Socio-economic rights conflicts in Communities: The study of Water Conflict in Sedze, Nyanga District, Manicaland Province, Zimbabwe

A study commissioned by the Zimbabwe Human Rights NGO Forum and ZimRights

DECEMBER 2014

Compiled by Tasara F. Marondedze and Eric Manyonda
List of acronyms

<table>
<thead>
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<th>Acronym</th>
<th>Description</th>
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<tr>
<td>CCSF</td>
<td>Church and Civil Society Forum</td>
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<tr>
<td>CHIDA</td>
<td>Chitsanza Development Association</td>
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<td>CIDA</td>
<td>Canadian International Development Agency</td>
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<td>CSO</td>
<td>Civic Society Organisation</td>
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<td>DA</td>
<td>District Administrator</td>
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<td>EMA</td>
<td>Environmental Management Agency</td>
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<td>EU</td>
<td>European Union</td>
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<tr>
<td>MDC</td>
<td>Movement for Democratic Change</td>
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<tr>
<td>MP</td>
<td>Member of Parliament</td>
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<tr>
<td>NPA</td>
<td>Norwegian People’s Aid</td>
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<tr>
<td>NRDC</td>
<td>Nyanga Rural District Council</td>
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<td>SAFIRE</td>
<td>Southern Alliance for Indigenous Resources</td>
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<td>The Forum</td>
<td>Zimbabwe Human Rights NGO Forum</td>
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<tr>
<td>ZANU PF</td>
<td>Zimbabwe National African Union Patriotic Front</td>
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<td>ZMNET</td>
<td>Zimbabwe National Environment Trust</td>
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<tr>
<td>ZimRights</td>
<td>Zimbabwe Human Rights Association (ZimRights)</td>
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<tr>
<td>ZINWA</td>
<td>Zimbabwe National Water Authority</td>
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</table>
Acknowledgements

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1.0 Executive summary

The Zimbabwe Human Rights NGO Forum (the Forum) and the Zimbabwe Human Rights Association (ZimRights) commissioned this study on water conflicts in Sedze community, Nyanga District of Manicaland Province in Zimbabwe. The aim was to provide an insight into the sustained dialogue process through analysis of natural resource distribution conflict and local redress mechanisms used. Traditional leadership has played a role in management of conflicts deriving from use of water in Sedze with limited measures of success. Civil society organizations (CSOs) have also become involved. The scarcity of documented information reduces the effectiveness of collaborations and consolidation of current and future interventions by both CSOs and traditional leadership to transform the conflict over water in Sedze. The objectives of the study were to identify how water is a source and cause of conflict in Sedze; to assess the effectiveness of traditional mechanisms towards addressing water conflicts in Sedze; and to identify the role of civil society organizations in transforming water conflicts in Sedze.

Data collection for the study was done through Focus Group Discussions (FGDs) and in-depth interviews with study participants from the study area as well as a site visit. Key findings of the study are as follows:

- Water abstraction and use is under exclusive individual, association or sectional community arrangements that do not promote harmonious access which generates competition and conflict.
- Water infrastructure is poor making water distribution seasonal and biased towards those close to power, water source and distribution infrastructure.
- Inadequate infrastructure water abstraction and distribution are the main cause for conflicts while absence of shared values also makes a significant contribution to conflict redress.
- Water conflict is characterised by disagreements on the way forward among stakeholders who have differential access to water. There have also been cases of confrontations, sabotage of water distribution equipment and manipulation of some aspects of water management by the various authorities in water abstraction, distribution and conflict redress.
Traditional and local water conflict redress mechanisms are available and effective. Other local water conflict redress mechanisms are also available.

Sharing water equally is not possible with the current water infrastructure in place, which is owned by individuals, associations and communities that operate exclusively under the sponsorships of different donors or funding institutions. Civil society organizations have an important role to play in the promotion of the enjoyment of social, economic and civil rights for the Sedze community. Moreover, the Sedze community expressed interest in resolving its own conflicts and has made strident efforts to do so. Failure to address the water conflicts may lead to their escalation and the continuation of unmet water needs. The right to water, health, livelihoods and other related social and economic rights in the process will not be enjoyed.

To address the Sedze water conflict the study makes the following recommendations:

- The Sedze water needs\(^1\), water infrastructure requirements\(^2\) and sources of capital\(^3\) need to be identified and acceptable, realistic water distribution models and associated opportunities and threats established.
- Community structures for conflict redress\(^4\) should be strengthened and operate on the basis of honest and integrity to deserve respect from the community.
- Water abstraction and distribution should become more community centred as opposed to individual or association centred with robust community infrastructure.
- A holistic and community based water abstraction and distribution strategy should be designed to capitalize on available water that should be available for consumption all year round. The design should respect and acknowledge existing water infrastructure and contributions or investments made by individuals and groups/associations.

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\(^1\) volumes per given population, water use needs e.g domestic or irrigation
\(^2\) tanks, pipes, power etc
\(^3\) donors, community contributions
\(^4\) Local water councilors, village heads, Chief, ZINWA representative
- Donors should provide water infrastructure for the entire community, not for sections of the community as this has been identified as a cause for unequal water access and social divisions in the communities.

- Settlement development should be controlled at the base of the mountain range where water derives to avoid water pollution.

- Water usage should be strictly regulated (domestic or irrigation purpose) so that available water over the seasons can be available to all beneficiaries.

