

# **Guardians of Eden Manual**

Zambia

**I. P. A. Manning**



I. P. A. MANNING

# Guardians of Eden Manual

*Zambia*

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# Preface

Zambia is a territory that has moved from an aboriginal occupancy by Bushmen and Pygmy to invasions by Bantu tribes, followed in 1889 by the British South Africa Chartered Company. In 1924, it became the British Protectorate of Northern Rhodesia, and in 1964, the independent state of Zambia.

Since then, Zambia became a vassal and subsidiary state of Britain, America, China, the UN, the World Bank, the IMF, the myriad donors, and big business. This patrimonial neocolonial state, massively in debt, authoritarian, corrupt and increasingly oppressive, is a bewildered inmate of the West's making. It is a land of two parts, one Western capitalist, the other traditional ecosocialist. The customary people, girded by their kinship and spiritual customs, subsist on the wildlands in their ancient ecosocial way, but, as I revealed in *God's Country: Volume I - Plunderers of Eden*, are increasingly oppressed by the failings of a pre-modern state and its rent-seeking and land-grabbing through bogus conservation - the chiefdoms being reduced from 94% of the country at independence to 30% today - some greedy chiefs, tourism, mining, industrial agriculture, privatizations and colonial aid project incursions, violating their subsistence needs, and sending them to horrific medieval prisons for + 5-years for eating some antelope meat supported on their land.

The Guardians of Eden Manual is a chiefdoms' green new deal, a book extracted from *God's Country: Vol. II - The Guardians of Eden*, a guide to identifying what is wrong in the chiefdoms and putting it right. It is a practical manual, a legal, policy and organizational aid to the future, a reference site for the chiefdoms to maintain ecosocial sovereignty. They need their land to be secured and to re-gain the ownership of the wildlife. But they will need Citizens' Assemblies to deliver it.

Like so much of the world's customary commons, Zambia is a magical place, a term I use in the everyday Western sense. In Bangweulu, as an example, its pioneer people were the Twa Pygmy (also found in other major wetlands of Zambia), a resolute and religious band of people who never accepted slavery, the cruel rampages of warlike tribes, the arrival of the white man who took control of them, introducing laws punishing the benign *Ng'anga* witchdoctors - essential to keeping malign sorcerers under control - and forcing them to adopt capitalist ways. They, and the wave of immigrant Bantu tribes, were herded into large villages, forced to pay hut tax when such a thing as a job was unheard of, 'recruited' forcibly and sent to the newly established mines, their ownership rights to wildlife removed, their inter-tribal trade destroyed by imports. Yet, much of the British reign was enlightened; a fully formed country was nurtured and delivered at independence in a mere 75 years. But, unfortunately, an American-style executive presidency was imposed at independence, which instantly became big man patrimonial rule and corruption, revealed by the abrogation of the Barotse Agreement 1964 - an agreement on the merger of Barotseland with Northern Rhodesia, which Kenneth Kaunda (d.2021) had signed with the Paramount Chief of Barotseland; a necessary condition for the passage to full independence. On the question of the land rights to be held by Barotseland, the agreement stated:

*In particular, the Litunga of Barotseland and his Council shall continue to have the powers hitherto enjoyed by them in respect of land matters under customary law and practice; the courts at present known as the Barotse Native Courts shall have original jurisdiction (to the exclusion of any other court in the Republic of Zambia) in respect of matters concerning rights or interest in land in Barotseland. Provided that nothing in this paragraph shall be construed as limiting the jurisdiction and powers of the High Court of the Republic of Zambia about writs or orders of the kind at present known as prerogative of writs or orders.*

In 1965, Contrary to Clause (8) of the [Barotseland Agreement 1964](#) stating that "The Government of the Republic of Zambia shall take steps as may be

necessary to ensure that the laws for the time being in force in the Republic are not inconsistent with the provisions of this Agreement.” Kaunda and Sikota Wina (Minister of Local Government) abrogated the Agreement by enacting the Local Government Act No 69 of 1965. Section 113 declared, “The provision of this Act shall apply in Barotseland and the powers contained here may be exercised about Barotseland notwithstanding anything to the contrary contained in any other written law as or in the Barotseland Agreement 1964.” And so it galloped on.

It is time for the customary people to affirm their kinship and for the country as a whole to redefine its future along indigenous spiritual and ecological lines, not on Western grabbing capitalism. And to do this, they must take back their ownership of their land and natural resources - particularly the fish and game and manage this legacy, the loss of which adds to the ecocide and biodiversity destruction.



# I

## ZAMBIA'S INDIGENOUS PEOPLE

*The African Union's Commission on Human and People's Rights defines indigenous peoples as mainly hunter-gatherers and pastoralists. This grouping comprises around 25 million people in Sub-Saharan Africa, only six percent of Africans who govern their land relations through customary norms today. In this series of briefs, all Africans are regarded as indigenous, and accordingly, the terms customary and indigenous tenure are used interchangeably.*

*Liz Alden Wily (2012) - [rightsandresources.org](http://rightsandresources.org)*



## Kinship and Rights

*If Africa is to take her rightful place among the continents, we shall have to proceed on different lines and evolve a policy which will not force her institutions into an alien European mould, but which will preserve her unity with her own past, conserve what is precious in her past, and build her future progress and civilization on specifically African foundations.*

*J. C. Smuts - Africa And Some World Problems (1930)*

*We are propagating materialism by every means in our power and at the very time when it has been most discredited in our own civilization... the good of the community used to be his standard: we have substituted the wealth of the individual.*

*F.H. Melland (BSA Company, Northern Rhodesia) - African Dilemma (1937)*

*Descent from populations, who inhabited the country or geographical region at the time of conquest, colonization or establishment of present state boundaries. They retain some or all of their own social, economic, cultural and political institutions, irrespective of their legal status.*

*Indigenous - International Labour Organization, Convention No. 169.*

## Bantu Invaders

The Bantu invaders of what is now called Zambia were hoe-agriculturists of a pre-industrial culture, with a few tribes such as the Tonga, Ila, Lozi and Ngoni pastoralists but also dependent on hunter-gathering and fishing in the well-watered territory. Canoes were dugouts, loin coverings, barkcloth and antelope skin – with some spinning and weaving of kidney cloth - and they smelted hoe, spear and axe heads. The BSA Company recorded that when they established Mirongo and Ikawa in 1897 in present-day Northern Province, they found a thriving local industry: the Bemba making bark and cotton cloth; the Bisa cotton cloth - until overrun by the Angoni; the Senga producing good quality tobacco and spun cloth; the Awiwa smelting iron and making implements; and the Wanjamwezi and Swahili making mats and boxes. But by World War I, there were no industries, imports having destroyed all native manufacturing.

The Barotse, in particular, were once characterized by an elaborate central political authority from 1885 that has since self-rule in 1964 disappeared. Although Bantu societies all have a rich set of kinships and clans, they vary considerably according to custom. The clan kinship system was – and still is in rural areas - the core of indigenous peoples' lives.

Tonga organized themselves around a *sikatongo* (earth priest) and *basangu* (spirit mediums), existing as an ecological state rather than a political entity. Using the *lwiindi* (rain-calling ritual), a *sikatongo* attracted followers, acting as the land guardian against raiding tribes and colonists.

With colonization under British Indirect Rule, the customary commons were fully demarcated, in some cases under new tribal creations with appointed chiefs and headmen who had previously not held such positions.

While aboriginal people were hunter-gatherers having no impact on natural

resources, the successive waves of Bantu invaders in some areas introduced mass game hunting techniques and twenty-one systems of land usage into the territory, the latter mostly of the type developed for forest land. Five staple crops were grown out of more than 100 varieties, of which four were cereals (maize, sorghum, millet and bulrush millet) and one root crop (cassava). Except for some examples of more permanent agriculture based on livestock, these were traditional systems. These systems had in common that they were adaptations and survival strategies of small groups of people, of low population density, to soils highly leached and acidic, in a region governed by an extended annual dry season of seven months. Notable were some shifting cultivation strategies of the *chitemene* type where trees are lopped, whole or in part, and then burnt, the crop seeds planted in the soil and ash for one or two seasons.

## The United Nations Declaration on the Rights of Indigenous Peoples

### UNDRIP

UNDRIP was adopted by the General Assembly on Thursday, 13 September 2007, by a majority of 144 states in favour, 4 votes against (Australia, Canada, New Zealand and the United States) and 11 abstentions (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa and Ukraine)

*Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and*

resources,

*Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,*

*Article 3*

*Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

*Article 4*

*Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.*

*Article 18*

*Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.*

*Article 20*

*1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.*

*2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.*

*Article 25*

*Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.*

*Article 26*

1. *Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.*

2. *Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.*

3. *States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.*

*Article 27 States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.*

*Article 28*

1. *Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.*

2. *Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.*

*Article 29*

1. *Indigenous peoples have the right to the conservation and protection*

*of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.*

*2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.*

*3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.*

*Article 32*

*1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.*

*2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.*

*3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.*

*Article 34 Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.*

## 2018 High-Level Political Forum on Sustainable Development (2018)

The [2018 High-Level Political Forum on Sustainable Development](#) (HLPF) took place from 9–18 July at the UN Headquarters in New York under the theme: **“Transformation towards sustainable and resilient societies.”**

The 2018 HLPF focused on the following Sustainable Development Goals (SDGs):

- Goal 6. Ensure availability and sustainable management of water and sanitation for all
- Goal 7. Ensure access to affordable, reliable, sustainable and modern energy for all
- Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal 12. Ensure sustainable consumption and production patterns
- Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 17: Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development, which will be considered each year.

## 2

# Ubuntu, Jesus and Earth

*Ubuntu (a Zulu word) serves as the spiritual foundation of African societies, i.e. “a person is a person through other persons.*

*Augustine Shutte - Philosophy for Africa (1993)*

\* \* \*

# Integrating African Religion and Christianity in Ecological Ethics

[Kapyia John Kaoma](#)

## **Abstract**

Africa faces problems of ecological devastation caused by economic exploitation, rapid population growth, and poverty. Capitalism, residual colonialism, and corruption undermine Africa's efforts to forge a better future. The dissertation describes how in Africa, the mounting ecological crisis has religious, political, and economic roots that enable and promote social and environmental harm. It presents the thesis that religious traditions, including their ethical expressions, can effectively address the crisis, ameliorate its impacts, and advocate for social and environmental betterment, now and in the future. First, it examines African traditional religion and Christian teaching, which together provide the foundation for African Christianity. Critical examination of both religious worldviews uncovers their complementary emphases on human responsibility toward planet Earth and future generations. Second, an analysis of the Gwembe Tonga of Chief Simamba explores the interconnectedness of all elements of the universe in African cosmologies. In Africa, an interdependent, participatory relationship exists between the world of animals, the world of humans, and the Creator. In discussing the annual Iwiindi (rain calling) ceremony of Simamba, the study explores the ecological overtones of African religions. Such rituals illustrate the involvement of ancestors and high gods in maintaining ecological integrity. Third, the foundation of the African morality of abundant life is explored. Across Sub-Saharan Africa, ancestors' teachings are the foundation of morality; ancestors are guardians of the land. A complimentary teaching that Christ is the ecological ancestor of all life can direct ethical responses to the ecological crisis. Fourth, the eco-social implications of ubuntu (what it means to be fully human) are examined. Some aspects of ubuntu are criticized

in light of economic inequalities and corruption in Africa. However, ubuntu can be transformed to advocate for eco-social liberation. Fifth, the study recognizes that in some cases conflicts exist between ecological values and religious teachings. This conflict is examined in terms of the contrast between awareness of socioeconomic problems caused by population growth, on the one hand, and advocacy of traditional African morality of abundant children, on the other hand. A change in the latter religious view is needed since overpopulation threatens sustainable living and the future of Earth. The dissertation concludes that the identification of Jesus with African ancestors and theological recognition of Jesus as the ecological ancestor, woven together with ubuntu, an ethic of interconnectedness, should characterize African consciousness and promote resolution of the socio-ecological crisis.

## God's Family, God's Earth: Christian Ecological Ethics of Ubuntu

[Kapyia John Kaoma](#)

Christian ecological ethics should embody the dual influence of African traditional religions and Christian theology. That there are many reasons why this dual influence is necessary is supported by the fact that African religions and Christian theology both believe that creation originates from the Creator God; both heritages suggest that the Spirit is present in creation and the abuse of nature is evil. In addition, the Christian doctrine of natural revelation, and the manifestation of the Spirit in nature in African religions, both affirm nature's sacramental value.

On a social level, both religions teach that Earth is a common trust and home that cannot be privatized or abused for individual gain. Additionally, both religions hold Earth to be a God-provided home to all creatures. On a cultic front, however, the role of saints in Christianity and ancestors in African religions can inform African ecological ethics. Since these sacred figures (living dead) occupy pivotal positions in both religions, their teachings on creation are

useful to the development of ecological ethics.<sup>41</sup> Furthermore, African and Christian ethics advocate the promotion of life.<sup>42</sup>

Given that the ecological crisis threatens the future of Africa, there is an urgent need for Christian ecological ethics on the continent. This book argues that crony capitalism, corruption, uncontrolled demographic growth, and poverty are threats to our common humanity, Earth and future generations of life. It asserts that the relationship of Jesus Christ to the natural world as both an ecological ancestor and the first born of all creation should inform Christian ecological responsibilities and actions locally and globally. Finally, studies on the Gwembe Tonga abound, but the Tonga of Simaamba are understudied. In this regard, the study of the *Iwiindi* of Simaamba is crucial to comprehend the diversity of the Gwembe community cultures and life.

## The Chiefdoms

*Africans were concerned to use the land, not to hold it. They saw themselves as dealing with the earth as a sacred entity which existed independently of men. A claim to control the earth might very well amount to sacrilege.*

Elizabeth Colson (1917-2016, died in Monze)

*We are in full agreement. Zambia will not develop until we develop a unique philosophical consensus consistent with our culture. Importing ideas from outside will never work. I discuss this point under the blog [A cultural approach to development](#).*

Chola Mukanga

[Plundering or harvesting the chiefdoms of Zambia?](#)

House of Chiefs Blogspot May 2009.

[The game reserve](#) is the only community-owned game reserve in Zambia, wholly owned and managed by the community which also has total wildlife user rights. Speaking during the handover on Saturday, FQM Country Manager General Kingsley Chinkuli said the game reserve

## THE CHIEFDOMS

*will be restocked with a starter population of 100 impalas and various antelope species, an investment of about US\$150,000 over the ...*

*Fqm Hands Over Community Game Reserve to Ntambu Chiefdom - Lusaka Star 28 Sept. 2020*

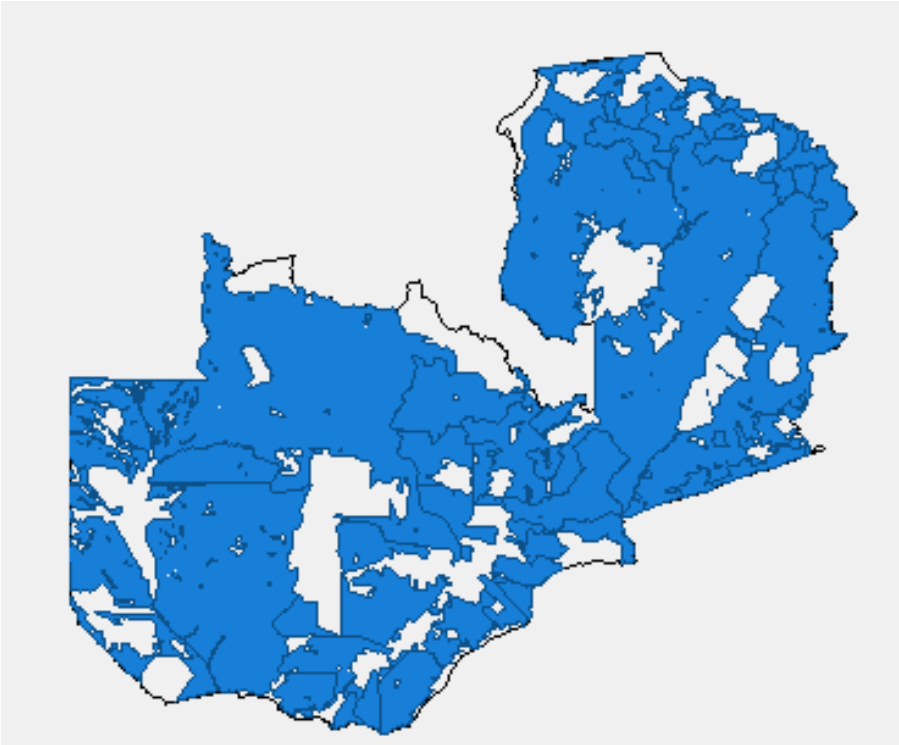
\* \* \*

## 288 Chiefdoms

There are 288 chiefdoms in Zambia, 26% of them including Game Management Areas (36 GMAs) and their 76 CRBs (community resource boards). Therefore 74% of the chiefdoms are not divided into GMA and Open Area, have no CRB/government control over big game resources.

The only recent map available - but not for the public - was produced in Northern Rhodesia days in 1958. The chiefdoms have declined to half of what they were in pre-colonial times - not counting the game management area (GMA) excisions and controls over the people which occupy 22% of the country.

## Current Zambia Land Divisions



*LandMarkmap: Customary Commons (blue). Protected & Private land, & water (white)*

## Estimates of Customary land in Zambia

### 1. Liz Alden Wily

67.5% - Customary Area

8.6% - National Parks

9% - National and Local forest

14.9% - State Land (State and private leasehold land)

Total: 100%

This reveals a customary area reduction of 26.5% from the official 94% figure.

*Four avenues to greater progress present themselves. Changing the law is a priority. As long as individuals, families, and collective holdings in the customary sector do not have legal force as properties in this highly commoditised world, half a billion Africans will remain tenants of the state, or, in the words of an appeal court judge in Tanzania in 1994, “squatters on their own lands”.*

*A more strategically sensible approach is to recognize that customary rights to land have the force of modern real property, whether registered or not. The forces against such recognition, however, are as strong today as they were a century ago. They may even be more so, given the way that elite interests dovetail with policies that aim to keep as much untitled land as possible under the de facto ownership of governments; this enables them to dispose of their citizens’ lands at will, including to domestic and foreign investors.*

*Furthering democratization of land and resource administration is also crucial. Solidarity within and between communities is handicapped by the absence of enabling institutional mechanisms and powers. The devolution of forest governance has played an important role in Africa in increasing recognition that many forests belong to communities, but has in practice delivered on this tenure in only a handful of states (Gambia, Liberia, South Africa, Mozambique, and Tanzania).*

*Tenure security policies need to shift focus from farms to commons. Many governments are loath to remove customary-sector families from their houses and farms but have no compunction in reallocating their commons to other uses and users. This is because compensation, albeit of a token nature, is now normally required when houses and crops are interfered with, even on untitled customary lands, but is rarely extended to commonly held forests, rangelands, and marshlands. Yet such unfarmed*

*commons are the major asset of most rural communities. They are often the main or only source of livelihood for the land-poor and landless; with assistance, they have the income-generating potential to raise millions out of poverty.*

*Reasons to pursue a pro-poor approach to customary rights include:*

*a. the poor are the majority in the customary sector (75% by international measures),*

*b. the poor are most dependent on common resources, and which are the natural capital most easy for states and private sectors to appropriate,*

*c. not just the state but local elites have proven best able to manipulate customary norms in their own favor, and at the expense of the majority poor, and*

*d. elites have proven most able to escape the subordination by governments of rights to customary landholdings.*

*While the law (1995) protects customary rights and disallows alienation of community lands ("customary lands") without the permission of traditional authorities (chiefs), it does not provide for formalization of customary rights by individuals, families or communities other than through extinguishing customary rights in favour of statutory leaseholds; this eliminates community jurisdiction and transfers the lands into state land, from which the state issues leases. There is a lack of official or consistent information on the area alienated. The figure of 12.9% is used here of which around half was located in customary lands adjacent to urban areas. (Key source on data: Augustine Mulolwa, pers. comm. Sept 2015).*

*Refer elsewhere on site for legal review against indicators (Liz Alden Wily). Updated 23 June 2017.*

*Source <http://landmarkmap.org>*

*(Liz Alden Wily, 2015)*

## 2 Sitko et al. The Geography of Zambia's Customary Land

Sitko et al.: [The geography of Zambia's customary land](#): Assessing the prospects for smallholder development computed 51-54% as the customary area. They declared the following:

- 54% of Zambia's land is under customary tenure
- Customary populations are clustered in market-accessible regions.
- The majority of customary villagers live in regions with above-average rainfall.
- Land commodification and alienation are occurring in high-density, market-accessible customary areas.
- The land policy must be attentive to these changes to retain growth opportunities for smallholder farmers.

Sitko et al. sound a warning:

*Policy makers and development practitioners, therefore, rarely consider land access to be a constraint to smallholder production. Perhaps as a result of this pervasive belief, the enactment of a comprehensive land policy has stagnated for decades (Nolte 2014). Instead of tackling thorny issues related to smallholder land access, Zambian policy-makers have opted to pass procedural laws, such as the 1995 Land Act, which provides guidelines for the transfer of customary land to leasehold tenure, but does not seek to regulate land allocations or administrative systems (Sitko et al. 2014)...recent evidence shows that local elites are increasingly utilizing Zambia's opaque land administration system to alienate large tracts of customary land for speculative purposes*

And the shock:

*However, this estimate does not adequately account for the large tracks*

*of land that have been acquired for commercial farming purposes outside of traditional state land areas and for which spatially explicit data are not available. This includes the more than 1 million hectares of former customary land now controlled by the Zambian Development Agency under the Land Bank Programme. Moreover, significant areas of land have been alienated from customary administration for industrial purposes, including large-scale mining licenses and government-sponsored “multi-facility economic development zones.” As shown in column (K), once these are accounted for the share of available customary land declines to 51 percent, or roughly 38 million hectares.*

Ministry of Lands data reveals that since 1995, over 280,000 hectares of land has been converted from customary to leasehold title by small-scale land investors for agricultural purposes alone ([Sitko and Jayne 2014a, 197](#)):

*Smallholders’ capacity to utilize agriculture as a means to a more prosperous livelihood requires, among other things: 1). Reasonably low population densities and land ownership inequality to allow future generations to access land without significant fragmentation of existing farms; 2). Reasonable access to input and output markets and basic services, and 3). Agro-ecological conditions that are adequate for rain-fed production systems and stable enough to limit the risk of routine weather-induced crop failure.*

### 3 Rights & Resources Estimate (August 2020)

The report by Rights & Resources Initiative entitled “[Estimate of the area of land](#) and territories of Indigenous Peoples, local communities, and Afro-descendants where their rights have not been recognized.” acknowledges the input of Liz Alden Wily and now gives a new estimate for customary

land area in 2020 of 52.7% of Zambia. But then mention is made below on the diagram's right that the total percentage of land held under customary control, but not legally, is 94%? So taking the 17% of the land, which is a protected area - originally trust land and converted over to state land, and added to the 52.7%, would still only give 70.35.

So, it would appear that only 50% or so of customary land remains. But, the state has converted 22% of Zambia from customary area to game management area (GMA), used as rent-seeking blocks for safari-hunting, tourism and agriculture. So, in reality, the chiefdoms now only have true control of 30% of the land.

Land Matrix reveals some indication of land investments in Zambia.

[The full list](#) of farming and mining landgrabs indicates a massive surge in Chinese farm alienations.

## USAID/Land Portal Zambia

### Context and Land Governance 2021

*Currently, there are major issues plaguing land governance in Zambia, including cases of uncontrolled and ungoverned customary land allocations [6], corruption in urban land allocation, and political cadreism in land allocation in both urban and peri-urban and rural areas [7]. Exogenous factors such as those underpinning large scale land acquisition (LSLAs) and the evolution of customary practices in response to socio-economic national dynamics put pressure on land and related resources. This compromises management regimes of customary land in the country. Land-based investments, such as the US\$8billion Smart Resort City by Sirpryze Continental Zambia Limited planned on over 40,000ha in Senior Chief Kalasa Mukoso's chiefdom in Luapula province [8], continue*

to pose threat on local communities. These investments also threaten local enterprising individuals such as John Mulenga [9] who has been working hard to build an agri-business that has been hailed by the Zambia National Farmers Union.

#### *The VGGT in Zambia*

Zambia is a member of the United Nations Committee on World Food Security (CFS), and has endorsed the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) on 11 May 2012. The CFS at its 38th (Special Session) on 11 May 2012, among other points: i) endorsed the VGGT; ii) noted that the VGGT are voluntary and not legally binding; and iii) encouraged all stakeholders to promote, make use of and support the implementation of the VGGT when formulating relevant strategies, policies and programmes. ([See FAO Council Report of the 38th \(Special\) Session of the Committee on World Food Security \(11 May 2012\), Rome, 11-15 June 2012](#)). In addition, Zambia endorsed the VGGT at the 2014 Global Forum for Food and Agriculture. [The summary of Results of the Global Forum for Food and Agriculture 2014](#), states that, among others, "We, the agriculture ministers assembled at the GFFA: [...] establish and protect tenure rights to land, forests and fishing grounds as well as water rights for all – in particular vulnerable people – as a basic prerequisite for sustainable farming in line with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security endorsed by the Committee on World Food Security (CFS).

The VGGT are being used to advance gender-equitable governance of tenure in Zambia. [Read more.](#)

#### *Policy, legal and organizational frameworks*

The Land Acquisition Act of 1970 inspired the 'zambianisation' (nationalisation) program, which sealed the deal of the 1975 Land (Conversion of Titles) Act ] that halted freehold tenure system in Zambia [4]. All land in Zambia has since then been vested in the President, who holds it in perpetuity on behalf of the Zambian people [3].

The Lands Act 1995 allowed for conversion of customary land into

*leasehold titles, thereby creating land markets and causing a surge in land transactions in the country [5]. Consequently, through a Presidential Decree passed in 2002, it became possible to establish farm blocks on customary land in nine provinces. Property rights are conceived as social conventions by which individuals legally lay a 'claim to a benefit or income stream that the state will agree to protect through the assignment of duty to others who may covet, or somehow interfere with, the benefit stream' [10]. Constitutionally, land in Zambia cannot be owned [11]. Occupants only have access and user rights. In addition, the right to land does not include the right to access and use forests and related resources. The rights to land are not permanent as the President can, if deemed to be in national interest, expropriate the land [11]. The occupant in this case is constitutionally obliged to yield. The occupant can submit claim to the Minister of Lands who will respond to serve the claimant with a notice to yield within a period not less than two months, but subject to how urgently the land might be needed as certified by the President. When titled state land is acquired in this manner, the occupant must be monetarily compensated from Parliamentary funds established for this purpose, otherwise, they are compensated through "a grant of other land not exceeding in value the value of the land acquired, for an estate not exceeding the estate acquired and upon the same terms and conditions, as far as may be practicable, as those under which the land acquired was held" [12].*

*The draft Lands Policy (2015) acknowledges the bias the current land administration has towards state land, and the informality of customary land [13]. The Policy proposes a comprehensive land management system that recognises that customary land rights have the same weight and validity as those held under leased land. Moving forward, the government intends to invest in land reforms focusing on land mapping, auditing and titling to streamline land administration and management, make it more robust, transparent and ensure efficient land allocation [14]. Occupants on titled land have to pay taxes in form of land rents, and therefore, this process broadens the revenue collection base of the government.*

*Gender and land*

*Zambia is one of the countries where the scope of large scale land acquisitions (LSLAs) is hard to understand. There is lack of data on the scope of land acquisitions [23]. Nonetheless, land is being given out to foreign investors, particularly of Chinese origin who are able to go to rural areas where others are reluctant to go. National elites are also involved. There has been a scramble for land in Zambia that has not been controlled despite calls from civil society organisations, including the President himself.*

*With the intention to promote investments, the government gave the mandate to Zambia Development Agency to look for investors to invest in land. The government itself has therefore, been an agent promoting LSLA. However, since land administration is restricted to state land, many investor choose to deal directly with traditional authorities who they corrupt with some money far below the value of land. These investors can start developing the land even before the title deeds are granted through the government land administration channels. While there is a level of legal order in the administration of state land, there is none on customary land where LSLAs actually happen.*

*Constitutionally, where the beneficiary is entitled, they are compensated “in respect of the unexhausted improvements on unutilised land, provided that such compensation shall be limited to the value, for the purpose for which the land is acquired, of such unexhausted improvements” [12]. For compensations involving customary land, it is a negotiation between the affected communities and the investor. This poses problems because of the power differentials between communities who are poor with humble education levels, if any, and the investors who have the financial stamina, educated and know the value of land and mostly connected to government officials. Reports from Nansanga farm block and Kalumbila mine indicate that communities do not receive what they are promised in terms of compensation [24]. Even when communities are promised what to be given, they are often not considered equal partners in land investment projects. Currently, despite the wave of LSLAs in*

*the country and huge media coverage on it, the Ministry of Lands where the presiding authority in land matters sits, is only a stakeholder in the resettlement policy for people disadvantaged due to LSLAs [15]. With multiple stakeholders, the lead institution in the resettlement policy is the Office of the Vice President through the Department of Resettlement. Rights of smallholders are not adequately protected in the country [13].*

*“the current statutory laws do not discriminate against anyone on the basis of gender. The Government has however, recognised that women still lack control over land especially in customary areas as opposed to lacking access that they gain through their male relatives. The reason for this lies in customary practices.” [20] [25]. The National Agricultural Policy, the draft Lands Policy and the Lands Acts 1995 and 2015 are also written in gender-neutral [26]. However, due to economic factors, ideology and power differentials [27] women do not enjoy the same opportunities of access to properties in general, and to land in particular. When land is being leased, one of the conditions is proof that the interested party is capable of developing the land. However, many women especially in rural areas do not have the same level of access to financial means to favourably compete with men.*

*Some cultural norms do not grant women land rights that are equal to those of men. Women in patrilineal societies with virilocal marriages do not have title to land, and those in uxorilocal marriage communities, male family members control the use of the land [26]. Additionally, women on customary land, de jure and de facto, do not benefit from any legal protection because customary land does not have any legal institutions and frameworks to administer it [15]. In terms of accessing financial services that would need land as collateral, women on customary land are therefore, unable to access the services. They may live on valuable but not valued land because the land lacks legal documentation. Socio-economic disparities, cultural norms and lack of legal documentation for customary land pose challenges to women regarding their access to land.*

*The law recognises these challenges and views women as victims. Currently, Intestate Succession Act 1989, the National Gender Policy*

2000, the Climate Change Gender Action Plan 2016, the Marriage Act, the Village Act and the Mining Act constitute important legal provisions on gender in the country [26][28]. The draft Land policy (2015) has proactively guided that 30 percent of state land will be allocated to women, and 70 percent will be competed for by both men and women [28]. To reflect the socio-economic disadvantaged positions that women have, the government proposed in the Sixth National Development Plan that there be increased representation of women in decision-making positions and in formal employment from 21 percent in 2010 to 30 percent in 2015 [29]. Due to poor policy implementation, when land is acquired, women are disproportionately affected. Household responsibilities are highly gendered in rural areas. Collecting firewood for domestic use depends on having access and user rights to land and associated resources. This is a woman's responsibility, culturally. Generally, women are confined to responsibilities that are not as economically rewarding as those of men. Women hold higher proportion of seasonal jobs compared to men who hold more permanent positions on out-grower farms [29]. Land problems primarily affect women's abilities to improve themselves, provide for families and to care for children. In this way, LSLAs exacerbate the vulnerable socio-economic situation of women, locking them further in the cycle of poverty that most investments on land promise to get them out of. Improving the precarious women-land relationship in the country will require eliminating the cultural norms that hinder female participation in land rights, providing land rights information, ensuring legal protection of customary land tenure, and improving land administration and enforcement of policies such as the 30 percent land allocation to women in the National Gender Policy 2000 [28].

[Browse the FAO gender and land rights database for more information on gender and land in Zambia.](#)

The Lands Act 2015 outlines 10 conditions that would allow non-Zambians to have access and user rights to land.

## Debates

### 1 Customary Land Recognition: **Zambian Approach to Documentation and Administration - Debate Report** February 2018

**Why Customary Land Rights:** *With perhaps over 50% of the world's land surface de facto managed by indigenous peoples and local communities, there is a need to recognize and subsequently document these rights to land and associated natural resources. Many of these systems have been governed through unwritten, though locally legitimate, customary norms that rely on traditional leaders. With the recognition of customary rights there is also a need to ensure that state and customary institutions are able to communicate, share information, and work toward complementary objectives.*

Emmanuel Tembo commented:

*The government's role on customary land is based on the Lands Act of 1995 together with the procedures as laid out in the Land Circular of 1985. Specifically, for any grant of land to be effected on customary land the local authority (the district council and the chief) must recommend to the Commissioner of Lands such grant. The Commissioner of Lands will make sure that the recommendation is accompanied by the Chief's written consent and minutes of the Full Council. In respect of planning customary land as well as maintaining Forest land in customary areas the government relies on Urban and Regional Planning (URP) Act of 2015 and the Forest Act of 2015 respectively. The URP Act provides for the preparation of Integrated Development Plans in all planning areas which include areas under the jurisdiction of traditional authorities. Section 25 of the Act provides for local authorities to enter into planning agreements with chiefs in customary areas. The Forest Act provides for sustainable utilization of forest resources in both customary and state land.*

## 2 [The Debate 2019](#):

Emmanuel Mutale commented on the minimal legal transparency in customary administration:

*Like most African countries Zambia has a dual land tenure system. Customary tenure deriving from indigenous customary laws and practices and statutory tenure deriving from the country's British colonial legacy. The following are the legal instruments that have explicit or implicit references to customary land or its administration.*

- Constitution
- Lands Act
- Chiefs Act
- Registration and Development of Villages Act
- Urban and Regional Planning Act
- Local Courts Act
- Subordinate Courts Act
- High Court Act

*There is currently no law or written regulations specific to customary land administration. The limited guidance available relates to the conversion of customary land to state land. However, to the extent that customary land tenure and its administration are provided for or implied in other public legal instruments, it could be argued that there is a very limited level of legal transparency with regard to this form of land administration.*

*In practice, access to customary land in Zambia is facilitated by chiefs through village headpersons and Indunas (chiefs' advisors) and follows a more simple process compared to the complex and bureaucratic procedures governing access to state land. However, these customary processes vary from chieftdom to chieftdom and are not codified and could be argued, are less transparent as there is no explicit guidance on the roles and responsibilities of traditional leaders in managing customary land.*

*Although chiefs hold and administer land on behalf of their subjects,*

*the decision making process is not very transparent especially when land is subject to conversion from customary to state land. There are reported instances when chiefs have been accused of allocating huge tracts of land to investors without consulting the local communities.*

Jur Schuurman offered suggestions for clarity - to include the voice of farmers:

*The information on (the transparency of) customary land administration in Zambia is ambiguous, at least if one consults the, to my knowledge, main and most comprehensive source: the application of the World Bank's Land Governance Assessment Framework (LGAF) to the situation in the country[1]. On the one hand, some highly critical remarks are made regarding the patriarchal nature of customary land acquisition, the unclear definition of customary land rights and chiefs that do not consult their communities, and "(...) the unwritten nature of customary law or practices used to administer customary tenure, leaves room for manipulation and corruption." These statements are very much at odds with the "A" score (i.e. the highest) on indicator 6.1.2.a: "Non-documentary evidence is effectively used to help establish customary rights." In other words, it is not that easy to answer the question to what extent the customary land administration is transparent in Zambia. It would be pertinent to invite the LGAF author to participate in the debate and shed some light on this question.*

*Regarding the challenges of the 'cohabitation' of customary and statutory tenure, it is probable, in Zambia and anywhere else, that there will be problems when two competing administration systems lay a claim on the same portion of land. These problems have been discussed at length in the Land Portal's debate on [Customary Land Recognition: Zambian Approach to Documentation and Administration](#), where mention was made of the possibility of "passing laws that elevate existing customary land rights up into nations' formal legal frameworks, thereby making customary land rights equal to documented land claims", a step suggested*

*by Rachael Knight in her influential study on the statutory recognition of customary land rights. I consider the idea very valuable, precisely because of the aforementioned overlapping claims and the corruption risks that they entail, particularly in a country where corruption in general is at a high level according to the Corruption Perception Index (35/100), and probably pervades all areas of governance. I would like to know what Ms Knight has to say about the specific case of Zambia and am, therefore, suggesting to ask her to participate in the debate.*

*And finally, let's try to avoid turning the debate into an exchange of opinions about the ultimate stakeholders but without giving them a voice. Farmers are by no means the only social category that has a stake in land, but they are one of the most important ones, in any part of Africa. The Zambia National Farmers' Union (ZNFU) has on some occasions intervened in the land debate in their country, and it would be of much added value to take into account their views (and/or or those of the Zambia Land Alliance, of which ZNFU is a member) on the relationship between customary land rights, corruption and tenure security for their constituency. Nothing about them without them!*

*In conclusion, rather than pretending to be able to write a full-fledged essay on customary land rights and corruption in Zambia, I prefer to try to advance the debate by making suggestions for other sources of information: Mulolwa, Knight, ZNFU.*

\* \* \*

## Articles

## Traditional stewardship and conservation in the Game Management Areas of Nkala and Namwala, Zambia. (2014)

Francis Xavier Mkanda

### *Abstract*

*We investigated the effects of socio-economic, institutional, and governance factors on two adjacent Game Management Areas in Zambia: Nkala, which is relatively pristine, and Namwala, which is degraded. Monetary benefits from the Nkala Game Management Area were almost double those from Namwala, which may have been sufficient incentive for the communities of Nkala not to occupy the area or conduct activities that were detrimental to wildlife conservation. There was no such incentive in Namwala, where traditional leaders may have considered settlement and cultivation a better alternative to wildlife conservation. The degradation of the area is largely attributable to weak governance amongst the traditional leadership, which allowed unauthorized migrants to settle and cultivate regardless of the effects of their activities. In contrast, there was good governance in Nkala, where the local chiefs did not allow settlement within the Game Management Area. We hope our findings will be useful in informing the management of Game Management Areas and other wildlife-conservation areas.*

\* \* \*

## CBC - Community Based Conservation

Title: The Impact of Community-Based Wildlife Management Model on Food Security as a Proxy Indicator for Human Development in Game Management Areas in Zambia. (2011)

\* \* \*

David Katungula et al. (undated c. 2017)

Innovative Customary Land Governance in Zambia: Experiences, Lessons Learned and Emerging Impacts.

*This paper will demonstrate the experiences, emerging impacts and lessons learned on securing land rights of poor, women and vulnerable groups in the context of customary land governance in Zambia. It will describe the implementation of fit for purpose land administration approaches in empowering poor households in rural lands, particularly women. The paper will also endeavor to inform other stakeholders in similar contexts in Zambia and in other countries how best they can govern land in customary settings, with a focus on inclusive and participatory approaches, use of appropriate land tools, the importance of good leadership in land governance and the commitment to empower women and indigenous communities.*

\* \* \*

Simon Christopher Metcalfe

Communal land reform in Zambia: governance, livelihood and conservation (2006).

*ABSTRACT Customary tenure in Africa has tended to be marginalized in favour of statutory control and privatisation, including public areas protected for wildlife and forest conservation. Zambia has retained a significant proportion of customary land, recognised statutorily through the person of the traditional ruler. Although customary land tenure has lost formal control of wildlife, forestry and mineral wealth, private access to land granted by the chief, has real estate value. There is high demand in the tourist sector for Zambezi River frontage linked to tourism experiences around Livingstone. The paper provides the context for commercial use of Zambian communal land and a comparative case study contrasting two traditional chiefdoms. Both are managing commercial investors but the outcomes are different. The paper outlines and evaluates an experiment in establishing democratic community development trusts, designed to complement patriarchal rule with downward participatory accountability. The communal areas in question have the opportunity to use their land to leverage sustainable development but also risk alienating it in perpetuity. The outcome is uncertain. A reliable positive result depends on a new holistic policy and legislative environment, accompanied by sound extension services. Failing that, the outcome hinges on the situational and subjective responses of individual chiefs, and on whether communities can make their chiefs more accountable.*

\* \* \*

## Chieftainess Mkanda

A Chieftainess's Stand Enables [Women's Land Ownership](#) (2020)

*Chieftainess Mkanda's commitment to land ownership gives the women in her community peace of mind that their land is safe. USAID Integrated Land Resource Governance Project Standing in her compound on the top of a low hill, Chieftainess Mkanda surveys her chiefdom. Mud huts with thatch roofs dot the landscape - and signs of progress abound.*

\* \* \*

## Southern Province Chiefdoms

[Study on drivers of change](#) in three chiefdoms of Southern ... (2007)

This report results from the Norwegian Embassy in Lusaka's support for a community development project in three chiefdoms of Southern Province in Zambia, targeting traditional leaders as local development drivers. The question posed is whether conventional approaches fail because they do not relate to the actors that hold power in rural areas. The study looks at ways in which the ...

\* \* \*

[Chiefdom Land Committees](#) and reducing insecurity over land ... (2019)

## THE CHIEFDOMS

*The **Chieftdom** level, where the project will collect information on the number of reported cases over land at both the magistrate and local courts in each **chieftdom**; and the household level data to capture perceived tenure security and the incidence of disputes within selected **chieftdoms**.*

\* \* \*

### Local Government Association of Zambia-Luapula chapter ... (2020)

*Chief Mpundu Mambwe moved the **chieftdom** to Chishinga. Here there were a lot of Lions which terrorized the area. This forced Chief Mpundu Mambwe to embark on a war against these deadly Lions. When all the Lions were killed he called himself as, “Mushota wa kushota utwalo” and all the **chieftdoms** gathered to dance AMALAILA because the land was now free of the Lions.*

\* \* \*

### Tetra Tech: Strengthening Wildlife Resource Governance in Zambia ... (2020)

*Zambia has partially decentralized management of its wildlife sector to CRBs, as well as to fisheries and forest management groups. CRBs operate across vast **chieftdoms** where government and customary institutional responsibilities overlap. But, there are no guidelines on the role of women in these groups, only strong customary gender norms that sideline women in resource management and benefits ...*

## The Land Inequality Initiative (2020)

### Synthesis report

#### **Towards a blueprint for action on land**

*The following actions can contribute to taking us off the path of growing land inequality, and instead build more equitable access to land as a basis for a sustainable and inclusive future.*

##### *Democratize land governance*

*Land governance, from national policies to local institutions, should be based on broad representation. Decision-making should include representatives of the state and organisations of producers and other local land users. These should function in the framework of people-centred land policy frameworks and governance structures, aimed at the common good.*

##### *Strengthen land-related regulation*

*Governments should develop land ownership, land use, and land distribution policies and institutions to address patterns of land inequality and their drivers. At national and decentralised levels, these should be reconceived based on broad social consensus, in light of contemporary circumstances and taking into account the full range of causes and impacts of land inequality.*

##### *Invest in well-functioning land registries*

*Governments and their partners should invest in institutions and*

*technology for efficient and fully transparent land registries, including at decentralised levels. Land registries should include information regarding institutional ownership and control of land through sophisticated financial instruments, including listed and unlisted funds. This provides an informed basis for land taxation and other redistributive measures.*

*Strengthen transparency and monitoring of land holdings*

*Governments should ensure public access to information about all transfers of rights to use land, whether through purchase, rental, usage, or shareholding. At the same time, there should be greater investment in the capacity of citizen-led monitoring initiatives, including the monitoring of companies and their shareholders operating in agriculture and land-related activities and controlling production. Public support, including development finance for investments or projects, should be contingent on the release of all relevant information.*

*Legally enforce responsible corporate practice*

*Governments, especially of investor countries, should hold companies registered in their jurisdictions to account. They should oblige companies to report against the principles of key international frameworks, including the UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises, and the Principles for Responsible Investment in Agriculture of the CFS. Legal frameworks of host countries should be upgraded to be equal to or stronger than the standards of international frameworks.*

*Protect common and customary rights*

*Governments should recognise and protect customary land claims, ranging from legally recognised and documented community land rights through to non-statutory and undocumented rights. An urgent task is recognising the territorial rights and governance systems of indigenous peoples. In all cases, free, prior, and informed consent should be a standard procedure for all decisions affecting the territories of indigenous*

*peoples and local communities.*

*Recognise and protect women's land rights*

*Governments should ensure gender equality in land rights, in law and in practice. This requires a range of actions, from legislating for equal opportunity and rights to encouraging adaptation of social norms, attitudes, or behaviours that support women's self-directed decision-making and ability to benefit from land. Legal mechanisms should enforce women's rights to land when they are under threat and provide mechanisms for redress, including in collective land tenure systems.*

*Respect and strengthen civil society institutions and capacities*

*Strong CSOs have a key role to play in monitoring, promoting accountability, and challenging power relations. Powerful and representative constituency-based organisations – belonging to farmers, pastoralists, indigenous peoples, women, and fisher folks – can ensure that the voices and priorities of land users are heard.*

*Build more sustainable and equitable production models and food systems*

*Governments should support the more resilient and sustainable production models of small-scale producers and family farmers. This means allowing them greater autonomy from corporate production systems and the ability to get reasonable returns from employing agroecological, or at least low-external-input, production practices, linked with local markets. Public investment is needed not just for their access to good-quality land, but also for improved public market spaces, protection of national agricultural produce markets from international commodity market pressures, research for improved ecologically sound inputs such as seed and genetic stock, and appropriate storage and processing technologies.*

[International Covenant on Economic, Social and Cultural Rights](#) (undated)

Rights of customary people

First, Article 11 of the International Covenant on Economic, Social and Cultural Rights obliges states to respect, protect and fulfil the right to food. This would indicate that any land transfer that is obviously increasing food insecurity for the original land users is unjust. Article 8 of the UN Declaration on the Rights of Indigenous Peoples mandates that states should provide mechanisms for preventing any action,

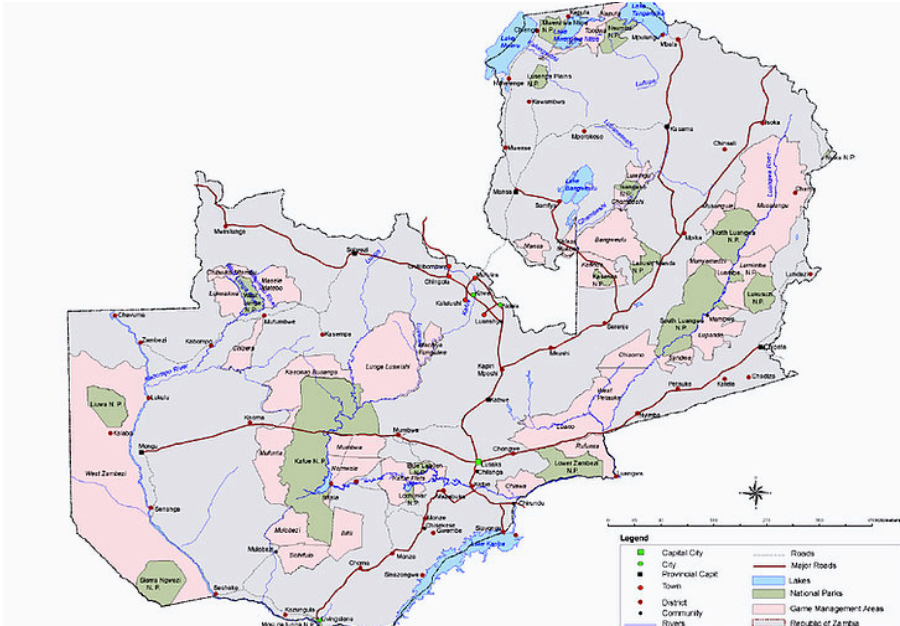
## Game Management Areas

*We find that households in GMAs enjoy higher levels of income overall, particularly through wage earnings and self-employment, but the gains accrue mostly to wealthier households. Furthermore, households located in prime GMAs (with higher levels of biological diversity) accrue greater benefits, but are also more likely to suffer damage from crop losses related to wildlife. The findings suggest that tourism and wildlife conservation are positively associated with household welfare, but have implications for natural resource management policies and the objectives of pro-poor tourism development, which may be sustainable only if the benefits are distributed more equitably and if human–wildlife conflicts are minimized or compensated.*

Robert B. Richardson et al - Wildlife Conservation in Zambia: [Impacts on Rural Household Welfare](#)

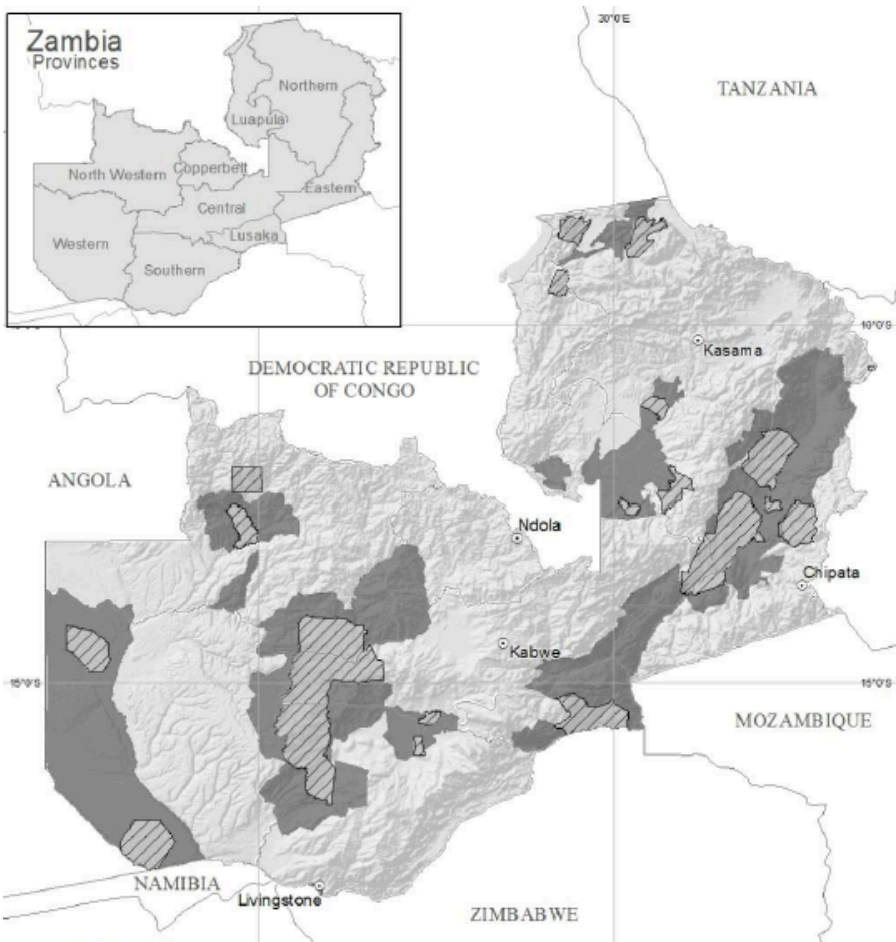
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## GAME MANAGEMENT AREAS



*36 GMAs in pink*

There are 36 GMAs with 76 CRBs (community resource boards) - presumably representing about 50 chiefdoms out of a total of 288. Therefore 74% of the chiefdoms are not divided into GMA and Open Area and have no CRB/government control over big game resources, and therefore no income.



GMA's (dark), NP's striped (Lindsey et al.)

The game management area part of customary area amounts to 22% of Zambia, whereas customary area is less than 52% of Zambia - about half of customary area.

Originally, game management areas were brought in by the old Game Department under the Wildlife Act of 1968 to assist chiefdoms in managing

wildlife. They have since become semi-nationalized and often privatized parts of customary areas in order to extract tourism rentals.

The Wildlife Act No 65 of 1968 transferred all powers over the Game Department to the minister, ensuring the departure of senior expatriate wildlife officers. Penalties for poaching were increased as the hunting-safari industry expanded as part of the patronage system and merchants' drive to obtain foreign exchange. The government passed a further eight statutory instruments outlining new regulations governing hunting licences, trophies, protected animals and legal methods of hunting. One of the prescriptions was that the first and second-class hunting areas- the latter controlled by the chiefdoms - within the chiefdoms were converted to 32 game management areas (GMAs), created by statutory instrument in 1971 under the National Parks and Wildlife Act of 1968.

The National Parks and Wildlife Act of 1968, which had introduced GMAs, was replaced by the wildlife [Act No 10 of 1991](#):

*54. (1) The President may, by statutory order, declare any area of land within the Republic to be a game management area for the purposes of this Act, and may, in like manner, define or alter or extend the limits of any such area or order any such area to cease to be a game management area:*

## Report on GMAs

A paper entitled 'Zambian Game Management Areas' [was published in 2013](#) by P. Lindsey et al. They singled out the main reason for the failure of GMAs:

Community-related issues are primarily related to the fact that local people do not receive adequate benefit flows from wildlife in GMAs, because community ownership of land and wildlife resources is not recognized in GMAs and because ‘community membership’ is not defined, with the effect that outsiders are free to move in and exploit natural resources and further diminish minimal per-capita wildlife-based benefits. The modest per capita benefits generated from trophy hunting are frequently misused and tend to favour local elites due to problems with the structure, functioning and accountability of Community Resource Boards (CRBs). Consequently GMAs are effectively open access regimes and there is an incentive for communities to occupy land and kill wildlife to obtain meat or harvest trees before someone else does, resulting in rapid and widespread immigration, encroachment, habitat destruction and bush meat poaching.

Also, they expounded on 1) the increasing invasion of customary areas as Zambia’s population rockets - now 18.5 million; 2) ZAWA - the parastatal, and its proxy the Community Resource Boards, were a total disaster; 3) the hunting-safari industry abjectly managed and largely unprofitable; 4) the numbers and diversity of wildlife had massively declined; 5) customary villagers received little financial benefit but suffered massive costs due to wildlife predation on themselves and their crops; 6) photo tourism was not encouraged in GMAs, and where they did exist, contributed little to villagers.

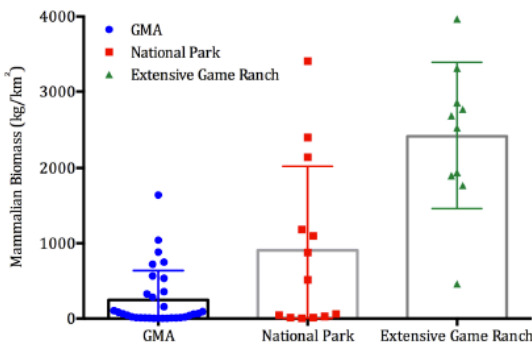


Figure 4. The biomass of wild ungulates larger than a bushbuck (and excluding predators or hippos) in GMAs, national parks and extensive game ranches in Zambia

The diversity of wild ungulates (excluding small species and hippos) is also lower in GMAs ( $5.5 \pm 0.71$  species) than in national parks ( $7.6 \pm 1.2$  species) or extensive game ranches ( $11.1 \pm 0.86$  species) (F Ratio 8.0, d.f.=2,  $p<0.01$ ) (Figure 5).

## Recommendations

- 1 Allocate exclusive blocks of land and its wildlife to communities*
- 2 Develop robust and fair Public-Private Partnerships, and implement anti-poaching measures*
- 3 Revise the legal framework to cater to the above*
- 4 As ZAWA was scrapped and replaced by the Department of National Parks & Wildlife (DNPW) government has to take greater responsibility for its funding.*
- 5 Develop Community Wildlife Conservancies (CWCs)*

## Community Resource Boards (Wildlife Act 2015)

In Part V of the 2015 Wildlife Act, CRBs are defined:

PART V

COMMUNITY RESOURCES BOARDS

Community  
resources  
boards

**32.** (1) A local community along geographic boundaries contiguous to a chiefdom in a Game Management Area, an open area or a particular chiefdom with common interest in the wildlife and natural resources in that area, may apply to the Minister for registration as a community resources board.

(2) The Minister shall register as a board, a local community which, in addition to the pre-requisites described in subsection (1), meets the requirements of subsection (3) and shall, in consultation with that board, develop management plans for the Game Management Area, open area or any part of the Game Management Area or open area which is under its jurisdiction.

(3) A board registered under subsection (2) shall serve for a fixed term of three years and shall comprise—

*etc., etc.*

Summary:

32.

1. A chiefdom may apply to the Minister to register a CRB.
2. The CRB will develop management plans for the GMA and Open Area under its jurisdiction.
3. It will serve three years and comprise 7 to 10 elected reps - including one District Council rep, a chief's rep, and a person seconded by the Minister.
4. A CRB can invite someone to attend a meeting but not vote.
5. The chief of the area is the patron of the board.
6. In consultation with the Director of the Department of National Parks and Wildlife (DNPW) and the particular board, the minister may determine the allowances and honorarium that shall be payable to a Chief.
7. In consultation with the Minister and the majority of the members of

## GAME MANAGEMENT AREAS

the local community represented by a board, the Director can dissolve and de-register that board.

8. A board will decide on its own procedure and will keep minutes.

33.

1. A board may convene a meeting at any time.
2. The CRB's functions are to promote and develop an integrated approach to managing human and natural resources in the customary area.
3. Functions of a CRB:
  - negotiate, in conjunction with the DNPW, co-management agreements with hunting outfitters and photographic tour operators;
  - manage the wildlife under its jurisdiction within quotas specified by the Department;
  - appoint community scouts to perform the duties of a wildlife police officer under the supervision of a wildlife police officer in the area
  - in consultation with the Director DNPW, develop and implement management plans which reconcile the various uses of land in areas falling under the CRBs jurisdiction
  - perform such other functions as the Minister or Director of DNPW may direct or delegate to it.

34.

1. The preparation and implementation of general management plans in Community Partnership Parks, GMAs and Open Areas shall be under such regulations as the Minister may prescribe, in consultation with the Director.
2. There shall be a secretariat for each CRB which shall consist of such appropriately qualified officers as the board may appoint on such terms and conditions as it may determine.
3. The Minister shall second an officer to the board who shall serve as part

of the secretariat.

35

1. A CRB shall establish a fund to enhance the local community's economic and social well-being within the area described in section thirty-two.
2. There shall be paid into the fund of a CRB, in addition to the revenues referred to in paragraph (o) of subsection (2) of section five, such monies as the board may, with the approval of the Minister, except by way of grants and donations from any source within or outside Zambia.
3. A CRB shall cause to be kept proper books of account and other records relating to its accounts.
4. The accounts referred to in subsection (3) shall be open for inspection by the Minister, the Director or any other member of that local community.
5. A CRB shall, not later than ninety days after the end of the financial year, submit to the Minister, through the Director — Secretariat of board Financial provisions 350 No. 14 of 2015] Zambia Wildlife - (a) an audited balance sheet; (b) an audited statement of income and expenditure; and (c) a report concerning its activities during that financial year.
6. A person who misuses any money belonging to a CRB shall — (a) be liable to a surcharge; and (b) commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or both.
7. A CRB shall submit quarterly reports to the Director.
8. CRB accounts shall be audited annually by independent auditors appointed by the CRB with the minister's approval.

## Zambia National CRB Association

[secretariatzncrba@gmail.com](mailto:secretariatzncrba@gmail.com) Bupe Banda

The Association is funded by USAID, its current National Administrator, Bupe Banda:

***The Zambia Community Resources Board Association represents 76 CRBs across Zambia. As a unifying organization, how does the association help these community organizations?***

*Banda: CRBs have many challenges. One of the principle problems is obtaining their fair share of revenue from the government. For this, they need a strong, collective voice that can help guarantee their rights and benefit from the natural resources they are managing*

***What is the relationship between the CRBs and the government?***

*Banda: When trophy hunting and safari operators use the lands and resources of the communities, 50% of the revenue is returned to the communities, and the other 50% goes to the government. The challenge is that the Department of National Parks and Wildlife and other government entities have been erratically dispersing the money. In 2020, the association successfully campaigned for the release of outstanding funds due to communities and has begun lobbying for better policies that empower communities.*

***What do CRBs do with this money?***

*Banda: In game management areas, for example, these funds represent employment and a source of money for community development. In the eyes of the community, the CRB is much more respected than many of the government agencies, because CRBs implement livelihoods projects from which every household stands to benefit. This is why the association's role as mediator is important. When CRBs talk, we make sure the government*

*hears it; and when the government talks, we make sure the CRBs hear it.*

***How has the role of advocacy resulted in benefits for the CRBs?***

*Banda: To date our crowning achievement has been lobbying for the release of 19.8 million Zambian kwacha to CRBs earlier this year. The funds were the overdue fees from the 2018 and 2019 hunting seasons. We held a series of meetings with government ministers and mobilized chiefs from the communities. This led the Minister of Finance to commit to making the payments. This is advocacy with development.*

***How is USAID-funded leadership training helping to build the capacity of the association?***

*Banda: USAID has supported the ZCRBA leadership team to participate in a year-long regional training cohort called the African Conservation Leadership Network. This leadership training program is really helpful for an emerging leader like myself and an eye-opener of what it takes to build teams, be a leader, and what is involved in sometimes being a follower.*

***What new tools have you acquired?***

*Banda: We learned practical tools and techniques, models of planning, how to manage meetings, focus our work plan and relate to counterparts. We have refocused our strategy, communications, board governance, and fundraising. The fundraising aspect is very important. Currently we only receive USAID funding and subscription fees from our CRB constituents, but we want to expand our funding from other donors. The training was an opportunity to learn more about building networks for the sake of fundraising, how important our communications strategy is. These are reminders that we all need.*

CRBs in Western Province have formed a sub-organization.

## GMA additions and subtractions

In 1993, under the Game Management Declaration Order, Statutory Instrument No. 67, 35 GMAs in all were proclaimed, the 32nd from 1971 added to by 1) Kalasa Mukosa in 1973 – established in the Bangweulu Command of the time to protect the black lechwe on the west bank of the Luapula; 2) Inangu in 1985 on Lake Tanganyika - to accommodate the ZCCM landgrab (later cancelled); 3) Chiawa in 1989 - on the upstream side of the Lower Zambezi National Park, and 4) Rufunsa in 1993 – taking up the rest of the area surrounding the Lower Zambezi National Park (10,000 ha alienated to Iqbal Alloo in 2001, this later increased to 39,000 ha). In 2013 the number of GMAs supposedly increased to 38 – though I account for 36.

The Wildlife Act No. 12 of 1998 Act, which proclaimed the establishment of the Zambia Wildlife Authority (ZAWA), stated that the minister, in consultation with the local community and ZAWA, may declare a GMA for 1) the 'sustainable utilization of wildlife' 2) land may be alienated to leasehold without the permission of ZAWA, 3) Anyone living in a GMA must conform to a management plan, 4) anyone hunting game would be fined or imprisoned for up to five years. This legislation was proclaimed without the agreement of customary commoners or the chiefs and headmen. A very great and terrible injustice for which Kaunda should be ashamed is to add to the Barotse Agreement's abrogation and the Hitlerian crimes against the Lumpa. The irony is that under British Indirect Rule, the villagers and their headmen and chiefs had been given control of their areas under the Native Authority. Now the rural poor live amongst big-game without access to food, with virtually no schools, medical clinics, roads or canals, etc. Depending on how much money they extract from a particular GMA, the state sends in the military 'wildlife police officers'. Naturally, they take part in the poaching - as I proved when taking over the Luembe GMA for hunting safaris to fund a community game ranch and other investments on behalf of the villagers.

Although the Wildlife Act No.12 of 1998 allowed for the co-management of GMAs between ZAWA and their proxy community resource boards - and

devolved authority to CRBs for wildlife management, they are viewed by the government as state land under their control, a view supported by the GMA's importance in providing government income from hunting-safari concession fees and hunting licences. While this has hindered untrammelled alienation in GMAs, it also blocks development generally, a mixed blessing. However, few management plans of any substance have been forthcoming for GMAs and national parks, and little credible scientific work carried out to provide the basis for a sustainable offtake of wildlife for hunting, cropping or capture – as the Auditor-General confirms.

The Act of 1998, in making certain legal assumptions of the control of the GMAs on customary area, was contradicted by both customary and statutory law (the Lands Act of 1995) and by such traditional practices under common law as contracts of agistment whereby owners of livestock are obliged to pay rent for grazing rights. Furthermore, ZAWA (1998-2016) had attempted to further control customary area commoners by dint of statutory instruments by laying out draconian punishments for setting or not reporting fires. As the 'owner' of wildlife, ZAWA was supposed to pay 50% of the money received from hunting concession and game licence fees to the chiefdom's customary authority where hunting was taking place. This they failed to do.

While originally 50% of concession and trophy fees were supposed to be paid to CRBs in the hunting concessions, concession fees were later reduced by an *ad hoc* CRB committee to 20%, the chiefs 8%, leaving both chiefs and villagers out of pocket. In late 2006 at a meeting between CRBs and ZAWA, they agreed that the income would be equally shared. Unfortunately, this did not happen; their tripartite partner, ZAWA, defrauded the CRBs and the concession residents.

