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The Complex Politics of Water and Power in Zimbabwe: IWRM in the Catchment Councils of Manyame, Mazowe and Sanyati (1993-2001)

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ABSTRACT: In the mid-nineties Zimbabwe formed participatory institutions known as catchment and sub-catchment councils based on river basins to govern and manage its waters. These councils were initially funded by a range of donors anticipating that they could become self-funding over time through the sale of water. In this article, we explore the origins of three of the councils and the political context in which they functioned. The internal politics were shaped by the commercial farming elites who sought to control the councils with a 'defensive strategy' to keep control over water. However, external national political processes limited the possibilities for continued elite control while simultaneously limiting water reform. Despite significant efforts to alter the waterscape, fast track land reform which began in 2000 led to the undermining of the first phases of IWRM and water reform and to the privileging of land over water. The economic foundations for funding the new participatory institutions were lost through the withdrawal of donors, the loss of large-scale farmers able to pay for water and the economic and political crises that characterised the period from 2000 to 2010.

KEYWORDS: IWRM, power, water reform, catchment councils, Zimbabwe

INTRODUCTION

Underlying water management and central to debates on IWRM is the question: what forms of power do their implementation rely upon and what are the broader structures of power that help shape decisions on water governance? We use an eclectic approach to power focusing on systemic inequalities and questions of control over water, the resources to make large amounts of water available for particular purposes and the knowledge to do so (cf. Foucault, 2001; Chabal, 1994; Lukes, 2005). It is not immediately obvious at what levels and what issues are actually subject to participation by water users. For example, despite the emphasis upon participation in IWRM, its actual design and implementation are most often carried out in the absence of participation and consultation by water users (Goldin, 2013). Moreover, the agenda for the creation of new institutions is at least, partially controlled, by international donors. IWRM like other forms of technical and non-political ways to improve water distribution and management calls for the analysis of who actually controls the resources and what might be needed to challenge and undo such control (Li, 2007). One central mechanism for attempting to remove water management from political considerations was utilising ecological boundaries (watersheds or river basins) as the new units of management and participation.

This presumably would detach water governance from mainstream or dominant political concerns.¹ We are particularly interested not only in the exercise of power within catchment councils but also in the field of power outside of catchment councils and water governance more generally.

In this article, we explore the formation and operation of catchment councils that were to be the foundations of participatory and decentralised water governance in Zimbabwe in the 1990s. They were intended to include all users, rural and urban, and all occupations. In this examination, we find that the framing of water governance and management as technical issues rather than political ones by the World Bank, Gesellschaft für Technische Zusammenarbeit (GTZ),² and by the government which supported, unintentionally, the efforts by farming elites to continue their control of Zimbabwe's waters. Concurrently, the efforts to alter water governance and reform need to be placed in the context of how the state and ruling party held and used its power.³ It is surprising that in the promotion of water resources management by international donors they expected decentralisation and participation could be practiced in the water sector unlike other state sectors. Zimbabwe (as noted in the other papers in this issue) was ruled by a dominant party which operated in a highly centralised manner.

Zimbabwe provides a relevant case for examining the absence of the analysis of power and the role of political and commercial elites in the design and implementation of IWRM. The obstacles that this version of decentralisation would face, given Zimbabwe's historical experiences with the ruling party's version of decentralisation, should have been evident (Brand, 1991; Mutizwa-Mangiza, 1991; Derman et al., 2000).⁴ However, we do not conclude that a better-designed approach taking power into account, would have led to a successful and different water reform. Considered an early success story in the conceptualisation and implementation of IWRM (see Manzungu and Derman, this Issue), it is worth re-examining its history in order to consider how power shaped the process. This should in turn assist us in reflecting on the future of IWRM in Zimbabwe (see the other articles on Zimbabwe in this issue) and in the region more generally.

The World Bank water intervention in southern Africa marks an important turning point in how water should be governed and managed with an emphasis upon the correct pricing of water. It is also central in lining up donors to fund the strategy for and implementation of water resources management (see Manzungu and Derman, this Issue). Still, Zimbabwe had its own national priorities for water reform to which were added the initiatives of catchment councils. In this article, we consider the formation and history of these new institutions in three catchments or river basins, the Mupfure (which was folded into the Sanyati), the Mazowe and the Manyame. These three catchments were selected because of their agricultural importance and the location of their headwaters which were in or near the capital city of Harare. Two of the catchments served as pilots for the water reform and the third was the heart of irrigated wheat production (and is discussed in Hove et al., this Issue).⁵

¹ The World Water Forum in 2012 located the 'water crisis' as largely a governance crisis as did the second World Water Development report (UNESCO, 2006). According to the Global Water Partnership (2002) water governance refers to the range of political, social, economic, and administrative systems that are in place to develop and manager water resources, at different levels of society.

² They are now known as GIZ - German Corporation for International Cooperation.

³ Water reform in the Zimbabwe context refers to the processes leading up to the passage of two acts: The Water Act, 1998, its associated statutory instruments, and the Zimbabwe National Water Act, 1998.

⁴ There are multiple discussions and analyses of Zimbabwe's efforts to decentralise local government functions involving wildlife and forestry management. There is not enough space here to describe them. We are not considering them in this paper because the implementation of IWRM sought to bypass local government institutions.

⁵ The World Water Forum in 2012 located the 'water crisis' as largely a governance crisis as did the second World Water Development report (UNESCO, 2006). According to the Global Water Partnership (2002) water governance refers to the range of political, social, economic, and administrative systems that are in place to develop and manage water resources, at different levels of society.

The article is organised as follows: In the first section after a brief discussion of methods, we examine some critical dimensions of participation, power and political processes in integrated water resources management as it entered Zimbabwe and was reshaped there. In the second, we examine three catchment councils – the Mupfure, the Mazowe and the Manyame – how they were formed and how they grappled with water issues.⁶ In the third section, we discuss how Zimbabwe's early experiences with the adoption and implementation of IWRM raise broader issues of water governance and the continued relevance of IWRM.