- CSOs should facilitate synergy development between the various stakeholders involved in the Sedze water conflict and aide resource mobilisation strategies for a robust and sustainable water abstraction and distribution strategy.

- All stakeholders should consider inclusive as opposed to exclusive investments in water for benefit to the broader community.
2.0 Introduction

This study is an investigation of a conflict deriving from disputed access to water in Sedze communal area in Nyanga district under Manicaland Province of Zimbabwe. The study was motivated by on-going interventions by the Church and Civil Society Forum (CCSF) in selected parts of the country, where sources of conflict in communities are identified and conflict transformation is implemented through sustained dialogue.

The investigation of the Sedze conflict provides insight into the sustained dialogue process through analysis of natural resource distribution conflict and local redress mechanisms used. The research findings are hoped to shed light into how civil society organizations and other national organs can intervene in conflicts involving the distribution of natural resources where there are winners and losers in natural resource distribution.

Prior to this study the CCSF and ZimRights established the following issues relating to: access challenges to water permits from the Zimbabwe National Water Authority (ZINWA)\textsuperscript{5}; vandalism of water pipes supplying water to particular households as a result of competition for and disagreement over water access; and requests for assistance by the community in quelling the conflict. Traditional authorities comprising of village heads and Chief Hata; local authorities incorporating ZINWA; local Water Councilors; the ward Councilor; the District Administrator’s office and judicial authorities (the police) have been involved in the management of conflict with different levels of involvement and success.

Earlier conflict transformation endeavours by the CCSF involved facilitation of dialogue among stakeholders involved in the water conflict, motivating donor interest in addressing material needs that contribute to the escalation of conflict. The nature of the conflict was not very clear-cut making it difficult for the crafting of informed, acceptable and sustainable interventions. It was acknowledged that the effectiveness of CCSF and ZimRights interventions were limited by inadequate

\textsuperscript{5} ZINWA is the regulatory authority for water utilization and access
understanding of the manifest of the conflict from a multi-stakeholder perspective. Interventions were, therefore, be marred by failure to address the views and ideals of the various stakeholders leading to poor acceptance of any intervention strategy. A scientific study was therefore critical to establish the dynamics of conflict and roles that could be played by civic society, not restricted to ZimRights and the Forum, and other stakeholders.

2.1 Objectives

The Zimbabwe Human Rights NGO Forum (the Forum) and the Zimbabwe Human Rights Association (ZimRights) commissioned the study with the following objectives:

- to identify how water is a source and cause of conflict in Sedze;
- to assess the effectiveness of traditional mechanisms towards addressing water conflicts in Sedze; and
- to identify the role of civil society organizations in transforming water conflicts in Sedze.

2.2 Methodology

Data collection was carried out between 24 and 28 November 2014 using four Focus Group Discussions (FGDs). Residents of the villages of Pangowawa, Matsapa, Kadzima and Nyahokwe were formed into groups of between 10 and 13 participants. In-depth interviews with 24 household representatives in the four villages were carried out and 15 key informant interviews were also administered. A site visit was also carried out to develop a better understanding of the water infrastructure, source, extraction and distribution panoply in the company of some of the key informants. Secondary sources used were maps of the local area and correspondences between stakeholders.

2.3 Literature Review

One of the most enduring sources of conflicts and strife is access and control of water. Water conflicts are related to a wide range of other socio-political tensions,
such as border disputes or mega-projects such as dams and reservoirs, environmental problems, or political identity (De Soya 2000). A range of instruments may be deployed, including: lobbying, open and hidden negotiations, violence, network building, recourse to international organizations, and the actions of elites (Tama, 2003).

The scarcity of resources decides the direction a society will take in development (Tama 2003). Imbalances, not only of scarcity but of abundance, may distort environmental and socioeconomic policies, leading to social friction, though newer approaches to social problems do not see scarcity as leading necessarily to conflict (Home-Dixon, 1999). Problems may be mitigated by factors such as leadership and social capital, but it is not easy to identify the factors, which lead to a spiral of degradation (Tama, 2003). Other studies indicate how conflict may arise through the efforts of elites to capture scarce resources, or through the debilitating effect on innovation that scarcity entails (Homer-Dixon, 1999).

Water conflicts usually occur in situations of scarcity, are generally accompanied by other types of conflicts, and may in part be simply “dressed” in other forms of confrontation (Tama, 2003). In some cases they can be understood as pure redistribution conflicts. In other cases they also relate to border disputes or to mega-projects such as dams and reservoirs (ibid). Often they incorporate conservation issues that frame the emerging problems into environmental policy considerations. Finally, in some cases natural scarcity conflict is bound into broader identity conflicts of the region. Actors playing definite roles in those conflicts should be identified as mobilized elites, state-centered institutions, foreign political interests, and the ambitions of multinational corporations, green movements, and the local communities (Tama, 2003).

Access to water entails being within safe physical reach, being affordable, accessible in law (Manyanhaire et al, 2009). A significant part of the Zimbabwean population resides in rural areas where water infrastructure is not well developed. ZINWA is cognisant of the need for Integrated Water Resources Management (IWRM), which is “an approach that promotes the co-ordinated development and management of water, land and related resources in order to improve access to water for all uses in
an equitable manner without damaging the environment.” In accordance with the principle of IWRM issues that should be considered for water to be available and accessible to those who need it are equitable access, pollution and siltation prevention, infrastructure development and water conflict management, among others (Chimonyo, 2012).

