

THE ROLES OF TRADITIONAL LEADERS IN FOREST MANAGEMENT IN THE CONTEXT OF DUAL GOVERNANCE

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Abstract: The focus of the study was to explore how dual governance has impacted the roles of traditional leaders in forest management and to suggest strategies that can be adopted to mitigate the challenges. The study was persuaded by an interpretivism research philosophy and subsequently, it adopted a qualitative research methodology and a case study design. The study population was composed of traditional leaders, elected representatives, judiciary, and government officials. A purposive sampling strategy was used to sample 30 research participants comprising 25 traditional leaders, 1 Member of Parliament, 2 Councillors, 1 Magistrate and 1 District Development Co-ordinator. Data was collected using a self-administered open-ended questionnaire which was distributed to sampled participants and key informants' interviews. Collected data were analysed using thematic content analysis. Data was presented in narrative form. The study revealed that the roles of traditional leaders in forest management were affected by the duality of governance whose roots were traced to the Order of Council of 1898, among other repressive laws that the colonial system used to undermine traditional leaders. The study findings revealed that, while the roles of traditional leaders were underpinned by legislation and accepted by the general public, there were serious challenges affecting traditional leaders, chief among them, the failure of government to fully involve Chiefs and other traditional leaders in forest and environment management programmes. Furthermore, the study concluded that the current legislation impedes the roles of traditional leaders in forest management in the context of the three tiers of government and the State in general as witnessed by the role conflict between traditional leaders on one hand and government officials and organs of the State. The study then recommended the strengthening of the traditional governance system within the framework of the duality of governance through the amendment of relevant legislation to enable traditional leaders to effectively participate in the governance of the country in all tiers of government. This study recommended among other things that, there must be a harmony in all pieces of legislation that deal with the environment, multi-sector engagement in the planning of the forests and adequate financial support to all agencies of government, institutions and other stakeholders.

Keywords: the duality of governance, traditional leaders, customary law.

1.0 INTRODUCTION

The institution of traditional leadership and its associated structures have played and presided over a plethora of roles since the creation of mankind. One of these roles is the management of forests and the environment in the broader picture. Traditional leaders namely Kings, Chiefs, headmen and later village heads played a critical role in the management of forests since time immemorial. This study discussed the role of traditional leaders in the execution of this role which has evolved in the pre-colonial, colonial and post-colonial eras. The nature of the duality of governance in the execution of the forest management role by traditional leaders was discussed and the extent to which, it has impacted the institution. This interrogation speaks to the following three questions:

- a). what are the current roles of traditional leaders?
- b). what are the experiences of the traditional leaders in the discharge of their duties?
- c). how can these experiences of traditional leaders be made worthwhile?

2.0 LITERATURE REVIEW

2.1 WHAT ARE THE CURRENT ROLES OF TRADITIONAL LEADERS IN FOREST MANAGEMENT

In dissecting this question, the study looked at the roles of traditional leaders in the pre-colonial and colonial eras which have had both a positive and negative effect on the current roles of traditional leaders in forest management.

2.1.2 PRE-COLONIAL ERA

Traditional leaders have been custodians of the land since the pre-colonial period. The pre-colonial era consisted of the time from creation until the arrival of colonial rule in 1890. Traditional leaders namely Kings, Chiefs and headmen were responsible for forest management in the pre-colonial era, among many other roles. Traditional leaders governed their societies using customary law. Feltoe (2006) defines customary law as the way in which the State was organised on or before 10 July 1890. This meant that traditional leaders were in control of the political, economic, social, religious, traditional and legal systems that governed their States under a single traditional governance model. Under this model, traditional leaders had absolute powers in the management of land and its natural resources which included forests among others. Sakayi (2003) notes:

Traditional leaders once held a firm grip on the social, economic, and political system that governed society. There were systems in place to regulate behaviour, and rulers were informed to ensure a safe and orderly society. They had an adequate revenue base through taxes and other donations and royalties to support families and meet their social obligations.

Traditional leaders had all the resources that were need to run economies effectively and Sakayi (2003) best illustrates how African states were governed under customary law.

