

# **A SUMMARY OF SECTIONS OF THE TRADITIONAL LEADERS ACT [CHAPTER 29:17] RELEVANT TO ENVIRONMENTAL MANAGEMENT.**

## **Introduction**

The Traditional Leaders Act [Chapter 29:17] (hereafter called the Act) provides for the appointment of village heads, headmen and chiefs, the establishment of Council of Chiefs and village, ward and provincial assemblies and defines their functions. The Act therefore institutionalizes the governance of communal land and resettlement areas.

## **Chiefs**

Section 3 of the Act provides for the appointment of Chiefs to preside over communities residing in communal lands and resettlement areas. To signify the critical role they play in the governance of communal areas, Chiefs are appointed by the President of the Republic of Zimbabwe. In appointing a Chief the President is obliged to give consideration to the prevailing principles of succession applicable to the community where the chief will preside and to the administrative needs of the communities in the area concerned in the interest of good governance. Section 5 of the Act stipulates the functions of chiefs and stated below are functions relating to the environment, land and natural resources;

- Ensuring that the land and its natural resources are used and exploited in terms of the law and in particular controlling over-cultivation, over-grazing, indiscriminate destruction of flora and fauna and generally preventing the degradation, abuse or misuse of land and natural resources in his area.
- Adjudicating in and resolving disputes relating to land in his area

- Notifying the rural district council of the outbreak of any epidemic, flood or other natural or unnatural disasters affecting the inhabitants, livestock, crops, land, flora or fauna in his area

Considering the above the protection of the environment and conservation of natural resources resides in chiefs. The Act also gives chiefs a role to play in the resolution of disputes including resolution of disputes relating to the environment and natural resources. In executing this critical function chiefs may revocably delegate all or any of their functions to the headmen. The headmen therefore complement the chiefs in executing their functions.

## **Headmen**

In terms of section 8 of the Act, headmen are nominated by a Chief of the area concerned and appointed by the Minister of Local Government and Public Works provided that no headman shall be appointed for an area where the customs and traditions of the community do not provide for appointment of a headman. In this case the affected chief would have to execute his functions without delegating and this might affect his effectiveness depending on the size and volume of activity in his area. The headman's critical functions relating to environmental issues are provided for in section 9 as follows;

- To assist the chief to perform his duties
- To report to the police the commission of any crime in his area
- To carry out all lawful and reasonable orders by the chief
- To enforce all environmental conservation and planning laws

The role of the headman is therefore to complement the chief in the execution of his duties. The headman also gets assistance from village heads in executing their functions.

## **Village Heads**

A village head is appointed by the Permanent Secretary of the Ministry of Local Government and Public Works in terms of section 11 upon nomination by the headman and upon written approval of the chief. The village head's duties in terms of section 12 are to assist the chief and the headman in executing their duties and in particular;

- To ensure that all land in his area is utilized in terms of the law.
- To assist by all means in his power to arrest and securing offenders against the law
- To preside over village assembly

Village heads are therefore the operational agents of the chief and the headman as they implement the functional activities of the chief and the headman. Being operational, village heads work with the communities.

## **Village Assemblies**

Section 14 of the Act sets up structures that enable the foregoing appointees to operate smoothly and one such structure is the village assembly. It is made up of all village inhabitants who are over the age of eighteen years and is chaired by the village head. Its functions relevant to environmental issues as provided for in section 14 of the Act include;

- To consider all matters affecting the interests and well being of all inhabitants

- To consider and resolve all issues relating to land, water and other natural resources within the area and make recommendations in accordance with an approved plan of the village.
- To make any representations to the headman on any matter that affects the interests and welfare of the inhabitants.

The village assemblies enable the village head to gather information directly from the concerned communities. This ensures that incidences of environmental hazards are immediately identified and brought to the attention of the headman and the chief especially as the assembly has to meet at least once every three months. The Act further provides for village development committee which consists of members of the village elected by the village assembly. The village development committee is chaired by the village head and reports to the village assembly.

## **Ward Assembly**

Section 18 of the Act provides for establishment of ward assemblies which are made up of the headman, village heads and councilor of the ward. The function of the ward assembly is generally to supervise the activities of the village assembly. Like the village assembly the ward assembly has to meet once every three months. Section 20 of the Act further provides for ward development committee to be chaired by the councilor of the area concerned. Its main role is to review and integrate village development plans in accordance with the directions of the ward assembly.

## **Messengers of Chiefs and Headmen**

In order to ensure that the chief and headmen get sufficient assistance in the execution of their duties, section 31 of the Act provides for appointment of messengers to;

- Assist the chief or headman to discharge his duties
- Carry all lawful and reasonable instructions from the chief or headman

The messenger may be removed from office by the chief or headman for misconduct. The headman and the chief are provided with sufficient personnel and structures to effectively execute their duties.

## **Provincial Assemblies and Council of Chiefs**

Section 35 of the Act establishes a provincial assembly for each province. The provincial assembly consists of all chiefs of that province and meets at least twice a year. Its major function is to elect members of the Council of Chiefs. It is obliged to bring to the notice of the Minister and Council matters of national and local interest. The council of chiefs' functions are as follows;

- To make recommendations to the Minister concerning the need and wishes of inhabitants
- To consider any representations made to it by the provincial assembly
- To superintend the activities of the ward and village assemblies

The council of chiefs is therefore the highest structure in respect of handling issues affecting the communal inhabitants including environmental issues.

## **Conclusion**

Traditional Leaders Act provides appropriate framework and structures to protect the environment and to deal with disputes arising thereof. It provides for a customary and traditional way of managing the environment and resolving the usual disputes associated with the use and conservation of the environment. This legislative approach entices cooperation of communities as they will be part of the whole process.