METHODS

Part of the material for this chapter is drawn from a research programme on water reform in Zimbabwe and Malawi during the period 1998-2002.⁷ The rest of the material is drawn from the Flows and Practices project (Mehta et al., in the Introduction to this Issue) in which we interviewed key actors in the water reform process, members of the Manyame catchment council, the lower, middle and upper Manyame sub-catchment councils, the Mazowe Catchment Council and employees of the Zimbabwe National Water Authority. In the earlier research project Bill Derman attended meetings of the Mupfure, Mazowe and Manyame catchment councils (and selected committee meetings) from 1998 to 2001. He also attended meetings to publicise the Water Act of 1998 held by the Water Resources Management Strategy. The purpose was to gain a full understanding of how the new acts (Water and ZINWA) were rolled out, how the new institutions understood their roles, how they acted and whose interests were privileged in the process. To understand the continuities and discontinuities between the initial period and 2010-2014 we interviewed farmers, the former Permanent Secretary for Water, the Director of the Ministry of Environment, Water and Climate in charge of water, the former Permanent Secretary for Irrigation, and several donors including Australian Aid, the World Bank, the African Development Bank, and The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). In both projects, we reviewed and analysed international documents and policy statements on water resources and the policy and project documents and laws of the Government of Zimbabwe. Drawing on material from earlier research has provided a longitudinal perspective which has given us first-hand knowledge of how IWRM came to Zimbabwe, who the actors were, how the new institutions functioned, and in general the promises of the water reform. Our more recent research enables us to examine what happened, the inability of the councils to function productively in the subsequent decade and the overall loss of much of the original intentions. This article fills in some of the details of the broader process that we describe in Manzungu and Derman (this Issue) and Hove, Derman and Manzungu (this Issue).

PARTICIPATION, POWER AND POLITICAL PROCESSES IN WATER GOVERNANCE

In an agrarian settler economy like Zimbabwe, the waters were overwhelmingly allocated to the white-dominated agriculture sector.⁸ However, in the period considered in this article there appears to be

⁶ Its origins were part of the broader research portfolio of the Centre for Applied Social Sciences (CASS) of the University of Zimbabwe on natural resources management which included grazing areas, wildlife, forestry, fisheries, and water (Nhira and Derman, 1997).

⁷ The research was carried out in collaboration with the Centre for Applied Social Sciences at the University of Zimbabwe.

⁸ The Land Tenure Commission Report (1994) (sometimes known as the Rukuni Commission) directly linked the great inequality in land to inequalities in water use and access. Research Study number 6 of the commission was a critical review of Zimbabwe's water resources management system whose purpose was "to study and evaluate Zimbabwe's water resources and master plan with a view of examining the constraints and potential solutions to water distribution and utilisation in communal and resettlement areas" (1994, 3: 77-78). During most of the 1990s water reform was pursued without substantially increasing allocations to communal areas.

consensus that the new water management institutions were dominated by large-scale commercial farmers (overwhelmingly white), water engineers, and water specialists funded by donors (Sithole, 2001; Chikozho, 2001, 2008; Latham, 2002; Tapela, 2002; Swatuk, 2002; Manzungu, 2002a,b; Mtisi and Nicol, 2003; Hellum and Derman, 2005). The concerns of small-scale farmers, i.e. the communal area residents were limited and the voices of women virtually absent. In addition to participation, what constituted the limits and boundaries of water-related issues that could be taken up by these new institutions (Mtisi 2011; Mapedza and Geheb 2010; Manzungu and Dzingirai 2012)?

Decentralisation of water governance and management was part of a more general pattern of natural resources decentralisation in Zimbabwe including wildlife and forestry. Unlike the other domains, the most powerful actors in the water sector were white commercial farmers living on privately owned land. A number of researchers sought to understand how catchment and sub-catchment councils would operate. They found that stakeholders who were participating in the new institutions were highly skewed toward those who already had access to water (Sithole, 2001; Swatuk, 2002; Manzungu, 2002a, b; Mtisi and Nicol, 2003; Stalgren, 2006). Hellum and Derman (2005) found that the interests of smaller water users were dismissed from consideration at meetings. Power and knowledge asymmetries existing in the water sector were not sufficiently addressed in the new institutions (Derman et al., 2000; Manzungu, 2002a,b; Chikozho, 2008). In general, little attention, if any, was paid to the social inequalities that were part of multi-stakeholder platforms (Faysse, 2006). On the other hand, Mabiza (2013) documents how the water interests of small-scale farmers and communal area residents are still ignored by the Zimbabwe National Water Authority (ZINWA) as they formulated the catchment plan for the Mzingwane Catchment (which partially includes the city of Bulawayo).

Lastly, the historian Musemwa (2008) contends the command of water figured in the ruling party's strategy to keep control of Zimbabwe's urban population. He examines the shift from the focus on rural waters to urban water and the efforts by the national government to take water supply and sanitation away from cities now governed by the opposition party, Movement for Democratic Change (MDC). The parastatal, ZINWA did not remain as an independent self-financing water entity. The national government changed ZINWA's mission from providing raw water to providing urban water supply to Zimbabwe's cities. A directive instructed ZINWA to take over the management of urban water supply and sanitation and from all the urban local authorities which had voted for the opposition party.⁹ Musemwa (2008: 10) observes the state treated ZINWA as an agent that could regain lost control and influence over urban areas and capture substantial revenues thereby weakening urban authorities.

Turning to the first issue of the domains of power and the realm of the political, the government was controlled until 2009 by a single dominant party (see Manzungu and Derman, this Issue). The party set the rules of the 'political game' and was able to control the agenda. In addition, it could prevent citizen or group demands from becoming political issues or even being made to the power holders (cf. Lukes, 2005: 40).¹⁰ However, there was a bureaucratic autonomy for the water reform process because at least some of its elements fitted with major objectives of government. Two of these objectives were to undo the highly unequal distribution of Zimbabwe's water to large-scale commercial farmers (GoZ, 1994, 2000a) and reduce the number of civil servants by creating a new commercial parastatal to manage water and shift state employees to ZINWA. This new institution was to be self-funding and thus reduce state expenditures (Manzungu and Derman, this Issue, provide the background).

However, it is unclear the extent to which the ruling party agreed with or indeed understood other elements of the reform. For example, to shift water governance away from current political boundaries

⁹ This position was reversed when it became clear that ZINWA failed to improve the image of the government and the ruling party because of its failure to solve water problems.