2.1.3 COLONIAL ERA

The invasion of the society by the colonial settlers in 1890 marked a serious paradigm shift in the management of forests and other sectors as the colonial settlers decimated the African state and its associated systems. The introduction of the settler government in Rhodesia, resulted in the traditional leaders' power and authority been seriously eroded as a result of the introduction of a dual governance system. This government passed the Order of Council of 1898 to consolidate control of Rhodesia and took over the country's political, economic, traditional, administrative, social, legislative and legal systems. This meant that forest management was now in the hands of the colonial government, and they achieved this through the enactment of various pieces of legislation like the Forestry Commission Act of 37/1949, Land Apportionment Act of 1930, Land Husbandry Act of 1951 and Land Tenure Act of 1969 among others. The Forestry Commission was subsequently formed in 1951.

2.1.4 POST COLONIAL ERA

ECA (2004) note that African states inherited the governance model from their colonial masters. Zimbabwe inherited its governance structure from the British in line with the detects of the world social order that prescribed an acceptance governance model accepted globally. At the attainment of freedom in 1980, the independent Zimbabwean government inherited the colonial government's dual governance model with changes to it. The forest management system was and is still premised on a dual governance system where the government and its associated agencies and traditional leaders are mandated by law in protecting, preservation and management of forests.

Forest management is two-fold namely, statutory and cultural. Statutory refers to those roles that are provided by the law, while cultural roles refer to those duties that are prescribed by customary law and have been practised over a long period of time.

2.1.5 STATUTORY

The following pieces of legislation govern the roles of traditional leaders in forest and environment management namely, the Constitution of Zimbabwe, the Forestry Act, Traditional Leaders and the Customary Law and Local Courts Acts.

2.1.6 THE CONSTITUTION

This Constitution was enacted in 2013 as a replacement to the Lancaster House Constitution of 1979. Chapter 15 of the (2013) Constitution provides for the functions of traditional leaders among other roles provided for.

Section 282 provides for the following:

- (1). Traditional leaders have the following functions within their areas of jurisdiction:
 - (a). to take measures to preserve the culture, traditions, history and heritage of their communities, including sacred shrines.
 - (b). in accordance with an Act of Parliament, to administer Communal Land and to protect the environment.
 - (c). to resolve disputes amongst people in their communities by customary law.

Forests play an important role in the preservation of culture, traditions, history and heritages of communities. The preservation and protection of forests would result in the conservation the heritage, culture and history of communities. Authors like Mararike (2003), Sakayi (2003) Fontein (2004), Nyathi (2017) and O'Regan (2021) note that traditional leaders were buried in sacred places like mountains and forests which became part and parcel of the communities' heritage. In protecting and preserving the forests, traditional leaders have in the process maintained the history and heritage which form part of the history of chieftainships.

2.1.7 TRADITIONAL LEADERS ACT CHAPTER 29:17

This Act provides for a comprehensive role and functions of traditional leaders. Section 5 of the Act provides for the following-

Functions of Chiefs

- (1). A Chief shall be responsible within his or her area for:
 - (a). performing the functions pertaining to the office of a Chief as the traditional head of the community under his or her jurisdiction
 - (b). promoting and upholding cultural values among members of the community under his or her jurisdiction, particularly the preservation and promotion of traditional family life. (Preservation of trees for medicinal use in promoting sound family values)
 - (c). allocating Communal Land in accordance with Part III (Occupation and use of communal land) of the Communal Lands Act [Chapter 20:04] and ensuring that the requirements of any enactment in force for the use and occupation of such land are observed.
 - (d). preventing any unauthorised settlement or use of any land
 - (e). ensuring that land and its natural resources are used and exploited in terms of the law and, controlling:
 - (i). over-cultivation
 - (ii). Overgrazing
 - (iii). The indiscriminate destruction of flora (plants) and fauna (animals) and generally preventing the degradation, abuse or misuse of land and natural resources in his or her area.
 - (iv). Illegal settlements.

Section 9

Duties of headmen

- (1). It shall be the duty of a headman:

- (a). to assist the Chief to perform his duties.
- (b). to enforce all environmental conservation and planning laws, including local field boundaries, on behalf of the Chief, RDC and State.

Section 12

Duties of village heads

- (1). It shall be the duty of a village head-
 - (a). to assist the Chief and headmen in the performance of their duties.
 - (b). subject to the Communal Land Act, to consider, in accordance with the customs and tradition of his or her community, requests for settlements by new settlers into the village and in consultation with the village assembly, to make recommendations on the matter to the ward assembly
 - (c). to the extent that such matters are not subject to the general law of Zimbabwe (duality of justice system), to settle disputes involving customary law and traditions, including matters relating to residential, grazing and agricultural land boundaries and, where necessary, to refer these matters for settlement by the headman.