On the Department of National Parks and Wildlife (DNPW) Facebook site, it states:

*The Community Resource Board Association has petitioned the Ministry of Tourism's Permanent Secretary for its failure to pay them their share of hunting income in 2016 and 2018: this being the amount of ZMO 19.8 million (\$1.038,846 US).*

That part of customary area not designated GMA, i.e. areas depleted of wildlife and without much value for the rent-seeking state, are denoted Open Area. These are the areas that are often targeted for large-scale land alienation.

The status of the biodiversity in the GMAs where hunting concessions are placed seriously deteriorated under ZAWA. Some hunting concessions still had the strongly interactive keystone game species such as buffalo, which are of immeasurable importance to the ecosystems on which many other species are dependent. But most GMAs, with the assistance of uncontrolled fires and the increasing brittleness of rangelands, continue to deteriorate.

[Women being elected to CRBs](#) is a welcome new development.

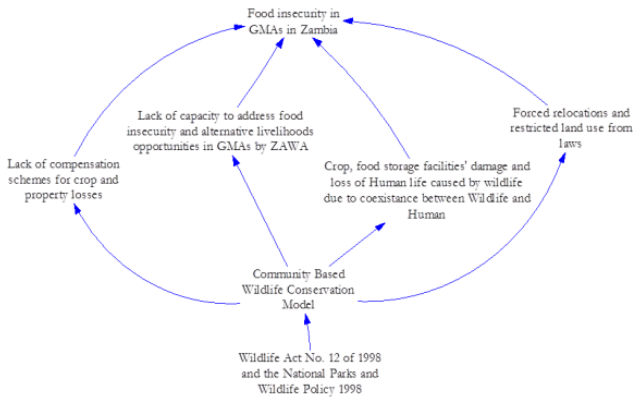
## Increasing Chieftdom Poverty

Most seriously of all, rural people, although still with access to a plentiful supply of land and adequate rainfall in much of the country, are denied ownership or proper access to the benefits of the natural resources supported on their customary area, being criminalized in their subsistence hunting, their land increasingly under the threat of landgrabs.

Every year numerous villagers suffer attacks from wildlife - in 2005 as an example, a total of 56 people were killed – certainly, an undercount, by crocodile (34 victims), hippo (12), elephant (7), lion (2) and hyena (1), with no compensation from the state. Nor are they compensated for the depredations of wildlife on their crops, an important factor in their increasing food insecurity and poverty.

[Susan Siamundele](#) assesses this problem:

Figure 1. Causality level of food insecurity in Game Management Areas



*I argue that community-based wildlife management approaches have often not adequately accounted for the adverse impacts of wildlife conservation on the local people in GMAs. I concur with Barrett et al. (2001, p.497) that a more robust CBC (community-based conservation) design is desirable, which may “involve distributing authority across multiple institutions, rather than concentrating it in just one”. Armitage (2008) supports this view and urges for flexibility and distribution of institutional forms. Political ecological interpretations, therefore, help to reveal the challenge of actualizing the CBC principles and the contextual forces that make entrenched, top-down management systems resistant to change and provide tools to critique the cross-scale drivers that undermine local property rights and management practices (Armitage, 2008).*

*I find the political ecology of conservation analytical framework adequate for understanding the interacting factors of political (policy and legislative limitation), socio-economic (opportunity costs from lack of compensation for loss incurred from damages caused by wild animals, restricted land usage and lack of capacity focus to address food security issues), and historical and cultural (displacement to non-arable areas mostly affected by ecological conditions) factors in explaining the CBC*

*model in Zambia"s wildlife sector...*

It was also very difficult for villagers, normally dependent on wildlife for their food, to cope with [anti-poaching scouts](#). Many of them are involved with the crime syndicates and harass local people, along with the many unpaid CRB Scouts who participate. In addition to ZAWA's negative presence in a customary area, ZAWA in 2006 spent only 8% of its budget on GMAs, although GMAs generated more than 50% of ZAWA's revenue. ZAWA's salaries and administration costs in 2006 took up almost 70% of total expenditure. The conclusion here is that ZAWA was a factor in creating poverty, urgently suggesting a revolutionary socio-ecological change needed in GMAs if chiefdom residents are to see any improvement in their life prospects.

An additional negative factor in GMAs is that the rural elite captures the CRB funds available through travel allowances, accommodation and meetings. As mentioned, most CRBs remained unpaid for most of the years they have been in existence. The Nyalugwe and Luembe chiefdom CRBs with 43 village scouts at one time owed on average 14 months salary, with some not paid for more than three years. The Natural Resources Consultative report written by Simasiku et al. painted an alarming picture of Zambia's GMAs in terms of economic, sociological and ecological benefits: natural habitats and wildlife decreasing at an alarming rate in most GMAs; villagers 30% poorer than elsewhere; 28% of GMA households female-headed, compared to 22% in non-GMAs; female-headed households living near national parks on average enduring 19% less per capita consumption than male-headed households. The reason for this massive discrepancy is the depletion of wildlife by criminal syndicates to feed the ivory and bushmeat trade resulting from the failure to uphold decentralization and empowerment policies.

[Chief Chitambo](#), in August 2020, tells us how it is in his Bangweulu chiefdom, a chiefdom which contains the national Park, Kasanka:

*Here in Chitambo district, the feeder roads are in a deplorable state. If they are talking about construction of roads, maybe they should talk about roads in urban areas and Lusaka in particular. The health centres have no essential medicines. The only drugs you can find is Panadol. We are relying on a self-help health post. And health minister Dr Chitalu Chilufya came here and drove an ambulance around. But that ambulance is only used for transportation of pregnant women. And 56-years after independence, this place has only one secondary school, which is Justine Mukando Boarding School. The rest are basic schools with few teachers manning these education facilities. The mobile phone network is still a challenge in this district. There's no development to talk about.*

## Securing empowerment through GMAs

[The Zambia Economist](#) of 16 December 2008 writes.”

A recent paper examines the economic empowerment of Game Management Areas (GMAs) in Zambia :

*The study finds that the gains from living in a game management area and from active participation in natural resource management are large but unevenly distributed. Only game management areas near Kasanka, Lavushi, Isangano, and South Luangwa national parks in the sample show significant benefits to general and participating households. And in those areas, the poor do not seem to gain even when they participate actively. More even distribution of gains from game management areas across households near different park systems and across the poor and the non-poor should be a continuing goal of national policy makers.*

The paper does not explain how such an “even distribution of gains” may be attained. It seems obvious that two things must at least be part of the solution.

First, tackle corruption in Zambia Wildlife Authority (ZAWA) - see previous discussions [here](#), [here](#), and [here](#). Secondly, review the revenue sharing mechanism with a greater focus on infrastructure spending, which would benefit residents. In that sense, infrastructure would provide a minimum floor of benefits for the people. This, of course, is easier said than done within the current corrupt operational framework of ZAWA. An added complication is that such an approach may also require pooling resources across Community Resource Boards - not an easy task and likely to face opposition.

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## Zambia's Sixth National Report (2019)

[Sixth National Report](#), 2018-2019

### Targets pursued by 2020

1. Zambians, especially local communities, are aware of and appreciate the values of biodiversity and the need for its sustainable utilization.
2. Biodiversity values have been integrated into the Seventh National Development Plan (7NDP), provincial and district development plans and other planning processes, as well as being incorporated into national accounting and reporting systems as appropriate.
3. Selected incentives for biodiversity conservation and sustainable use are in place and applied, and the most harmful subsidies are identified, and their gradual phase-out is initiated.

[SI\\_11\\_Community Forest Management Regulation\\_2018.pdf](#)

[The Zambia Wildlife Act, 2015-1.pdf](#)  
<http://www.dfnrmp.org.zm/resource/community-forestry-guidelines-zambia-wo-annexes/> Version July 2018

4. *Baselines for critical biodiversity is established.*

5. *Deforestation rate in Zambia is reduced by at least 25%.*

[drivers-deforestation-Zambia-WEB\\_final \(1\).pdf](#) May 2013

[The Forest Act 2015.pdf](#)  
[NATIONAL STRATEGY TO REDUCE DEFORESTATION AND FOREST DEGRADATION book](#)

[\(1\) \(1\).pdf](#) REDD+ strategy

[ILUA II - Final Report Draft ForPrinting\\_V2\\_New Cover V2 2016 19062017\\_EDITED\\_03.08.2018.pdf](#)

[Environmental Management Act 12 of 2011.pdf](#)

6. *Fisheries co-management regimes are established in 60% of all major fisheries.*

7. *Pollution, including excess nutrients from industry (mining, agriculture etc.), has been*

*brought to levels that are not detrimental to ecosystem functions and biodiversity.*

[Environmental Management Act 12 of 2011.pdf](#)

8. *Invasive Alien Species (Mimosa pigra, Water Hyacinth, cray fish and lantana camara)*

*and pathways are identified and controlled and eradicated.*

9. *Zambia's protected area network is rationalized to achieve representa-*

*tiveness and  
ecological connectivity at the landscape level.*

[Mukungule GMA Land Use Plan.pdf](#)  
[Blue Lagoon National Park GMP.pdf](#)

*10. Zambia defines and enforces a generic national benefit framework to genetic resources.*

[The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore](#)  
[Act No. 16 of 2016.pdf](#)

*11. The traditional knowledge, innovations and practices of local communities relevant to the conservation and sustainable use of biodiversity are respected, subject to national legislation, and relevant international obligations are respected and fully integrated with the implementation of the Convention with the participation of local communities at all relevant levels.*

[The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore](#)  
[Act No. 16 of 2016.pdf](#)

*12. The knowledge, the science base and technologies, relevant to Biodiversity, its values, functions, status and trends, and consequences of its loss, are improved, distributed and transferred and applied.*

[Icomos Evaluation of Barotse Cultural Zambia 1429\\_EN \(1\).pdf](#)  
[The Joint Management Plan Final Zambia Zimbabwe 2014.pdf](#)

## Targets pursued by 2022

13. The populations of threatened and endemic species and their protection status has

been improved and sustained.

[Sesheke MA&D Phases 1&2.pdf](#)

[Sioma MA&D Phases 1&2.pdf](#)

[Herbivore and Waterbird Population Status Kafue Flats Aerial Survey Report-](#)

[FinalReport.pdf](#)

[Bangweulu Swamps Report 2003 ShoeBills\\_Kamweneshe et al\\_2003.pdf](#)

[Population and distribution of wattled cranes\\_Kamweneshe and Belfuss.pdf](#)

## Targets pursued by 2025

14. Areas under agriculture and forestry (forest reserves, parks, Game Management Areas)

are managed sustainably, ensuring biodiversity conservation.

[SI\\_11\\_Community Forest Management Regulation\\_2018.pdf](#)

[Decentralized Forest and other natural resources management project website](#)

[The Forest \(Concession Licence\) Regulations, 2016.pdf](#)

[The Zambia Wildlife Act, 2015-1.pdf](#)

[The Forest Act 2015.pdf](#)

[SI\\_#31\\_ Control of Goods \( Forest Produce\) Regulation\\_2017.pdf](#)

[Environmental Management Act 12 of 2011.pdf](#)

[Reclassification Conservation Plan - FINAL.pdf](#)

[Fire Management Plan Final\\_Kafue National Park.pdf](#)

[Blue Lagoon National Park GMP.pdf](#)

[Mukungule GMA Land Use Plan.pdf](#)

15. The genetic diversity of cultivated plants and farmed and domesticated animals and of

wild relatives, including other socio-economically and culturally valuable species is

maintained and strategies have been developed and implemented for minimizing

genetic erosion and safeguarding their genetic diversity.

16. Zambia takes deliberate steps to protect critical ecosystems of the Zambezi, Kafue and

the Luangwa Watersheds.

[NATIONAL STRATEGY TO REDUCE DEFORESTATION AND FOREST DEGRADATION book](#)

[\(1\) \(1\).pdf](#)

17. Zambia mobilizes sufficient internal and external financial resources for the effective

implementation of NBSAP 2.

## The Implementation Measures

1. Raise public awareness on the importance of conserving biological diversity and using it sustainably.

[SpeciesRichness\\_ZMB.png](#)

2. Quantify and monitor the economic, social and environmental value of biodiversity and ecosystem services using appropriate valuation tools.

[EcosystemServiceUsage\\_ZMB.png](#)

[KeyBiodiversityAreaProtection\\_ZMB.png](#)

3. Mainstream Biodiversity into district, provincial, 7th National Develop-

ment Plan (7NDP) and national accounting system

[Biodiversity Finance Initiative - Zambia web page](#)

4. Promote appropriate incentives that encourage the conservation of biodiversity and its sustainable use.

5. Phase out the most harmful subsidies for the conservation of biodiversity.

6. Update baseline data on fish, forests and lower plants and wildlife.

[ThreatenedSpeciesRichness\\_ZMB.png](#)

7. Promote sustainable utilization of resources within limits.

[DegradationWithinEcoregions\\_ZMB.png](#)

8. Promote effective information exchange and knowledge management on biodiversity

conservation and its sustainable use.

9. Promote sustainable agricultural practices.

[DegradationWithinEcoregions\\_ZMB.png](#)

[CarbonSequestrationPotential\\_ZMB.png](#)

10. Promote alternative renewable energy technologies.

11. Strictly enforce EIA and SEA provisions of the Environmental Management Act (2011).

12. Institutionalise integrated landuse planning across sectors.

[EcoregionProtection\\_ZMB.png](#)

13. Promote community-public-private partnerships in fisheries management areas.

14. Improve monitoring capacity among key stakeholders (Government, industry, communities) to curb illegal fishing activities
15. Develop an equitable benefit distribution system (BDS) for key stakeholders engaged in fisheries co-management.
16. Promote natural restocking in fishery management areas and other fish-depleted water bodies by protecting fish breeding areas.
17. Promote sustainable agriculture practices in areas designated for agricultural production in line with national, regional and international standards.
18. Promote aquaculture in identified areas and ensure that the practice does not contribute to erosion/extinction of indigenous species.
19. Mainstream climate change adaptation measures that will enhance the resiliency of priority ecosystems.
20. Promote community forest management, joint forest management and private forest management as provided for in the Forestry Policy (2014) and Forest Act (2015).  
[EcosystemServiceUsage\\_ZMB.png](#)
21. Promote the management of wildfires in biodiversity areas such as forests, GMAs, NPs and wetlands.  
[DegradationWithinEcoregions\\_ZMB.png](#)
22. Promote the management of National Parks and GMAs following Management Plans.

23. Regularise Forest Management Plans for NPs to ensure connectivity, habitat resilience and ultimate refugia for wildlife in the face of climate change.

[ProtectedConnectedIndex\\_ZMB.png](#)

24. Rezone GMAs (legally), identify and map wildlife refugia taking into account existing land uses (e.g. settlements, agriculture and infrastructure).

25. Revise EIA regulations to provide for strict enforcement of provisions in the EMA on pollution control management.

<http://www.zema.org.zm>

**+++ 25 more implementation measures. Of particular importance are the following:**

- [ProtectedAreaManagementEffectiveness\\_ZMB.png](#)
- [ThreatenedSpeciesRichnessWithinEffectivelyManagedProtectedArea\\_ZMB.png](#)
- Increase rhino populations
- Shoebill & Wattled crane conservation - [ThreatenedSpeciesRichness\\_ZMB.png](#)
- Promote resilient crops
- Safeguard species from genetic erosion
- Develop and formalise a generic national benefit-sharing framework & domesticate into a Benefit Distribution System (BDS) by relevant Sectors
- Legislate major headwaters of the Zambezi, Kafue and Luangwa as well as other headwaters as no go areas for large infrastructural development, including mining - [EcoregionProtection\\_ZMB.png](#)
- Lobbying for parliamentary ratification of the customary land bill
- Documentation of traditional knowledge, innovations and biocultural practices for biodiversity conservation
- The World Heritage Committee Referral Decision

In Section 111, they assess progress.

## Conclusion of progress

All state/donor plans reveal minimal progress and success, being endlessly repeated extended over the years. The basis of true development lies in establishing Guardian Assemblies in the chiefdoms and the latter's semi-autonomous existence. There needs to be a House of Chiefs - an upper house - placed within the national assembly, not merely as an adjunct of the Ministry of Traditional Affairs.

### Zambia Environmental Outlook Report 2017

[The Forests \(Community Forest Management\) Regulations, 2018](#)

[The Zambia Wildlife Act, 2015-1.pdf](#)

[National Guidelines for Community Forestry, 2018](#)

[Drivers of Deforestation, 2012](#)

[The Forest Act 2015.pdf](#)

[National Strategy to Reduce Deforestation and Degradation](#)

[Integrated Land-Use Assessment Phase 2 Final Report, 2016](#)

[Environmental Management Act 12 of 2011.pdf](#)

## *Status and trends of biodiversity, including benefits from biodiversity and ecosystem services*

*The content of this biodiversity profile is still draft. The text below has been prepared by SCBD and remains subject to final approval by the Party concerned.*

## Summary

*Zambia's vision for biodiversity conservation is driven by Vision 2030 which promotes economic development that takes into account social and environmental safeguards and is operationalized in the country's five-year national development planning cycle (soon to enter its 7th phase). Considered highly relevant to Zambia's priorities, the 5 strategic goals of the current global plan and its Aichi Targets provide the overarching framework for Zambia's second NBSAP for 2015-2025, which includes 18 national targets, accompanied by 45 strategic interventions, key performance indicators, key activities, responsible entities, narratives and assumptions. NBSAP-2 is underpinned by 11 principles promoting sustainable use, responsibility, equity, participation, awareness-raising, co-existence, knowledge, informed decision-making, strategic partnerships, enhanced conservation and financial sustainability. The document has been developed as a transformative strategy emphasizing evidence-based interventions, fully participatory processes, the important role of protected areas, incorporation of climate change resilience principles, restoration activities, the need for diverse financing mechanisms and a supportive policy, legal and regulatory framework. In the last five years, Zambia has undertaken other important initiatives supportive of biodiversity conservation. Key among these include completion of its Strategy on Reducing Emissions from Deforestation and Forest Degradation (REDD+) (2015), Forestry Policy (2014), Forestry Act (2015), Water Resources Management Act (2011), and the ongoing development of a Wetlands Policy and revision of the Wildlife Policy and Act. Among its other targets, by 2020, Zambia expects to have integrated biodiversity values into its Seventh National Development Plan (SeNDP), provincial and district development plans and planning processes, as well as incorporated reporting systems in national accounting, as appropriate. NBSAP-2 will also address the establishment of a comprehensive monitoring and evaluation framework, however there will still be a need to establish baselines for the various biodiversity components where gaps*

*have been identified in the monitoring and evaluation plan.*

## Biodiversity Facts

<quote>

1. Zambia is a landlocked country in southern Africa. Forests, agroecosystems and wetlands are the most important ecosystems to the national economy and rural livelihoods. Biodiversity conservation to date has been undertaken through the management of the existing protected areas system and promotion of sustainable utilization of natural resources in Open Areas.
2. Data collected from 2000 to 2011 confirms a significant deterioration in Zambia's forest reserves due to encroachment through cultivation and settlement. By the end of this period, it was estimated that less than 50% of the forest reserve estate could be considered free from these threats. Over the past decade, more than 280,000 hectares of forest reserve have been de-gazetted or excised. A study published in 2014 concluded, using 2010 figures, that direct and indirect forest values (excluding the market value of carbon) directly contributed about 4.7% or USD 932.5 million to the GDP. However, when the multiplier effects of forestry and tourism-related activities on other sectors are considered, the overall contribution of forests to the GDP was estimated to be at least 6.3% or USD 1,252 million. The same study estimated that overall income derived from non-wood forest products is around USD 135.8 million per year.
3. Wetlands, including 8 Ramsar sites, cover 3.6 million hectares (4.8%) of the total land area. The fisheries sub-sector contributes about 3.2% to the GDP, with 300,000 persons directly or indirectly obtaining part of their income from this sector. Fish accounts for 29% of the animal protein supply in Zambian diets. More than 200 Crustacean species exist in various ecosystems in Zambia, of which more than half are endemics. The highest fish species richness is found in Lake Tanganyika, estimated

to have over 200 species, of which over 70% are endemic to the lake. This fishery needs special conservation attention, especially since it is a transboundary water body shared by four riparian countries (Tanzania, DR Congo, Burundi, Zambia). Catch assessment surveys are ongoing for the sardine known as *Kapenta*, originating from Lake Tanganyika, whose stocks have been significantly overexploited in the last 2 decades. A report to the Ramsar Convention in 2015 indicated improvement in the status of the Lukanga swamps, Bangweulu swamps and Liuwa Plains, although details on the scope of improvement are not provided.

4. Zambia's agro-ecological systems are categorized into 3 agro-ecological regions (AERs), differentiated mainly by the amount of rainfall received per annum. Small-scale farmers are responsible for producing 80% of output (their contribution to livestock production is around 30%). A small number of commercial or large-scale farmers are involved in commercial crop production in wheat, soya bean and sugar cane, and livestock production. Despite agro-biodiversity being a vital resource for the country, it has not been given adequate attention in management and utilization compared to forestry, wild animals and fisheries. As a result, agroecological systems are threatened today by several causes.
5. Mammal diversity is estimated at 224 species, with over 28 species and subspecies considered threatened, endangered or vulnerable. A project on Reclassification and Effective Management of National Protected Areas System (2010) identified approximately 43 species of large mammals as important in terms of the potential income that can be generated from their use in photographic and consumptive tourism; their contribution to local household economies, as a source of protein and as a source of income through illegal market structures; and in terms of their aesthetical appreciation by the global community, including their existence value. These mammals comprise 9 species of large carnivores, 2 species of odd-toed ungulates, 31 species of even-toed ungulates and 1 species of elephant.
6. Since 2009, 24 new bird species have been identified in Zambia. However, over the past 15 years, a decline of around 35% has been

recorded in site occupancy in the most Important Bird Areas (42 IBAs exist, 82% of which receive some form of protection). Current stocktaking lists 11 bird species as endangered.

7. Analysis of annual rainfall data for the 1950s-2000s period shows no trend in rainfall pattern across the country's main agro-ecological regions (AERs), except concerning the eastern part of AER III, consisting of Luapula, Northern and Muchinga Provinces and northern parts of Central Province, where there has been some increase in annual rainfall over time. In the meantime, temperature increases have been estimated at an average of 1.3 degrees Celsius over the past few decades.

<unquote>

## Main pressures on and drivers of change to biodiversity (direct and indirect)

<quote>

1. Forest reserves are today significantly threatened by encroachment through cultivation and settlement. In the North-Western Province, this process is driven mostly by mining, while Northern Zambia has lost much of its primary cover to shifting cultivation. In the east, central and southern parts of Zambia, the conversion of forest land to permanent crop agriculture is the main driver of loss. Bush fires, overexploitation of timber trees, invasive alien plant species are other contributing factors.
2. Threats to national parks, game management areas and mammals include human encroachment and illegal wildlife use, such as the poaching of large mammals for the bushmeat market. Other threats are habitat degradation caused by conversion for cropping, livestock grazing, charcoal production, among other factors. Furthermore, mining activities conducted for aquamarine, tourmaline, and red garnets in certain protected areas have negatively affected wildlife species and

their habitats. Although mining licenses can be granted as long as an EIA is carried out and approved by the Zambia Environmental Management Agency, some small-scale miners carry out activities without licenses. Additional threats are wildfires, diseases and pesticides.

3. Threats to birds include habitat loss, hunting pressure, bird food shortage, droughts, floods and temperature variation.
4. Threats to aquatic systems and fish include habitat modification due to rivers' damming, among other causes. They are also threatened by invasive alien species (water hyacinth, Kariba weed, carpetweed) and poor aquaculture practices.
5. Threats to invertebrates and their habitats include pollution, overexploitation of edible invertebrates (e.g. caterpillar worm) and uncontrolled fires threatening certain species, the butterfly *Acrea acrita ambigua* whose larvae is destroyed by frequent fires.

<unquote>

## Measures to Enhance Implementation of the Convention

<quote>

Zambia's first NBSAP (1999) set out 14 targets distributed among 6 goals on: conservation of ecosystems through protected areas; conservation of genetic diversity; improving the legal and institutional framework and human resources to implement the strategies for conservation of biodiversity, sustainable use and equitable sharing of benefits from biodiversity; sustainable use and management of biological resources; developing an appropriate legal and institutional framework and needed human resources to minimize the risks of GMOs; and ensuring the equitable sharing of benefits from the use of Zambia's biological resources. However, due to a lack of monitoring, coordination and financing frameworks for this NBSAP, a review of achievements has revealed feeble direct results.



## II

# MANIFESTO FOUNDATIONS



## A Guardians' Manifesto

*A manifesto is a published declaration of the intentions, motives, or views of the issuer, be it an individual, group, political party or government. A manifesto usually accepts a previously published opinion or public consensus or promotes a new idea with prescriptive notions for carrying out changes the author believes should be made.*

*Wikipedia*

*A citizens' assembly (also known as citizens' jury or citizens' panel or people's jury or policy jury or citizens' initiative review or consensus conference or citizens' convention) is a body formed from [citizens](#) or generally people to deliberate on an issue or issues of local or national or international importance. The membership of a citizens' assembly is randomly selected, as in other forms of [sortition](#). It is a mechanism of [participatory action research](#) (PAR) that draws on the symbolism, and some of the practices, of a legal trial by [jury](#). The purpose is to employ a cross-section of the public to study the options available to the state on certain questions and to propose answers to these questions through rational and reasoned discussion and the use of various methods of inquiry*

*such as directly questioning experts. In many cases, the state will require these proposals to be accepted by the general public through a [referendum](#) before becoming law.*

*The citizens' assembly aims to reinstall trust in the political process by taking direct ownership of decision-making.<sup>[10]</sup> To that end, citizens' assemblies intend to remedy the "divergence of interests" that arises between elected representatives and the electorate, as well as "a lack in deliberation in legislatures."<sup>[11]</sup>*

*Wikipedia - Citizens' Assemblies*

\* \* \*

## Citizens' Assemblies

1. Based on a European [Citizens' Assemblies](#) model, establish chiefdoms' Assemblies in each of the 288 chiefdoms incorporating the powers of the tribal [Guardians of Nature](#) guilds of old. These indigenous guardians will serve the 'living ancestors' to meld African Ubuntu with Christianity. As Zambia is a declared Christian nation, it is recognized that the [Edenic Covenant](#) holds man accountable for Mother Earth's care. Also, establish assemblies in all urban municipalities to deal with urban issues. In Chapter 47, a development association in Lunga chiefdom is presented. The pros and cons of having an association or an assembly, or both, must be debated.
2. Establish, in time, [a national Chiefs' Assembly](#) as an upper chamber in the National Assembly to develop a national implementation plan.
3. The chiefs, headmen and spiritual advisors continue to serve as guardians of the clan and tribal culture and the supernatural custodian

of the land, water, forests and wildlife. Therefore, the government should consider and accept the supernatural 'rights' of chiefs exercising their powers under traditional law.

4. Make firm contact with the Ministry of Chiefs and Traditional Affairs, particularly the House of Chiefs, supplying them the manifesto and management plan, having studied their [National Policy on Chieftaincy and Traditional Affairs](#), one anchored on Vision 2030, and addressing the fact that the institution of chieftaincy has challenges in adequately discharging its functions. These challenges include but are not limited to:
  - The lack of a comprehensive Government Policy to guide on matters relating to chiefs and traditional affairs;
  - A National Land's Policy of May 2021 that is at once vague and controversial [https://www.mlnr.gov.zm/?wpfb\\_dl=127](https://www.mlnr.gov.zm/?wpfb_dl=127): e.g. 1) mentions that in 1964 chiefdoms held 94% of the land; 2) then gives the current percentage area of reserve land and includes the figure of 22% being GMA land, but does not mention that GMAs are customary area; 3) does not mention the current percentage of customary land; 4) correctly states that there is a lack of integrated land-use planning in chiefdoms; 5) gives as Objective 2(x) *Ensure that all public and private land is titled* (highly controversial concerning customary land); 6) under Objective 5(iv) *Sensitize chiefs on the allocation of large tracts of land to non-Zambians* (makes no mention of government's removal of customary land for industrial agriculture).
  - The limited scope of authority of chiefdoms precluding them from resolving certain matters;
  - Customs and cultural identity retreat;
  - Limited financial resources for the administration of chiefdoms;
  - The limited capacity of villagers to support the welfare of chiefs;
  - The inappropriate behaviour of some chiefs and headmen; and
  - The lack of support for chiefs and headmen to enhance their governance and the resulting development.

## Other Essential Actions

1. The government creates the Zambia Cultural Advocacy Foundation, its mission statement to revive and protect the Zambian cultural heritage in the land, participatory community development, sustained natural resource management, and the link between the Foundation and citizens. Such a foundation was agreed to when I proposed it to Michael Sata and Wynter Kabimba of the PF Party in March 2010. This should now be acted on.
2. Africa's Wildlife Economy Summit hosted by the African Union (AU) and the United Nations Environment Programme (UNDP) at Victoria Falls, Zimbabwe, in June 2019 recognized community rights over the ownership, management and use of resources and called for a New Deal for rural communities, wildlife and natural resources. This was the most important conference resolution, a major political issue in all the 288 chiefdoms, particularly in the game management areas (GMAs) already demarcated in some 40-50 chiefdoms. The chiefdom must have ownership of all the wildlife and have responsibility for their management. As a practical bridge to this, community forest schemes should be declared for all of its forests, and all of a chiefdom declared a game ranch - the ownership of wildlife then vested in the chiefdom. In essence, GMAs will be done away with, and all responsibility and income from wildlife, fisheries, timber...to go directly to a chiefdom permanent fund to which all customary villagers of a particular chiefdom are beneficiaries. The government must cease to use the chiefdoms as a rent basket. The conference agreed to change the development model from "doing things for communities to financing well-governed communities to do things for themselves." Then, to bring this all to fruition, to incorporate the Victoria Falls Summit's remaining goals. This requires a hands-off strategy by donors/investors who will no longer take over the management of a chiefdom, sidelining a system that has been in place for centuries. The chiefdoms are to become self-governing. Then the following goals will be possible: Strengthen community

governance and institutions; Build and enhance local capacity to govern and manage natural resources; Recapitalize the communities and their natural resources, including across boundaries; Ensure that community voices are heard in shaping policy and decision making from the local to the global level; Strengthen evidence-based adaptive management, incorporating indigenous knowledge.

3. [Create large community-managed game ranches](#): A Sustainable Land Use Option and Economic Incentive for Biodiversity Conservation in Zambia.
4. Fully implement [The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act No. 16 of 2016 is essential](#). Under section 27: Subject to this Act, a traditional community has the following rights over its genetic resources: the exclusive right to regulate access to its genetic resources; an inalienable right to use its genetic resources; the exclusive right to share the benefits arising from the utilization of its genetic resources; and the right to assign and conclude access agreements, unlike Target 16 of the Aichi Goals that wishes to ensure that 'Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their utilization is in force and operational, consistent with national legislation,' the Protection Act is the law and clear on the rights of clans and tribes in the occupation of the customary area. But it must cancel out much of what is in the Wildlife Act 2015, i.e., a landgrab of customary people's rights to their land and renewable resources. It is of paramount importance that the members of a chieftdom collectively own the wildlife. The present situation where the state owns the wildlife, profits from it, pays the customary people little, if at all, for the privilege, and then imprisons a man and his family for years when he kills something to eat is unconscionable. The EU's newly created NaturAfrica is also respecting '[the rights of communities and indigenous peoples](#).'
5. Forests (Community Forest Management) Regulations, 2018 [Under these regulations](#), groups may apply to manage and benefit from forests lying within a customary area (GMA and Open Area) and Local forests,

but can also be considered in national forests: “(2) Despite sub-regulation (1), the Director in consultation with the Minister may consider Community forest management in any other type of forest.”Section (c) specifies that the consent of the chief of the area is required “to recognize the applicants as a community forest management group through the endorsement of the application or map signifying such consent. And 6. (1) A community forest management group may apply to the Director for recognition in Form I set out in the schedule. (2) An application for recognition of a community forest management group shall require—(a) prior consultations with local users and other rights holders of the proposed forest; and(b) the consent of local traditional leaders. (3) An application for recognition shall be accompanied by—(a) a sketch map of the proposed location and area to be established as a community forest;(b) community forest management group constitution including list of the elected representatives of the group;(c) consent of the Chief of the area to recognize the applicants as a community forest management group through the endorsement of the application or map signifying such consent; and(d) a statement of intent for the proposed area indicating a balance between forest protection and management, development, utilization and forest enterprise development in Form I set out in the Schedule.

6. In the longer term - reclaim those parts of national parks removed from the original Native Trust Land or partner in their management and benefit-sharing.
7. Produce community landuse plans.
8. Create a critical mass of appropriate development projects for the socio-ecological well-being of the chiefdoms.
9. Register an investment trust fund account for the sustained investment in the chiefdoms established with a sound system of fiduciary management in place.
10. Establish co-management agreements between the Trusts and Government departments and ministries responsible for fisheries, forestry, wildlife, and water. As a result, these resources are conserved for the

benefit of the people.

11. Develop safari-hunting, sport fishing, ecotourism and game cropping that are based on rigorous science and management.
12. Implement a fire policy that is not based on early burning but on the latest burning to protect fire-resistant plants.
13. [New legislation and policies](#) are required, one recommendation being to allow for the development of Community Wildlife Conservancies (CWCs) in GMAs and Open Areas, “which implicitly confer ownership of (and/or user rights over) wildlife to the owner of the land, and which does not require fencing to be a pre-requisite for ownership of wildlife by communities in CWCs.” Another recommendation is the [Landsafe Socioecological model](#), which does not alienate any part of the chiefdoms.

## Women and Children

1. [Women to be registered usufructuaries](#) (right of an individual to the use of property) of customary land.
2. Women to be protected from child marriage, assault, rape, sexual cleansing, wife exchange (*cidyerano* to the Chewa people), the employment of [‘a mystery man \(hyena\) to test sexual skills of a girl who has reached](#) puberty, and removal of their possessions on the death of their husbands. The state must implement a vigorous program of birth control and the education of women and girls; the violence of a patriarchal society is revealed in the massive percentage of [men who assault women](#)- the true guardians of the land and the future. [Women cook](#) over wood fires in the hut or house. This is a simply massive problem to be solved: the main threat comes from the cocktail of tiny particles and droplets that trigger asthma attacks, allergic responses, heart attacks and stroke.
3. Take notice of [IFAD’s Case Study](#): Chiefs and Traditional Leaders Zambia - gender, targeting and social inclusion. “Women for Change

(WFC) is a Zambian NGO working with communities, especially women and children, in rural areas to contribute to sustainable human development using popular education methodologies. While WFC initially developed the approach, other organizations have since become involved in developing community-based organizations of the chiefdoms and working with them on various projects. The Zambian National Men's Network is one such organization working with selected chiefs and church leaders."

4. As Chileshe directs: "The issue of women's inferior land rights has become critical in the context of the HIV/AIDS epidemic in Zambia. Better enforcement of women's rights to land and its inheritance could avoid burdening widows with conflicts over land that are likely to affect their household livelihood negatively. Women in most sub-Saharan African countries in particular also face these problems. Married women's access to land is subservient to their husbands. Consequently, life cycle changes such as widowhood, divorce, marriage residence create land access uncertainties for women and make them most vulnerable to dispossession. Rural women in Zambia are also disadvantaged by statutory land tenure. For instance, the trend towards individualization of tenure through customary tenure to statutory tenure reinforces the traditional male-dominated control over land by registering land rights in men's names. It erodes customary obligations and common property in crop fields and building sites for married couples. When rights are registered in a man's name, as is often the case, a wife's joint customary land rights, which she enjoyed before converting tenure, are lost. At the village level, customary common property rights of women, including the right to collect wild edible vegetables, wild mushrooms, fuel-wood, thatch grass and other forest products, are also neglected in favour of the elite's individual statutory rights, usually men (Chapters 7 and 9). Lastarria-Cornhiel maintains that it is common for rural African women to lose access or cropping rights under statutory land tenure while male household heads strengthen their hold over land (Lastarria-Cornhiel 1997: 1326)." See Ch. 14: Legal Control of Chiefdoms. See Ch 14

section: Land Tenure and Rural Livelihoods in Zambia. [Roy Alexander Chileshe](#)

## Land

1. Common Property Trusts (the chiefdoms). [The principal task](#) is for government to provide the necessary policy and legislative framework making customary common property rights unassailable. In this, common property rights are fully assigned over land and renewable natural resources to responsible guardians, i.e. the chiefdoms, on behalf of all Zambians for customary land over all the natural resources except mining, which is dealt with through the proposed Zambia Permanent Fund. They, through their Trusts, then control market environmentalism, the chiefdoms having had the property rights to them fully assigned. They, therefore, internalize the negative externalities (costs) of pollution or over-harvesting, charging the necessary fees to concessionaires through an auction system. Therefore, the government must recognize public goods and ecosystem services as considerable value to the customary commoners, but not as a further opportunity for the state to rent-seek. Such services cannot under any circumstances be privatized but are to be held under common property by the chiefdom trusts on behalf of the people.
2. In early 2019 no national land policy existed, the [House of Chiefs](#) having rejected the draft policy in March 2018 as it allowed Zambians to buy and sell customary land. A Guardians' land policy is essential for Zambia's future.
3. [FOR IMMEDIATE RELEASE](#) 14 July 2020. "The Oakland Institute's new report, [Driving Dispossession: The Global Push to "Unlock the Economic Potential of Land"](#), sounds the alarm on the unprecedented wave of privatization of natural resources that is underway around the world. Through six case studies – Ukraine, Zambia, Myanmar, Papua

New Guinea, Sri Lanka, and Brazil – the report details the myriad ways by which governments – willingly or under the pressure of financial institutions and Western donor agencies – are putting more land into so-called “productive use” in the name of development.” The United States is a key player in an unfettered offensive to privatize land worldwide via US blockchain corporations, government agencies, and the World Bank. For example, in Zambia, the Bank has partnered with a subsidiary of the US-based online retailer Overstock.com to use blockchain technology for land titling with the goal of “unlocking trillions of dollars in global mineral reserves that are inaccessible due to unclear land governance systems.” In addition, the Assemblies need to take steps to protect customary commoners from an abomination now being used to divest indigenous people of their land.

4. Accessibility to all - As E. Mutale wrote: ‘Land should be made available to all. Mechanisms need to be worked out on who qualifies, where they qualify, when they qualify and how they are enabled to access the land. Ensure that people do not lose their only land through being forcefully dispossessed or distress sales, or if they do, they are enabled to redeem their land’. Mutale has suggested a biblical/African view of land policy that they should seriously consider (Chapter 18, reference XVI).
5. Mining to be severely limited, strictly controlled, and managed, citizens benefitting directly from the proceeds as per the Alaska Permanent Fund. For many years the mines have not paid the requisite taxes nor dealt with the horrendous pollution. This has to cease. The state must ration coal resources.
6. The UNFCCC’s REDD+ and the state’s landgrab of customary area for agriculture and other commons enclosure schemes to be abolished, and an investigation made of land alienations so that customary commoners recover corruptly alienated land and resource rights.
7. The commodification of ecosystem services to be severely curtailed, for, [as Lohmann writes](#), ‘the idea that sale of ecosystem services will make the fortune of Southern countries is about as plausible as the idea that neo-extractivism, by destroying commons, will become a source of

redistributable wealth that can repair them.'

8. The First Nation People, the Bushmen, to be accorded full customary rights to land and resources. Bearing in mind the Right to Autonomy and Indigenous Self-Government, moves by the Bushmen should be made to join the initiative by the International Work Group for Indigenous Affairs (IWGIA): "A global initiative with local impact, IWGIA – in collaboration with 5 other organizations (Asia Indigenous Peoples Pact, Forest Peoples Programme, International Labour Organization, Tebtebba Foundation and the Danish Institute for Human Rights) – developed the Indigenous Navigator Initiative, a framework and a set of tools for Indigenous Peoples to monitor the level of recognition and implementation of their rights and the UN Declaration of the Rights of Indigenous Peoples (UNDRIP). Currently, the initiative also provides small grants to Indigenous communities to implement pilot projects based on the needs they self-identify through the collected data."
9. Customary area secured and its renewable resources by providing all customary land tenure – whether *de jure* or *de facto* - with full legal clan ownership on an equal footing with state land, with all rights and responsibilities over renewable natural resources. As a result, indigenous customary people safeguard the carbon bank and its wildlife, using no energy. Therefore, the UN's UNFCCC to immediately establish a program for the full legal recognition of customary rights to land presently held under *de jure* or *de facto* land tenure, to be fully launched at the first global stocktake - presently set for 2023, and in broad terms to follow the policy document that the consortium, [Land Rights Now](#), has put forward.
10. The Assemblies must debate the World Bank Land Governance Assessment for Zambia.
11. The land tenure expert, Professor Mvunga, believes that the state as the 'owner' of wildlife being supported on the customary area is liable to pay compensation for losses incurred through legal precedent under English common law. This should be followed up. The logical effect of this should be to persuade the state

that devolution in respect of wildlife ownership is inevitable.

12. As [Chileshe writes](#): “The current land titling approach in customary lands of Zambia is voluntary and hence sporadic. It is associated with high costs and insecurity of tenure for the poor (section 7.4.4, Chapter 7). A more equitable and less expensive approach would be a compulsory (systematic) approach that allows for demarcation and registration of family holdings and village commons. This confirms de facto rights in land, leaves the people holding the same parcels of land but with the benefit of increased security of tenure (Bruce 1993a). This approach is less expensive per unit, and although the initial costs may be high, they are in most cases paid for by the state. This approach may be most suitable in rural areas having strong population pressures and competition for land (Larsson 1991). See Ch 14 section: Land Tenure and Rural Livelihoods in Zambia. [Roy Alexander Chileshe](#)

## Finance

1. [A basic income/dividend](#) to be paid to all adult citizens (with consideration given to - depending on certain criteria, e.g., being a villager within a customary area (commons), or a worker paying tax - to be paid either **a [Basic Income Grant](#)** (BIG) or an annual dividend from a Permanent Commons Fund into which the government pays mining, land and carbon taxes. At present, all is confusion. Rushkoff believes that the [Universal Basic Income](#) (UBI) - as it is also commonly known, “under the guise of compassion turns us from stakeholders or even citizens to mere consumers.” However, as taxpayers, the UBI might merely be another form of a credit card. The money going upwards to the one-percenter capital holders (in Canada, the average credit card debt is \$4,154). Therefore a Permanent Commons Fund - along the lines of the Alaska Permanent Fund, [is recommended](#). As I wrote earlier: the [Alaska Permanent Fund](#) and the Universal Basic Income have their origins in

recommendations made in 1795 by the American revolutionary, [Thomas Paine](#): “To create a national fund, out of which there shall be paid to every person, when arrived at the age of twenty-one years, the sum of fifteen pounds sterling, as compensation in part, for the loss of their natural inheritance, by the introduction of the system of landed property. And, also, the sum of ten pounds per annum, during life, to every person now living, of the age of fifty years, and to all others, as they shall arrive at that age.”

2. [The Zambia Permanent Fund](#) - Following the example of Alaska's state, the Zambian Government should establish the Zambia Permanent Fund with legislation affirming that 75% of all mining royalties be paid to the government as a replacement for taxes, and 25% paid to the Zambia Permanent Fund. Annually, dividends would be paid to the registered residents of the chiefdoms in the form of a living grant to heads of families resident in the villages, the balance - being subject to a means test - paid to those living outside of the chiefdoms. As a *quid pro quo*, chiefdom residents would be responsible for protecting the renewable natural resources, following a Landsafe or similar land use plan supervised by their Trust and customary authority. It is critical to this exercise that the mining compradors and corrupt politicians overseeing the mining taxes are sidelined to reflect international financial reality.

## Legal

1. Carry out a careful classification of advantageous and not disadvantageous legislation for the chiefdoms and take action.
2. Categorize legislation of a neutral nature.
3. Note legislation deemed oppressive.
4. Identify the legislation necessary for the survival and appropriate development of the chiefdoms.
5. Customary commoners use the public trust principle and customary

tenure rights as predating the colonial multi-party parliamentary system to secure judicial protection for the future commoners and the proletariat existing in the degraded towns.

6. Fully implement [the UN Declaration on the Rights of Indigenous People](#), then address its major flaws. The notion that only law enforcement will solve the biota ravaging without the total involvement of customary commoners, a notion sanctioned by ill-advised British royalty, the international greenwash Big INGOs, and some donors is a distraction from the resistance campaign. And Assemblies should take full note of the African Court of Human and People's Rights decision in June 2017 favouring the Ogiek Indigenous People of Kenya.
7. The UN Convention on Biodiversity's Zambia [Sixth National Report of 2019](#) is to be dealt with by a committee established within a chiefdom's Guardians' Assembly. The first objective is to "Develop and formalize a generic national benefit-sharing framework & domesticate it into a Benefit Distribution System (BDS) by relevant Sectors." N/B The measure relates to national target 13 on the benefit-sharing mechanism: A generic national Benefit-sharing framework defined and is legally recognized under the Genetic Resources, Traditional Knowledge and Expressions of Folklore Act of 2016 and is being enforced.
8. The legal question of witchcraft is to be re-assessed and properly defined. The colonial idea of witchcraft did not recognize that the term 'witchcraft' defines sorcerers' evil activity, requiring witchdoctors' assistance. For witchdoctors to be attacked shows a lack of understanding that massively harms traditional life. The Witchcraft Act requires redrafting.
9. Customary people use the public trust principle and customary tenure rights as predating the colonial multi-party parliamentary system to secure judicial protection for customary villagers and the proletariat existing in the degraded towns.
10. Traditional courts must dispense justice to their people. The horror of the present incarceration system and dysfunctional justice to be utterly reformed by reverting to a new commoner judicial system. Bearing

in mind the Right to Autonomy and Indigenous Self-Government, moves by the Bushmen should be made to join the initiative by the **International Work Group for Indigenous Affairs (IWGIA)**: “A global initiative with local impact, IWGIA – in collaboration with 5 other organizations (Asia Indigenous Peoples Pact, Forest Peoples Programme, International Labour Organization, Tebtebba Foundation and the Danish Institute for Human Rights) – developed the Indigenous Navigator Initiative, a framework and a set of tools for Indigenous Peoples to monitor the level of recognition and implementation of their rights and the UN Declaration of the Rights of Indigenous Peoples (UNDRIP). Currently, in operation in 11 countries, including Bolivia, the initiative also provides small grants to Indigenous communities to implement pilot projects based on the needs they self-identify through the collected data.”

11. [CYBER Law abuse](#) - The Civil Society Constitution Agenda (CiSCA) is concerned about the violations of freedoms embedded in the Cyber Crimes Bill 2021.
12. In Africa and Asia, very few countries have ratified ILO Convention 169, and almost no countries have legal frameworks providing for the recognition and protection of indigenous peoples' lands. Where legal frameworks exist, the implementation is very weak or non-existent. The Guardians' Assemblies should work together to see that the ILO Convention is ratified. [IWGIA](#)
13. Palan Mulonda's *Customary Residents' Forum Strategy*. As recorded in *Plunderers of Eden*, at the core customary residents' level, it is necessary – as Palan Mulonda advised in his paper, “Policy and legislation Review of the Fisheries, Forestry, Wildlife and Water sectors vis-à-vis Community-based Natural Resource Management, HURID for CONASA/USAID, Lusaka. 2002.” - for a forum of stakeholders to adhere to the [strategy in seeking to regain natural resource ownership](#) on their lands

## National Parks and Forests

1. The public commons to be reclaimed by the former customary owners under [Landsafe co-management agreements](#) with the government as originally intended. This is the protected area of national parks and national forests taken by the colonial invaders and inherited and increased by the Zambian state. The first national park was Kafue, in 1950, excised from Native Trust Land. Liuwa Plain National Park, the only park to contain customary residents, should be taken under customary control. It was created in 1890 as a game reserve by the *Litunga*.
2. The state's Game Management Areas - considered protected areas even though they are placed in the chiefdoms - must be under the chiefdoms' total control. "[The case is also made](#) that strengthening law enforcement without the involvement of local communities is likely to serve to antagonize these communities, especially when enforcement is carried out in an aggressive or militaristic manner, resulting in worsening PA-community relations, reduced legitimacy of the PA and wildlife agency concerned, and potentially leading to yet further increases in poaching pressures." There are 36 GMAs in the country involving 76 CRBs (community resource boards) - presumably representing 76 chiefdoms out of a total of 288 (26%).

## Power and Energy

1. Mega-hydropower development to be phased out, dams to be removed.
2. Where electricity is not available, provide basic internet access using solar-powered containers fitted with a VSAT satellite link to the internet and a local Wi-Fi network. [Mach Works](#) and LinkNet can deliver this. These are essential for the wise ecosocial development and conservation of the chiefdoms of Zambia. Works Macha will assist with 1) establishing

[a satellite link](#), 2) [holistic assistance](#), 3) [Jatropha bio-oil for farmers scheme](#).

## Commerce

1. Encourage cooperative ownership structures for businesses.
2. Strictly control imports – bearing in mind the destruction of local industry in Northern Province in 1897 with the arrival of the BSA Company and British imports, and the recent destruction of the textile industry by mainly Chinese imports. The term 'Free Market' is beguiling. It allows the [plundering corporates](#) to be ushered in: The African Continental Free Trade Agreement ("AfCFTA") entered into force on [30 May 2019](#) is a disaster. It will likely be hijacked by such as the Chinese.

## Community-Based Donor Projects

1. Phase-out all community-based donor schemes that impinge on the sovereignty of the chiefdoms. The chiefdoms' traditional guardians must replace the militaristic anti-poaching operations. Villagers should be tried only in the chiefs' court and not imprisoned. A game quote should be issued by community resource boards (CRBs) to all headmen (in Bangweulu, lechwe and sitatunga) in the 40 or so chiefdoms with GMAs prosecution of villagers. In those chiefdoms without GMAs, the traditional policing system should be the sole responsibility of the traditional fish and game guardians under the chief's direction. The chiefs' court should take responsibility for sentencing poachers from the chiefdom to community service. Invader poachers are to be handed over to the government wildlife authority.

## Agriculture

1. It is important to note that in the analysis of threats posed to 8,688 species on the IUCN species endangered list - if one includes agricultural pollution and the introduction of genetic material, agriculture is responsible for 6,942 of the threats.
2. A cogent fire policy to be enforced (late-early-burning) to protect the biotic carbon stocks and commoner agriculturists' ecology. Zambia's annual fire regime needs to be controlled. Early burning policies must be banned and converted to late-early burning - a major difference.
3. The world's soils are degrading at an unprecedented rate. All chiefdoms must implement a [Soil Doctors Programme](#) and ban land chemicals. An agroecological strategy is implemented where the 100 drought resistant traditional seeds of history (sorghum, millet, bulrush millet, cassava and the non-hybrid maize) are grown, delivering villagers full protection from the GMO seed/herbicide predators, and where the state is forced to reform the hybrid maize/nitrogen fertilizer and herbicide tyranny—also, stringent controls on importing chemicals to be implemented along with a ban on maize exports. Chiefdoms must control maize farming - although the state encourages it as an export rent basket.
4. The commodification of ecosystem services to be severely curtailed, for, [as Lohmann writes](#), 'the idea that sale of ecosystem services will make the fortune of Southern countries is about as plausible as the idea that neo-extractivism, by destroying commons, will become a source of redistributable wealth that can repair them.'
5. Implement Project [Drawdown solutions](#) for agriculture (No 5- 19). I selected some - designed to deal with global warming - but suitable for sustainable agriculture as relevant for deriving a Guardian's Manifesto for Zambia.
6. Plant-rich diet - Zambians are over-reliant on the annual maize because the government profits from maize production. But this monoculture is

grown at a massive cost - in 2017, 40% of children were stunted, 10% of women of reproductive age underweight, a high percentage of teenagers pregnant, and children as young as seven used as labour. In rural areas, one maize porridge meal a day is the norm.

7. *Tropical forests* - Zambia's forests are not as they once were, the rampant early burning destructive - though the smoke [fertilizes the Amazon and tropical ocean regions with phosphorous](#).
8. *Educating girls* - their well-being, education, and security of tenure in customary areas is essential. But again, is it measurable? The current oppression of child marriage, sexual cleansing, HIV and the like needs to be tackled by a more aggressive education system, appropriate legislation, and strict cultural controls imposed by chiefs, headmen and spiritual advisers.
9. *Family planning* - family and population control are essential to the future of Zambia. This solution - Educating Girls-Women Smallholders - would by 2050 reduce the world's population by 1.1 billion fewer people. However, this does not take into account the abuse of girls.
10. *Solar farms* - photovoltaic (PV) panels provide a small amount of clean and low-cost power but considerable damage to customary and public lands elsewhere. If erected, they must be severely limited and off-grid.
11. *Regenerative agriculture* - maintaining and increasing carbon-rich organic matter in soils is essential, given villagers' increasingly sedentary disposition due to population pressure. As Drawdown explains, regenerative agricultural practices include no-tillage, diverse cover crops, in-farm fertility (no external nutrients), no pesticides or synthetic fertilizers, and multiple crop rotations.
12. *Change to an emphasis on perennial crops*. At present, in the world, 89% of cultivated land is under annuals. Perennials are far hardier than annuals.
13. *Conservation agriculture* - tillage-free agriculture practised for many years under the Chitemene system is a low-population strategy. However, Zambia now has a population - according to the UN - of 18.5 million. It should, therefore, be discouraged.

14. Adopt tree intercropping - another variant of trees' carbon locking ability and their delivery of suitable conditions for annuals to flourish and multistrata agro-forestry - this is layered agriculture, a variant of its use trees and agricultural land.
15. Alternative cement – in rural areas, there is no need to use cement, traditional pole and dagga (mud) sufficing. But what should be adopted is the ancient construction method of rammed earth, *pisé de Terre*, stamped earth houses. [Association la Voute Nubienne \(AVN\)](#)
16. Forest protection - in Zambia, the protection of the customary areas is essential for forest protection and everything else to do with Zambia's socio-ecology. The UNFCCC's REDD+ neoliberal scheme needs to be closed.
17. Composting is an ancient practice not much used in Zambia but increasingly necessary as people become more sedentary.
18. Women smallholders - do most of the cultivation within their traditional *ichima* workgroups. Therefore, their usufructuary rights need to become law.
19. [A truly essential oil](#), Neem oil (AZADIRACTA INDICA), must be used by all chiefdoms as an organic insect pesticide. Contact: Soft Chulu (softchulu@gmail.com) School of Engineering Information and Communications University, Lusaka Zambia. And refer to the [article on its uses](#).

## Socio-ecology

1. The villager carrying capacity (CC) of the chiefdoms is finite. Therefore, the CC needs to be assessed, land and resource conservation introduced, birth control and immigration containment measures implemented.

## Wildlife & Fisheries

1. Consideration of the management of the fisheries is of great importance. Full control is to be exerted traditionally through the *Chipupila* fish guardians serving under the chiefs. In *Natchituti's Gift*, Gordon mentions that the "Mweru-Luapula clan heads owned the land and lagoons. Then the colonials imposed new legal regimes that defined the fishery as a tribal commons. When tenure rules are so imprecise, and regulations governing property rights are rarely enforced, informal rules of access and ownership tend to prosper."
2. The problem of damage to life and property by wildlife - given increased human populations and government incapacity - is poorly attended to, leaving villagers exposed and subject to greater food insecurity, made worse by the refusal of the state to pay compensation for wildlife crop damage on the pretext that it is not covered in the Wildlife Act. As a result, this major factor in rural poverty where wildlife populations exist is not mentioned in Zambia's poverty reduction strategy. However, the land tenure expert Professor Mvunga believes that the state as the 'owner' of wildlife being supported on customary area is liable to pay compensation for losses incurred through legal precedent under English common law on which Zambian statutory law is based. The logical effect of this should be to persuade the state that devolution in respect of wildlife ownership is inevitable.
3. Allocate exclusive blocks of land and its wildlife to communities.
4. Develop robust and fair Public-Private Partnerships, and implement customary villager anti-poaching measures that do not compromise the spiritual nature of the chieftdom.
5. Revise the legal framework to cater to the above.
6. As ZAWA was scrapped and replaced by the Department of National Parks & Wildlife (DNPW) government has to take greater responsibility for its funding.
7. The decline of the World's Biodiversity & Ecosystems. In the [Swiss RE Institute's report](#) on the world's rapidly declining state of biodiversity

and ecosystem services, Southern Africa's condition is shocking. However, Zambia appears clothed in light green, a moderate status. This 'bleaching' requires an ecological change that customary commoners can only bring about land having secure land and natural resource tenure. Here lies the challenge supreme.

## Chiefs

1. Chiefs must not participate or take sides in politics. But if they do, they must bear the Republican Constitution in mind: Article 168 of the Constitution [Amendment] Act no.2 of 2016 provides that, "(1) Subject to clause (2), a chief may seek and hold a public office. (2) A chief who seeks to hold office in a political party or election or appointment to a State office, except that of Councillor, shall abdicate the chief's throne.
2. Any chief being party to the alienation of customary land to leasehold must be removed.
3. As [Chileshe](#) concludes: "It is important to note however, that currently on customary lands of Zambia chiefs control land, and it is one of their main sources of power. For this reason, chiefs should not be left out of the land administration committee without representation otherwise disruptive new power struggles would emerge. This means national land policy should lay down how chiefs and headmen will operate as land administrators, including a legal requirement to work with democratically elected officials from the village community. It is suggested that the law should strengthen the local Village Productivity Committees (VPCs) by democratizing them and giving them clear powers to administer land rights on behalf of the village communities.

## A GUARDIANS' MANIFESTO

## A Municipal Manifesto

*War makes death real to us...All the animal life in us, all schemes of happiness that centred in this world, were always doomed to a final frustration. In ordinary times only a wise man can realize it. Now the stupidest of us knows. We see unmistakably the sort of universe in which we have all along been living, and must come to terms with it.*

*C.S. Lewis - Learning in War-Time*

*I'm a pessimist because of intelligence, but an optimist because of will*  
*Antonio Gramsci - Gramsci's prison letters*

\* \* \*

## Imports

1. **Strictly control imports** – bearing in mind the destruction of local industry in Northern Province in 1897 with the arrival of the BSA Company and British imports, and the recent destruction of the textile industry by mainly Chinese imports. The term ‘Free Market’ is beguiling, for it allows to be ushered in [the plundering](#) corporates: The African Continental Free Trade Agreement (“AfCFTA”) entered into force on [30 May 2019](#) is a disaster.

## Debt

1. The debt problem is to be taken in hand. Greg Mills revealed the parlous financial situation in [Zambia](#) in 2019: “Foreign debt has today ballooned to \$9.5-billion, excluding government guarantees estimated at \$1.2-billion. In the process, the debt-to-GDP ratio has increased from 25% in 2012 to more than 70% in 2018 through a combination of regular borrowing from the Chinese and other development partners, a \$3-billion Eurobond issue over three years (2012, 2014 and 2015), taking out “bridging loans” from the Bank of Zambia and syndicated loans with commercial banks, scaling up the issuing of government securities in 2016 and 2017, and the conversion of fuel payment arrears into loans. The 2019 budget highlights that external debt service payments will increase by 90% in 2019 to \$1.4-billion. Debt service costs, which accounted for 27% of all revenue raised in 2018, risks becoming the largest government expenditure component. And the spending hangover is about to strike. Some \$750m of Eurobond debt matures in 2022, \$1-billion in 2024, and \$1.25-billion between 2025 and 2027. The grace repayment period on some of the larger Chinese loans also ends in 2020. Local debt has increased, too, to more than \$5-billion. Rather than being put exclusively to productive purposes

such as investing in infrastructure, much of this new debt has been spent on salaries and corruption. The public service comprises 237,000 of the 625,000 people who are formally employed in the economy. Public service salaries, which have increased by more than 50% in real terms since 2011, account for nearly half the government budget. If debt service is half of the budget and salaries the other half, that will leave nothing over to enable development. Something will have to give.”

## Annual dividend

1. A basic annual dividend must be paid to all adults in Zambia from a Permanent Commons Fund into which the government pays a share of mining, land and carbon taxes. Therefore a Permanent Commons Fund - along the lines of the Alaska Permanent Fund, [is recommended](#).

## Action

1. Adopt the UN Office for Disaster Risk Reduction’s (UNDRR) [Sendai Framework for Disaster Risk Reduction 2015-2030](#). UNDRR defines itself through its multi-stakeholder coordination approach based on its relationships with national and local governments, intergovernmental organizations and civil society, including the private sector, and by its mode of operating through a network of global partners.
2. Introduce democratic proportional representation, not first-past-the-post voting
3. Incorporate [The Earth Charter](#) - a soft-law document - of the Earth Charter Commission. In 2008, the Workers Education Association of Zambia joined Earth Charter International as an Affiliate. The Association has organized several activities to promote the Earth

Charter, such as a Local Community Summit on Climate Change, held in October 2008 and promoted by Earth Charter USA. These two organizations also started the Community Action on Poverty and Environment (COPE) Project in 2009. This project continues to promote direct actions to solve some pressing issues in Zambian rural communities.

4. Dismantle power structures for more equitable citizen participation in a local economy, making the local community the building block
5. The *antibiotic resistome* - the worldwide pool of resistance genes that bacteria may acquire - presents a [massive threat to humanity](#). As Ian Angus remarks, “This means that the use of antibiotics—including any new ones that may be discovered—must be stringently limited to essential cases, and all waste must be contained and destroyed. Agricultural use of antibiotics, except to treat specific diseases in individual animals, must be stopped—period.” And adding, “Addressing AMR effectively will require a level of global effort and redirection of resources comparable to the fight against climate change, biodiversity loss, and other ecological crises that define the Anthropocene. If pharmaceutical business as usual prevails, the new epoch will be a time when few if any antibiotics work and bacterial evolution will remake Earth’s life-support systems in ways we cannot predict.” Here the U.N. campaign of action must be supported. The first challenge is to counter the lack of a [comprehensive economic model](#) for fully assessing the impact of antimicrobial resistance and the cost and effectiveness of interventions to reduce the emergence and transmission of such resistance’.
6. Declare ecocide an international crime through the Rome Statute of the International Criminal Court
7. Confirm the [UN Charter](#), the UN’s 17 [Sustainable Development Goals](#), the [Universal Declaration of Human Rights](#), the [UN Framework Convention on Climate Change](#) ([UNFCCC.int](#)), and the [Paris Agreement](#)
8. Introduce GND policies NOT tied to economic growth. (Note the

contradictions in [producing renewable power](#))

9. Introduce binding regulations on water conservation and use
10. Fully develop public transportation, a national rail system and bicycle-friendly infrastructure.
11. Discourage global trade so that individual countries consume according to their own ecological limits
12. Regulate financial markets so that financial actors comply with strict sustainability and social criteria that work towards the necessary transitions
13. Ensure appropriate investment which avoids austerity
14. Create and ensure a public Green Investment Plan
15. Provide a legal, universal definition of climate refugees, a legal and universal definition of internally displaced people due to climatic reasons, ensuring that our foreign policies are oriented towards protecting their rights.
16. Ensure a commercial environment where every business person is free from unfair competition and domination by domestic or international monopolies
17. Compulsory saving and confiscatory taxation of higher income
18. Provide full employment
19. Ensure control of the public and customary commons by the chiefdoms

## Power

1. Manage power demand through clean, renewable, and zero-emission energy sources following the example of the Netherlands that '[recently passed a Climate Accord](#) requiring that the community own 50% of all new renewable energy or co-operative groups share profits locally'.
2. Phase-out dams
3. Remove profit from increased energy use and immediately reward energy conservation.

4. Cease use of palm oil and soy
5. Promote the development of local, small-scale biodiesel production from used vegetable fat - [but bear in mind the pitfalls of biofuels.](#)

## Investment

1. Abandon GDP (Gross Domestic Product) as a measure of progress and replace it with a more holistic alternative such as the Genuine Progress Indicator (GPI)
2. Invest in decaying public infrastructure
3. Require manufacturers to offer extended warranties on all material products to encourage longer lifespans.
4. Legislate a “right to repair” and introduce laws against planned obsolescence.
5. Ban advertising in public spaces.
6. Introduce financial transaction taxes.
7. Increase resource royalties.
8. Introduce the “polluter pays” principle.
9. [Create public banks](#) tasked with using state and local funds for the public good, not private profit.
10. Implement a European type of Green Rule: privilege environment and climate over the free market, end the quest for profit and rethink our society’s functioning according to ecosystems limits.
11. Plug into EVs; by 2030, ensure all new cars are electric; by 2040, replace all internal combustion engine vehicles with electric vehicles.

