Action Committee for the Integrated Rural Water Supply and Sanitation Programme; Ministry of Agriculture, Lands and Resettlement through the Department of Agricultural, Technical and Extension Services (AGRITEX); Ministry of Health and Child Welfare; Ministry of Environment and Tourism; Ministry of Finance; the National Economic Planning Commission.
- Quasi government/parastatal organisations such as the Agriculture and Rural Development Authority (ARDA), the Regional Water Authority, the District Development Fund and Agriculture Finance Corporation (now Agribank).
- Local government institutions such as Urban and Rural District Councils that have a major role in terms of supplying water to their residents.
- Stakeholder institutions, which include Catchment Councils.
- Research organisations such as the University of Zimbabwe and the Institute of Water and Sanitation Development (IWSD).

The existence of many institutions dealing with water posed problems. For instance, operational policies differed from one organisation to another. These institutions existed in line ministries that were vertically integrated and did not have horizontal integration. Duplication of activities was widespread leading to inefficiency of the water sector as a whole. The institutional set up was restructured to take into account the fact that government was no longer able to sustain the operations of the many institutions in the water sectors. The institutional restructuring exercise resulted in the transformation of the Department of Water Development into a statutory body, the Zimbabwe National Water Authority (ZINWA), which was tasked with several objectives:

- To improve institutional coordination in the water sector, recognising the existence of a multiplicity of institutions involved in water governance.
- To address Government's failure to sustain the operations of the many institutions in the water sector.
- To deal with the need for the sector to move towards self-sufficiency through internal revenue generation, thereby reducing its dependence on direct allocations from government. In this context, the major task of ZINWA was to provide bulk raw and treated water to water users. In doing this it had to operate along commercial lines, generating its own resources for operations and maintenance of infrastructure.

Functions of ZINWA

ZINWA has functions at different levels:

- To advise the Minister on the formulation of national policies and standards on water resources planning, management and development, dam safety and borehole drilling, and water pricing.
- To assist and participate in or advise on any matter pertaining to the planning of the development, exploitation, protection and conservation of water resources.
- To promote an equitable, efficient and sustainable allocation and distribution of water resources
- To encourage and assist local authorities in the discharge of their functions under the Rural District Councils Act and Urban Councils Act, with regard to the development and management of water resources in areas under their jurisdiction and in particular the provision of potable water and the disposal of waste water
- To Provide technical assistance and advice to the Catchment Councils

Catchment Councils

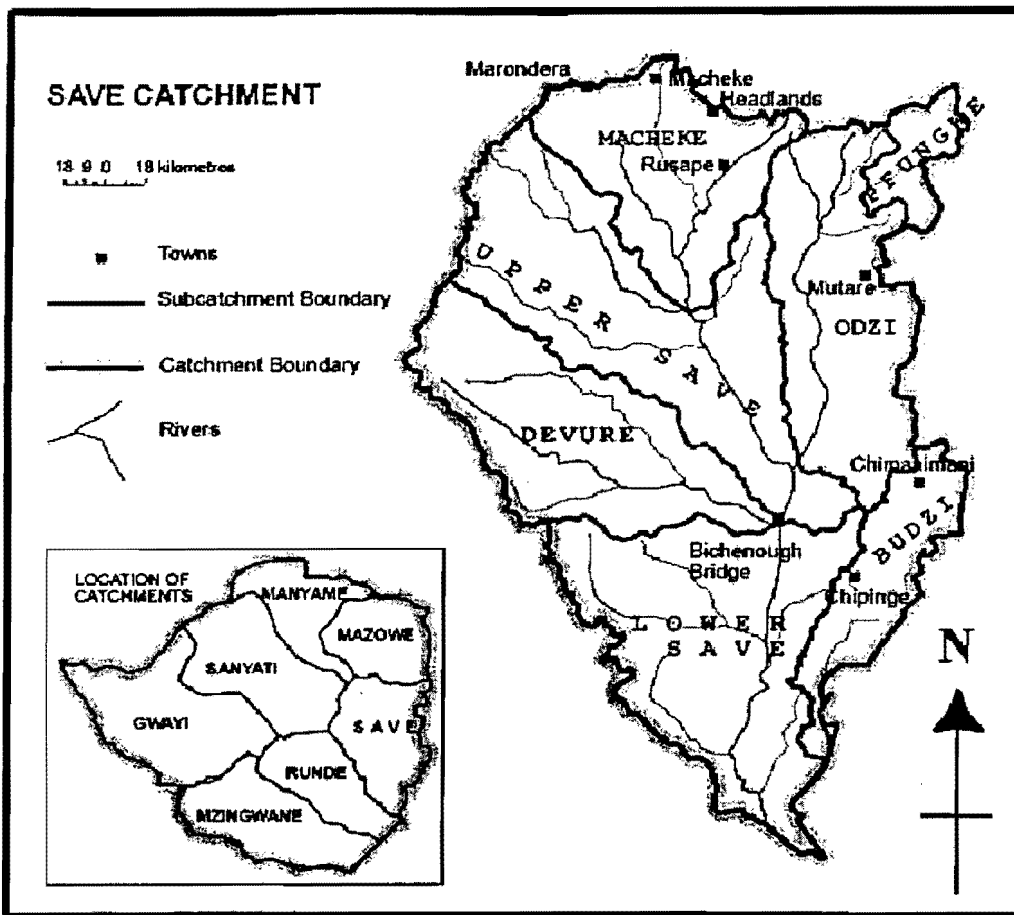
The Water Act of 1998 specifies the establishment of Catchment Councils. About seven Catchment Councils are being established in the major hydrological zones of the country. These councils are expected to oversee Sub-catchment Councils, and water user groups in their areas of jurisdiction. Sub-Catchment areas are based on sub-hydrological zone and on Intensive Conservation Area (ICAs). Catchment 'councils' functions included preparing an outline plan for their river systems, determining applications and granting water permits, regulating and supervising the use of water, supervising the performance of functions by Sub-catchment Councils, and dealing with conflicts over water.