Sections 5, 9 and 12, respectively, of the Traditional Leaders Act, provide for the comprehensive role of traditional leaders in the protection, preservation and management of the forests as a part of the environment. It is critical to note that, while this paper looks at the roles of traditional leaders in forest management, it would be naive to differentiate the forests from the environment as they form part of land management. This viewpoint is realised in the Traditional Leaders Act, where the drafters, drafted the roles and functions of traditional leaders having the environment in the broader picture as forests constitute part of the environment.

The Traditional Leaders Act provides that traditional leaders can manage and protect the forests by working and coordinating with other stakeholders involved in forest management. This provision is found in section 21, which provides for the following:

Section 21

Invitation to experts to attend assemblies or committees:

- (1). Whenever a ward or village assembly considers it necessary to do so, it may invite persons who are not members of that assembly and who possess special expertise on any matter which is of interest to the assembly concerned, to attend meetings of the assembly to provide the assembly with the information it requires.
- (2). A village development committee or ward development committee may, with the approval of the chairman of the village assembly or the ward assembly concerned, as the case may be, co-opt any person who is not a member of the committee concerned and who possesses special expertise on any matter which is of interest to the committee to provide the committee with such information as it may require in order to enable it to discharge its functions properly.

Any services rendered in terms of subsection (1) or (2) shall be on a voluntary basis and shall be provided for free.

Chiefs, as the custodians of their communities, can invite stakeholders from Forestry Commission, Environmental Management Agency and Rural District Councils among many others to their ward and village assembly meetings respectively to co-ordinate efforts in protecting, management and preservation of forests so as to ensure co-ordinated efforts in forests management by all stakeholders involved.

Section 29 of the Traditional Leaders Act provides for the emplacement of resettlement land under the authority of Chiefs.

Section 29 (Inhabitants of resettlement land)

Placing of communities on resettlement land under authority of Chief

(1). After consultation with the RDC and the Chief of the area concerned, the Minister may, by notice in the Gazette, declare that any area of resettlement land-

(a). shall fall under the authority of such Chief as he or she specify in the notice.

(b). shall constitute a village or such number of villages as the Minister may specify in the notice.

(2). Where the Minister has made a declaration in terms of subsection (1) the resettlement land concerned shall be deemed, for the purpose of this Act, other than Part V`I, to be a village or villages, as the case may be, within the area of the Chief specified in the notice, Parts IV (issue of village registration certificates and settlement permits and occupation of communal land) and V (village assemblies, ward assemblies and development committees) shall apply, mutatis mutandis (all necessary changes having been made) to villages in resettlement areas.

Section 29 of the Traditional Leaders Act is a realisation of section 282 of the Constitution, which provides for the following:

(2). Except as provided in an Act of Parliament, traditional leaders have authority, jurisdiction and control over Communal Land or other areas for which they have been appointed, and over persons within those Communal Lands or areas.

This constitutional provision illustrates the view that traditional leaders have legal mandate to preside over communal lands and other lands which are given to the institution of traditional leaders to preside over. Section 282 therefore, among other things, provides for the roles and functions of traditional leaders in forest management.

Forests constitute part of resettlement land, and the emplacement of this resettlement land means that Chiefs have extended territory to which they must administer customary law among other roles and duties. The study notes that the emplacement of resettlement land under the authority of traditional leaders meant that Chiefs have to create and put in place traditional structures namely headmen and village heads who would assist him or her in the management of forests among other roles and functions as prescribed by the law. This viewpoint illustrates that forests covered by resettlement land would form part and parcel of the chieftom's history, heritage and traditions in line with section 281 of the Constitution of Zimbabwe and section 30 of the Traditional Leaders Act respectively.

Section 30 of the Traditional Leaders Act provides that the emplacement of resettlement land does not alter the title of this land neither does it not form communal land.

Section 30, provides for the following:

Notwithstanding section twenty-nine, resettlement land that is the subject of a declaration under that section shall not form part of communal land.

Nevertheless, Chiefs can initiate conservation programmes in these resettlement areas as is the case with communal land which would go a long way in preserving the environment.

2.1.8 CUSTOMARY LAW AND LOCAL COURTS ACT

This Act provides for the judicial roles of Chiefs and headmen respectively in the protection and management of forests among other functions in line with sections 162 and 163 of the Constitution. These sections provide for judicial composition and authority of customary law courts among other courts. This Act allows Chiefs and headmen to operate community and primary courts respectively in the administration of justice under customary law. However, section 193 of the Constitution does not confer criminal jurisdiction to these traditional courts.

