CHAPTER SEVEN

“WE HAD CATTLE AND DID NOT FISH AND HUNT ANYHOW!” INSTITUTIONAL CHANGE AND CONTESTED COMMONS IN THE KAFUE FLATS FLOODPLAIN, ZAMBIA

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ABSTRACT

This paper presents the case of the Ila, Plateau-Tonga and Batwa people in the Kafue Flats, Southern Province in Zambia. It shows how pre-independence institutions and governing access to common-pool resources, such as pasture, fisheries and wildlife, have been transformed or sidelined by the colonial and post-colonial state, as it claims control over common-pool resources. Due to complex economic and political processes, the state nowadays is less able to control and monitor the common-pool resources while local rules—often embedded in systems of religious belief—are being eroded or altered by the more powerful actors. This involves different local power groups and immigrants, such as seasonal fishermen claiming to be citizens of the state and therefore having a right to its resources, or powerful local individuals manipulating and changing local customary laws. An analysis using Elinor Ostrom’s Design Principles for Robust Institutions (Ostrom 1990, Becker and Ostrom 1995) as a reference, shows that not only do local rules weaken, but also that national laws governing access to these common-pool resources cannot be implemented by the state, due to its inadequate financial revenues. This leads to open access situations in the case of fisheries and wildlife and a dualistic situation of increased privatisation on the one hand, and open access on the other for parts of the pasture area. In order to solve such common-pool

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resources problems, since the 1990s, NGOs and state actors have been pursuing a policy of urging local people back into management. Land tenure reforms and new formal legislation governing access to common-pool resources is to be enacted, making more grassroots participation possible. The problem is, however, that the local actors are very heterogeneous regarding their political and economic interests and bargaining power, and also that the state is a differentiated body of actors, who therefore, also pursue their own aims. This can lead to serious conflicts, which may assume an ethnic quality. The question is at what level the involvement of local groups and the state is beneficial for the sustenance of common-pool resources. In the case of the Ila, Balundwe and Batwa, this is a very challenging task since it is a complex resource situation: access to and use of pasture, fisheries and wildlife are interconnected and cannot be separated from each other. Historically, access to common-pool resources used to be linked with membership of local residential village groups, combining rights to access to all the three resources. Today problems of access and use of common-pool resources are also intertwined. For example, immigrated seasonal fishermen not only have an impact on fisheries, but also on pasture and wildlife in the area. External factors such as droughts and cattle disease have added to the pressure on local livelihoods and on common-pool resources. Immigrants, on the other hand, are responding to the national economic crisis stemming from copper export and engaging in alternative economic activities such as commercial fisheries and fish trade, hunting, and trade in cattle. Additionally, the loss of state revenues and structural adjustment programs have weakened the role of the state as a common-pool resources monitor, while immigrants argue that as citizens of the state they have access to these resources. We therefore fact the paradox of the present-absent state giving immigrants much power to use the common-pool resources as open as possible.

1. Introduction

In this paper we will analyse how access to common-pool resources was institutionalised in the Kafue Flats (Southern Province, Zambia) and how formal state institutions such as land reforms and formal fishery and wildlife laws have altered access to pasture, fish and wildlife among the indigenous Batwa fishermen and Ila-Tonga transhumant