Sub-catchment Councils' functions include:

- Regulating and supervising the exercise of permits for the use of water including ground water within the area for which they established
- Reporting as required to the Catchment Councils on exercise of water permits within its areas
- Monitoring water flows and water use in accordance with the allocations made under the permits
- Assisting in the collection of data and participating in planning
- Collecting sub-catchments rates, fees and levies

Catchment councils were established by an Act of Parliament as institutions that would be responsible for the management of water in a specified catchment. The logic for the creation and formation of catchment council is based on the river system of a particular area and is closely tied to the idea that basin-level integrated water resources management is the most efficient way of governing the resource. Thus an area with its own river system feeding, but not necessarily, into the major river of a particular area would form a catchment. For instance the rivers directly and indirectly flowing into Save River, would form Save Catchment.

To this extent, seven major rivers in Zimbabwe constituted the seven catchments, namely Gwayi, Manyame, Mazowe, Runde, Sanyati and Save. Below the catchment, there are sub-catchments comprising a collection of the rivers that form the catchment of an area within the major catchment. For instance, for Save Catchment, there are rivers that form sub-catchment of Save, namely, Budzi, Devure, Lower Save, Macheke, Upper Save, Odzi and Pungwe (see Map 1 below). The boundaries of sub-catchment and catchment areas span administrative boundaries, and this has implications for water management. Catchment areas are managed by chairpersons and vice-chairpersons of the sub-catchment areas that comprise a catchment area. Chairpersons and vice-chairpersons of a sub-catchment area constitute a catchment council.



Background to Case Study Area

Chipinge district is located in the extreme south of Manicaland Province. It borders with Mozambique to the east and south, Chimanimani district to the North and Masvingo Province to the west. The district covers an area approximately 5,393 square kilometres (km²) with a total population of approximately 420,000 and a population density of just under 80 people per km² in 2000. According to the 1992 Census, the district had a population density of just over 60 people per km², suggesting substantial recent in-migration. Increased population growth has strained the capacity of the district, particularly in communal areas, to expand food production, which has been exacerbated by frequently occurring droughts.

Economic Activity

Agriculture dominates the economic activity of the district. The main crops grown are tea (on Tanganda Tea Estates dotted around the district), coffee, tobacco, maize, macadamia nuts, sugarcane, wheat, cotton, beans, and tomatoes (mainly on irrigation schemes in Region 5). There is also timber production, pig and sheep-rearing, and dairy (Region 1). Irrigation schemes have boosted agricultural activity of the district. There are more than nine irrigation schemes in Chipinge. In addition to communal irrigation schemes, ARDA has large irrigation schemes at Middle Save and Chisumbarje, which mainly grow cotton, wheat and maize. There are plans to develop sugar cane production in the lowveld of Chipinge. To this end, 30,000 ha of land have been earmarked for fast track resettlement and already 6,000 hectares in Middle Save have been planned and demarcation or pegging has started. To complement the agricultural activity, there exists a small manufacturing industrial sector

mainly involved in beer, milk processing, and confectionery. Important to note is the fact the lowveld part, Region 4 and 5, of Chipinge District are found in Lower Save Sub-Catchment while the high to medium rainfall part, Region 1 to 3 of Chipinge district are located in Budzi Sub-Catchment Council. Thus irrigation of crops is the major agricultural activity found in Lower Save sub-catchment among White commercial and indigenous small-scale farmers.

Budzi and Lower Save Sub-Catchments

Budzi and Lower Save two of the seven Sub-Catchment Councils which constitute the Save Catchment Council. Budzi SCC spans two Rural District Councils, Chimanimani and Chipinge, while Lower Save SCC covers 4 rural districts namely Chipinge, Chimanimani, Bikita, and Buhera. One of the major objectives of the Sub-Catchment Council is to bring together all stakeholders to manage water in a fair and just manner, affording every person equal access to water within a conservation framework.