## Indigenous people (IP)

1. The Battle Plan must meet the demands of IP people for securing indigenous knowledge and being responsible to God for the care of customary land.
  2. In South America, the [Buen Vivir](#) movement supports the IP way forward.
  3. Recognize the ecological debt owed by the global North to the global South
  4. Institute the precautionary principle for all developments.
  5. Severely limit mining and deposit advance funds against future environmental impacts in a trust fund.
  6. Prohibit [IP shareholding in mining & oil pipelines](#) as an affront to their culture
  7. Recognize IP's right to self-determination.
  8. The state to honour and fulfil all obligations that entitle IP to land, water, food, hunting & fishing rights, medical, housing, etc.
  9. Provide reparations for historical injustices and pollution.
  10. With the agreement of the IP, adopt the right to Free, Prior and Informed Consent (FPIC) and 1) implement the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and 2) follow the concerns expressed in [\*Indigenous Nations' Rights in the Balance: An Analysis of the Declaration on the Rights of Indigenous Peoples\*](#).
  11. Support IP in making a "just transition," in which social and ecological needs are prioritized in the shift to an ecological society
  12. Commit to ecological solutions to the climate crisis that foster local autonomy and self-sufficiency
  13. Reject carbon trading
  14. Adopt [The Indigenous Peoples Major Group gold standard](#) on rights-based approaches for restoration and conservation (hopefully endorsed by the Global Landscapes Forum (GLF)):
- Strengthen respect, recognition and protection of the rights of Indige-

nous peoples and local communities, including women

- Bring an end to the criminalization and persecution of land and environment defenders.
- Increase recognition of, and sustained support to, indigenous peoples and local communities –including women – as stewards and bearers of solutions to landscape restoration, conservation, and sustainable use;
- Build partnerships to enhance engagement and support for rights-based approaches to sustainable landscapes across scales and sectors; and
- Dramatically scale-up efforts to legally recognize and secure collective land and resource rights across landscapes.

## Wildlife

1. Implement an ecological revolution for equilibrium
2. Invest in wildlife - including species and genetic diversity
3. Maintain non-commercial ecosystem services
4. Restore native plant communities, and re-wild with native species
5. Develop and adopt adequate policy instruments to remedy defaunation - such as a [defaunation index](#), the poaching crisis, and the exploitation and trade of threatened species
6. Increase outdoor nature education for children, and society
7. Preserve ecosystems, their recovery and restoration
8. Ensure that the public commons and waters are protected and that eminent domain is not abused
9. Provide a legal basis for climate justice and ensure climate policies follow the law
10. Map flood plains and other areas of natural vulnerability and adjust land-use plans accordingly

## Agriculture

1. Rapidly shift to sustainable agriculture and fisheries, including shorter supply chains, full environmental compliance and food sovereignty.
2. Stop factory livestock production and redeploy land resources by applying taxation, fines and fees.
3. Only allow small-farm agriculture free of most insecticides and chemical fertilizers and allowing for holistic grazing by cattle.
4. Invest in sustainable farming and land-use practices that increase soil health
5. Increase the production of Biochar and compost
6. Secure and support women smallholdings
7. Land should be made available to all. Mechanisms need to be worked out on who qualifies, where they qualify, when they qualify and how they are enabled to access the land. Ensure that people do not lose their only land through being forcefully dispossessed or distress sales, or if they do, they are enabled to redeem their land.

## Plunder economy controls

1. Recognize capitalism's exploitation and oppression of humans
2. Oppose market-driven solutions to the climate crisis
3. Introduce proportional representation and consultation on all legislation concerning collective rights, i.e. the public commons and environmental protections, and include legislation that restricts corporate interests
4. Disallow corporate money for political campaigns
5. Close down secrecy jurisdictions and introduce a global minimum corporate tax to wipe out tax evasion. Use the proceeds of these taxes

and the above-mentioned fees on resource use, emissions and waste, to (a) help fund the rapid rollout of energy infrastructure, (b) contribute to a universal basic income, and (c) invest in public goods.

6. Introduce the ownership and democratic control of production, starting with the energy and financial industries
7. Introduce high taxation of the 1% and the corporations most responsible for the economic and environmental crises
8. Provide an economic bill of rights and financial reform
9. Oppose the global move to centralize economic authority through the Investor-State Settlement System (ISDS) [through](#) the TTIP, NAFTA, and CETA. The ISDS allows companies to sue the government if policy changes – even ones to protect public health or the environment – are deemed to affect their profits. These lawsuits bypass domestic courts and occur before an international tribunal of arbitrators, three private lawyers who decide whether private profits or public interests are more important. Across the world, investor-state tribunals have granted big business billions of dollars from taxpayers’ pockets – often in compensation for public interest measures.

## Infrastructure

1. Introduce progressive taxes on resource use, emissions and waste, or impose caps on these activities and tighten them each year.
2. Spur growth in clean manufacturing
3. Stop building new infrastructure projects that lock us into increased extraction decades into the future.
4. Modernize via rail, expand service and ensure trans-modal connections to light rail and electric buses
5. Develop an alternative to cement such as stamped earth

## Social wellbeing

1. Introduce a [Universal Basic Income](#) (UBI)
2. Introduce a Universal Minimum Wage
3. Achieve net-zero greenhouse gas emissions through a fair and just transition for all communities
4. Provide full employment
5. Provide family planning
6. In rural areas, provide access to clean cooking stoves
7. Provide all people with (i) high-quality health care; (ii) affordable, safe, and adequate housing; (iii) economic security; and (iv) clean water, clean air, healthy and affordable food, and access to nature
8. Ensure immigration status and full protection for all workers.
9. Expand universal social goods and reinstate the commons, to ensure that people can access the resources they need to live well without high-income levels. Introduce a system of [universal basic services](#)
10. Shorten the working week and distribute available work more equally to ensure full employment.
11. [Roll out a wealth tax \(Thomas Piketty\)](#) and a financial transaction tax.
12. Democratize workplaces and encourage co-operative ownership structures for businesses

## The Oasis Forum Strategic Plan

1. Conduct public debates and consultations about laws requiring reform
2. Mount a civic education campaign to introduce people to basic principles of a constitution and governance, including the rule of law, through media, workshop meeting
3. Arrange points for collecting submissions from the public

4. Gender training in constitutional drafting
5. Drafting a popular constitution
6. Carry out Constitutional development conferences
7. Annual Convention
8. Convening of a Constituent Assembly

## Finance

1. Create a People's Bank - suggested as a solution to corruption by a former director of the Reserve Bank of South Africa, Stephen Mitford Goodson. 'Such a bank does not loan money to the government at interest. A conventional central banking system perpetuates neoliberal capitalism'. In his book, [Goodson](#) 'provides a series of appendices on draft legislation for exactly how to implement a sound banking system, creating for the first time genuine sovereignty, prosperity and justice.' A former Goldman Sachs banker, Nomi Prins, adds an opinion in Truthout [\(here\)](#).
2. [Roll out](#) a wealth tax and a financial transaction tax.

## Political and contractual binding covenant

1. Citizens' assemblies must take these proposals on board and prioritize actions by themselves for government and progressive social leaders. At elections, any decision by an individual or party must state its policy and sign a legal covenant to the effect that they will not deviate from their publicized position regarding actions needed to destroy nature, climate change, and increasing poverty. Should they break the agreement, the individual, the party, must resign or face legal action.

## A Five-Year Appraisal

1. After five years of the full operation of a Guardians' Assembly - hopefully, joined by the Urban Assemblies - a convention of delegates should be pass judgement on the party-political system and functioning of government. Should the vote carry 88% of the delegates, then move to an overdue change and strengthening of the political system, a change which the former leader of the opposition Rhodesia Party, [Allan Savory](#), [recommended](#) as follows: *The country would be divided into electoral districts or constituencies much as today but with the district boundaries determined by the Judiciary and not politicians. The aim would be to prevent manipulating the voter's roles, constituency boundaries and more by the political parties in power. Any individuals could stand for election if their application to do so was supported by a certain number of signatures of people resident in that constituency (assume 2,000 for illustrative purposes). These individuals would appeal for the vote in their area based on their character, reputation and record in the community and their desire to serve their community and nation in this capacity. They would raise their own funds from supporters and stand on their merit. Any candidate for Parliament found to be financially supported by any corporation, or special interest group would be disqualified and never again allowed to stand for public office.*

\* \* \*

## Green New Deal in Canada

[Green New Deal Communities organizing Guide](#) 3 March 2021.

## **What is a Green New Deal?**

A Green New Deal is a transformational project that recognizes the urgency of our interlocking crises — including the climate emergency, the COVID-19 pandemic, ongoing colonization, economic inequality, racism, unjust treatment of migrants, and other ways that our society makes people vulnerable — and the scale of change necessary to tackle them. It is more than a policy — it is an idea for massive societal transformation that has sparked movements worldwide. The world’s scientists and Indigenous Peoples tell us that we have to change course — and we need to do it quickly. We have to cut our global greenhouse gas emissions by at least 60 percent below 2005 levels by 2030 if we are going to have a livable planet in the future. Pledges from governments and Big Oil to reach “net zero emissions by 2050” sound good on the surface but leave a lot of room for interpretation. “Net-zero” can be used to cover false “solutions” like carbon capture and storage. We need real and substantial emissions reductions in this decade. A Green New Deal for all will ensure that transformation is carried out equitably. It is rooted in climate justice principles, that it centres the rights of Indigenous Peoples, and that it creates over a million jobs in the process.

At the Council of Canadians, we want a Green New Deal that:

- Is a Just Transition, divesting from polluting projects and creating jobs in clean-up, renewable energy production, efficiency, and beyond
- Invests in public infrastructure and services
- Centres Indigenous self-determination
- Ensures that social justice, equity, and human rights are a central part of climate action
- Opposes hate and systemic racism
- Defends and expands democracy
- Is paid for by tax fairness
- Prioritizes public health

**We take responsibility for real change.**

No one else will do this for us. For decades we've been told that only outside experts can solve the climate crisis. But this has only delayed action and kept power in the hands of a polluting and inequitable status quo. By choosing to act in local communities around tangible goals, we're taking responsibility for our community's needs — together.

### **We start with our own communities.**

A Green New Deal led by communities connected across distance will address local needs while also building the political power we need to make aggressive shifts in national climate policy. Communities know the local changes they need, and by connecting local movements across distance we're identifying common goals that we can leverage for national change.

### **Why join Green New Deal Communities?**

We work to support local campaigns in multiple locations and make connections to build the Green New Deal together. Through this work, we can make a tangible change on the ground and organize and inspire communities for bigger wins in the future. If you have already developed, or want to develop, a locally rooted campaign relating to any issues under the banner of the Green New Deal, including but not limited to:

- Emissions targets
- Shutting down or blocking fossil fuel extraction, exploration, and transportation
- Decent work and worker transition to low-carbon jobs
- Education
- Indigenous rights, title, and sovereignty
- Equity, migrant justice, and antiracism
- Policing
- Forestry, mining, or other extractive industry
- Affordable green public housing

## A MUNICIPAL MANIFESTO

- Ending corporate capture of development
- Transit and transportation
- Drinking water and wastewater
- Food sovereignty, agroecology, and reforestation
- Revenue generation to pay for the transition
- Another justice issue your community is facing

## A Country Manifesto

*A manifesto is a published declaration of the intentions, motives, or views of the issuer, be it an individual, group, political party or government. A **manifesto** usually accepts a previously published opinion or public consensus or promotes a new idea with prescriptive notions for carrying out changes the author believes should be made.*

*Wikipedia*

*Covid-19 has shaken the world. It has already led to the loss or devastation of countless lives, while many people in vital professions are working day and night to attend to the sick and stop further spread. Personal and social losses, and the fight to stop these, demand our continued respect and support. At the same time, it is critical to view this pandemic in historical context in order to avoid repeating past mistakes when we plan for the future.*

*The fact that Covid-19 has already had such a major economic impact is due, amongst other factors, to the economic development model that has been dominant globally over the last 30 years. This model demands ever-growing circulation of goods and people, despite the countless ecological problems and growing inequalities it generates.*

*A further weakness of the current system, and one that is not yet*

*prominent in discussions of the pandemic, is the link between economic development, the loss of biodiversity and important ecosystem functions, and the opportunity for diseases like Covid-19 to spread among humans. These are lethal links and could become much more so.*

[Dutch Five](#)

\* \* \*

## Action

1. Establish Citizens' Assemblies to deal with ecological overshoot and political corruption.
2. [The ecological solution](#): Remove the crisis's cause by reducing environmental impact as swiftly as humanly possible. The impact is determined by per-capita consumption, population, and efficiencies. Therefore decrease consumption and population as quickly as socially feasible, and increase efficiencies as quickly as technically feasible.
3. Consider adopting the UN Office for Disaster Risk Reduction's (UNDRR) [Sendai Framework for Disaster Risk Reduction 2015-2030](#). UNDRR defines itself through its multi-stakeholder coordination approach based on its relationships with national and local governments, intergovernmental organizations and civil society, including the private sector, and by its mode of operating through a network of global partners.
4. Introduce democratic proportional representation, not first-past-the-post voting
5. Consider [The Earth Charter](#) - a soft-law document - of the Earth Charter Commission.
6. The *antibiotic resistome* - the worldwide pool of resistance genes that

bacteria may acquire - presents a [massive threat to humanity](#). As Ian Angus remarked: *This means that the use of antibiotics—including any new ones that may be discovered—must be stringently limited to essential cases, and all waste must be contained and destroyed. Agricultural use of antibiotics, except to treat specific diseases in individual animals, must be stopped—period.* The first challenge is to counter the lack of a [comprehensive economic model](#) for fully assessing the impact of antimicrobial resistance and the cost and effectiveness of interventions to reduce the emergence and transmission of such resistance’.

7. Declare ecocide an international crime through the Rome Statute of the International Criminal Court
8. Confirm the [UN Charter](#), the UN’s 17 [Sustainable Development Goals](#), the [Universal Declaration of Human Rights](#), and revisit the [UN Framework Convention on Climate Change \(UNFCCC.int\)](#) and the [Paris Agreement](#)
9. Introduce development policies NOT tied to profit. (Note the contradictions in [producing renewable power](#))
10. Introduce binding regulations on water conservation and use
11. Develop bicycle-friendly infrastructure
12. Discourage global trade so that individual countries consume according to their own ecological limits
13. Create a public Green Investment Plan

## Power

1. Phase-out and remove dams.
2. Remove profit from increased energy use and immediately reward energy conservation.
3. Investigate the introduction of TEQs ([Tradable Energy Quotas](#)), an electronic system for fairly reducing consumption of carbon-intensive energy, at the national scale
4. Cease use of palm oil and soy.
5. Realize the potential of natural carbon sinks, reject geoengineering and

techno-fixes such as carbon capture and storage.

6. Enshrine the right to limited renewable energy but fully consider its negative elements again.
7. Promote the development of local, small-scale biodiesel production from used vegetable fat - [but bear in mind the pitfalls of biofuels.](#)

## Climate Change

1. [Promote a clear scientific understanding of climate change](#) and calls for a transition to renewable energy.

## Investment

1. Abandon GDP (Gross Domestic Product) as a measure of progress and replace it with a more holistic alternative such as the Genuine Progress Indicator (GPI)
2. Invest in decaying public infrastructure
3. Ban advertising in public spaces, like Sao Paulo and other cities, have done.
4. Introduce the “polluter pays” principle.
5. [Create public banks](#) tasked with using state and local funds for the public good, not private profit.

## Indigenous people

1. Secure indigenous knowledge, belief in Nature and science. In South America, the [Buen Vivir](#) movement supports the people’s way forward, and in Canada, the [Indigenous Guardians movement](#) is now financially backed by the federal government.
2. Recognize the ecological debt owed by the global North to the global South
3. Institute the precautionary principle and Free, Prior and Informed Consent (FPIC) for all developments.

4. Severely limit mining and deposit advance funds against future environmental impacts in a trust fund.
5. Prohibit chiefdoms and municipality [shareholding in mining & oil pipelines](#) and industrial agriculture
6. Recognize the chiefdoms' right to self-determination.
7. The state to honour and fulfil all treaty obligations that entitle IP to land, water, food, hunting & fishing rights, medical, housing, etc.
8. Provide reparations for historical injustices and pollution
9. Promote justice and equity by stopping and repairing Indigenous Peoples' historical oppression, communities of colour, migrant communities, de-industrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, the homeless, people with disabilities, and youth.
10. With the agreement of IP, implement the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) tied to the right to Free, Prior and Informed Consent (FPIC)
11. Strongly protect women and girls, and assist with birth control.
12. Support IP in making a "just transition," in which social and ecological needs are prioritized in the shift to an ecological society
13. Reject carbon trading
14. Adopt the [Indigenous Peoples Major Group gold standard](#) on right-based approaches for restoration and conservation (hopefully endorsed by the Global Landscapes Forum (GLF)):
  - Strengthen respect, recognition and protection of the rights of Indigenous peoples and local communities, including women;
  - Bring an end to the criminalization and persecution of land and environment defenders.
  - Increase recognition of, and sustained support to, Indigenous peoples and local communities –including women – as stewards and bearers of solutions to land restoration, conservation, and sustainable use;
  - Build partnerships to enhance engagement and support for rights-based approaches to sustainable landscapes across scales and sectors; and

- Dramatically scale-up efforts to legally recognize and secure collective land and resource rights across landscapes.

## Wildlife

1. Invest in wildlife - including species and genetic diversity
2. Maintain non-commercial ecosystem services
3. Restore native plant communities and re-wild with native species, especially apex (top of the food chain) predators such as lion and leopard
4. Develop and adopt adequate policy instruments to remedy defaunation - such as a [defaunation index](#), the poaching crisis, and the exploitation and trade of threatened species
5. Increase outdoor nature education for children, and society
6. Preserve ecosystems, their recovery and restoration
7. Ensure that the public and customary commons - the chiefdoms - are protected and that [eminent domain](#) is not abused

## Agriculture

1. Shift to sustainable agriculture and fisheries, including shorter supply chains, full environmental compliance and food sovereignty.
2. [Transform agricultural land use](#).
3. Stop factory livestock production and redeploy land resources by applying taxation, fines and fees.
4. Only allow small-farm agriculture free of most insecticides and chemical fertilizers and allowing for holistic grazing by cattle.
5. Invest in sustainable farming and land-use practices that increase soil health
6. Increase the production of Biochar and compost
7. Food waste to become a thing of the past (see [The Economics of Food Waste](#))
8. Secure and support women smallholdings
9. Make land available to all. Mechanisms need to be worked out on who

qualifies, where they qualify, when they qualify and how to give them access to land. Ensure that people do not lose their only land through being forcefully dispossessed, or if they do, ensure they are enabled to redeem their land.

## Plunder economy controls

1. Recognize capitalism's exploitation and oppression of humans
2. Introduce proportional representation and consultation on all legislation concerning collective rights, i.e. the public commons and environmental protections, and include legislation that restricts corporate interests
3. Disallow corporate money for political campaigns
4. Close down secrecy jurisdictions and introduce a global minimum corporate tax to wipe out tax evasion. Use the proceeds of these taxes, and of the above-mentioned fees on resource use, emissions and waste, to (a) help fund the rapid rollout of energy infrastructure, (b) contribute to a universal basic income, and (c) invest in public goods.
5. Revisit [Social Credit](#) which '*is opposed to full employment as a fixed objective. People should only be required to labour in the formal economy insofar as their work is actually needed in the provision of those specific goods and services that they would independently select (i.e. if their choices were not conditioned by the artificial scarcity of money that is an inherent characteristic of the present financial system)*'.
6. Introduce the ownership and democratic control of production, starting with the energy and financial industries
7. Introduce high taxation of the 1% and the corporations responsible for the economic and environmental crises

## Infrastructure

1. Review all infrastructure investments for adaptation to climate change.
2. Invest in a public programme of flood defences
3. Remove waste sites, incinerators, polluting industries, generators, transportation hubs and highways from oppressed communities.
4. Introduce progressive taxes on resource use, emissions and waste, or impose caps on these activities and tighten them each year.
5. Spur growth in clean manufacturing
6. Stop building new infrastructure projects that lock us into increased extraction decades into the future.
7. Modernize via rail, expand service and ensure trans-modal connections to light rail and electric buses
8. Develop alternative cement

## Social wellbeing

1. Introduce a Universal Basic Income (UBI) and revisit [Social Credit](#)
2. Introduce a Universal Minimum Wage
3. Provide full employment and transition to union jobs.
4. Provide family planning
5. Provide access to clean cooking stoves
6. Provide all people with (i) high-quality health care; (ii) affordable, safe, and adequate housing; (iii) economic security; and (iv) clean water, clean air, healthy and affordable food, and access to nature.
7. Impose fees on [food waste](#) while banning it from landfills, as [South Korea](#) has done.
8. Prevent supermarkets from trashing food, as [France](#) and [Italy](#) have done
9. Oppose many of the social laws artificially imposed by capitalism
10. Revert to the standard of living of the 1970s
11. Build a world of genuine equality and human community—the only conceivable basis for human development and survival
12. End all trade deals that interfere with our attempts to rebuild local

- economies, regulate corporations and stop damaging extractive projects
13. Ensure immigration status and full protection for all workers.
  14. Expand the sectors of our economy that are already low carbon: caregiving, teaching, social work, the arts and public-interest media
  15. Introduce a national childcare program
  16. Declare “austerity” – which has systematically attacked low-carbon sectors like education and healthcare while starving public transit and forcing reckless energy privatizations – a threat to life on earth
  17. Expand universal social goods and reinstate the commons, to ensure that people can access the resources they need to live well without high-income levels. Introduce a system of [universal basic services](#)
  18. Shorten the working week and distribute available work more equally to ensure full employment.
  19. [Roll out a wealth tax \(Thomas Piketty\)](#) and a financial transaction tax.
  20. Democratize workplaces and encourage co-operative ownership structures for businesses
  21. Give people, especially the youth, a voice in our climate and environmental policies.

# III

## TOOLS AND GUIDES

*Citizens'Assemblies*

*Action Guides*

*Landsafe Chiefdoms*

*International Ecosocial Manifesto*

*Vic Falls Declaration (2019)*

*CBNRM*

*Sustainable Development*

*Biodiversity Reports*

*International Supports*

*Climate Change +*

*UN Convention Biological Diversity 2020*

*Land Organizations*



## Citizens' Assemblies

Citizens' Assemblies - by Marcin Gerwin

Guide to democracy that works.

*1 High-quality decisions developed with the involvement of citizens.*

*2 The common good is at the heart of the process.*

*3 Decisions are developed by an independent group of citizens, thanks to the process of random selection.*

*4 Decisions are made after learning about the issue and listening to people with diverse perspectives. The process includes the deliberation phase and consultations with experts.*

*5 High-level consent for decisions - at least 80 percent support of the citizens' assembly.*

*6 The process of organizing a citizens' assembly encourages institutions and organizations to search for solutions and to prepare their recommendations.*

*7 New possibilities and solutions may appear thanks to the nature of the process, which involves the presentation of a wide range of views and*

*perspectives.*

*8 It is a transparent way of making decisions.*

PDF book.

Epub

Mobi

Website: <https://citizensassemblies.org/>

*A **citizens' assembly** is a new form of democracy where decisions are made at a city, national or even at the international level. A citizens' assembly is a randomly selected group of residents according to demographic criteria such as gender and age. It constitutes a city or a country in miniature. The role of a citizens' assembly is an in-depth analysis of a given issue, a deliberation over different solutions, hearing of the pros and cons, and then, making informed decisions.*

*Marcin Gerwin's guide is a step-by-step presentation of how to organize a citizens' assembly, with the primary focus on the city level.*

## Contents

1. Democracy that works
2. Preparation before the citizens' assembly
3. Topic selection
4. Duration of the citizens' assembly
5. Organization team
6. Size of the citizens' assembly
7. Ideal composition of the citizens' assembly
8. Individual profiles
9. Sending invitations
10. Registration of persons willing to participate in the citizens' assembly
11. Promotional campaign
12. Random selection of members of the citizens' assembly
13. Allowance for members of the citizens' assembly

14. Open consultations
15. Programme preparation – learning phase
16. Building an atmosphere – integration phase
17. Programme verification
18. Facilitators
19. Developing recommendations
20. Decision-making – verification of consensus
21. Announcement of the results of the citizens' assembly
22. Implementation of recommendations
23. Citizens' assemblies as a permanent element of democracy
24. Appendix: Basic standards for organizing citizens' assemblies

### **1. Democracy that works**

*Imagine a group of people of different ages who meet in order to settle some matter important for a city, a country or for the European Union. This group was not selected through elections but by lot. It was done in such a way that its structure reflects basic demographic characteristics of a given city or country. People's age, gender, place of residence and education level were taken into consideration. In the country-level citizens' assembly it is worthwhile to consider the division into the city and the village. Thus one obtains a city or a country in miniature.*

*Such a group does not have to be big. It may include 50 or 100 persons. It can be larger when the topic of the assembly is, e.g., changes in the constitution. Its size depends on the size of the city or the country, as well as on the organizational capabilities. It is crucial that the group be considered representative; it should inspire trust and take into consideration a variety of perspectives and life experiences.*

*That group will for the following days listen to presentations by experts, representatives of authorities, NGOs and other groups with an interest or expertise in the topic. They will read expert analyses and comments sent by other residents who were not selected to the assembly by lot. Their*

*role is to study a given topic in depth and consider which solutions will be most favourable from the perspective of the common good.*

*The best name for this group in English, in my opinion, is a citizens' assembly. In Poland we use the name "panel obywatelski" – a citizens' panel, which is also fine. Citizens' assemblies, in different forms and under different names, were 18 organized, among other places, in Australia, Canada, Ireland and USA. They can be organized on almost any topic. The principal limitation here is the time which is needed for the learning phase and for familiarizing oneself with the information necessary to make an informed decision. A short citizens' assembly can be spread over four Saturdays – two days for the learning phase and two days for deliberation – if the matter is simple, however, if need be, there can be a dozen meetings and the entire assembly may be spread over even two years. It all depends on a topic. This method is, by principle, defined as a long-term deliberation.*

*What good does it do? First of all, it provides an opportunity for a high quality of decisions. Members of the citizens' assembly are selected by lot instead of being selected in elections or indicated by someone, thanks to which they can be independent in their judgements. In Poland both the group who will receive the invitations as well as the final group are selected by lot. Only the persons who received the invitation may join the assembly. Due to the fact that there are no elections, there is no political competition among the members of the citizens' assembly – thinking of running the election campaign is completely redundant. One can then focus on the issue the assembly is dealing with and there is no need to worry that if someone changes their mind, then they will not be selected for the assembly again, they will lose their position in their party or in the eyes of their voters. Psychological mechanisms regarding elections do not occur during the assembly at all – there exists nothing here which could cause them. Deliberative democracy simply works in a different way.*

*Before making a decision, the members of the citizens' assembly familiarise themselves in detail with a given topic. They gain knowledge*

*they might not have had before the commencement of the assembly. The premise is that during the learning phase experts present the possibly broadest spectrum of perspectives and solutions in a given matter. Next, in the part of stakeholders' presentations, the representatives of NGOs or institutions are invited to present their positions under the same principles – they enjoy the same time slot for a presentation and their order is selected by lot. The aim is to provide equal opportunities to present different options. Every organization may also send any number of additional educational materials. One councillor from the city of Łódź noted after observing the citizens' assembly in Gdańsk, as a councillor she did not receive such an extensive range of information before making a decision.*

*The mere fact that the fullest possible spectrum of potential solutions is presented enables the quality of decisions made by the assembly to be potentially higher than if there was no assembly. When a citizens' assembly is organised, experts can be invited who would be disregarded during the standard procedure of decision-making by the municipal office or the government. And it is their proposals which could gain the greatest support of the members of the citizens' assembly and become the most favourable from the perspective of the common good.*

*Members of the citizens' assembly think of what will be the most beneficial for them as residents, not from the perspective of the next elections but their entire lives, as well as lives of their children and grandchildren. Such was the attitude of the members of the citizens' assembly in Gdańsk when they were making a decision regarding what to do to improve the air quality in the city. They were thinking in the long-term perspective, not only about themselves, but also about their children. Hence, they decided to adopt very definitive solutions regarding the improvement of air quality, i.e. a total ban on burning coal in 20 household furnaces. They did not have to wonder what would the director of the department or the mayor would say, whether they would gain or lose in the voters' eyes. They are the voters and they are the ones who employ the director of the department or the mayor. They make decisions from the position of supreme authority which in democracy are ordinary*

people. In Poland, this supreme authority of the society (the people) is guaranteed to us in the constitution in article 4.

What is equally crucial when organising a citizens' assembly is to create a positive atmosphere which is conducive to favourable conditions for a conversation and an in-depth consideration of which solutions are the best. At the same time, the transparency of the process is guaranteed – the presentations of experts and stakeholders in the learning phase are transmitted live online and recorded, so it is known who proposes what. In turn, the aspect of universality is guaranteed in such a way that all interested residents may send their comments and remarks to the members of the citizens' assembly.

## **2. Preparation before the citizens' assembly**

It is ideal when the recommendations of the citizens' assembly in a given matter are treated as binding and are implemented. A decision to that effect should therefore be made at the very beginning by the mayor or the councillors. The citizens' assembly may be conducted as public consultations – it will then be a poll on people's expectations in that regard. However, the involvement of members of the citizens' assembly, experts, the municipal office and the organizations will be greater if it is known from the start that whatever is agreed, will be implemented. For a binding effect of the decisions made by the citizens' assembly, it is not necessary to change the law, it can be done informally. A declaration of the mayor or the city council that the assembly's decision will be respected is sufficient. The participatory budgeting has worked under such principles in Poland for many years. Obviously, a change of law would be ideal and if such opportunity arises, it should be done. Nonetheless, one can start with a declaration.

In Gdańsk, it was agreed that the recommendations which gained the support of the members of the citizens' assembly at 80% will be deemed binding. If the support for a given proposal is lower, then it is treated as a suggestion which the mayor may but does not have to take into

consideration. The level of 80% was agreed as almost a complete consensus – a supermajority – it is something that the group of residents considers to be obvious. Such a high threshold of support gives comfort that it will not be an accidental thing but the support for a given proposal will be very high indeed.

If in a given city the rules of public consultation are already adopted (in Poland they are adopted by the city council), then the citizens' assembly should be listed as one of the forms of public consultations.

While organising the first citizens' assembly at the city level, one might consider also organising workshops for the city officials and NGOs (separately), presenting to them how it functions, dispelling any doubts and thus creating a positive atmosphere around the citizens' assembly. An ideal approach on the part of the municipal office is the following: "Dear residents, we would like to find out what your needs and expectations are in this matter. So far, we have been doing this and that, perhaps, however, you would need something more or something different? We are open to your recommendations since our role is to act for your good." Then, it will work.

It should be noted at the very beginning that the recommendations of the citizens' assembly may vary from the results of public polls or open public consultations. The reason for this is that the members of the citizens' assembly make a decision based on the gained knowledge and deliberation. Their position in a given matter may significantly differ at the end from the one at the beginning of the assembly. This is evident in the research done on numerous occasions by James Fishkin who organised deliberative polling. For example, in 2011 the participants of the deliberative poll in South Korea thought at the beginning that the continuation of humanitarian aid for North Korea, regardless of the threat of nuclear weapon, is not necessary (43%), after the deliberation, however, they changed their mind and 78% of the members of the citizens' assembly were in favour of the continuation of the aid. Thus a transparent course of the education phase of the citizens' assembly is important so that everyone can see the basis on which the decision was made.

*Recommendations may also be different than the current actions of the municipal office or the council, hence a position of openness to change on part of the municipal office and the councillors is very advisable.*

*One of the key questions affecting the success of the citizens' assembly is the trust of the municipal office that residents are capable of making reasonable decisions which are favourable for the community even in very complicated and technical matters. The officials may have some negative experiences from previous public consultations and be afraid that the meetings of the citizens' assembly will look the same – for example, that they may have a turbulent course and the residents will not be sufficiently familiar with the topic. However, the citizens' assembly has a completely different dynamic than open public consultations, especially, when it is well organised. The residents are put in a position of decision makers, they have an opportunity to get to know one another, and the rules of conducting discussions are agreed.*

*An especially important role is played by facilitators who set the tone of the meetings. If the members of the citizens' assembly feel they are treated with respect, that coordinators and the municipal office treat the citizens' assembly seriously, that the entire process is something important, then it will foster a positive attitude to the citizens' assembly and it will translate into their engagement and trust. For all groups of people who participate in the citizens' assembly – for the members of the citizens' assembly, the stakeholders, the experts and for the monitoring team – it is advisable to prepare separate guides in which their role will be presented.*

### **3. Topic selection**

*When the citizens' assembly at the city level is organised, its topic by definition can be anything that falls within the competence of the mayor or the city council. Controversial topics or topics difficult for some reasons work especially well in the citizens' assembly. The organization of the citizens' assembly may, moreover, be combined with work on the municipal strategies – then the most controversial questions may be*

*selected for its completion and the members of the citizens' assembly may be asked to settle them. However, they need not only be controversial issues. The citizens' assembly may be treated as a normal way of decision-making in the matters of the city or at the national level. Generally when a matter is more or less obvious, then there is no need to organise a citizens' assembly, so consequently the best selection for the citizens' assembly are the questions that pose a challenge for some reason.*

*What is important is that the topic be presented in a clear and precise manner and its scope should be narrow enough to be able to reasonably discuss it in the educational phase. For example while organising the first citizens' assembly in Gdańsk on the topic of the city's preparation for an occurrence of torrential rainfall, we identified a dozen of themes of which only three were eventually selected. One Saturday was allocated for each of them. We could have had more themes but then the citizens' assembly should have been longer in order to discuss and present everything in detail.*

*The topic of the citizens' assembly should, by principle, concern the entire community rather than only its part. For example, if a given problem pertains exclusively to a group of senior citizens or to secondary-school students, then, it is better to organise workshops with representatives of those groups and develop solutions in this way. However, good judgment is advised here – sometimes a new programme which concerns a narrow group of residents may raise controversies and, by the very fact, that it is to be financed from the city budget funds (i.e., the money of all residents), it can become a topic of the citizens' assembly to establish whether the community agrees to its realisation.*

*Let's also have a look at a proposal of the development of a housing estate in a park – does this topic concern only the residents of the surrounding areas or rather the whole city? That depends. If it is a park visited by residents from the whole city, then residents from all districts should be invited to participate in the citizens' assembly. However, if it is a small park where only the local residents go for a walk, then the citizens' assembly can be organised at the district level.*

*At the national level, can the changes in the hunting law be a topic of the citizens' assembly if hunters make up only a small portion of the society? They can because the issue of the wild animals well-being is something that can be considered a subject of interest of the whole society. By the same token, a question of an establishment of a national park may not only be a local matter, although the welfare of the local community is of primary importance here. However, in my opinion, concern for an area which is valuable for its plant and animal life is something that goes beyond the local scope. Hence, such a park is called "national."*

*A topic of the citizens' assembly can be posed as a question, e.g. "How to promote the use renewable energy in our city?" or in form of a problem to solve. It can look like this: "Some 27 residents say there is a lack of parking spaces in the city centre. What solution will be the best here? Or: "When the drought comes in summer, there is not enough water for all homes. What can we do?"*

*Who can submit a topic of the citizens' assembly? A mayor, a city council or a group of residents who have, e.g., collected an adequate number of signatures, should have the opportunity to submit a topic proposal. In Gdańsk such an opportunity is provided for in the local law and 1000 signatures are needed under an ordinary motion to organise the citizens' assembly (for around 350 thousand adult residents). Whereas when 5000 signatures are collected then it becomes compulsory for the mayor to organise a citizens' assembly. It is then a powerful tool in the hands of residents. The citizens' assembly can 1 Lyn Carson's "Framing the Remit" can be helpful for phrasing a question for the citizens' assembly. The publication is available on the newDemocracy Foundation website (in "Research Notes") at: [www.newdemocracy.com.au](http://www.newdemocracy.com.au), also be organised at the end of the year to establish the topics of the citizens' assembly in the following year.*

*Can one discuss matters at the city level regarding which the decisions are made at the parliamentary level? Yes, but then it should be defined clearly what will happen later with the recommendations. For example, the mayor may submit them to a relevant minister or MPs, without*

*guaranteeing, however, that they will be adopted since this lies outside of the mayor's authority.*

## Basic standards for organizing citizens' assemblies

*1. Random selection of participants – all members of a citizens' assembly are selected by lot. Ideally, every member of the population eligible to take part in a citizens' assembly should be able to potentially receive invitation to participate.*

*2. Demographic representation – the composition of a citizens' assembly should broadly match the demographic profile of the community participating in the process. A set of criteria may be used to ensure demographic representativeness of the group, like age, gender, geographic area, or others. The aim is to create a community in a small scale that "feels like us". The size of the group should allow for inclusion of a wide diversity of views. A stipend should be provided to all participants to the amount that would at least cover the costs of attending the citizens' assembly.*

*3. Independent coordination – the citizens' assembly is run by an independent team of coordinators, which is responsible especially for preparing the process of random selection, developing the agenda, and inviting experts and facilitators. If the citizens' assembly is organized by local authorities or the parliament, it is important that all members of the coordination team are not part of the civil service. The coordinators should be impartial, e.g. not active politicians or direct stakeholders.*

*4. Citizens' assembly can invite experts – despite the programme being prepared by the team of coordinators, the citizens' assembly can invite additional experts of their own choice. This may be in the form of a*

*speech in person, a video streaming, a recording, a written note or other.*

*5. Inclusion of a widest practical range of perspectives – if there are diverse solutions and perspectives on a subject, ideally all of them should be presented during the educational phase of the citizens' assembly (by expert speakers). A method of combining perspectives due to a limited time or other practical considerations may be applied. Presentations may have the form of a speech in person, a video streaming, a recording, a written note or other.*

*6. Inviting all stakeholders – any organization, informal group or an institution whose area of work and expertise is related to the topic of the citizens' assembly has the right to present its opinion to the citizens' assembly in person. The role of the team of coordinators is only to identify the stakeholders – they don't make a selection. Due to limited time and a large number of stakeholders, a method of choosing their representatives may be used. In this case, a diversity of perspectives should be taken into account.*

*7. Deliberation – discussions which include listening to others mindfully and weighing options are the key elements of a citizens' assembly. The programme should involve discussions in small groups as well as in the plenary in order to maximize opportunities to speak and to be heard. The deliberation phase should be run by skilled facilitators.*

*8. Openness – all members of society should be able to provide input to the citizens' assembly in the form of comments, proposals or suggestions.*

*9. Sufficient time for reflection – providing a sufficient amount of time for reflection is necessary to achieve well-thought-out decisions. If the matter is not urgent, it is best not to rush. The citizens' assembly should be able to prolong its meetings – their length and number – if it chooses to do so (subject to budgetary limits).*

*10. Impact – the follow-up to the citizens' assembly's recommendations should be clear from the outset. Ideally, recommendations that receive the support of the citizens' assembly at an agreed threshold should be treated as binding (to such an extent that is legally permissible in the given situation).*

*11. Transparency – all presentations during the educational, plenary phase should be transmitted live and recorded. All materials presented to the citizens' assembly should be made available online. Clear information about how recommendations of the citizens' assembly will be implemented should be provided online and updated as actions occur. A report presenting details of methodology used for organizing a citizens' assembly should be provided by the coordination team.*

*12. Visibility – each citizens' assembly is an important event in the life of a community and citizens should be informed that it is happening and information on how they can get involved and follow it should be provided. The citizens' assembly should be publicly announced before it is formed. This set of standards was created by Marcin Gerwin with input from experts around the world.*

## A UK Citizens' Assembly

*Invitations to the assembly* were sent out to 30,000 households chosen at random, and of the over 1,500 people who responded asking to be considered, 110 were selected by a computer to be representative of society. There's a mix of ages, genders, ethnic backgrounds and education levels, but also a range of views about the climate crisis.

## Irish Citizens' Assembly

*The, We The Citizens' Assembly, is a [citizens' assembly](#) established in Ireland in 2016 to consider several political questions including the [Constitution of Ireland](#). Questions considered include: [abortion](#), [fixed term parliaments](#), [referendums](#), [population ageing](#), and [climate change](#). Over 18 months a report is produced on each topic. The government is required to respond officially to the reports in the [Oireachtas](#) (parliament).*

*The results of the assembly should be binding, because only in this way would the entire process be taken seriously and it would increase the involvement of all participants, from the members of the citizens' assembly, through to the experts and city officials*

*Chatham House Rules - its guiding spirit is: share the information you receive, but do not reveal the identity of who said it.*

## Canada's Indigenous Rights Framework

### Abstract

*The report analyzes the substantial changes to Indigenous policy and legislation in Canada, which are coalescing around the current Liberal Government's proposed Indigenous Rights, Recognition and Implementation Framework legislation. The Prime Minister has announced that the legislation will be introduced sometime in 2018, yet, there is little transparency in the process or accessible information for communities on these dramatic changes. Our analysis considers the emerging Rights Framework from three "perspectives": Relationship Reform charts how the machinery of government is changing, from the creation of new federal departments on Indigenous issues to nation-to-nation bilateral tables. Policy Reform considers the new direction on self-*

*government, fiscal relations, and land claims policies. Legislative Reform examines impending legislation currently before parliament, including changes to impact assessment regulations and implementation of the UN's Declaration on the Rights of Indigenous People. Our analysis reveals that the Rights Framework guides First Nations towards a narrow model of self-government outside of the Indian Act, premised on devolution of program and service delivery, fiscal mechanisms that do not address land rights but focus on accountability, a piecemeal approach to Aboriginal title, and an ongoing neglect of treaty obligations or expansive First Nation jurisdiction generally*

## Draft Resolution of Canadian Chiefs' Assembly (2018)

[Implementing Canada's Recognition](#) and Implementation of Indigenous Rights Framework and clarifying the role of the AFN

WHEREAS: A.

*The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) states:*

- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.*
- ii. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.*
- iii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous*

*decision-making institutions.*

*iv. Article 38: States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.*

*B. On February 14, 2018, the Government of Canada reaffirmed its full support for the UN Declaration, without qualification, and committed to its full implementation, including government support for Bill C262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.*

*C. Also on February 14, 2018, the Government of Canada launched a national engagement strategy to develop a Recognition and Implementation of Indigenous Rights Framework that would ensure the Government of Canada respects Indigenous rights and provides policies and mechanisms for Indigenous Peoples to exercise their rights.*

*D. As part of this work, new federal laws, policies and operational practices will be developed to support the rebuilding of Indigenous nations and governments, and advance Indigenous self-determination, including the inherent right of self-government.*

*E. The current engagement materials were launched without adequate participation and direction by First Nations rights holders. Additionally, through the inclusion of other partners and stakeholders, current engagement by the Government of Canada does not adequately respect First Nations rights-holders.*

*F. Feedback from early engagements indicates First Nation rights-holders are concerned about the current process lacking accountability and transparency, with the Government of Canada acting unilaterally.*

*G. Inherent Aboriginal and Treaty rights are constitutionally protected and guaranteed to First Nations, rather than political organizations and it is the duty of the Crown to consult directly with rights-holders in order to obtain their free, prior and informed consent when contemplating actions affecting them.*

*H. Government engagement processes with non-rights holders and organizations, such as the Assembly of First Nations (AFN), do not*

*constitute consultation and accommodation and cannot be used to obtain free, prior and informed consent.*

***THEREFORE BE IT RESOLVED*** that the Chiefs-in-Assembly:

*1. Declare that the Assembly of First Nations (AFN) and any regional organizations cannot negotiate, support or agree to any changes to Canada's federal laws, policies and operational practices as part of the Recognition and Implementation of Rights Framework or otherwise, without the free, prior and informed consent of First Nations rights-holders. 2. Call on Canada to consult and cooperate in good faith with First Nations through their own representative institutions before adopting and implementing any legislative or administrative measures that may affect First Nations in order to obtain their free, prior and informed consent.*

*3. Call on Canada to ensure that the comprehensive engagement and consultation process of the Recognition and Implementation of Indigenous Rights Framework respect the United Nations Declaration on the Rights of Indigenous Peoples and be committed to the full implementation of Aboriginal and Treaty rights.*

*4. Call on Canada to ensure that the national engagement strategy on the Recognition and Implementation of Indigenous Rights Framework fulfills the duty of the Crown to ensure First Nations rights-holders' free, prior and informed consent.*

*5. Call on Canada to ensure that the Recognition and Implementation of Indigenous Rights Framework process is transparent, accessible, takes into account regional perspectives and priorities, and is supported by rights-holders.*

*6. Call on Canada to provide the necessary financial resources to engage directly with First Nations as rights-holders on the Government of Canada's Recognition and Implementation of Indigenous Rights Framework and any federal legislation.*

*7. Call on Canada to work with First Nations rights holders to ensure engagement materials are sufficient, accessible and transparent to support*

*the process.*

## Puerto Rico

Zambia should also look to the example of the First Peoples' Assembly in [Puerto Rico](#), which was formed in July 2019:

*The assemblies are convened with the intention to provide a truly participatory, horizontal and democratic space where people can share their concerns, voice their frustrations and fears, and present and collaborate on proposals to address the many struggles and obstacles facing Puerto Ricans in the archipelago and beyond. Some assemblies have begun to form committees to work on the major issues that have emerged in the course of these conversations.*

## Action Guides

### Results Management in Norwegian Development Cooperation

#### A Practical Guide

After reading and using this Practical Guide, you should recognise:

- » *the importance of setting clear objectives.*
- » *that outcomes represent the most important result-level in results management. You and your partner should stay focused on what ultimately matters: the effects of the intervention on people and systems.*
- » *the significance of developing a limited number of sound indicators with targets as these are the keys to knowing when you and your partner are making measurable progress towards desired results.*
- » *the need to collect baseline values for the indicators in the planning phase. It is difficult to determine what has been accomplished in 3-5*

*years if we don't know where we are at present.*

*» that risk management is an important and integrated part of results management. What are the major risks? How should they be handled or monitored, by whom and when?*

*» that the results framework with indicators, targets and baselines should be linked to a monitoring and evaluation plan. Make sure reporting and evaluation requirements are aligned with the monitoring and evaluation system of your partner.*

*» the importance of KISS! If results management is to be successful, it must be grounded in reality and be perceived as useful. This suggests a simple and practical approach to result management. Keep It Simple and Smart!*

## ICCA Consortium

### [Draft of report](#)

## Strengthening Your Territory of life: Full Report

### [Guidance from communities for communities](#)

Borrini-Feyerabend, G., J. Campese, and T. Niederberger (eds). Strengthening your territory of life: guidance from communities for communities. Online version: [ssprocess.iccaconsortium.org](https://ssprocess.iccaconsortium.org). The ICCA Consortium, 2021.

*Self-strengthening the Kawawana territory of life The evolution of this guidance began more than a decade ago: the custodians of the Kawawana*

*territory of life in Senegal were facing major threats to both their territory and community livelihoods. They understood that to address these threats, their 'territory of life' was central and needed to be restored. For that, also their traditional rules for access and use of natural resources, integrated with new understandings and tools, needed to be better recognized and respected. This is exactly what they achieved! How did they do it? They engaged in a process of reflection, discussion, and action: a 'self-strengthening process'. The custodians of the Kawawana territory of life began their self-strengthening process in late 2008, Their story illustrates the power of such a process and provides an example of how it can be approached. The self-strengthening process started in late 2008, when the term Kawawana did not yet exist and the local estuarine territory was in a truly bad shape. At an initial meeting among leaders of the Mangagoulack rural municipality, representatives of the local fisher's organization, and visitors from the ICCA Consortium, the difficult circumstances were discussed. They agreed that their territory needed to be restored to bring decent livelihoods back to the community. In their view, this could be done only if the community was able to reinstate its traditional rules for access and use of natural resources. The traditional rules would put an end to the pillage of the natural resources that was happening under their eyes, by anyone able to fish, cut, gather or collect anything in their territory. For that, however, the backing and support of the government was necessary... They all knew that a leader of a neighbouring community was sent to jail for having unilaterally attempted to enforce local fishing rules. They were scared by that, and saw no way out of the quandary.*

*With a strong mandate from all participants in the initial meeting, the ICCA Consortium visitors were able to quickly obtain resources to support the community self-strengthening process. Early in 2009, they began with a three-week set of intensive meetings among 150 representatives from the eight villages that comprise the community. The meetings developed as relatively informal but highly focused grassroots discussions, with people examining their situation, envisioning what they wished to achieve and planning what to do. The process was supported by a team of three*

*external advisers, comprising a fishery biologist, an agro-economist and a governance expert and overall process facilitator. At the beginning, a group of more than twenty experienced and respected fishermen from the eight villages got together to analyze the present and historical situation of the local fisheries, and identified and described trends in the diversity and size of their catch. Then a much broader group of village representatives joined in and heard from the fishermen. Together, they recalled the history of their community, their deep, multiple cultural and spiritual connections with their territory (the Djola culture is as complex and rich as one can imagine) and their shared current ecological and socio-economic situation. The larger group was then accompanied to identify their desired future, or what they mean when they said they want a “good life” (Bourong Badiaké). It turned out that what they all meant was peace, community solidarity, prosperity, a better diet for all, a stop to the urban exodus, and a healthy and productive local environment. For all of this, they recognized that their territory of life– which they named Kawawana or “our collective natural heritage to be conserved by us all”– was essential. Through further discussions and analyses, they all agreed that they needed to restore their Kawawana via the recognition and respect of their traditional rules (integrated with modern tools for biological monitoring). Ultimately, they believed that this was the single most important factor to bring about all the good life results they wished to achieve. This realization was a very powerful moment for all those involved.*

If a chiefdom’s Citizens’ Assembly wishes to report on its activities and progress to the ICCA, write to Arju at [arju@iccaconsortium.org](mailto:arju@iccaconsortium.org).

\* \* \*

## Rights + Resources

[This report](#) is informed by the imperative to prevent the collapse of global biodiversity while respecting the tenure and human rights of Indigenous Peoples (IPs), local communities (LCs), and Afrodescendants (ADs). It highlights the risks and opportunities for the world's IPs, LCs, and ADs rising from the proposed expansion of conservation areas by asking five key questions:

1. How many people live within important biodiversity conservation areas, including existing protected areas that could be affected by future conservation action to meet biodiversity protection imperatives?
2. What is the distribution of people living in important biodiversity conservation areas according to income status of countries?
3. As a notional exercise, what could be the potential financial cost of exclusionary conservation practices applied to all high biodiversity value terrestrial areas?
4. What are the costs and benefits of community rights-based conservation as an alternate pathway for expansion of areas under conservation to meet biodiversity goals?
5. To what extent would recognizing and enforcing the collective tenure rights of IPs, LCs, and ADs contribute towards area-based targets for conservation?

\* \* \*

## IIED: International Institute for Environment and Development

### [Letter on the COVID Future](#)

## Participatory Learning and Action

<quote>

### [A Trainer's Guide](#)

A journal for newcomers and experienced practitioners alike. These pages contain the content of the [journal series from 1988-2013](#). Individual articles and complete issues are available for free download.

## A few Selected Tools

### PLA 55: Practical tools for community conservation in southern Africa

Community conservation in southern Africa is premised upon the devolution of rights, including:

- the right to benefit;
- the authority to manage resources; and
- the right to allocate and dispose of these resources to the best advantage

[This special issue of Participatory Learning and Action](#) features a collection of lessons and innovative tools which have been developed by the facilitators of community-based natural resource management programmes in southern Africa.

December 2006

**Guest editors:** Brian Child and Brian Jones

The tools described in this issue can be broadly divided into two categories: facilitator's tools and management tools. The facilitator's tools range from Theatre for Africa's role in policy development to the CAMPFIRE game for improving training in financial management. The management tools have been developed to allow communities to manage wildlife in modern market economies. These tools range from the event book system developed in Namibia to the quota setting methodologies developed in Zimbabwe.

This issue will be an important resource for facilitators in other regions.

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Editorial

## PLA 66 - Tools for supporting sustainable natural resource management and livelihoods

September 2013

**Edited by:** Holly Ashley, Nicole Kenton, Angela Milligan

This 66th issue of Participatory Learning and Action (PLA) includes general articles on participatory approaches to development submitted by readers and explores the links between participation, sustainable natural resource management and improving livelihoods, including:

- How a participatory three-dimensional modelling project in the Solomon Islands has generated multiple benefits, including ecosystem-based adaptation to climate change.
- How a modified form of scoring, used within a livelihoods framework, revealed how famine was averted in Southern Africa.
- How community-led action in India is improving animal health and work practices.
- How digital mapping is helping to identify and plan around key natural resources with pastoralists in Kenya and Tanzania.
- How a blend of PLA methods and ethnographic approaches proved invaluable in conducting HIV/AIDS research with fishing communities in Uganda.
- How a former bonded-labour group in Nepal have campaigned to uphold their rights of access, use and control of community forests.
- How an evaluation of a drought-rehabilitation project in Niger combined qualitative participatory and quantitative gendered budget analysis.

The issue also includes a selection of other articles, including how urban community groups in Chile have opposed two urban redevelopment projects;

the use of participatory impact assessment tools to define, measure, monitor, review and analyse progress; and a discussion of ethical issues and standards for participatory work. There are also reflections from members of the international Resource Centres for Participatory Learning and Action (RCPLA) network, a foreword from IIED's Camilla Toulmin and reflections from Robert Chambers of the Institute of Development Studies (IDS).

The PLA series is 25 years old this year, and at this milestone, IIED is taking stock to look at PLA's legacy and future direction. After this issue, the series will be put on hold, pending the findings from an external evaluation.

[Download the complete issue.](#)

## PLA 65 - Biodiversity and culture: exploring community protocols, rights and consent

This special issue of PLA explores two important participatory tools that indigenous peoples and local communities can use to help defend their customary rights to biocultural heritage.

June 2012

Guest editors: Krystyna Swiderska with Angela Milligan, Kanchi Kohli, Harry Jonas, Holly Shrumm, Wim Hiemstra, Maria Julia Oliva

[Download complete issue](#)

[Also available in Spanish \(Español\)](#)

Many rural communities in the global South – including some 370 million indigenous peoples – directly depend on biodiversity and related traditional knowledge for their livelihoods, food security, healthcare and well-being. But with the loss of biodiversity, valuable resources such as climate-resilient crops, medicinal plants and wild foods are being lost. Cultural diversity is being eroded at an unprecedented rate, and with it, ancestral knowledge of how to use and conserve biodiversity.

This issue of PLA explores two important participatory tools:

- Community protocols – or charters of rules and responsibilities – in which communities set out their customary rights to natural resources and land, as recognised in customary, national and international laws; and
- Free, prior informed consent (FPIC) processes, in which communities decide whether or not to allow projects affecting their land or resources to go ahead and on what terms.

The issue reviews experiences of communities in Asia, Latin America and Africa in developing and using these tools in a range of contexts, including developing mechanisms for access and benefit-sharing (ABS) for genetic resources and traditional knowledge; confronting threats from mining and protected areas, and improving forestry partnerships.

It also looks at government experiences of establishing institutional processes for FPIC and benefit-sharing. It identifies practical lessons and guidance based on these experiences and aims to strengthen the capacity of a range of actors to support these rights-based tools effectively in practice.

This special issue aims to provide guidance for those implementing the Nagoya Protocol and other natural resource and development practitioners and to raise awareness of the importance of community designed and controlled participatory processes.

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## PLA 64 - Young citizens: youth and participatory governance in Africa

This special issue of PLA describes how young people in Africa are exercising their right to participate and how they are developing the knowledge, skills and confidence to effect change.

December 2011

**Guest editors:** Jessica Greenhalf, Rosemary McGee

[Download complete issue](#)

[Also available in French \(Français\)](#)

All over the world, citizens are starting to demand accountability from those in power. We see exciting experiments in participatory governance. But are they working for young people? What spaces are most promising for the participation of children and young people in governance?

Across Africa, youth (particularly boys and young men) are seen as a 'lost generation': frustrated, excluded and marginalised from decision-making processes.

Contributors to this special issue demonstrate how this is changing. Young people in Africa are challenging the norms and structures that exclude them, engaging with the state and demanding accountability. This issue explores methods of communication, appraisal, monitoring and research which are involving young people in decision-making spaces. It asks: how can we re-shape how young people perceive and exercise citizenship? How can we redefine and deepen the links between young citizens and the state?

This edition of PLA demonstrates the persistence, passion and enthusiasm that youth bring to governance processes – and how they are driving change in creative and unexpected ways. It highlights how young Africans are addressing the documentation gap that surrounds youth and governance

in Africa and enabling other participatory practitioners – young and old – to learn from their experiences.

It will also be valuable for those working in other regions.

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## PLA 63: How wide are the ripples? From local participation to international organisational learning

In this issue of Participatory Learning and Action, various authors share their reflections and experiences of bringing grassroots knowledge and information from participatory processes to bear at an international level.

September 2011

Guest editors: Hannah Beardon, Kate Newman

Do you work with or in an international or northern office of an international non-governmental organisation (INGO)? Do you facilitate participatory processes at the grassroots? Have you ever wondered how wide an impact the process might have?

When a pebble is thrown in the water, it creates ripples. But just as the ripples fade as they lose momentum, the strong local impact of good quality participatory grassroots processes also weakens as it gets further away from the original context. Yet, the insight and analysis, evidence and stories generated and documented during participatory processes are just the kinds of information that are needed to inform good development policy and planning.

This issue examines the possibilities and challenges involved in sharing grassroots knowledge – as well as strategies for strengthening practice. It aims to inspire empowered activists working with international NGOs to be a conscious and active part of change: to bring about more accountable, equitable and participatory development.

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## PLA 61: Tales of shit: Community-Led Total Sanitation in Africa

This edition of Participatory Learning and Action focuses on a radical new participatory approach called Community-Led Total Sanitation.

November 2010

**Guest editors:** Petra Bongartz, Samuel Musembi Musyoki, Angela Milligan and Holly Ashley

Where do you shit? In developing countries, the answer to this question may determine whether you live or die. Around 2.6 billion people do not have access to a toilet – about four in ten of the world's population (2021 approx 3.2 billion). Instead, they defecate in the open – in the bush, the forest, by riverbanks and lakes, near train tracks and by the side of the road. The consequences are dire. Shit carries disease and is a major killer. Lack of sanitation also impacts on general well-being, human dignity and personal freedom. Despite this, many sanitation programmes have failed to convince rural communities of the benefits of good hygiene.

This has begun to change in recent years with the development of a radical

new participatory approach called Community-Led Total Sanitation (CLTS).

CLTS has encouraged millions of people around the world to look at, talk about and tackle the problems caused by open defecation. This has not happened through education, force or monetary incentives, but through the facilitation of a participatory process called ‘triggering’. Using Participatory Rural Appraisal (PRA) tools, communities analyse their hygiene habits and practices and mobilise to take collective action to totally sanitise their environments.

Following its development and spread in Asia, CLTS is now being piloted in Africa. This special issue of Participatory Learning and Action draws on a growing body of experience and includes case studies from East, Southern and West Africa.

The overview article provides an introduction to CLTS and discusses key elements for successful CLTS and issues around scaling up CLTS in Africa.

The resources section highlights key publications, websites and online communities for CLTS practitioners.

This issue will be of interest to the many organisations and individuals involved in implementing and taking CLTS to scale in Africa and elsewhere, as well as to other participatory practitioners.

**About the editors:** Petra Bongartz is coordination, communication and networking officer for CLTS at the Institute of Development Studies (IDS), University of Sussex, UK. Samuel Musembi Musyoki is the director of programmes for Plan International Kenya. Angela Milligan and Holly Ashley are co-editors of Participatory Learning and Action.

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**Follow the links below to download the whole issue or individual articles in pdf format:**

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## PLA 59: Change at hand: Web 2.0 for development

This special edition of Participatory Learning and Action looks at emerging web services and applications that encourage users to collaborate and interact online, commonly known as Web 2.0.

June 2009

Guest editors: Holly Ashley, Jon Corbett, Ben Garside and Giacomo Rambaldi

Web 2.0 is radically changing the ways we create, share, collaborate and publish information via the internet. Participatory Web 2.0 for development – or Web2forDev for short – is a way of employing web services to intentionally improve information-sharing and online collaboration for development. Web 2.0 presents us with new opportunities and challenges which we need to better understand and grasp.

This special issue shares learning and reflections from practice and considers the ways forward for using Web 2.0 for development:

- Part I introduces both Web 2.0 tools and the concept of Web2forDev.
- Part II examines some uses of specific Web 2.0 tools for development purposes.
- Part III focuses on the integration of multiple Web 2.0 tools to address specific issues.
- Part IV discusses theory and reflections on practice, including lessons learnt from experience, challenges identified, and ways forward.
- Part V Tips for trainers provides a collection of short introductions to Web 2.0 tools.

Most of the themed articles are based on presentations made at the Web2forDev conference, which was held in September 2007 at the Food and Agriculture Organisation (FAO) headquarters in Rome, Italy. The conference was the first international event focusing specifically on how

Web 2.0 tools could be used to the advantage of Southern development actors operating in the sectors of agriculture, rural development and natural resource management.

Co-published by [IIED](#) and [CTA](#).

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## PLA 58: Towards empowered participation: stories and reflections

This issue of Participatory Learning and Action focuses on deliberative democracy and reviews successes and failures in citizen involvement programmes.

June 2008

**Guest-editors:** Tom Wakeford and Jasber Singh

This issue has a reflective focus and follows on from the 40th issue, which focused on participatory methods and approaches that seek to enhance deliberative democracy and citizen empowerment.

It critically reflects on those rarely-discussed elements of processes that are disempowering to those with the least power. ‘Citizen participation’ has typically elicited enthusiastic support from policy elites. However, past editions of PLA and numerous other studies have suggested that such initiatives have rarely impacted the mainstream political decision-making processes. Often referred to as “citizen engagement” or “public consultation”, these processes may, in reality, be little more than smokescreens behind which the systems of democratic accountability fought for by progressive social

movements over many decades are allowed to decay.

The overall aim of the issue is to allow practitioners to reflect on some of these aspects of participation. By fostering a deeper understanding of participation, we hope to promote improved policies and practices. We believe the articles call for increased global solidarity among those committed to transforming the power of oppressed peoples via participation.

The issue is split into four sub-themes:

- Citizens' juries and similar participatory processes: strengths and weaknesses
- Participatory budgeting: lessons from Latin American and the UK
- Gender issues and challenges of representation
- Community activism from the grassroots

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## PLA 57: Immersions: learning about poverty face-to-face

The theme for this special issue centres on experiences of learning about poverty face-to-face often referred to as immersions. Immersions are opportunities for development professionals to spend a period of time living with and learning from a poor family.

December 2007

**Guest editors:** Izzy Birch, Raffaella Catani with Robert Chambers

This issue of Participatory Learning and Action is a timely reflection of

an emerging trend in development practice, drawing together the richness of immersion experience. It explores both the limitations and potentials of immersions by

- bringing together diverse experiences, identifying their challenges and opportunities, and exploring their impacts;
- encouraging readers to talk about immersions, share their experience, and recognise that there are many sorts of immersion;
- inspiring people to have them, and help make immersions a regular practice for development professionals; and
- enabling readers to reflect, get/stay in touch, and follow up.

A critical mass of interest in this concept is gathering among major donors and civil society groups. Yet, the impact of immersions is only now being tested. Different models are being developed: some are structured around a specific theme; others are more experiential and open-ended. But their common purpose is to bring immersion participants face-to-face with ordinary people, to test old assumptions, develop new perspectives, and strengthen their commitment to the challenge of poverty eradication.

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## PLA 30: Participation and Fishing Communities

The special theme section in this issue of Participatory Learning and Action explores the use of participatory approaches with fishing communities.

October 1997

**Guest Editor:** Marie-Thérèse Sarch

This issue examines how participatory approaches can be used to tackle the challenges of small-scale fisheries development and covers fisheries development efforts aimed at a spectrum of objectives ranging from co-management for sustainable fish stocks to improving the welfare of fishing communities. The authors show how participatory approaches have been used to understand the resource, manage fisheries and plan for development.

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## PLA 23: Participatory Approaches to HIV/AIDS Programmes

This issue of Participatory Learning and Action includes articles that describe experiences and issues relating to participatory approaches to HIV and AIDS programmes.

June 1995

**Guest Editor:** Alice Welbourn

The articles in this edition show how the use of PRA can help people to feel empowered to address the issues around HIV for themselves. The four papers presented to highlight some of the exciting contributions which participatory approaches can make to HIV work in Africa and in Asia.

This issue also includes ten general articles.