¹⁰ This is part of what Lukes terms the three-dimensional view of power.

to one based solely on ecological criteria was debated and seen as workable by the affected ministries. The purpose of the new water management units was intended to remove water governance from political debates and place it in the hands of technocrats and catchment and sub-catchment councils. As indicated in Manzungu and Derman, this Issue, the cabinet controlled completely by ZANU-PF did not turn the WRMS report into the national water policy. In practice, it also placed the waters in the hands of those who had been managing the rivers until then. While in principle all water users had the 'right' to come to meetings and participate in discussions, the structures favoured large users because they were the ones with the knowledge, experience and resources. In addressing issues of participation, the ruling party did not support new organisations of communal area residents outside of the party.¹¹ Thus the lack of participation in new water institutions (other than in the Mupfure Sub-Catchment, see below) is not surprising. In the formation and creation of catchment and sub-catchment councils, the Zimbabwe Farmers' Union ostensibly represented communal area farmers while Rural District Councillors represented their residents. Again, with the exception of the Mupfure Sub-Catchment council communal area residents were not directly consulted. The Dutch government that funded the Mupfure Pilot Catchment (and also research in eastern Zimbabwe on small-scale irrigation) directly sought to engage communal area men and women to express their water needs and formulate project proposals to meet them (Taylor et al., 1996; personal conversations with Alex Bolding, a consultant on the project).

WHAT IS THE POLITICAL?

In keeping with viewing IWRM as an apolitical or non-political activity most participants in the water reform process sought, in relying on the best practices of water management, to keep 'politics' out of water.¹² The large-scale commercial farmers' strategy toward IWRM in the context of Zimbabwe can be understood as a 'defensive one'. It was the means by which the farm-owning elite could attempt to keep control over this critical resource and side-line debates over larger political and economic questions. What commercial farmers did can be thought of as the use of 'defensive power' (Salverda, 2011, 2013). It was a strategy of a 'racial' minority to keep their waters and stay out of an increasingly tense political situation.¹³ The farmers certainly viewed themselves as under threat and sought to demonstrate that they were essential to Zimbabwe's economy (Pilosof, 2012). They sought accommodation with the internationally approved and nationally legislated water reform process. In Lukes' terms, they had lost power over, and sought the power to control the decision-making process over waters. Not surprisingly, they argued for the autonomy of the new water institutions. However, the outcome of new struggles for water was short-circuited by other political processes and the effort by the presidency to redefine what constituted the political. The use of defensive power could not be sustained in the face of violence and executive power.

The president transformed the meaning of what 'the political' is. President Mugabe stated that land and all related land issues were 'political' which had the unique meaning that land issues (but not including water issues) were outside the consideration of the courts, police and any others who sought to object to the land occupations and the acquisition of land by government. In what can be seen as an

¹¹ A clear example of Lukes' (2005) notion of the second dimension of power, the power to set the agenda and who could and could not represent water users.

¹² This phrase repeated in many of the meetings attended by Bill Derman in 1999 and 2000 to keep references of land and other political issues like the opposition party out of the official meetings of councils and sub-councils even though it was the context in which meetings were being held. Perhaps the irony was that one rationale for water reforms, ensuring equitable water access, was political. Nonetheless participants in the new institutions brought together by politics were supposed to be apolitical and an apolitical strategy favoured large users.

¹³ Salverda analyses the case of the Mauritian white elite and their strategies in the face of their loss of power.

exercise in 'power over and power to'.¹⁴ President Mugabe bypassed all normal procedures at least until he was able, for example, to remove the Chief Supreme Court Justice who had initially decided that farm occupations and the accompanying violence violated the rights of farm owners, and farm employees.¹⁵ In claiming what was 'political', the President sought to create a new form of knowledge and to render illegitimate any other considerations of land issues. It was the exercise of executive power that could not be challenged and certainly not by the water sector.¹⁶ In practice, it ruled any discussion of land issues illegitimate in the context of water governance making meaningless notions of IWRM since most water was used for irrigation. In sum, the emphasis upon participation, who did participate and who did not while very important, misses the broader picture of water governance and how it responds to and helps shape the exercise of power. Framing our analysis in this way assists in explaining why IWRM has struggled in Zimbabwe.

ZIMBABWE'S POLITICAL REFORM PERIOD

In the mid- and late 1990s, new political spaces opened up in several arenas. These included trade unions, the expansion of nongovernmental and human rights organisations, demands for a new constitution and a new national political opposition party, the Movement for Democratic Change (Hammar et al., 2000; Raftopoulos and Mlambo, 2009). This opening also influenced the possibilities for water reform, which permitted open discussion and debates around the country after the formation of the Water Resources Management Strategy group (see below) which sought public discussion of new water acts and water policies. This political opening closed after the referendum on the new proposed constitution drafted by the ruling party in 2000 produced a 'no' vote (Bratton, 2014). The referendum defeat was followed by the violent farm occupations and a highly contested and violent parliamentary election. In addition to the wider political considerations were the economic constraints placed upon these water institutions by the state and by donors who withdrew from the water sector. It is also important to consider the limited power or influence that the Ministry of Water Resources and Rural Development (the name in that era, now the Ministry of Environment, Water and Climate) and the newly created Zimbabwe National Water Authority had over the national purse. In general, most budgetary resources for water were used for government dams (GoZ, 2000a).

The World Bank and international donors

In July of 1993 one year after the adoption of the Dublin Principles, the World Bank sponsored a workshop at Victoria Falls¹⁷ to bring together international and national experts for the purpose of 1) Creating programmes of national and regional actions which could enhance the region's capacity to manage water resources and recommendations and 2) Developing specific follow-up activities to implement the new programmes. Based upon water resources management the timing of the

¹⁴ Lukes, 2005; Gaventa, 2006.

¹⁵ On 14 December 2000, President Mugabe, speaking at his party's congress, disowned the courts. With reference to the land issue, he said, "The courts can do what they want. They are not courts for our people and we shall not even be defending ourselves in these courts". President Mugabe's statement followed the invasion of the Supreme Court "by close to two hundred war veterans and followers, which was nothing but disgraceful. ...They stood on chairs, benches and tables, in a gesture of absolute contempt for the institution of the courts as the third essential organ of a democratic government" (Gubbay, 2009). Gubbay was the former Chief Justice of the Supreme Court forced out of office in 2001.