In the past, water was accessible to the commercial sector, both agriculture and industry. The large commercial farming sector's water needs in the two Sub-Catchment Councils were represented by River Boards, while industry and urban residents were and are still represented by the water department of the Rural District Council. Small-scale irrigators were partially 'represented' by AGRITEX and subsistence communal farmers were not represented. The Sub-Catchment Councils replaced the river boards, which previously supervised the day-to-day management of water. River boards were based on the sub-hydrological zone and on Intensive Conservation Area (ICAs). The institution of Sub-Catchment Councils sought to reverse sectoral involvement and management of water and put in place a broad based management concept that suited the new socio-political order. This new resource governance concept incorporated, among other things, decentralised and democratised management institutions and the principle of stakeholder participation. The idea was to have a more inclusive institutional structure with representation across the range of water users or stakeholders.

For both Budzi and Lower Save Sub-Catchment Councils, the following key water users were identified: commercial farmers, communal farmers, small-scale farmers, traditional leaders, private companies, resettled farmers and irrigators. Rural district councils that are found within the sub-catchment, and government departments – mainly AGRITEX and Natural Resources – and representatives from ZINWA also became members, through invitation. Further, with regard to Lower Save sub-catchment, the commercialised government estates that are under the Agricultural Rural Development Authority (ARDA) constitute a key member in the use and management of water in the Sub-Catchment Council.

While the stakeholders mentioned above illustrate the broad composition of the two sub-catchments, there are important sub-catchment issues worth mentioning. For Lower Save sub-catchment, dam water is the dominant source of water and irrigated agriculture is the major agricultural activity. Thus, irrigators and related agricultural issues dominate the Lower Save Sub-Catchment Council. Administratively, stakeholders deal more directly with ZINWA than the Sub-Catchment Council precisely due to the fact that dams are under the direct management and control of ZINWA, and not the Sub-Catchment Council. On the hand, rivers are the main sources of water in Budzi subcatchment and commercial farming dominates the agricultural activities in the sub-catchment. Consequently, commercial farmers and their related concerns dominate the Budzi Sub-Catchment Council. Due to the dominance of rivers in Budzi sub-catchment, stakeholders deal more with Sub-Catchment Council than with ZINWA. Set against this backdrop, it is important to analyse the narratives that different stakeholders use in order to gain access to and use of water in the two Sub-Catchment Councils. While it is apparent that each group of water users has its own unique history, conceptualisations, interests and means of access to water, it is important to put into

perspective and understand water dynamics that occur at Budzi and Lower Save Sub-Catchment Councils.

Institutional Access to Water Among Users

From the 1920s up to 1998, there existed a legal and administrative framework that governed the access to, and ownership, control, and use of water in favour of sectional interests – namely commercial farming, and mining and manufacturing industries. Communal people were legally denied access to, and use of, water for secondary purposes, such as irrigation. Colonial legislation, culminating in the 1976 Water Act, provided legal clothing to indirect and direct denial of the right of Africans to access water. The indirect denial was characterised by the tying together of land and water rights. This is evident in the 1976 Water Act, which gave riparian rights to landowners. Thus, only individuals or persons with title deeds to land could apply for, and be granted water rights. Since communal people did not have title deeds to land it was thus impossible for them to have water rights. Direct denial of access to water was evident in the colonial government's concerted effort at establishing legislation that alienated Africans from fertile land, close to water sources, and their physical resettlement on Native Reserves. Native Reserves, later called communal areas, where Africans were resettled often had poor water sources and low and erratic rainfall.

Since communal farmers did not have water rights, on the basis that they did not have land rights, they were viewed as having no stake and interest in water management issues by the colonial administration. This fact was starkly expressed in colonial legislation on both land and water, which legally denied communal farmers access to modern institutions involved in water management. In addition, communal farmers were a disjointed group with no formal organisation to represent their interests in water management. They were denied access to the River Boards because they had no water rights. Membership of river boards was based on both land and water rights. This situation existed for more than one and a half decades after independence.

Although communal farmers were denied access to water through modern institutions, they had their own traditional institutions that governed access to and use of water. These traditional institutions were—and still are—based on 'traditional or cultural narratives'. Traditional institutions, namely family and traditional leadership, are the central institutions in 'traditional or cultural narratives' used in gaining access to and use of water.

On the premise that water is 'God-given' and belongs to ancestral spirits and thus to the community, there are no formal institutional routes used in gaining access to water. Water belongs to everyone and can be used for domestic and agricultural purposes. Agricultural purposes include irrigating small gardens and fields. However, in accessing water for domestic purposes there are rules that are informally agreed upon governing access to water. These informal rules are largely based on the sacred nature of water. With specific reference to natural springs these rules include, *inter alia*:

- People are not allowed to wash and/or bathe at the water source
- No livestock is allowed to drink at the water source
- No building using cement
- No putting in metal or plastic pipes
- In some cases no use of modern utensils, such as a metal bowls in fetching water
- No improper behaviour, including sexual activity, at or near or the natural spring.