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«Unquote»

IIED Strategy 2019–2024

<https://www.iied.org/iied-strategy-2019-2024>

\* \* \*

## African Digital Rights Network

*Many countries in Africa are experiencing a closing of civic space: a reduction in the freedom of citizens to openly discuss politics, criticise government policies, and to take an active part in key decisions that affect their health, education, liberty and livelihoods.*

*In Ethiopia and Zimbabwe, for example, when the government arrested journalists and banned public demonstrations, young people responded creatively, using the internet and mobile phones to open civic space. Using SMS, social media, encrypted messaging and even satellite TV to connect, organise, develop policy alternatives and successfully challenge the government narrative.*

*This Global Challenge Research Fund (GCRF) funded network, brings together activists, analysts and researchers from seven African countries who have tracked and analysed hashtag campaigns like #BringBackOurs-*

*Girls in Nigeria and #RhodesMustFall in South Africa and advocated against government-initiated network disruptions including through the #KeepItOn campaign. Some members of the network have also organised digital security training for human rights defenders to safely communicate online including in dangerous and restrictive environments.*

*The network is also studying the growing use of digital surveillance tools by governments and the employment of ‘coordinated inauthentic actors’ such as so-called troll farms, bot armies and cyborg networks to drown out debate and close civic space online.*

*‘Digital rights’ are universal human rights in digital spaces. They include, but are not limited to, the right to privacy, freedom from violence, freedom of political opinion, freedom of expression and freedom of association. The overall objective of the African Digital Rights Network (ADRN) is to produce a better understanding of the actors and technologies involved in the opening and closing of civic space online, and to build the capacity of citizens to exercise, defend and expand their rights online and offline.*

*To build the network the Digital & Technology Cluster at the Institute of Development Studies is working with the analyst and author Nanjala Nyabola, Berhan Taye from Access Now, Atnafu Berhane from CARD Ethiopia, Koketso Moeti from Amandla.mobi, Jan Moolman from the Association of Progressive Communications (APC), Juliet Nanfuka from the Collaboration on International ICT Policy for East and Southern Africa (CIPESA), Natasha Msonza from the Digital Society of Zimbabwe, Kiss Abraham from New Zambian Innovations, Turgay Celik and Iginio Gagliardone from the University of the Witwatersrand, Anand Sheombar from HU University of Applied Sciences Utrecht, Tanja Bosch from the University of Cape Town, George Karekwaivanane from the University of Edinburgh, Ayo Ojebode from the University of Ibadan, and Sam Phiri from the University of Zambia.*

*This collaborative research project includes activists, analysts, and practitioners with deep contextual knowledge into a multi-disciplinary research team. The network will begin by producing seven Country*

*Digital Landscape Reports to scope the existing political and technological landscape in Nigeria, Ethiopia, Uganda, Kenya, Zambia, Zimbabwe and South Africa.*

*An analysis of existing capacity and gaps will inform the design of a broader programme of research beyond the inception year. We will use the Country Digital Landscape Reports to identify cross-cutting research themes and produce thematic reports that build the knowledge and capabilities of citizens to exercise, defend and expand the rights guaranteed to them in law but denied to them in practice.*

*The network is funded by the Global Challenges Research Fund (GCRF) through the United Kingdom Research Institute (UKRI) fund for Digital Innovation for Development in Africa (DIDA) in the research area Digital Rights.*

### Zambia Digital Rights Landscape Report - Sam Phiri and Zorro

*For our purposes, we define civic space as ‘the set of conditions that determine the extent to which all members of society, both as individuals and in informal or organised groups, are able to freely, effectively and without discrimination exercise their basic civil rights’ (Malena 2015: 14) and delimit the notion of digital rights to human rights during the era of the internet. These are basically civil rights that relate to the right of online privacy, freedom of expression and freedom of online association (Hutt 2020). Thus, the report takes a bird’s eye view of the political situation over the past 20 years, closely examines the status of Zambian civic space and scrutinises the technologies used. It concludes that the fortunes of the country’s digital rights situation could depend on: the emergence of more vibrant civic activism; the building of a culture of respect for human rights; creation of more open civic spaces; and ensuring greater civic participation in policy formulation and implementation.*

## GRACE Research Zambia

*The GRACE Research Zambia Project is a Sub-Project of the overall Gender Research in Africa into ICT for Empowerment GRACE. Its current purpose is to explore how internet dialogues on gender by men can support men to examine how they can contribute to a gender just and balanced Zambia while being aware of their own feminist values and experiences.*

### Kiss Brian Abraham

Director | [KBA Innovation](#) | Zambia

*Kiss Brian ABRAHAM is a Zambian civil society social change activist. He is actively involved in the development of the Zambia Social Forum process. (The goal of the forum is to create a space for meaningful debate and alternative thinking). He is a member of the Media Institute of Southern Africa and sits on the Africa Social Forum Council. He is the project coordinator of GRACE. The GRACE Zambia Research on Mobile Cellular Phone Service Provision and the Advancement of Women in Zambia is a sub project of the overall Gender Research in Africa into ICT for Empowerment. The Zambia project explores the processes involved in the provision of Mobile cellular phone services, examines the roles of key players and explores the social, economic, and cultural effects of the service on the country with a specific focus on the status of women.*

\* \* \*

## Thesaurus on land governance

### How to use LandVoc?

*Due to the fact that LandVoc works as a linking tool, LandVoc can be used in a variety of different ways.*

*Firstly, the hundreds of terms contained within LandVoc can be **integrated into libraries, repository systems and websites** that publish any kind of information related to land governance. This allows your own information or that of your organization to be classified, indexed and therefore **more discoverable**.*

*Secondly, and closely related to this first point, because information is now classified and indexed, those searching for **key land governance topics** can have access to a wide array of information on their topic matter of their choice, including its related terms and translations.*

*Finally, LandVoc goes beyond the sphere of land related matters. It works to **connect to and exchange** information with other databases linked to other vocabularies. LandVoc is currently integrated within FAO's AGROVOC and LandVoc concepts are partly mapped to other vocabularies like AGROVOC is in turn linked to EUROVOC, Cadastre and Land Administration Thesaurus (CaLaThe), Chinese Agricultural Thesaurus (CAT), Aquatic Sciences and Fisheries Abstracts (ASFA), Linked Thesaurus fRamework for Environment (LusTRE), National Agricultural Library Thesaurus (NALT), United Nations Bibliographic Information System Thesaurus (UNBIS), General Multilingual Environmental Thesaurus (GEMET), etc. The main takeaway here is that connections are being made between terms with one main goal, making information more discoverable and accessible.*

\* \* \*

## Tearfund

*Tearfund is a Christian international development and humanitarian organisation with more than 50 years' experience. We work in over 50 countries worldwide, in partnership with communities, churches and local organisations.*

\* \* \*

## NAMATI Community Land Protection Facilitators Guide

AUTHORS: RACHAEL KNIGHT, MARENA BRINKHURST AND JARON VOGELSANG.

### *ABOUT THE COMMUNITY LAND PROTECTION FACILITATORS GUIDE*

*This Facilitators Guide describes Namati's approach to community land protection in detail. Each chapter suggests various strategies and practices that facilitators can use as they support communities to protect their land claims. It is accompanied by short animated videos that*

*demonstrate the community land protection process visually, available at <http://namati.org/ourwork/communityland>. This Guide is intended for the directors and staff of local, community-based organizations, national civil society organizations, faith-based organizations, government actors, and other community land protection advocates and activists. The Guide refers to these groups as “facilitating organizations,” and their field staff as “facilitators.” We recommend reading the entire Guide at least once before beginning community land protection efforts. Facilitators can then review specific sections of the Guide as they support communities to move through the process. However, because all the activities within each “step” are inter-related, it is best to be familiar with all the land protection activities before beginning facilitation. To support the adaptation and re-ordering of community land protection activities, this Guide has been designed to be printed as a binder so that facilitators can easily move chapters around, or replace chapters with more updated versions that reflect emerging learnings and strategies. To access the most recent versions of the Guide and connect with Namati, visit [namati.org/communityland](http://namati.org/communityland).*

\* \* \*

## The link between chiefs and rural development

[Ntanda J. Ngwelela \(2017\)](#). The International Journal of Multi-Disciplinary Research. Zambia <http://www.ijmdr.net/>

**Abstract** - Debates over whether or not chiefs were a hindrance or facilitators of rural development have been going on. The purpose of the study was to explore the link between traditional leaders and rural development. A case study of Kaoma and Senanga districts, Nkoya and Lozi chiefdoms respectively of Western Province.

The distribution of Zambian population shows that 61% of the people resided in rural areas (CSO, 2010). Rural development is a development strategy designed to improve the socio-economic well-being of the rural poor. From community development perspective, rural development aims to make rural areas more attractive, productive and less vulnerable to natural hazards, poverty and exploitation. One of the main socio-economic concerns of Zambia as a nation is the plight of poverty of the people living in rural areas. Rural poverty has remained at above 75%. It has been a burden on the national economy, and households are adversely affected. In an effort to improve the livelihoods of the rural community various development agents' efforts have been met with

varying resistance by some traditional leaders. Decisions, development programs and projects, traditional leaders believe are imposed on them by the formulators. Achieving sustainable rural development in Zambia requires access to data and information so that those involved in decision making can reach the level of knowledge and understanding needed for development planning and service delivery.

**Methodology:** The study took an integrated approach of data collection, which combined literature search with community level consultations, stakeholder interviews, courtesy calls and field visits. Self-report questionnaires were administered to 60 traditional leaders, 10 councilors, 5 clergymen, and 5 chief executive officers, 7 leaders of traditional local structures or institutions, 4 NGO officials and 5 heads of sector departments. In addition, in-depth interviews with 4 chiefs in their respective chiefdoms were conducted. Data was further collected from group discussions, Focused Group Discussions (FGDs) .

*Qualitative and quantitative data was then analyzed.*

**Results:** It was established that there is a weak linkage between the traditional leaders (chiefs) and rural development agents. Chiefs occupy strategic positions in their communities; they can use their privileged positions and influence to help bring about development. The rural community held traditional leaders in high esteem and considered chiefdoms as institutions that were closer to their development window. Traditional leaders were respected, listened to, and generally their views and actions had a huge impact on their subjects. Chiefs should therefore be engaged in all the stages of development process.

**Conclusion:** In embracing the concept of sustainable development as a key national priority, strategic partnership and information sharing, or networking and collective action was cardinal in the quest for rural development. This would enhance capacity in local communities to debate, articulate and negotiate their development agenda. Zambia is committed to fully integrate principles of sustainable development in order to meet the Sustainable Development Goals (SDGs).

*The purpose of the study was to explore the link between traditional leaders and rural development. A case study of Kaoma and Senanga districts of Western Province of Zambia. One of the main socio-economic concerns of Zambia as a nation is the plight of poverty of the people living in rural areas. The distribution of Zambian population shows that 7,978,274 people (61%) resided in rural areas (CSO, 2010). Traditional leaders play an important role in many societies around the world. This study investigates the*

*performance of chiefs in the contest of rural development in Zambia and some districts in particular. Rural development was mainly concerned with decreasing the gap between those who sought a livelihood in rural areas and their counterparts in urban areas. Chiefs have been identified as important drivers in fostering development especially in rural areas. Traditional leadership comprising the paramount chiefs, senior chiefs, sub chiefs and village headpersons are key persons in rural development. Traditional leadership is a key institution in the formation, preservation and modification of customary practice and responsible for peace and unity. Traditional leadership or authority also known as traditional domination is a form of leadership in which authority or ruling regime is largely tied to tradition or custom. The physical and material well-being of the tribal people is supported by traditional institutions and functionaries. Although traditional leaders tend to be ignored and even depowered by development efforts, many of these systems still survive today. Chiefs occupy strategic positions in their communities; they can use their privileged positions and influence to help bring about development. The traditional belief systems still form the roots and branches of the knowledge systems of rural people in Africa. The rural*

*community held chiefs in high esteem and considered chiefdoms as institutions that were closer to their development window.*

**Keywords:** Traditional leaders, chiefs, rural, development, poverty.

\* \* \*

## Organic Insect Pesticide

NEEM Seed: [A truly essential oil](#)

### **EFFECTIVENESS OF NEEM SEED (AZADIRACTA INDICA) OIL AS AN ORGANIC INSECT PESTICIDE**

*(Paper ID: CFP/1671/2020)*

**By: Soft Chulu**

[softchulu@gmail.com](mailto:softchulu@gmail.com)

School of Engineering

Information and Communications University,  
Lusaka Zambia

**Supervisor: Mr Musenge Danny**

Dept of Agric & Environmental Sciences

School of Engineering

Information and Communications University,  
Lusaka Zambia

#### **ABSTRACT**

*Neem tree is proved to be the richest in active compounds and one of potent sources of natural biocides among the studied botanicals worldwide. Crude extracts of Neem seeds showed significant results as insecticides in this study where optimum doses are recommended for several vegetable pests. The research was carried out at Chassa farm in Sinda district Eastern Province of Zambia over a period of 4 months starting from April 2018 to September to prepare Neem seed (Azadiracta Indica) Oil as an Organic insect Pesticide. In order to achieve this Matured seed was harvested from the neem tree. The process of extracting involved 6 stage in the extraction of oil from seed (Azadiracta Indica)*

*the researcher observed that the extracts of Neem, appeared to be the very effective among the two treatments. Repelling observed and recorded for neem extracts treatment was as high as 100% for diamond back moth, red spider mite and absoluta tuta. Therefore, the researcher highly recommends that the poor resource farmers are encouraged to use Neem Extracts as alternatives to the synthetic Pesticides as they have less impact to the environment and is a cheaper way for pest management for small scale farmers.*

**Key Words:** *Azadiracta Indica, Neem Seed, Neem Oil extracts, diamond back moth, red spider mite and absoluta tuta*

*and there were: i. Seed harvesting ii. Drying the seed, iii. soaking the dried seed & peeling, iv. pounding the seed, v. pre-heating the powder and vi. lastly extracting oil from the oil extractor machine. After preparation of neem oil, it was treated by way of spraying on two plots, one for cabbage infested with diamond back moth and the other was for tomato infested with absoluta tuta and red spider mite. Different dosage was used 20mls, 30mls and 50mls and this was done to determine the correct dosage and the effectiveness on different pests. The findings of the study revealed that plant extracts of oil from neem effective in controlling insects. Further*

<http://www.multiresearch.net/cms/publications/CFP16712020.pdf>

\* \* \*

## Gender-Based Violence (GBV)

A USAID project brief supporting systematic land documentation had this to say in December 2020:

*GBV is widespread in Zambia and affects women and girls disproportionately, with the 2018 Zambia Demographic and Health Survey reporting that 36 percent of Zambian women have experienced physical violence at least once since the age of 15 and 32 percent of ever-married women have experienced controlling behaviors by their husbands. More than half (52 percent) of women never sought help or told anyone about the violence they had experienced (Zambia Statistics Agency, Ministry of Health, & ICF, 2019). Despite the adoption of the Anti-Gender-Based Violence Law in 2011, GBV remains pervasive, deeply rooted in wider gender inequality*

*and highly tolerated, especially in rural areas. In fact, Zambian women in rural areas (54 percent) are more likely than those in urban areas (37 percent) to agree that a husband is justified in hitting or beating his wife for reasons such as burning food, going out without telling him, or refusing to have sexual intercourse. Almost half (47 percent) of widowed women were dispossessed of their husband's property, with this figure reaching 59 percent in rural areas (Zambia Statistics Agency et al., 2019).*

*USAID has supported customary land documentation in Zambia since 2014 and has supported partners to document the land rights of over 50,000 people so far, out of which 47 percent are women. USAID uses a socially inclusive technology known as [Mobile Approaches to Secure Tenure \(MAST\)](#) and promotes gender integration throughout the land documentation process to ensure that women's land rights are registered and interests and priorities are addressed.*

*Over 2019 and 2020, USAID's Integrated Land and Resource Governance program (ILRG) local partners Chipata District Land Alliance (CDLA) and Petauke District Land Alliance (PDLA) have collected qualitative data and stories while documenting customary land.*

[The full article.](#)

\* \* \*

## FAO: Global Soil Doctors

*Who are Soil Doctors?*

*How to implement the Global Soil Doctors Programme?*

*What are the benefits of being a Soil Doctor?*  
*How does it work?*  
*How do local farmers benefit from the Global Soil Doctors Programme?*  
*How do countries that ALREADY HAVE a similar initiative implement the Global Soil Doctors Programme?*  
*Who to contact and how to get involved?*  
*Welcome to the Global Soil Doctors Programme*

### [A farmer-to-farmer training platform](#)

This webpage is designed as a **source of soil information and knowledge on the different components and aspects of the Global Soil Doctors Programme - a farmer-to-farmer training platform**, and the **importance of soil as a vital resource** for farmers, policymakers, development planners, agricultural extension workers, NGOs, private sectors and any other practitioners/interested stakeholder.

#### **What is the programme about?**

The programme is a farmer-to-farmer training initiative to be implemented at the global level on a volunteer basis. Email [Soil-Doctor@fao.org](mailto:Soil-Doctor@fao.org) to know more.

\* \* \*

## A Vision for Smart Villages (2015)

<https://e4sv.org/wp-content/uploads/2015/08/05-Brief.pdf>

[Smart Villages Research Group](#)

info <at> e4sv.org

Smart Villages Research Group Ltd  
15 Lady Place  
Abingdon  
OX14 4FB

## LATEST UPDATES

- [Solar-powered Milling Machine Evaluation](#) Posted on 4th December 2020
- [A Solar-powered Electric Milling Machine](#) Posted on 28th November 2020
- [Innovative Access to Healthcare for Impact in Remote Communities](#) Posted on 28th November 2020
- [Bucket-mounted Solar Systems](#) Posted on 6th November 2020
- [The InnovateUK Energy Catalyst and working with SVRG partners](#) Posted on 6th July 2020

## Can Smart Villages help to stem biodiversity loss?

By [Smart Villages](#) in [Technical Report](#) (2017)

### *Technical report*

Biodiversity is important at various levels, including the economic, social and environmental. It is critically important for rural communities through the provision of ecosystem services, including energy access, a link that is often overlooked. The concept of ‘Smart Villages’ is that

modern energy access in the form of sustainable renewable energy can contribute as a catalyst for development—education, health, food security,

environment, productive enterprises, and participatory democracy—and for the alleviation of poverty. Seventy per cent of the poorest people live in rural areas and are farmers, of whom about half are women. One of the key ideas is that while biodiversity preservation and the alleviation of abject poverty are seen as two distinct objectives, smart villages can contribute to both since there is considerable overlap in practice. By an integrated approach, smart villages can help to stem biodiversity loss by the skilful adoption and integration of modern technologies that improve biomass utilisation, agricultural practices, and genetic conservation, priorities that are compatible with several of the 17 Sustainable Development Goals. Smart villages enable rural communities to take an active role in preserving their environment instead of depleting natural capital for their day-to-day survival.

\* \* \*

## Structured Chieftancy Development Model (SCDM)

*Structured Chieftancy Development Model' [SCDM].” SCDM is premised on the Smart Village [SV] concept, which seeks to have an inclusion of the rural population in national and community issues ranging from the political, economic, demographic, socio-cultural, infrastructural, innovative, technological, educational, legal and environmental [PEDSITELE] perspectives.*

### Biochar - Zambia

Biochar in weathered agricultural lands in Zambia: “carbon sequestration and improved livelihoods” in 2010-2021.

*The main aim of the project is to investigate the potential of organic waste biochar to sequester carbon and improve the quality of weathered and/or acidic Zambian soils.*

*This includes:*

*systematic study of successful and non-successful soil-biochar combinations for Zambian acid soils*

*Field tests on the effect of biochar on soil acidity, aluminium toxicity, and nutrient availability / fertilizer need*

*Identification of optimal feedstocks and optimal concepts for biochar generation*

Addition of biochar gives significant increased crop yield in Zambian sandy soils. Already 4-5 tonnes per hectare give 4 times improvement in crop yield.

*Recent new developments are the start of a new research program “Climate-Smart Agriculture in Zambia” (CSAZ), where biochar practice will be integrated in climate-smart farming practices.*

*NGI is also part of the program “Academic cooperation on climate-smart agriculture in Zambia”, financed by the Norwegian Centre for Internationalization and Education (SIU), with student exchange and summer schools. The first summer school will take place in January 2018 in Zambia.*

*See also report on “Super farmer” in Mkushi.*

*Continuous monitoring of soil moisture with and without biochar. Biochar helps to retain precious moisture.*

## ACTION GUIDES

*Conservation Farming Unit* (CFF) *Lusaka, Zambia*

## Landsafe Chiefdoms

*Whereas many agriculturally-based rural communities may accept the economic values attached to wildlife, other sources of security such as maintaining and consolidating significant social relations through culturally mediated resource distributions are also important.*

*Stuart Alexander Marks - Back to the future: Some Unintended Consequences of Zambia's Community-based Wildlife Program (ADMAGE), 2001.*

*In Ephesians II. St Paul speaks with confidence having observed the result of God's method through Christ. Into human life and at the human level, he, so to speak, inserts his own life with its immeasurable potentialities for converting, redeeming, reconciling, and bringing into harmony. From the world's point of view, this low level approach was and still is a ridiculously weak and impracticable way of tackling the deep rooted problems of human nature. Yet it has worked, not invariably and not without failure, but with a result so impressive that even a hostile world cannot disregard it. New powers, new qualities, a new spirit came to birth and began at once to work upon even the most unpromising material to produce whole*

*men, and of humanity a Whole Man.*

*J.B. Phillips - Making Men Whole*

*In the promised land, chiefs are the glue that binds community, culture, the land and the resources it supports. By definition, they, therefore form the upper chamber, the benign aristocracy, and cannot sully their massive responsibility in the tawdry politics implanted by an alien culture. Their massive responsibility is to eschew the feudalism of the likes of the old Mpezeni and Chitimakulu, embracing an enlightened and more democratic way for their people whose destiny is inextricably linked with the land. Having 'created' the chiefdoms over much of the territory under 'Indirect Rule' - with all its faults, we further turned our back on the chiefs, choosing instead the waPolitishi class, setting Zambia back many decades.*

*Chosanganga - comment to Chola Mukanga, The Zambian Economist, 21 December 2008.*

*Sorting truth from fiction - consider the SIFT framework developed at Washington State University that tells people to [stop, investigate the source, find trusted coverage and trace the claims back to the source.](#)*

*Aids for a Guardians' Assembly*

*Common sense strategies to reduce vulnerability to extreme weather events, improve environmental quality, develop better energy technologies and increase access to grid electricity, improve agricultural and land use practices, and better manage water resources can pave the way for a more prosperous and secure future. Each of these solutions is 'no regrets' – supporting climate change mitigation while improving human well being. These strategies avoid the political gridlock surrounding the current policies and avoid costly policies that will have minimal near-term impacts on the climate.*

*And finally, these strategies don't require agreement about the risks of uncontrolled greenhouse gas emissions.*

Judith Curry recommends: [December 14, 2019](#)

[Game ranches](#) are to be allowed in Chieftaines Shimukunami of Lufwanyama, Chief Lumpuma of Lufwanyama, Senior Chief Chiwala Chieftdom of Masaiti and Chieftaines Malembeka of Mpongwe.

*Lusaka Times 14 Jan. 2019 - Government to open game ranches in chiefdoms*

\* \* \*

## INTRODUCTION

Implementing a [Landsafe](#)-type Socioecological Development Model, debated and approved by the chiefdom's Guardians' Assemblies and traditional leadership, should be considered for the survival of the chiefdoms, along with other models and recommendations. This model pursues partnerships with government departments, though the Assemblies should now take up the challenge of the Victoria Falls 2019 declaration for full ownership by chiefdoms of their wildlife and natural resources. The state of the chiefdoms and the biodiversity demand it. The particular objectives should include the following:

1. To safeguard customary land and its associated protected areas in perpetuity.
2. To strengthen the traditional authority and encourage democratic structures.
3. To conserve the wildlife and natural resources for the benefit of the

chiefdoms.

4. To provide a land and business management plan for the appropriate development of chiefdoms, one that fully respects the ecology and the traditional, cultural and religious norms.
5. To grapple with the bewildering arsenal of legislation directed by a construct of the British colonial state - the premodern state of Zambia - with its multi-party parliament, executive-style president and its neoliberal agenda controlling pre-colonial customary societies in its midst, societies conforming to unwritten laws, customs and spiritual direction provided by chiefs, headmen and spiritual leaders and increasingly Ubuntu-Christianity. This will require the following: 1) a careful classification of legislation that is advantageous and not disadvantageous to the chiefdoms; 2) the categorization of legislation of a neutral Nature; 3) the classification of legislation deemed oppressive; 4) the legislation which is required to ensure the survival and appropriate development of the chiefdoms.
6. To provide an appropriate development plan in conformity with the Sustainable Development Goals.
7. This plan must consider the chiefdom's carrying capacity, its sustainable resources, and the retention of its cultural and traditional life.
8. Where necessary, provide incentives for both investors and the chiefdoms to enter into mutually beneficial cooperative partnerships and investments.
9. To identify, propose and facilitate small cooperative businesses able to harvest natural resources.
10. To negotiate with the government to establish a national trust fund such as the Alaska Permanent Fund and implement development projects required by the customary community.
11. To foster education in the chiefdom's history, culture and religion, and in its ecology.
12. To foster conservation agriculture, health and education.

## THE EXPECTED GENERAL OUTCOMES

1. Create and register a Citizens' Assembly within each chiefdom
2. Create large community-managed game ranches - see [https://file.scirp.org/pdf/OJE\\_2014062509224846.pdf](https://file.scirp.org/pdf/OJE_2014062509224846.pdf)
3. Under the Forests ([Community Forest Management](#)) Regulations, 2018, create community forests within a customary area (GMA and Open Area), Local forests and national forests.
4. In the longer term - reclaim those parts of national parks removed from the original Native Trust Land or partner in their management and benefit-sharing.
5. The production of community landuse plans
6. The creation of a critical mass of appropriate development projects for the socio-ecological well-being of the chiefdoms
7. An investment trust fund account for the sustained investment in the chiefdoms established with a sound system of fiduciary management in place
8. The establishment of co-management agreements between the Trusts and Government departments and ministries responsible for fisheries, forestry, wildlife and water, and as a result, these resources conserved for the benefit of the people.
9. The development of safari-hunting, sport fishing, ecotourism and game cropping
10. Implementing a fire policy that is not based on early burning but on the latest burning possible to protect fire-resistant plants.

## PROPOSED LANDSAFE OUTPUTS REQUIRED FOR THE CHIEFDOMS

### OUTPUT 1: Formalizations

Activity 1: Vesting of land in the Trusts and registration with Registrar of Deeds

Activity 2: Trusts make an application to the Department of National Parks and Wildlife (DNPW), through the CRB, for registration of appropriate land as a community game ranch, with all the conditions and regulations implied DNPW inspects and surveys the proposed areas.

Activity 3: Trust signs co-management agreement with the CRB over the GMA section or makes application for conversion to an unfenced community game ranch or conservancy

Activity 4: Trusts – with the assistance of the embryonic Landsafe Foundation – provide a management plan.

Activity 5: Trusts sign co-management agreement with Forestry Department

Activity 6: Trusts sign co-management agreement with the Department of Fisheries within the Ministry of Livestock and Fisheries; requiring the following:

- Declaration of a Fisheries Management Area
- Election of a Fisheries Management Committee

Activity 7: Trusts sign co-management agreement with the Water Affairs Department

Activity 8: Trusts enter into assignment or lease agreements with investors or take up joint ventures

## OUTPUT 2: The Community Game Ranches

Activity 1: Conduct a rapid rural appraisal and sensitization exercise

Activity 2: Survey proposed reserves and agreement with Trusts and chiefs on boundaries

Activity 3: Record boundary coordinates and mapping

Activity 4: Compile baseline data on wildlife and forestry

Activity 5: Survey the riverine stretch for suitable lodges and campsites

Activity 6: Assess current poaching activities

Activity 7: Assess adjoining private game ranch fencing

Activity 8: Cost various options

Activity 9: Assess the domestic stock/wildlife disease interactions

Activity 10: Provide all critical potential impacts on the chiefdoms, like those within the Bangweulu chiefdoms where immediate action is required on proposals to dam the Luapula at Mambalima and Mambatuts falls and permanently flood the wetland. In Zambia, various examples of important zoonotic diseases reported in wild animals include tuberculosis, trypanosomiasis, anthrax, rabies, brucellosis and rift valley fever. In addition, important livestock diseases that have been maintained in wild animals include foot and mouth disease (FMD), theileriosis, African swine fever (ASF) and African horse sickness (AHS), rabies, and malignant catarrhal fever (MCF) (Bengis et al., 2002; Thomson, 1985).

<https://www.researchgate.net/publication/292918377>

## OUTPUT 3: Socio-ecological development

Activity 1: Provide a participatory landuse plan for the Trusts

Activity 2: Provide capacity support to the Trust: the care of Trust Funds and the appointment of executive officer

Activity 3: Provide capacity support to the CRBs on animal depredations

(Appendix 2), wildlife protection, quota production and monitoring, account management, development project

Activity 4: GPS villager landuse and open land registration books

Activity 5: Support education by providing teacher-assistants cum natural resource officers based in the Village Action Groups (VAGs)

Activity 3: Support health clinics

Activity 4: Implementation of conservation farming

Activity 5: Implement honey production and aquaculture and the establishment of furniture co-operatives

Activity 6: Establish village-based tourism

Activity 7: Implement micro-credit schemes, particularly one serving women

Activity 8: Provide a wildlife crop-raiding programme: assessment and recording (Appendix 2); crop protection...

## OUTPUT 4: Business plans and marketing

Activity 1: Provide a business proposal for the respective Trusts for the game ranches and forest conservancies, the GMA and the TFCA

Activity 2: Produce project proposals and business plans

## DEVELOPMENT GUIDELINES

### **1 Customary community land registration**

To offset the potentially deleterious effects of 'free-rider immigration into

the area and assist in establishing secure usufruct, open a chiefdom land registration book and register - with the use of a GPS - all residents and their agricultural landholdings. These will then be suitably mapped. The success of conservation agriculture to offset *Chitemene* and random movement then becomes essential.

## **2 Community projects and business development**

Design project proposal templates to be used by the Trust to identify and propose community projects for consideration by developing fund trustees. An important part of this process is a small business development and the implementation of micro-credit facilities.

## **3 Natural resource protection**

The future protection of the conservancy must follow a simple minimalist approach to conservancy protection and management, based on the verities of ownership:

1. Appoint protection and natural resources officers under guardian spiritual traditions. They must be well-trained, motivated and mobile and conform to the 'least possible number' concerning their leadership.
2. Training must be constant.
3. Remuneration will conform, and not exceed local norms
4. Operational manuals must be simple and explicit
5. Management manuals must be clear as to fire management, i.e. late-early burning, to improve carrying capacity.
6. Although participatory in nature, the plans and manuals must be drawn up by the Trusts with the Landsafe Chiefdom's Association established by the Guardians' Assemblies and the appropriate government departments and local planning officers' support.
7. NGOs and donors with experience in community development must be

invited and encouraged to improve livelihoods in the area, but working within the landuse plan and from a 'bottom-up' perspective.

8. *Not under any circumstances, other than through traditional legal systems which seek equitable solutions to transgressions of the natural and customary law, to arrest or imprison villagers of the customary commons who are involved in subsistence poaching.*

#### **4 The Overarching Framework**

A holistic approach to the custodianship of land and natural resources, in general, would embody revisiting the Natural Resource Act 1962 and enshrining the following essential principles :

1. Zambia's customary land is sacrosanct and should not be sold to anyone.
2. Chiefdom Development Trusts should be established in all chiefdoms to be the custodian of the land and natural resources, incorporate the villagers' needs and aspirations, be married with a simple landuse plan, and identify investment projects. The Chief, CBOs, local councils, and significant investors and NGOs would sit as trustees, responsible for managing a trust fund.
3. Having identified investment projects, trusts put them on the table for investor scrutiny as usufruct leases only. These leases are to be registered with the Commissioner of Lands.
4. Local villagers' agricultural lands are to be recorded in a land registry book maintained by the chief. A form of title is therefore recognized, without any need to advance to leasehold and total alienation.

## International Ecosocial Manifesto

*And to my late Mom, Millia Londani Charuza, who grew up in a non-literate society and whose only education was the performance of rituals designed to reinforce social stability and transmit patterns of behaviour necessary for the welfare of the community. She passed them on.*

Mario Kawayawaya – [Captured Between Islands](#) (2018)

*To destroy Earth is to destroy our life force. For an African, therefore, there is no after-life without Earth.*

John Kapya Koma - [Ubuntu, Jesus and Earth](#)

\* \* \*

## The Challenge

Zambia must transform itself, its customary commoners banding together under an Ubuntu Christian guardians culture to fight such as dam construction, mining, landgrabs, carbon offsets, fish and game commercial poaching, seed colonialism, soil destruction and poisoning, and state and neocolonial capture of the chiefdoms land and natural resources. And, it must fight the biodiversity extinction and ecosystems ecocide by vigorously asserting its eco-religious traditions and commoner tenure rights of old. In short, a transformative revolution is required.

Out there on the customary commons are indigenous peoples who live outside the tyranny of the Gross National Product (GDP), who collaborate through workgroups, discourage 'tall poppies' and corrupt big man, dispense justice of sorts, have a deep reverence for their 'living ancestors' who once required that Mother Earth be cared for by their Guardians of Nature guilds, even though they always struggled against the forces of malign sorcery. It is just that they are increasingly forced into an alien, ravaged mindset by outside coercion and rent-seeking and hard times, some of it due to their chiefs not safeguarding their welfare and that of the land. However, they can do little about enforced land alienations for industrial agriculture and mining by the state executive and the signing on with neoliberal perversions such as REDD+, a gross product of the United Nations Framework Convention on Climate Change (UNFCCC) and a neo-colonial landgrab. Then, the World Bank's [Enabling the Business of Agriculture \(EBA\) project](#) advocates reforms favouring agribusiness by weakening regulations over seeds, fertilizers and pesticides and strengthening foreign agribusiness power influence. Missing from the partnership are urban peasants squatting in slums with no toilets and indigenous peoples whose livelihoods depend on traditional land uses.

Customary commons villagers are not energy freaks. Indeed they are a major positive factor in the immediate world ecocide, for they are the only free people living, neither town proletariat nor rural state-controlled peasant. Though politicians and government bureaucrats and landgrabbers make every attempt to reduce them to a state of peasanthood, something enforced horribly on Alice Lenshina's Lumpa Church's followers in the 1960s on the attainment of self-rule. The world can learn certain truths from Zambia's

indigenous peoples' energy-free traditional rural lifestyle, poor as it may seem to outsiders, reminding the West of its pre-industrial revolution and communal way of life before the horror of the Enclosures. We need to be reminded of this.

## An International Ecosocial Manifesto

An Ecosocial Manifesto was launched in 2001 by Joel Kovel and Michael Lowy.

*The twenty-first century opens on a catastrophic note, with an unprecedented degree of ecological breakdown and a chaotic world order beset with terror and clusters of low-grade, disintegrative warfare that spread like gangrene across great swathes of the planet—viz., central Africa, the Middle East, Northwestern South America—and reverberate throughout the nations.*

*In our view, the crises of ecology and those of societal breakdown are profoundly interrelated and should be seen as different manifestations of the same structural forces. The former broadly stems from rampant industrialization that overwhelms the earth's capacity to buffer and contain ecological destabilization. The latter stems from the form of imperialism known as globalization, with its disintegrative effects on societies that stand in its path. Moreover, these underlying forces are essentially different aspects of the same drive, which must be identified as the central dynamic that moves the whole: the expansion of the world capitalist system.*

*We reject all euphemisms or propagandistic softening of the brutality of this regime: all greenwashing of its ecological costs, all mystification*

*of the human costs under the names of democracy and human rights. We insist instead upon looking at capital from the standpoint of what it has really done.*

***Acting on nature** and its ecological balance, the regime, with its imperative to constantly expand profitability, exposes ecosystems to destabilizing pollutants, fragments habitats that have evolved over aeons to allow the flourishing of organisms, squanders resources, and reduces the sensuous vitality of nature to the cold exchangeability required for the accumulation of capital.*

***From the side of humanity**, with its requirements for self-determination, community, and a meaningful existence, capital reduces the majority of the world's people to a mere reservoir of labor power while discarding much of the remainder as useless nuisances. It has invaded and undermined the integrity of communities through its global mass culture of consumerism and depoliticization. It has expanded disparities in wealth and power to levels unprecedented in human history. It has worked hand in glove with a network of corrupt and subservient client states whose local elites carry out the work of repression while sparing the center of its opprobrium. And it has set going a network of transtatal organizations under the overall supervision of the Western powers and the superpower United States, to undermine the autonomy of the periphery and bind it into indebtedness while maintaining a huge military apparatus to enforce compliance to the capitalist center.*

***We believe** that the present capitalist system cannot regulate, much less overcome, the crises it has set going. It cannot solve the ecological crisis because to do so requires setting limits upon accumulation—an unacceptable option for a system predicated upon the rule: **Grow or Die!** And it cannot solve the crisis posed by terror and other forms of violent rebellion because to do so would mean abandoning the logic of empire, which would impose unacceptable limits on growth and the whole*

*“way of life” sustained by empire. Its only remaining option is to resort to brutal force, thereby increasing alienation and sowing the seed of further terrorism . . . and further counter-terrorism, evolving into a new and malignant variation of fascism.*

***In sum**, the capitalist world system is historically bankrupt. It has become an empire unable to adapt, whose very gigantism exposes its underlying weakness. It is, in the language of ecology, profoundly unsustainable, and must be changed fundamentally, nay, replaced, if there is to be a future worth living.*

***Thus the stark choice** once posed by **Rosa Luxemburg** returns: **Socialism or Barbarism!**, where the face of the latter now reflects the imprint of the intervening century and assumes the countenance of ecocatastrophe, terror counterterror, and their fascist degeneration.*

***But why socialism**, why revive this word seemingly consigned to the rubbish-heap of history by the failings of its twentieth century interpretations? For this reason only: that however beaten down and unrealized, the notion of socialism still stands for the supersession of capital. If capital is to be overcome, a task now given the urgency of the survival of civilization itself, the outcome will perforce be “socialist,” for that is the term which signifies the breakthrough into a post-capitalist society. If we say that capital is radically unsustainable and breaks down into the barbarism outlined above, then we are also saying that we need to build a “socialism” capable of overcoming the crises capital has set going. And if “socialisms” past have failed to do so, then it is our obligation, if we choose against submitting to a barbarous end, to struggle for one that succeeds. And just as barbarism has changed in a manner reflective of the century since Luxemburg enunciated her fateful alternative, so too, must the name, and the reality, of a “socialism” become adequate for this time.*

## INTERNATIONAL ECOSOCIAL MANIFESTO

***It is for these reasons** that we choose to name our interpretation of “socialism” as an ecosocialism, and dedicate ourselves to its realization.*

## Vic Falls Declaration (2019)

*The irony of writing the history of 'post-Independence' Zambia is, sadly, the nation's stark lack of genuine independence. Over the course of her forty-odd years as an internationally recognized state, Zambia – like much of Africa – has had less and less to say about the basic facts determining the welfare of her citizens. A further irony is that Zambia's vulnerability to forces beyond her control – a condition which can be termed 'subsidiarity' – seems to have deepened in the wake of the post-Cold War onslaught of liberalization that promised to revitalize the nation's economy and her democratic institutions. Evidence of Zambia's deeply rooted subsidiarity is extensive. For starters, her constitutional order, and indeed a sizable chunk of her extant legislation, are not of the nation's own making but a colonial legacy. Zambia's gross national product – based heavily on copper export revenues – is hostage to strategic commercial, military and technological decisions made in cabinet meetings and corporate boardrooms on distant continents. Her state budget, and the policy instruments by which government claims to address the banes of poverty, unemployment, ill-health and illiteracy, are*

*strictly controlled by transnational debt-masters in Washington. Even Zambia's major religious bodies – and their concomitant items of doctrine and faith – are beholden to unassailable episcopal hierarchies the apices of which reside in Europe and North America. On the whole, Zambians have virtually no say at all on vital questions of life and death – like the price of copper and fossil fuels, the right of Christian clergy to exorcise demons or the affordability of anti-retroviral drugs. Her state budget, and the policy instruments by which government claims to address the banes of poverty, unemployment, ill-health and illiteracy, are strictly controlled by transnational debt-masters in Washington. Even Zambia's major religious bodies – and their concomitant items of doctrine and faith – are beholden to unassailable episcopal hierarchies the apices of which reside in Europe and North America.*

*The frailty of Zambia's sovereignty is well known, yet still we continue to use the vocabulary of 'independence'. Why is this? Partially, no doubt, out of discretion. Given devastating deterioration of living standards over the past four decades, the benefits of Zambian citizenship have been reduced to little else than a rather empty juridical sovereignty. Etiquette aside, the prevailing conceptual diplomacy is also based on the premise that 'independence' is the normal state of affairs for a sovereign nation like Zambia. The endless list of caveats that belie this fundamental truth, for Zambia as for countless of her neighbors, must be aberrations.*

*[Jeremy Gould](#) - Subsidiary Sovereignty And The Constitution Of Political Space In Zambia (2008). In: [One Zambia, many histories](#).*

\* \* \*

**Africa's Wildlife Economy Summit Hosted by the African Union and United Nations Environment Programme Victoria Falls, Zimbabwe - June 25, 2019**

**DECLARATION** - Voices of the Communities: A New Deal for rural communities and wildlife and natural resources

*We, the over 40 community representatives of 12 countries across Africa have met prior to Africa's Wildlife Economy Summit, to tell the stories of our experiences of living with and among Africa's wonderful wildlife that our forebears watched over and cared for from time immemorial as an integral part of their societies' culture, traditions and economies. We have discussed the role of communities in managing wildlife resources on their land – bearing the costs of living among them sustainably over centuries, despite the continuing legacy of dis-empowering colonial laws and policies. We are the front line of defence in protecting natural resources and combatting illegal wildlife trade.*

*A key component of Africa's economic potential lies in its biodiversity and wildlife economy, as a unique competitive advantage, for fighting poverty and building resilient communities. Given rapid changes facing Africa in terms of growing poverty and inequality, impacts of climate change, and increasing land transformation that have the potential to destabilize economies of the continent, urgent attention needs to be paid to these threats. We are not helpless communities. We have strong capacity to take this New Deal forward ourselves, if our rights of ownership, governance and use of our natural resources are recognized and respected, as shareholders and not mere stakeholders.*

*We therefore implore you the Heads of State and governments in Africa together with the private sector and international organizations to*

*recognize the role of communities in the ownership, management and conservation of natural resources that drives the wildlife economy across Africa and to address our concerns, in the spirit of environmental and economic justice. Let us move from a raw-deal to a New Deal.*

## **Goals**

*Noting increasing rural poverty across the continent, loss of wildlife and habitat, lack of inclusion of communities in decision making and lack of rights, our goal is to reset the agenda for community based natural resources management to:*

- Reduce poverty at household level;*
- Turn wildlife into a rural economic engine;*
- Achieve self-determination and security of rights and tenure; and*
- Develop strong community institutions to govern wildlife sustainably.*

## **Solutions and way forward**

*With consideration of the above arguments, we the communities of Africa propose the following as the way forward to achieve a New Deal:*

- Recognize community rights over the ownership, management and use of resources*
- Strengthen community governance and institutions*
- Build and enhance local capacity of communities to govern and manage natural resources*
- Recapitalize the communities and their natural resources including across boundaries*
- Ensure that community voices are heard in shaping policy and decision making*
  - from the local to the global level*
- Strengthen evidence-based adaptive management, incorporating indigenous*

*knowledge*

*- Promote investment partnerships in a community-owned wildlife economy.*

*- Ensure that a full and fair share of benefits from the wildlife economy flow directly to the communities.*

*- Change the development model from doing things for communities to financing well-governed communities to do things for themselves*

*This is an invitation to Heads of State and governments of Africa, the private sector and international organizations to work with us to allow our continent's communities to achieve a New Deal that will become a stronger foundation of Africa's Wildlife Economy. We trust that this is the first step in a meaningful process bringing us together as communities, government, private sector and international organizations as equal partners to conserve our biodiversity into the future. We call on the global community to support this initiative as our biodiversity is a global asset.*

*It is our request that this Declaration be part of the formal record of this Summit.*

The summation of the June 2019 African Union/United Nations (UNEP) Wildlife Economy Summit at Victoria Falls, where four regional African Presidents and 1000 delegates attended, agreed to do the following:

*1 Recognize community rights over the ownership, management and use of resources*

*2 Strengthen community governance and institutions*

*3 Build and enhance local capacity of communities to govern and manage natural*

## VIC FALLS DECLARATION (2019)

*resources*

*4 Recapitalize the communities and their natural resources including across*

*boundaries*

*5 Ensure that community voices are heard in shaping policy and decision making from*

*the local to the global level*

*6 Strengthen evidence-based adaptive management, incorporating indigenous*

*knowledge*

*7 Promote investment partnerships in a community-owned wildlife economy.*

*8 Ensure that a full and fair share of benefits from the wildlife economy flow directly*

*to the communities. Change the development model from doing things for*

*communities to financing well-governed communities to do things for themselves*

These eight recommendations hold the key to the survival of many indigenous people and their vital natural resources. Guardian Assemblies need to first concentrate on them.

## Colonial-based Natural Resource Management

Nabwalya Chiefdom, Luangwa.

Stuart Marks - ch. 17 - whom I had first met in the Luangwa in 1966, has since that time immersed himself in the anthropology, biology, sociology and history of the Nabwalya customary commoners to the present. (I had conducted the first hunting safaris there in 1969 and returned with my client, Bill Faeth, in 1979, on the last black rhino hunt in the country). Marks points out the [failures of ADMADE'S CBNRM program](#) in the Nabwalya Chiefdom in his penetrating paper, *Back to the Future: Some Unintended Consequences of Zambia's Community-Based Wildlife Program (ADMADE)*.

I have extracted 45 of the points Marks made about CBNRM (Community-

based Natural Resource Management) in, *Back to the Future*. No more succinct and penetrating analysis of the WEIRD neocolonialist attempts to deliver 'conservation' to the chiefdoms exists.

<quote>

1. Under most community-based wildlife initiatives, local people are expected to forgo their "opportunity costs" of living with wildlife together with their "traditional" access rights in exchange for strictly economic benefit streams generated from wildlife uses by outsiders.
2. Whereas many agriculturally based rural communities may accept the economic values attached to wildlife, other security sources such as maintaining and con-solidating significant social relations through culturally mediated resource distributions are also important.
3. Sustaining these resource networks while perpetuating cultural and social identities are central concerns for many small-scale communities' survival in difficult environments.
4. Zambia's failure to achieve local wildlife conservation through the ADMADE initiative resulted from an inappropriate understanding of the specific context of wildlife uses and related livelihood practices within its Game Management Areas (GMAs).
5. ADMADE presumed that rural residents would be converted to conservation largely as a matter of economics and expediency. This objective could be accomplished by establishing an alliance with the "traditional authority" (i.e., the chief) its main link within these rural communities.
6. New conservation initiatives to become effectively embedded in community processes must grapple with the role and significance of key resources in marginal agricultural communities and with those traditionally responsible for their procurement, management, and distribution.
7. With wildlife remaining a crucial and significant resource, residents often see government agents as a problem around which they must manoeuvre.
8. This program has only marginally benefitted rural communities while

increasing state control in these rural areas.

9. As household and lineage methods of taking wildlife have turned increasingly from guns to the indiscriminate snaring method, the resulting impacts upon wildlife have been devastating.
10. Local residents' activities to acquire "bushmeat" assumes local meaning within the context of their historic survival strategies and within ADMADE's attempts to restrict local off-takes to increase wildlife populations for the more lucrative tourist and safari industries.
11. Currently, most local wildlife harvests are illegal (without license or permit), belong to the "second economy" (MacGaffey 1991), and have become part of a "hidden transcript" in cultural survival (Scott 1990).
12. Success at agricultural tasks often demands group rather than individual strategies and highlights the importance of cooperative networks for sustaining livelihoods.
13. Wildlife enforcement agents represent such outside concerns and may have little empathy for the plights of local people. Local perspectives recognize that livelihood practices are not disembodied from the social relations that bind individuals and groups.
14. The collection of natural resources involving wild plants, forest products, fishing and hunting, is an integral part of their agricultural activities.
15. Various social commitments and obligations shape Their livelihoods and household priorities for food and income.
16. Flooding of fields, drought conditions, and cycles of agricultural pests (rodents, birds and insects) all contribute to the uncertainties of producing crops within the Luangwa valley. These problems are partly addressed through redistributive mechanisms based on cooperative networks of kin relations.
17. Social relations commonly include both living and dead members of a particular group.
18. Although their importance is differentially acknowledged by being denied, banned, or discouraged, the numbers of small spirit shrines (*mfuba*) scattered in settlements testify to the importance attributed to the residential group's ancestors.

19. Hunters often solicit ancestral aid for protection and for securing the game before proceeding into the bush.
20. The significance of hunting practices relates to their cultural and symbolic values as to their economic importance.
21. Specific resources (such as wildlife) become the products of meaningful actions in determinant social and historical contexts and are not reducible to mere economics.
22. Local hunters are individuals who attest to a “dream summons” prompted by a revered ancestor which sanctions his calling and status, who possess a “guardian protective presence” (an ancestral ghost), who have spent a period of training under an elder, and who have inherited or has access to a lineage weapon—usually a muzzle-loading gun or modern weapon.
23. The takers of wildlife have changed from elders (who controlled the authority and symbols of the hunt) and middle-aged men (seeking recognition for their prowess) increasingly to younger men with little or no supervision.
24. Fragmentation into smaller settlements and impoverishment is the cultural context in which snaring has greatly increased. Unlike guns, snaring is difficult to control.
25. Given this social factionalism and the importance of secrecy to escape detection by the wildlife scouts, bushmeat, once obtained, is not widely shared.
26. One consequence is that wild meat has shifted from a key element in reciprocity among relatives too, where the market is available, a commodity for strangers to purchase if cash is needed for other necessities.
27. Both project conception and implementation were “top-down,” prescriptive, and focused more on wildlife than local people.
28. ADMADE funds are untimely delayed in reaching their targets and often misappropriated.
29. Villagers were largely kept in the dark about the amounts of funds generated through safari hunting and tourism on their lands.

30. Communities through their wildlife committee were allowed to spend funds only in designated and appropriate categories of expenditures (a school, clinic, road building, etc.).
31. A few key political players (notably the chiefs and members of their lineages) have monopolized both the allocation of these funds designated for GMA development and other important decision-making capacities.
32. Chiefs gave preferential employment to members of their own lineages through the village scout program and retained control over the form and placements of community developments. As ADMADE was purposefully designed to work within existing authority structures, such practices had the effect of marginalizing the broader community, represented by other lineages, from active participation.
33. Scouts have been used selectively against the project's local detractors and other lineages.
34. The wider community has experienced insidious inside policing and wildlife enforcement that has seriously impacted their access to wildlife protein and driven these practices underground.
35. If ADMADE's transfer payments to beneficiaries in the Munyamadzi Corridor were meaningful at the local level, then we would expect a decrease in the number of arrests for wildlife violations over time. This reduction has not occurred.
36. Any reduction in the number of arrests appears as more a function of difficulties in implementing the program in an isolated GMA than in effectiveness or in changing behaviour.
37. Many imposed interventions have failed, such as gender and democratic representativeness, transparency, and equity issues.
38. ADMADE has provided neither leadership nor protection against elephant raiding fields—especially as residents remember elephant control as an important management feature under the colonial government.
39. There is no compensation to the owner of a raided field except if the raider is killed, and even then, scouts often claim the meat for themselves or the District.
40. And when cultivators try to protect themselves against a crop raider,

they may find themselves being prosecuted.

41. ADMADE enforcement furthers social tensions among residents. Strong sentiments and expectations over wild meat motivate some individuals to become informers when they know of kills, and they have been left out of distribution networks.
42. Comparing the wildlife counts taken between 1966 and 1967 close to villages with those taken in the same location in 1988 and 1989 shows a 50 percent reduction in numbers.
43. Snaring is a nonselective method that takes prey without reference to sex, age, or species. Thus conservationists intending to manage wildlife populations through these programs lose even more control over the very animals they sought to conserve.
44. Human communities neighbouring these protected areas continued to suffer resource constraints and damage to their crops or livestock by wild animals (Parry and Campbell 1992; Infield and Namara 2001). Further, rural communities had become legally dispossessed of their wildlife rights through the state's management practices of license controls, protection policies, and enforcement through its coercive military culture (Peluso 1993; Hitchcock 2000). Conservationists were convinced that wildlife and protected areas would disappear unless local communities became more integrated with and benefitted from these areas.
45. The communities were expected to receive projects gratefully as passive recipients, to participate in proscribed "committees," and to accept benefits in prescribed packages.

<unquote>

## My Quote from 'Plunderers of Eden'

*It is the criminal human rights abuses visited upon villagers, coinciding with the arrival of ADMADE, which entirely consigns to the dustbin of history the rationale of outside intervention and force in the guise of government-directed community resource management. In Nabwalya central, the survey of households in 2006 showed that the percentage of arrests, 38% (174/460) among respondents, was even higher in some village clusters. In 2006, in a summing up of ADMADE, Marks declared that rather than rural residents benefitting from their natural resources, ADMADE had ushered in sustainable-use conservation but with legal access to wildlife only assured through wealth and privilege.*

*CBNRM in my experience in numerous African countries is a disaster: disempowering indigenous people; creating social divisions; introducing a military police presence (who themselves poach); imprisoning subsisting-hunting villagers and their families in prisons under conditions that defy belief and for periods - before and after sentencing - which run up to six years in Zambia; stimulating land and resource grabs - in particular, the wildlife on which they depend; using them as a rent-basket for siphoning off money from state game cropping schemes and not sharing it equitably; driving subsistence 'poaching' underground through snaring; encouraging the use of poisons (so killing all the lion in Bangweulu); allowing hunting safari operator abuse of local villagers - as I experienced vividly in C.A.R., and as Marks records in his book, *Life as a Hunt* when writing of the life of a man who was once my safari tracker in Nabwalya in 1969. Marks' book, *Life as a Hunt*, makes absolutely clear what CBNRM is about.*

## Norwegian aid and sustainable development: Project case from Zambia (2003)

Sele, Anne Maiken

### Final concluding remarks:

*SLAMU is a good example which shows us that it is possible to combine development and environmental protection through sustainable use. It is, however, difficult to reach real decentralisation of management responsibility and financial gains, because of the difficult issue of power relations. Real decentralisation has not been fully and securely reached in SLAMU, although they have come a long way. It is therefore important to consider the circumstances when trying to reach decentralisation, and not forget what Crook and Sverrisson have highlighted; that decentralisation measures are not technically neutral devices which can be 'implemented' without constraint, as if there were no pre-existing social context (Crook & Sverrisson 2002: 2).*

## Evaluation of Norwegian Development Support to Zambia (1991 – 2005)

Oxford Policy Management (2007)

Executive summary

*Introduction and Purpose*

*This case study report concerns the support given by the Norwegian government to the Government of the Republic of Zambia (GRZ) for its wildlife and natural resources sector during the study period of 1991-2005. This support was delivered primarily through the Luangwa Integrated Resource Development Project (LIRDIP) and its successor, the South Luangwa Area Management Unit (SLAMU). Related support was provided during 2000-2001 and 2004 to assist the transition from the government department responsible for wildlife management, the National Parks and Wildlife Service (NPWS), to the parastatal statutory body, Zambia Wildlife Authority (ZAWA).*

### ***Background of LIRDIP/ SLAMU and the Zambia wildlife sector***

*LIRDIP/ SLAMU has been concerned primarily with the conservation of the Luangwa Valley in south-central Zambia, with a focus on the continued existence of the South Luangwa National Park (SLNP) and its wildlife in the Lupande Game Management Area (LGMA) immediately adjacent to the southwestern boundary of the SLNP. At the same time, it has aimed to utilize wildlife as a natural resource to improve livelihoods of the people in the LGMA, addressing rights, access to and ownership of natural resources, governance and political economics. Lessons learned in South Luangwa could be applied to other areas of Zambian wildlife sector as a whole.*

*The origin of LIRDIP was the Lupande Development Workshop of 1983, with a following study proposing a multi-sectoral project that received crucial initial support from the extant President, Kenneth Kaunda. The project has gone through several phases, with changing objectives, as well as changes in the external conditions in the Zambian government.*

*The first implementation phase, **Phase II**, during 1987-1992, was an ambitious, multisectoral approach to improving the standard of living of the people in the project area by means of sustainable use of its natural resources, and a large component of infrastructure*

development. Although now viewed in retrospect as a top-down, unsustainable “minigovernment” that substituted for the work of the GRZ, this type of project was typical of ICDP-type donor interventions of the mid-1980s period, and Phase II did provide the initial basis for subsequent, more focussed developments.

**Phase III** saw improved administrative management and a focus on creating a viable CBNRM programme, phasing out the non-wildlife sector components and making wildlife utilization the primary means of income-generation for park management and rural livelihoods. The CBNRM work also introduced a strong element of decentralized grassroots democracy, with elected Village Action Groups given the key decision-making role for managing the funds from hunting concessions.

**Phase IV** coincided with the transition of NPWS to ZAWA, a process that ironically resulted in re-centralization of key activities, such as CBNRM. LIRDPA became a ZAWA “area management unit”, SLAMU, arguably a positive step in the direction of institutional sustainability. However, it also, decentralized “ownership” of the wildlife resource in the GMAs and reduced the flexibility and level of funds received.

**Phase V** extended the objectives of Phase IV, with even greater focus on financial and technical self-sufficiency of SLAMU for managing the SLNP and the LGMA. The expansion of the tourism sector, including creating ever-greater opportunities for private sector operators within the SLNP, and the development and maintenance of partnerships with NGOs in the GMA, have been key aspects of the move towards self-sufficiency.

The project objectives have clearly evolved over the two decades of support, with an accompanying trend towards greater financial, managerial and technical accountability and independence. In all phases, there has been a commitment to infrastructure development in the region, with a significant proportion of the budgets devoted to road building and

*maintenance.*

*ZAWA appears to have taken on ownership of the LIRDPA through its creation of SLAMU, but central government still does not appear to be taking seriously the role of the wildlife sector in the national economy, in tourism and its multiplier effects, in general or in the Luangwa Valley in particular.*

*ZAWA abandoned the participatory approach developed by LIRDPA/SLAMU under Phase III, forcing it to conform to the nation-wide ADMADE programme, operated through ZAWA's central headquarters, and retaining significant funds for itself and for the national treasury*

### **Conclusions and recommendations**

*The main lesson from South Luangwa is that maximum impact on rural livelihoods, local democratic structures and active involvement in sustainable natural resource use and protection occurred under the conditions of Phase III, when all hunting funds were received directly by communities and decisions on their disbursement and spending were taken by village-level groups. This arrangement empowered the people most directly involved in wildlife utilisation and prevented much of the interference in their control over these resources by individuals and groups at higher levels, including powerful interests in government and the chiefdoms. The current system has interposed ZAWA between the source of revenue in hunting concessions and the rural people. The government now retains a significant proportion of financial return at a higher level, but more importantly it has re-taken much of the decision-making power over resource use out of the hands of the rural populace. **This approach is consistent with the view that, unless attention is focussed, powerful groups at higher levels in social hierarchies act to maintain their control over resources.***

*We suggest that Norway and the development programme through its Embassy*

*1. should continue its support for investment in the capacity of ZAWA to develop its protected areas as income-generating enterprises, using the SLNP model and applying it to other parts of the country, .*

*2. should continue dialogue with GRZ to reverse the policy of Treasury drawing funds from ZAWA, and instead for Treasury to recognize the importance of well-functioning wildlife PAs in the national tourism economy by providing ZAWA with funds sufficient for capitalization and investment to build PA capacity for income generation.*

*3. focus attention on devolving financial resource capture and decision-making power to the lowest levels in community areas of Lupande GMA, and with that model, to other GMSs around the country. This may require changes to the Wildlife Act.*

## USAID REPORT on CBNRM in Southern Africa (2011)

In October 2011, USAID, through its consultants, DAI, produced a draft review of CBNRM in Southern Africa, the final report produced in 2013.

Part of this report was a 32-day ‘stocktaking assessment’ in 2017, in reality, a propaganda effusion for accepted ZAWA/CBNRM dogma rather than a report on the actual situation. The executive summary concluded: “As a result of conducive policy and legislation, as well as support from cooperating partners and local governance systems, CBNRM produced positive results.” I saw little evidence in Zambia to back up this statement.

## My Comments

### ***Quote Page 20 (1).***

*In Zambia, the Act No. 12 of 1998 established the rights of local communities to use and manage natural resources in Game Management Areas (GMAs) and Open Area's.*

As in the 1998 Act, DAI makes no mention of customary area. Under section 7 (2b), it does direct that a Community Resource Board (CRB) shall have the power to 'manage the wildlife under its jurisdiction, within quotas specified by the Authority' (ZAWA at the time). But, in reality, no such power has ever been conferred on CRBs. And although the CRBs do attend a quota meeting, they have absolutely no impact on it. They are directed principally by the income requirements set for the particular category of hunting concession by the government. CRBs have not been given the right to use and manage natural resources, the main problem afflicting customary area. And as I wrote in *Plunderers of Eden* regarding the new Wildlife Act of 2015. "The act is ominous, the inexorable heavy march of commodification, privatization, and the alienating state deafening."

*2. 'These rights include developing management plans, in consultation with the Zambian Wildlife Authority (ZAWA), on the integrated use of natural resources – plans that are expected to reconcile different land uses within GMAs. To exercise NRM rights, communities must apply to ZAWA for registration as CRBs (Nyirenda, 2010). CRBs are then divided into smaller Village Action Groups (VAGs).'*

CRBs never write management plans; the few written are produced by government and imposed on the customary villagers. CRBs don't apply to government for registration. It is the government that sets them up and removes them when they see fit. As for the VAGS, they disappeared a long time ago in the ADMADE era.

3. *'In the fisheries sector, local communities have rights to 25% of fish levy revenues via zonal committee's.*

This is the first I have heard of this. It is unlikely – as with the CRBs – that a fish levy has ever been paid. The administration of Zambia's fishery is a fine example of an oxymoron.

4. *There has also been some encouragement of a sense of forest ownership and the establishment of joint ventures with the private sector via the 1998 National Forest Policy. Legislation does guarantee the right to access and use NTFPs. Forestry legislation makes provision for Joint Forest Management Agreements between the government and communities, but has not been implemented except in a few pilot areas. The result is that communities cannot meaningfully engage in forest management and it is difficult for them to derive income from the sustainable use of forest products. Large timber harvesting concessions are provided to the private sector without any provision for community benefit.*

Yes, forestry is a disaster area. However, the Forestry Act of 2015 holds out considerable promise.

5. *'CRB rights include the negotiation of co-management agreements, in collaboration with ZAWA, with hunting companies and photographic tour operators. CRBs specify the benefits that should accrue to them in these agreements. CRBs also participate in setting wildlife quotas, including the quota that is retained for GMA residents; they have the right to manage the wildlife within these quotas. CRBs also have rights to a share of revenue generated by wildlife utilization: 45% of animal fees and 20% of concession fees are allocated to them as community funds.*

CRBs are treated with disdain by the government. They have no power, being merely ghost actors not paid according to the law by the rent-seeking government.

6. *'The allocation of the revenue to communities is often slow and not very transparent. According to official policy, the use of these funds must be divided between wildlife management activities (45%), community projects (35%), and CRB administration (20%). Some stakeholders maintain that the transfer of NRM governance and rights to local communities is still generally insufficient. Also, the Wildlife Act does not clearly define the use rights of CRB s and ZAWA mostly drives management activities and decision-making. Communities have realized that they play an important role in wildlife management and have started to demand a higher percentage of income.'*

An understatement. CRBs have been defrauded, and many are complicit in poaching rings.

**Page 24.**

7. *'In Zambia, elephant have more than doubled in the Luangwa Valley since the 1980s from around 9 000 to about 18 600 and some other species in the valley such as impala and puku have also increased.'*

There are only about 22,000 elephant left in Zambia, 14,000 in the Luangwa. No mention is made of the extinction of the black rhino when CBNRM - community-based schemes were at their most active.

**Page 25.**

8. *'In addition declines in wildlife numbers are attributed to the partial implementation of CBNRM where community rights are not well defined and benefits are not clear.'*

True. But DAI makes no mention of the CBNRM context, i.e. customary area and its misuse by donor-aid CBNRM projects.

9. *'There are some indications that fish stocks have increased in traditionally protected fisheries in Zambia where community participation is robust (e.g., Barotse, Kariba). Also, local forests outside of the National Forest network have generally been conserved through traditional values and the participation of local communities. In the agricultural sector, widespread adoption of conservation farming techniques has resulted in impressive yield increases: 5,000 kg/ha for maize as opposed to 1,100 kg/ha using traditional practices. The Zambian approach to conservation farming appears to be a model that other CBNRM programs can learn from.'*

Here there is an admission that villagers are in some areas conserving their fishery and forests. No mention is made that this is because of customary and traditional systems free of the CBNRM rent-seeking.