¹⁶ Meredith, 2002 ; Blair, 2002 ; Chan, 2002; Alexander and McGregor, 2013.

¹⁷ Workshop on *Water Resources Management in Southern Africa: Proceedings of the Workshop*, Victoria Falls, Zimbabwe, July 5-9, 1993. It was organised by the Water Resources Branch of the United Nations Department of Economic and Social Development, the Training Centre for Water and Sanitation of the University of Zimbabwe and the Department of Water, Ministry of Lands, Agriculture and Water Development, Government of Zimbabwe. Sponsors were the World Bank, the Commonwealth Secretariat, the United Nations (UNDP and UNEP) and the Canadian International Development Agency.

workshop, July 1993, was close in time to the formation of a Zimbabwean Board to Review Zimbabwe's Water Act convened in June of 1993. The Bank's meeting contended that water was an economic good and water policies and management had to be adjusted to this 'fact'. The presentations were by Mr. Le Moigne, the Senior Water Resources Advisor of the Bank, an engineer trained at the University of Paris and Cornell; Dr. North, a specialist in water resources economics; Mr. Gabriel Tibor, also from the Bank; Mr. Harvey Garn, economic advisor in the Bank and lastly one environmentalist, Malin Falkenmark well known for analyses of water scarcity.

The thrust of the World Bank interventions was to emphasise the economic dimensions of water and that the key to effective water management was pricing policies.¹⁸ There was no discussion or analysis of the fact that most Zimbabweans (and other southern Africans) lacked access to water for agriculture and water for drinking. (While we covered some of these same issues in Manzungu and Derman, this Issue, here we are describing in greater detail how IWRM came to Zimbabwe and how it fitted with some national priorities.)

Shortly after the World Bank workshop, the Zimbabwe Government launched a review of its own Water Act (1976). The terms of reference¹⁹ for the Water Act Review Board (chaired by Dr. S.S. Mlambo from the Ministry of Lands, Agriculture and Water Development) emphasised the examination of the principle of granting of water rights in perpetuity by the use of priority dates in determining water allocation. While water was, in the main, not privately owned, landowners could obtain rights to access specific amounts of water in perpetuity through application to the Department of Water. The allocation of water in a river would be determined by when the applicant received the right. The other major item on the agenda was the need to change the pricing policy for water.

Unlike the World Bank meeting, the land-water nexus was highlighted in the findings and observations of the Water Review Board. The board commented on the lack of access to water by communal and small-scale farmers. They concluded that charging for all water should be considered as a means of increasing the efficient use of water while there should be specific programmes to bring water to communal areas and small-scale farmers. At the time of the Review Board, communal area residents could not obtain water rights on their own but only through Rural District Councils, an unchanged legacy from the colonial dual property system. Residents of commercial farming areas could obtain water rights in their own names. In addition, the Review Board observed that participation in water management was highly skewed. River Boards that oversaw the distribution and use of water were composed only of water-rights holders who were almost exclusively white commercial farmers. The Review Board also accepted the continued division of primary and commercial water.²⁰ Primary water or water for domestic purposes in communal areas was to remain free while commercial water was to have a price collected by the government. Commercial water is defined as water used for business purposes and it has been prioritised in water resources management.

The World Bank workshop and the national review process led to the creation of a new advisory group to lead the development and implementation of new water laws and policies and to fill in the

¹⁸ For example Tibor's statement: "Water is an increasingly scarce resource: it is often treated as a public good when in fact it is anything but free. More so, for many uses water has all the properties of an exclusive economic good, which is just the opposite of a public good" (IBRD, 1993: 1 Annex 4-IV).

¹⁹ The terms of reference were as follows: 1. Review the existing Water Act, its subsequent amendment and any relevant background information; 2. Examine the principle and basis for granting water rights; 3. Examine and determine the extent of efficient and effective usage of water rights by those holding them; 4. Review principle of riparian use; 5. Determine principle of priority dates; 6. Determine pricing policy; 7. Solicit people's farmers and ordinary citizens' views on the subject of water rights; 8. Determine the principle to be adopted in allocation of water in the light of the existing one; 9. Determine the necessity for the formation of river boards; 10. Produce report and recommendations.

²⁰ Draft Report of the Water Act Review Board, official minutes January 1994, typed. We thank Dr. Alex Bolding for making these available to us.

links that led to the donors' support for the water sector. This group was located outside of the Department of Water and its ministry. Moreover, as an indication of ambivalence it was called the Water Resources Management Strategy but no title afterwards to indicate its status. WRMS and the Department of Water were tasked with writing new water legislation. In parallel with the writing of the new water laws, WRMS began operation in 1996 and ended in 2000 with the publication of their final report.²¹ While WRMS got underway the Royal Dutch Embassy and the German development agency, GTZ, funded the Mupfure Pilot Catchment and the Mazowe Catchment Council, respectively. GTZ then began funding the Manyame Catchment. In addition, other donors had begun funding other catchment councils including the Save, and the Runde. In terms of new national policies, the most important change during this period was the creation of the Zimbabwe National Water Authority and the downsizing of the Department of Water. This transition was funded by GTZ including substantial technical and personnel support.