Section 17 of the Customary Law and Local Courts Act provides for orders that these courts can make in dealing with environmental offenders among others, these include compensation and order of costs. In achieving such orders, the Customary Law and Local Courts Act, permits Chiefs and headman to impose orders in the form of fines to perpetrators of environmental destruction. Customary law courts acting on behalf of the community can

also order compensation from violators of the forests. Compensation realised in this regard can be used in both the afforestation and re-afforestation programmes of the environment. Nyathi (2017) note that environmental offences are transgressions against the community, and it is duty of the Chief and headman of ensuring that such transgressions are nipped in the bud. In achieving that, the customary law courts must ensure that restorative justice is realised in ensuring environmental order is achieved.

2.1.9 FORESTRY ACT

This Act was enacted in 1949 and the latest amendment came in 2022. This viewpoint illustrates that the government inherited colonial governance structures and this piece of legislation in one such example. The study notes that prior to the latest amendment of this Act, the government has relied on archaic pieces of legislation such as the Forest Commission and Mines and Minerals Act in the administration of the country's forests in independent Zimbabwe. The study points out that the amendment made by the legislative arm of the State in this Act does not take away the archaic nature of this legislation since other sections of this Act has remained in their form as was the case when they were first passed in 1949. Section 5 of the amended Act provides for the representation of a Chief in the Forestry board. Section 5 provides that the Council of Chiefs shall nominate a member to represent its interests in the board. This role played by this Chief is very important because it helps to co-ordinate the management of forests in communal lands and resettlement land put under the authority of a Chief together with forests managed by the Forestry Commission.

2.1.10 CULTURAL

Traditional leaders play an important role in the preservation and promotion of cultural values. The study notes that forest security is enhanced through the protection and preservation of shrines who are administered by traditional leaders. Sacred shrines promote the preservation of environment through the sacred maintenance of flora and fauna. There is a complete ban on human activities in the sacred forests. Such areas are no-go areas for forest poachers. Chavunduka (1998) notes that customs, rituals, taboos and myths play an important and critical role in the conservation forests. Matose (2002) and Mararike (2003) supports the above assertion by indicating that culture plays an important role in the management of forests. Finally, Maffi and Woodley (2010) and Gavin et al (2015) juxtapose that, sacred sites play a significance role in terms of biocultural conversation.

Mararike (2003) indicate that burial shrines as part of cultural heritage play an important role in forest management because of the sacredness of such places. Unlike in urban cemeteries, rural cemeteries are family or clan based where family members are buried in places that are restricted and ordinary human and animal interaction. In this regard, burial shrines as part of ritual sites are not open to the public and forests tend to thrive in such areas. Burial shrines in rural areas unlike urban cemeteries are normally located in areas where there are plenty trees and, in such areas, it is a taboo to cut down such trees. Nyathi (2017) notes the punitive measures that are meted to people who violate burial sites because of the superstition associated with such areas. Such measures include civil reparations, public rebukes and punishment. Such punitive measures are meted by Chiefs and certainly goes a long way in protecting and preservation of forests.

Sacredness of trees played an important role in forest management in traditional Africa and Zimbabwe is no exception. Mahohoma (2020) note that in the Shona spirituality, there are certain trees associated with the presence of ancestors. People usually gather or sacrifice around such sacred trees. There is a belief that all trees belong to the ancestors. Chavunduka (1998) posits that such sacred trees form history and identity of such a community and each community has different spirituality which are coupled with taboos in sacredness of tress and their forests. Daneel (2001) comments that, virtually all large trees (miti mikuru) were protected as they belonged to the ancestors who were believed to dwell in tree branches. Taringa (2006) and Mahohoma (2020) notes that trees and plants are treated with caution and consideration, just like mountains and rivers, it is a taboo to cut down trees or destroy a sacred tree or forests. Taringa (2006:209) indicate that, "sacred forests are traditionally called rambatemwa". This author supports the viewpoint illustrated by Taringa (2006) and Mahohoma (2020) that traditional leaders as custodians of traditional values, must maintain such sacred trees and monuments in order to preserve the sacredness and the density of such forests.