**Page 30.**

10. *'In Zambia 1,012 village scouts have been employed in wildlife management activities.'*

Mostly unpaid, unsupervised, and not employed under civil service conditions. They form the core of poaching rings. And prey on subsistence hunters.

**Page 47.**

*'Conclusion*

*CBNRM can be a powerful tool for both conservation and rural development in Southern Africa. It has produced positive results where it has been implemented most closely in line with its underlying principles. It has not succeeded so well and in some cases has failed where devolution of rights has not gone far enough, where communities have been prevented from receiving the full benefits from resource management, and where insufficient attention has been given to developing resilient institutions and good governance processes. Decision-makers and policy makers in*

*the region are in a position to build on the successes and take steps to avoid the failures of the past’.*

No mention of the real issue – the empowerment of the customary commoners over land and its resources. CBNRM in Zambia has been an abject failure, working against the interest of customary people, the wildlife, the fishery, the forests, etc.

Perhaps the new Act, hidden away for the moment, will help remedy the donor-government CBNRM refrain (The Protection of Traditional Knowledge, Genetic Resources & Expressions of Folklore Act No. 16 of 2016).

Jones, Brian et al. Community-Based Natural Resource Management in Southern Africa. DAI/USAID. 2013. p.20. Web. 8 April 2017. [http://pdf.usaid.gov/pdf\\_docs/PA00JRSF.pdf](http://pdf.usaid.gov/pdf_docs/PA00JRSF.pdf)

Nyirenda, V. Community-based natural resource management: Stocktaking assessment. Zambia profile. USAID. Washington, D.C., 2011. Web. 10 July 2017.

Manning, I.P.A. Critique of the report: CBNRM stocktaking report, Zambia profile. Web. 8 April 2017. [https://docs.google.com/document/d/1QI2IOVCcYtDgybtjU\\_imDHVlmjHDoieZSP376BJ\\_1mo/edit?usp=sharing](https://docs.google.com/document/d/1QI2IOVCcYtDgybtjU_imDHVlmjHDoieZSP376BJ_1mo/edit?usp=sharing)

Wildlife Act of 1998. Web. 7 April 2017. [http://theredddesk.org/sites/default/files/wildlife\\_act\\_12\\_1998\\_1.pdf](http://theredddesk.org/sites/default/files/wildlife_act_12_1998_1.pdf)

Web. 7 April 2017. <http://www.parliament.gov.zm/node/5214>

## Panos Institute Report on CBNRM in Zambia (2017)

<quote>

### Conclusions:

1. It is evident that the limited or non-involvement of the traditional leadership and local communities in the ENRM and CBNRM issues directly impact the failure to attain sustainable forest and agricultural practices.
2. This has resulted in uncontrolled depletion of fish, land degradation and severe deforestation.
3. The limited knowledge, information and understanding of ENRM issues prevalent among the local communities have contributed to the failure to manage natural resources effectively.
4. Also, the existing relevant laws and policies present several challenges as they do not provide detailed and transparent regulations and mechanisms for public participation in planning, decision-making and management of natural resources.
5. Moreover, some other policies and laws are still in draft form, such as the Draft Land and Administration Policy and the Draft Fisheries Policy.
6. It is further noted that the Local Government Act does not adequately reflect the system of devolution espoused by the (amended) Republican Constitution of 2016.
7. There is also no provision for public participation or community involvement in developing several laws and policies or their preparation, as in the case of the National Environmental Protection Plan (EPP).
8. Despite numerous provisions mandating community consultation, there are no regulations governing the method, form, and precise process that community consultations should take.
9. Similarly, there is evidence suggesting widespread non-compliance and ineffective monitoring of CBNRM mandates in the fisheries and forestry

sectors.

### **Recommendations:**

1. The policies in draft form should be finalized and adopted.
2. Community consultation mandates should be accompanied by detailed procedural guidelines on the form, method, and process these consultations should take.
3. Community input should be solicited during the mining licence decision-making processes.
4. Law reform that integrates, harmonizes and revises laws relating to reducing emissions from deforestation and forest degradation, and other sources (REDD+) should be undertaken.
5. The Local Government Act should be updated to reflect the system of devolution envisaged by the Republican Constitution.
6. Since prudent ENRM is most effective at its source, local community input and involvement is critical to the development of the National Environmental Protection Plan, and the Environmental Management Act must facilitate this engagement.
7. There is a need to ensure that there is statutory compliance with the Fisheries Act, which requires that all Fisheries Management Areas must have a Fisheries Management Plan.
8. The FMA plan must provide mechanisms to enable the public, women, in particular, to participate in managing water resources within a catchment.
9. An effective enforcement monitoring mechanism must be put in place to ensure that the CBNRM directives enshrined in laws and policies are complied with.
10. A precise process of community consultations should be included in the ENRM policies and laws.
11. There is a need to curtail discretionary elements in CBNRM implementation and to replace these with mandatory directives.
12. An outreach and awareness campaign should be mounted to inform the

- public of their public participation rights.
13. There is a need to conduct an ethnographic study on the enforcement and implementation of CBNRM directives and the effect of CBNRM laws and policies on local communities.
  14. There should be a deliberate effort to translate basic key facts of the policies and laws into Zambian languages to facilitate understanding by the rural communities.
  15. There should be continuous sensitization and training programmes of different target groups of the rural communities to gain some knowledge and understanding of ENRM and CBNRM issues.
  16. The media should consider designating a desk to specialize in ERN and CBNRM issues and regularly publish articles on these issues.

<unquote>

\* \* \*

## Lessons from Luangwa

[Barry Dalal-Clayton and Brian Child \(2003\)](#)

### *APPENDIX 2*

#### *ADMINISTRATIVE MANAGEMENT DESIGN (ADMADE) FOR GAME MANAGEMENT AREAS*

*ADMADE is the official national CBNRM programme Zambia's National Parks and Wildlife Service (NPWS). Like LIRD, it had its*

origins in the Lupande Development Workshop held at Nyamaluma in 1983 (Dalal-Clayton and Lewis 1984) (see sections 2.1 and 2.2), but the two initiatives have followed different directions. NPWS (strongly prompted by Dale Lewis) believed that community-based resource protection and benefit-sharing should be enabled within existing administrative structures and remain firmly within and under the control of NPWS. This school initiated the ADMADE programme. The other school (planners and other government officers working with the Eastern Province authorities) followed through on the approach endorsed by the majority of workshop participants. It developed a proposal which led to LIRD - in its early phases, this was developed as an integrated project with a wide remit for resource management in the Luangwa catchment and sought to establish itself as a semi-autonomous body to overcome the inertia and poor performance in the Luangwa Valley of line departments. Since 1995, LIRD has had a tighter focus on CBNRM and managing the South Luangwa National Park. Since 1992, LIRD has been officially under NPWS, but it has not been integrated with ADMADE and has been more-or-less ignored by NPWS and allowed to operate as a stand-alone project. The main donor support for ADMADE has come from USAID, which has provided US \$4.8m since 1989, but this funding is scheduled to end at 1999. The programme has operated through two phases: a development phase (1989-1994) and a strengthening phase (1995-1997/8). The development phase was based on the following objectives (Mwenya et al. 1990) - to

- Provide an effective network of buffer zones for national parks and self-supporting wildlife management units;
- Provide a self-sustained management programme for long-term protection of wildlife resources in GMAs;
- Develop an improved and sustainable basis for supporting local community projects; ·

Foster a closer and more cooperative relationship between the NPWS

*and local*

*communities on wildlife affairs;*

*· Earn foreign exchange from the wildlife estate for the government central treasury;*

*· Stimulate the development of entrepreneurship and skills among residents needed to*

*support the management of renewable wildlife resources.*

*Thus, the main emphasis of ADMADE has been on wildlife management and conservation through law enforcement (anti-poaching).*

*The strengthening phase aimed to overcome many weaknesses identified in ADMADE by various evaluations (DeGeorges 1992, Hachileka 1992, USAID 1993, Billings 1994, Rosenthal et al. 1995) (see Table A2.1).*

*On paper, ADMADE covers over 30 GMAs in Zambia extending over more than 100,000 km<sup>2</sup> (about 20% of the country's entire landmass) but, in practice, to date, it has operated effectively only in the more 'viable' GMAs (i.e. those with reasonable remaining game populations) funded by USAID. These are in the Luangwa Valley (with the exception of Lupande GMA which is under LIRD/SLAMU), and more recently around Kafue National Park and in the lower Zambezi Valley (Figure A2.1). ADMADE is not yet operating in more than a third of Zambia's GMAs.*

**Table A2.1: Evolution of the ADMADE programme and claimed achievements**

Source: Nyamaluma Training Institute, published in Mano (1998)

Pre-ADMADE Stage (1980-1988)	ADMADE Development (1989-1994)	ADMADE Strengthening (1995-1997)
<ol style="list-style-type: none"> <li>1. Poaching high</li> <li>2. Community not a wildlife stakeholder in the wildlife industry</li> <li>3. Community against conservation</li> <li>4. No data collection for monitoring</li> <li>5. No local NPWS administration</li> <li>6. Too few camps and scouts</li> <li>7. No arrangement for income to support areas</li> <li>8. Resource ownership govt. controlled</li> <li>9. No training institute for community skills</li> </ol>	<ol style="list-style-type: none"> <li>1. Sub-Authorities formed</li> <li>2. Residents trained as village scouts</li> <li>3. Extension officer (Unit Leader) deployed</li> <li>4. USAID provided equipment support (incl. Vehicles)</li> <li>5. WCRF (originally set up in 1984 to supplement govt. funding to national parks) used to return income benefits to communities</li> <li>6. Information gathering system developed</li> <li>7. Community skills introduced and Nyamaluma Institute created</li> <li>8. Camp construction and improvements</li> <li>9. Councils involved</li> </ol>	<ol style="list-style-type: none"> <li>1. Sub-Committees formed to balance powers of Chiefs</li> <li>2. Sub-Authority members elected</li> <li>3. Village Area Groups formed</li> <li>4. Local book-keepers trained</li> <li>5. Capacity-building courses taught</li> <li>6. Licensing computerised</li> <li>7. Participatory skills extended to Unit Leaders</li> <li>8. Quota-setting supported with indicators and local participation</li> <li>9. Database made user-friendly &amp; accessible to local management</li> <li>10. Lease agreement tied to CBNRM commitment with capacity to monitor compliance</li> <li>11. Nyamaluma Institute expands curriculum for local leaders &amp; develops GIS applications for ADMADE</li> </ol>
	<b>Problems and weaknesses</b> <ol style="list-style-type: none"> <li>1. Abuse and interference of safari operators</li> <li>2. Autocratic leadership of Sub-Authority Chairmen</li> <li>3. Misappropriation of WRCF funds</li> <li>4. Dysfunctional Sub-Authorities</li> </ol>	

*‘viable’ GMAs (i.e. those with reasonable remaining game populations) funded by USAID. These are in the Luangwa Valley (except for Lupande GMA, which is under LIRD/SLAMU), and more recently around Kafue National Park and in the lower Zambezi Valley (Figure A2.1). ADMADE is not yet operating in more than a third of Zambia’s GMAs. The ADMADE programme is administered directly by NPWS headquarters, with strong facilitation provided by the Nyamaluma Training Institute with one expatriate technical adviser (Dale Lewis). At the district level, Wildlife Management Authorities have been established, chaired by the District Governor with the area Wildlife Warden as the Secretary. Other members of the WMAs include local politicians (MPs and elected*

*Councilors) and Directors of Commercial Companies with interests in wildlife in the area. But since the inception of ADMADE, however, WMAs have hardly functioned and have been irrelevant.*

*GMAs are divided into administrative wildlife management Units. In most cases, a Unit covers a GMA, which also usually corresponds to a traditional chiefdom. In some cases, a Unit shares two chiefdoms. The Unit consists of a Unit leader and other staff. For every chiefdom, a Wildlife Management Sub-Authority has been established (chaired by the Chief). From 1997, WMA Sub-Committees were established to balance the powers of the Chiefs. In the period 1995-1997, Village Area Groups were introduced.*

**Table A2.2: ADMADE administrative levels**

Administrative level	Responsibility
Headquarters	Centred at NPWS, Chilanga, and extending to regional (approximately provincial) level of the 12 Commands (Luangwa, Kafue, etc.). WCRF held at NPWS HQ.
Wildlife Management Unit	At GMA level or for chiefdoms within GMAs. Consists of a Unit Leader (an NPWS civil servant specially trained to implement community-based wildlife management), some NPWS scouts, 20-30 odd Village Scouts, and ancillary staff. Responsible for anti-poaching activities, data collection, community conservation education (through drama), health education. Unit offices keep files of field information and data summaries which is used for natural resource management plans. The division of the Unit from the Sub-Authority is something of an accounting convenience as the two are inextricably linked in terms of decision-making, administration and implementation.
Sub-Authority	An elected body (currently chaired by the Chief – they will become ‘patrons’ when ZAWA becomes operational). Members include village headmen, elected councilors, head teachers, a District Council representative and the Unit Leader acts as Secretary. It makes decisions on the allocation of funds to community projects. The Sub-Authorities were conceived as offering local residents a forum consistent with traditional customs to participate in the formulation of ideas on how to better manage and develop their wildlife resources and how to allocate wildlife revenues for community improvements. Recently, to increase democracy, Sub-Committees have been formed for finance, resource management and community development matters. Sub-Authorities are likely to become elected Community Resource Boards when the new Zambia Wildlife Authority become operational.
Village Area Group	Established to represent and express localised opinion. Each with a committee of representatives of “peer groups” (e.g. elders, fishermen, women’s clubs) or other people who may be elected. Led by Senior Village Group Headmen. Members then among themselves elect representatives to sit on Sub-Authority Sub-Committees.
Nyamaluma Institute	Located within Lupande GMA, Eastern Province. Provides training courses for Village Scouts, Unit Leaders, Chiefs and other community leaders, bookkeepers and health workers (covering financial management, community development, resource management).  Maintains comprehensive GIS database on ADMADE operations, e.g. hunting effort, success of safari operations. Used to: evaluate status of wildlife in GMAs; produce maps/illustrations for land use planning, resource management planning, zoning uses, siting fishing camps, lodges, safaris and planning hunting operations.

*Revenues earned from wildlife in GMAs are channelled into the Wildlife Conservation Revolving Fund (WCRF) managed by NPWS HQ in Chilanga. Inflows include 100% of safari hunting concession fees and 50% of hunting license fees (the other 50% is taken into central government revenues). WCRF revenues are then expected to be used as follows: · 35% for community projects in the GMA; · 40% for wildlife management unit operations (i.e. village scouts); · 25% for administration*

and other uses. As this distribution shows, about 35% of the WCRF funds are channelled to local communities for projects, but this process is cumbersome and slow. Given that half of hunting licence fees go to central revenues, this represents considerably less than 35% of total GMA wildlife revenues. By comparison, under LIRD/SLAMU, 100% of all GMA wildlife revenues are returned to local communities to be used as they determine. There have been several formal reviews of ADMADE, and, as with LIRD/SLAMU, there is considerable controversy surrounding the programme. For example, the issue of the role of chiefs has been closely scrutinised. The most recent review (Mano 1998) notes that: "ADMADE's key achievement over 10 years has been to persuade several Chiefs (together with their advisers) to exert their *de facto* authority for the preservation of wildlife – in exchange for their retention of a large portion of hunting (and some other minor) revenues in their area for "community development" in the form of schools, clinics, wells and other public goods. Much criticism has also been levelled at ADMADE for strengthening the authority of the "undemocratic" chiefs, particularly where the first tangible community asset has been a new house or palace for the chief himself, and where subsequent, more public, goods have tended to be located in his own village. But a short-lived attempt in 1995 to take the chiefs "out of the circuit" and to democratise in some fashion resulted in an explicit threat by all chiefs consulted to revert to the scorched earth policy." This review is generally positive and suggests that ADMADE has been a great success and argues that this is why it has spurned much controversy. But, in contrast, a report by Hachileka et al. (1998) concludes that ADMADE has not yet achieved success in the most important areas of the programme's ideals. Such opposed conclusions (also evident in reviews of LIRD) have probably been influenced by the use of different criteria to judge success, the absence of performance indicators in project documents, and the personal biases or ideological orientation of the evaluators. Given the growing interest in CBNRM, an increasing number of academic and other studies are investigating progress with the ADMADE programme (e.g. Gibson 1995; Matenga

1999; Chundama and Hachileka 1999). Some are quite critical. For example, Matenga (1999) observes: “Contrary to its theoretical bases, ADMADE has operated as a top-down programme initiated, planned and implemented externally by the NPWS and facilitated locally by the all-powerful chiefs presiding over the Sub-Authorities. The ADMADE programme has since its inception been controlled by the NPWS, a state institution, in line with state priorities. As argued in one report, ‘ADMADE is first and foremost a conservation initiative, for the simple reason that the remit of NPWS is to manage Zambia’s wildlife estate.’... .... Although the promotion of social and economic welfare is one of the expected outcomes from community-based conservation of wildlife, in ADMADE, this ideal has remained a far-fetched dream. The bulk of the wildlife-derived revenues in the GMAs are appropriated by the central government, NPWS and WCRF, leaving an insignificant revenue base for the enhancement of the economic and social well-being of local communities in the GMAs” “Most of the GMAs have experienced minimal economic returns from the programme. Very few community members have benefited in terms of employment as village scouts. Even for these few village scouts, most often they go without pay and other requirements the job demands for several months” “The Sub-Authority is composed of community representatives who are largely hand-picked by the all-powerful chiefs..... There is nothing in the structure that is representative of the broader community interests. The larger community is, therefore, simply told what has been decided by the Sub-Authority or the NPWS. This lack of voice in decision-making by the local community members has effectively disempowered them politically in voicing their concern on issues that affect their welfare.” ADMADE has also conducted internal reviews, but the extent to which these have influenced ADMADE policy and implementation is unclear. ADMADE and LIRD/SLAMU are briefly compared in Table A2.3.

**Table A2.3: ADMADE and LIRD/SLAMU compared**

	<b>ADMADE</b>	<b>LIRD/SLAMU</b>
<b>Main donor support</b>	USAID: US \$4.8 (since 1989)	NORAD [insert figure] (since 1987)
<b>GMA wildlife revenues returned to communities for their use</b>	Revenue channeled to WCRF held at NPWS (100% of concession fees but only 50% of licence fees). Only 35% of WCRF returned to communities.	100% of all revenues returned to communities: 80% direct to Village Action Groups, 4% to ADCs, 6% to Chiefs, 10% to accumulation fund. Used as they determine
<b>Use of community revenue</b>	Use for projects (only) determined by Sub-Authorities. <u>No household dividends</u>	VAGs and ADCs determine use. Mix of projects and household dividends
<b>Emphasis</b>	Wildlife conservation and law enforcement in GMAs	1987-1995: multi-sectoral 1996-present: CBRNM in Lupande GMA and SLNP management
<b>Status</b>	National programme of NPWS	Stand-alone project, quasi-autonomous (officially under NPWS from 1992)
<b>Geographical location</b>	Officially in all GMAs, but effectively operational in fewer than half (mainly in Luangwa Valley, around Kafue NP and in Lower Zambezi Valley)	Confined to Lupande GMA and South Luangwa National Park
<b>Changes</b>	Two phases but little change of approach or emphasis. Failed to learn from lessons of LIRD	Innovative and evolved through 4 phases. Responded to criticism by changing objectives and focus

<b>Current administrative structure</b>	<ol style="list-style-type: none"> <li>1. Headquarters at NPWS</li> <li>2. District Wildlife Management Authority (chaired by District Governor – hardly functional)</li> <li>3. Wildlife Management Unit at GMA/chiefdom level (led by NPWS officer)</li> <li>4. Elected Sub-Authorities for each chiefdom (chaired by chief), with sub-committees</li> <li>5. Village Area Groups</li> <li>6. Nyamaluma Institute (provides, training, facilitation and advice)</li> <li>7. National coordinating office (at NPWS)</li> </ol>	<ol style="list-style-type: none"> <li>1. Luangwa Integrated Resource Development Authority (not functioning, Council of Chiefs to be introduced)</li> <li>2. 6 elected Area Development Committees (one for each of six chiefdoms in Lupande GMA) – some chaired by chief, others with independent chair</li> <li>3. 40 elected Village Action Groups</li> <li>4. 6 indigenous indigenous Liaison Assistants (one per chiefdom)</li> <li>5. LIRD/SLAMU administers and manages the project and provides logistical/technical support</li> </ol>
<b>Support for law enforcement</b>	<p>&lt; \$ 500,000/yr (from hunting revenues).</p> <p>&lt; \$ 10-15/km<sup>2</sup></p>	\$ 65/km <sup>2</sup>
<b>Training</b>	Nyamaluma Training Institute runs regular courses for Village Scouts, Unit Leaders, Chiefs and community leaders, etc. Est. cost: c. US \$150,000/yr (c.12% of WCRF)	Runs no courses
<b>Data management and monitoring</b>	Nyamaluma Training Institute maintains comprehensive GIS-based database on operations. Unit offices maintain data files for planning wildlife management	No database. Project oriented monitoring system (with indicators) introduced in 19**
<b>Major equipment and infrastructural development</b>	<ol style="list-style-type: none"> <li>1. Capital expenditure on vehicles once in 1990</li> </ol>	<ol style="list-style-type: none"> <li>1. Periodic replacement of vehicle fleet</li> <li>2. Road graders, tractors, lorries, etc</li> <li>3. Maintenance of roads in SLNP and some in Lupande GMA</li> <li>4. Feasibility study for rehabilitating and developing road network in SLNP for tourism development (separately funded)</li> <li>5. New offices and housing at Mfuwe in 1999/2000 (separately-funded)</li> </ol>
<b>Presumed effect of ZAWA</b>	Sub-Authorities will convert to elected Community Resource Boards. Chiefs will become patrons (not chairs)	ADCs will convert to elected CRBs with Chiefs as patrons

## Sustainable Development Agenda for 2030

### Declaration on 2015: 2030 Agenda for Sustainable Development

The new integrated sustainable development goals (SDGs) came into effect on 1 January 2016. The 17 goals are as follows:

- Goal 1. End poverty in all its forms everywhere
- Goal 2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture
- Goal 3. Ensure healthy lives and promote well-being for all at all ages
- Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- Goal 5. Achieve gender equality and empower all women and girls
- Goal 6. Ensure availability and sustainable management of water and sanitation for all
- Goal 7. Ensure access to affordable, reliable, sustainable and modern energy for all
- Goal 8. Promote sustained, inclusive and sustainable economic growth,

full and productive employment and decent work for all

- Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
- Goal 10. Reduce inequality within and among countries
- Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal 12. Ensure sustainable consumption and production patterns
- Goal 13. Take urgent action to combat climate change and its impacts
- Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development
- Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- Goal 17. Strengthen the means of implementation and revitalize the global partnership for sustainable development

## UNITED NATIONS: TRANSFORMING OUR WORLD: THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

### 7th Plan 2017-2021

The utopian 7th National Development Plan (2017-2021) being attempted to achieve [Vision 2030](#) is the responsibility of the new Ministry of National Development Planning, assisted by [The Policy Monitoring and Research Centre](#) - a non-profit - who have provided a guide entitled: "Towards a Successful Implementation of the 7th National Development Plan." They

give what they consider as the key reforms to be undertaken during the 7th NDP's short life:

- 1. Decentralisation – whose objective is to devolve some central government functions to lower levels with matching resources;*
- 2. Public Service Management Reforms – aimed at strengthening the efficient operations of the public service for enhanced service delivery;*
- 3. Private Sector Development Reforms – to create an enabling environment for the private sector to efficiently and effectively participate in the socio-economic development of the country;*
- 4. Public Finance Management Reforms – aimed at improving transparency and accountability in the utilization of public resources, while enhancing systems for accounting for development results; and*
- 5. Financial Sector Development Reforms – aimed at creating an enabling environment to facilitate smooth functioning of financial markets by removing bottlenecks that constrain the operations of the market.*

*At the local level, the Ward Development Committees (WDCs) have been introduced, while the District Development Coordinating Committees (DDCCs) and the Provincial Development Coordinating Committees (PDCCs) will continue performing their functions as before. At the sector level, Sector Advisory Groups (SAGs) have been substituted with Cluster Advisory Groups (CAGs), which are an assembly of sectors sharing common overall objectives. At the central level, the Cabinet through the National Development Coordinating Committee (NDCC) will continue playing an oversight role. For the objectives of the Plan to be effectively realised there is need to strengthen synergies between the various implementation institutions. In this regard the following will be undertaken:*

- a. Strengthen coordination and implementation processes at all levels*

*The Government intends to put in place stronger coordination mechanisms involving NDCC, CAGs, PDCCs, DDCCs, WDCs and other frameworks leading to improved attainment of desired results. To*

*effectively achieve the business focus of these frameworks, the NDCC, CAGs, PDCCs and DDCCs will be aligned to the development outcomes outlined in this Plan.*

*b. Strengthen capacity on planning, implementation, monitoring and evaluation*

*The Government will devise and undertake capacity development programmes in planning and implementation for planners and other stakeholders to enhance attainment of desired outcomes. Further, planning, financing and implementation capacities at district and provincial levels will be strengthened to support the devolved functions.*

## CONCLUSION

*PMRC calls for a Mindset Education Programme to be established and implemented in view towards the successful implementation of the 7NDP as well as other key policies being put in place. The first step occurred in the change of the 7NDP planning using the Integrated Development Approach, which among other things allows for domesticating of the **Sustainable Development Goals (SDGs)**.*

*Through the Ministry of National Development Planning as well as Ministry of Higher Education, a programme should be designed, that defines the traits of a positive Zambian identity and promotes new models of development. This culture should be widespread and designed based on the positive traits as learned from case studies provided. The changing of mindsets will require strong institutions and management, which will strengthen our strategies and facilitate for cohesive policies and implementation.*

This interpretation of the 7th NDP - includes the necessity to domesticate the new integrated [sustainable development goals](#) (SDGs), which came into effect on 1 January 2016. (Ch. 18)

As Zambia is a state where 60% of the population follows the unfamiliar capitalist trail, the other half, the well-worn traditional eco-spiritual track,

the SDGs are not a panacea for both. Neither is the 7th NDP plan. In a simple exercise, what is required is for Citizens' Assemblies created in the chiefdoms to consider which they wish to take on board. To repeat, Zambia is a country of two cultures, each with its own priorities.

In addition to this, the Nagoya Protocol and others are now in play.

## Nagoya Protocol

In *Plunderers of Eden*, I wrote:

The Convention on Biodiversity on 29 October 2010 in Japan produced the Aichi Biodiversity targets and strategic plan for 2011-2020; the Convention also giving birth to a supplementary agreement, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS). This protocol provided a legal framework for the 193 Contracting Parties (including Zambia):

- 1. Take measures providing that genetic resources utilized within their jurisdiction have been accessed in accordance with prior informed consent, and that mutually agreed terms have been established, as required by another contracting party*
- 2. Cooperate in cases of the alleged violation of another contracting party's requirements*
- 3. Encourage contractual provisions on dispute resolution in mutually agreed terms*
- 4. Ensure an opportunity is available to seek recourse under their legal systems when disputes arise from mutually agreed terms*
- 5. Take measures regarding access to justice*
- 6. Take measures to monitor the utilization of genetic resources after they leave a country including by designating effective checkpoints at*

*any stage of the value-chain: research, development, innovation, pre-commercialization or commercialization*

The NGO, Natural Justice: Lawyers for Communities and the Environment, established in South Africa in 2007, took this all further, developing biocultural community protocols and a toolkit for community facilitators. As Kabir Sanjay Bavikatte wrote in his blog, *'Biocultural community protocols and the future of conservation'* in [justconservation.org](http://justconservation.org) on 9 September 2014:

*"The rights of communities in the swathe of legal instruments birthed by the Convention on Biological Diversity are rooted in the principle that effective conservation and sustainable use of ecosystems can only be ensured by recognizing the rights of those who manage and govern these ecosystems as common pool resources. These rights are increasingly referred to in law as 'biocultural rights' and are justified not on the basis of communities having a formal legal title to certain lands and waters, but on the basis of historical stewardship founded on the cultural practices and spiritual beliefs."*

*The development of a biocultural community protocol (BCP) in July 2014 between the Bushmen and Namibian government in the Bwabwata National Park is a massive step forward in the way we view property and ecosystem resources, and just how we secure protected areas – the public commons, that were once part of the customary commons. But it remains to be seen how the protocol deals with the mining plans of Rio Tinto for the park. In 2017 the park was battling to save its elephant from extinction.*

*Lending massive force to the CBD and the Nagoya Protocol is the ICAA Consortium, a Swiss-based institution created in October 2008 and promoting 'Indigenous Peoples' and Community Conserved Areas and Territories' and closely collaborating with the Secretariat of the CBD, UNEP, IUCN, GEF and others.*

The Nagoya Protocol and the ICAA Consortium were really conceived at the Fifth World Parks Congress in Durban in 2003 - the year I started work on my Landsafe framework – where it was ‘clarified that indigenous peoples and local communities – crucial actors in conservation – should be fully recognized in their governance roles; and where indigenous peoples representatives made clear that the ‘respect of their rights would actually advance, rather than diminish, conservation outcomes’. In 2004 the CBD at CoP7 approved the CBD Program of Work on Protected Areas (PoWPA), which supports a “new approach” to protected areas, calling for attention to governance types and quality, equity in conservation, and indigenous peoples’ rights’.

All GMAs in Zambia fit the ICAA Consortium definition, being populated to a lesser or greater degree by:

*1) A people or community closely connected to a well-defined territory, area or species (e.g., because of survival and dependence for livelihood, because of historical and cultural reasons);*

*2) The community is the major player in decision-making (governance) and implementation regarding the management of the territory, area or species, implying that a community institution has the capacity to develop and enforce regulations; (in many situations other stakeholders are involved, but primary decision-making rests de facto with the community);*

*3) The community management decisions and efforts lead to the conservation of the territory, area or species and associated cultural values (the conscious objective of management may be different than conservation per se, and be, for instance, related to material livelihood, water security, safeguarding of cultural and spiritual places, etc.)*

In September 2014, as Natural Justice reported, the UN General Assembly adopted the Outcome Document of the [World Conference on Indigenous Peoples](#) (World Conference), reaffirming:

*a) support for the United Nations Declaration on the Rights of Indigenous Peoples; b) commitments to obtain free and informed consent prior to the approval of any project affecting Indigenous peoples' lands or territories and other resources, c) commitments to acknowledge, advance and adjudicate the rights of Indigenous peoples pertaining to lands, territories and resources; and d) the significant contribution of indigenous peoples to the promotion of sustainable development and ecosystem management, including their associated knowledge.*

## International Supports

### RAMSAR Convention

[The Ramsar Convention](#) on wetlands entered into force in Zambia in December 1991.

#### *Bangweulu Swamps*

*Site number: 531 | Country: Zambia | Administrative region: Northern Province, Luapula Province, Central Province Area: 1,100,000 ha | Coordinates: 11°25'S 29°58'59"E | Designation dates: 28-08-1991 View Site details in RSIS Bangweulu Swamps. 28/08/91; Northern Province; 1,100,000 ha; 11°25'S 029°59'E.*

*Includes National Parks, Game Management Areas. In addition to providing a breeding ground for birds, fishes and wildlife (e.g., the African elephant *Loxodonta africana*, the buffalo *Syncerus caffer*, and Sitatunga*

*Tragelaphus spekei*), the site is known to support large numbers of the endemic, semi-aquatic Black Lechwe (vulnerable *Kobus leche*) and is home to the threatened Wattled crane (*Grus carunculatus*), as well as the only home in Zambia for the threatened Shoebill (*Balaeniceps rex*). The swamp is a natural flood controller and important for groundwater recharge and water quality control. The site contains the historical Nachikufu caves with bushman paintings, maintained by the National Heritage Conservation Commission. Threats to the wetland such as poaching will be addressed by the National Wetlands Steering Committee with a proposed general management plan that will steer development away from sensitive habitats. The Zambian Wildlife Authority in collaboration with WWF-Zambia is collaborating on improving sustainable livelihoods and ecotourism possibilities. The site was extended from 250,000 to 1,100,000 ha on 2 February 2007.

### *The Convention Partners*

- BirdLife International
- International Union for Conservation of Nature (IUCN)
- International Water Management Institute (IWMI)
- Wetlands International
- WWF International

## Nagoya Protocol and ICCA Consortium

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From 2016 Zambia became Party to the [Nagoya Protocol](#) on Access and Benefit Sharing:

### Community Protocols

*Indigenous Peoples and Local Communities all over Africa are the original custodians of their lands and natural resources. Their traditional knowledge and practices play an important role in the conservation and*

*sustainable use of biodiversity. However, communities usually do not receive fair benefits from the use of their resources. Their traditional knowledge is not valued and is often under threat.*

*A number of new policy frameworks are trying to share the costs and benefits of conservation more equitably. One such framework is the Nagoya Protocol on Access and Benefit Sharing (ABS) under the Convention on Biological Diversity. For the first time, this legally binding international framework gives rights to communities over traditional knowledge and genetic resources.*

*The implementation of these frameworks brings opportunities for communities in Africa and elsewhere. Nevertheless, they also bear risks if they are not implemented in respect of community rights, and if they do not take into account local realities.*

*We Aim To:*

- 1. Protect traditional knowledge and ensure fair and equitable benefit sharing.*
- 2. Ensure the responsible implementation of the Nagoya Protocol on Access and Benefit Sharing.*
- 3. Support communities who want to engage in ABS negotiations, or who are already part of ABS value chains.*

*We Do This By:*

- 1. Defending the rights of communities to their genetic resources and traditional knowledge, including the protection and revitalisation of that knowledge.*
- 2. Providing information, training and assistance on ABS, including through the development of community protocols, and by facilitating dialogue with other actors.*
- 3. Providing technical input into the development of national ABS frameworks and engaging with regional and international policy processes to ensure that community rights remain*

This led directly in the same year to the Zambian legislation, [The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act No. 16 of 2016](#)

## IUCN - International Union for Conservation of Nature

The official position of the IUCN is as follows:

### 19.21 Indigenous People and the Sustainable Use of Natural Resources

ACKNOWLEDGING the major international Covenants of 1966 on Civil and Political Rights, and on Economic, Social and Cultural Rights, according to which **no people may under any circumstances be deprived of its means of subsistence**;

RECALLING that the 1992 UN Conference on Environment and Development, in Chapter 26 of Agenda 21, recognized the valuable role of indigenous people and local communities in maintaining sustainable use of nature's resources and underlined, in Principle 22 of the Rio Declaration on Environment and Development, the importance of the active participation of indigenous people in environmental management;

CONSCIOUS of the conclusions in the World Commission on Environment and Development report of 1987 on the need for empowerment of vulnerable groups to promote citizen participation in sustainable development;

COGNISANT of the International Labour Organisation Convention 169, which lends support to the special relationships that exist between indigenous people and nature;

NOTING that the United Nations has begun preparation of a Draft Universal

Declaration on the Rights of Indigenous People and has declared the Decade of Indigenous People; The General Assembly of IUCN - The World Conservation Union, at its 19th Session in Buenos Aires, Argentina, 17-26 January 1994:

1. DECLARES its continued commitment to advancing the principles contained in the above-cited Conventions and Agreements and to further their integration in the work of IUCN;
2. CALLS on governments, and especially State members of IUCN, to recognize and give effect in their national policies and programmes for sustainable use and development to the principles relating to indigenous people contained in the Covenants and Agreements cited above.

*Note. This Recommendation was adopted by consensus. The delegations of the State members Australia and New Zealand indicated that had there been a vote; they would have abstained because their countries had not adopted or ratified ILO Convention 169, in the case of New Zealand because of the special position accorded to the Maori people by the Treaty of Waitangi.*

## The European Commission's NaturAfrica Initiative (2020)

In June 2020, Chris Lang of REDD-Monitor produced an article entitled: *The EU's NaturAfrica must avoid colonialism in conservation: Protected areas should be managed by Indigenous Peoples themselves:*

*"On 11 December 2019, European Commission published a Communication setting out a [European Green Deal](#) for the European Union and its citizens. The Communication referred to its Comprehensive Strategy*

*with Africa, and mentioned an initiative called “NaturAfrica”:*

The EU will launch a “NaturAfrica” initiative to tackle biodiversity loss by creating a network of protected areas to protect wildlife and offer opportunities in green sectors for local populations.

*In March 2020, the European Commission published a Communication titled, “[Towards a comprehensive Strategy with Africa](#)”, and “NaturAfrica” got another brief mention:*

The EU and Africa should take joint action to protect and reduce pressure on forests, water and marine ecosystems while enhancing their management by tackling illegal harvesting and combating environmental crime, thereby tackling the drivers of biodiversity loss. This can be done inter alia by launching a ‘NaturAfrica’ initiative.

*Inclusive and holistic*

*In February 2020, a group of 14 NGOs put out a [Briefing](#) titled, “Making the European Green Deal work for international partnerships”. The Briefing recommends:*

**An inclusive and holistic approach to ‘NaturAfrica’.** The NaturAfrica Initiative outlined in the Communication should be developed in consultation with all stakeholders, with particular attention to local communities, indigenous peoples, and women. It should support African governments and local populations to tackle major drivers of biodiversity loss and environmental degradation in a holistic and systematic way, including support for well managed protected area networks that involve and respect the rights of communities and indigenous peoples. The Initiative should include integrated land/seascape approaches to address unsustainable use of natural resources and ecosystem degradation, particularly freshwater and forest ecosystems, tackle illegal wildlife trafficking, corruption and poor natural resource governance.

The Guardians’ Assemblies must resist their subjugation.

## Climate Change

*Radiant energy reaching the Earth from the Sun is the only source of heat to maintain or vary global climate. Solar radiation varies according to the spectral wavelengths emitted, the number of sunspots, the extent of sunspot activity on the side of the Sun facing the Earth and the proximity of the Earth to the Sun in the normal course of its elliptical orbit. The maximum intensity of radiation due to distance is at perigee.*

*IPCC reports are not based on scientific method. Instead, they use computer algorithms to assess selected data in large numbers of papers by 'climatologists' that support the conclusions they want policymakers to believe. Natural climate change cycles before 1765 (the industrial revolution) occurred without industrial CO<sub>2</sub> in the atmosphere.*

*Richard Elliston - AM, FAusIMM(CP), Order of Australia.*

I am still waiting for a moral argument that justifies, in the name of the 'climate crisis', preventing the development of grid electricity in the poorest regions of Africa that can support development of an advanced economy. I suspect that I will be waiting a long time for such a justification, because

there isn't one.

Judith Curry - The blame game

Posted on [December 7, 2020](#) by [curryja](#) | [692 Comments](#)

\* \* \*

## What Not To Do

Global warming is now called Climate Change. It is massively controversial. Scientists, under intense pressure, present differing views of how serious the threat to life on earth is. In Zambia, it has delivered all sorts of corruption and more land-grabbing of customary areas - REDD+ being central to this. The reaction of the Parliamentary Committee on [Lands, Agriculture and Natural Resources 2020](#) was to urge Government to:

- take steps to ensure a deliberate policy to **increase collaboration in land use planning** to ensure a balance was struck between fostering economic development and the sustainable use of biodiversity.
- promote renewable, clean and alternative energy sources to reduce the demand for charcoal and wood.
- promote alternative livelihood sources such as beekeeping, sustainable agriculture, aquaculture, horticulture, and many others.
- promote the exploitation of forest resources should be prioritized as an economic activity to avert deforestation (in 2017/8 442 containers of Mukula trees had been illegally exported).
- promote early burning of forests (a retrograde step) and employ and fund forest officers to carry it out ("**A TOOL OF DESPAIR**").

The final recommendation of the Parliamentary Committee of 2020 is ecologically indefensible and very damaging. The late Peter Moss, the authority on the Kafue National Park, clarifies that early burning is unnatural. A world's expert on the issue, Fraser Darling called it a "tool of despair", eliminating fire-sensitive plants and converting the vegetation into a monotonous woodland.

## Sane Intrusions

Perhaps the most compelling and level-headed explanation of the climate issue I can find appears in a blogsite by a former climate professor, Judith Curry.

5 minutes

Posted on [July 11, 2021](#) by [curryja](#) | [451 Comments](#)  
by Judith Curry

*Let me start with a quick summary of what is referred to as the 'climate crisis:'*

*It's warming. The warming is caused by us. Warming is dangerous. We need to urgently transition to renewable energy to **stop** the warming. Once we do that, sea level rise will stop and the weather won't be so extreme.*

*So what's wrong with this narrative? In a nutshell, we've vastly oversimplified both the problem and its solutions. The complexity, uncertainty, and ambiguity of the existing knowledge about climate change is being kept away from the policy and public debate. The solutions that have been proposed are technologically and politically infeasible on*

a global scale.

Specifically with regards to climate science. The sensitivity of the climate to a doubling of carbon dioxide has a **factor of three** uncertainty. Climate model predictions of alarming impacts for the 21st century are driven by an emissions scenario, RCP8.5, that is highly **implausible**. Climate model predictions neglect scenarios of **natural** climate variability, which dominate regional climate variability on interannual to multidecadal time scales. And finally, emissions reductions will do little to improve the climate of the 21st century; if you believe the climate models, **most** of the impacts of emissions reductions will be felt in the 22nd century and beyond.

Whether or not warming is ‘**dangerous**’ is an issue of values, about which science has **nothing** to say. According to the IPCC, there is not yet evidence of changes in the global frequency or intensity of hurricanes, droughts, floods or wildfires. In the U.S., the states with by far the largest population growth are Florida and Texas, which are **warm**, southern states. Property along the coast is **skyrocketing** in value. Personal preference and market value **do not yet** regard global warming as ‘dangerous.’

Climate change is a **grand narrative** in which manmade climate change has become the **dominant** cause of societal problems. Everything that goes wrong **reinforces** the conviction that that there is only one thing we can do prevent societal problems – stop burning fossil fuels. This grand narrative misleads us to think that if we solve the problem of manmade climate change, then these other problems would also be solved. This belief leads us away from a deeper investigation of the true causes of these problems. The end result is narrowing of the viewpoints and policy options that we are willing to consider in dealing with complex issues such as public health, water resources, weather disasters and national security.

Does all this mean we should do **nothing** about climate change? No. We should work to minimize our impact on the planet, which isn’t simple for a planet with 7 billion inhabitants. We should work to minimize air

*and water pollution. From time immemorial, humans have adapted to climate change. Whether or not we manage to drastically curtail our carbon dioxide emissions in the coming decades, we need to **reduce** our vulnerability to extreme weather and climate events.*

*With regards to energy. All other things being equal, everyone would prefer clean over dirty energy. However, all other things are not equal. We need secure, reliable, and economic energy systems for all countries in the world. This includes Africa, which is currently lacking grid electricity in many countries. We need a 21st century infrastructure for our electricity and transportation systems, to support continued and growing prosperity. The urgency of rushing to implement **20th century** renewable technologies risks **wasting** resources on an inadequate energy infrastructure and increasing our vulnerability to weather and climate extremes.*

*How the climate of the 21st century will play out is a topic of deep uncertainty. Once natural climate variability is accounted for, it may turn out to be relatively benign. Or we may be faced with unanticipated surprises. We need to increase our resiliency to whatever the future climate presents us with. We are shooting ourselves in the foot if we sacrifice economic prosperity and overall societal resilience on the altar of urgently transitioning to 20th century renewable energy technologies.*

*We need to remind ourselves that addressing climate change isn't an end in itself, and that climate change is not the only problem that the world is facing. The objective should be to improve human well being in the 21st century, while protecting the environment as much as we can.*

This view is confirmed in one of the comments by Professor Emeritus Gerald Ratzer, McGill University, Montreal:

<https://www.dropbox.com/s/zovdf6a9cbm2ab3/WCD-CO2-17June.pdf?dl=0>

<https://www.dropbox.com/s/4w3jssld6vjynq4/CO2%20is%20close%20to>

[%20its%20warming%20limit-28June21.pdf?dl=0](#)

## The toxic rhetoric of climate change

Posted on [December 14, 2019](#) by [curryja](#) | [443 Comments](#)

by Judith Curry

*We have been hearing increasingly shrill rhetoric from Extinction Rebellion and other activists about the ‘existential threat’ of the ‘climate crisis’, ‘runaway climate chaos’, etc. In a recent op-ed, Greta Thunberg stated: “Around 2030 we will be in a position to set off an irreversible chain reaction beyond human control that will lead to the end of our civilization as we know it.” From the Extinction Rebellion: “It is understood that we are facing an unprecedented global emergency. We are in a life or death situation of our own making.”*

*It is more difficult to tune out similar statements from responsible individuals representing the United Nations. In his opening remarks for the UN Climate Change Conference this week in Madrid (COP25), UN Secretary General Antonio Guterres said that “the point of no-return is no longer over the horizon.” Hoesung Lee, the Chair for the Intergovernmental Panel on Climate Change (IPCC), said “if we stay on our current path, [we] threaten our existence on this planet.”*

*So . . . exactly what should we be worried about? Consider the following statistics:*

*§ Over the past century, there has been a 99% decline in the death toll from natural disasters, during the same period that the global population quadrupled.*

*§ While global economic losses from weather and climate disasters have been increasing, this is caused by increasing population and property in vulnerable locations. Global weather losses as a percent of global GDP have declined about 30% since 1990.*

*§ While the IPCC has estimated that sea level could rise by 0.6 meters*

by 2100, recall that the Netherlands adapted to living below sea level 400 years ago.

§ Crop yields continue to increase globally, surpassing what is needed to feed the world. Agricultural technology matters more than climate.

§ The proportion of world population living in extreme poverty declined from 36% in 1990 to 10% in 2015.

While many people may be unaware of this good news, they do react to each weather or climate disaster in the news. Activist scientists and the media quickly seize upon each extreme weather event as having the fingerprints of manmade climate change — ignoring the analyses of more sober scientists showing periods of even more extreme weather in the first half of the 20<sup>th</sup> century, when fossil fuel emissions were much smaller.

So . . . why are we so worried about climate change? The concern over climate change is not so much about the warming that has occurred over the past century. Rather, the concern is about what might happen in the 21<sup>st</sup> century as a result of increasing fossil fuel emissions. Emphasis on ‘might.’

Alarming press releases are issued about each new climate model projection that predicts future catastrophes from famine, mass migrations, catastrophic fires, etc. However these alarming scenarios of the 21<sup>st</sup> century climate change require that, like the White Queen in *Alice and Wonderland*, we believe ‘six impossible things before breakfast.’

The most alarming scenarios of 21<sup>st</sup> century climate change are associated with the Representative Concentration Pathway RCP8.5 greenhouse gas concentration scenario. Often erroneously described as a ‘business as usual’ scenario, RCP8.5 assumes unrealistic long-term trends for population and a slowing of technological innovation. Even more unlikely is the assumption that the world will largely be powered by coal.

In spite of the implausibility of this scenario, RCP8.5 is the favored scenario for publications based on climate model simulations. In short, RCP8.5 is a very useful recipe for cooking up scenarios of alarming impacts from manmade climate change. Which are of course highlighted

*and then exaggerated by press releases and media reports.*

*Apart from the issue of how much greenhouse gases might increase, there is a great deal of uncertainty about how much the planet will warm in response to a doubling of atmospheric carbon dioxide – referred to as ‘equilibrium climate sensitivity’ (ECS). The IPCC 5<sup>th</sup> Assessment Report (2013) provided a range between 1 and 6°C, with a ‘likely’ range between 1.5 and 4.5°C.*

*In the years since the 5<sup>th</sup> Assessment Report, the uncertainty has grown. The latest climate model results – prepared for the forthcoming IPCC 6<sup>th</sup> Assessment Report – shows that a majority of the climate models are producing values of ECS exceeding 5°C. The addition of poorly understood additional processes into the models has increased confusion and uncertainty. At the same time, refined efforts to determine values of the equilibrium climate sensitivity from the historical data record obtain values of ECS about 1.6°C, with a range from 1.05 to 2.7°C.*

*With this massive range of uncertainty in the values of equilibrium climate sensitivity, the lowest value among the climate models is 2.3°C, with few models having values below 3°C. Hence the lower end of the range of ECS is not covered by the climate models, resulting in temperature projections for the 21<sup>st</sup> century that are biased high, with a smaller range relative to the range of uncertainty in ECS.*

*With regards to sea level rise, recent U.S. national assessment reports have included a worst-case sea level rise scenario for the 21<sup>st</sup> century of 2.5 m. Extreme estimates of sea level rise rely on RCP8.5 and climate model simulations that are on average running too hot relative to the uncertainty range of ECS. The most extreme scenarios of 21<sup>st</sup> century sea level rise are based on speculative and poorly understood physical processes that are hypothesized to accelerate the collapse of the West Antarctic Ice Sheet. However, recent research indicates that these processes are very unlikely to influence sea level rise in the 21<sup>st</sup> century. To date, in most of the locations that are most vulnerable to sea level rise, local sinking from geological processes and land use has dominated over sea level rise from global warming.*

*To further complicate climate model projections for the 21<sup>st</sup> century, the climate models focus only on manmade climate change – they make no attempt to predict natural climate variations from the sun’s output, volcanic eruptions and long-term variations in ocean circulation patterns. We have no idea how natural climate variability will play out in the 21<sup>st</sup> century, and whether or not natural variability will dominate over manmade warming.*

*We still don’t have a realistic assessment of how a warmer climate will impact us and whether it is ‘dangerous.’ We don’t have a good understanding of how warming will influence future extreme weather events. Land use and exploitation by humans is a far bigger issue than climate change for species extinction and ecosystem health.*

*We have been told that the science of climate change is ‘settled.’ However, in climate science there has been a tension between the drive towards a scientific ‘consensus’ to support policy making, versus exploratory research that pushes forward the knowledge frontier. Climate science is characterized by a rapidly evolving knowledge base and disagreement among experts. Predictions of 21<sup>st</sup> century climate change are characterized by deep uncertainty.*

*As noted in a recent paper co-authored by Dr. Tim Palmer of Oxford University, <https://www.pnas.org/content/pnas/early/2019/11/26/1906691116.full.pdf>, there is “deep dissatisfaction with the ability of our models to inform society about the pace of warming, how this warming plays out regionally, and what it implies for the likelihood of surprises.” “Unfortunately, [climate scientists] circling the wagons leads to false impressions about the source of our confidence and about our ability to meet the scientific challenges posed by a world that we know is warming globally.”*

*We have not only oversimplified the problem of climate change, but we have also oversimplified its ‘solution.’ Even if you accept the climate model projections and that warming is dangerous, there is disagreement among experts regarding whether a rapid acceleration away from fossil fuels is the appropriate policy response. In any event, rapidly reducing*

*emissions from fossil fuels to ameliorate the adverse impacts of extreme weather events in the near term increasingly looks like magical thinking.*

*Climate change – both manmade and natural – is a chronic problem that will require continued management over the coming centuries.*

*We have been told that climate change is an ‘existential crisis.’ However, based upon our current assessment of the science, the climate threat is not an existential one, even in its most alarming hypothetical incarnations. However, the perception of manmade climate change as a near-term apocalypse has narrowed the policy options that we’re willing to consider. The perceived ‘urgency’ of drastically reducing fossil fuel emissions is forcing us to make near term decisions that may be suboptimal for the longer term. Further, the monomaniacal focus on elimination of fossil fuel emissions distracts our attention from the primary causes of many of our problems that we might have more success in addressing in the near term.*

*Common sense strategies to reduce vulnerability to extreme weather events, improve environmental quality, develop better energy technologies and increase access to grid electricity, improve agricultural and land use practices, and better manage water resources can pave the way for a more prosperous and secure future. Each of these solutions is ‘no regrets’ – supporting climate change mitigation while improving human well being. These strategies avoid the political gridlock surrounding the current policies and avoid costly policies that will have minimal near-term impacts on the climate. And finally, these strategies don’t require agreement about the risks of uncontrolled greenhouse gas emissions.*

*We don’t know how the climate of the 21<sup>st</sup> century will evolve, and we will undoubtedly be surprised. Given this uncertainty, precise emissions targets and deadlines are scientifically meaningless. We can avoid much of the political gridlock by implementing common sense, no-regrets strategies that improve energy technologies, lift people out of poverty and make them more resilient to extreme weather events.*

*The extreme rhetoric of the Extinction Rebellion and other activists is making political agreement on climate change policies more difficult.*

*Exaggerating the dangers beyond credibility makes it difficult to take climate change seriously. On the other hand, the extremely alarmist rhetoric has frightened the bejesus out of children and young adults.*

*JC message to children and young adults: Don't believe the hype that you are hearing from Extinction Rebellion and the like. Rather than going on strike or just worrying, take the time to learn something about the science of climate change. The IPCC reports are a good place to start; for a critical perspective on the IPCC, Climate Etc. is a good resource.*

*Climate change — manmade and/or natural — along with extreme weather events, provide reasons for concern. However, the rhetoric and politics of climate change have become absolutely toxic and nonsensical.*

*In the mean time, live your best life. Trying where you can to lessen your impact on the planet is a worthwhile thing to do. Societal prosperity is the best insurance policy that we have for reducing our vulnerability to the vagaries of weather and climate.*

*JC message to Extinction Rebellion and other doomsters: Not only do you know nothing about climate change, you also appear to know nothing of history. You are your own worst enemy — you are triggering a global backlash against doing anything sensible about protecting our environment or reducing our vulnerability to extreme weather. You are making young people miserable, who haven't yet experienced enough of life to place this nonsense in context.*

## Book reviews

A [review of two books](#) recently revealed the need for Africa's people to step back from a developed world neurosis. One of the books is by [Bjorn Lomborg](#):

*In poor countries, higher energy costs harm efforts to increase prosperity. A solar panel, for instance, can provide electricity for a light at night and a cell phone charge, but it cannot deliver sufficient power for cleaner*

*cooking to avoid indoor air pollution, a refrigerator to keep food fresh, or the machinery needed for agriculture and industry to lift people out of poverty. Countries in the developing world need cheap and reliable energy, for now mostly from fossil fuels, to promote industry and growth. Not surprisingly, a recent study of the consequences of implementing the Paris Agreement showed that it will actually increase poverty. We need to be aware that when we insist, as part of foreign aid packages, that the developing world align with our climate priorities, we are enacting a kind of imperialism. We are not listening to what the citizens of these countries want. We are jeopardizing their opportunity to lift their populations out of poverty for the sake of our own concerns. This isn't just bad policy. It's grossly unethical..*

## A Reality Check on Renewable Energy

### Road to Climate Neutrality

Posted on [February 8, 2021](#) by [curryja](#) | [190 Comments](#)  
by Judith Curry

Spatial Requirements of Wind/Solar and Nuclear Energy and Their Respective Costs

*"In addition to the energy sector, the climate debate also needs a transition. From ideology and wishful thinking, to facts, figures and rationality."*

An important document was published last week, a collaborative instigated by two members of the European Parliament – one from the Netherlands and the other from Czechoslovakia. One of the editors on the resulting report is [Lucas Bergkamp](#), who has written several [guest posts](#) at Climate Etc.

The study is now available for download on the website [www.roadtoclimate.neutrality.eu](http://www.roadtoclimate.neutrality.eu).

This document provides a critical reality check on the rush to replace fossil fuels with renewable energy.

# UN-IPBES Global Assessment Report

## Global Assessment Report (IPBES)

*On Monday, 6 May 2019, was revealed the [most comprehensive report](#) ever produced on the state of biodiversity by the UN's Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). Their Global Assessment Report warns that more than a million plant and animal species are in danger of extinction as a result of - in descending order: (1) changes in land and sea use; (2) direct exploitation of organisms; (3) climate change; (4) pollution and (5) invasive alien species. The conclusion of this is that the Sustainable Development Goals cannot be met - 'an environmental issue, but also a developmental, economic, security, social and moral issue'. 'Climate Change' (the term global warming being a controversial subject) obviously colours the report.*

### ***Notable findings***

*Three-quarters of the land-based environment and about 66% of the*

*marine environment have been significantly altered by human actions. On average these trends have been less severe or avoided in areas held or managed by Indigenous Peoples and Local Communities.*

*More than a third of the world's land surface and nearly 75% of freshwater resources are now devoted to crop or livestock production.*

*The value of agricultural crop production has increased by about 300% since 1970, raw timber harvest has risen by 45% and approximately 60 billion tons of renewable and nonrenewable resources are now extracted globally every year – having nearly doubled since 1980.*

*Land degradation has reduced the productivity of 23% of the global land surface, up to US\$577 billion in annual global crops are at risk from pollinator loss and 100-300 million people are at increased risk of floods and hurricanes because of loss of coastal habitats and protection.*

*In 2015, 33% of marine fish stocks were being harvested at unsustainable levels; 60% were maximally sustainably fished, with just 7% harvested at levels lower than what can be sustainably fished.*

*Urban areas have more than doubled since 1992.*

*Plastic pollution has increased tenfold since 1980, 300-400 million tons of heavy metals, solvents, toxic sludge and other wastes from industrial facilities are dumped annually into the world's waters, and fertilizers entering coastal ecosystems have produced more than 400 ocean 'dead zones', totalling more than 245,000 km<sup>2</sup> (591-595) – a combined area greater than that of the United Kingdom.*

*Negative trends in nature will continue to 2050 and beyond in all of the policy scenarios explored in the Report, except those that include transformative change – due to the projected impacts of increasing land-use change, exploitation of organisms and climate change, although with significant differences between regions.*

### ***Scale of Loss of Nature***

*Gains from societal and policy responses, while important, have not stopped massive losses.*

*Since 1970, trends in agricultural production, fish harvest, bioenergy production and harvest of materials have increased, in response to population growth, rising demand and technological development, this has come at a steep price, which has been unequally distributed within and across countries. Many other key indicators of nature's contributions to people however, such as soil organic carbon and pollinator diversity, have declined, indicating that gains in material contributions are often not sustainable .*

*The pace of agricultural expansion into intact ecosystems has varied from country to country. Losses of intact ecosystems have occurred primarily in the tropics, home to the highest levels of biodiversity on the planet. For example, 100 million hectares of tropical forest were lost from 1980 to 2000, resulting mainly from cattle ranching in Latin America (about 42 million hectares) and plantations in South-East Asia (about 7.5 million hectares, of which 80% is for palm oil, used mostly in food, cosmetics, cleaning products and fuel) among others.*

*Since 1970 the global human population has more than doubled (from 3.7 to 7.6 billion), rising unevenly across countries and regions; and per capita gross domestic product is four times higher – with ever-more distant consumers shifting the environmental burden of consumption and production across regions.*

*The average abundance of native species in most major land-based habitats has fallen by at least 20%, mostly since 1900.*

*The numbers of invasive alien species per country have risen by about 70% since 1970, across the 21 countries with detailed records.*

*The distributions of almost half (47%) of land-based flightless mammals, for example, and almost a quarter of threatened birds, may already have been negatively affected by climate change.*

### ***Indigenous Peoples, Local Communities and Nature***

*At least a quarter of the global land area is traditionally owned, managed, used or occupied by Indigenous Peoples. These areas include approxi-*

mately 35% of the area that is formally protected, and approximately 35% of all remaining terrestrial areas with very low human intervention.

*Nature managed by Indigenous Peoples and Local Communities is under increasing pressure but is generally declining less rapidly than in other lands – although 72% of local indicators developed and used by Indigenous Peoples and Local Communities show the deterioration of nature that underpins local livelihoods.*

*The areas of the world projected to experience significant negative effects from global changes in climate, biodiversity, ecosystem functions and nature's contributions to people are also areas in which large concentrations of Indigenous Peoples and many of the world's poorest communities reside.*

*Regional and global scenarios currently lack and would benefit from an explicit consideration of the views, perspectives and rights of Indigenous Peoples and Local Communities, their knowledge and understanding of large regions and ecosystems, and their desired future development pathways. Recognition of the knowledge, innovations and practices, institutions and values of Indigenous Peoples and Local Communities and their inclusion and participation in environmental governance often enhances their quality of life, as well as nature conservation, restoration and sustainable use. Their positive contributions to sustainability can be facilitated through national recognition of land tenure, access and resource rights in accordance with national legislation, the application of free, prior and informed consent, and improved collaboration, fair and equitable sharing of benefits arising from the use, and co-management arrangements with local communities.*

### **Global Targets and Policy Scenarios**

*Past and ongoing rapid declines in biodiversity, ecosystem functions and many of nature's contributions to people mean that most international societal and environmental goals, such as those embodied in the Aichi Biodiversity Targets and the 2030 Agenda for Sustainable Development*

*will not be achieved based on current trajectories.*

*The authors of the Report examined six policy scenarios – very different ‘baskets’ of clustered policy options and approaches, including ‘Regional Competition’, ‘Business as Usual’ and ‘Global Sustainability’ – projecting the likely impacts on biodiversity and nature’s contributions to people of these pathways by 2050. They concluded that, except in scenarios that include transformative change, the negative trends in nature, ecosystem functions and in many of nature’s contributions to people will continue to 2050 and beyond due to the projected impacts of increasing land and sea use change, exploitation of organisms and climate change.*

### ***Policy Tools, Options and Exemplary Practices***

*Policy actions and societal initiatives are helping to raise awareness about the impact of consumption on nature, protecting local environments, promoting sustainable local economies and restoring degraded areas. Together with initiatives at various levels these have contributed to expanding and strengthening the current network of ecologically representative and well-connected protected area networks and other effective area-based conservation measures, the protection of watersheds and incentives and sanctions to reduce pollution .*

*The Report presents an illustrative list of possible actions and pathways for achieving them across locations, systems and scales, which will be most likely to support sustainability. Taking an integrated approach:*

*In **agriculture**, the Report emphasizes, among others: promoting good agricultural and agroecological practices; multifunctional landscape planning (which simultaneously provides food security, livelihood opportunities, maintenance of species and ecological functions) and cross-sectoral integrated management. It also points to the importance of deeper engagement of all actors throughout the food system (including producers, the public sector, civil society and consumers) and more integrated landscape and watershed management; conservation of the diversity of genes, varieties, cultivars, breeds, landraces and species; as well as*

*approaches that empower consumers and producers through market transparency, improved distribution and localization (that revitalizes local economies), reformed supply chains and reduced food waste.*

*In **marine systems**, the Report highlights, among others: ecosystem-based approaches to fisheries management; spatial planning; effective quotas; marine protected areas; protecting and managing key marine biodiversity areas; reducing run-off pollution into oceans and working closely with producers and consumers.*

*In **freshwater systems**, policy options and actions include, among others: more inclusive water governance for collaborative water management and greater equity; better integration of water resource management and landscape planning across scales; promoting practices to reduce soil erosion, sedimentation and pollution run-off; increasing water storage; promoting investment in water projects with clear sustainability criteria; as well as addressing the fragmentation of many freshwater policies.*

*In **urban areas**, the Report highlights, among others: promotion of nature-based solutions; increasing access to urban services and a healthy urban environment for low-income communities; improving access to green spaces; sustainable production and consumption and ecological connectivity within urban spaces, particularly with native species.*

*Across all examples, the Report recognizes the importance of including different value systems and diverse interests and worldviews in formulating policies and actions. This includes the full and effective participation of Indigenous Peoples and Local Communities in governance, the reform and development of incentive structures and ensuring that biodiversity considerations are prioritized across all key sector planning.*

*The IPBES Global Assessment Report offers the best available expert evidence to help inform these decisions, policies and actions – and provides the scientific basis for the biodiversity framework and new decadal targets for biodiversity, to be decided in late 2020 in China, under the auspices of the UN Convention on Biological Diversity.”*

## UN-Convention on Biological Diversity 2020

### Preparations for the Post 2020 Framework

That 30% of the earth be protected.