Examining the WRMS project more closely

The two bills – the Water Bill and the ZINWA Bill were placed in the public domain in November 1997. At that time water, land and the environment were to be closely linked. For example, in an effort to define what constituted catchment planning Hugh Williams (WRMS, 1998: 8), a member of WRMS provided a definition: "An integrated land and water resources development and management plan, that is capable of being implemented". Another planner for WRMS, Shepherd Sithole (WRMS, 1998: 9) emphasised the importance of linking land use and water and critiqued those using only a mono-disciplinary approach. Maintaining the division of Zimbabwe's waters into three categories (primary, commercial and Urban, Industrial and Mining, The WRMS group contended that: "Allocation of water shall take cognizance of the fact that water for primary purposes has priority over all other uses and any person is entitled to use water for primary purposes" (WRMS, 1998: 13). However, despite this assertion there is no discussion on how to ensure that this 'right' was to be maintained. Other than primary uses all other water uses required permits obtainable only from catchment councils.²²

The environment featured centrally in WRMS concerns with major efforts to limit and control pollution. It was argued, consistent with IWRM, that preserving water quality combined with water for environmental purposes are best served through using ecological boundaries of water (this is discussed in Manzungu and Derman, this Issue). The major innovation of the water reform and in compliance with decentralisation was to create new institutions based upon ecological boundaries and high user participation known as catchment and sub-catchment councils.²³ Between them they would be responsible for the following:

1. Allocate water within the framework of the catchment plan.
2. Monitor water use in accordance with the allocations.
3. Monitor groundwater levels and abstraction of water.
4. Monitor water quality.
5. Protect the catchment from degradation.
6. Raise and collect levies (levies are separate from the sale of water).
7. Maintain user discipline.

²¹ Towards Integrated Water Resources Management 2000a, the WRMS policy document was put forward by the Ministry to the cabinet but it was never adopted. Thus, it never became official policy.

²² This was changed to enable the Catchment Manager to approve permits where there was no controversy. While seemingly just bureaucratic, it increased the power of the manager.

²³ The precise legal functions of catchment councils are to be found in Government of Zimbabwe (2000b). The legal functions of sub-catchment councils are put forward in Government of Zimbabwe (2000c).

Two pilot catchments were formed to determine how these new institutions should function. The empowerment of the two pilot catchments – the Mazowe and Mupfure (to become the Sanyati) with donor funding – led to their efforts to take over water management from central authority.²⁴ With the creation of ZINWA, a new set of conflicts arose over the powers of the newly created catchment managers. Catchment councils constituted two elected members from each sub-catchment council within the catchment. There was, and is, no salary for members of the councils although their transport and a sitting allowance were paid through donor funding. It was assumed that when the donors withdrew sub-catchment councils would pay allowances from their water revenues while the Water Fund, created by the ZINWA Act would use levies imposed on water permit holders to support catchment councils.²⁵ The catchment councils were to be technically supported by a catchment manager appointed, hired and paid by ZINWA. Catchment managers were all trained engineers and were to carry out the secretarial duties on behalf of the Council. Following the Dublin Principles, the WRMS reports (and later the published strategy) women were to participate and be represented at all levels of decision-making. There were no measures enacted to ensure that this occurred and there was little evidence that this took place (Hellum and Derman, 2005). Land and water were to 'be integrated' in the eyes of WRMS but what happened is described in Hove et al., this Issue. For example, WRMS had to adjust to the expression of power by a highly centralised state and the councils could not address what to do about the division of land between the communal sector with no individual water rights and the commercial sector with individual water rights.

CATCHMENT COUNCILS AND SUB-CATCHMENT COUNCILS: THE NEW PARTICIPATORY INSTITUTIONS

In this section we will briefly describe the formation of three catchment councils and their early operations. We start with the Mupfure and the Mazowe councils to be followed by the Manyame. The latter two catchments were to be 'pilot' projects and the intent was that they would run for three years before the implementation of the Water and ZINWA Bills to permit modifications or amendments along with designing the statutory instruments to implement them effectively. This was to be a major departure from past governmental policy decisions and to provide an empirical context in which to assess the efficacy of the new institutions of water management.

Joice Mujuru, then Minister of Water Development and Rural Resources, contended that the water sector would become responsive to stakeholder management and "with the government playing only the role of regulatory authority" (Darby, 2000: 20). According to the Minister the pilot catchments would be "tested and verified before nation-wide replication is undertaken" (ibid). She emphasised that the pilot projects were to provide a learning experience for the development of effective stakeholder institutions at catchment level" (ibid).

However, this process was not permitted to run its course.

The Mupfure Catchment

The Mupfure River originates just south of Harare and ends in Lake Kariba. It is approximately 224 kilometres long and drains an area of 11,866 square kilometres. It was made up of four subunits each (termed CUFs which is not an acronym) each of which would manage a subsection of the river. It was anticipated that the Mupfure pilot catchment council would be merged into the much larger Sanyati Catchment in 1999-2000 and the Mupfure would become a sub-catchment. The purpose of this new catchment authority was "the establishment of an effective and efficient system for sustainable water

²⁴ Field notes of Bill Derman 1997-2000.

²⁵ Most sub-catchment councils had difficulty funding their activities over time while the water fund was not used to support catchment councils.

resources management in the Mupfure Catchment, which takes into account the management of water at the lowest appropriate level and the full representation of all interest groups" (Taylor et al., 1996: 11). This pilot catchment was funded by the Dutch government and was intended to serve as a model for the more equitable distribution of water (1996: 12). Moreover, unlike the other two catchment councils the specific object of this project was "to support disadvantaged communities to improve their opportunity to represent themselves in water management issues, and to give preference to the protection of the environment" (1996: 20). While the document notes that women will be major beneficiaries since they are the ones who are involved in fetching drinking water, food crop agriculture and firewood collection there are no specific recommendations as to how women should be included in all dimensions of the project. Project activities with a budget allocation included water allocation guidelines, a hydro-information system, catchment outline plans, catchment protection plans, water quality and a financing system for the catchment and sub-catchment authorities. In addition, the new Mupfure Catchment Council was to work in coordination with WRMS and the drafters of the new Water Bill. There were to be two community development officers modelled on the early phase of the project whereby Dutch consultants with members of the Department of Water to have villagers prioritise what kinds of water projects they wanted. The project drew up budgets for the proposed priorities and in several instances implemented them. This was done to create a demand for the new catchment institutions. Moreover, these village projects focused on primary water – boreholes or water for cattle – and not on commercial water. This emphasis was not duplicated subsequently.

In one of the many workshops held by WRMS in the Mupfure, the following indicates some of the major difficulties. The workshop was held at the Chegutu Hotel in September 1997.²⁶ The workshop was to explain the new water bill and institutional structures and was chaired by Dr. Sakupwanya and Mrs. Matiza, a WRMS economist. The priority areas identified by the people attending were as follows:

1. Water availability and the need for dams in catchments without permanent rivers.
2. Water rights. Getting access to water and costs involved.
3. Awareness and training on dealing with water.
4. Conservation of rivers and adjoining stream banks.