Breaching of any of the aforementioned traditional rules would cause the ancestral spirits, which manifest themselves in snakes or bees, to chase the offender. The chasing of the offender normally occurs if the crime is a minor one, like bathing at the spring. In the event of using modern materials at the spring, it is stated that the natural spring will dry up. In addition to these traditional rules, there are guidelines that govern the proper operation of the natural

spring. It was stated that, in order for the spring to continually provide water throughout the year, the chief, the headman, and the community should conduct annual traditional ceremonies to appease the ancestral spirit of the land. The water or natural spring appeasement ceremonies can be held together with the rainmaking ceremony. Failure to carry out such ancestral appeasement ceremonies would normally result in misfortune, such as drought or the disappearance of people. When asked about the latter case, the respondents stated,

people normally disappear at natural springs or at rivers, those who will witness the disappearance will tell you that they had seen njuzu (mermaid). In the event of such disappearance, the people will not mourn. However, the Chief or a traditional healer, will conduct some rituals begging forgiveness from the traditional water spirits. If the ancestral spirits forgive, the person will be found and he or she will become a traditional healer.²

In short, access to water through traditional institutions and the associated narratives, gives water a transcendental quality that links the livelihoods and religious aspects of communal people in the two sub-catchment areas. Given this background, colonial legislation and resultant institutions limited access to water by Africans (both communal and small-scale farmers). This limitation was compounded by the establishment of modern institutions governing access to and use of water. Further, the introduction of modern institutional routes to water was a new phenomenon for both small-scale and communal farmers.

Small-Scale Farmers

Historically, small-scale farmers had access to Native Purchase Land and thus had title deeds to their land. Title deeds to land made it possible for small-scale farmers to have water rights. Despite the fact that small-scale farmers had water and land rights, they were not represented on the River Boards. While there was an effort to introduce small-scale farmers to 'modern agriculture' that is, 'to be made just like White commercial farmers' there was no effort to include them on the River Boards, just like White commercial farmers. This fact notwithstanding, small-scale farmers could access the River Boards when applying for a water right. What emerged from the case study was that there are two types of small-scale farmers. One group, 'makorwa', was converted to Christianity and is found in Chinyaduma, Mount Selinda Mission Farm and Gwenzi areas. This group denounced the traditional system of worship, traditional narratives and associated institutional routes to water. Yet, they had limited access to the modern institution surrounding access to and governance of water. This was the case despite the fact that they had adopted modern agricultural methods and its associated narratives. In short, their institutional route to water, both modern and traditional, was limited for two main reasons. Firstly, they had rejected the traditional conceptual thinking of water so traditional routes were closed for them.

Secondly, modern institutions were limited because they were denied formal representation on River Boards. The second group was composed of small-scale farmers who bought land in Native Purchase Areas and who were not necessarily converted Christians. This group acknowledged and accepted traditional narratives surrounding access to and use of water, and thus could use traditional institutional routes. In addition, they acknowledged and accepted the existence of the River Board and Administrative Court, and similarly used this institutional route in gaining access to water. These small-scale farmers used different institutional routes depending on their perception of their situation and which route would be in their best interest. A farmer in this group would use the traditional route and narratives when the farmer perceived that the situation demanded the traditional viewpoint and that he or she would benefit by using traditional institutional route. By the same token, the farmer would navigate modern institutions if he or she perceived there to be benefits that would accrue from that route.

² Interview with a traditional leader in Chimanimani 2/04/2002.

War Veterans

War veterans and the newly-resettled farmers are a new and emerging group of water users, and have no history of institutional access to water. They have to be calculating, enterprising and innovative in finding institutional routes to water. This largely emanates from the fact that the emotive and politically-charged debates about land, land redistribution, and associated narratives of access to land were not extended to water. While there is an elaborate array of political institutions governing access to land, from the farm level (for example, the base commanders and seven member committees) to the district level (for example, the district land committee) (Chaumba, Scoones and Wolmer 2003), there apparently are not any similar structures governing access to water. Thus there is a tendency by the war veterans and newly-resettled farmers to use some of the institutions that play a central role in land allocation in applying for water permits.

Commercial Farmers/Private Companies/RDC

Commercial farmers and private companies have a history of institutional access to water, based on the historical link between land and water rights. Individuals or persons with title deeds to land, were granted water rights. These individuals and persons with water rights could form a River Board, which would be tasked with the day to day running and management of water in a catchment area. In addition, the river board gave technical advice to commercial farmers on water issues and the application of water rights. The River Boards were composed of representatives from the commercial farming sector, private companies, manufacturing and mining industries and the Rural District Council, in effect representing White commercial interests in both agriculture and industry. To this extent, they provided an institutional route to gaining access to water for White commercial interests.