<quote>

### 2030 World Action Targets

*12. The framework has 20 action-oriented targets for 2030, which, if achieved, will contribute to 2030 Milestones and the outcome-oriented goals for 2050. Actions to reach these targets should be implemented consistently and in harmony with the Convention on Biological Diversity*

*and its Protocols and other relevant international obligations, taking into account national socio-economic conditions.*

### **(a) Reducing threats to biodiversity**

*Target 1. By 2030, [50%] of land and sea areas globally are under spatial planning addressing land/sea use change, retaining most of the existing intact and wilderness areas, and allow to restore [X%] of degraded freshwater, marine and terrestrial natural ecosystems and connectivity among them.*

*Target 2. By 2030, protect and conserve through well connected and effective system of protected areas and other effective area-based conservation measures at least 30 per cent of the planet with the focus on areas particularly important for biodiversity.*

*Target 3. By 2030, ensure active management actions to enable wild species of fauna and flora recovery and conservation and reduce human-wildlife conflict by [X%].*

*Target 4. By 2030, ensure that the harvesting, trade and use of wild species of fauna and flora are legal, at sustainable levels and safe.*

*Target 5. By 2030, manage, and where possible control, pathways for the introduction of invasive alien species, achieving [50%] reduction in the rate of new introductions, and control or eradicate invasive alien species to eliminate or reduce their impacts, including in at least [50%] of priority sites.*

*Target 6. By 2030, reduce pollution from all sources, including reducing excess nutrients [by x%], biocides [by x%], plastic waste [by x%] to levels that are not harmful to biodiversity and ecosystem functions and human health.*

*Target 7. By 2030, increase contributions to climate change mitigation adaption and disaster risk reduction from nature-based solutions and ecosystems-based approaches, ensuring resilience and minimizing any*

*negative impacts on biodiversity.*

**(b) Meeting people's needs through sustainable use and benefit-sharing**

*Target 8. By 2030, ensure benefits, including nutrition, food security, livelihoods, health and well-being, for people, especially for the most vulnerable through sustainable management of wild species of fauna and flora.*

*Target 9. By 2030, support the productivity, sustainability and resilience of biodiversity in agricultural and other managed ecosystems through conservation and sustainable use of such ecosystems, reducing productivity gaps by at least [50%].*

*Target 10. By 2030, ensure that nature-based solutions and ecosystem approach contribute to the regulation of air quality*

*Target 11. By 2030, increase benefits from biodiversity and green/blue spaces for human health and wellbeing, including the proportion of people with access to such spaces by at least [100%], especially for urban dwellers.*

*Target 12. By 2030, increase by [X] benefits shared for the conservation and sustainable use of biodiversity through ensuring access to and the fair and equitable sharing of benefits arising from utilization of genetic resources and associated traditional knowledge.*

**(c) Tools and solutions for implementation and mainstreaming**

*Target 13. By 2030, integrate biodiversity values into policies, regulations, planning, development processes, poverty reduction strategies and accounts at all levels, ensuring that biodiversity values are mainstreamed across all sectors and integrated into assessments of environmental impacts.*

*Target 14. By 2030, achieve reduction of at least [50%] in negative impacts on biodiversity by ensuring production practices and supply chains are sustainable.*

*Target 15. By 2030, eliminate unsustainable consumption patterns, ensuring people everywhere understand and appreciate the value of biodiversity, and thus make responsible choices commensurate with 2050 biodiversity vision, taking into account individual and national cultural and socioeconomic conditions.*

*Target 16. By 2030, establish and implement measures to prevent, manage or control potential adverse impacts of biotechnology on biodiversity and human health reducing these impacts by [X].*

*Target 17. By 2030, redirect, repurpose, reform or eliminate incentives harmful for biodiversity, including [X] reduction in the most harmful subsidies, ensuring that incentives, including public and private economic and regulatory incentives, are either positive or neutral for biodiversity.*

*Target 18. By 2030, increase by [X%] financial resources from all international and domestic sources, through new, additional and effective financial resources commensurate with the ambition of the goals and targets of the framework and implement the strategy for capacity-building and technology transfer and scientific cooperation to meet the needs for implementing the post-2020 global biodiversity framework.*

*Target 19: By 2030, ensure that quality information, including traditional knowledge, is available to decision makers and public for the effective management of biodiversity through promoting awareness, education and research.*

*Target 20: By 2030, ensure equitable participation in decision-making related to biodiversity and ensure rights over relevant resources of indigenous peoples and local communities, women and girls as well as youth, in accordance with national circumstances.*

## Campaign for Nature

A working [paper](#) analyzes the economic implications of the proposed 30% target for real protection in the draft post-2020 Global Biodiversity Framework:

*1. The World Economic Forum now ranks biodiversity loss as a top-five risk to the global economy, and the draft post-2020 Global Biodiversity Framework proposes an expansion of conservation areas to 30% of the earth's surface by 2030 (hereafter the "30% target"), using protected areas (PAs) and other effective area-based conservation measures (OECMs). Two immediate concerns are how much a 30% target might cost and whether it will cause economic losses to the agriculture, forestry and fisheries sectors.*

*2. Conservation areas also generate economic benefits (e.g. revenue from nature tourism and ecosystem services), making PAs/Nature an economic sector in their own right.*

*3. If some economic sectors benefit but others experience a loss, high-level policy makers need to know the net impact on the wider economy, as well as on individual sectors.*

*4. The current report, based on the work of over 100 economists/scientists, analyses the global economic implications of a 30% PA target for agriculture, forestry, fisheries, and the PA/nature sector itself. (OECMs were only defined by the CBD in 2018, too recently to economically model, but we include a qualitative treatment of them.)*

*5. We carried out two analyses: a global financial one (concrete revenues and costs only); and a tropics focused economic one (including non-monetary ecosystem service values), for multiple scenarios of how a 30%*

*PA target might be implemented.*

*6. Our financial analysis showed that expanding PAs to 30% would generate higher overall output (revenues) than non-expansion (an extra \$64 billion-\$454 billion per year by 2050). (Figure 1-2).*

*7. In the economic analysis, only a partial assessment was possible, focusing on forests and mangroves. For those biomes alone, the 30% target had an avoided-loss value of \$170-\$534 billion per year by 2050, largely reflecting the benefit of avoiding the flooding, climate change, soil loss and coastal storm surge damage that occur when natural vegetation is removed. The value for all biomes would be higher.*

*8. Implementing the proposal would therefore make little initial difference to total (multi-sector) economic output, although a modest rise in gross output value is projected.*

*9. The main immediate difference between expansion and non-expansion is therefore in broader economic/social values. Expansion outperforms non-expansion in mitigating the very large economic risks of climate change and biodiversity loss (Figure 5). The 30% target would also increase by 63%-98% the area recognised as Indigenous Peoples' and local communities' land-based nature stewardship contribution (within appropriate rights and governance frameworks).*

*10. Economic growth in the PA/nature sector (at 4-6%) was also many times faster than the 1% growth expected in competing sectors (Figure 3). Marine expansion restores growth to fisheries (after a shock) but non-expansion leads to a mid-term contraction (Figure 4).<sup>6</sup>*

*11. The annual investment needed for an expanded (30%) PA system is \$103 – \$178 billion<sup>1</sup>This figure includes \$68 billion for the existing system, of which only \$24.3 is currently spent. (Underfunded systems*

*lose revenue, assets, carbon and biodiversity).*

*12. Most of the investment need is in low- and middle-income countries (LMICs). These often have a competitive asset advantage in terms of natural areas, but they may need international support to capitalise on that opportunity. Otherwise, growing the PA sector could also entrench global economic inequalities.*

*13. Benefits and costs also accrue to different stakeholders at smaller (e.g. local) scales, making welfare distribution a challenge that needs addressing, as well as on individual sectors.*

In the executive summary of the Campaign for Nature, they suggest in (1) that the 30% increase will harm agriculture, forestry and fisheries. But then, in (9), they conclude that: “The 30% target would also increase by 63%-98% the area recognized as Indigenous Peoples’ and local communities’ land-based nature stewardship contribution (within appropriate rights and governance frameworks).”

This seems somewhat contradictory. Then they reveal the real problem of donors and investors seeing CBNRM as a sure way to empower indigenous people, but in reality, being a ruse to extract rentals from the land through tourism with massive negative effects on the customary people. Here lies the neo-colonial problem.

## The Open Letter

[An Open Letter](#) recently was sent to the authors of the Campaign for Nature report.

***It is signed by authors from multiple institutions, and presents a series of reservations about that working paper.***

*Dear Colleagues,*

*We write to you as you are the lead investigators of the project which produced the recent draft working paper [‘Protecting 30% of the planet for nature’](#). This paper proposes extensive new protected areas in which all agriculture, herding and fishing will cease. We are concerned that there are significant omissions and failings in this paper. Its approach continues the marginalisation of rural people who will be most affected by its measures. It ignores decades of research and experience on the social impacts of conservation. It fails to appreciate the political contexts in which protected area conservation are embedded, or indeed the importance of the politics that surround its own creation.*

*In detail our concerns are:*

*1 You have not said how many people would be affected by your proposals, where they live or how they will be affected. More specifically, you are proposing a large increase in areas in which all farming, livestock keeping and fishing will be prohibited. You have not said how many people will have to find new livelihoods because of these changes, nor indicated what these possible alternatives might be.*

*2 You have not indicated that there has been any consultation with any of the people who will be affected, their chosen representatives, or organizations that work with them. This lack of consultation suggests of a lack of prior and informed consent, a hallmark of any and all ethical work with living communities. Your calculation of compensation ignores [long established methods](#) for tackling the full spectrum of risks of impoverishment that physical or economic displacement must entail. Your proposal only to compensate for lost land value would particularly marginalise and disenfranchise women in patriarchal societies where they do not own land. Further the land value calculation is based on the terra nullius approach that underpinned settler colonialism around the world. This primitive school of thought ascribes value to land and none whatsoever to the human societies thereon.*

*3 You overlook decades of social science research which demonstrates that the costs of loss of access to land and resources as a result of*

*conservation policies can contribute to a deep sense of loss of culture and status, curtailing aspirations and reducing life opportunities. These losses cannot be measured in and compensated for in monetary terms, for either present or future generations.*

*4 Your proposal to generate tourism revenues ignores the fact that tourism industries do not generate revenues for rural farmers or fishing people in poorer countries. There is substantial research showing how tourism embeds and extends existing inequalities because ownership often lies with international companies and profits accrue externally. Indeed your reliance on tourism as an economic model proposes to make entire societies, particularly in the global south, dependent of foreign patronage, rather than their own resilience. It does not take sufficient account of the changing and fickle nature of the international tourism industry. Finally it fails to recognise that using international tourism as a means of saving biodiversity relies on aviation, a key contributor to climate change, which in turn is a driver of biodiversity loss.*

*5 Your method of counting costs adds up gains and losses at the national scale. It does not adequately recognise that the distribution of these costs locally and sub-nationally is essential to the palatability, and hence sustainability, of your plans. It mentions these local effects, but fails to appreciate their implication for the plans you propose.*

*6 You do not adequately consider the implications for food security due to food price increases. There is a wealth of data that demonstrate as people become more food insecure, biodiversity suffers. You do not adequately consider the potential cascading effects of your proposals.*

*7 You have released your findings into the public domain but you have not made the GIS layers that produce them publicly available.*

*8 You do not address important drivers for the loss of biodiversity that have been identified by numerous studies, including high levels of consumption, especially by wealthy countries, that are built into economic planning and the Sustainable Development Goals. These entail continued extraction of natural resources for global consumption and the habitat loss associated with that extraction, the use of fossil fuels and so on.*

9 Finally, we are concerned by the constitution of your research team. Social science, outside of a specific form of economics, is poorly represented. Further, your recommendations are global, but your research team is drawn primarily from institutions in the global north (see the [tables of authorship below](#)).

These criticisms have serious implications for your work. You may believe that you have taken on board some of the criticisms of conservation by social scientists, but you have not. You are not asking the right questions about the practicability or wisdom of your plans. You have not assembled a diverse team which would have allowed you to ask these questions. Nor do you seem to realise that you have made these mistakes.

The result is that this paper reads to us like a proposal for a new model of colonialism. It is driven by environmental interests from countries with the highest carbon emissions and imposed on the countries whose resources scientists based in wealthy countries now appear to wish to control. To illustrate, we have left the last column of the [tables below](#) blank. We encourage you to complete them. When you have done so, please ask yourselves if you are comfortable with the pattern that they show.

At a time when most academic disciplines are working to decolonize their curricula, when Indigenous scholars are pushing for more equality in research, and when the Black Lives Matter movement is gaining momentum worldwide, we find the report regressive and potentially dangerous. We urge you to find more socially just and effective ways of promoting your vision for a better conserved world. We urge you to root these plans in local economies, needs, livelihoods and politics. These are, after all, precisely the circumstances in which all protected areas must exist.

We believe that a world with more protected areas could be a much better place. But that hinges on the types of protected areas that are promoted and the means by which they are sustained. [Opposition to your plans](#) reflects the opacity as to the sorts of protected areas you are actually proposing. You pass over crucial questions of what changes will

*be required and by whom, and combine that with too much optimism about the potential of tourism to pay for conservation.*

*As these plans develop, we will continue to provide the critical scrutiny that good science requires. Please help this debate to progress more meaningfully by assembling teams whose work will not lead us to ask such basic questions as those above. Please make your data publicly available for the scrutiny such important plans require.*

*We look forward to engaging with you on these plans and further research work about them in the future.*

*Finally, to the other authors named on this working paper, a number of whom are respected colleagues and/or early career researchers, we ask you to note that our letter is only addressed to the senior researchers who directed the work that led to the working paper report.*

*Yours faithfully (and in alphabetical order),  
Arun Agrawal, University of Michigan et al*

## **Actions taken to achieve the 2020/25 Aichi Biodiversity Targets**

1. Community involvement in conservation activities has increased as a result of incentives offered. A mechanism for sharing benefits from hunting concessions and other income sources with communities, through Community Resource Boards (CRBs) and Game Management Areas (GMAs), has been developed. Zambia also expects to accede to the Nagoya Protocol on ABS by 2016.
2. Measures have been put in place for the control/eradication of invasive species at Lochinvar and Victoria Falls National Parks.
3. Recommendations from the project on the Reclassification and Effective Management of the National Protected Areas System (REMNPAS)

carried out in 2010 address the gaps in the representation of certain plant species (e.g. Dry Evergreen Forest, Kalahari Woodland, Miombo Woodland) and animal species (giraffe, Black lechwe, Kafue lechwe, Black Rhinoceros), within the existing National Parks and Game Management Areas. The project also recommended that the management effectiveness of the overall system be improved. The network of Zambia's statutory protected area today covers almost 40% of the country's total surface area. Lusaka National Park was created in 2011 and is stocked with species, including endangered ones. Zambia's protected areas system includes 480 Forest Reserves (305 Local Forests and 175 National Forests). The management objective in Local Forests is to meet the needs for forest products for present and future generations of local people. The objective for establishing National Forests is to protect and conserve major water catchments and their biodiversity.

## Support mechanisms for national implementation

Zambia enacted the Environmental Management Act in 2011, which is the parent environmental legislation with strict requirements for EIA and SEA for any large-scale development project. The Wildlife Act is under review while the revised Forest Policy was approved in 2014 and the Forest Bill was enacted in 2015. Also, a National Heritage Policy is under formulation. Although the Mines and Minerals Development Act was adopted in 2012, it fails to recognize the important role of biodiversity conservation and allows mineral development in protected areas. In 2013, the Mining Policy was adopted, promoting concepts of sustainable development, among other standards. The Water Resources Management Act and Fisheries Act were both adopted in 2011.

## Zambia has developed a REDD+ Strategy.

Zambia has not commenced the growing of genetically modified organisms (GMOs). However, the Government has adopted a precautionary principle on GMOs and products made from GMOs, as required by the Cartagena Protocol on Biosafety. Through this approach, Zambia developed the Biotechnology and Biosafety Policy (2003), Biosafety Act (2007), and a few necessary regulations and guidelines. Two local laboratories were also set up for detecting GMOs. To that effect, the National Biosafety Authority Board was inaugurated in 2015 and charged with regulating research, development, application, import, export, transit, contained use, release or placing on the market of any GMO. The Zambian Africulture Research Institute has also been established for researching the genetic diversity of cultivated crops.

The Biodiversity Finance Initiative (BIOFIN), for which Zambia is a pilot country, will help strengthen the financing framework for the revised NBSAP.

## Mechanisms for monitoring and reviewing implementation

A key lesson learned from implementing the first NBSAP (1999) was the need for long-term investment in a well-coordinated and mainstreamed biodiversity monitoring system, which shall be addressed in the revised NBSAP.

## Aichi Targets

**SUBMITTED ON: 31 DEC 2018 LAST UPDATED: 28 FEB 2019**

### Target 1

By 2020, Zambians, especially [local communities](#), are aware of the values of biodiversity and the steps they can take to conserve and use it sustainably.

### Target 2

By 2020, biodiversity values have been integrated into the Seventh National Development Plan (SeNDP), provincial and district development plans and planning processes, and reporting systems, are being incorporated into national accounting, as appropriate. *This national target was adopted through a broad stakeholder consultation through various engagements including workshops during the formulation of the National Biodiversity Strategy and Action Plan (NBSAP) in 2015*

### Target 3

By 2019, selected incentives for biodiversity conservation and sustainable use are in place and applied, and the most harmful subsidies are identified and their gradual phase-out is initiated.

### Target 4

By 2020, baselines for sustainable production and utilization of fisheries, forests and wildlife are established and updated.

*This national target was set through a consultative process during the formulation of the NBSAP in 2015.*

### Target 5

By 2020, the deforestation rate in Zambia is reduced by at least 25%

### Target 6

By 2020, fisheries co-management regimes are established in 60% of all major fisheries.

*11. Protected areas*

*16. Nagoya Protocol on ABS*

#### Target 7

By 2025, areas under agriculture, aquaculture and forestry (forest reserves, parks, Game Management Areas, forest concessions, Open Areas) are managed sustainably, ensuring biodiversity conservation.

[SI\\_11\\_Community Forest Management Regulation\\_2018.pdf](#)  
[Decentralised Forest and other natural resources management project website](#)

[The Forest \(Concession Licence\) Regulations, 2016.pdf](#)

[The Zambia Wildlife Act, 2015-1.pdf](#)

[The Forest Act 2015.pdf](#)

[SI\\_#31\\_ Control of Goods \( Forest Produce\) Regulation\\_2017.pdf](#)

[Environmental Management Act 12 of 2011.pdf](#)

[Reclassification Conservation Plan - FINAL.pdf](#)

[Fire Management Plan Final\\_Kafue National Park.pdf](#)

[Blue Lagoon National Park GMP.pdf](#)

[Mukungule GMA Land Use Plan.pdf](#)

#### Target 8

By 2020, pollution, including excess nutrients from industry (mining, agriculture, etc.), has been brought to levels that are not detrimental to ecosystem function and biodiversity.

[Environmental Management Act 12 of 2011.pdf](#)

#### Target 9

By 2020, invasive alien species (Mimosa pigra, Hyacinth, crayfish, and

Lantana camara) and their spreading pathways are identified and prioritized, controlled or eradicated, and measures are in place to manage pathways to prevent their spread and establishment.

*5. Loss of habitats*

*8. Pollution*

*12. Preventing extinctions*

*14. Essential ecosystem services*

#### Target 10

By 2020, Zambia's Protected Area (PA) network is rationalized to achieve representativeness and ecological connectivity at landscape level.

[Mukungule GMA Land Use Plan.pdf](#)

[Blue Lagoon National Park GMP.pdf](#)

#### Target 11

By 2022, the populations of threatened and endemic species and their protection status, has been improved and sustained.

[Sesheke MA&D Phases 1&2.pdf](#)

[Sioma MA&D Phases 1&2.pdf](#)

[Herbivore and Waterbird Population Status Kafue Flats Aerial Survey Report-](#)

[FinalReport.pdf](#)

[Bangweulu Swamps Report 2003 ShoeBills\\_Kamweneshe et al\\_2003.pdf](#)

[Population and distribution of wattled cranes\\_Kamweneshe and Beilfuss.pdf](#)

#### Target 12

By 2025, the genetic diversity of cultivated plants and farmed and domesticated animals and of wild relatives, including other socioeconomically as well as culturally valuable species, is maintained, and strategies have been developed and implemented for minimizing genetic erosion and safeguarding

their genetic diversity.

*6. Nagoya Protocol on ABS*

*18. Traditional knowledge*

### Target 13

By 2020, Zambia defines and enforces a generic national benefit-sharing mechanism to genetic resources.

[The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore](#)

[Act No. 16 of 2016.pdf](#)

### Target 14

**By 2025, Zambia takes deliberate steps to protect critical ecosystems of the Zambezi, Kafue and the Luangwa Watersheds**

[NATIONAL STRATEGY TO REDUCE DEFORESTATION AND FOREST DEGRADATION book](#)

[\(1\) \(1\).pdf](#)

### Target 15

By 2020, the traditional knowledge, innovations and practices of local communities relevant to the conservation and sustainable use of biodiversity, are respected, subject to national legislation and relevant international obligations are respected and fully integrated in the implementation of the Convention with participation of local communities at all relevant levels

[The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore](#)

[Act No. 16 of 2016.pdf](#)

### Target 16

By 2020, the knowledge, the science base and technologies, relevant to Biodiversity, its values, functions, status and trends, and consequences of its loss, are improved, distributed and transferred and applied

[Icomos Evaluation of Barotse Cultural Zambia 1429\\_EN \(1\).pdf](#)  
[The Joint Management Plan Final Zambia Zimbabwe 2014.pdf](#)

## Target 17

**By 2025, Zambia mobilizes sufficient internal and external financial resources for the effective implementation of NBSAP 2**

## Aichi Implementation Measures

**Raise public awareness on the importance of conserving biological diversity and using it sustainably**

[SpeciesRichness\\_ZMB.png](#)

**Quantify and monitor the economic, social and environmental value of biodiversity and ecosystem services using appropriate valuation tools**

[cosystemServiceUsage\\_ZMB.png](#)

[KeyBiodiversityAreaProtection\\_ZMB.png](#)

**Mainstream Biodiversity into district, provincial, 7th National Development Plan (7NDP) and national accounting system**

[Biodiversity Finance Initiative - Zambia web page](#)

**Promote appropriate incentives that encourage the conservation of biodiversity and its sustainable use**

## **Phase out the most harmful subsidies for the conservation of biodiversity**

The regulations to operationalist SEA are not yet developed or approved and therefore the measure is not being implemented.

## **Update baseline data on fish, forests and lower plants and wildlife**

### [ThreatenedSpeciesRichness\\_ZMB.png](#)

This measure is related to national target 6. Establishment of fishery management plans (FMPs) and implementation plans (IPs) in all commercial fishery areas is among key indicators. The FMPs and IPs for Mweru-Luapula, Bangweulu and Kafue floodplain were developed, but actual implementation has not received financial support/injection. Preparatory work towards development of FMP and IP for Lukanga was started through Fisher Stakeholder sensitization in 2016 but later halted due to lack of resources. No external natural resource organizations have been brought on board for support. Effective implementation of sustainable fisheries resources management/utilization has been faced with inadequate to lack of “sustainability will” among fisher stakeholders as use of unsustainable fishing practices (illegal gears) has been on the increase despite some sensitization undertaken. There is no longer self-policing among fishers against unsustainable practices. Bigger challenge being inadequate to lack of government personnel in all fishery camp stations except a lean staff at district offices, this is common in Mweru-Luapula and Bangweulu fishery areas despite FMPS and IPs being in place. The research wing has embarked on studies to identify and demarcate fish breeding areas. Central government has continued to finance implementation of annual fishing ban meanwhile partially, the local authority have begun to get involved in mobilizing resources for monitoring unsustainable fishing practices.

Forest cover: The total forest area in the country is estimated at 44.17

million hectares representing 58.7% of the country land surface area.

**Growing stock:** The total growing stock is estimated at 3,178 million m<sup>3</sup> distributed across provinces of which the highest proportion was found in North-Western Province (34%) and the lowest in Lusaka Province (2.4%). The majority of this volume, 2,602 million m<sup>3</sup>, is contained in forest woodlands commonly referred to as miombo.

**Biomass:** Total biomass in the standing trees (dbh > 10 cm) was estimated at 2.74 billion tons, while for the saplings (dbh 5 - 9.9 cm) it was estimated at 220.9 million tons. Biomass from the stumps and lying dead wood was estimated at 68.4 million tons and 107.4 million tons respectively. Biomass in standing trees varied across provinces: North-Western Province recorded the highest (113.2 tons/ha) while the lowest biomass was recorded in Lusaka Province (55.9 tons/ha). Standard error of mean forest biomass (above-ground biomass) was 2.4 tons/ha representing a 6.9%.

**Carbon:** Total carbon from standing trees was estimated at 1.34 billion tons compared to 108.3 million tons from saplings, 33.5 million tons from stumps and 52.6 million tons from dead wood. Carbon content was highest in North-Western Province (55.5 tons/ha) and the lowest was recorded in Lusaka Province (27.4 tons/ha).

**Species abundance:** More than 200 tree species are found in Zambia. Species such as *Julbernardia paniculata* are the most abundant species. *Pterocarpus angolensis*, which is regarded as one of the most valuable timber species in the country, was among the 10 most abundant tree species. This species was also found to be the most abundant tree in Luapula Province.

**Regeneration:** Seedlings with a height of less than 1.3 m represented 80% of seedlings counted during the inventory assessment done in Zambia. The highest density of seedlings in the country was found in Muchinga Province and the lowest in Southern and Copperbelt Provinces. This suggests that forests in Muchinga have higher regeneration potential than forests in Southern or Copperbelt Provinces.

**Deforestation:** Based on a land cover change analysis between 2000 and 2014, the official annual deforestation rate was estimated to be 0.6%; losing approximately 276,021 ha per annum from 2000 to 2014. This rate is

presented and endorsed as the official deforestation rate for Zambia. The drivers of deforestation have been identified as agricultural expansion, timber extraction, bush fires, mining, land use and infrastructure development.

**Forests and livelihood:** The national average of forest area cleared per household was estimated at 0.73 ha in 2015. Forest clearing for agriculture was highest in Lusaka Province and lowest in Luapula Province, suggesting that provinces with a high income cleared more forest area than provinces with a low income.

Forests and wooded land, and particularly the forest woodland vegetation, continue to be the main source of livelihood in all the provinces of Zambia. Overall crop production ranked first as a main livelihood activity. Wood and non-wood forest products collection at household level was among the top ten activities contributing to household income in Zambia. Of these forest products, charcoal and fuelwood contributed more to household income than other products assessed. The distance and time taken to reach forest collection areas varied from province to province, and overall respondents indicated that the time and distance necessary to travel to these sites was increasing.

### Lower Plants

550 excluder plants (plants that can absorb heavy metals in mining areas) were successfully collected and identified in tailing dams around Kitwe, Mufulira and Luanshya districts. In 2013, Zambia conducted a nationwide aerial survey which established the baseline for wildlife species for large mammals including elephants as the iconic species. A follow up aerial survey was conducted in 2015 restricted to elephant range areas i.e the Kafue ecosystem, Luangwa Valley ecosystem, the lower Zambezi Ecosystem and the Sioma Ngwezi. 2015 also saw the wet season aerial survey for the Kafue echo. Quotas for sustainable production and utilisation of wildlife is based on the above mentioned aerial surveys, signings and hunting efforts

Implementation has been slow due to inadequate financial and human resources, and equipment to implement strategies. Programmes are budgeted for and approved by parliament but there is no corresponding release of funds.

No comprehensive fish species inventory have been undertaken in the past four (4) years, but a few fish species monitoring surveys were conducted in all commercial fishing areas.

Inadequate Financial support to conduct intensive sampling of the distribution of lower plants. The country will have a wider understanding of the distribution of lower plants and identify lesser-known species and their uses to benefit forest user groups.

Aerial surveys are costly in terms of finance and qualified personnel, ground counts also require sufficient manpower, effective aerial surveys can only be done in the dry season.

### **Promote sustainable utilization of resources within limits**

[DegradationWithinEcoregions\\_ZMB.png](#)

Human, financial and material resources for undertaking baseline studies for most resources are inadequate.

### **Promote effective information exchange and knowledge management on biodiversity conservation and its sustainable use**

Biofin WhatsApp group has been effective in information exchange on biodiversity issues

### **Promote sustainable agricultural practices**

[DegradationWithinEcoregions\\_ZMB.png](#)

[CarbonSequestrationPotential\\_ZMB.png](#)

The adoption levels of conservation agriculture remains low as there are concerns on the level of productivity and the ability to achieve food security using this farming systems.

### **Promote alternative renewable energy technologies**

Low levels of adoption rates of some renewable energy sources coupled with the perceived cheap level of charcoal making it widely used among households

**Strictly enforce EIA and SEA provisions of the Environmental Management Act (2011)**

The measure relates to target 5 on reducing the rate of deforestation  
[www.zema.org.zm](http://www.zema.org.zm)

**Institutionalize integrated landuse planning across sectors**

The measure contributes to the achievement of national target 5 on reducing the rate of deforestation. Urban and Regional Planning Act of 2015 has been enacted which is intended to strengthen spatial planning in the country. This legislation will strengthen the capacity of institutions to promote land use planning. The Act makes it mandatory for local authorities to undertake integrated lands planning, indicating priority areas for environmental management. Guidelines for Integrated Development Planning were developed in 2012 to guide IDP preparation. National Urbanisation Policy is being developed to ensure sustainable urbanization.

[EcoregionProtection\\_ZMB.png](#)

**Promote community-public-private partnerships in fisheries management areas**

The measure relates to national target 6 on fisheries co-management. An assessment of the institutional landscape the fisheries sector has been carried out with Government pumping in huge capital investment in the sector to promote it. A World Bank funded project on aquaculture development has been started.

The program has targeted empowering communities, particularly the youth by providing them with training in aquaculture before providing them with loans

**Improve monitoring capacity among key stakeholders (Government, industry, communities) to curb illegal fishing activities**

*The measure relates to national target 6 on fisheries co-management. Guidelines for fisheries co management and promotion of entrepreneurs in fisheries have been developed. This has been strengthened with the training of fisheries entrepreneurs, particularly the youths before providing them with funding to engage in fisheries management*

**Develop an equitable benefit distribution system (BDS) for key stakeholders engaged in fisheries co-management**

The measure relates to target 6 on fisheries co-management. An assessment of an equitable benefit sharing mechanism in fisheries sector has been undertaken and used in the disbursement of grants and loans to beneficiaries to engage in fish farming

**Promote natural restocking in fishery management areas and other fish depleted water bodies by protecting fish breeding areas**

This measure relates to target 6 on fisheries co-management. An assessment of fish stocks in Zambia's fisheries areas has been carried with the re stocking needs identified. The breeding grounds of the fisheries have been identified. A fishing ban has been imposed each year from November to March, which is the spawning period to enable the fish to breed.

**Promote sustainable agriculture practices in areas designated for agri-**

**cultural production in line with national, regional and international standards**

The measure relates to target 7 on sustainable managing areas under agriculture. The Ministry of Agriculture has introduced Climate-Smart Agriculture (CSA) approach which is a sustainable means of farming to address loss of biodiversity. CSA addresses productivity, climate change adaptation and also results in reduced GHG emissions (mitigation)

**Promote aquaculture in identified areas and ensure that the practice does not contribute to erosion/extinction of indigenous species**

The measure relates to national target 7 on agricultural lands. Zambia Aquaculture Enterprise Development (ZAEDP) was launched in August 2017 with support from the African Development Bank (AfDB) with the aim of increasing aquaculture production and productivity and enhancing entrepreneurship in aquaculture. Five aquaculture parks have been identified and being developed to create enabling environment for the growth of the aquaculture sector. Land-based aquaculture are situated in Rufunsa, Kasempa and Mungwi. Lake-based aquaculture parks are situated in Chipopo (Kariba) and Bangweulu (Samfya). The Project will strengthen (19) Government Fish Farms and Aquaculture Research Stations to be able to produce quality fingerlings and provide aquaculture extension services in order to contribute to increased fish production.

**Mainstream climate change adaptation measures that will enhance the resiliency of priority ecosystems**

Inadequate financing for adaptation, and also the challenge of time taken to demonstrate impacts of adaptation on livelihoods as building resilience takes long.

**Promote community forest management, joint forest management and private forest management as provided for in the Forestry Policy (2014) and Forest Act (2015)**

[EcosystemServiceUsage\\_ZMB.png](#)

Resolving issues of land ownership's difficult as these are in customary areas.

**Promote the management of wildfires in biodiversity areas such as forests, GMAs, NPs and wetlands**

[DegradationWithinEcoregions\\_ZMB.png](#)

Inadequate fire equipment, inadequate management of existing fire breaks, inadequate trained personnel in fire management, expensive software.

**Promote the management of National Parks and GMAs under Management Plans**

*This measure contributes to the achievement of national target 7 on sustainable managing areas under agriculture. All 40 Game Management Areas (GMAs) have management plans and encroachment is minimized, however, it is important to state that some human activities, including settlements, are allowed in GMAs, unlike the core National Parks. General Management Plans (GMP) contributed to the sustainable management of National Parks, out of the 20 National Parks, 8 have GMPs and are being sustainably managed. Four have expired GMP, two have draft GMPs while 7 do not have any at all.*

*The GMPs development process takes into account assessing and updating of corridors. Most of the wildlife corridors have been incorporated in the development of GMPs for the national parks and the GMAs.*

[ProtectedAreaManagementEffectiveness\\_ZMB.png](#)

*As GMAs are not restricted areas in some human activities, there has been encroachment in most of them.*

**Regularise Forest Management Plans for NPs to ensure connectivity, habitat resilience and ultimate refugia for wildlife in face of climate change**

[ProtectedConnectedIndex\\_ZMB.png](#)

**Rezone GMAs (legally), identify and map wildlife refugia taking into account existing land uses (e.g settlements, agriculture and infrastructure)**

Outdated GMPs which are not updated for some time due to inadequate resources.

**Revise EIA regulations to provide for strict enforcement of provisions in the EMA on pollution control management**

*The measure relates to national target 8 on reducing pollution. The Environmental Impact Assessment (EIA) regulations were reviewed to align them with the Environmental Management Act No. 12 of 2011. This was accompanied by several changes to the regulations. In the absence of updated regulations, the EIA Regulations of 1997 are still being used for regulating the EIA process.*

*Delays in finalization (approval) of EIA regulations, inadequate financial resources and inadequate capacity (human, financial and equipment) for environmental monitoring*

**Oblige all industries to contribute to the Environmental Protection Fund (EPF)**

*The Environmental Protection Fund (EPF) was created through legislation to cater for mining industries in addressing any environmental liabilities upon closure of mining operations. The Mines make contributions to the fund but can claim their contributions back, if after closure, the audit confirms that they have no environmental liabilities left. The main obstacle is legal, as including other industries would require amending the Act which created this fund and at the moment this has not received support*

**Lobbying for parliamentary ratification of the customary land bill**

**Measures taken to contribute to the implementation of your country's national biodiversity strategy and action plan**

The measure relates to national target 16 on traditional knowledge and innovations. Measure not undertaken

**National Target(s)**

By 2020, the traditional knowledge, innovations and practices of local communities relevant to the conservation and sustainable use of biodiversity, are respected, subject to national legislation and relevant international obligations are respected and fully integrated in the implementation of the Convention with participation of local communities at all relevant levels

**Assessment of the effectiveness of the implementation measure taken in achieving desired outcomes**

Unknown

**tools or methodology used for the assessment of effectiveness above**  
there has been no measure undertaken and so no assessment done

EN

**Other relevant information**

The lobbying was premised on the customary land bill being developed but this has not been done.

EN

**Obstacles and scientific and technical needs related to the measure taken**

The formulation of the customary land bill has been hindered due to the absence of the National Land Policy. The country has been working on putting in place a National Policy on Land and it was assumed that the bill would be developed based on the Policy

**Documentation of traditional knowledge, innovations and biocultural practices for biodiversity conservation**

**Measures taken to contribute to the implementation of your country's**

### **national biodiversity strategy and action plan**

The measure relates to national target 16 on traditional knowledge and innovations. An Act of Parliament on the Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore of 2016 was passed. The Act provides a transparent legal framework for the protection of, and use of traditional knowledge, genetic resources and expressions of folklore, which also guarantees equitable sharing of benefits and effective participation of holders.

### **National Target(s)**

By 2020, the traditional knowledge, innovations and practices of local communities relevant to the conservation and sustainable use of biodiversity, are respected, subject to national legislation and relevant international obligations are respected and fully integrated in the implementation of the Convention with participation of local communities at all relevant levels.

### **Assessment of the effectiveness of the implementation measure taken in achieving desired outcomes**

Measure taken has been partially effective.

### **Tools or methodology used for the assessment of effectiveness above**

Existence of legal framework on statute books, hydrological monitoring, ecological assessments, visitation levels to the sites, reports on proposed developments and human wildlife conflict.

### **Other relevant information**

Documentation of indigenous knowledge was undertaken between 2010-2014 within the context of the proposed nomination of the Barotse Plains as a World Cultural Landscape. NHCC intends to resume research towards the nomination of the site next year. One of the focus areas will be on the traditional management system. The World Heritage Committee Referral Decision highlights, among others.

In the planning and conservation of natural heritage sites, local community beliefs associated with sites are considered. Among all waterfalls in the country, have spiritual sites associated with communities living around them. Areas considered by the traditional communities to be sacred are recognized in the management plans of the site. National Heritage Conservation Commission has also finalized the Strategic Plan 2019-2023. One of the SP strategies is to “encourage and strengthen the utilization of indigenous knowledge in heritage management to promote the conservation of heritage sites and objectives and prevent the loss of indigenous knowledge.

### **Other relevant website addresses or attached documents**

[The World Heritage Committee Referral Decision](#)

### **Obstacles and scientific and technical needs related to the measure taken**

- inadequate financial resources
- some aspects of indigenous knowledge are considered sensitive and therefore accessing
- it is not easy
- inadequate time, as documenting indigenous knowledge is time-consuming
- inadequate equipment such as motor vehicles to undertake field visits

<unquote>

## Land Organizations

### Zambia Land Alliance

[The ZLA](#) was formed in 1997 to deal with the government's land reform process.

#### Its Mission

*A platform for collective action committed to promoting equitable access, control and secured ownership of land by the rural, peri-urban and urban poor and marginalized, through lobbying and advocacy, networking, research and community partnership.*

#### Its National Members

Association of Land Development

Caritas Zambia

Disability Rights Watch

Extractive Industry Transparency Alliance  
Green Living Movement  
Rural Women Assembly  
Women for Change  
Zambia Alliance of Women

It has eight branches, including one in Mansa. The ZLA has been long concerned with the absence of a national land policy and, in December 2019, produced [a fact sheet](#) on the issue as follows:

<quote>

1. They question the official statistic of 94% customary and 6% state land.
2. The absence of a comprehensive national land policy has long-term consequences for its political, social and economic development.
3. In 2002 cabinet adopted a draft land policy, one rejected because of the absence of a transparent system in the preparation of the document and the inappropriateness of some of the proposed policy measures that were considered not to be pro-poor. The government further stalled the process of finalizing the draft land policy on the grounds that it had embarked upon a constitutional review process whose outcomes were considered critical to guide the land policy development.
4. In 2015 the process was restarted, which has seen a number of steps being taken, including the setting up of a multi-stakeholder Technical Committee, which involves the participation of civil society organizations such as Zambia Land Alliance (ZLA). Within the same period, The Ministry of Lands engaged the House of Chiefs on the policy, but the meeting ended prematurely because the Chiefs were not satisfied with the amount of time they were given to review the document and understand its content.
5. In 2016, the Government held 10 provincial consultative meetings on the land policy. Participants were drawn from the government, traditional leaders, the private sector and the general citizenry. In 2016, civil society

- organizations (CSOs) lead by ZLA developed a Shadow Land Policy and simplified it in 2017. The submissions informed the basis for the development of the document from the district consultative meetings, stakeholder engagement meetings, Television and radio programs.
6. In November 2017, a prevalidation meeting with civil society, Cooperating partners, academia and other special interest groups was held.
  7. In 2018, the Chiefs convened an Indaba on 28th and 29th May, from which the Chief's recommendations on the draft land policy were developed and submitted to the Ministry of Lands and Natural Resources in August.
  8. In June 2019, the Ministry of Lands and Natural Resources had an engagement meeting with the House of Chiefs (HoC) during which the two stakeholders agreed on some provisions in the draft policy. Further, in 2019, the Minister of Lands and Natural Resources made pronouncements that the draft land policy would be finalized in the 3rd quarter of 2019.
  9. Additionally, a subcommittee made of up different like-minded CSOs was established to spearhead advocacy around the land policy. The committee has been meeting to plan and mobilize resources for advocacy around the land policy.
  10. Furthermore, ZLA has had radio programs with the private and state radio stations, issued press statements and television programs to discuss the draft land policy and provide a platform for the general public to take part by calling and texting. Further information on the draft land policy has been shared with the general public on the organizational Facebook page and WhatsApp group.
  11. Through the subcommittee, several engagements have been held with traditional leaders such as Chief Chamuka of Chisamba, Chief Nduke of Nyimba, Senior Chief Kopa of Kanchibiya, Chief Luchembe, Chief Mukungule, and Chief Chikwanda of Mpika district on the draft Land Policy.
  12. In 2019, the CSOs developed a position paper on the draft land policy. The document proposed a vision statement that read, " A

**Zambia where equitable access and secure land ownership for all citizens is guaranteed as a basis for sustainable development”**. The organizations proposed several overarching policy statements whose aim was to promote a pro-poor National Land Policy. The position paper was published in both print and electronic media to reach a wider coverage.

<unquote>

Comment: The vision statement in No. 12 is unclear about just what kind of land ownership is envisaged.

## Zambia CBNRM forum

*The Zambia CBNRM Forum’s work is focused on creating secure livelihoods for communities in Zambia through sustainable utilization of natural resources that include; forestry, fisheries, water, agriculture, land and wildlife.*

*The Zambia CBNRM Forum was established in 2005 and launched by the Former Ministry of Tourism, Environment and Natural Resources (MTENR) with the aim to reduce poverty through community based management of natural resources.*

*The Forum’s focus is around creating secure livelihoods for communities in Zambia through sustainable utilisation of natural resources that includes; forestry, fisheries, water, agriculture, land and wildlife.*

*The ZCBNRM Forum works with organisations across Zambia to share best practice, learning and create a unilateral voice in influencing policy and government decision makers on Natural Resource Management .*

*The Forum has a Secretariat based at WWF’s Offices in Long Acres,*

*Lusaka. We additionally have regional offices in Livingstone and Namwala.*

**GOAL: To improve rural livelihoods at the household level through sustainable management of natural resources by communities in Zambia.**

***Key objectives:***

*To promote community based approaches to the wise use and sustainable management of natural resources for rural development and sustainable livelihoods*

*To advocate for the formulation and implementation of appropriate legal and policy frameworks that support CBNRM equitable sharing of costs and benefits*

*To facilitate dialogue, development and adoption of best practices for sustainable utilization and management of natural resources in Zambia*

***The Forum has the following Thematic Working Groups***

*Policy and Legislation*

*Management Oriented Monitoring Systems*

*Performance Monitoring and Evaluation*

*Community based Enterprise Development combined with CBO  
Institutional Capacity Building*

*CBNRM Training*

Noah Chongo – National Coordinator: **nchongo.zcbnrm@gmail.com**

General queries – **zcbnrm.org@gmail.com**

Pauline Carron – Programmes Officer: **pcarron.zcbnrm@gmail.com**

Vincent Ziba was a former coordinator when we cooperated on the campaign against the

Lower Zambezi mining. (vziba@wwfzam.org)

***Donors and Government***

*The CBNRM Forum works with a number of insitutional donors and government funded organisations to: deliver pilot projects across Zambia; to showcase best practice; to influence policy and to support communities in creating sustainable business, ensuring secure livelihoods for rural communities. Since inception of the forum we have worked with the following organisations to support our work:*

**UNDP** – *working to establish a community-based enterprise, producing, marketing and selling Baobab fruit juices in Luangwa*

**DFID** – *for establishing a civil society climate change network in Zambia*

**USAID** – *funding our Combating wildlife crime project*

**Government of Zambia** – *creating a memorandum of understanding with Zambia Forestry College, and working in an advisory role around environmental and Natural Resource Management issues on a number of technical committies*

**GRZ / World Bank** – *promoting climate change resilience*

**Finnish Government** – *supported through the Civil Society Environment Fund to provide institutional capacity development and showcase our pilot projects*

**The Scottish Government** – *funding our Climate Justice Initiative project in Southern province, to empower women and support communities in managing their water resources and increase secure livelihood options*

**The Tides Foundation** – *working to support the Community Resources Board in the Western Province: <https://www.tides.org/>*

**International Climate Change Initiative (IKI)** – *operationalizing the landscape approach for biodiversity benefits*

### **Partnerships**

*The CBNRM Forum is currently working with partners, to share experience and expertise and deliver high quality projects across Zambia, we always welcome interest from our members and new organisations to explore new partnerships and support rural communities within Zambia.*

*Examples of the Forum's partnerships include:*

**Oxfam Zambia** – in partnership we are working on the Climate Justice Initiative in Namwala and Kazungula districts to build capacity of communities to sustainably manage their water resources, learn about water management and irrigation technologies and ensure that women are engaged in decision making at a community and district level

**Zambia Institute of Environmental Management (ZIEM)** – funded through the UNDP SGP programme, we are working in the Kasonso Busanga region of Zambia to support communities in exploring opportunities diversifying livelihood activities including Beekeeping and establishing fisheries within the region

**The Nature Conservancy (TNC)** – in partnership we are working to build the capacity of communities, village scouts and national organisations in Mulobezi, Southern Province, to monitor their natural resources for effective decision making and establishing management systems

**Action Aid Zambia** – working in the Copperbelt to support communities in understanding their rights with regard to mining developments, additionally building their capacity to advocate and lobby for themselves and support successful engagement at a government level

**WWF Zambia** – providing institutional support to the Forum to enable ongoing support to community based natural resource management issues across Zambia and ensure engagement with government and relevant ministerial departments is possible.

*March 2013*

ZCBNRM Forum Policy Working Group Members

Almakio Zulu <nrcf.org@gmail.com>,

Beverly Chabwela <tobevy@yahoo.com>,

Beverly Chabwela <Bevy.Chabwela@actionaid.org>,

Biston Mbewe <mbewebiston@yahoo.com>,

Cesar Katebe <ceasarkatebe@gmail.com>,  
Charles Masange <chmasange@yahoo.com>,  
Chezen Suede <chezensuede044@gmail.com>,  
Clarence Muzyamba <yvezambiaoffice@yahoo.com>,  
David Ngwenyama <chisala.ngwenyama@zambia.co.zm>,  
Edah Chimya <egchimya@yahoo.co.uk>,  
Enala Chipungu <enalachipungu@yahoo.co.uk>,  
Mailes Muke <sepazambia@gmail.com>,  
Rose Makano <rose.makano@gmail.com>

## Zambia CBNRM Forum lead role in GAPA

### Governance Assessment in Protected Areas (GAPA)

*The Convention on Biological Diversity (CBD) Aichi Target 11 calls for “effectively and equitably managed... protected areas”, and goals 2.1 and 2.2, the CBD’s Programme of Work on Protected Areas (PoWPA) calls for parties to:*

*Assess the economic and socio-cultural costs, benefits and impacts arising from the establishment and maintenance of protected areas; and*

*Carry out participatory national reviews of the status, needs and context-specific mechanisms for involving stakeholders, ensuring gender and social equity, in PA policy and management.*

*While progress has been made on understanding and assessing effective protected area (PA) management, equitable PA management has not been defined, and there are few examples of a comprehensive approach to assessing local governance and social equity.*

*Over the last 3 years IIED has been leading a global effort to understand and assess local governance and social equity in a PA context with partners GIZ and IUCN. Our work addresses the gap between*

*international policy intentions on 'equitable management' and actual practice by proposing relatively simple, low cost approaches to local governance and social equity assessment that are feasible under the typical constraints of human and financial resources affecting PAs.*

*IIED's governance and equity assessment methodology comprises an analytical framework, a multi-stakeholder assessment process, and tools for the five phases of the assessment process – (1) preparation, (2) scoping, (3) information collection, (4) self-assessment and (5) action planning. Eleven good governance and equity principles serve as the analytical framework of the assessment, with the first of the nine principles relating to both equity and management effectiveness, and principles ten and eleven dealing primarily with issues of effectiveness (see Table 1).*

### **Objectives**

*The project has two focal countries – Zambia and the Philippines. The Zambia CBNRM Forum will be the lead agency at the national and local levels in Zambia and will organise and mobilise the relevant rightsholders and stakeholders to take part in the governance and equity assessment process.*

*The main objective of the Zambia CBNRM Forum is to facilitate local rights-holders and stakeholders to strengthen the governance of their ICCA and its relationships with other contiguous PAs, with a particular emphasis on social equity. A secondary objective of the is to feed into the further development, field-testing and refining of IIED's governance and equity assessment methodology and site level guidance.*

*This project supported a governance and equity assessment at two CBNRM areas (GMAs) in Zambia, focusing on the "Community Resource Boards" that jointly manage the GMAs and their relationship with communities, the Department of National Parks and Wildlife (DNPW), local government, and the traditional chiefs. CBNRM-related governance challenges within the chiefdoms, and the relationship of CBNRM areas and contiguous national parks will also be covered. Each assessment will generate practical ideas for action and judging by experience at other sites we can be confident that some of these actions*

*will be low cost measures that can be implemented with no need for external support.*

*The first site is Mumbwa GMA.*

*The second site is Chiawa GMA.*

*The Zambia CBNRM Forum will be responsible for convening the governance and equity assessments and will provide an expert facilitator that will lead the governance and equity assessment process. The CBNRM Forum will additionally be responsible for coordinating and convening a national workshop to disseminate the assessment results and suggested next steps.*

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## Capacity Building Project - Kafue Ecosystem

*Contact Person Alimakio Zulu, National Coordinator Award Date  
Date/Time Stamp: 02/24/2017 - 2019 (Two years)*

### ***Activities Accomplished;***

*Applying Appreciative Inquiry Tool in the Community Resource Boards of Kaingu, Shimbizhi and Chilyabufu*

*A comprehensive assessment of Initiative to Indigenous Peoples and Community-Conserved Territories and Areas (ICCAs) in the North Western Province*

*Annual General Meeting and one Board meeting held*

### ***Description of Activities undertaken under Tikva Support;***

*The Zambia CBNRM forum with support from Tikva and TNC conducted a governance and viability assessment of 17 CRBs in the Kafue River Basin. A report was produced from which the following issues were raised:*

*Over dependence on the Department of Wildlife and National Parks*

*(DWNP) and other projects for Community Resource Boards (CRBs) revenue.*

*Limited strategic visioning targeted at enhancing CRB viability*

*Prohibitive Institutional mechanisms that do not facilitate effective CRB governance*

*In response to these issues, and after conclusive analysis- the following recommendations were arrived at:*

*Build capacity in strategic visioning and enterprise development planning*

*Increase access to continuous mentorship in CRB governance and Viability aspects*

*Increased bio-cultural awareness and legal empowerment of the communities*

*Capacity Building Assignment for CRB.*

***The engagement tools included the following:***

*Natural resource mapping exercise*

*Focused Group Discussion*

*Group work and report back*

*Plenary discussions*

***The main objective of the capacity building activity is to:***

*Develop manual template for enhancing CRB viability and governance structures needed to guide enterprise development for harnessing their endowed natural resources. This template will then be used as a guide by the WRCCR association members as a guide for enhancing the viability and governance structures needed for Natural*

***Methodology and Approaches;***

*The methodology used is a merger of the CARE International “Appreciative Inquiry Tool” for community visioning, “Future Search methodology” and the “FAO Market Analysis and Development Model” combined together for visioning and Community Based Enterprise Development planning. The approach was a participatory interactive engagement with participants to have a community vision and identify suitable Community Based Enterprises (CBEs) for each CRBs’ oversight at*

*landscape scale.*

## Forest Reserve Support Project (FRSP)

### ***“Delineation Of Boundaries And Dissemination Of Forest Extension Materials For Protected Forest Reserves In Eastern Province”***

#### **GOAL**

*Promote sustainable forest management in all the protected forest reserves by ensuring that forest boundaries are clearly defined, mapped and marked with forest beacons and provide extension services to communities living around forest reserves.*

#### **OBJECTIVES**

*To delineate forest boundaries in 17 selected protected forests reserves in 6 selected districts in Eastern Province in order to make them distinct.*

*To enhance extension services and the production of information materials for communities living around protected forest areas.*

*To produce maps for the 17 selected protected forest reserves.*

*These objectives are in line with the National Forestry Policy of 2014 which has set sustainable forest resources and ecosystem management and local community empowerment as some of the policy measures to be implemented. Therefore, this program will contribute towards operationalizing some of the policy measures outlined in the National Forestry Policy of 2014*

## ICCA Conservation Territories

### Supporting Indigenous and Local Community Conservation Territories and Areas (ICCAs) in Zambia (Responding to the UNDP -GEF/SGP call for Concept Notes)

#### Background

*As part of the “Supporting Indigenous and Local Community Conservation Territories and Areas (ICCAs) in Zambia: Setting Cornerstones Project”, a national stakeholder workshop was held on 31<sup>st</sup> March, 2017 at Protea Hotel, Lusaka in which tentative ICCAs were identified in Zambia. This was followed by field visit to Kaindu Natural Resources Trust (KNRT) where a field mission tool was tested with facilitation of the ICCA Consortium Coordinator, Dr Grazia Borrini – Feyerabend. Thereafter, field verification mission activities commenced starting with North Western, Western and finally Central Province. A field mission report back meeting was organized and was held at the Nature conservancy (TNC) board room on 13<sup>th</sup> April, 2018. In attendance were the national Coordinator (ZCBNRMF), two Southern Africa regional ICCA representatives based in Zambia namely Mr. Vincent Ziba and Dr Patricia M. Mupeta, and the two members who carried out the field verification mission Mr. Alimakio Zulu and Mr. Chezen Suede.*

*In order to ensure that the recommendation of the meeting was delivered, CBNRM plans to conduct a capacity building activity in four selected emblematic ICCAs namely; Chilyabufu on the Kafue Flats, Zambezi Source and Chimbwika-Ntambu landscapes including Kaindu Natural Resource Trust (KNRT) as a pilot in line with objective six of the project document to assist in the self –strengthening process. It is envisaged that the process will facilitate the development of credible concept notes for the four (4) desired ICCAs in order to build on the*

*previous work undertaken under the catalytic grant of the UNDP - GEF/SGP.*

***The main objective of the capacity building campaign would be to:***

*To engage and plan with the ICCAs local teams to develop concept notes for enhancing specific initiatives in support of each ICCA. These Concept Notes could then be submitted to UNDP -GEF/SGP for consideration of funding nevertheless, through the Zambia CBNRM Forum who would then assume overall responsibility of fund management and oversee the ICCA activities under each emblematic ICCA once approved. Each emblematic ICCA shall be considered as an individual entity in the application and each will be reviewed as such by the National Steering Committee.*

***Justification;***

*The identified potential four emblematic ICCAs will need support to develop concept notes for supporting the site specific initiatives of their needs. However, these entities have no capacity to write concept notes on their own and therefore require assistance in defining what initiatives would meet their needs arising from the findings of the field verification mission which was conducted in three regions. The Zambia CBNRM Forum therefore intends to provide this support of capacity building of the local teams to come up with such initiative through an interactive workshop process in Mwinilunga and Mumbwa in order to cover the identified emblematic ICCAs. Below is a brief description of status quo in each of identified emblematic ICCAs:*

*Source of the Zambezi- Chief Kanong'eshia*

*The community claimed that they possess strong historical, cultural and spiritual connection with the territory through ancestral domains of their indigenous peoples. The initiative will pursue and ensure community customary rights to the Zambezi source territory and surrounding forested areas are fully recognised including fair cost/benefit sharing arising thereof.*

*Chibwika-Ntambu Landscapes*

*The community bemoaned potential threats from mining activities and land grabs thus the communities want to claim legal and customary rights to land, water and other natural resources on which they directly depend for subsistence e.g. for food, medicines, housing material; they also possess a strong historical and cultural and spiritual connection (ancestral domains in form of shrines)*

*Chief Chilyabufu – Customary fish Conservation method (Kuzela)*

*The community claimed that they have demonstrated a long term positive relationship with the Kafue River lagoon system fisheries in particular because of their unique and sustainable harvesting methods – “Kuzela”. The customary fisheries are experiencing physical degradation because of siltation over the years and the community intends to restore the fishery and enhance their community governance role to foster recognition of their traditionally fish harvesting methods in the pond system of the chief Chilyabufu’s area.*

*Kaindu – Natural Resources Trust*

*The community claimed that they have demonstrated positive strides in establishing a community conserved area in a form of a game ranch however the larger community appears to be out of the loop and thus the KNTR intends to enhance their community governance role in conservation to the wider Kaindu community to instill a sense of ownership among community members in order to foster community participation in conservation*

***Methodology and Approaches;***

*The proposed methodology and approach will be through a participatory interactive engagement with local teams of the identified ICCAs to have a community vision around the community conserved areas and identify specific initiatives in support of the ICCA. The engagement tools may include the following:*

*Focused Group Discussion*

*Group work and report back*

*Plenary discussions*

***Outputs;***

*Two cluster workshops/meetings held to share information on UNDP(GEF)-SGP 1<sup>st</sup> call for Concept Notes*

*Four (4) Concept notes from identified emblematic ICCAs developed and submitted to UNDP(GEF)-SGP*

**DURATION:**

*3 YEAR PROJECT (2017 TO 2019)*

**Grant Purpose:** *to create regional associations of Community Resources Boards to strengthen influence with government and to build capacity for local.*

**Ownership;**

*GEF-small grants program(SGP)together with ICCA Consortium(ICCAs-C)*

[PDF report](#)

## World Bank: Pilot Program For Climate Resilience Project

*The participation adaptation component of the strategic program for climate resilience aims to strengthen the capacity of vulnerable rural communities in the barotse and Kafue sub-basins to adapt to climate change. It assists communities in highly vulnerable areas to identify and address the impacts of climate change in their local development plans and their community's development projects. The beneficiary communities themselves implement, manage and maintain the sub-projects*

### **Main activities of the projects**

*Participatory Adaptation Planning*

*The participatory adaptation activities assist communities in highly*

*vulnerable areas to identify climate risks and hazards, and address the impacts of climate change in their local development plans. Participatory adaptation supports climate resilient planning processes at community, ward and district levels by:*

*Disseminating information related to climate risk*

*Developing improved participatory planning tools*

*Training people in how to use the information and tools*

*Assisting beneficiary groups to prioritize strategic adaptation options*

*Assisting beneficiary groups to prepare sub-projects*

*The capacity of national, provincial, district and local organizations to mobilize, train and facilitate communities in climate risk and planning is improved as a result of the support.*

*Implementation:*

*Once strategic adaption options are identified, support to participatory adaptor assist target groups to prepare sub-projects and to undertake the processes related to stages of sub-project cycle. Participatory adaptation makes sure that there is adequate technical assistance and training available to provincial, district and sub district institutions.*

***Scope of work;***

*A) Participatory Planning for climate Adaptation*

*b) Improve Access to Climate Information and Other Information*

*c) Community training (i.e conservation farming techniques, diversifying agricultural practices etc)*

*Duration: 5 year project funded by World Bank*

## LeAP Project

*The Kasane Conference made a recommendation to “Establish, facilitate and support information-sharing mechanisms... to develop knowledge, expertise and best practice in practical experience of involving local*

*people in managing wildlife resources, and in action to tackle IWT". This project responds to that recommendation by establishing a "learning and action" platform which comprises 1) an online information portal and 2) an on-the-ground forum for locally-driven initiatives from different countries to meet, share lessons and inject community voices into IWT policy-making.*

*This project addresses site-level poaching of high-value species in source countries (with a particular focus on African elephants but drawing on experience of poaching other species in other countries where valuable lessons can be learned).*

*Responses to IWT in Africa have focussed on increasingly militarised approaches state-led law enforcement. It is clear, from the continuation of poaching, that enforcement approaches are not enough on their own. Furthermore, such approaches have resulted in some reported cases of heavy-handedness and even human rights abuses. In these cases poverty has been exacerbated by deliberate destruction of property and livestock, as well as death, injury or imprisonment of key household members (often income earners). In less extreme cases, poorly targeted enforcement activities have undermined local confidence in conservation authorities, resulting in further disincentives for communities to cooperate with enforcement authorities and conserve or sustainably manage wildlife.*

*In a number of localities however, poaching has been reduced (even if not completely eradicated) through empowering communities to manage and protect wildlife including motivating or supporting them to be active partners in enforcement efforts. Such experiences are, however, in danger of being overlooked in the rush to tackle IWT. In part this is because the current spate of poaching has put the conservation community into crisis mode and there is a scramble to find rapid-response solutions that can be rolled out at scale – a model that community-based approaches are perceived not to fit. But there is also a problem of a lack of knowledge as to different types of community-based approaches and the conditions under which they will and won't work. Furthermore, communities themselves are rarely consulted in IWT programme design processes*

*and lack capacity and voice to engage in policy debate, meaning policies and programmes often do not reflect their priorities and views.*

*The project's overarching theory of change is that solutions to sustainable development challenges (including IWT) must come from the bottom up — grounded in local context and local evidence, owned and driven by local people — and that local experience can help shape effective national and global policy too. This theory is reflected in the methodology of this project, in which we first build a strong body of evidence on the role of communities in tackling IWT and then build capacity and voice of community-based organisations to wield that evidence, including through more effective dialogue and interactions with key national and international decision-makers that shape anti-IWT policy and practice (including governments, donors and NGOs). Our approach thus entails:*

1. **Build the evidence base:** Building on the nascent CCC database, we will establish an interactive online portal (with co-funding from GIZ) for collecting and disseminating evidence and examples of community-based initiatives to tackle IWT. We will collect written and oral (via video) evidence on effective approaches to supporting communities in tackling IWT (both in externally driven projects (we will identify major IWT funding and implementation programmes to identify these) where, for example, community members are often employed as game guards and in community-driven conservation initiatives such as Indigenous and Community Conserved Areas (ICCAs)). We will work with country partners to document experience from their own countries – through community consultations – but also draw on evidence from other countries that are sources of species and commodities for IWT. Using the [IIED-IUCN Theory of Change for Engaging Communities in Tackling IWT](#) as an analytical framework, we will use the evidence to generate lessons learned on what works and what doesn't and share this – through briefings and guidance material – with IWT project funders and implementers.
2. **Strengthen voice and dialogue:** Country partners will convene

national- or landscape- level IWT dialogues that bring together communities, government policy-makers and IWT project funders and implementers in key IWT hotspots. The dialogues will explore how to better support community-based efforts to tackle IWT using the evidence collected under output 1. Tanzania and Zambia will act as pilots in this process but we will document the lessons learned from the dialogue process and share it with others to encourage similar processes in other countries. We will also map policy opportunities at the regional (African Union, EAC and SADC) and international (London Conference 2018, CITES) level and find opportunities to insert community voices into those processes.

3. **Facilitate South-South learning:** We will use a mix of face-to-face and online interactions to share case studies and experiences – both in community approaches to tackling IWT and strategies for engaging with, and influencing, IWT decision-makers and programme implementers. A dynamic community of practice will be fostered, building on the network of contacts already built up through the Beyond Enforcement activities. Recognising that online resources and learning opportunities are not accessible to all we will prioritise support for more remote communities in face to face learning exchanges include at least one African and one international event, bringing communities from many countries together. We are also seeking additional co-financing for an innovative bicycle – powered cinema to further share community experiences in remote locations.

## Developing a Theory of Change

## Abstract

*The escalating illegal wildlife trade (IWT) is one of the most high-profile conservation challenges today. The crisis has attracted over US\$350 million in donor and government funding in recent years, primarily directed at increased enforcement. There is growing recognition among practitioners and policy makers of the need to engage rural communities that neighbor or live with wildlife as key partners in tackling IWT. However, a framework to guide such community engagement is lacking. We developed a theory of change (ToC) to guide policy makers, donors, and practitioners in partnering with communities to combat IWT. We identified 4 pathways for community-level actions: strengthen disincentives for illegal behavior, increase incentives for wildlife stewardship, decrease costs of living with wildlife, and support livelihoods that are not related to wildlife. To succeed the pathways, all require strengthening of enabling conditions, including capacity building, and of governance. Our ToC serves to guide actions to tackle IWT and to inform the evaluation of policies. Moreover, it can be used to foster dialogue among IWT stakeholders, from local communities to governments and international donors, to develop a more effective, holistic, and sustainable community-based response to the IWT crisis.*

*Increasing incentives for stewardship of wildlife (pathway B in Fig. 1) is a key element in tackling IWT (Child 2012; Biggs et al. 2013; Ihwagi et al. 2015). The actions in pathway B aim to develop or support initiatives or enterprises that can generate local benefits from wildlife and build individual and community capacity to benefit from these initiatives. An example in the first category is developing a community tourism enterprise and in the second training local people to become nature-tourism guides. The outputs are that communities are able to capture greater financial and nonfinancial benefits from wildlife. The*

outcomes of this are that the community will value wildlife more and have greater incentive to protect wildlife and to not engage in IWT (e.g., Frost & Bond [2008](#)) (see Table [1](#) & Supporting Information for assumptions underlying this results chain). Enabling ownership and use rights of wildlife in and of itself is considered by some scholars to be critical to communities playing a strong role against IWT (Child [2012](#); Roe [2015](#)). Ownership of natural resources and the ability for communities to actively participate in their management is a critical ingredient of sustainable natural resource management more broadly (Ostrom [1990](#), [2005](#); Cox et al. [2010](#)).