There was a heavy participation by small-scale farmers, resettled farmers and communal area residents in this meeting as well as large-scale farmers. There was substantial interest in obtaining more water especially for irrigation and also worries about the new costs associated with the water reform. With the passage of the Water and ZINWA Acts and their implementation in 1999, the Mupfure Catchment was absorbed into the Sanyati Catchment.

In general, the Mupfure Catchment Council before it became the Sanyati took decentralisation and water resources management seriously. The issues were local which was consistent with the intent of the Water Act. They included the possibility of a new dam located in a communal area, to stop the city of Chegutu from polluting the Mupfure River, and to have the donor (the Dutch Government) provide their funds directly to the Council rather than through WRMS. With the formation of the Sanyati Catchment Council, it contended that communal area concerns for small dams and boreholes were beyond their mandate. This disconnected communal area residents from the Catchment Councils.

Many of the most active commercial farmers on catchment and sub-catchment councils found their farms occupied and then resettled. They then dropped out of water management. Discussion of the land occupations and the violence accompanying them were not permitted in council and sub-catchment council meetings. They were to be about water alone! The Dutch government withdrew from funding the Sanyati that crippled its activities after 2001.

²⁶ The account of the meeting is from the field notes of Bill Derman who attended it as part of the CASS research.

After Dutch funding ended, the council saw little or no reason to continue the emphasis upon participation (Hellum and Derman, 2002). The funding for small-scale farmers to participate evaporated. In general, the size of the Sanyati Catchment discouraged participation without funding for transport. The meetings became irregular and many sub-catchments stopped functioning.

The Mazowe Catchment

Before it became a pilot project, big water users had formed the Mazowe River Catchment Development Company, which was made up of seven River Boards²⁷ operating under its umbrella. The purpose of this company was to maximise the profitable use of the Mazowe's waters that initially excluded those without water rights. As part of the water reform, the new catchments had to expand the area and create new sub-catchments which meant the incorporation of communal areas. The first three years of the project (1996-1998) focused on creating functioning council and sub-catchment councils. The Mazowe pilot Water Management Project prepared its own studies including one on how to allocate water rather than the priority date system. The study focused on improved equity of access through a proportional allocation system that, in the end, was not adopted by either ZINWA or the Department of Water Development (DWD). Politically, the management of the pilot catchment recognised that without black Zimbabwean ownership of the process it would fail. To this end, they recruited the Chair of a Rural District Council, a member of the upper echelons of the ruling party and a farmer to become Chair of Mazowe Catchment Council. In addition, other politically important black Zimbabweans became part of the Mazowe Catchment Council. However, despite their efforts to protect themselves politically they could not stop the farm occupations and seizures.

From its inception, the catchment council leadership emphasised that the Mazowe Catchment Council should devote most of its time to promoting and/or mobilising finance for development within the catchment and they created a formal committee on development. What form the development should take was an area of disagreement (Darby, 2000: 24). In general, it meant the expansion of commercial agriculture and greater use of water by 'new users'. The leadership contended that the Ministry of Water Resources and Rural Development and ZINWA should be willing under decentralisation to give up central planning and central decision-making (Darby, 2000: 24). Mazowe and Mupfure attempted to shift real power to the catchment and sub-catchment councils. To accommodate new users they proposed setting aside 10% of the rivers' waters for them. To remain committed to the principle of subsidiarity, they promoted a third tier of management which they termed water user boards. They suggested that Water User Boards (WUBs) with substantial commercial use provide funding for WUBs with mainly primary water use. As noted earlier, this third tier, has not been recognised in the formal governance structures not stated in the Water Act

The Mazowe project sought to locate all existing dams, potential small dam sites, quantify the number of wells and boreholes and to promote involvement of water users in the planning process. They found substantial resistance from the Department of Agriculture for data on land use. Large-scale farmers were asked to confirm abstraction points, locations of all existing dams and boreholes and to identify potential dam sites. The farmers were unwilling to provide the information because they suspected the data would be used to tax them or restrict their water use. In sum, it was not possible to collect the needed data. In 2000, the Mazowe Catchment Council suggested writing a simplified catchment outline plan rather a more complex one in line with available resources, time and expense. These plans were not completed until 2009-2010.²⁸

²⁷ River Boards were composed of water rights holders only. In the Water Act, they were to be replaced by sub-catchment councils.

²⁸ According to the Water Act, a catchment council could not offer permits until after its plan was approved by ZINWA. However, ZINWA did not provide the technical expertise to do the plan.

A consultant noted in a Development Committee meeting that there was need to revisit the definition of irrigation since informal irrigation is more important to small-scale farmers than to formal irrigation.²⁹ She pointed out that in Musami (a water user board in the upper Mazowe area) there were approximately 5,000 hectares of land under informal irrigation. She suggested that this meant there was an important need to include it in catchment planning. In response, the catchment planner told the members that he was trying to incorporate gender issues into his planning but the women were not taking the opportunity to be involved in catchment planning. He claimed that women refused to participate and were engaged in erosion-producing stream bank cultivation. This was one of the very few discussions of women and it was cut-off before it began. Returning to the question of garden irrigation she said that gardens are going to impact on water usage and hence there is a need to include them in catchment planning. Mr. Wood (a water and irrigation consultant) replied that gardens are only found in wet areas and there is very little potential for them to expand since there were very few wet areas without gardens left in the whole catchment. Therefore, the male expert succeeded in blocking any further discussion and analysis.³⁰

The Council sought to improve information on pollution and who had water rights. The council contended that the Ministry did not have up-to-date and easily accessible information on the water rights in order to convert the rights into permits. Efforts to install new flow monitoring equipment were frustrated due to lack of resources. There was no capacity in ZINWA to assess water quality and water pollution and to implement its programme to reduce water pollution. It was anticipated that with payment for water there would be increased funding to make the new system work.³¹

The Mazowe Catchment Council was potentially the richest. Mr. Lang of GTZ who sometimes attended meetings prepared a document with estimates of levies that were likely to be collected in the Mazowe catchment. His conclusion was that one could anticipate the figure from the 14-15 million Zimbabwean dollars (ZWD). (At the time USD1.00 was worth ZWD54.00.) He also believed that given this scenario, Mazowe would not face serious financial constraints in its operations. One Council member asked him whether he had also considered the extent of the impact of the farm invasions and how much this was going to lower or increase the number of permits from which levies could be collected. He said he had not taken that into account because no one can accurately predict or calculate those changes at the moment.³² At least for the Mazowe, it could have been self-supporting as the designers of the water reform had hoped.