The Case of Chipinge River Board

River Boards remained functional in water management up to 1998, when the Law establishing the Zimbabwe National Water Authority was passed, marking a new dispensation in water management in Zimbabwe. With the advent of the Water Act of 1998, the Chipinge River Board came to be known as Budzi Sub-Catchment Council. The functions of Budzi Sub-Catchment Council include, among others:

- To regulate and supervise the exercise of permits for the use of water including ground water within the area for which it was established
- To monitor water flows and water use in accordance with allocations made under permits
- To ensure that such water measuring devices as may be required to enable the Sub-Catchment Council to discharge its functions are in place and operating
- To promote catchment protection in accordance with the Water (Catchment Council) Regulations of 2000.
- To ensure that anyone discharging waste water into the river has a permit
- To report as required to the Catchment Council on exercise of water permits its area
- To assist in the collection of data and participate in planning
- To collect sub-catchment rates, fees and levies.

In addition, the Act provided for the opening up of Budzi Sub- Catchment Council to all water users and stakeholders to participate in the management of water in Budzi catchment. This is also true for Lower Save Sub-Catchment Council. The extent to which Budzi and Lower Save Sub-Catchment Councils have indeed 'opened up and all water user groups are effectively taking a role and participating in the management of water in the sub-catchment' is the focus of the next section.

Representation of Water Users

The Sub-Catchment Councils consist of elected representatives from all the stakeholder groups. Both Budzi and Lower Save Sub-Catchment Council have 15 representatives from all water user groups, which is maximum allowed number. However, there were interested groups that were invited to Budzi SCC namely, AGRITEX, Natural Resources Board and Chipinge and Chimanimani Rural District Councils. With regards to Lower Save, of the four Rural District Councils covered by the sub-catchment, only Chipinge Rural District Council is currently represented. These various and diverse stakeholders elect a Chairperson and a Vice-Chairperson who coordinate the SCC activities and also represent the SCC at the Catchment level.

Participation

One of the key elements in water sector reforms in Zimbabwe is to ensure participation of different water user groups from sub-catchment to catchment level. To this extent, the two Sub-Catchment Councils have similar approaches of ensuring participation. Firstly, the two Sub-Catchment Councils established the position of Outreach Officer who is tasked with informing people about the functions of the Sub-Catchment Council. Additional roles and responsibilities of the Outreach Officer include, *inter alia*;

- Taking water meter readings
 - The collection of water levies from people
 - Listing of all water sources in the catchment
 - Ensuring that communities observed conservation practices
 - Holding meetings with water user groups and informing them about the Sub-Catchment Council
- However, it is important to note that for Budzi SCC, the Outreach Officer was previously the Water Meter Reader, whose main job was the collection of water meter readings and the distribution of water bills or receipts. Thus the need to include an outreach component was borne out of the need to make different water users, particularly, communal farmers, irrigators, and small-scale and newly resettled farmers – the 'new water users' – become aware of the Sub-Catchment Councils. In addition, the outreach programmes were meant to involve and educate the new water users about their role in water management. When the Outreach Officer of Budzi SCC was asked about his main duties, he stated,

My main duties are to make sure that people pay their levies ... I have a motorcycle that I use to move around and give people their receipts. I make sure people pay for water³.

What emerges from this comment is the SCC's pre-occupation with making people pay for water rather than making people aware of the broad water sector reforms, particularly, communal and small-scale farmers' role in its management. This is compounded by the fact that the outreach programme, as currently conceived by both Sub-Catchment Councils, is not aimed at educating the new stakeholders, mainly communal, small-scale and newly resettled farmers about their roles and responsibilities within the Sub-Catchment Council. Rather, the outreach programme is viewed as a vehicle of justifying why the new stakeholders should pay for water and not as an education and consciousness-raising programme aimed at making water user groups get involved and participate effectively in the management of water. Despite the approach of the outreach programme, there is no clear explanation to new stakeholders as to why they are paying for water and what is the basis of the new water charges. Added to this situation are the practical difficulties encountered by one outreach officer in trying to cover all the water users in a sub-catchment, taking into account that the sub-catchment areas in Budzi and Lower Save cover two and four Rural District Councils respectively. As one respondent noted, 'one outreach or training officer is not enough to

³ Interview with the Outreach Officer, Budzi Sub-Catchment Council 12/03/2002

reach all the farmers considering the sizes of the sub-catchment areas. It will take some time.' With particular reference to Lower Save sub-catchment, there appears to be a lack of information about the general activities of the Sub-Catchment Council for farmers in irrigation schemes, and for small-scale and communal farmers. This is exacerbated by the fact that most of the water found in Lower Save sub-catchment, is agreement water which is directly managed by ZINWA. Thus, farmers directly engage with ZINWA rather than the Sub-Catchment Council. This is illustrated by the case of Chibuwe Irrigation Scheme:

We had problems with the supply of water from Save River to the irrigation scheme. This was mainly due to the fact that during Cyclone Eline the side of the river where our engines are located had sand dunes, thus water did not flow to where the engines are. As a result, there was no water being pumped into the canals and then to our fields. Since the water we are using is dam water, over which ZINWA has direct control, we went directly to the local ZINWA office with our problems. We went to ZINWA because we paid our money to ZINWA so that it will provide us with water. The agreement was that ZINWA will provide water to the field edge, and that is why we went to ZINWA so that it will fulfil part of its agreement, to provide water to the field edge. We did not go to Lower Save Sub-Catchment Council because it does not deal with agreement water. ZINWA is the one we are dealing with because we paid our water levies to ZINWA⁴.