**Table 1.** Examples of assumptions in the theory of change for community-based actions against illegal wildlife trade.\*

Pathway	Assumption
A. Strengthen disincentives for illegal behavior	Community rangers use equipment and training to combat illegal wildlife trade and do not use them to poach themselves or for other purposes.
B. Increase incentives for stewardship	Benefit sharing within communities is sufficiently equitable, and capture of benefits by elites does not undermine success.
C. Decrease costs of living with wildlife	Compensation does not lead to perverse behavior (e.g., damage from wildlife is not actively induced to receive payments).
D. Support nonwild life-related livelihoods	The value of wildlife products poached or traded in illegal markets is not so high that all other forms of income cannot come close to competing.

## IKI – Operationalising the landscapes

*This project aims to address persistent gaps between strong scientific theory and weak implementation by operationalising an integrated landscape approach in Burkina Faso, Indonesia and Zambia. Through*

*application of ten landscape approach principles, the project facilitates multi-stakeholder dialogue to benefit actors across multiple sectors and decision-making scales; while simultaneously raising awareness of the value of biological diversity in complex multi-functional landscapes to inform national sector policies. We will enhance the capacity of stakeholders engaged in the target landscapes to better identify trade-offs and synergies amongst competing objectives. In doing so, the project will contribute to existing knowledge on landscape approach effectiveness, improve capacity for implementation, enhance landscape sustainability, empower marginalized groups to more effectively participate in decision-making dialogues, and through the GLF(s) feed into global landscape discourses.*

*The project is fundraised by the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB) of Germany. The ZCBNRM Forum is implementing the project in collaboration with CIFOR in Zambia.*

**Documentation:**

[https://drive.google.com/open?id=13G4b6ro\\_KqgagtjEQk9US4NsFL5WXHPc](https://drive.google.com/open?id=13G4b6ro_KqgagtjEQk9US4NsFL5WXHPc)

Error

Annual 2018 Report and June 2019 Newsletter

## Nsansala Conservancy

[Expression of Interest for Private Management Concession](#)

Christopher C. K Kangwa & Pieter Swanepoel

Luangwa National Forest N0. 25 December 28, 2015

## **PROJECT SUMMARY**

*To recognize the Luangwa National Forest Reserve (LNF) as a high priority area of deforestation and provide immediate improvement, enforcement and implementation of current forest and wildlife regulations to reduce harmful and unsustainable land use while gradually incorporating the affected local communities into a conservancy based conservation model.*

*Eventually it is hoped that the entire LNF as well as core parts of the Munyamadzi GMA would exist as part of one large conservancy providing benefits to both community welfare and livelihoods as well as biodiversity security.*

*The Luangwa National Forest reserve (LNF) lies along the western edge of the Luangwa Valley system, an expanse of plateau, valley floor and Muchinga escarpment comprising mostly Zambezian Miombo woodland in excess of 2800 sq kms. Within its boundaries lie varying important ecological zones as well as populations of protected fauna and flora. A large part of the LNF, mostly towards and within the Luangwa Valley overlaps into the Munyamadzi Game Management Area (GMA) and borders the North and South Luangwa National Parks which holds important populations of IUCN Red Book species and is currently designated for Safari Hunting.*

*The reserve runs mostly south to north being approx. 170 kms at its longest points while the widest part is approx. 35kms within the Munyamadzi corridor.*

*The western edges and certain sectors within the Luangwa Valley are inhabited by local communities under the customary structures of chiefdoms and utilisation of the land as well as the forest and wildlife is mostly under customary traditions/law. At first glance it appears the mainstay of community land utilisation is chitmene farming followed by small scale beekeeping and timber cutting. In addition deforestation of the miombo woodland is evident for charcoal making along the*

*western boundaries, particularly to the northern side near Mpika.*

*Land use appears to be focused away from the unsuitable terrain of the Muchinga escarpment and concentrated along the valley floodplain and foothills while the western side appears to be restricted due to road accessibility however clearcutting and chiteme farming is apparent from aerial surveys.*

*There is limited access to the communities living within and on the edges of the reserve with two main arterial roads running from the Great North road in Northern province, eastward down into the Luangwa valley.*

*At district and local levels, law enforcement of both Forestry and Wildlife regulations has been poor and lacking, resulting in unabated deforestation, poaching and land degradation. Government departments charged with this task suffer severe budget shortages to manage vast areas of inhospitable terrain and operational staff and equipment is mostly underfunded and lacking.*

*While the concerned departments have made great strides in initiating National Policy and operational methods and recommendations towards Forest and Wildlife management, it remains the hands-on implementation of these new forms of land use and regulations towards biodiversity protection that has seen difficulty in the field.*

*Local communities have seen little benefit from much of the land and resources that surround them mainly due to ambiguity within the land tenure system and the structures of distribution of wealth and accountability. Thus there has been poor and suspicious support at any attempts to incorporate them into conservation projects.*

## **PROJECT OBJECTIVES & ACTIVITIES**

### *Primary Objectives*

*Ultimately securing the resource that is LNF by providing protection for the forests as well as wildlife and flora in the form of localised law enforcement management and support thus ensuring the forest remains intact and unmolested allowing the realisation of numerous community and national benefits. Core Forest management goals will follow the new 2015 Forestry Bill as well as incorporate synergy from the Wildlife Act of 2015 to arrive at a firm but sensitive private partnership role whose primary purpose is to provide Biodiversity Conservation in a rural setting along conservancy based participation.*

*A key part of the focus will establish Community Forest Management Groups (FMG) which will be party to the core management values set forth in the Forestry Bill plus those which have already been identified as primary deforestation issues:*

***Strengthening and enhancing governance of Forests, Fauna and Flora at the local on the ground level to ensure a constant law enforcement presence***

- *Establish forest protection teams (FPT) comprised of local community members selected/proposed through FMG in each area. These teams will be trained at Forestry HQ as forestry officers, some will be sent to ZAWA to train as village scouts and will be managed by local forestry posts and ZAWA Camps*
- *their primary role will be to halt deforestation for Charcoal as well as illegal Timber cutting*
- *Identify core unmolested forest areas under each FMG and declare these temporary safety zones placing a moratorium on all use until the actual forest situation has been assessed.*
- *Identify critical deforestation problem areas within each FMG and develop approaches to halt unsustainable use while introducing new alternatives*
- *ensure only local communities benefit mostly from their resources*

***Supporting the development of livelihood and income generating activities of the communities that rely upon the forest***

- *Establish the role of beekeeping and benefits processing and certification. In*

## LAND ORGANIZATIONS

*areas where elephants exist, introduce bee fences.*

- *Wild mushroom collection – processing centre, certification, access to markets*
- *Caterpillar collection*
- *better collection methods and access to markets*
- *Explore nature based tourism in tandem with partners in the Luangwa valley as well as new private investors*
- *gain game ranching concessionary rights from ZAWA to utilise the resurgence of game for sustainable use and alternatives to livestock farming*

### ***Increasing the sustainability and efficiency of agricultural practices***

- *discourage and change chitemene methods of farming*
- *work with Dept of Agriculture to ensure supply of fertiliser and extension services*
- *look at alternative crops such as hemp, paprika etc*
- *explore alternative soil management and rotation practices.*

### ***Continuing Adult and youth Education Programs***

- *begin a conservation-oriented curriculum in existing schools for younger children and the benefits of conservation of land and key species as opposed to harvesting and utilisation*
- *establish adult and youth community education centers for the dissemination of knowledge about the benefits of forest conservation, such as the possible income from the UN REDD+ program, tourism ventures, alternative farming methods etc.*
- *Centers to act as HQ for each FMG where education, meetings, ceremonies as well as storage for supplies, processing of forest products such as timber, honey etc. Auction site for timber etc*
- *teach adults various basic life skills as well as skilled trade classes for alternative livelihoods*

### ***Promoting the role of women***

- *adult classes related to infant and child health and security*
- *address the birthing situation and solve any existing crisis as a start in existing clinics – possible development of a revolving fund at FMG level specifically for women based smallscale projects and farming*
- *form women's groups to encourage sharing and learning of various skills and trades as well as shared labor*

### ***Establish land tenure rights and responsibility***

- *set parameters over land use and ownership rights in consultation with government and the incumbent Chief*
- *ensure prudent financial management of benefits received for forest and wildlife conservation on a democratic voting basis. Priority should be given to basic services such as health care, education, child welfare, women's rights etc.*

### ***Wildlife Control***

- *in light of the recent worldwide interest in the welfare of the African Lion as well as other predators, funding for conservation will be sought from animal welfare groups to solve the Problem Animal Control issue, especially in the Luangwa side. This will not be limited to Lions but for all crop-damaging species such as elephant etc.*
- *encourage and seek funding for community game farming projects as a source of protein, employment and income (as opposed to the keeping of livestock)*

### ***Worldwide promotion of LNF***

- *the sheer size and complexity of the LNF invites a myriad of funding possibilities for donor governments, NGO's, civil society groups*
- *from a scientific viewpoint, the area holds a rich tapestry of flora and fauna, which will be made available to students worldwide to develop and extrapolate ideas and designs.*
- *Private enterprise partnerships will be encouraged and actively sought – such*

## LAND ORGANIZATIONS

*as the establishment of lodges and wilderness trails, forming of supply chains with US companies for Honey and beeswax, distribution of local forest produce to major cities*

- *international public relations campaign to address both biodiversity and poverty issues associated with the Forest reserve and immediate surrounding communities."*

### **Directors:**

Christopher Kangwa - Board Chairman of the Kasanka Trust. The trust has now taken joint control of the Lavushi Manda National Park, in addition to the Kasanka. Nsansala lies to the east of Lavushi, linking with the Nabwalya Chiefdom.

Pieter Swanepoel

## The Ransom Economy: Canadian Indigenous Land Rights

<https://www.youtube.com/watch?v=787R8HDcEOM>

## Chronology

1887

Chief Nkula (Chinsali-Bemba) creates two elephant reserves.

1889

BSA Company takes over the two parts of present-day Zambia, North-Eastern and North-Western Rhodesia.

1890

By this time, elephant greatly reduced by the slave and ivory trade.

1890

Paramount Chief Lewanika of Barotseland declares Liuwa Plain a protected area. The BSA Company declares the Mweru Marsh Game Reserve with villagers included.

1896

Regulations for the control of hunting and the establishment of game reserves were produced by the Nyasaland Protectorate, including much of North-Eastern Rhodesia.

## CHRONOLOGY

1900

In North-Western Rhodesia, land given out to settlers by the paramount chief of Barotseland (Litunga). By the late 1920s, about one-tenth of the Batoka plateau had been alienated to European settlement, a highly fertile tenth. As Melland and Young recorded in 1937: "These natives are complaining that restrictions on the sale of their crops to Europeans, legislation for enforcing their continuance of big villages, and the like, are thwarting their natural aspirations and tending towards stagnation and repression."

1901

North-Eastern Rhodesia administration reduces Mweru Marsh Game Reserve's size to exclude villages and allow them to hunt certain game species.

1901

A hut tax introduced in NE Rhodesia

1902

The Chiwindia hunting guilds decline, and the BSA Co claims the ground tusk - formerly chiefs' property. **A highly significant action.**

1904

Under Section 4 of the Game Regulations of 1902, the second game reserve was proclaimed, intended for the protection of Thorneycroft's giraffe; this was the Luangwa Game Reserve near Old Petauke - the Sasare Mine on its border, also known as the Lusangazi Game Reserve (de-gazetted in 1913).

1904

Hut tax introduced in NW Rhodesia. The Tonga had no money to pay it, and as a result, a BSA Co official went and burnt 970 of their huts.

1907

NW Rhodesia brought in regulations controlling recruitment. In the same

year, the Southern Rhodesia administration responsible for all recruitment north of the Zambezi recruited 4,743 men, and in 1908, 7,009. The high death rate of miners was cause for great concern. In 1907 and 1908, the death rates from scurvy, dysentery and pneumonia were some 40 per 1,000.

1908

There were 68 settler farms in North-Western Rhodesia.

1911

North-Eastern and North-Western Rhodesia become Northern Rhodesia. Crown land and Native Reserves created -in 1947, Trust Land was added.

1914

General Jan Smuts was invited to join the British War Cabinet, where he expounded his theory for a British Commonwealth of self-governing states, under a British sovereign, as opposed to a British Empire ruled from Westminster. During the 1920 San Remo Conference, which established the League of Nations, Smuts introduced what became known as the Smuts Resolution for the establishment of the Mandates over territory that had been captured during the First World War. This established the principle that the victors did not take possession of captured territory but rather governed these territories in trust until they could be handed over to a government of the local inhabitants. This formed the basis in Northern Rhodesia of what was known as Indirect Rule.

1917-1921

African elephant control guards employed to protect the villagers.

1921

There were 3,634 Europeans, 983,539 Bantu and an unknown number of Bushmen and Twa (pygmy).

1924

## **Northern Rhodesia Protectorate declared**

1925

Northern Rhodesia Ordinance No. 19 declared consolidating the laws of the North-Eastern and North-Western Rhodesia.

1925-1931

Villagers allowed to hunt; the bag generous (Pop. +-a million people)

1928

Nine Native Reserves were created for Africans' sole use by the Northern Rhodesian Crown Lands and Native Reserve Order in Council. Native Authorities and Courts introduced. Where tribes had no chiefs, e.g. the Soli, chiefs were appointed.

1931

Ordinance amendment registered the Victoria Falls, Kafue Gorge, Mweru Marsh, Kafue and David Livingstone Memorial game reserves – with wardens provided by the Provincial Administration.

1935

To alleviate villagers' suffering, elephant control officers employed- 4,600 elephant shot - plus 573 killed on licence.

1935

Sir Stewart Gore-Brown called in his impressive maiden speech to the Legislative Council of Northern Rhodesia in November 1935 for the creation of a partnership with the African, a relationship of equals rather than an imposed will and imposed rule.

1936

The Native Authorities given financial responsibility and the scope extended of the 1929 ordinances to Barotseland. Treasuries established by the

Native Authorities.

1936

On 30 November, Senior Chief Luembe wrote to the acting Governor, thanking him for the elephant control officers' assistance.

1938

Luangwa Valley Game Reserve southern section gazetted.

1942

Game & Tsetse Control Department created. Game reserves created on Native Trust Land for the benefit of the natives.

1943-1968

Game Ordinance Chapter 106 of 1943 remained in force until 3rd December 1968, when it was repealed and replaced by the Wildlife Act. No. 57 of 1968.

1945

Chiefs were given responsibility for wildlife in the controlled hunting areas. Kunda and Munyamadzi Controlled Hunting Area (CHA) declared.

1946

Sport hunters encouraged to hunt in controlled areas with payment made to the Native Authority treasuries.

1946

The Anti-Slavery and Aborigines Protection Society lobbying reduced the massive labour recruitment for the mines.

1947

The Native Trust Order was passed, which gave birth to native trust land (land portal). Petauke Controlled Hunting Area (CHA) declared.

## CHRONOLOGY

1949-1962

Government controlled hunting scheme for safari-hunting introduced in Nsefu's chiefdom with 50% of revenue going to the chiefdom.

1953

Federation of the Protectorates of Northern Rhodesia and Nyasaland with Southern Rhodesia was finally imposed in spite of the almost unanimous opposition of their African populations.

1957

Allan Savory, the Provincial Game Officer and Biologist Northern Province put forward a proposal entitled, *Conservation of lechwe for native nutrition in Northern Province*. In 1958, he also proposed that a project entitled, *Conservation for protein production* is mounted in the Mweru Marsh Game Reserve. Nothing resulted from this. But these areas continued to deteriorate as the state ignored the customary people. In the 1960s, Savory was a pioneer of the game ranching industry in Rhodesia - for whom I worked in 1965.

1958

The safari-hunting was privatized for the benefit of the government and the safari firms, not the chieftains.

1950

Governor Rennie, doubtless under the strong influence of my friend Len Vaughan, proclaimed the Kafue National Park, set aside within what was native trust land; the Order in Council defining trust land as,

***Land set apart for the sole use and benefit, direct or indirect, of the natives of***

***Northern Rhodesia'*** and ...*Out of the profits or rents accruing from any area of Native*

*Trust Land set aside as a forest or Game Reserve there shall be paid first the expenditure*

*necessarily incurred by the Government in connection with the said area, whether by maintenance, development or otherwise, and the balance shall be paid into the (native trust land) Fund, or into the treasury of the native authority concerned, as the Governor shall direct.*

*A consultant, Fraser Darling, commented that being native trust land first and a national park second conflicted with the concept of national parks as outlined by the 1933 International Convention. Darling recommended that an amendment be tabled of the Order of Council altering the boundaries of trust land, or by invoking Section 5(1) (d) of the Order in Council which empowered the governor to acquire trust land for public purposes. (Darling, Frank Fraser. Wildlife in an African Territory: A study made for the Game and Tsetse Control Department of Northern Rhodesia 1960.)*

1954

The Fauna Conservation Ordinance was approved in 1954 but only gazetted in 1957. Under the Ordinance, existing controlled hunting areas became First or Second Class Hunting Areas and a category of private game area defined. There was considerable opposition in the legislative assembly to the new game ordinance, with one member, Reuben Kidson (father of Ron Kidson, founding Chairman of the Professional Hunters' Association), speaking out on behalf of the villagers who were suffering from wildlife impacts - demanding that the hunting areas be abandoned. Some new African members requested that the Native Authority shoot out their animals if they so wished. Vaughan-Jones reminded members that controlled hunting areas (CHAs) were created at the request of the NAs, the government agreed, hoping that they would manage their areas.

1955

## CHRONOLOGY

Fip Parnell, Director of the Game Department, was not in favour of creating a game reserve as it would negatively affect Nsefu (in 2012, the chief was arrested for shooting 3 impala).

1957

Control of Second-Class Hunting Area (CHA) given to Native Authorities (NA)

1958

Native Authorities had full responsibility for controlling wildlife outside of the KNP for 17 first-class and 22 second-class controlled hunting areas on crown land, the Provincial Administration(PA) pro-people, the Game Department, pro game control. Both the Game Ordinance Chapter 106 of 1943 and the Fauna Conservation Ordinance Chapter 41 of 1954 remained in force until 3rd December 1968, when they were repealed and replaced by the Wildlife Act. No. 57 of 1968.

1961

The Ministry of Native Affairs issued *A Wildlife Policy for Northern Rhodesia* that accentuated preservation, conservation, cropping, and villagers' protection from crop raiders. But with moves towards self-government, power was centralized with frightening rapidity. In the same year as I hitch-hiked around the Northern Province, Kaunda's UNIP Party militants went on the rampage.

In 1962 The Natural Resources Act Cap 315 provided a Natural Resources Board and a Natural Resources Tribunal responsible for conservation plan provision and implementation.

1961

It is estimated that the population of Northern Rhodesia comprised 74,000 Europeans, 2,400,000 Africans and 10,000 persons of other races, mainly Asian.

1962

The government-controlled hunting scheme abolished, the scheme privatized.

1962

The Natural Resources Act of 1962 provided a Natural Resources Board and a Natural Resources Tribunal responsible for conservation plan provision and implementation. The board could allocate certain responsibilities to decentralized bodies, i.e. to villager natural resource management committees, in this case, called natural resource committees. These were to be elected by villagers and were to be corporate bodies. The powers of the committee were holistic and highly decentralized. But this was all theory, there being little sign of its prescriptions being implemented. The Act of 1962 should have been the quantum leap forward.

1964

On 3 January, self-rule granted to Northern Rhodesia by the UK. Crown land becomes state land; the remainder, trusts and reserves. On 23 January, Kenneth Kaunda appointed Prime Minister. On 18 May, the Barotseland Agreement 1964 laying out the conditions for the merger of two British protectorates in a unitary state was signed. On 3 August, Kaunda arrests Alice Lenshina and bans the Lumpa religious movement, many of its members massacred. On 6 August, Kaunda announced that Barotse independence would be fully recognized at Zambia's independence and that:

*In particular, the Litunga of Barotseland and his Council shall continue to have the powers hitherto enjoyed by them in respect of land matters under customary law and practice; the courts at present known as the Barotse Native Courts shall have original jurisdiction (to the exclusion of any other court in the Republic of Zambia) in respect of matters concerning rights or interest in land in Barotseland. Provided that nothing in this paragraph shall be construed as limiting the jurisdiction and powers of the High Court of the Republic of Zambia about writs or orders of the*

*kind at present known as prerogative of writs or orders.*

## **1964 - First Republic**

In November, full Independence

1965

Contrary to Clause (8) of the [Barotseland Agreement 1964](#) stating that “The Government of the Republic of Zambia shall take steps as may be necessary to ensure that the laws for the time being in force in the Republic are not inconsistent with the provisions of this Agreement.” Kaunda and Sikota Wina (Minister of Local Government) abrogated the Agreement by enacting the Local Government Act No 69 of 1965. Section 113 declared, “The provision of this Act shall apply in Barotseland and the powers contained here may be exercised about Barotseland notwithstanding anything to the contrary contained in any other written law as or in the Barotseland Agreement 1964.”

1965

Chiefs Act 1965 empowered the president to recognize or withdraw the chiefs’ recognition, including the Litunga of Barotseland and the chiefs serving under him.

1967

Warden Johnny Uys and IM do an aerial count of elephant on Chifungwe plain - now part  
of the South Luangwa NP - and count 2,000.

1968

National Parks and Wildlife Act (No. 57) of 1968 completely centralized control and management of wildlife in the country by vesting the absolute ownership of wildlife in the President on behalf of the public. It abolished powers that had been delegated to landholders declared private game areas and to the Litunga of Barotse Protectorate to hunt and to exercise the same powers on their land as those conferred by the Fauna Conservation Act upon

game officers. . The categories of protected areas were reduced from four to two namely; National Park (category II of IUCN) and Game Management Area (category VI of IUCN).

**1971**

**32 GMAs created by statutory instrument** selected purely as areas needing recognition and protection, not as rent-collecting landgrabs by the government. As Mulonds stated (p.13):

*In as far as the declaration of game management areas was concerned, local communities living in those areas were never consulted though the Act expected them to co-operate with the authorities when it came to the conservation of wildlife and the scenic beauty. In a nutshell the Act never provided for effective local community participation in the management of the country's wildlife estate wherever it occurred.*

**1968**

Nsefu declared a game reserve.

**1969**

The Zambian Constitution (Amendment No. 5) Act No. 33 of 1969 (the Referendum Act) utterly destroyed the Barotse Agreement.

**1969**

Chief Justice Skinner (d.2008) resigns and returns to Ireland after Kaunda summons him to explain a judgment passed by Justice Evans that the President disagreed with. "I am satisfied that Justice Evans has acted on the principles of Justice," Skinner said. "It is one of the judiciary functions to criticize the action of the executive or its individual servants whenever the need arises. If that right is denied, then the courts would no longer effectively carry out their duties."A physical attack was then made on the High Court in Lusaka by the Zambia Youth Service, a Republic's uniformed force.

## CHRONOLOGY

1969-1973

Black Lechwe Project funded by Anglo-American Corp. and based at Chikuni (Chief Chiundaponde) Bangweulu.

1970

Natural Resources Act of 1962 repealed and replaced by the Natural Resources Act of 1970 and then taken over by the Environmental Protection and Pollution Control Act. The Land Acquisition Act of 1970 inspired the zambianization (nationalization) program, which led to the 1975 Land (Conversion of Titles) Act that abolished freehold tenure in Zambia.

1970

The Western Province (Land and Miscellaneous Provisions) Act No 47 of 1970 and the National Parks and Wildlife (Amendment) Act (No. 65) of 1970 removed the *Litunga's* powers over wildlife and natural resources and vested them in the President, all land in the Western Province being "Hereby vested in the President as a Reserve within the meaning of and under Zambia (State Lands and Reserve) Orders 1928 to 1964." This was the willful destruction of the Barotse Guardians of Nature, for in a stroke was ignored, not only the Agreement but the fact that Barotseland was a model for future decentralization and the careful use of natural resources, where, from 1936, the Barotse Orders, Rules and Regulations saw the indigenous knowledge and management systems codified.

1971

International Game Park and Wildlife Act (No. 27) of 1971 - customary land being taken from a chiefdom and converted to the International Game Park

1971

The Zambia Wildlife Act No 65 of 1971 Govt. Gazette (Acts).

- This confirmed that the powers placed in the civil service head of the

Game Department, the Director, were now under the sanction of the Minister. Penalties for poaching were increased as the hunting-safari industry expanded as part of the patronage system.

- The government passed a further eight statutory instruments outlining new regulations governing hunting licenses, trophies, protected animals and legal methods of hunting.
- The controlled hunting areas (CHAs) were converted to 32 game management areas (GMAs), implemented by statutory instrument on 1 February 1971. This was a massive and surreptitious landgrab of customary area

Reuben Kidson (father of Ron Kidson, founding Chairman of the Professional Hunters' Association),[xxxvi] speaking out on behalf of the villagers suffering from wildlife impacts - demanding that the hunting areas be abandoned.[xxxvii] Some new African members requested that the Native Authority be allowed to shoot out their animals if they so wished. Vaughan-Jones reminded members that controlled hunting areas (CHAs) were created at the request of the NAs, the government agrees, hoping that they would manage their areas.

1971

Registration and Development of Villagers Act 1971

## **1972 - Second Republic**

Declaration of the One-Party State by President Kaunda

1972

350,000 elephant in Zambia.

1972

All the game reserves converted to national parks, including Nsefu Game Reserve. Chifungwe Plain, part of the Munyamadzi GMA within the Nabwalya chiefdom, is excised and becomes part of South Luangwa National Park.

## CHRONOLOGY

1972

Nchete (Ncheta?) island wildlife sanctuary declared (2.023 km<sup>2</sup>). “From protected planet <https://www.protectedplanet.net/555626091> the information shows that the status year is 1993 - this is the year in which a site’s current status came into effect. The Island is still listed as a wildlife sanctuary, but the IUCN category is not reported. The last update we received for this PA was from the Department of National Parks and Wildlife Authority in Zambia, so perhaps they would be the best people to follow up with for more information.” NYAMGEROH Beryl (IUCN)

1973

Britain joins the European Economic Community.

1973

The Bangweulu Command with the Kasanka, Lavushi Manda and Isangano national parks, plus all the attendant game management areas, established by the Department of National Parks, Wildlife and Fisheries with Ian Manning as O/C and biologist. With the departure of British expatriate seniors officers, the command reverted to the control of the department’s Northern Province office at the end of the year. IM continues as a biologist at Chikuni Research Station.

1973

The Kalasa Mukosa GMA declared within the Bangweulu chiefdom of Senior Chief Kalasa Mukosa to protect the black lechwe on the western bank of the Luapula within the Samfya district.

1975

Kaunda’s Watershed Speech: Zambianization imposed – ex-pats not allowed to go into private enterprise on leaving GRZ service. Under the Land (Conversion of Titles) Act, Kaunda abolished freehold tenure, with all commercial farming land converted to leasehold for 100 years and idle farms converted to state land.

1975

The governing UNIP Party appropriated the Times of Zambia newspaper.

1975-1989

On 28 January 1975, Kaunda declared a full state of emergency, suspending constitutional guarantees: 684 people detained under this instrument, 72 for more than two years without going to a trial held in preventative detention under the emergency powers.

1976

Last British/Irish expatriates in Wildlife Department depart. The funding of the National Parks and Wildlife Service was greatly reduced.

1977

The NPWS reduced its labour force by 30% and its budget by 38%.

1978

The Ministry of Finance reduced the budget by a further 50% - a reduction since 1976 of 88%.

1979

Rhino removed from the hunting-safari license at the end of the season.

1982

National Parks and Wildlife (Amendment) Act (No. 32) of 1982,

1983

Elephant removed from the hunting-safari licence.

1984

I suggested to David Lloyd that he assist the government in managing the Kasanka National Park, to which he agreed. I then negotiated a preliminary

## CHRONOLOGY

public-private partnership (PPP) MOU agreement for the park's management with the Director of Conservation in the NPWS, Lewis Saiwana. Lloyd then took up residence in the park. Moss and I were involved with a tourism management contract in the Luangwa entered into with Vice-President Kavindele. Moss began applying for funding for Kasanka - obtaining an EU grant, while Gary Williams - a Mkushi farmer - invested considerable time and effort into its operations.

The original concept, elaboration, strategy, approach and technical evaluations for a public-private partnership (PPP) for Kasanka were developed after by Moss, with inputs from myself, Lloyd, and Chief Kafinda - the latter chiefdom replaced by Chief Chitambo.

1985-1993

As outlined in *Plunderers of Eden*, Moss laid the full foundations for Kasanka's future.

1985

I am appointed honorary scientific advisor to the Kasanka Trust (London)

1985

With Malcolm Freed in charge, Kaunda nationalizes some tourist lodges, removes land from Sumbu NP, and makes it a GMA (Inangu).

1986-1995

LIRD project implemented with Kaunda as chairman (Richard Bell in charge; his deputy, Fidelius Lungu).

1986

Integrated conservation and development (ICDP) scheme negotiated for Kasanka NP with the NPWS and Moss, myself and Lloyd founders, and Chief Kafinda.

1986-1989

My Black Rhino Project attempts to save the rhino fails. WWF-I cancels their funding, and Government declines the extension of my work permit. The project ceases. The rhino effectively extinct c. 1993.

1987

I founded Safariland Ltd, in partnership with Kerry Curtis, a former shareholder of the hunting company, Amalgamated Safaris, Ron Kidson - founder of Zambia Safaris; and Eric Balson - former Senior Game Warden of Tanzania and Director of the International Game Park, now known as the Lower Zambezi National Park. Eric Balson and I went to Chiundaponde, where Chief Chiundaponde (d.2013) awarded me the usufruct rights to Lake Waka Waka lying between Chiundaponde and the Kasanka National Park, as well as an island lying on the edge of the flood plain near Chikuni. Waka Waka and Shoebill island were to be developed as safari lodges. At Shoebill, Balson and I constructed a *chitenje*, kitchen and storeroom. When the interest in the scheme failed, I gave the rights to Shoebill and Waka Waka (with the chief's blessing) and the camp to David Lloyd for use by the Kasanka Trust. In 2016, African Parks commandeered the two camps.

1987-1999

ADMADE project: The Administrative Management Design for Game Management Areas, a massively damaging CBNRM scheme. It was established and managed by the big international NGO (BINGO), Wildlife Conservation International (WCI), and funded by USAID, WWF-US, and WCI, with its HQ in the South Luangwa at the 'Nyamaluma Institute.'

1988

The Wildlife Act of 1988 created the Zambia Wildlife Authority (ZAWA)

1989

100th centenary of the colonization of the territory now called Zambia.

## CHRONOLOGY

1990

On 18 July 1990, after a protracted period of negotiations by Lloyd, guided by Moss, and assisted by Tony Mitchley, Ali Hamir, Harry Chabwela, John Wright and Jackie Shisholeka - Deputy Permanent Secretary of the Ministry of Tourism, there took place the signing of the Kasanka Management Agreement between the Kasanka Trust Limited (E.D.M. Lloyd) and the NPWS - witnessed by Moss - the trust agreeing to finance and manage the park in partnership with the NPWS.

### **1991 - Third Republic**

One-Party rule ousted; introduction of multi-party elections: Kaunda voted out. Land value re-instated under the MMD. Reserves and trust land collapsed into customary area. MMD followed the money.

1991

[RAMSAR Convention](#) on Wetlands introduced. Bangweulu designated a RAMSAR site.

1991

The National Parks and Wildlife Act (No. 10) of 1991, which introduced Community-based Natural Resource Management (CBNRM)

1993

Wildlife Policy of 1993 formalized local communities' recognition as co-partners in managing wildlife, reversing wildlife's centralised management. This led to the Natural Resources Management Project (NRMP) funded by USAID.

1993

The black rhino population of Zambia became extinct at about this time.

1993

The Game Management Declaration Order, Statutory Instrument No. 67,

proclaimed 35 GMAs, the 32 from 1971 added to by Kalasa Mukosa in 1973 – established in the Bangweulu Command to protect the black lechwe on the west bank of the Luapula, Inangu in 1985 on Lake Tanganyika - to accommodate the ZCCM landgrab (later cancelled), Chiawa in 1989 - on the upstream side of the Lower Zambezi National Park, and Rufunsa in 1993 – taking up the rest of the area surrounding the Lower Zambezi National Park (10,000 ha alienated to Iqbal Alloo in 2001, this later increased to 39,000 ha).

1994

The Witchcraft Act No. 13 of 1994. Witchcraft and sorcery are here taken to be the same thing - as it was under the Witchcraft Suppression ordinance, a malign force. In contrast, Ng'angas or witchdoctors who deal with sorcerers are a force for good and essential to the equilibrium of Africans and other traditional peoples worldwide.

1995

Lands Act of 1995

1996

The Lands (customary tenure) (conversion) regulations: S.I. 89 of 1996

1997

Zambia Land Alliance formed.

1998

The Zambia Wildlife Act (No. 12) of 1998 proclaimed the establishment of the Zambia Wildlife Authority (ZAWA), stating that the minister, in consultation with the local community and ZAWA, may declare a GMA for 1) the sustainable utilization of wildlife, 2) land may be alienated to leasehold without the permission of ZAWA. Although the Wildlife Act No.12 of 1998 allowed for the co-management of GMAs between ZAWA and their proxy community resource boards - and devolved authority to CRBs for wildlife management, they are viewed by the government as state land under their

## CHRONOLOGY

control, a view supported by the GMA's importance in providing government income from hunting-safari concession fees and hunting licenses. Few management plans of any substance have been forthcoming for GMAs and national parks. Little credible scientific work carried out to provide the basis for a sustainable offtake of wildlife for hunting, 3) Anyone living in a GMA must conform to a management plan, 4) anyone hunting game would be fined or imprisoned for up to five years. This legislation was proclaimed without the agreement of customary commoners or the chiefs and headmen. The Act of 1998, in making certain legal assumptions of the control of the GMAs on customary area, was contradicted by both customary and statutory law (the Lands Act of 1995) and by such traditional practices under common law as contracts of agistment whereby owners of livestock are obliged to pay rent for grazing rights.[xxxix] Furthermore, ZAWA (1998-2016) had by dint of statutory instruments attempted to further control customary area commoners by laying out draconian punishments for such as setting or not reporting fires. ZAWA, as the 'owner' of wildlife, was supposed to pay 50% of the money received from hunting concession and game licence fees to the chiefdom's customary authority where hunting was taking place. This they failed to do.

1998 - The National Parks and Wildlife Policy of 1998 provided for the development of private game ranches.

1999 - 2002

LIRDP converted to the South Luangwa Management Unit (SLAMU), and the Zambia Wildlife Authority established.

2001

Zambia Wildlife (Amendment) Act of 2001. [See Chansa et al. \(2011\).](#)

2001-2004

CONASA project. A USAID funded project mounted in the Bilili/Nkala, Sichifulo and Mulobezi GMAs in Southern Province. This was an \$8.5

million program intended to support rural livelihoods through agricultural production, small business development, policy and advocacy, and tourism-based natural resource management. Implemented by CARE International, the African Wildlife Foundation and the Wildlife Conservation Society of New York (WCS). A failure.

#### 2002-2010

Introduction of Landsafe commons empowerment scheme by Gamefields Ltd. in Luembe and Nyalugwe chiefdoms – funded by safari-hunting and an investor. My disclosure of SLAMU/ZAWA's poaching and other predatory operations led to the removal of the hunting concession in 2006 and the directors from the country in 2008. The total capital loss was in the order of 2 1/2 million dollars.

#### 2002

MOU signed between the Kasanka Trust and ZAWA and automatically renewed in 2007. The MOU's substance made it clear that the trust's park manager should report to the ZAWA Warden and submit quarterly reports. The trust agreed to pay ZAWA and the Kafinda Community Resource Board 10% and 5% respectively of its gross income from tourism within the Kasanka.

#### 2004-2011

SEED: The Support for Economic Expansion and Diversification program (2004-2011) was a \$23 million, World Bank-funded, four-component project in the Kafue covering: tourism, protected areas, agribusiness and gemstones sector development, and project management. Another failure.

#### 2006-2011

REMNPAS: The Reclassification and Effective Management of the National Protected Areas System Project (2006-2011) was a \$7.3 million project executed by the Ministry of Tourism through its division of environment and natural resource management and ZAWA. The Global Environmental Fund (EF), the United Nations Development Program (UNDP) and the government

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jointly funded the project. The project had three main areas of intervention: providing the regulatory, legal and institutional framework for public-private partnerships; strengthening the institutions responsible for protected area management; and implementing new protected area categories within these partnerships—a failure.

2006

Citizens' Economic Empowerment Act No 9 of 2006 introduced by President Mwanawasa – a dictator's move

2008

Landsafe ICDP project in Luembe chiefdom closed down.

2009

The NGO Act issued: an Act unfriendly to civil society.

2013

Leopard and lion removed from the hunting-safari licence.

2014

[Report](#) of the Auditor-General on the Management of Wildlife. Auditor-General of

Zambia, 1 July 2014. Web. 7 July 2017.

2015

The Wildlife Act No. 14 of 2015.

2015

CRB definition: Community Resource Boards (CRBs) In Part V of the 2015 Wildlife Act, CRBs

2015

Auditor-General report on ZAWA

2015

The Urban and Regional Planning Act, 2015.

2015

[The Forestry Act 2015](#)

2015

[The A-G Report on Natural Fishery](#) (2015)

2016

[Protection of Traditional Knowledge](#), Genetic Resources & Expressions of Folklore Act Number: No.16 of 2016 section 27: Subject to this Act, a traditional community has the following rights over its genetic resources:1) the exclusive right to regulate access to its genetic resources; 2) an inalienable right to use its genetic resources; 3) the exclusive right to share the benefits arising from the utilization of its genetic resources; 4) and the right to assign and conclude access agreements.

2017

[Report of the Committee](#) on Agriculture, Lands and Natural Resources on the Report of the Auditor General on Government's Efforts to Ensure Access to Land in an Effective Manner.

2019

Local Government Act of 2019

2020

- [The Non-Governmental Organisations \(Amendment\) Act, 2020\( Act No. 13 of 2020\)](#)
- [The Land \(Perpetual Succession\) \(Amendment\) Act No.pdf](#)

## IV

# LEGAL LIBRARY

*Legal Control of Chiefdoms*

*General Legal Background*

*State Control of Land*

*Protected Area Network*

*Wildlife Law*

*Zambia Legal Institute*

*Zambia Legal Database (FAO)*

*Digital Rights*

*Chronology*



## Legal Control of Chiefdoms

*F.H. Melland who had served in Northern Rhodesia as a BSA Company magistrate, native collector and native commissioner from 1901-1924, wrote strongly from his experience of direct rule that the dual mandate system of Indirect Rule - whereby the administration of the country was carried out by the chiefs, required to be reformed so that Africans "could produce an autochthonous (indigenous) civilization that would provide a notable contribution to world civilization."*

*African Dilemma, Frank **Melland**, Cullen Young. Published by The United Society for Christian Literature, London, 1937. p. 51.*

*He was sternly critical of what had been done: "...it is necessary to repeat that the establishment of Indirect Rule was every whit as autocratic as our original assumption of direct rule. It is we who have decreed how the Africans shall be governed, just as we have decided what laws he shall obey, to what parts of his religion and customs he may adhere, what he shall or shall not learn."*

*African Dilemma, p. 30.*

*As regards the chiefs, they did not relish the change, in many cases because they had lost the habit of ruling, and still more because they did not regain the right to rule in accordance with custom, but were forced to rule on lines laid down by their white overlords, to administer justice and to punish on those lines.*

*African Dilemma, p.45.*

*For the wise men of old, the cardinal problem had been how to conform the soul to reality, and the solution had been knowledge, self-discipline, and virtue. For magic and applied science alike the problem is how to subdue reality to the wishes of men: the solution is a technique; and both, in the practice of this technique, are ready to do things hitherto regarded as disgusting and impious.*

*C.S. Lewis - The Abolition of Man*

\* \* \*

## Introduction

The plethora of legal instruments to control the [288 chiefdoms](#) by an indigenous Western-style government and an Executive President is shocking. By law, the President controls the land, the chiefs the big-game, the fish, the minerals, the forests, the water, etc. The government ministries exert all controls over the chiefdoms, their people, land, water and wildlife, exhorted on by the aid and extractive industries. The customary commoners use a piece of customary land on usufruct. Still, the government uses fifty or so of

those chiefdoms to extract rentals from safari-hunting, game capture, and photo-tourism. But what is not realized is the plethora of Acts, Regulations and national policies arming and empowering many ministries in the total regulation of their fellow citizen villagers who live close to nature, yet in return provide little support.

## The Chiefs' Act, 1965

The Chiefs' Act of 1965 defined a chief as a person who the President of Zambia recognizes. Since 2008 this has been carried out under a statutory instrument - Chiefs (Recognition) (No. 6) Order – though it does not recognize headmen, only deputy chiefs and *kapasus* (messengers). The president has the power to appoint or remove a chief.

*9. (1) There shall be attached to every Chief and Deputy Chief, for the purpose of aiding and assisting him in the discharge of the functions of his office, such number of kapasus as the President may determine.*

*15. (1) Any person who, immediately before the commencement of this Act-(c) was recognised under the Native Authority Act, Chapter 157 of the 1965 Edition of the Laws, as a Paramount Chief, Senior Chief, Chief or Sub-Chief; shall be deemed to have been accorded equivalent recognition under this Act.*

The Zambian Constitution, amended in 1996 by President Chiluba and introducing Article 129, which prohibited chiefs from entering national politics, defined the institution of a chief as 'A corporation sole with perpetual succession and with the capacity to sue and be sued and to hold assets or properties in trust for itself and the peoples concerned'. And the Local Government Act (1995) and the Development and Registration of Villages Act

(1971) provides the main institutional framework on how chiefs are supposed to be integrated into development at the local level, the latter Act being an instrument of one-party rule in 1972, remaining unchanged to this day.

As Mulolwa wrote in the *LAND GOVERNANCE ASSESSMENT Zambia Country Report of 2016*:

*Part XIII, article 127, allows for continuation of the existence of the Institution of Chief in any area of Zambia in accordance with the culture, and traditions of the peoples concerned. In addition, Article 128 of Part XIII allows the Institution of Chief to operate as a corporation and to hold assets or properties in trust for itself and the peoples concerned. Special mention should be made of articles 127 and 128. The recognition of the chiefs' establishments as institutions, that they should continue in existence according to their traditions, and that they can hold property in trust for their people, has significance in relation to how customary land should be administered. Chiefs are already custodians of customary land, and if they should continue in existence according to their traditions, it means even administration of land should continue to be based on those same traditions. Since they do already hold land, it can be said that they do constitutionally hold that land in trust for their people.*

## Ministry of Chiefs and Traditional Affairs

Established in 2011.

## The House of Chiefs

There are 288 chiefs in Zambia, 4 of them paramount, 43 senior, and 10 provinces. [The House of Chiefs](#), established under Article 169 of the Constitution of Zambia (Amendment) Act No. 2 of 2016, comprises 50 chiefs with a mandate for five years. The House falls under the Ministry of Chiefs and Traditional Affairs, created in 2011 by President Sata.

*The House of Chiefs is responsible for performing the following functions as provided for under Article 169 (5) of the Constitution of Zambia (Amendment) Act No. 2 of 2016:*

*1 Consider and discuss a Bill relating to customs and tradition referred to it by the President before the Bill is introduced into the National Assembly;*

*2 Initiate, discuss and make recommendations to the National Assembly regarding socio-economic development;*

*3 Initiate , discuss and decide on matters relating to customary law and practice;*

*4 Initiate, discuss and make recommendations to a local authority regarding the welfare of communities in a local authority;*

*5 Make proposals on areas in customary law that require codification;*

*6 Advise the Government on traditional and customary matters; and*

*7 Perform other functions as prescribed.*

Six chiefs signed up for the Bangweulu community-based scheme (CBNRM) scheme: Kopa, Chitambo, Nsamba, Bwalya Mponda, Kabinga and Chiundaponde, but only one of them, Senior Chief Kopa of the Bisa, sits in the House for the period 2016-2021. Other Bangweulu chiefs such as Kasoma of Samfya, Kalasa Lukangaba and Kasoma of Samfya do sit in the house until 2021. Still, they are not included in the Bangweulu Management Board privatization with African Parks.

## National Policy on Chieftainship and Traditional Affairs (2018)

Policy issued by the [Ministry of House of Chiefs & Traditional Affairs](#).

Some noteworthy quotes:

*Zambia has seventy three (73) ethnic groupings and two hundred and eighty eight (288) chiefdoms. Chiefs are regarded as supreme Traditional Leaders of their respective ethnic communities and ascendance to the throne differs from one ethnic group to another.*

*The institution of chieftaincy has had challenges in adequately discharging its functions. These challenges include but are not limited to:*

- a) Lack of a comprehensive Government Policy to provide guidance on matters relating to chiefs and traditional affairs;*
- b) Limited scope of authority which precludes them from resolving certain matters in the Chiefdoms;*
- c) Dilution or diminishing customs and cultural identity;*
- d) Limited financial resources for the administration of chiefdoms;*
- e) Limited capacity of subjects to support the welfare of Chiefs;*
- f) Perceived inappropriate behaviour by some Traditional Leaders; and*
- g) Lack of capacity building for Traditional Leaders to enhance governance and development.*

Some points:

1. There is a growing trend by Chiefs and headmen/women to spend extended time away from their chiefdoms for several reasons.
2. Most Chiefs in Zambia live in dilapidated houses as palaces.

3. Conflicts in chiefdoms are resolved mostly by traditional courts. Although these traditional courts serve an important role in dispensing justice, they are not part of the country's judiciary.
4. There is a growing call to develop and implement the code of ethics to guide Chiefs as they discharge their functions.
5. Malaria remains a leading cause of mortality and morbidity, especially in rural areas, while maternal deaths accounted for 10% of all deaths among women aged 15 – 49.
6. Ending child marriage will help break the intergenerational cycle of poverty by allowing girls to grow into women and participate more fully in society.
7. The impacts of these hazards have included crop failure, outbreaks of animal diseases (such as foot and mouth disease, swine fever and Newcastle, among others), dislocation of human populations and destruction of property and infrastructure chiefdoms.
8. Therefore, it is paramount to involve the communities in their respective chiefdoms' forest management to ensure adequate protection.
9. Most of the chiefdoms in Zambia experience communication challenges attributed to poor road infrastructure, electronic and print media, and communication towers.
10. The Republic of Zambia's laws does not recognize the reality of practising witchcraft as it cannot be proved scientifically. However, the law provides penalties to whoever names or makes an input to the act of witchcraft; it also provides penalties on professional witchdoctors for professing knowledge of witchcraft.

To do:

- a) Facilitate the review of legislation for the participation of Traditional Leaders, in consultation with local communities, in decision making processes relating to natural and other resources in their chiefdoms;*
- b) Develop and implement the resource mapping framework for documenting natural and other resources in the chiefdoms;*

*c) Create awareness among traditional leaders and communities on their role in the management and control/administration of natural and other resources;*

*d) Strengthen linkages with other Government Ministries dealing with the diverse natural resources found in the chiefdoms;*

*e) Facilitate the undertaking of consultation of traditional leaders by Government in matters relating to investment in natural and other resources;*

*f) Facilitate the undertaking of capacity building among traditional leaders in matters relating to management, control/administration of natural and other resources; and*

*g) Facilitate the retention of a percentage of royalties for the benefit of the host chiefdom and the incumbent Chief.*

#### Responsibility of the Ministry:

1. Responsible for lands and natural resources.
2. Administration of land and management natural resources for sustainable use in chiefdoms
3. Responsible for water development, sanitation and environmental protection
4. Shall provide guidelines on land alienation procedures
5. Facilitate the resolution of land disputes and the sustainable utilization of natural resources in chiefdoms;

The following laws need to be repealed or amended:

## LEGAL CONTROL OF CHIEFDOMS

Enabling Act	Essence/Purpose /Role	Remarks
<b>Chiefs Act, Cap 287</b>	The Act sets out the recognition of Chiefs as well as their functions	The Act needs to be repealed and replaced so that it conforms to the provisions in the Constitution of Zambia (Amendment) Act No. 2 of 2016.  In addition, it is necessary that the institution of chieftaincy is not only safeguarded but also strengthened.
<b>Villages Registration &amp; Development Act, Cap 289</b>	The Act provides for the registration of villages and the inhabitants thereof, the establishment of Village Development Committees as well as Village Productivity Committees.	The Act also requires to be repealed so that the issues covered therein are incorporated in the Traditional Leadership law.
<b>Witchcraft Act, Cap 90</b>	The Act prescribes allegation of use of charms to harm others.	The Act needs to be reviewed to ascertain its validity.
<b>National Heritage Conservation Commission Act, Cap 173</b>	The Act is responsible for the protection and management of cultural and natural heritage in the country.	The NHCC Act needs to be reviewed in order to allow traditional leaders to be involved in the management and protection of heritage.

<b>Environmental Management Act No. 12 of 2011</b>	It is the principal Act on environmental protection and management through enforcement of EIAs and monitoring and control of pollution.	Developmental projects taking place in chiefdoms ought to take issues of environmental protection seriously. Matters of environmental pollution affecting local communities must be adequately checked to avoid harm, now and in future, to local people.
<b>Local Government Act, No. 6 of 2010</b>	Provides for the governance and administration of local authorities.	There is need for effective representation of the local communities in the Council.
<b>House of Chiefs Regulations, Statutory Instrument No. 41 of 1998</b>	The SI sets out the Regulation, Rules and Procedure that guide all proceedings related to the House of Chiefs.	The SI needs to be reviewed so that it takes into account the constitutional requirements.

## Chiefs and the Law in Independent Zambia

[Chola Mukanga 15 August 2008](#)

<quote>

The [last post](#) in this [series on traditional authorities](#) discussed how chiefs adapted to newfound responsibilities, carefully balancing the requirements of the Colonial State with the expectations of the rural populace. In the process, it was argued that beyond these requirements, Chiefs also leveraged their influence, assisted by the vast wealth of native treasuries, to support the political struggle and development of rural entrepreneurship. With the advent of independence, the political spectrum was soon to be shattered. This post explores the processes that led to that change, and; how the authority of chiefs was altered. In particular, it focuses on the key institutional changes that have emerged since independence and the extent to which they have shaped the role of chieftaincy in modern Zambia.

The emergency of Zambia in 1964 marked a momentous occasion of political emancipation from both Britain and the white supremacies. Zambia was now an independent political state able to determine its place in the world. However, as many have noted, in many respects this was only the beginning of the struggle for true self-determination. The real struggle that lay ahead for her government was how to turn the achieved political independence into true internal cohesion and viable economic independence in the long term. Zambia of course is not unique in this respect. All new nations strive to be economically independent and ensure that they manage any external pressures that threaten internal cohesion. But in Zambia this problem was particularly acute, for two reasons:

First, *the country's economy was quite exceptionally dependent on copper*, which placed Zambia's economy at the mercy of unpredictable world demand for copper. Moreover, under colonial rule the country had had little stake in, let

alone control over the mining industry – mining was essentially a foreign business (and many would argue that it still is). But what made the situation even worse was the fact that at independence, Zambia had to rely on Rhodesia, South Africa or Mozambique for nearly all communication with the outside world, for much of its trade, for skilled manpower and for employment of its citizens. This dependence on white supremacies presented a significant challenge to Zambia's political independence.

Secondly, *at independence, the nation emerged with deep regional divisions*, often reflected in different political bases for the competing parties of UNIP and ANC. In addition to this cultural diversity, the Zambian government inherited a very unequal society, with the Copperbelt dwellers more well off than their rural counterparts. This aggravated the regional rivalries or “tribalism” during and after independence. There was thus considerable scope for hostile foreign powers to exploit internal disaffection for their own ends.

Thus, at the time of independence national unity seemed essential, not only to confront the tasks of economic development but counter internal subversion and external attacks. Chiefs and Native Authorities (NAs) were an embodiment of these twin threats. As noted in the [last post](#), NAs and their treasuries had become quite powerful prior to independence, spawning the emergence of a new “boma class” that was principally seen by many rural dwellers as beneficiaries of colonial rule. And whilst it is correct to observe that the “boma class” and NAs, were broadly supportive of the independence struggle their continuous allegiance to the colonial state generated deep suspicions, which were probably justified. In the eyes of many Zambian politicians, the role played by the NAs was typically one which restrained the nationalist movement. They saw the local administration a function of the colonial state and the chieftaincy as an anachronistic vestige of the old Northern Rhodesia that had no place in the new Zambia political landscape. Simply put, NAs' powers had to be curtailed because the loyalty of chiefs to the UNIP government was questionable.

The economic arguments for reform appeared strong. Zambia had inherited an inefficient and fragmented administrative structure: a diffuse collection

of government departments enjoying a large measure of autonomy and only loosely controlled by any central, coordinating body, whether bureaucratic or political. The immediate task for the government was how to transform the inherited structure of provincial administration - the focal point of the colonial system of government - into an instrument of economic development. The challenge for the government was how to design a system that achieved their stated economic objectives but also allowed the party to reassert its authority and minimise future imbalances of political power.

The government's preferred method was to abolish the old system of provincial and district government and replace it with a new, more limited structure. From the government's perspective, this reformed provincial and district government arrangement was intended to coordinate and implement government policies and provide a link between government and the new structure of party power, in the process wresting power from the Chiefs to the ruling party. The aim was to take forward the Zambianisation of the new institutions without indigenisation. To that effect, the NAs and local administration were stripped of most of its predecessor's functions, which were distributed among central government ministries and their agencies, as follows:

- The Local Courts Department of the Ministry of Justice took over the reorganization and running of the old Native Authority courts.
- Responsibility for law and order was devolved on the police, although local authorities retained a small force of constables to assist in the enforcement of council bye-laws.
- The Ministry of Local Government became responsible for supervising the rural local authorities through its own cadre of local government officers.
- The other important functions of NAs such as responsibility for agriculture, conservation and primary education, were passed onto to Central Government.

In short, the reforms streamlined the local system, but also led to the

centralisation of responsibility. That in itself is not unusual, but it is interesting that the central government assumed responsibility for certain functions that appear could have been performed locally e.g. conservation. There's also the wider question of whether by eliminating Chiefs from administrative responsibility they ended up removing the people's ownership of the development process. It might be argued that at that time many people associated themselves on tribal lines, and a coherent approach to development probably required significant involvement of chiefs in the day to day administration of affairs, with gradual reduction of their influence over time. Clearly, for the government of the day, this was not a concern, probably because they had already concluded that the interests of the people and chiefs were not always aligned, or a mechanism could not easily be developed that created positive incentives for chiefs to act in peoples' interests.

The new changes to local administration caused some disquiet among chiefs. In the successive years, partly due to pressure from chiefs and partly due to political imperatives, some attempts were made to placate traditional leaders. Four areas can be readily identified as significant in shaping the relationship between traditional authorities and the State.

First, *chiefs are formally recognised in Zambian law* through two separate legislation:

- The Chiefs Act (1965) defines a chief as a person who is recognised by the President under the provisions of the Act as the Litunga of Western Province, a Paramount Chief, Senior Chief, Chief or Sub-Chief or a person who is appointed as Deputy Chief. The Chiefs Act also empowers the President with the ability to withdraw recognition of Chiefs. In practice, this does not mean someone stops being a chief (see [Masebo's clarification in 1995](#)), but it does mean that the said chief would not enjoy certain privileges. These include withdrawal of "subsidies" set out under the Chiefs Act, as well as other entitlements such as subsidised vehicle loans. For their part, chiefs have a responsibility to maintain public order

in their area of influence. It requires them *“to preserve the public peace in his area and to take reasonable measures to quell any riot, affray or similar disorder which may occur in that area”*.

- The Zambian Constitution, since 1965 has always contained a provision for chieftaincy. The current constitution, amended in 1996, specifically defines the institution of chief as *“a corporation sole with perpetual succession and with the capacity to sue and be sued and to hold assets or properties in trust for itself and the peoples concerned”*, it also makes references to the Chiefs Act (1965) in terms of defining who might be recognised as chief.

Secondly, ***the loss of administrative power following the abolition of NAs continues to be partially been offset at the local level by countervailing legislation.*** As the political imperatives changed towards “single party participatory democracy”, further political reforms were undertaken. At the local level, the Development of Villages and Registration Act (1971) was aimed at getting chiefs more involved in the economic development of areas through formal registration of villages and their inhabitants; the establishment of Village Productivity Committees, and; establishment of Ward Councils and Ward Development Committees. Chiefs also may, at any time, within their area attend a meeting of the Productivity Committee, the Ward Council or the Ward Development Committee and address the respective members on any subject conducive to the well-being of the villagers in the area. The Act is still in force, with some minor amendments in 1994.

These provisions are reinforced by the Local Government Act (1995), which provides for representation of chiefs at the council level. Under Act, the composition of the local council shall include, “two representatives of the Chiefs, appointed by all the Chiefs in the district”. However, chiefs are forbidden to hold Mayoral offices, perhaps to ensure that they remain non-partisan in their activities. More on this issue in a later blog on chiefs as agents of political change.

Taken together the Local Government Act (1995) and the Development and

Registration of Villages Act (1971) provides the main institutional framework on how chiefs are supposed to be integrated into development at the local level. Many including President Mwanawasa have noted the “impracticality” of the current framework, especially the Development and Registration of Villages Act which was clearly developed in accordance with the One Party State ethos.

Perhaps a fundamental point to emphasise is that previous legislation has missed a fairly basic point. The incentives for chiefs to get involved in development also appears weak. It’s clearly one thing to give chiefs a *right* to get involved in local discussions and planning, it’s quite another thing to ensure that their participation is meaningful and generate positive social returns. If the current government wants to involve chiefs in development, it clearly needs to focus on how it can shape its incentives much more strongly than previous governments have done, and as we shall see as we go through this series, that’s no easy task, but that is where policy thinking needs to begin.

Thirdly, *chiefs continue to retain significant de-facto power over land*. Zambia inherited four categories of land in 1964: State Land (formerly Crown Land); Freehold Land; Reserves and Trust Land. But this changed after independence when chiefs were relieved of their *de jure* responsibilities for land allocation. The Land (Conversion of Titles) Act (1975), vested all land in Zambia in the hands of the President, to be held by him in perpetuity on behalf of the people of Zambia. Freehold land held by commercial farmers was converted into leaseholds for 100 years and unutilised tracts of land were taken over by the state. Freehold titles in residential areas were similarly treated. All sales of land *per se* (excepting the developments on the land such as buildings, farm infrastructure, etc.) were prohibited.

However, in spite of these legislative changes, chiefs’ *de facto* position remained broadly unchanged as they were not replaced by effective structures. Indeed, in 1985, partly to gain favour with the chiefs and partly in recognition of their custodianship of customary law and rights, the government decided

that the chiefs ought to be formally consulted when customary land was being granted for leasehold purposes. These powers are confirmed by the Lands Act (1995), which continues to be the substantive land law in place. A significant concession considering customary land accounts for 94% of the land, giving chiefs a significant amount of influence. This power is often leveraged through the way chiefs allocate land.

Historically, chiefs did not allot the land directly to their subjects who used it. Rather, the land was allocated to sub-chiefs who in turn allotted shares to village headmen. The headman then allotted land to heads of subsections or heads of families and they distributed the land to their dependants. Each of the persons granted land in this way was, therefore, sort of secure in his rights and could not be expropriated without fault. He could transmit his rights to heirs, but could not transfer them to anyone else without the permission of his seniors. If rights are vacated they rest in the next senior in the hierarchy. In many parts of Zambia, this practice continues but increasingly, the lure of cash from “foreign investors”, have led chiefs to the more direct allotment. The lure of men in briefcases has clearly turned out to be too hard for the existing system to resist. Why let the headman take the bait when you can do it yourself?

Another by-product of the increasingly lucrative nature of the land has increased the attractiveness of chieftainship and the desire for some [chiefs to go beyond their existing boundaries](#). Significant succession disputes have developed, with anyone with a hint of royal connection seeking to be a chief. We’ll examine these issues in a later post on chiefs as agents of change. It suffices to say here that the current power struggles among chiefs reflect the *de-facto* power that the Land Act (1995) confers and the lack of clear territorial boundaries among chiefdoms.

The government of course would argue that it’s precisely for this reason why the Lands Act (1995) still vests all land in the President who is required to give consent to a person who wishes to sell, transfer or assign any land. These powers which are delegated to the Commissioner of Lands are meant to act as a natural brake on irrational behaviour from chiefs.

In addition, to deal with the problem of investors, the Land Act permits the President to alienate land to a non-Zambian who is a permanent resident and to those non-Zambians who are investors within the meaning of the Investment Act 1993. Through this mechanism, it is hoped that chiefs would be more shielded from “foreign investors” by making it easy for foreign investors to approach the government directly. The practice of course is different, and many foreign investors continue to go through chiefs to get land (interesting to contrast this with mineral exploration rights which are granted through the Ministry of Mines, with chiefs only knowing about it when a would be prospector knocks on the doors of the palace with a [prospecting licence for the whole area](#) - the incentives to the mining industry to get government permission first rather than the chiefs’ is clearly strong with mining issues!).

Successive Zambian governments have always struggled over the role of the chiefs in land administration and a great deal of ambiguity surrounds their current status. For their part chiefs (and many of their supporters) argue that far from leveraging *de-facto* power, chiefs are the victims. Many argue that chiefs are not well informed about the law and there are many widely reported incidents of land grabbing by government officials. To complicate matters, it appears if customary land is leased and for some reason is repossessed, it no longer falls under the jurisdiction of the chief. Thus it would seem that once the land is granted in leasehold, all customary rights to that land are extinguished and so is the authority of the chief over that land.

As it turns out, things might soon get worse for chiefs with [the new plans to repossess land to explore for oil](#). A proposed petroleum exploration and production bill presented to parliament this week for adoption says the government will as a first step grant exploration licences to investors in areas where analysis of soil samples suggest the presence of oil. The government will then proceed to grant the investors petroleum development and production licenses :

“The entire property (oil blocks)... and control over petroleum and accompanying substances, in whatever physical state, located in any land in Zambia is hereby vested exclusively in the president on behalf of the state. .where the president considers that any land is required to secure the development or utilization of the petroleum resources of Zambia, the president may compulsorily acquire such land.”

These powers appear more extensive than those granted under the Lands Act (1995), as they do not specifically require prior agreement from chiefs.

Finally, ***chiefs retain some advisory role at the national level in the House of Chiefs***. The House of Chiefs has the remit as an advisory body to the Government on traditional, customary and any other matters referred to it by the President. In all appearances very similar to House of Lords in the UK, but in substance no more powerful a smaller part of a weak government ministry. The House of Chiefs consists of 27 members over a three-year-term rotating membership. It has no legislative function: it may consider bills but not block their passage. Perhaps not surprising considering that the house of chiefs sits within the Department of Local Government and Housing, something that has been questioned even by chiefs themselves. And just in case you wondering, as “perfect civil servants” according to a recent change in the constitution chiefs supposed to remain non-partisan. “A person shall not while remaining a Chief, join or participate in partisan politics”, says the 1996 amendment, primarily designed to bar influential chiefs who had political aspirations at the time.

So rather than an independent body to provide advice, the representatives in the House of Chiefs are more like civil servants directly under the control of a government Ministry. They are there to give legitimacy to the argument that “government consults traditional leaders”. It’s much worse than this of course because the House of Chiefs comes with significant spending from tax payers’ money. Chiefs get paid for sitting on the House of Chiefs in the same way that MPs do, which has led many people, including chiefs to question its

value for money. It's fair to say, that in its current role, the House of Chiefs is a gross waste of tax payers' money, whose only sole purpose appears to be a tool for any incumbent government to capture chiefs in the country for especially at election time and placating them for lost powers of pre-1964.

The general picture, therefore, is one in which the role of chiefs in independent Zambia has been an outcome of political expedience rather than design. The Zambian political system has not figured out where chiefs could be usefully employed. But this failure is not just of politicians but also of the Zambian intellectual community, which has so often to consider the appropriate relationship of chiefs and traditional development.