Mahohoma (2020) notes that at people cannot plough or graze their animals around sacred trees and areas. In addition, animals that take shelter in sacred trees and forests may not be killed. Mbiti (1991:150) supports this notion and states that, "killing them would desecrate the sacred places and might incur punishment from God or the spirits". The study agrees with the notion indicated by authors like Chavunduka (1998), Taringa (2006), Nyathi (2017), and Mahohoma (2020) that sacredness of trees play a key role in the management of forests. The sacredness of such places has created booming trees, wild animals, water bodies and vegetation in forests that are fast diminishing as a result of deforestation, land resettlement and veld fires. Sacred places in Zimbabwe include the Njelele shrine, Gulabahwe Cave, Silozwana Caves, Diana's pool, Chinhoyi caves just to mention a few. Sacredness of forests is far and wide and is not limited to trees but includes mountains, rivers and shrines just to mention a few.

2.2 WHAT ARE THE EXPERIENCES OF TRADITIONAL LEADERS IN THE DISCHARGE OF THEIR DUTIES?

Zimbabwe at independence re-structured the local governance system into a singular system which was decentralized and had delegated roles to provinces and districts. Matyszak (2011) illustrates that while this reform was noble, it however created two loci of power in local government running parallel to each other, one democratic and one appointed, with some of the formal linkages between the two established by statute. This has resulted in the numerous tentacles of power emanating from different sources in this bifurcated system touch upon and control the lives of the rural communities. The two centres of power were of course, one consisted of traditional governance which was led by traditional leaders and the other consisting of current governance which consisted of elected representatives and government officials. The study supports the view expressed by Matyszak (2011) in that these two parallel structures have proved to be two centres of power which are scrambling for the same scarce financial, social and economic resources available in the communities.

This study interrogated other pieces of legislation like the Mines and Minerals, Forestry, Environmental Management Agency, Town and Country, Natural Resources, Communal Lands, Provincial Administration Acts and the Constitution of Zimbabwe Amendment Number 20, that regulate forest and environment management among other functions. The study notes that these pieces of legislation are not in sync with the Traditional Leaders Act in terms of the management of the forest and the environment. One example is section 15 of the Forestry Commission Act, this section provides for the following,

Control and management of demarcated forests

- (1). Subject to subsection (2), the Commission shall have the control and management of:
 - (a). demarcated forests and
 - (b). all land expropriated in terms of section forty, and
 - (c). any other State land designated by the Minister for the purposes of this paragraph.

Section 15 of this Act gives the Forest Commission exclusive powers over forests in the country, while at the same time the Traditional Leaders Act gives traditional leaders power and authority of the environment which includes forests.

The study notes that the presence of too many pieces of legislation means that several agencies are dealing with the management of the environment. These multi agencies are indeed a source of role conflict with traditional leaders, as witnessed by section 15 of the Forestry Act.

Section 282 (1)(b) of the Constitution of Zimbabwe provides that, "traditional leaders have the following functions within their areas of jurisdiction, to take measures to preserve the culture, traditions, history and heritage of their communities including sacred shrines". This means that traditional leaders are the custodians of the heritage of their communities as provided by the law. The Ministry of Home Affairs through its parastatal, the National Museums and Monuments have been given the custody of all heritage sites in the country by law, which has provided for a collision course between the traditional leaders and the department of National Museums. The National Museums and Monuments is regulated by the National Museums and Monuments Act (Chapter 25:11).

This Act provides for the establishment and administration of museums and to provide for the preservation of ancient, historical and natural monuments, relics and other objects of historical or scientific value or interest.

The National Museums and Monuments plays a very critical role in the preservation of ancient heritage and the history of the country, it remains a mystery as to why traditional leaders are not directly involved in the monuments that are in their areas of jurisdiction as provided for in section 281 (1)(b) of the Constitution. There is no co-ordination of the two stakeholders which has created a lacuna in terms of service delivery. Traditional leaders as custodians of culture and traditions are critical in performance of rituals in sacred areas and such places include the Great Zimbabwe monument in Masvingo, Njelele and King Mzilikazi grave in Matobo, Nyahokwe in Manicaland and Mutoko ruins near Mutoko. These areas are under the jurisdiction of traditional leaders, but the department has exclusive rights over these monuments and in the process side-lining traditional leaders the management of these monuments despite the Constitution (2013) outlining this role, as a role executed by traditional leaders. This is a challenge and gap which has worsened the conflict between traditional leaders and government agencies. This scenario has provided a collision course between traditional leaders and agencies of government and the legislation namely the Constitution and the relevant legislation in the preservation of the country's tangible and intangible heritage.