The Manyame Catchment³³

Much of Zimbabwe's tobacco and wheat was grown on the large-scale commercial farms located in this catchment. These farmers were usually members of river boards and had substantial knowledge of irrigation and water management. Unlike the other two catchments, there was no pilot catchment but rather the government insisted that the river boards, farmers and other representatives form sub-catchment councils. The Manyame river basins were divided into sub-catchments (mainly following the old River Board boundaries) and the District Administrator called for meetings in each area to form them. The only group to be well represented aside from the government was the commercial farmers who had excellent communication networks (Latham, 2002). People at the meeting who came from

²⁹ Bill Derman field notes on Mazowe Valley Catchment Planning Subcommittee Held at Agritex Offices, Marondera, 9 October 1997.

³⁰ Official Minutes of the Mazowe Valley Catchment Planning Subcommittee Held at Agritex Offices, Marondera on 9 October 1997 and personal notes taken by Bill Derman.

³¹ Field notes from Mazowe Catchment Council meetings in 1997 and 1998 in possession of Bill Derman.

³² Mazowe Catchment Council Meeting 23 January 2001, Harare at Kurima House. Bill Derman field notes.

³³ Hove et al. (this Issue) describe what happens to the waters of the Middle Manyame Sub-Catchment after the land reform.

named stakeholder groups in the new Water Act became members of the sub-catchment council and selected two of their own to be part of the Manyame Catchment Council.³⁴

Across the country in 2000, other catchment and sub-catchment councils were rapidly formed ensuring there would be no inclusion of the results and experiences from the pilot projects. At the full council meeting of the Manyame, the Chief of Guruve, the late Chief Bepura was elected as chair of the Council while Piers Nicolle, one of the largest farmers in the catchment was elected as vice-chair. The actual functioning of the council was tenuous due to the land occupations. Very quickly, two of the sub-catchments were convulsed by land occupations and meetings by the sub-catchment councils were abandoned. In a third, area conflicts between supporters of the then opposition party MDC and ruling party supporters made meetings and cooperation virtually impossible. By 2002, only the Lower Manyame, Middle Manyame and Upper Manyame sub-catchment councils were functioning with GTZ funding their activities.

Prior to 2002 the following were the main issues: Payment for water and levies and what would be done with the monies, the shift from the priority date system to one of proportional allocation of water stored in privately built and owned water works and how to convert old water rights to time-limited permits. However, this could not be done until the writing and acceptance of what is called a catchment outline plan.³⁵ All meetings saw a discussion of sitting allowances, transport allowances and meeting the costs of meetings. Another major issue was that the sub-catchment council was to be designated as the agency to collect the levies by ZINWA. ZINWA proposed to pay 2.5% of the levies back to sub-catchment councils for services rendered while Manyame Catchment Council was proposing 25% as an initial but negotiable figure. While the Water Act only specified two levels of institutions – catchment and sub-catchment councils – Manyame (like Mazowe and Sanyati) wanted a third tier of user representation contending that they would be much closer to water users. Lastly, there was substantial emphasis upon the need for educating all water users on the new laws, the new administration of water and the purposes of water reform. The chair of Manyame Catchment Council went to inform traditional leaders and headmen of the new Water Act focusing on why people needed to pay for water.

Each catchment, including the Manyame, noted the absence of a third and fourth tier of water users. The council observed that it was at the lower levels that the actual management of water took place and yet they were not properly represented on the sub-catchment council or catchment council nor were they supported through the new levy system. In a bid by commercial farmers to keep their land, they raised the issue of Biri Dam. Biri Dam was a major infrastructure project on the Manyame River just south of Chinhoyi City. It was partly funded by commercial farmers and the National Social Security Authority (NSSA). Biri Dam was to be a multipurpose dam supplying water for Chinhoyi, water for irrigation, and storing enough water to permit Harare to increase the amount of water it withdrew from the headwaters of the Manyame River. In a meeting with the governor of Western Mashonaland, Peter Chanetsa at his office (27 February 2001)³⁶ one of the largest farmers in the catchment, Piers Nicole raised the issue that 60% of farms who had invested in Biri Dam were to be acquired for land reform. He attempted unsuccessfully to delist farmers who had contributed to the dam. In the end, most of the farmers who had contributed to the dam were indeed removed from their farms.

³⁴ Stakeholders are the following: large-scale commercial farmers, indigenous large-scale commercial farmers, communal land farmers, small-scale commercial farmers, resettlement farmers, industry and commerce, local government, large-scale miners and small-scale miners.

³⁵ In fact, the catchment outline plan was not written until 2009 and it is unclear if it has ever been finalised.

³⁶ Meeting notes from Jim Latham in possession of Bill Derman.

DISCUSSION

The Dublin Principles and IWRM while never discussed in general were always present in the issues discussed by the council and sub-councils. We will briefly discuss three crosscutting themes that we have identified: first, power; second, water for development and third, gender.

Power

Catchment and sub-catchment councils attempted to gain power and control over these new institutions. This included not only white farmers but also black Zimbabweans who had become the chairpersons of Mazowe and Manyame Catchment Councils. Council members sought to govern and manage the waters on their own. ZINWA, in their view, was to serve them and not vice-versa. They took subsidiarity seriously and sought to control their institutions. In addition, they sought engagement and service from the Catchment Managers who were caught by surprise at these developments. The exception was the Catchment Manager for Sanyati (formerly of Mupfure) who understood the major shifts in how water was to be managed. The councils refused to accept the low percentages of monies they would receive for collecting the levies for ZINWA. They sought to influence some dimensions of the Water Act and attempted to have a third tier added to legal entities that made up the new institutions.