Further, the lack of participation of small-scale farmers in Lower Save sub-catchment is worsened by the fact that most of the small-scale farmers undertaking irrigated agriculture are under ARDA estates, which means that they pay water charges to ARDA. ARDA deals directly with ZINWA and Sub-Catchment Councils and not the small-scale farmers under its jurisdiction. The ex-Chairperson of Lower Save Sub-Catchment Council and Manager of ARDA Rusitu stated,

ZINWA charges a blanket water charge to ARDA estates, and ARDA in turn charges the settler farmers. Most ARDA estates will include electricity charge when charging water levies to settler farmers⁵.

Institutional access to water therefore depends on the type of water an individual farmer is using. For river water, a user goes to the Sub-Catchment Council, while for dam water (known in catchment council parlance as 'agreement water'), the farmer goes to ZINWA. Given this institutional complexity, people are not aware of which institutions to consult over their water needs, which excludes many users from a participation in water management. This was clearly put forward by the current Chairperson of Lower Save Sub-Catchment Council:

The truth is that people in Lower Save sub-catchment do not know what is going on with regards to water reforms. First, they still consult their respective Rural District Councils about water issues. Secondly, they do not know the difference [between] ZINWA and Sub-Catchment Councils, they think it's one and the same thing.⁶

Even for those who are willing to pay for water, the institutional complexity discourages them, as they are referred from one institution to another, as illustrated by one small-scale farmer from Nyanyadzi:

These things about water are now confusing. I wanted to take water from Nyanyadzi and start some sort of irrigation in my field. I asked people about the process of applying for water. The majority of the people I asked were not clear about the process. So, I decided to take a bus to Chimanimani Rural District Council, which is 120 km away. I thought since they

⁴ Interview with a Member of Chibuwe Irrigation Scheme 6/03/2002

⁵ Interview with Ex-Chairperson of Lower Save Sub-Catchment Council 28/03/2002

⁶ Interview with Councillor 27/07/2002

are the ones who deal with our needs, I would do it there and finish at once. When I went to Chimanimani Rural District Council, I was told to go to Lower Save Sub-Catchment Council offices in Chipangayi. I was shocked because I did not know about these developments. I was also informed that Nyanyadzi falls under Lower Save sub-catchment, but for any other needs besides water, I should continue going to Chimanimani. That aside, I scheduled another visit to Chipangayi to see officials of Lower Save Sub-Catchment Council. I took another bus from Nyanyadzi to Chipangayi, which is another 120 km. When I got to Lower Save Sub-Catchment Council offices with my concern, I was shocked again to hear that the water I want to abstract is agreement water, which falls directly under ZINWA and not the Sub-Catchment Council. I was advised to go to Mutare, which is another 120 km from Nyanyadzi. I decided when I get back home, I am not going anywhere because I will also be referred to another office, 120 km away. I was paying bus fare to and from all these places. Transport is expensive these days, I cannot afford it. I decided to get the water from the river and wait and see who will prosecute me⁷.

From the corollary of the above case, the new institutional complexity has an adverse impact on representation and participation. Much of this complexity is compounded by the different processes of decentralisation. Firstly, the Rural District Councils were created during local government decentralisation, with a mandate to implement and oversee local level development activities in all areas under their jurisdiction. Secondly, catchment and Sub-Catchment Councils and the Zimbabwe National Water Authority and its local level offices are decentralised institutions created specifically for water management in a given local hydrological zone. ZINWA was to provide technical assistance to the catchment and Sub-Catchment Councils. Further, ZINWA was to manage dams constructed by the then Department of Water. The effect of these different decentralisation processes, with independent developmental objectives, was to create an institutionally complex environment for new stakeholders who wished to gain access to water, to understand and position themselves to effectively participate and play a role in water management within the Sub-Catchment Council.

In a similar vein, the establishment of Catchment and Sub-Catchment Councils with their hydrological boundaries added another complexity that inhibits participation of all stakeholders from the different corners of the sub-catchment. Hydrological boundaries were overlain across political and administrative boundaries. The decentralisation process created villages, wards and Rural District Councils. When the latter were formed, Rural District Councils became the focal administrative points where stakeholders met and discussed their various district development issues.