Makumbe (2010) and CCMT (2014) note that the non-representation of Chiefs in Rural District Council has resulted in local authorities allocated sacred land without the consultation Chiefs as provided for on section 8 (3) of the Rural District Council Act. This scenario illustrates that there are un co-ordinated efforts in the management of the environment and sacred places. Such actions by the RDC's illustrate the role conflict between traditional leaders and councillors who constitute membership in RDC's and are key in coming up with council resolutions.

Section 4 of the Communal Lands Act provides for one of the biggest challenges for traditional leaders in forest management. This section read together with section 72 (4)(b) of the Constitution notes that all land is vested in the State through the President who has eminent domain powers. This means that traditional leaders do not own any land in Zimbabwe and in this regard, the State can withdraw communal or any other land from the authority of a traditional leader at any given time. This has serious consequences in forest management as the State can allocate forestry land to other programmes whose development is harmful to the environment.

2.3 HOW CAN THE EXPERIENCES OF TRADITIONAL LEADERS BE MADE WORTH-WHILE

The institution of traditional leaders can tap into the experiences of their counterparts in Zambia. The Lands Act of 1995 strengthened the role and powers of traditional leaders, particularly Chiefs in land management. Like in Zimbabwe, land in Zambia is invested in the President although the Lands Act gave Chiefs land rights who can allocate land even to foreign investors. This viewpoint illustrates that Chiefs in Zambia are in control of land management as no decisions is taken without the consent of the Chief. Oyama (2016) notes that lands rights given to Chiefs brings a sense of pride and security to the people of Zambia, as this motivates them to manage, protect and preserve forests with a sense of security knowing that they a say in how land is used, disposed and managed. The government of Zimbabwe together with traditional leaders can take a cue from the Zambian experience.

3.0 METHODOLOGY

Creswell (2014) describes interpretivists as non- foundation lists, who believe that there is no single correct route or method to knowledge. The study was persuaded by an interpretivist research philosophy, adopted a qualitative research methodology and a case study design. The study population was composed of traditional leaders, elected representatives, judiciary, and government officials in Umzingwane district. A purposive sampling technique was used to sample 30 research participants comprising 25 traditional leaders, 1 Member of Parliament, 2 councillors, 1 magistrate and 1 district administrator. Data were collected using an open-ended questionnaire which was distributed to sampled participants and interviews with key informants. Twenty-five participants responded to the open-ended questionnaire, while five participants were interviewed. Collected data were analysed using thematic content analysis.

4.0 FINDINGS AND DISCUSSIONS

The chapter presents data generated from the data collection process. This data was collected from 30 respondents who were interviewed. Twenty-five participants completed and returned the self-administered questionnaire, whilst five were interviewed, to give a total of thirty research participants.

Data was collected using the following research questions.

- (a). what are the current roles of traditional leaders?
- (b). what are the experiences of traditional leaders in the discharge of their duties (friction between traditional leaders and other stakeholders)?
- (c). how can the experiences of traditional leaders be made worthwhile?

4.1 WHAT ARE THE CURRENT ROLES OF TRADITIONAL LEADERS?

Participants noted that traditional leaders' roles in forests included the protection, preservation and preservation of forests. They noted that traditional leader's role in forest management is in terms of both the law and cultural. Participants noted that the Traditional Leaders Act among other Act governed the role of traditional leaders in forest management. The study was informed that traditional leaders have managed forests using customary law. These findings resonate with the discussions in the literature review.

4.2 WHAT ARE THE EXPERIENCES OF TRADITIONAL LEADERS IN THE DISCHARGE OF THEIR DUTIES?

Participants informed the study noted that traditional leaders were incapacitated financially to carry out their duties as provided for, by the law.

P 9

Extract:

as traditional leaders, we perform severe and we encounter challenges in the execution of our roles because government does not support us financially, we are expected to reclaim galleys and rehabilitate the environment destroyed by the mining activities, the protection and preservation of the environment, facilitation of development, administration of Isiphala SeNkosi/Zunde raMambo, performance of rituals, judicial roles and monitoring and evaluation of projects within their areas of jurisdiction and supervision of headmen and village heads.