Inappropriate technologies and ineffective systems of operation and maintenance for water abstraction and distribution have been identified as major factors determining water availability and accessibility. Natural resources have been a cause of conflict since time immemorial. This has been mainly necessitated by motives of ‘greed’ and ‘need’. The need to control a bigger share of a resource in most cases propels the ‘greed’ motive whilst the latter is propelled by a genuine need by the instigators of conflict for them to live a normal lifestyle.

3. Conflict Context

Sedze Village is situated in a highland area on the foot slopes of the Nyangani Mountain Range. Households depend on subsistence farming. Chitsanza Development Association (CHIDA), a community-based organisation and umbrella body of 15 villages was formed by villagers in Sedze to harvest water from the perennial springs and streams on the mountain range. CHIDA has over the years facilitated partnerships between sections of the community and donors for the provision of water infrastructure.

There have been challenges associated with access to water that is available from springs found in the mountain range of Nyanga to the east of the Sedze community, particularly in the villages of Pangowawa, Matsapa, Kadzima and Nyahokwe where the study was conducted. Spatial variations between the affected communities, location of the water source and village-based donor support for the water project divided the affected communities access to water, and consequently their views of water problem causes and potential solutions. Such challenges have affected community relations, brought in politics and threatened water access to various households and entities. The problem dates back to the 1980s when some entrepreneurial individuals identified water that could be harnessed for domestic and
agricultural use at low cost using gravitational flow. The individuals engaged other community members and invested in water harvesting methods.

Donors such as the European Union (EU) and Australian Aid were identified and engaged to make material and financial contributions by specific associations or groups, which also made monetary and labour contributions for water harvesting. Infrastructure such as weirs, pipes and water holding tanks were established for water harvesting and distribution. Not all communities were involved as some households were not interested or willing to contribute in monetary terms or through labour.

Water extraction, distribution and access became an exclusive operation for interested parties that engaged individuals and or associations, or that used own labour and material resources that could be augmented by donor agencies. With benefits of water becoming clearer over time, other community members became interested in water. However, the need for water was compromised by absence of public infrastructure for water harvesting and distribution. Reaching an agreement on the modalities of water harvesting and distribution at household level by different stakeholders became a serious challenge and a source of conflict.

The water harvesting project for the community attracted the EU support. The EU funded project development was conducted in phases. Phase 1 was intended to benefit the four villages of Kadzima, Nyahukwe, Pangowawa and Matsapa but the water was insufficient for sharing by the four villages. During the construction of trenches and laying out of water pipes from the two weirs built near the mountain range, community members across the villages worked together for the success of the project. They carried material required for the construction up the mountain and completed the EU weir for the first phase and the laying out of pipes.

Phase 2 had the goal of boosting the amount of water to be distributed across the four villages. This was unfortunately disrupted by party politics in the early 2000s

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6 Owned in general by the community as opposed to being owned by individuals or associations that had invested in infrastructure
(how?). The EU abandoned the project midstream having benefited only a quarter of people from Pangowawa village.

Australian Aid came to provide water infrastructure through a ZANU PF MP hailing from Kadzima village. Politics took centre stage resulting in villagers from Matsapa and Pangowawa being barred from becoming part of the new water project running under code name ‘ComTek’. The new project automatically became a project to benefit two villages namely Kadzima and Nyahokwe at the expense of Matsapa and Pangowawa.

The Australian Aid (or ComTek) sponsored project built a weir less than 50 metres from the EU’s second phase weir. This ComTek project, using the political influence of the reigning MP Mr Kadzima, arbitrarily used part of the EU provided water infrastructure, to abstract and distribute water exclusively to the villages of Kadzima and Nyahokwe. This drew criticism from the villagers of Matsapa and Pangowawa and bred the existing mistrust and conflict. Water pipes have in the past been vandalized reportedly by villagers from Matsapa and Pangowawa in protest against the “privatization and hijacking” of the EU water infrastructure by the Nyahokwe and Kadzima villages.

Having been alienated from water by Kadzima and Nyahokwe villagers through takeover of the EU water infrastructure, the community members from Matsapa and Pangowawa started laying out their own water pipes and constructing private weirs, sometimes without due authorization from ZINWA through water permits. Within the same communities of Matsapa and Pangowawa friction was generated between community members with and without ZINWA permits.

There have been several interventions to quell the water conflict. An all-inclusive stakeholder conference is reported to have been convened between 2002 and 2005\(^7\) to deal with water challenges in this community. The conference comprised community household representatives; traditional leadership; the District Administrator; the Environmental Management Agency (EMA); ZINWA; the Member

\(^7\) key informants have provided different dates
in Charge of Nyanga Police; Nyanga Rural District Council (NRDC) officials and Agritex officials. The conference attempted to address challenges of individualism that affected in access to water and this process ended up creating village-centric partnerships with Pangowawa and Matsapa forming one and Kadzima and Nyahokwe other. Under this arrangement, the twined villages would draw water from different weirs. Despite such proposal the resolutions were not binding and were easily violated as some villagers encroached water sources meant for other villages.
3. Findings

3.1 Location of the study
The study area comprises of four villages namely Pangowawa, Matsapa, Kadzima and Nyahokwe in the Sedze Community, Ward 19 of Nyanga Rural District Council, under the traditional leadership jurisdiction of Chief Hata in the eastern border province of Manicaland in Zimbabwe. Manicaland province is highlighted Fig 1.