In addition, complaints and problems were channelled to the local authority, particularly by communal people. By contrast, the decentralisation process surrounding water reforms shifted the focal point to Catchment and Sub-Catchment Council—under the IWRM paradigm. Thus people who were used to reporting to their RDCs were instead made to report water issues to a Sub-Catchment Council, which may or may not be in their 'district' or area, perhaps forcing people to travel long distances to report water issues, seek information and apply for permits. This difficulty was stated by the Chief Executive Officer of Chimanimani Rural District Council:

People are not aware of where to go with their water queries... naturally most people come to the Rural District Council because it is their local authority... We constantly tell people that water issues in some parts of Chimanimani, which is from the Skyline Junction, town area, Rusitu, Ndimba and the surrounding areas report to Budzi Sub-Catchment Council which is in

⁷ Interview with a small-scale farmer, Nyanyadzi 30/7/2002

*Chipinge district. The other parts, Nyanyadzi and Cashel areas report to different Sub-Catchment Councils. You see, it's complicated.*⁸

Similar observations were made by the council chairman of Chipinge Rural District Council who noted that the hydrological and political boundaries confuse people over institutional responsibility for water issues. Some parts of Chipinge District report to Budzi Sub-Catchment Council while the part that is in the lowveld report to Lower Save Sub-Catchment Council. Further, the small-scale farmer in Nyanyadzi indicated the financial costs that are involved in trying to gain access to the decentralised water institutions. Thus, the cost of travel may inhibit a lot of communal and small-scale farmers to participate in water management, indirectly limiting participation to rich people who can afford the transport costs.

Traditional leaders, and representatives of communal and small-scale farmers on Budzi Sub-Catchment Council also echoed the problem of transport. Their main concern was the fact that the transport allowance that they receive from the Sub-Catchment Council is inadequate to cater for their travel to attend meetings. What emerges from the case below is a reiteration of the limits to representation and participation due to prohibitive transport costs. The issue of travel and subsistence allowances was raised at both Catchment and Sub-Catchment Council meetings. Initially there were no transport and subsistence allowances paid to representatives of water users. When the representatives were given transport and subsistence allowances of Z\$500, the money was not enough to cover a return trip for people who were staying far from Chipinge town. The representatives that were mainly affected by inadequate travel and subsistence allowances were those from Chimanimani and Rusitu, particularly representatives of traditional leaders, small-scale and commercial farmers and the Chimanimani Rural District Council. The attendance of these stakeholders has been erratic and they unanimously argued that the travel allowances are inadequate and thus are unable to add their own savings to their cost of travelling. While the cost of attendance has limited participation of some members, it is stipulated that a representative who fails to attend three meetings will be dismissed from council. Based on the stipulation, the two traditional leaders and a representative of commercial farmers from Chimanimani, were recommended to leave based on the fact that they missed more than three meetings. While the representative of commercial farmers subsequently left the Budzi Sub-Catchment Council, the two traditional leaders are still on the Budzi Sub-Catchment Council. One official of Budzi Sub-Catchment Council explained the failure of dismissing them was on the basis that 'the two Chiefs had raised valid concerns about transport costs and had to be dealt with differently.'⁹

However, an ex-representative of Chimanimani RDC on Budzi Sub-Catchment Council noted, the chairperson considered the effect of expelling the two traditional leaders. Politically, this is not the right time to do such things, it may have been interpreted as an affront to the ruling party who are closely aligned to traditional leaders. Secondly, the people under Chief Ndima and Headman Dzingire were not going to participate in any Budzi sub-catchment activities. Traditional leaders are still very powerful in this area. It was going to give Budzi Sub-Catchment Council a lot of problems.

Whilst physical attendance is one aspect of participation, there is a need to move beyond physical presence. There is a need to analyse the actual discussion of water issues among the water user groups in articulating respective groups' interests. The extent to which the 'new water user groups' – mainly communal farmers, small-scale farmers and resettled farmers – are articulating their interests is debatable. This is largely because the new entrants do not have adequate information about the water reform, are not well organised as interest groups, lack the experience in debating and articulating water issues, and are

⁸ Interview with the Chief Executive Officer Chimanimani RDC 19/02/2002

⁹ Interview with an Official of Budzi Sub-Catchment Council 12/03/2002

incapacitated by the language used in conducting Sub-Catchment Council business. The information that is disseminated to communal, small-scale and newly resettled farmers by the Sub-Catchment Council consists largely of justifications for paying for water. There is no information about the broad water reforms, particularly issues relating to people's role in water management, issues of participation and representation, or making the Sub-Catchment Council downwardly accountable. On the contrary, White commercial farmers and private companies are well versed in the water reforms to the extent that some commercial farmers carry the 1998 Water Act to Sub-Catchment Council meetings and constantly refer to it in their debates. This was also evidenced in interviews with White commercial farmers and representatives of private companies. In addition, some of them, 'particularly newly resettled farmers are completely new to farming and do not know the importance of water.' This makes the new entrants an uncoordinated group and renders their representation and participation an individual enterprise. Further, communal, resettled, and small-scale farmers are not organised sufficiently to represent their interests and shape the debate in Budzi Sub-Catchment Council. The evidence that Budzi Sub-Catchment Council still focuses much of its debate on conservation and stream bank cultivation, as was previously the case, may indicate the interests of one group of water users, the commercial farmers. The local Zimbabwe Farmers' Union representative stated, 'when commercial farmers knew that the policy was changing, they quickly grabbed the process because they knew the importance of water. They were also better organised than other farmers.'