The study notes that the Constitution, Forestry, EMA, Traditional Leaders, and Customary Law and Local Courts Acts, among other Acts, provides for these roles, on the protection and preservation of the environment, but traditional leaders do not receive any funding from central government nor from devolution funds to manage the environment. Traditional leaders are expected to reclaim galleys caused by mining activities and inclement weather and this requires money to rehabilitate the environment. As indicated in the literature review, this problem exemplifies the problem of lack of funding and legislation that does not speak each other. As a result of this, Mkwanzani and Mafa (2022) note that there was no interaction between the traditional leaders and the Ministry of Mines during the allocation and subsequent management. It was evident that there was no consultation and consensus between traditional leaders and various line ministries that included Mines and Mining Development, Environment and Local Government in the management of mining claims and the subsequent reclamation of galleys. Mkwanzani and Mafa (2022) agree, with the views of traditional leaders that land rehabilitation of damaged environment costs lots of money which the traditional leaders do not have and the unclaimed galleys have been fatal to both humans and livestock. In the facilitation of development, traditional leaders are expected to use resources which they don't have in the construction of infrastructure like clinics, schools and bridges among others. P9 informed the study that villagers led by their traditional leaders mobilised local resources like bricks, water, pit and river sand, stones and trusses in the construction of schools, clinics, bridges and rehabilitation of roads and galleys. However, this falls short of the financial injection required to complete such infrastructure and government needs to provide financial assistance in order to complete such infrastructure.

P5

Extract:

P5 indicate that government agencies like EMA, National Parks, RDCs, and Forestry Commission were not fully aware of the roles of traditional leaders enshrined in the Traditional Leaders that related to their co-mandate. This confusion usually led to role conflict between them and these agencies, these agencies must not have a sense of entitlement to natural resources because the management of natural resources was a concerted effort involving all stakeholders. Training is needed here to address this misnomer,

Training

P 8

Extract,

P8 noted that there is need for traditional leaders to receive training so that they are up to date to the ever-changing societal needs and demands; more importantly training was needed for newly appointed traditional leaders". On the other hand, P8 noted that government agencies must be trained too, in appreciating the Traditional Leaders Act to minimise conflicts.

Extract

TL 2

"there is a big challenge of illegal settlements which have caused serious land degradation in our area. They built structures on wetlands, wanton cut down of trees, burning of grass by illegal artisanal miners and water pollution. The law enforcement agencies including officials from the Ministry of Lands are doing very little in restoring sanity in these areas. These illegal settlers have no respect for traditional leadership and government must remove them so that there is sanity in the resettlement areas".

Mkwanzani and Mafa (2022) note that there is urgent need for an organised settlement model that will take into consideration pasture management, spatial planning and preservation of the environment. There is urgent need for relevant authorities to address the problem of illegal settlements that are sprouting everywhere.

Extract

TL5

"Forest in communal land is better managed as compared to other resettlement areas and A1, A2 farms. This reveals traditional leaders have a better forest management than other stakeholders involved in the management of forest."

This viewpoint speaks to the fragmentation of the management system of forests in Zimbabwe.
how can the experiences of traditional leaders be made worthwhile?

4.3 HOW CAN THE EXPERIENCES OF TRADITIONAL LEADERS BE MADE WORTHWHILE?

Extract,

"P8 noted that there is need for traditional leaders to receive training so that they are up to date to the ever-changing societal needs and demands; more importantly training was needed for newly appointed traditional leaders". On the other hand, P8 noted that government agencies must be trained too, in appreciating the Traditional Leaders Act to minimise conflicts".

Training will go a long way in ensuring that the role of traditional leaders in forest management and all other responsibilities are made worthwhile, as training would help appreciate the role of other stakeholders involved in forest management. This would go a long way in minimising role conflicts. Budgetary allocations by central government would go a long way in ensuring that traditional leaders play an active role in the forest management. The harmonisation of legislation would go a long way in reducing the friction between traditional leaders on one hand and elected representatives, stakeholders on the other hand. Finally, the government could tap into the Zambian experience where the Lands Act gave traditional leaders, namely Chiefs power and authority in land management.

5.0 CONCLUSION AND RECOMMENDATIONS

5.1 CONCLUSION

The conclusion of the study was presented following each of the research questions.

- (a). what are the current roles of traditional leaders?
- (b). what are the experiences of traditional leaders in the discharge of their duties (friction between traditional leaders and other stakeholders)?
- (c). how can the experiences of traditional leaders be made worthwhile?

5.1.2 WHAT ARE THE CURRENT ROLES OF TRADITIONAL LEADERS?

Traditional leaders namely Chiefs, headmen, and village heads are indeed involved in the governance structure in Zimbabwe today. Traditional leaders namely Chiefs and headmen exercised these roles before the onset of colonialism, where they were the State in the sense that they possessed all executive, legislative and judicial powers. During the colonial period the Order of Council of 1898 and the subsequent legislation decimated the absolute powers that traditional leaders possessed prior to colonialism. This period marked the abolition of a king by the colonial government and this period marked the introduction of village heads as part of the structure of traditional leadership.