Fig 1: Location of Manicaland province

Source: Google maps

Manicaland province of Zimbabwe is situated in the eastern part of the country and has a population of 1 752 698 for its 8 administrative districts that are Chipinge, Chimanimani, Mutare rural, Mutare urban, Mutasa, Buhera, Makoni and Nyanga.
Nyanga district has a population of 126,599.\(^8\) The Sedze community comprises several clusters of villages under different headmen and village heads (see Fig 2).

**Fig 2: Sedze study communities**

\[\text{Google earth image generated by T. Marondedze}\]

Nyanga Rural District Council has administrative authority over Ward 19 under which Sedze falls. Traditional jurisdiction is under Chief Hata and the headmen and village heads.

\(^8\) Zimbabwe 2012 Census Results
heads that report to him. Water regulation is under the Kaerezi Catchment Area for the ZINWA.

3.2 Water sources, abstraction and distribution arrangements

3.2.1 Water sources and abstraction

Water harvesting and distribution has been done in phases since the 1980s. Early phases involved use of gravitational force taking water from the mountain range in the east of the Sedze community using canals developed by the four villages of Pangowawa, Matsapa, Kadzima and Nyahokwe. Pipes were later laid down in the 1980s\(^9\) to improve water movement from the mountain range to enable water access to villages further afield from the mountain range with donor assistance.

Since pipes are more efficient, this brought with issues of increased membership, subscriptions and ownership of water distribution infrastructure, which created differential access between households and communities.

Water abstraction is presently done through:

- Installment at water source points of plastic pipes that extract water from rivers or streams and use gravitational flow, by individuals or associations/groups that have permits from ZINWA. The pipes are further divided into distributary pipes for individual households and or associations.
- Installment by whole communities of water harvesting technology to supply local reservoirs for direct distribution to household users. Distributary pipes are connected at strategic points for household distribution.

A weir used for this purpose and constructed with financial and technical assistance from the EU is as shown in Fig 3.

\(^{9}\) actual dates were not specific from study respondents
The weir above was constructed with the assistance of the EU in the 1991. It has small water holding capacity, using 50mm plastic pipes feeding into tanks at Pangowawa, Matsapa, Kadzima and Nyahokwe villages 5 Km away. Other tanks are at Ruwende, Musiyetika and Gandizani sites which are in which villages. The weir was designed to benefit three quarters of households in Pangowawa as well as Sedze Primary School.

Water that supplies the weir gravitates downhill from streams and springs atop the mountain. The flow-rate during the dry season is so low that 7 hours are required to fill up an 8000 litre tank (key informant submission). As a source of water, this tank is inadequate to supply several households with significant water supply expectations.
Fig 4: EU funded Phase 2

Picture taken by T. Marondedze

Fig 4 shows a weir for the Nyapfuti project that benefits only three quarters of Pangowawa villagers although it had been meant to benefit four villages. It was constructed to compliment Phase 1 after realization by the EU that water would not be adequate for four villages.

In 1992 a water project funded and facilitated by Southern Alliance for Indigenous Resources (Safire) came on board and made infrastructural developments that incorporate dam construction, piping and reservoirs for water distribution to households. The Safire weir is the largest in Sedze with a reported carrying capacity of 500 cubic metres and was designed to supply water to Maphosa, Tundumaru,
Nyajezi and Pangowawa. The donor is no longer active in the community having weaned the project.

By 2003 a community based organization, Zimbabwe National Environment Trust (ZIMNET), sourced financial and technical assistance from the Canadian International Development Agency (CIDA), the Norwegian People’s Aid and the Global Environmental Facility (GEF) Grant to make similar contributions of dam construction, piping and reservoirs for water distribution to households. It was designed to provide water supplies to Mapeta ¹⁰, Matsapa and Pangowawa villages in Sedze and beyond in the communities of Bonde, Mambemba. The ZIMNET-funded weir is as shown in Fig 5.

**Fig 5: ZIMNET weir**

![ZIMNET weir](image.png)

*Picture by T. Marondedze*

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¹⁰ Mapeta not a village but part and parcel of Pangowawa. This is a community of people who settled illegally near the water source eating into the grazing land of the greater Matsapa and Pangowawa villages
The ZIMNET reservoir has a carrying capacity of 221 cubic metres of water and was designed to provide water to Chitsanza. ZIMNET came into existence after the Matsapa and Pangowawa villagers were barred by the Kadzima and Nyahokwe villagers from joining the Australian aid supported ComTek project. With 110mm metal pipes from the dam, a higher volume of water transmission is supposed to feed tanks located in beneficiary communities that in turn should distribute water through 90mm plastic pipes directly to beneficiaries. Some of the water infrastructure (metal pipes) are shown in Fig 6.

**Fig 6: ZIMNET water infrastructure**

![ZIMNET water infrastructure](image)

*Picture by T. Marondezde*

In 2005 then local member of Parliament Paul Kadzima mobilized assistance from the Australian Aid in a project known as ComTek to construct another weir less than 50m on the downside of the one established through the assistance of the EU. This weir was constructed to benefit the community of Kadzima and Nyahokwe villages.
and had as its source of water, the overflow from the EU constructed weir. Kadzima and Nyahokwe villagers had not benefited from EU phase 1 and 2 owing to the departure of the EU, rather than deliberate discrimination, hence the militant approach towards water harvesting that in turn prejudiced Matsapa and Pangowawa.