The use of English in meetings limits the participation of many communal, resettled and small-scale farmers. Some of the key informants suggested that the Water Act, the ZINWA Act, and associated literature on water reforms should be written in local languages. This process would greatly contribute to the understanding of water reforms and the effective participation of communal, small-scale and resettled farmers.

Commenting on how the White Commercial farmers speak during meetings, one representative noted that, 'these White farmers speak through the nose. You don't understand what they say: It is difficult.'¹⁰

Conclusions

There are important crosscutting narratives involved in accessing water in Zimbabwe under the new Water Act. These narratives reflect both the current political environment and intrinsic changes to access rules, particularly surrounding the shift from rights to permits as a basis for apportionment of water.

Access to the resource is still defined legally through the issuing of a permit (with the approval of the Catchment Council). There are however, significant financial changes to water access brought about by the new tariff system. This institutes a system of payment and collection at the sub-catchment level (as in the case of Budzi) for water use over and above a basic water requirement, which remains free. There are significant rights issues surrounding the different conceptions of the resource and entitlement to access, based not on water rights *per se*, but on rights to participate, and institutional barriers to the exercise of these rights. Whilst these barriers have provoked a concerted popular challenge to the new Water Act, at a local level, they represent strong counter narratives that may make collection of payments difficult in the long term and, with poor revenue streams, increasingly un-viable institutions. Although presently small-scale farmers' payments make up only a relatively small proportion of total fees collected, in the future, changes to land tenure and occupation in Zimbabwe will challenge the new institutions of management to address these 'small-scale' narratives, particularly if they are reinforced by wider social and economic political narratives. The structure of management is supposed to be self-supporting based on revenue streams from water tariffs. Whilst the Save Catchment remains supported by an external donor, in the long-term its viability will be based on obtaining a range of funds, from large bulk revenues paid by

¹⁰ Interview with a small-scale farmer Budzi Sub-Catchment Council 2/04/2002

major commercial users, to collection of far more dispersed, small-scale revenues across a far wider geographical area. This in itself will have significant consequences for the institutional functioning of SCCs at a local level. One possible direction that might be followed is to institute Water Users Associations at a local level in order to help organise the revenue collection process more effectively and to channel information from above and demands, queries, and grievances from below. Presently, participation at a sub-catchment level is determined by the type of users based in that sub-catchment area. This arrangement both affects the capacity of the sub-catchment to carry out tasks (such as revenue raising, etc) and the overall final composition of the catchment council. In predominantly commercial areas (where previously River Boards were more active) the commercial and White sector will predominate. Given their greater technical knowledge derived from the earlier River Board era, and their overall capacity to attend meetings, greater coherence in managing at a sub-catchment level might be expected. This also, in part, defines the final composition of the Sub-Catchment Councils and, in the long-term, the major input into wider catchment management processes. The role of Rural District Councils on the Sub-Catchment Councils will be important in the future—more generally reflecting the occasional dissonance between decentralisations based on parallel administration versus resources. At present the role of RDCs is slight on the SCCs. Nevertheless, they are the principal development agents at the local level, with cross-cutting committees and council meetings that have major bearing on decisions important to water management, including responsibility for enforcing local regulations on land-use. The view of some council members is that the ZINWA system is extracting revenues from Rural Districts without any investment returning to that district, in classic top-down fashion. Whilst at present the Catchment Councils can claim that they are at the stage of formation, in the near future the 'water tax' as it appears to some, may generate greater interest and involvement from both councillors and the RDCs. There will be increasing clamour for evidence of development spending as well as revenue-raising for the purposes of institution-building. One of the key areas of responsibility in which the RDCs will almost inevitably have a long-term role is in enforcing payments where smallscale commercial and communal farmers are unwilling to pay tariffs and where 'new lands' encroach on 'environmentally sensitive' areas. It is possible that the RDCs – through the ZFU and the role of councillors – may even become a forum for competing narratives on access to water, with the restated 'environmental conservation' narratives being countered by land and water access narratives. The emerging catchment council process in Zimbabwe therefore presents a fascinating insight into the links between policy discourse on water management processes on the one hand, and the local narratives on access to natural capital, including land, water, and wildlife. It also presents a case where resource ownership relations are in flux whilst a key resource – water – is increasingly commodified and represented as an economic good, despite many competing local-level narratives on what constitutes ownership and how the resources itself is intrinsically valued. The picture emerging suggests that an 'integrated' water resource management paradigm, is a complex and contested concept when applied locally within diverse user-base environments. Resource governance issues may be bound up closely with existing and new narratives on water and access to other forms of natural capital as well as with past political and economic legacies, the influence of which is found in contemporary policy directions. Removing the 'segmented approaches' of past water management models, and trying to bring broader concepts of management and governance to the fore, in fact instils greater decision making complexity on a broader (though possibly less technically adept) set of managers than in the past. The clear need is for far greater support to the institutional environment, and the knowledge-based and functional strength of participation in these new institutions.

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