Post-colonial Zimbabwe consisted with the same traditional leadership structure as that of the colonial government and was characterised by diminished roles for traditional leaders since the government then, did not trust traditional leaders and in the 20th century, some of the roles for traditional leaders were restored. Despite the duality of governance, traditional leaders have contributed to the positive development of their communities. One area where they have excelled, is in the forest management where areas under traditional leaders are better managed as compared to areas where they do not have jurisdiction like A1, A2 farms and other resettlement areas that have not been put under the authority of traditional leaders.

5.1.3 WHAT ARE THE EXPERIENCES OF TRADITIONAL LEADERS IN THE DISCHARGE OF THEIR DUTIES (FRICTION BETWEEN TRADITIONAL LEADERS AND OTHER STAKEHOLDERS)?

Traditional leaders have come across a plethora of challenges in the execution of their roles and the role of forest management is no exception. Multi agencies involved in forest management have been involved in role conflict with traditional leaders. Such agencies include the Forestry Commission, EMA, National Parks and RDCs among others. This problem has exacerbated by multiple pieces of legislation that provide for the management of the forest and environment. These pieces of legislation are in tangent with the Traditional Leaders Act. Lack of training was also highlighted by traditional leaders and the ignorance by multi government agencies over the roles of traditional leaders. Chiefs and other stakeholders encountered a challenge the destruction of the environment as a result of illegal settlers. Traditional leaders were financially incapacitated in executing their roles. Despite a plethora of problems, traditional leaders have by and large, done well in the management of environment, although there could be improvement here and there.

5.1.4 HOW CAN THE EXPERIENCES OF TRADITIONAL LEADERS BE MADE WORTHWHILE?

The harmonisation of legislation that relates to the function of traditional leaders is imperative in improving the relationship between traditional leaders and other stakeholders involved, whose roles correlate with those of traditional leaders. There is need for training for both traditional leaders and stake holders involved in forestry management, among other roles. Traditional leaders need to be involved in the planning, monitoring and evaluation of government programmes in all tiers of the government. Traditional leaders must be financially capacitated in order to effectively execute their roles and functions. There is need for other stakeholders whose functions correlate with those of traditional leaders to acquaint themselves with the Traditional Leaders Act. There is need for law and order in addressing the illegal settlements.

5.2 RECOMMENDATIONS

1. The government must train its agencies whose mandate and authority requires them to work with traditional leaders whose roles are provided for in the Traditional Leaders Act. These government agencies must be trained and be knowledgeable of the Traditional Leaders Act and vice-versa. The study noted that some government agencies were not aware of the roles of traditional leaders that are provided for in the Traditional Leaders Act and this created for unnecessary conflict between these agencies and traditional leaders. There is need for government to revise, amend and repeal some pieces of the legislation which are archaic and were passed by the oppressive colonial government era in undermining the authority of traditional leaders and the general indigenous population. Such legislation includes the Forestry Commission Act which was passed in 1949 and partly amended in 2022, which means that the intention of the former colonial government of taking away traditional leaders from the management of the environment is still alive and well through legislation in a free Zimbabwe. Such archaic laws have been the source of duality of governance and source of conflict between traditional leaders and the agencies created by these archaic laws. Amendments must be made in order to establish an excellent working relation between these agencies and traditional leaders.
2. The government must lead the process of harmonisation and synchronisation of all parties involved in development programmes in Zimbabwe as there is a serious fragmentation of such providers. There is government and its agencies on one hand, traditional leaders on the other hand, and non-governmental organisation on the other side.
3. In addressing financial incapacitation of traditional leaders, government must provide a budget for the vote of the National Council of Chiefs that would fund to traditional leaders in their communities, in enabling them to effectively carry out their mandate. The study noted that traditional leaders are financially incapacitated in carrying out the roles of the preservation of the environment, judicial functions, development of infrastructure like clinics, schools, hospitals, and community halls, among many other roles as provided for by the Traditional Leaders Act.
4. There is need for government to expedite the emplacement of resettlement to the authority of traditional leaders to minimise the destruction of the environment and more particularly forests. At the time, government and its agencies must ensure that perpetrators of illegal settlements are held accountable for their actions.

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