The ComTek project reportedly appropriated infrastructure set up by EU and monopolizing all the water for the Kadzima and Nyahokwe villages at the expense of Pangowawa and Matsapa. The ComTek project reportedly destroyed original infrastructure established through EU assistance\(^\text{11}\). To date pipes from this weir make direct supplies to the Kadzima homestead of the former MP. To date pipes from this weir make direct supplies to the Kadzima homestead of the former MP.\(^\text{12}\)

**Fig 7: ComTek weir**

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\(^{11}\) Beneficiaries of the project define themselves as either EU, Comtec, Safire or Zimnet indicating strong feelings of belonging to particular donor and water projects

\(^{12}\) Key informant submissions
It is this which various respondents as household representatives and key informants from the various villages describe as the political dimension and contribution to causes of the water conflict as will be outlined in Section 3.6.

3.2.2 Water distribution

Water is transmitted from steel underground or over ground metal or plastic pipes to tanks that redistribute to household users. Following the appropriation of water infrastructure for the benefit of Nyahokwe and Kadzima villages, villagers of Pangowawa and Matsapa invested individually or collectively in pipes that extract water from the streams or spring atop the mountains. Legitimate rights to water are through water permits that are acquired from ZINWA through an application process that involves village heads, the chief and ZINWA Sub-Catchment Councilors. Plastic pipes are the common type used by individuals and associations in water extraction from the source as shown in Fig 8.

Fig 8 Water supply pipes: A Plastic pipe en-route to a household from the mountain range

Picture by T. Maronderdeze

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13 Namely Mrs Nyatondo and Mrs Diana Sedze
Some individuals who have been part of the water projects from the 1980s now have own water infrastructure within their homesteads or gardens, giving them an edge over others in access to water and higher water volumes as shown by a beneficiary’s garden in Fig 9.

**Figure 9: A water tank at an individual's garden**

![Water tank at an individual's garden](image)

*Picture by T. Maronedze*

Water that is fed into the tank in Fig 9 exclusively supplies the homestead and garden of the owner. This creates variations of water volumes available to different homesteads and how water is utilized. Those who do not have tanks are less likely to do intensive field or garden irrigation. Although there is acceptance that tank owners invested in their own infrastructure, during dry season discrepancies in volumes of water access are a cause for conflict.

### 3.3 Authority structures in water abstraction and use

Identities of authorities in water abstraction and use and their authority bases are as shown in Table 1.
Table 1: Authority structures in water abstraction and use

<table>
<thead>
<tr>
<th>Authority Category</th>
<th>Authority Identity</th>
<th>Area of jurisdiction</th>
<th>Responsibilities/Control</th>
</tr>
</thead>
</table>
| Traditional        | Chief Hata         | Sedze community      | Leadership over resource utilization  
Arbitration over water related disputes in own jurisdiction  
Protection of sacred sites during water extraction  
Management of human settlements  
Reviewing applications for individual or group water permits |
|                    | Village heads      | Own villages         | Reviewing applications for individual or group water permits  
Arbitrating in water related disputes in own villages  
Representing village interests on water issues |
| Regulatory authority| ZINWA              |                      | Collection of water levies  
Issuing of water permits  
Water resource management  
Dispute settlement for the entire catchment area |
|                    | Kaerezi Sub-Catchment Council Coordinator: Cuthbert Nyakungu | Kaerezi Sub-Catchment area | Reviewing of applications for water permits  
Water resource management  
Dispute settlement for multiple stakeholders from different communities |
|                    | Sedze Sub-Catchment Area Chairman: Mr Bangwayo | Sedze | Reviewing applications for water permits  
Water resource management  
Dispute settlement for multiple stakeholders from different communities |
|                    | Sub-Catchment Area Councillors: Mrs Diana Sedze and Mrs Nyatondo | Some villages of Sedze | Reviewing applications for water permits  
Monitoring water abstraction and utilization  
Dispute settlement for minor issues |
| Local Authority    | Mr Zenda: Nyanga Rural District Council District Environmental Committee Head | Nyanga district | Monitoring environmental management |
|                    | Mrs Wozai: Acting District Administrator | Nyanga District | Monitoring development activities |
3.4 The right to water

Community members in Sedze including the Chief are agreed that every resident has a right to water access. Practicalities of accessing Sedze water however hinge on water availability and water permits applied by individuals, associations or communities. Monetary subscriptions and labour contributions for laying water infrastructure are essential for water abstraction and accessibility. Water permits, regulated by ZINWA in collaboration with traditional and local authorities, can be for domestic purposes or irrigation.

3.5 Challenges in water abstraction and use

Major issues and concerns raised by stakeholders involved

- inadequate water;
- differential access to water between communities;
- unplanned settlements in the catchment area;
- ineffective authority structures for conflict management;
- non-compliance with regulations for water use;
- lack of adequate material for water infrastructure development; and
- lack of support from locals.
- political interference (party politics)

Table 2 shows specific complaints made by stakeholders for Sedze water.
## Table 2: Issues and concerns