The institutions of water governance enjoyed their freedom from the already existing political units. Following ecological boundaries (more or less), they were not engaged with provinces, districts and rural district councils. They were deeply engaged with ZINWA but this was seen to be, until it was given municipal waters to sell, as a non-political institution. This was important since water supply was a function of Rural District Councils and water provision also rested in the provinces. How this might have changed over time, we cannot know.

However, as has been clear throughout the three Zimbabwe articles in this Special Issue, the newly empowered catchment and sub-catchment councils could not influence land reform. Indeed, they engaged in self-censorship trying to protect themselves by claiming that they could only discuss water in their meetings despite the fact that to produce catchment outline plans they needed information on land. It was a strategy that failed. Land reform proceeded with neither little or no consideration of water governance and management nor the economy of water reform. It is doubtful given the power of the president to declare that land could not be debated and that challenging fast track was not politically possible. The new weakness of commercial farmers was manifest as their farms were occupied and they were chased out of them. Their strategy of defence thus failed.

Development

One of the critiques of IWRM has been its lack of focus on socioeconomic development. In the case of Zimbabwe, economic development and the more efficient use of water were to come through the better pricing of water. The emphasis at the national level and in ZINWA has been the user pays principle. However, at the catchment level water users recognised the importance of water for development. Still, they were not supportive of higher prices for water and were extremely conscious of who had and who did not have water rights. In the case of the Mupfure Catchment, a strong effort was made to engage communal area residents in formulating their water needs. Water was identified as a real constraint upon development. When the Mupfure merged into the Sanyati, those communal area projects were ended and the emphases shifted to pollution from mining, pollution of the Mupfure River by Chegutu Town, and planning for a new dam in Mhondoro Communal Land to provide new water for irrigation. In general, there was a shift in emphasis from small waters to big waters. In the Mazowe Catchment they formed a development committee whose task was to propose to the whole council how increasing access and use of water by 'new users' (a euphemism for discussing black Zimbabweans in communal areas) could be accomplished. The Chair of the committee was passionate

in his claim that water reform was purposeless without development.³⁷ By development, they meant figuring out how to run the river fairly, allocate water for new users and subsidise their use for up to five years. Unlike the other two catchments, the Manyame Council did not focus much on communal areas which were located at the bottom of the catchment with nothing but commercial farms above. In part they came into being much later than the other two and had less time to organise and plan before the farm occupations. The catchment councils did not, unlike the national government, lose sight of the development part of water reform.

Gender

In all three catchments, the Dublin Principle on the importance of women was ignored (see Derman and Prabhakaran, this Issue). Despite some attention to gender issues in WRMS (GoZ, 2000a: 81-84) it was neglected by all catchment and sub-catchment councils. While the Mazowe Catchment did recognise the importance of primary (domestic) water use they did not ask, nor did any other council focus on who was engaged in small-scale irrigation. Nor did they concern themselves with who supplied domestic water to the household. The one exception as noted above in the Sanyati Catchment was the pilot Mupfure Catchment where the consultants refused to hold meetings on community needs in water without large numbers of women present. They sought a method to ensure that women's voices were heard in discussions and possible projects about water. This was followed up by hiring community development officers who were female and supposed to continue the focus on women and water. However, the positions disappeared when the Dutch donor left.

Part of the reason why women were not included had to do with the division between commercial and primary water. The catchment and sub-catchment councils along with ZINWA focused upon commercial water, water that had to be paid for. Thus people who used and relied upon primary water were, for the most part, absent from councils' concerns. In addition, the world of commercial farming was overwhelmingly white men.

CONCLUDING OBSERVATIONS

With the decentralisation of water, catchment councils attempted to expand their powers and test the limits of what they could do. It did not take them long to understand that they could exert greater control over this key resource in a decentralised system. They were exercising their agency and taking decentralisation seriously. We would have known if they opted for the political economy and fairness approach or the neoliberal one as we described in Manzungu et al., this Issue. Despite some efforts to include land, at least in shaping their plans, the councils powers were circumscribed. They were circumscribed in four ways: The first was the lack of acknowledgment of how dependent they were upon donor-support and -funding. The second was the lack of political influence, in part, because the water reform attempted to construct new non-political boundaries for its institutions thus challenging directly and indirectly already existing institutions. The third was the visible and hidden powers of the ruling party that over time sought to control the actions of the new water institutions including what could and could not be discussed. Fourth, and last, was the fast-track land reform that undermined the economic base for supporting water reform. Thus this initial period of water governance and management experimentation still referred to as the water reform process, was in contradiction to, in addition to being in tension with, the other major reforms of that era.

After the donors withdrew, the new institutions of catchment and sub-catchment councils lacked monies and were unable to collect funds from new farmers. Despite promises, ZINWA did not provide funding for the catchment and sub-catchment councils. In addition, the land reform did not include an

³⁷ Field notes from the Development Sub-Committee of Mazowe Catchment Council by Bill Derman, 1999 and 2000.

assessment of farms' water resources and how the waters could be best utilised with a change of ownership and settlement patterns (Hove et al., this Issue). To generalise from Zimbabwe's mixed and to-date mainly unsuccessful efforts to implement IWRM at the catchment levels is problematic given the other events and processes at work after 2000 which are discussed in detail in Manzungu and Derman, this Issue. The major processes that altered the path of water reform consist of the loss of its major funding base combined with the withdrawal of international donors that had been supporting the process. In its casual disregard of water resources, water management and water infrastructure, the fast track land reform process undermined the irrigation infrastructure in place on the former commercial farms. While IWRM and water reform attempted to operate outside of the politics of land, and the power behind it, this turned out to be impossible. Thus an effort was made to have water be a 'technical issue' that could be discussed and debated in what were supposed to be apolitical and representative participatory institutions. In order to keep the meetings apolitical only water issues could be discussed. Indeed, discussions and debates about water allocation, distribution and reform did take place with a mix of water engineers, catchment managers, ZINWA officials, commercial farmers, representatives of small-scale commercial areas, chiefs, representatives of donor organisations and academics. More generally, without far stronger political support, IWRM cannot resist the exercise of strong state power or economic and political elites. The new institutions were left to fund and manage themselves in a harsh social, economic and political environment. The vision of participatory institutions made up of representatives of all water users ran aground on the political terrain in which they tried to function.

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