<table>
<thead>
<tr>
<th>Issue/complaint</th>
<th>Reported by</th>
<th>Issue/complaint category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water is not available for the four villages particularly in dry season</td>
<td>Pangowawa villager</td>
<td>inadequate water</td>
</tr>
<tr>
<td>Sections of Pangowawa and Matsapa villages benefit from gradient and distance from water source, over-use and monopolise water access</td>
<td>Study participants from Kadzima and Nyahokwe</td>
<td>Differential access between communities and unplanned settlements in the catchment area</td>
</tr>
<tr>
<td>ZINWA has not issued water permit applied for in April 2014, interference of Matsapa and Pangowawa villagers cited</td>
<td>Kadzima and Nyahukwe villagers</td>
<td>Ineffective authority structures for conflict management</td>
</tr>
<tr>
<td>Pangowawa and Matsapa stakeholders use their social standing to manipulate water issues and masquerade as representatives of Kadzima and Nyahukwe villages</td>
<td>Kadzima and Nyahukwe villagers</td>
<td>Ineffective authority structures for conflict management</td>
</tr>
<tr>
<td>There are unsanctioned connections on the water mains resulting in water blockages</td>
<td>Pangowawa study participant</td>
<td>non-compliance with regulations for water use</td>
</tr>
<tr>
<td>Some donors abandoned projects before completion e.g European Union</td>
<td>Study participants from all villages</td>
<td>lack of adequate material for water infrastructure development</td>
</tr>
<tr>
<td>Donors funded separate projects with exclusive beneficiaries which divides communities</td>
<td>Study participants from all villages</td>
<td>ineffective authority structures for conflict management</td>
</tr>
<tr>
<td>Allegations of lack of integrity laid against traditional leaders and regulatory authorities</td>
<td>Study participants from all villages</td>
<td>ineffective authority structures for conflict management</td>
</tr>
<tr>
<td>Disregard for rules and regulations that govern water access e.g use of water for irrigation as opposed to domestic use</td>
<td>Key informants</td>
<td>non-compliance with regulations for water use</td>
</tr>
<tr>
<td>Disregard for individual and cooperative savings and investments on water gives controversy to making water available to all</td>
<td>Key informant</td>
<td>ineffective authority structures for conflict management</td>
</tr>
<tr>
<td>Fear that continuing personal investments in water may not yield individual benefits but communal gains</td>
<td>Key informant</td>
<td>Lack of support from locals</td>
</tr>
</tbody>
</table>
A review of stakeholder issues and concerns as shown in Table 2 suggests water challenges have natural and human factors as their causes.

Natural factors involve:
- Low water volumes in the dry season.
- Inadequate infrastructure for water harvesting and distribution.
- Gradient and distance issues that affect access to water. Higher topographical points from the mountain water source have increased water access.
- Water reservoirs are not adequate for desired community supplies.

Human factors involve:
- Larger associations/groups compete for water from the same distribution pipes.
- Users close to water source use most without consideration for those lower down the valley.
- Ineligible water users deliberately violate water use regulations to get access.
- Those who invested in water infrastructure see no need to share with those who did not invest.
- Lack of capital to secure water in homes and gardens.
- Questionable transparency in the issuing of water permits.\textsuperscript{14}
- Population increases that stresses capacity for water distribution.
- Individualism in the scramble for the water.
- Use of water for irrigation purposes as opposed to domestic use.

Consequently, resolving the Sedze water conflict requires both the facilitation of sustainable dialogue and injection of material resources.

3.6 Description of conflict
Conflict for the purpose of this study is defined as \textit{a disagreement through which the parties involved perceive a threat to their needs, interests or concerns}\textsuperscript{15}. Table 3 summarises parties to, causes for and manifestations of conflict in Sedze.

\textsuperscript{14} some sections of the Sedze community alleged that ZINWA had been inhibited from issuing them with a water permit

\textsuperscript{15} from https://www.ohrd.wisc.edu/onlinetraining/resolution/aboutwhatisit.htm accessed on 12 December
<table>
<thead>
<tr>
<th>Identified challenge</th>
<th>Parties involved</th>
<th>Manifestation of conflict</th>
</tr>
</thead>
<tbody>
<tr>
<td>Competition for water</td>
<td>Associations, communities, households with increased/reduced proximity to water source</td>
<td>Blame game in perception of water challenges; sabotage of water distribution systems</td>
</tr>
<tr>
<td>Violation of water regulations</td>
<td>Eligible and ineligible water users, and traditional and local conflict redress institutions</td>
<td>Lodged complaints with traditional and local conflict redress institutions; sabotage of water distribution systems; stuffing rival community member's water pipes with rags; destroying rivals' water pipes.</td>
</tr>
<tr>
<td>Water access for investors and non-investors</td>
<td>Investors and non-investors, and traditional and local conflict redress institutions</td>
<td>Confrontations, lodged complaints with traditional and local conflict redress institutions; sabotage of water distribution systems</td>
</tr>
<tr>
<td>Infrastructure ownership</td>
<td>Members of ZIMCET, EU, Vashandi ComTek</td>
<td>Unresolved ownership and user rights of infrastructure</td>
</tr>
<tr>
<td>Transparency in the issuance of water permits</td>
<td>ZINWA and the Kadzima and Nyahukwe communities</td>
<td>Allegations of manipulation of regulatory authorities by Matsapa villagers; divisive water dispute</td>
</tr>
<tr>
<td>Ownership of existing water infrastructure</td>
<td>Nyahokwe and Kadzima against Matsapa and Pangowawa villagers</td>
<td>Divisive water infrastructure and projects</td>
</tr>
</tbody>
</table>
3.7 The role of institutions in managing the conflict

Conflict transformation in Sedze has been facilitated by a host of interest groups, civic societies and government agencies that are as shown in Table 3.

Table 3: Institutions involved in conflict transformation

<table>
<thead>
<tr>
<th>Category of institution</th>
<th>Institution</th>
<th>Focus of conflict transformation</th>
<th>Role status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local associations</td>
<td>Sedze Water Committee</td>
<td>Arbitration over minor conflicts</td>
<td>Actual</td>
</tr>
<tr>
<td>Civic society</td>
<td>ZimRights</td>
<td>Holistic conflict transformation</td>
<td>Actual</td>
</tr>
<tr>
<td></td>
<td>CHIDA</td>
<td>Addressing gender related conflicts</td>
<td></td>
</tr>
<tr>
<td>Government agencies</td>
<td>Police</td>
<td>Crime prevention and peace keeping</td>
<td>Past and potential</td>
</tr>
<tr>
<td></td>
<td>District Administrator's office</td>
<td>Coordination of government agencies' role in conflict transformation</td>
<td>Actual</td>
</tr>
<tr>
<td></td>
<td>Nyanga Rural District Council (NRDC)</td>
<td>Coordination of Environmental offices and Ward Councilors</td>
<td>Actual</td>
</tr>
<tr>
<td></td>
<td>ZINWA (Kairezi office and local Councilors)</td>
<td>Arbitration over minor and major conflicts</td>
<td>Actual</td>
</tr>
<tr>
<td></td>
<td>President’s office</td>
<td>Monitoring of conflict</td>
<td>Actual</td>
</tr>
<tr>
<td></td>
<td>Arex</td>
<td>conflict transformation for minor cases</td>
<td>Past</td>
</tr>
</tbody>
</table>
3.8 Local/traditional conflict redress methods

Traditional leadership in Sedze has attempted to manage the conflict over water distribution in the past. Efforts made thus far have prevented the conflict from degenerating to open violence. The village head and chiefs forums are the main arbiters of conflict in Sedze. Village head hear cases for moderation and give counsel or judgment. In cases where village heads fail to deliver judgment or should villager want to appeal the Chief is the ultimate arbitrator. The Chief engages all parties involved and seeks adoption of a common position that can be accepted and adhered to by all parties involved. Reparations in the form of, for instance, replacement of water pipes an individual would have destroyed are prescribed by the Chief’s court. Traditional methods employed in the arbitration of water disputes in Sedze use mostly restorative justice as opposed to retributive justice. At the center of all the disputes the traditional leaderships takes pride in restoring severed relations and in a process that involves both the complainant and the wrong-doer. Perpetrators often offer public apologies to the complainant, sending a clear message on acceptable norms and conduct that keeps community cohesion.

Where traditional redress mechanisms are inadequate there are other local mechanisms conflict redress structures are relevant. These include government departments such as the ZRP peace section, the Nyanga Rural District Council, Local Water Councilors and the District Administrator’s office. Government agencies help in ensuring adherence with the country’s laws. Save for the Local Water Councilors who operate under the auspices of ZINWA, recourse to other government institutions mentioned is however nor prevalent.
3.9 Effectiveness of traditional and local mechanisms of conflict redress

Since 2013, with the assistance of ZimRights, Chief Hata engaged his community for conflict transformation over water conflicts involving the four villages. A multi-stakeholder conference to this effect was held at Sedze Shopping Center in Nyanga in September 2014. It brought together all parties to the water conflict including ZINWA, EMA, and Councilor of the ward. The process deliberated and made decisions on the way forward. With Chief Hata’s involvement there has been a cessation of sabotage of association or individually owned water pipes. Acts of sabotage before were characterised by stuffing of cloths into pipes, cutting of pipes, re-routing of water pipes and throwing dead animals into weirs.

Regardless of this, there are simmering tensions related to appropriation of water infrastructure under the ZIMNET project, monopolization of water by households living closer to the water sources, concern over the issuance of a water permit for the Kadzima and Nyahokwe villages and unavailability of water for those who are not connected to the water infrastructure.

This study established that regardless of the ability, commitment and willingness of traditional leaders for peaceful redress of the water issue, lack of financial resources and an agreed community strategy for water harvesting and use impedes conflict transformation. Rational resolutions for avoidance of conflict in the face of unmet demand for water are always torpedoed by the survival instinct, which often takes the shape of hostile aggrandizement. Local politics in Ward 19 can spoil the effectiveness of traditional leadership as some community structures exploit their positions in politics to further selfish agendas at the expense of the community good.
for equal access to water. Traditional mechanisms of conflict redress however have community buy-in.

3.10 Identified options for conflict redress

There is good appreciation by the whole range of stakeholders of the nature of water challenges, conflicts and options for redressing the challenges and conflicts. Stakeholders identified the following as options for conflict transformation:

- A water project review to audit actors, available and required infrastructure, opportunities and threats.
- Resource mobilisation to address resource challenges including mandatory individual contributions to be pre-condition for water access.
- Water source rehabilitation of reservoirs and pipes to enable supply to a broader beneficiary base.
- Effective enforcement of regulations and approved practices in accessing and using water.
- Adopting large scale and effective water harvesting and distribution infrastructure for the whole community through investing in large community pipes and reservoirs.
- Installing water distribution tanks for every village.
- Strengthening the role of village heads in water management issues.
- Banning the growth of human settlements at the base of the mountain range that would reduce availability of water for communities at the bottom of the Sedze valley.
- All stakeholder engagement to acquire value consensus.
4.0 Recommendations and conclusion

Based on the findings from this study the following recommendations are proffered:

- CSOs should facilitate a needs assessment to address resource and strategy challenges for the water project to establish community water needs\(^{16}\), water infrastructure requirements\(^{17}\) and sources of capital\(^{18}\), as well as acceptable and realistic water distribution models and associated opportunities and threats.
- CSOs should facilitate synergy development between Sedze stakeholders and interested parties for strategic partnerships.
- Community structures for conflict redress\(^{19}\) should operate on the basis of honest and integrity to deserve respect from the community.
- Community members should strengthen the capacity of community structures for conflict redress to serve the community.
- Water abstraction and distribution should become more community centred as opposed to individual or association centred with robust community infrastructure.
- Donors should invest in inclusive water projects for the entire community not for sections of the community, as this has been identified as a cause for unequal water access and social divisions in the communities.
- Illegal settlements at the water source should be stopped.

Traditional natural resource management can succeed when based on shared values and norms that are followed and respected. Differences over how, why and when water could be abstracted and distributed resulted in uneven water distribution. Water became a source of conflict in Sedze due to lack of value consensus\(^{20}\). In addition lack of transparency in the management of investments for water infrastructure, as well as limited respect for stakeholder interests contributed to the development of conflict. Historical differences that remain cannot be addressed

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\(^{16}\) volumes per given population, water use needs e.g domestic or irrigation
\(^{17}\) tanks, pipes, power etc
\(^{18}\) donors, community contributions
\(^{19}\) Local water councilors, village heads, Chief, ZINWA representative
\(^{20}\) shared goals, roles and norms that guide behaviour and makes it possible to achieve social order for the well-being of society
without third party interventions, particularly with technical, financial and material resources. The current water infrastructure, owned or controlled by individuals, associations or communities does not promote equitable water utilisation.

Illegal or inappropriate methods of accessing water that have been prevalent in Sedze violate the law, social norms and values. Traditional conflict transformation mechanisms in place though effective require strengthening. CSOs as third parties that promote enjoyment of social, economic and civil rights can contribute to a water strategy that transforms conflict. Their role can involve management of stakeholder relations as well as facilitating strategic planning and access to resources for water abstraction and use. In conducting such roles CSOs will have to acknowledge the roles of existing community structures for conflict management, the historical and political background as well as the water policy and regulatory framework. Failure to address the water conflict may lead to the escalation of conflict and the continuation of unmet water needs.
Annexure

Annex A: FGD question guide

The facilitator introduces themselves and the purpose of the meeting (Ethnographic explanation). Participants are invited to make contributions to the ensuing discussions and assured that there is no wrong or right response. Attention is paid to ethical considerations.

1. In what ways have we interacted or interact with the Sedze water scheme?
2. Have there been challenges associated with access to the water in your community? If Yes, how did they arise and are manifest?
3. What rules and guidelines regulate water access?
4. What are your views on the role, relevance and effectiveness of these rules and guidelines as well as their enforcement?
5. What is the impact of these water access challenges to you, and to others and are they avoidable?
6. Who are the main actors in the water access challenges and what roles do they play?
7. What has been done to resolve these water access challenges and to what extent are the redress strategies effective and inclusive?
8. What can happen if the water conflict is not resolved?
9. What should be done and by whom to address the water access challenges?
Annex B: Key informant interview Guide

Gender: .............................................................................................................

Name: .............................................................................................................

Role/Designation ..................................................................................................

1) What is your understanding of the ownership of water in Sedze?
2) What are the rules and guidelines that regulate water access?
3) What are the user rights of water and who controls its distribution?
4) What is the nature of the conflict around Sedze irrigation water, Please
   explain?
5) To what extent has the local leadership managed to contain water conflicts in
   Sedze?
6) How have you been successful in managing the conflict?
7) What has been the role of civil society organisations (if any) working in this
   area done in managing the water conflicts?
Annex 3: Household Interview Guide

Respondent information

Village: ........................................................................................................
Gender: ........................................................................................................
Name: .........................................................................................................
Age: ...........................................................................................................

1. How have you benefited from the Sedze water scheme?

2. Have there been challenges associated with accessing water in your village?
   If yes, what are the challenges?

3. Do you consider the challenges avoidable and why?

4. What are the rules and guidelines that regulate water access?

5. What are your views on the role, relevance and effectiveness of these rules and guidelines as well as their enforcement?

6. Who are the main actors in the water access challenges and what roles do they play?

7. What has been done to manage these water access challenges?

8. To what extent are the traditional mechanisms for managing the water challenges effective?

9. What do you think can be the ultimate outcome if the challenges associated with harnessing water are not managed

10. What can be done to address the water access challenges?
References


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The Nationwide Academy for Dispute Resolution. Mediation; http://www.nadr.co.uk/background/mediation.php


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- Gays and Lesbians of Zimbabwe
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- Media Institute of Southern Africa-Zimbabwe
- Media Monitoring Project Zimbabwe
- Non-violent Action and Strategies for Social Change
- Research and Advocacy Unit
- Students Solidarity Trust
- Transparency International-Zimbabwe
- Women of Zimbabwe Arise
- Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender
- Zimbabwe Association of Doctors for Human Rights
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- Zimbabwe Human Rights Association
- Zimbabwe Lawyers for Human Rights
- Zimbabwe Peace Project
- Zimbabwe Women Lawyers Association

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