In light of the above discussion, what lessons can we learn from this as we take forward independent assessment of traditional authorities and development? Three things come mind:

- First, ***the political struggle has left inefficient systems in place that does enough to placate both sides but generate costs directly and indirect to society.*** At the national level, chiefs continue to occupy a poor value for money position in the House of Chiefs. At the local level, the Development and Registration of Villages Act continue to provide an ineffective mechanism for integrating chiefs in development. Understanding the constraints both mechanisms currently impose on national development is critical in the path towards successful reform.
- Secondly, ***the incentives for political systems to reform how chiefs are integrated in development appear weak.*** Whilst it is true that successive governments have struggled to reform, that struggle is partly a combination of the difficulty of reform and the lack of incentives. Chiefs currently do just fine in an inefficient position that remains wholly subservient to the government at the national level. Any type of reform, whether reducing their powers or increasing their influence would have to come from pressure from outside. Zambian intellectuals have a significant role to play in illustrating the trade-offs associated with that position, and civil society can do much to push for that change.
- Finally, ***land reform cannot be ignored.*** Until Zambia reaches a position

where its land policy has been whole figured out, we'll always struggle with balancing the competing needs in the nation. In an era of increasing foreign direct investment, it becomes critical to ensure that a framework is put in place that guarantees land security for many inhabitants of our villages while ensuring that people benefit from additional local investment. A new social contract on land between the people and government is necessary is long overdue.

In the next three posts, we'll turn our attention to explore three ways - political, social and economic - in which the chieftaincy has been positive or negative agents of change in Zambia and any lessons we can draw from that. To allow a more fertile discussion of the issues raised in each post, I am allowing at least some time between the parts. A full list of the topics which are being covered in this series can be found [here](#).

<unquote>

## Registration and Development of Villagers Act 1971

As mentioned before, this Act was an instrument of one-party rule in 1972, remaining unchanged to this day; a draconian law unfit for modern democracy - in particular for customary commoners living according to customary tenure, and predating the two colonial regimes, 1) Britain (1889-1964), and 2) native-nationalist (1964-present) with its succession of big man leaders. The villagers of the chiefdoms remain the true indigenous people.

*(3) A Chief shall in his area-*

*(a) ensure that every Headman duly performs the duties imposed upon him pursuant to subsection (2); and*

*(b) compile and maintain the master village register of all villages in his area mentioned in paragraph (a) (ii) of subsection (1).*

*(4) Every inhabitant of a village shall furnish the particulars mentioned in subsection (2) when required by his Headman and shall attend before him at such place and time as the Headman may appoint and notify to him either individually or collectively with other inhabitants of the village.*

**6.** *(1) There shall be established a Village Productivity Committee (hereinafter referred to as the "Productivity Committee") for each village within the Republic consisting of-*

*(1) A Chief having jurisdiction in the area in which a Productivity Committee is to be established shall summon the first meeting of the inhabitants of each village, or combination of villages as mentioned in subsection (1) of section six, within his jurisdiction for the purpose of electing members of the Productivity Committee. Such meeting shall be held as soon as practicable after the commencement of this Act, and the result of the election at such meeting shall be determined by a majority of votes of the inhabitants present and voting at the meeting.*

*17. A Chief may, at any time, within his area attend a meeting of the Productivity Committee, the Ward Council or the Ward Development Committee and address the respective members thereof on any subject conducive to the well-being of the villagers in his area.*

**18.** *Under the provisions of this Act and in addition to the duties imposed upon him under subsection (3) of section three, the duties of a Chief in his area shall be-*

*(a) to ensure that the Productivity Committees are established and are functioning effectively;*

*(b) to promote and foster the spirit of unity among his people;*

*(c) to promote the spirit of self-reliance among his people by rendering all possible assistance in the projects relating to higher productivity in agriculture and industry;*

*(d) to encourage such projects which may improve the standard of living of his people;*

*(e) to encourage educational and economic growth and to assist in the*

*improvement of all facilities necessary for the maintenance of health and sanitation in the villages;*

*(f) to report to the Productivity Committees and Ward Development Committees the decisions reached in the House of Chiefs affecting or concerning his people; and*

*(g) to report to the District Governor mentioned in section thirteen (c) (ii) on all activities of the Productivity Committees and Ward Development Committees.*

Section 19 of the Act (see below) lays out what he is duty-bound to do by this legislation, failing which he can be imprisoned for up to a month and fined, making it clear that a villager is a mere vassal in a feudal society, one on whom the state-appointed monarch imposes fealty, i.e. the chief, in return for his labour: registering his domicile, having to attend meetings and take instructions, maintaining roads, etc. Although the Chiefs Act does not mention Headmen, in this Act, they come to the fore:

**19. Any inhabitant of a village who-**

*(a) when required, fails to furnish the particulars and other information mentioned in and in accordance with section three; or*

*(b) on ceasing to be an inhabitant of a village, fails to inform forthwith the Headman of that village that he has so ceased to be an inhabitant of that village in accordance with section four; or*

*(c) on becoming an inhabitant of another village, fails to inform forthwith the Headman of that village that he has become an inhabitant of that village in accordance with section four; or*

*(d) wilfully obstructs a Chief or Headman or any other person assisting him in his duties under this Act; or*

*(e) in giving any information for the purposes of this Act, knowingly or recklessly makes any statement which is false in any material particular; or*

*(f) contravenes any of the provisions of this Act or any regulations*

*made thereunder or, without lawful cause, fails to comply with any lawful demand or requirement under this Act or such regulations;*

***shall be guilty of an offence and be liable to a fine not exceeding one hundred and fifty penalty units or to imprisonment for a term not exceeding one month, or to both.***

(As amended by Act No. 13 of 1994)

#### FUNCTIONS AND DUTIES OF A PRODUCTIVITY COMMITTEE:

*1. To elect one of its members other than the Chairman to represent the Productivity Committee on the Ward Council.*

*2. To plan the growth and development of a village and to promote the well-being of the villagers, and in particular-*

*(a) to build, improve and maintain school buildings or buildings of other educational establishments, and to participate in all educational programmes;*

*(b) to provide and improve water supplies in the village;*

*(c) to build and improve village health centres and other like institutions with a view to ensuring the highest standard of sanitary conditions for the villagers;*

*(d) to build roads to service the village and neighbouring villages;*

*(e) to establish depots for serving the village;*

*(f) to build an administrative centre in the village;*

*(g) to provide facilities for the welfare, recreation and social enjoyment of the villagers;*

*(h) to plan and to effectuate the establishment and growth of new villages.*

*3. To make decisions on such matters as are referred to it by the villagers.*

*4. To promote the spirit of unity among the villagers.*

*5. To encourage greater production in agriculture.*

*6. To organise the marketing of village produce and animal products.*

- 7. To establish co-operatives for the purposes of marketing village produce and animal products.*
- 8. To promote and encourage family savings and investment.*
- 9. To promote the establishment of small-scale village industries and encourage inter-village commerce.*
- 10. To encourage advancement of education in a village.*
- 11. Generally, to do all such things as may be necessary or desirable for the establishment, promotion and development of facilities for the betterment and happiness of the villagers socially, culturally, economically and politically and to create awareness among the villagers towards those ends.*

#### FUNCTIONS AND DUTIES OF A WARD COUNCIL:

- 1. To elect the members of the Ward Development Committee.*
- 2. To discuss in general problems of the ward and make decisions to guide the Ward Development Committee in the administration of the ward.*
- 3. To review plans for the development of the ward and to approve programmes for its development.*
- 4. To assist the Ward Development Committee in assessing the requirements of the villagers in the ward and in organising ways and means whereby the Ward Development Committee can assist in improving the economic and social conditions of the villagers.*
- 5. Generally to help facilitate in every possible way the work of the Ward Development Committee.*

#### FUNCTIONS AND DUTIES OF A WARD DEVELOPMENT COMMITTEE:

- 1. To provide an efficient and effective administrative machinery for the*

*villagers in a ward.*

*2. To supervise the work of Productivity Committees.*

*3. To organise an efficient and effective utilisation of the ward's natural and human resources in order to increase the capacity of the villagers in the ward to raise their standards of living. The Ward Development Committee shall assess the total needs of the ward, working out priorities and harmonising them with overall Government priorities in order to achieve for the ward maximum advantage from the implementation of the projects under the management of the ward and those under Government control.*

*4. To create machinery through which the villagers can undertake increasing responsibilities to solve their individual, family, village and ward problems.*

*5. To assist the villagers in a ward to understand the role of individuals, families and villages in the Republic.*

*6. To support and facilitate regional planning through the rural council responsible for the area of a ward.*

*7. To provide efficient and modern techniques for raising productivity in the area of a ward and, in particular, the Ward Development Committee shall-*

*(a) determine the best crop for the area and ensure the highest level of productivity of that crop;*

*(b) give maximum attention to the rearing of animals best suited to the area to ensure maximum financial return;*

*(c) discourage the villagers from growing unproductive crops and from keeping animals purely for traditional prestige;*

*(d) ensure the highest standards of maintenance of paddocks and improvement in grazing;*

*(e) encourage the villagers to move from unproductive areas to areas with greater prospects for economic advancement and prosperity;*

*(f) make use of water where it is available for irrigation purposes so that the ward can grow more than one crop annually;*

*(g) participate in the construction and maintenance of water drainage*

systems.

8. *To assist in the construction of road networks within the area of a ward.*

9. *To encourage the establishment of co-operative societies to engage in agricultural production, marketing, transportation and construction and also to establish consumer co-operatives.*

10. *To encourage individual and family savings and investment.*

11. *To encourage the growth of small-scale industries in the area of a ward.*

12. *To encourage inter-ward co-operation in schemes of communal interest.*

13. *To assist in the organisation and co-ordination of inter-village schemes for the construction and maintenance of school buildings in the area of a ward.*

14. *To ensure that there is proper cleanliness and sanitation in each village in the area of a ward.*

## IFAD: Chiefs and Traditional Leaders

### Case study: 2013-2016

*Women for Change (WfC) is a Zambian NGO working with communities, especially women and children, in rural areas to contribute to sustainable human development using popular education methodologies. While WfC initially developed the approach, other organizations have since become involved in developing community-based organizations of the chiefdoms and in working with them on various projects. The Zambian National Men's Network is one such organization that is working with selected chiefs and church leaders.*

## Chiefs walkout on Kapata land policy.

By [Mukosha Funga](#),

- [1st March 2018](#)

*Angry traditional leaders yesterday walked out on Lands Minister Jean Kapata to express displeasure on the land policy which they feel disregards their role as chiefs.*

*This was during a stakeholders meeting held at Intercontinental Hotel in Lusaka where government was hoping to validate the land policy.*

*But House of Chiefs Chairperson Chief Ngabwe, who spoke on behalf of about five chiefs from each province who were present, warned that there would be chaos in government went ahead to implement the policy in its current form.*

*He charged that there were some civil servants who were sabotaging government by trying to cause of a change regime.*

*“What we are seeing, after analyzing this document is I think there are civil servants who are working against government and for the purpose of what? Changing the government?” Chief Ngabwe asked.*

*He lamented that government had disregarded their efforts to infuse their ideas in the draft policy.*

*“The document that is before us was looked at [in] 2006 by the House of Chiefs because some of the members of the House of Chiefs were there in 2003. The document was submitted to government on what the 288 chiefs felt about coming up with a better document to administer land in this country. Those documents are still in the ministry and I don’t think they looked at it. They didn’t look at the submissions that the chiefs made. 2016, we were invited, we picked the chiefs who were new members but*

*then the gentleman who was presenting was given our views and in fact, to make it very clear, he was told that the chiefs do not accept the contents of the document, we rejected it and we were prepared to give our views as chiefs of this country. We invited the Ministry of Lands to the House of Chiefs for discussions, the first time they didn't come, the second time they came and we had a very good meeting, we gave them our sentiments, we sent the document, under the signature of the clerk of the house to the ministry and we advised that after they had incorporated our ideas, they should come back to us to discuss the draft document before calling us to this meeting but that has not been done. The following are the views of the chiefs, both from the House of Chiefs and all the 288 chiefs in this country. I will read it, the ministry has a copy of this document," he said.*

*"The chiefs objectives of the national land policy should be to protect the chieftaincy in Zambia, to uphold and preserve the customary land tenure in Zambia, we don't want to copy anything from another country...to empower chiefs with the authority to issue customary land titles to provide legal protection to land owners of customary land like those under lease of tenure, to compel government to legally recognize the practices that teach youths to allocate and alienate parts of land to their subjects or all Africans and practices that they use to manage conflict."*

*Chief Ngabwe wondered whether government was ready to manage chaos which would erupt by implementing the policy.*

*"The issue of segregation among men and women does not exist in chiefdoms. In chiefdoms, a husband and a wife can have their own piece of land and no one stop them but this has been exaggerated by NGOs and other people who don't even live in the chiefdoms, they have never visited their own homes, they only know it on their NRC, to compel government to adopt prerogative procedures, we are prepared to work with government ourselves and when we call other stakeholders so that we administer the land properly in this country. But however, in the policy, there is no inclusion of a chief anywhere. Who is going to be in charge of the communities? Who is going to be in charge of this title deed which you have referred to? You have not even defined the procedures you are*

*going to use. We want to preserve national peace. Any implementation of this particular document is going to bring chaos in this country, are you prepared to manage it? It is the chiefs that have kept peace in this country. This nation was born through the fight for land by the forefathers, people who have died. At the moment, all of us have children and grandchildren. If every piece of land in Zambia is given to particular individuals, where will they settle? You people in Lusaka, where are you going to find land if all the land in the chiefdoms is given away? We want equity, that is what the chiefs have been demanding,” said Chief Ngabwe before leading his colleagues out of the meeting without waiting for Kapata’s response.*

*Earlier, Chieftainess Nkomeshya Mukamambo II described the draft land policy as a government document which she did not want to be part and parcel of a process to validate it.*

*She asked government to take back their document and shelve it.*

*After the chiefs walked out, Kapata told remaining delegates from civil society organizations, government institutions among other stakeholders that her ministry had made efforts to consult chiefs.*

*“My ministry has made an effort in consulting the royal highnesses. We did appear before the House of Chiefs and we left the document with them so that they could put an input to it. To date, the ministry has never received those documents through the clerk of House of chiefs,” said Kapata.*

## Land Tenure and Rural Livelihoods in Zambia

[Roy Alexander Chileshe](#)

*The present customary rights in land and natural resources enjoyed by*

*households in the village communities should be given more definite and permanent form and recognised by law to belong to the people. Greater specification and formal recognition of customary rights and responsibilities are needed to give village communities the capacity to control key resources on which they depend for their livelihoods. This means that the present land tenure policy in Zambia, which is focussed on replacement of customary tenure, must submit to a more adaptive government facilitated evolution of customary land tenure systems. The change should be gradual and supported by village communities (Bruce 1993; Migot-Adholla et al 1991; Platteau 2000a).*

*The thrust of this approach should be to promote the adaptability of current tenure systems and to rely on local procedures administered by local representative structures. This suggests strengthening of village community capacities for land administration and dispute settlement rather than focussing on promoting conversion of customary tenure to individual tenure. It is advisable to build on and modernise existing customary land holding structures to suit the rural socio-economic contexts in which the changes are to be effected. It is thus important to take into consideration trends established through empirical research as guides to what can be done in land tenure reform. For example this and other studies have established or corroborated that customary land use rights in crop and residential sites are individual and that private property rights in land have emerged with some land being used for cash cropping. Further that gathering and processing of natural resources from the village commons and de facto private lands remains a vital source of employment and income to the village communities. Thus customary land use is characterised by both individual and communal use.*

*Tenure reform should thus be flexible enough to cater for the tenure needs of people in various stages of commercialisation or money economy in rural Zambia. As Okoth-Ogendo points out the challenge for tenure*

*reform here is to recognise the variety of complex land use and holding systems that characterise the African customary lands and to design innovative tenure regimes to suit them (Okoth-Ogendo 2000: 132). Further, West has aptly observed that: The need for tenure conversion presents to African countries a unique opportunity for innovation, invention, and planning. This opportunity must be seized in order to avoid not only the undesirable social consequences of unfettered private enterprise, but also, alternatively, the disincentives and diseconomies that have been found to accompany certain forms of collectivism (West 1982: 11).*

*Land tenure reform should thus provide for a system of land holding in which people can construct livelihoods from various land uses, private, communal, agricultural and nonagricultural. As Cousins points out securing rights to residential sites, crop fields and common property resources on customary land need not take the form of titling but clear definition in law as in Mozambique or Tanzania (Cousins 2003a: 285).*

*Through an Act of parliament it would be possible to provide statutory rights on customary land without involving the current expensive and restrictive land survey and registration procedures. In this way individuals and households in village communities would forthwith get legal protection for their land and natural resource use rights. The system should respond to particular tenure needs of people living on customary land. This means securing people's rights to land and resources within a range of tenure systems and with gender equality as an important objective (Cousins 2003a). Thus, although the land may be vested in the village community individual holders of customary rights for residential and cropping purposes on application to the land administration committee maybe granted indefinite, exclusive or inheritable rights of land use under a certificate of customary land grant.*

*Similar to the situation in Botswana it should also be possible for*

*common law leases of relatively long period and subject to reversion to the community to be granted and registered. Rather than to enforce tenure change, the proposed common law leases should be used to secure tenure of customary land users with felt insecurity or those users who need title deeds for collateral. As I conclude this section I must also add that it is important to bear in mind some feasible but narrower solutions to land tenure reform in customary lands of Zambia.*

*For example, the current land titling approach in customary lands of Zambia is voluntary and hence sporadic. It is associated with high costs and insecurity of tenure for the poor (section 7.4.4, Chapter 7). A more equitable and less expensive approach would be a compulsory (systematic) approach that allows for demarcation and registration of both family holdings and village commons. This confirms de facto rights in land, leaves the people holding the same parcels of land but with the benefit of increased security of tenure (Bruce 1993a). This approach is less expensive per unit and although the initial costs may be high they are in most cases paid for by the state. This approach may be most suitable in rural areas having strong population pressures and competition for land (Larsson 1991).*

### *12.3 Customary land administration: The role of chiefs*

*By tradition chiefs have the responsibility of land stewardship and to ensure equitable access to land by all villagers for their livelihood through village headmen. According to the Lands Act of 1995, all land in Zambia is vested in the President (Republic of Zambia 1995). By implication, land governed under customary law is not vested in the chief or headman. However the Land Act of 1995 by the provision that chiefs should be formally consulted before conversion of customary tenure to statutory leasehold tenure confirms the chief's customary powers. In fact chiefs administer land tenure in customary land by permissive legal acknowledgement but without support from central government*

*...the present conversion of tenure process is not democratic. Section 8(2) of the Land Act of 1995, requires a chief's consent before conversion of customary tenure to leasehold tenure (Republic of Zambia 1995). Nevertheless, chiefs do not usually consult the village community on matters concerning land especially if they stand to benefit economically from such transactions. It is unwise to vest such great power on which livelihoods of village communities depend on one person. The conversion of tenure should be treated as a village community issue because of its impact on community interests in land and common property resources. The law on the other hand does not compel chiefs or headmen to consult the village communities whose land rights are at issue. Consequently there is no opportunity for the village communities or individuals at a local level to raise objections. Yet this is a serious process, which should require transparency and accountability. This weakness has allowed some influential elite in collusion with chiefs to convert customary tenure of large tracts of land, over which the village community has prior common property rights to individual tenure. In this way the present conversion of tenure process often undermines the common property resource rights of the village community and their economic viability. Villagers are now questioning the integrity of their traditional leaders in handling issues of land allocation, conversion of tenure and protection of common property rights (see 7.4.4, Chapter 7 and 9.4.4 Chapter 9). Regrettably the problem of chiefs abusing customary land rights by treating village land, as personal private property are reported to be widespread on customary lands of Zambia .*

*There are two lessons from here, first that the current system where the chief is the sole allocating authority is defective and secondly that security of land tenure and livelihoods for rural households are unlikely to be realised only through conversion of tenure and exercise of registered private property rights.*

*In the absence of a democratic and transparent land administration*

*system as the situation now stands in the customary lands of Zambia, land administration procedures are more prone to abuse thereby contributing to insecurity of customary rights of villagers. There is a clear need to improve the traditional institutions dealing with customary land in Zambia.*

*It is also important to take into consideration emerging policy recommendations for African customary lands, which advocate for legal recognition of customary land rights, clear definitions of people's land rights and natural resource use rights and the strengthening of local community institutions for land administration and management. Government support for community level institutions and procedures for mediation and negotiation, are also emphasised. For Zambia this will require legal and administrative innovations such as government taking a deliberate position to clearly and seriously recognise customary tenure and devolution of land rights management to village communities. This should strengthen local institutions to mediate interests of individuals and households in land and common property resources. T*

*Within the Southern African region Botswana is one example from which Zambia can learn on how to deal with strengthening or improving customary land administration. Before 1968, Botswana experienced similar customary land management problems like Zambia with about eighty 80 percent of its land under tribal land tenure systems and administration controlled by chiefs (Quan 2000a; Munshifwa 2002). To improve the administration of tribal land the government in 1968 enacted the Tribal Land Act. The Act provided for the establishment of representative Land Boards and transferred all land-related functions of chiefs to these boards including policy formulation, land allocation, grant of customary rights, grant of land rights under common law, adjudication and land use planning (Adams et al 1999; Munshifwa 2002). In this way customary tenure systems in Botswana have been integrated with a modern and democratic system of land administration.*

*The current land law recognises customary tenure and chiefs as custodians but does not legally recognise village communities as owners of customary land. It is thus suggested that the land be vested within the people who occupy and work the land rather than in the representative structure. In this way the people will have democratic authority over the institution that represents them and the institution in turn will be responsive to the people it represents (PLAAS/NLC 2003).*

*It is important to note however, that currently on customary lands of Zambia chiefs control land, and it is one of their main sources of power. For this reason chiefs should not be left out of the land administration committee without representation otherwise disruptive new power struggles would emerge. This means national land policy should lay down how chiefs and headmen will operate as land administrators including a legal requirement for them to work with democratically elected officials from the village community. It is suggested that the law should strengthen the local Village Productivity Committees (VPCs) by democratising them and giving them clear powers to administer land rights on behalf of the village communities. In this way a village community participatory adjudication procedure driven by the VPCs can then ensure that conversion of tenure and land allocations to outsiders are not a direct threat to livelihoods of the local people. This is only possible when central government is willing to play the key role of supporting local land administration institutions (Cousins 2003a; Wily 2004). In the next section I discuss policy implications of the study findings with regard to land and natural resource rights at village and household levels. This is done with a focus on social differences along the axes of gender.*

*In Matrilineal chiefdoms chiefs or headmen who are usually the senior most matrilineal males on behalf of the village matrilineal core take village community level decisions about land. As a consequence, men and women outside the village core matrilineal descent group do not have access to land in the village on equal terms. They are regarded as guests*

*of the village community and can only hold land at the pleasure of the chief or headman or through a wife or husband. At household level land is by tradition acquired and cleared by men for their wives, mothers, daughters and nieces. Thus generally land rights of women are acquired through husbands or male relatives.*

*Chiefs or headmen who are usually the senior most matrilineal males on behalf of the village matrilineal core take village community level decisions about land. As a consequence, men and women outside the village core matrilineal descent group do not have access to land in the village on equal terms. They are regarded as guests of the village community and can only hold land at the pleasure of the chief or headman or through a wife or husband. At household level land is by tradition acquired and cleared by men for their wives, mothers, daughters and nieces. Thus generally land rights of women are acquired through husbands or male relatives. However a wife's land rights in her husband's village are often of uncertain duration in that they are subject to the maintenance of good relations with the husband and his relatives. In the event of a break down in relations, separation or divorce or widowhood a woman living in her husband's village is likely to lose her land rights (7.4.1 Chapter 7 and 9.4.1 Chapter 9). Because such land rights are of a temporary nature, there is little scope for long-term livelihood strategies.*

*The issue of women's inferior land rights has become particularly important in the context of the HIV/AIDS epidemic in Zambia. Better enforcement of women's rights to land and its inheritance could avoid burdening widows with conflicts over land that are likely to negatively affect their household livelihood. Women in most sub-Saharan African countries in particular also face these problems. Married women's access to land is subservient to their husbands and consequently life cycle changes such as widowhood, divorce, marriage residence create land access uncertainties for women and make them most vulnerable to dispossession (PLAAS/NLC 2003; Wanyeki 2003; Whitehead and Tsikata 2003; Tsikata 2003).*

*Rural women in Zambia are also disadvantaged by statutory land tenure. For instance the trend towards individualisation of tenure through conversion of customary tenure to statutory tenure reinforces the traditional male dominated control over land through registration of land rights in men's names. It erodes customary obligations and common property in crop fields and building sites for married couples. When rights are registered in a man's name, as is often the case, the joint customary land rights of a wife, which she enjoyed prior to conversion of tenure, are lost. At village level customary common property rights of women, including the right to collect wild edible vegetables, wild mushrooms, fuel-wood, thatch grass and other forest products are also neglected in favour of the individual statutory rights of the elite who are usually men (Chapters 7 and 9). Lastarria-Cornhiel maintains that under statutory land tenure it is common for rural African women to lose access or cropping rights while male household heads strengthen their hold over land (Lastarria-Cornhiel 1997: 1326).*

*For the customary lands of Zambia the current land policy challenge in respect of gender is to establish government supported local land administration committees at village community level, and to provide training for members on importance of gender equity. In addition there is a need for affirmative action in favour of women, by making them members of the village land administration committee to ensure that they contribute on land issues and settlement of disputes.*

*In particular the exclusion of women from land inheritance reinforces existing customary gender inequality in favour of men and requires to be tackled (Agarwal 1994a; Ellis 2000).*

*In conclusion, policy on customary land rights must be informed by a strong government commitment to securing land rights and livelihoods of individuals and households, gender equity, and a devolution and democratisation of land administration. However in order to ensure*

*that potential benefits of devolution of land administration are achieved, it is important to pay attention to provision of information, training and government support to land administrators at village level. The successful development of a pro-livelihood land tenure policy aimed at establishing local and equitable systems of land rights administration for customary lands will require the full support and participation of central government, traditional leaders and village communities.*

*Thus, in order to attain more sustainable livelihoods a land policy which takes into account not only the land tenure security needs of cash crop farmers but also the land and natural resource rights of ordinary rural households in particular the poor whose livelihoods are most vulnerable is needed. In sum land policy should be informed by the whole socio-economic context of rural people's livelihoods.*

*These circumstances require that land tenure reform in rural Zambia must aim to secure land rights and common property resource rights of individuals and households to ensure sustainable livelihoods through guaranteed access and control.*

*It is important for the state to take a central role in ensuring that the land tenure adaptation strategy works by providing sufficient resources and a legal and land administration environment for the evolutionary change in customary tenure (Bruce et al 1994; Cousins 2003a). Government must be committed to secure land rights of rural households and village communities, gender equity and devolution and democratisation of land administration through strengthening of local structures and institutions in land administration. Further, government must also be committed to provide sustainable economic opportunities and good governance to households and village communities. It is a fact that land tenure reform is an onerous and time-consuming process, which calls for public participation. The current Zambian Government land advocacy programme in which the Zambia Land Alliance is taking part is an*

*opportunity to engage chiefs, headmen and village communities and other stakeholders on priority land policy issues.*

## A Handbook for Chiefs (1937)

F.B. Macrae (District Commissioner Lundazi, Northern Rhodesia))

A HAND BOOK FOR CHIEFS.

1. First there is the Boma rules the chiefs. the chiefs rules the headmen and the headmen rule the the people.
2. Every Chief is in charge of a District he must see that his people live well and not badly. Every chief has headmen under him and the chief must see that the headmen do their work properly. The Chief must make his Kapasu go to every village at least once a month. In this way the chief will know what is going on in his villages and if the people are living well. Also he should make the headmen come to see him at regular times so the chief will know his headmen and the headmen their chief. ~~Headman~~ ~~who is~~ Headmen who are old can send their assistants to talk with the chief. Also the chief should go to visit his headmen.
3. These are the things that a headman has to do Also they are the duty of chiefs, Reporting Crimes, arresting criminals, sending sick people to hospital and keeping villages clean and paths hoed. The chief however does not speak to all his people he speaks to the headmen and the headmen speak to the people. If a headman is not a good one then the chief can dismiss him and get another better one.
4. The chiefs must see that the Taxes are paid. If the Taxes are not collected then there will be no money for the chief to do the work of Government in his district.
5. Chiefs must remember that they must rule for the benefit of their people and not only for themselves Only a bad chief thinks of himself and forget

## LEGAL CONTROL OF CHIEFDOMS

forget his people. You do not dismiss a headman because you do not like him but only if he does not do his work properly. The chief should think of all those things that are for the benefit of his people.

6. One of the most important things that a chief has to do is to hear cases and to hear them properly. There is away to hear cases and a way not to hear them.

### HOW TO HEAR A CASE.

- i. First the complainant says his case when he has finished then the defendant can question him and the chief or his assessors can question him.
- ii. After the complainant his witnesses one by one in the same way.
- iii. When the complainant has finished then the defendant answers and after he has answered then the complainant and the Chief and Assessors can ask him questions if they wish.
- iv. After the defendant his witnesses one by one in the same way.

The witnesses wait outside the court and come in when they are called. When they have finished they go outside and wait. The complainant and defendant sit in court all the time. When all including complainant and defendant have finished all can go out and leave the chief and Assessors to talk about the case. When they have decided it they call the people in and then says then judgment. The chief asks if there is any appeal and if there is he arranges for the case to come to the Boma as soon as possible.

During the case the chief and Assessors sit quiet. They do not wave their arms and ~~shout~~ shout like some chiefs. They do not judge the case till all have been heard. They do not judge the case first and hear the witnesses afterwards. They do not favour one man more than another. They do not start the court with beer and judge the cases when they are drunk.

A Chief has the following powers.  
A first class court Magodi Mwase Lundazi and Kambombo Criminal 3 months imprisonment at the Boma.  
Civil £10 fine and 10 lashes at the Boma, Not more than 2 of these at onetime for a civil case any case that is about a matter worth £50 or less.

2.

A second class court that is all the others Chiefs.

CRIMINAL

1 month imprisonment at the Boma

£5 fine.

5 lashes at the Boma.

Not more than two of these at the same time not all three.

CIVIL

A civil case about a matter that is with £25 or less.

When there is a case in court the Clerk writes it down. He does not talk at all.

The Kapsu stands and also does not talk. He is there to do as the chief tells him.

Neither of these men judge the case or ask questions. The Kapsu can make a case in court against people who break the rules that it is his work to see about. Then the Kapsu can ask questions and speak.

( 7 )

CIVIL CASES.

A Civil case is a case between two people only. A debt is a Civil case. A case about marriage is a civil case. These are the fees for civil cases

- |                 |                   |
|-----------------|-------------------|
| 1 For a Summons | 6d.               |
| 2 For the case  | Not less than 1/- |
|                 | Not more than 5/- |

These fees are not punishments. They are paid to the court for the hearing of the case.

If people have got money make them pay the fees before the case. If the man loses his case he loses his fee money. If he wins then the loser pays him. When a man has won a case the loser must pay him as the court says, unless the loser wants to appeal. If the loser does not pay then the winner can go to court about it again. If the loser has the money and just refuses to pay then he can go to prison till he does pay.

CRIMINAL CASES.

There are other cases that are so serious that though only two men are in the case yet all are concerned about it. These are Criminal cases. Assault, Murder, Theft are all Criminal Cases because it is every man's business to stop these Cases if they can. These matters the chief enquires about as soon as he hears of them. He does not wait for the people to come to the court.

LEGAL CONTROL OF CHIEFDOMS

3.

In a Criminal case a man pays a fine or goes to prison or both sometimes he is beaten If a man has not got the money to pay his fine then he must go to prison at the Boma at once. The chief must send him ~~in~~ in and the case book ~~wit~~ with him for the District Commissionerto see the case.

To all chiefs,

Greetings. I send you a book of instructions to help the chiefs. Read it carefully and ask me about anything you do not understand.

I also send you some words written by Mr Bush about Chief Chibesakunda's Court.

I am your friend.

( Sgd )

F. B. Macrae.  
DISTRICT COMMISSIONER.

*Distict Commissioner Lundazi (1937). Lundazi DNB Vol iv P.50-54.*

## General Legal Background

*Within the pluralistic legal and judicial system characteristic of contemporary Africa, the issue has always been: What is the place of customary law in the national legal system? Because African States are pursuing a policy of legal and judicial unification (under the guise of law reform), the autonomy and the very existence of indigenous law appear dated. The gradual demise of African indigenous law and courts was foreshadowed in the colonial period, when the strategy of legal and judicial assimilation was worked out and put into effect. Nascent African States have continued to subordinate indigenous law and courts in the name of judicial and legal integration. The techniques deployed to achieve the integrationist goal are the assumption of control over customary courts, the whittling down of indigenous law through legislative acts and judicial decisions, and the observance and enforcement of Islamic law as largely identical with customary law. Implicit in the policy of legal and judicial integration is the assumption that the introduced Western law constitutes a superior legal system. This attitude is manifest in the treatment of Western law as the general law of the land, the non-recognition of*

*village adjudicating bodies, the alternative of opting out of the regime of indigenous law, the rule that the law of Western inspiration must prevail whenever it conflicts with indigenous law, and the abandonment of the teaching of indigenous law in African law faculties and schools.*

C. Anyangwe. *The whittling away of the African indigenous legal and judicial system* (1998) [\*Zambia Law Journal\*](#) pp.46-67

*Purpose is to analyse the nature of the common law, especially the doctrine of precedent, in a single jurisdiction - Zambia. The article first discusses some of the different meanings that are possible within the rubric 'common law', their practical consequences and their policy strengths and weaknesses. Following this, the actual practice of the common law in Zambia is analysed in an attempt to determine with some precision the meaning of the term as it is in fact applied here. This application of the common law is then reviewed in the context of some of the important policy demands faced by Zambia's legal system, and based upon this, tentative suggestions are offered for modifications, for adjustments that do not appear dramatic but which would involve potentially far-reaching changes of emphasis for the future. The common law has been reasonably successful as it has been applied to date in Zambia. However, the pressures and strains likely to be put upon the country's legal system in the coming decades will be better met if changes are introduced into the method of the law.*

Church, W.L. *The common law and Zambia* (1974). [\*Zambia Law Journal\*](#) pp. 1-54

\* \* \*

## Biblical/African view of land management

*Throughout Africa, land is regarded as a public trust that belongs to the community of the past, present, and future generations. The living have access to the land but it is the duty of the living dead to safeguard the interests of future generations. When Africans refer to ancestors as guardians of the land, they are pointing to the role of the “living-dead” in ensuring the rights of future generations to the land.*

*Kapya John Kaoma – Ubuntu, Jesus and Earth*

As the armies of politicians, lawyers and civil servants mill about, it is very important to be reminded of the biblical/African view of land management. E. Mutale published an important article in which he presented a Biblical View of Land Policy, views in close accord with those of Africa. Contained in it are eight land management principles (ECCLESIA):

**1. Equitable, Effective and Efficient** - Fairness and justice should be characteristics of the land allocation system. Land management must be capable of producing desired results at a minimum cost to the public and the environment.

**2. Community Origins and interest** - A land management system must reflect the value systems and interests of the people it serves and not be an alien imposition.

**3. Cheapness and Completeness** - Original grants of land should be cheap enough to be afforded by all. Failure to which means-tested selective subsidies should be considered to enable the poorest of the poor in society to access land.

**4. Leasehold** - There is a loose coincidence of thought on the ownership of land between the biblical view and the African view. They both acknowledge that absolute ownership of the land does not vest in the

*individual. To the one, it vests in God, to the other, in the community. The leasehold principle complements the equity principle by providing potential opportunities for redistribution.*

**5. Exclusive use-rights** - *The principle of private use-rights is widely practised in Zambia, more so in urban areas. As for rural areas, families and individuals tend to have exclusive use-rights to their fields.*

**6. Security of Tenure** - *A clear definition of boundaries, state guarantees, a system of registration, and an independent and accessible legal system are essential for securing use-rights*

**7. the Intrinsic value of land** - *While accepting the classical economic concept of the use and exchange value of the land, land management must be extended to embrace the intrinsic value of land. Land should not be valued only in relation to its use and exchange value, but also for its own sake.*

**8. Accessibility to all** - *Land should be made available to all. Mechanisms need to be worked out on who qualifies, where they qualify, when they qualify and how they should be enabled to access the land. Ensure that people do not lose their only land through being forcefully dispossessed or distress sales, or if they do, they are enabled to redeem their land.*

## Natural Resources Act of 1962

Four years after independence, political power was greatly centralized over wildlife and protected areas in the 1968 wildlife bill presented to parliament. At the time, given the existence of a highly competent Game Department with a vibrant research division based on a model copied by some other colonies, this was little questioned, and funds were in plentiful supply given the high price of copper. In 1970 the Natural Resources Act of 1962 was repealed

and replaced by the Natural Resources Act of 1970. Although it provided for a natural resources advisory board to oversee the management of natural resources, the provision of conservation plans and the appointment of fire authorities through provincial and district natural resources committees, it awarded total control of the various committees and their members to the Minister – a gross centralization of power. In the case of the Natural Resources Act of 1970, most of its provisions were in any case repealed by the Environmental Protection and Pollution Control Act of 1990, which only retained a few sections having to do with the conservation of natural resources and bush fires.[liv]

Two Acts of Parliament of immense importance to customary people and the conservation of natural resources were ignored, but all of their African religion and culture in which the care of the earth and their ‘living ancestors’ is paramount, a tragedy for the customary commons and the country as a whole.

The Wildlife Act No 65 of 1971 confirmed that the powers placed in the civil service head of the Game Department, the Director, were now under the sanction of the Minister. Penalties for poaching were increased as the hunting-safari industry expanded as part of the patronage system. The government passed a further eight statutory instruments outlining new regulations governing hunting licences, trophies, protected animals and legal methods of hunting. One of the prescriptions was that controlled hunting areas were converted to 32 game management areas (GMAs), implemented by a statutory instrument on 1 February 1971. This was a massive and surreptitious landgrab of customary area.

Hence the two acts were at the total behest of a politician, the declaration of the one-party state in 1972 ensuring that the eco-social provisions of these two Acts would be disregarded and commoner villagers in danger of being reduced to a state of peasanthood.

Rather, it was the failure to implement the Natural Resources Act of 1962 and shore up the customary commons; the removal of the European administrators of a conservation system on the public commons developed by them; and the relentless march of a Zambian autocracy that led to the collapse

of conservation governance and the imposition of open-access plunder.

That government (GRZ), superficially at least, was trying to do something about the killing fields is not in doubt. But it embarked on a grandiose and tragically misguided indigenous social engineering plan, perversely doing exactly what the BSA Company had attempted early on - to order village regrouping - not for socio-ecological improvement as the BSA Company had done briefly, but for political control. But crucially, despite the philosophy of humanism that sought to impose collectivization - where it already existed - rather than the egalitarian pre-colonial life of economic reciprocity, GRZ refused to see that it was the empowerment of customary people, joined as they once were under the promising native authorities (NA) and the parish councils, where lay the way forward. The Minister of Local Government in Northern Rhodesia at the time that remarkable piece of legislation, the Natural Resources Act of 1962, had been in force - legislation he ignored and later had repealed. He orchestrated a highly centralized control mode with himself as a dictator, serving his narrow constituency of personally appointed central committee members and cabinet ministers, whereas the reverse was required. But this he had been guided to by his colonial masters, who, having followed the development model of Indirect Rule through the NA, when the time came to withdraw from Empire, looked for a few professional politicians to receive the cudgels of power, ignoring the NA they had created.

Shortly after self-rule GRZ and the Colonial Administration campaigned to destroy Alice Lenshina's Lumpa religious movement; customary villagers to the core who wished to live without chiefs or government but with God and Christ. There was no place for them.

## Conservation and Law Enforcement to the Treaty of the Southern African Development Community 2003

It entered into force in 2003 and is binding upon Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Tanzania and Zambia (with Angola and Zimbabwe having signed the Protocol only). According to the Protocol, Parties undertake to, inter alia,

- adopt and enforce legal instruments necessary to ensure the conservation and sustainable use of wildlife resources,
- endeavour to harmonise their legal instruments governing wildlife use and conservation (art. 6),
- integrate management and conservation programmes into national development plans and assess and control activities which may be detrimental to such resources (art. 7).
- Measures for the conservation and sustainable use of wildlife resources are to be effectively enforced (art. 4 and 9), and a regional database on the status and management of wildlife is to be established to facilitate sharing of information (art. 8).
- Transfrontier measures, such as establishing conservation areas, are to be promoted (art. 4).
- Also, a Wildlife Conservation Fund is to be established (art. 11), and the Tribunal of the South African Development Commission is designated to settle disputes arising from the implementation or interpretation of this Protocol (art. 13).
- Other relevant regional treaties include the African Convention on the Conservation of Nature and Natural Resources (Revised Version) of 2003 (to which Lesotho is a party and other countries in the region are signatories) and
- Direct the Lusaka Agreement on Cooperative Enforcement Operations at Illegal Trade in Wild Fauna and Flora of 1994 (to which Lesotho, Tanzania,

Uganda and Zambia are parties, and South Africa is a signatory).

## The NGO Act of 2009

The NGO Act of 2009 is [repressive](#) legislation. Marja Hinfelaar and O'Brien Kaaba of the Southern African Institute for Policy & Research in Lusaka reveal the detail in their paper, 'Adjust, Resist, or Disband: How Does Civil Society Respond to Repression in Zambia?'

Zambia has a large and active civil society, consisting of secular non-governmental organizations carrying out rights-based and development activities, in addition to church groups and trade unions. However, in recent years, the Zambian government has closed the political space for civil society actors, reflecting a wider downturn in national respect for political and civil liberties. How is this trend in increased political repression impacting domestic and international civil society organizations (CSOs) operating in the country? This paper investigates the effects of closing civil society space in Zambia, and reveals some of the strategies that CSOs employ to survive.

### Brief Points

- Zambia had a welcoming political environment for civil society between 1990 and 2009.
- The adoption of the repressive NGO Act in 2009 marked a negative turn in the relationship between government and civil society organizations (CSOs).
- CSOs have adopted several strategies to ensure their survival in the country's currently repressive environment. This includes adjusting the focus of their activities away from politically sensitive topics, resisting by registering under the Companies Act, and disbanding when it is no longer feasible to operate.

In my experience, this repressive environment was announced at Independence, growing every more repressive - in particular from 1971 against white civil servants and people of the chiefdoms, and in the late eighties against

conservationists opposing the rhino and elephant killings fields, and during the last few years of the MMD government against whistleblowers. The NGO Act of 2009 was the acid cocktail foisted on civil society by the MMD - the government who marched my family and me, registered investors, out of the country in 2008 because of my opposition to government corruption.

## The Urban and Regional Planning Act, 2015.

As in the mother of neoliberalism, the West, laws and statutory instruments come thick and fast like hail, the latest storm producing the Urban and Regional Planning Act of 2015. Here are 80 pages and 70 sections of lawyer-speak, which will require an army of civil-servant specialists to decipher. What is disquieting is that a local authority can decide to designate a particular chieftdom an Improvement Area, or 'facilitate the expansion of a settlement as designated in an integrated development plan' or in order decide 'to develop a customary area and facilitate the implementation of 'something or other, and 'Where a Chief or local authority refuses to enter into a planning agreement, the Minister shall, after consultation with the President, sign the planning agreement if it is in the public interest to do so for purposes of this Act, and the planning agreement shall bind the chief and local authority concerned'. And then, the local authority may issue a licence and a Certificate of Title. Snared in an evil time.

## The Forestry Act of 2015

In great contrast to the Wildlife Act 2015 landgrab, the [Forestry Act of 2015](#) follows the Landsafe model prescription. Under section 21, it allows local forests to be placed under the management of a 'local community' with the minister's permission. But there is no mention of a customary area or a chief.

It also allows for creating community forest management groups for 'communal control, use and management of a forest'. Under section 30, a group may apply to the Director of Forestry, with the chief's assent, to form such a group. Under 32 (2), the group may be given user rights to extract and harvest and tourism in any unprotected forest. The minister's approval may assign these rights to any person (no mention is made of consultation with the chief and headmen, nor mention a lease/rights period). As much of Zambia is woodland, this means that any part of a customary area, including the ZAWA GMAs, may have a community forest. Therefore, here is a statutory mechanism for customary residents to have control and a flow of benefits through a co-management agreement.

A similar mechanism is in place for declaring a joint forest management area (JFMA), but in Open Area, i.e. not in the GMA portion of customary area, though this is not mentioned specifically:

*36. (1) The Minister may, on the recommendation of the Director, local community or owners or occupiers of an area in a forest, declare by statutory instrument, a Local Forest, botanical reserve, plantation, private forest or Open Area, a joint forest management area.*

Here the flow of benefits are dealt with directly:

*38. (1) The functions of a joint forest management committee shall be to manage and develop the joint forest management area and distribute the benefits amongst the local communities in the area.*

What is not legislated for is establishing a protective customary trust, necessary to provide the full protection of customary land. Under 39, the management of finances is dealt with fairly, i.e. a fund to be set up and proceeds shared equitably. And in consultation with the chief, the committee and ‘the community’ would provide a forest management plan in consultation with the chief, the committee and ‘the community’. The Forestry Act 2015 is remiss in not mentioning customary areas as per the Lands Act of 1995. But the difference between the two acts is marked. Unfortunately, section 18 makes no bones about the fact that customary area is not presently given ultimate protection:

*18. The President may compulsorily acquire under the Lands Acquisition Act any land for the purposes of a Local Forest as may be considered necessary or desirable in the public interest*

## Forests (Community Forest Management) Regulations, 2018

[Under these regulations](#), groups may apply to manage and benefit from forests lying within customary area (GMA and Open Area) and Local forests, but can also be considered in national forests: “(2) Despite sub-regulation (1), the Director in consultation with the Minister may consider Community forest management in any other type of forest.”

Section (c) specifies that the consent of the chief of the area is required “to recognize the applicants as a community forest management group through the endorsement of the application or map signifying such consent. And:

*6. (1) A community forest management group may apply to the Director for recognition in Form I set out in the schedule.*

*(2) An application for recognition of a community forest management group shall require—*

*(a) prior consultations with local users and other right holders of the proposed forest; and*

*(b) the consent of local traditional leaders.*

*(3) An application for recognition shall be accompanied by—*

*(a) a sketch map of the proposed location and area to be established as a community forest;*

*(b) community forest management group constitution including list of the elected representatives of the group;*

*(c) consent of the Chief of the area to recognise the applicants as a community forest management group through endorsement of the application or map signifying such consent; and*

*(d) a statement of intent for the proposed area indicating a balance between forest protection and management, development, utilisation and forest enterprise development in Form I set out in the Schedule.*

## The A-G Report on Natural Fishery (2015)

*The Auditor-General reported that “...the fisheries sub-sector faces challenges such as overfishing, degradation of fish habitats and the use of destructive and unsustainable fishing methods such as the use of poisons, explosives and mosquito nets among others which have contributed to the depletion of fish stocks. It is for this reason that the Auditor General considered conducting a performance audit on sustainable management of fish resources in natural waters. The objective of the audit was to assess whether the Ministry of Agriculture and Livestock (MAL) had implemented effective measures to promote sustainable management of*

*fish resources.”*

### **Summary:**

1. The Department of Fisheries (DoF) did not know the biomass of fish species in natural waters except for *kapenta* and *buka-buka*. Consequently, the DoF could not institute technical measures to control the harvest of fish from the natural waters for demersal or inshore fish species. There was no determination or estimation of the limit of how much fishers could take out and how much was to be left for regeneration.
2. There were no Fisheries Management Plans (FMPs). This hindered DoF's intention of managing fish resources on a co-management basis with the community.
3. Fisheries did not effectively implement control measures in place. Fishers continued to fish without licences and were not adhering to the fishing ban. Reports of illegal fishing methods such as mosquito nets, potato sacks (commonly called *sefa-sefa* or *chikukula*), weirs, explosives and poisons were numerous. These methods disturb breeding sites, migration routes and indiscriminately kill fish.
4. Although breeding sites had been identified and gazetted, a review of documents revealed that fishers had settled in some identified breeding areas and were actually undertaking fishing activities in those areas. The DoF was not regulating landing sites. As a result, fishers landed fish anywhere, making it difficult for the DoF to collect fish catches statistics.
5. Monitoring, Control and Surveillance (MCS) was carried out to check whether fishing activities followed the regulations. However, the DoF was not able to achieve the targets set. Factors attributed to the DoF not achieving the set targets included low staffing levels, inadequate land and water transport, and untimely, inadequate funding.

## Conclusion

*The Ministry of Agriculture and Livestock (MAL) and the Department of Fisheries (DoF) have not implemented effective measures to promote sustainable management of fish resources.*

In the A-Gs recommendations, there is no mention of working with customary area capacity in the form of the *Chipupilas* - the age-old spiritual customary manager of fish resources. So the fishing restrictions are meaningless. Although the A-G did add as an aside, “It is important to get communities involved in the management of fisheries as it creates a sense of ownership of the resources.” Communities don’t have *Chipupilas* - people of the customary commons do.

## The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act, 2016

This Act is of considerable importance to customary area and Zambia as a whole:

**The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act No. 16 of 2016 is essential.** Under section 27: Subject to this Act, a traditional community has the following rights over its genetic resources:

- 1) the exclusive right to regulate access to its genetic resources; 2) an inalienable right to use its genetic resources;
- 3) the exclusive right to share the benefits arising from the utilization of its genetic resources;
- 4) and the right to assign and conclude access agreements.

Unlike Target 16 of the Aichi Goals that wishes to ensure that ‘Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising

from their utilization is in force and operational, consistent with national legislation', the Protection Act is the law and clear on the rights of clans and tribes in the occupation of customary area. But it must cancel out much of what is in the Wildlife Act 2015, i.e., a landgrab of customary people's rights to their land and renewable resources. It is of paramount importance that the members of a chiefdom collectively own the wildlife. The present situation where the state owns the wildlife, profits from it, pays the customary people little, if at all, for the privilege, and then imprisons a man and his family for 5-8 years when he kills something to eat is unconscionable.

## The Zambian Parliament's Goals for the Nation 2017

Given the state of customary areas and most of Zambia's people and politics, the 2017 [Parliamentary Goal for Zambia](#) to become a middle-income industrial nation by 2030 is absurd?

At present, the customary villagers struggle on wondering at the harvesting of their income and resources by the 'big man' state, the take-over restrictions on fishing, the failure to provide game quotas to aid subsistence, and the continued prohibition on eating what lives on their traditional land, and the endless litany of 'poachers' likely imprisoned, often with wife and child, in jails defying description.

The goals and targets have not been met. Clearly, the chiefdoms have to take charge of their own destiny.

## Zambia Legal Information Institute on Torts

<https://zambialii.org/tags-local/tort>

Trespass to land Civil procedure:

- Distinction between heads of damages and heads of **tort**
- Liability must be established before heads of damages may be considered

Civil procedure

- Whether co-plaintiffs can advance wrongful eviction **claims** under a co-plaintiffs action for trespass

Land civil procedure in the case of the state using chiefdoms to extract rentals must be investigated.

## Inheritance law

*Inheritance law*

Customary land should be included under the Intestate Succession Act, along with recognition of a widow's right to inherit the family house rather than simply have a life interest. The current situation is in effect a gendered bias (which is contrary to international human rights law) and fails to recognise women's contribution to the realisation of such an asset.

The conflicting roles of an administrator under statutory law and customary law need to be harmonised. This should be done while taking cognisance of local tradition, under which quite often the administrator is in the position of a beneficiary as well.

The inheritance procedures should be simplified and made more accessible.

## GENERAL LEGAL BACKGROUND

Enabling Act	Essence/Purpose /Role	Remarks
<b>Chiefs Act, Cap 287</b>	The Act sets out the recognition of Chiefs as well as their functions	The Act needs to be repealed and replaced so that it conforms to the provisions in the Constitution of Zambia (Amendment) Act No. 2 of 2016.  In addition, it is necessary that the institution of chieftaincy is not only safeguarded but also strengthened.
<b>Villages Registration &amp; Development Act, Cap 289</b>	The Act provides for the registration of villages and the inhabitants thereof, the establishment of Village Development Committees as well as Village Productivity Committees.	The Act also requires to be repealed so that the issues covered therein are incorporated in the Traditional Leadership law.
<b>Witchcraft Act, Cap 90</b>	The Act prescribes allegation of use of charms to harm others.	The Act needs to be reviewed to ascertain its validity.
<b>National Heritage Conservation Commission Act, Cap 173</b>	The Act is responsible for the protection and management of cultural and natural heritage in the country.	The NHCC Act needs to be reviewed in order to allow traditional leaders to be involved in the management and protection of heritage.

<b>Environmental Management Act No. 12 of 2011</b>	It is the principal Act on environmental protection and management through enforcement of EIAs and monitoring and control of pollution.	Developmental projects taking place in chiefdoms ought to take issues of environmental protection seriously. Matters of environmental pollution affecting local communities must be adequately checked to avoid harm, now and in future, to local people.
<b>Local Government Act, No. 6 of 2010</b>	Provides for the governance and administration of local authorities.	There is need for effective representation of the local communities in the Council.
<b>House of Chiefs Regulations, Statutory Instrument No. 41 of 1998</b>	The SI sets out the Regulation, Rules and Procedure that guide all proceedings related to the House of Chiefs.	The SI needs to be reviewed so that it takes into account the constitutional requirements.

## State Control of Land

Africa's land tenure insecurity

[Six infographics on land and property rights in Sub-Saharan Africa](#)

National Parks and Wildlife Policy (2018)

[August 2018.](#)

The Nature Conservancy (TNC), World Wide Fund for Nature (WWF) and United Nations Development Programmes (UNDP) provided the funds and technical assistance for this policy.

Salient Points:

A. It defines a GMA as:

*A protected area comprising mostly customarily – owned land that is used primarily for the sustainable utilization of wildlife, through hunting and/or non-consumptive tourism concessions, for the benefit of local communities and the wildlife resource, but which can also be used for other land uses, such as settlement, agriculture, forestry, mining etc.*

*Comment:* Game Management Area (GMA) - 22% of the country and occurring in some 38+ chiefdoms out of the 288 - is **TOTALLY** customary area where the state has assumed the rights for the utilization of game for hunting for only the partial financial benefit of the chief and his people; but where the commoners have no rights to big game, suffering a military invasion which arrests them for having some game meat in their possession, and imprisons them for up to 7 years for doing so in conditions which defy description. The state may also grab any customary land, be it GMA or Open Area, when it so wishes for settlement, agriculture, forestry, mining, dam construction, etc. The financial benefits overwhelmingly in favour of the government and neo-colonial land invaders. And the state pays no compensation to villagers for the loss of life, crops and habitation from wildlife.

B. It defines Open Area as:

*An area other than a national park, game management area or sanctuary where wild animals are found.*

*Comment:* This is incorrect. An Open Area is that part of a customary area not classified as a GMA. Most of the chiefdoms are Open Area.

C. This policy intends the following:

*1. To transform wildlife into an economic asset that will contribute to national economic development through promotion of nature based tourism, creation of employment and increased local community participation in wildlife management.*

*Comment:* It does not address wildlife user rights and ownership on behalf of chiefdoms. The chiefdoms support the big game, yet they are not allowed to own it. The impact of this on the social well-being of tribal peoples is massively damaging.

*2. To ensure effective conservation through a rationalised and consolidated system of protected areas in the changing national, regional and global context. Such a system will serve as the focal point for conservation programmes, and the continued successful management of the protected areas will act as a barometer of the country's commitment to the conservation of biodiversity.*

*Comment:* Essentially, the only difference between Liuwa National Park and the GMAs is that in the latter, the safari-hunting of a quota of game animals is allowed - for all of them have customary landowners living there.

*3. To strengthen the government's commitment to develop a wildlife sector characterized by increased participation by all stakeholders; greater institutional responsiveness to policy measures and increased partnerships between state and non-state actors in the sector and society at large.*

*Comment:* This extends the ownership of game species by the state, its rent-seeking, and its interference in the fishery, which has been totally owned and managed by customary people in the past.

*4. To ensure that the wildlife sector in Zambia internalises and reflects*

*aspects of the changed context of national development agenda, inter alia Vision 2030 and government's growing emphasis on a smart and green economy, the Global Sustainable Development Goals, government's policy on decentralisation.*

*Comment: This does not reflect the conclusion of Vision 2030 of the government to create a new Zambia defined as a "prosperous **middle-income** nation that provides opportunities for improving the well-being of all, embodying values of socio-economic justice."*

*5. Provide clear policy guidance on adoption and implementation of new innovations and responses to sector challenges and leverage on emerging opportunities in the sector.*

*Comment: This is 'consultant-speak'.*

*6. To foster cross-sectoral collaboration by harmonizing the wildlife policy to other sector policies; redefine the roles of Government and other stakeholders in the management of wildlife in the country.*

*Comment: Why are the chiefdoms - which take up half of the country - not mentioned?*

#### *D. Policy Related Matters*

*a) Inadequate funding from central treasury for wildlife conservation;*

*b) Inadequate incentives for conservation of wildlife on customary lands vis-à-vis lack of security of tenure, and inability to adequately access and benefit from wildlife resources;*

*c) Weak sectoral linkages and coordination with other sector policies that have both direct and indirect bearing on the wildlife and Tourism Sector;*

Comment: Here lies the nub of the matter. There is no mention that 40-50 chiefdoms have had large parts of their area declared GMA so that government can extract rents from it. And no mention is made of the inalienable rights of customary people for the use of its natural resources and the land's protection from industrial agriculture and mining, etc. landgrabs.

#### *E. Threats*

*Direct - these include widespread poaching, rampant wildfires, deforestation fuelled by subsistence and commercial agriculture; charcoal production, unplanned human settlements and, an ever expanding mining footprint.*

*Indirect Threats – inadequate financing of the Protected areas due to continued and constrained economic returns from the national parks and GMAs on account of deteriorating infrastructure; inadequate development and marketing of tourism products resulting in lowered private sector investment and tourist attraction profile for tourism in national parks; and under-pricing of wildlife products arising from issues related to market failure.*

Comments: there is no admission here of the failure of conservation, and the absolute necessity for handing over the wildlife custodial powers to the chiefdoms, for their benefit - apart from tax. Among the Guiding Principles of the policy, the following point is made:

***f) Decentralization - Devolve wildlife management rights; costs and benefits, wherever this is appropriate and tenable, to land owners and communities where wildlife exists.***

Comment: The vague language apart, they mean the Game Management and Open Areas of the chiefdoms. However, they have not mentioned that national parks and forests were all alienated from trust land - held by the

customary villagers - in particular parks such as Nsefu and Luambe, and from which the former owners receive no income or compensation for their loss.

*j) Indigenous Knowledge - traditional knowledge, rights and practices shall be recognised and incorporated in the management plans.*

*Comment:* Traditional rights shall be recognized? Whether this policy will be followed or not, the chiefdoms must make full use of the following:

1) Forests (Community Forest Management) Regulations, 2018. [Under these regulations](#), groups may apply to manage and benefit from forests lying within customary area (GMA and Open Area) and Local forests, but can also be considered in national forests; and

2) [\*\*The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act No. 16 of 2016 is essential.\*\*](#) Under section 27: Subject to this Act, a traditional community has the following rights over its genetic resources:

- 1) the exclusive right to regulate access to its genetic resources;*
- 2) an inalienable right to use its genetic resources;*
- 3) the exclusive right to share the benefits arising from the utilization of its genetic resources;*
- 4) and the right to assign and conclude access agreements.*

## Lands Acquisition Act, 1970.

*3. Subject to the provisions of this Act, the President may, whenever he is of the opinion that it is desirable or expedient in the interests of the Republic so to do, compulsorily acquire any property of any description.*

## Lands Act, 1995.

*An Act to provide for the continuation of Leaseholds and leasehold tenure; to provide for the continued vesting of land in the President and alienation of land by the President; to provide for the statutory recognition and continuation of customary tenure; to provide for the conversion of customary tenure into leasehold tenure; to establish a Land Development Fund and a Lands Tribunal; to repeal the Land (Conversion of Titles) Act; to repeal the Zambia (State Lands and Reserves) Orders, 1928 to 1964, the Zambia (Trust Land) Orders, 1947 to 1964, the Zambia (Gwembe District) Orders, 1959 to 1964, and the Western Province (Land and Miscellaneous Provisions) Act, 1970; and to provide for matters connected with or incidental to the foregoing.*

All land is vested in the President.

*(3), the President shall not alienate any land situated in a district or an area where land is held under customary tenure- (a) without taking into consideration the local customary law on land tenure which is not in conflict with this Act; The Laws of Zambia Copyright Ministry of Legal Affairs, Government of the Republic of Zambia (b) without consulting the Chief and the local authority in the area in which the land to be alienated is situated, and in the case of a game management area, and the Director of National Parks and Wildlife Service, who shall identify the piece of land to be alienated; (c) without consulting any other person or body whose interest might be affected by the grant; and (d) if an applicant for a leasehold title has not obtained the prior approval of the chief and the local authority within whose area the la*

*(7) In alienating land the President shall take such measures as shall be necessary to- (a) control settlements, methods of cultivation and utilisation of land as may be necessary for the preservation of the natural resources on that land; and (b) set aside land for forest reserves and game management areas and national parks and for the development and*

*control of such reserves, game management areas and national parks.*

## The Lands (customary tenure) (conversion) regulations: S.I. 89 of 1996

*(1) A person using and occupying land in a customary area with the intention of settling there for a period of not less than five years; may apply, to the Chief of the area where the land is situated in Form I as set out in the Schedule, for the conversion of such holding into a leasehold tenure.*

*(2) The Chief shall consider the application and shall give or refuse consent.*

## The Draft National Land Policy

On 13 June 2018, parliament debated the Draft Land Policy in Parliament:

**Minister Ms Kapata:** ... to February, 2018, on the Draft National Land Policy. This was for purposes of ensuring wide stakeholder participation in the policy development process. On Wednesday 28<sup>th</sup> February, 2018, a national validation meeting was convened to validate the draft policy. The Draft National Land Policy was rejected by twenty-two chiefs who attended the national validation meeting. The main reasons advanced by the chiefs for rejecting the document were that:

1. the draft document did not adequately provide for the roles of the chiefs in land administration and management;
2. the document suggested that the powers of the chiefs were being taken away; and

3. The twenty-two chiefs' invitation to the validation meeting was not adequate, considering that there are 288 chiefs in *total*.

***Ms Kapata:*** Mr Speaker, well, I am not aware that the Draft National Land Policy is about power. All I can say is that one of the issues that the chiefs referred to was on the vestment of land in the Republican President, which they think should be struck out. As it stands, I do not think we would be moving in the right direction if we did that. Therefore, we will wait to hear what the conclusion of the indaba will be. Then, we will come back to inform the House on the way to go.

***Mr Mbulakulima*** (Milenge): Mr Speaker, definitely, the chiefs are against the establishment of the Land Commission because it will take away powers from them. It is also common knowledge that there are some chiefs who sell land indiscriminately. I would like to find out whether the chiefs are trying to put in place some safeguards or some measures which will be sort of self-regulatory to help this country because we know that there are some chiefs who have no regard for their people and indiscriminately sell land. Are they critically looking at that to help this country?

***Kapata:*** In the new Draft National Land Policy, there will be no chiefs who will be allowed to give away land without considering the 50 percent consent from the manduna or the sub-chiefs in the chieftdom. This is where the bone of contention lies. The chiefs do not want the Government to include the sub-chiefs in the issuance of land. It is unfortunate that we were unable to bring the document now, but I would like to assure hon. Members that my ministry will lay the paper on the Table so that they can go through it to understand what is contained therein.

## Local Government Act of 2019

*An Act to provide for an integrated local government system; give effect to the decentralisation of functions, responsibilities and services at all levels of local government; ensure democratic participation in, and control of, decision making by the people at the local level; revise the functions of local authorities; provide for the review of tariffs, charges and fees within the area of a local authority; provide for the proceedings of the council and committees; provide for the role of traditional leadership in democratic governance; repeal and replace the Local Government Act, 1991; and provide for matters connected with, or incidental to, the foregoing [11th April, 2019 ENACTED by the Parliament of Zambia*

### PART V : WARD DEVELOPMENT COMMITTEES

36. (1) There is established in each ward a Ward Development Committee in the area of a local authority consisting of the following part time members appointed by the Town Clerk or Council Secretary: (a) an elected zonal representative from each zone; (b) an extension officer from the department responsible for agriculture, fisheries and livestock or economic sectors appointed based on the economic activity pre dominant in the ward as determined by the local authority; (c) an extension officer from the department responsible for education; (d) an extension officer from the department responsible for health; (e) an extension officer from the department responsible for community development; (f) a representative from a local non governmental organisation in a ward; (g) a representative of the Zambia Agency for Persons with Disabilities; (h) a representative from a marginalised group; (i) **a representative of the Chief in the ward**; (j) Ward Councillor; (k) a trustee from the local authority; (l) a youth, sports and recreation focal point person; and (m) a gender focal point person.

## The Public Trust Doctrine

Patricia Kameri-Mbote. 'The use of the Public Trust Doctrine in Environmental Law', 3/2 Law, Environment and Development Journal (2007), p. 195, available at <http://www.lead-journal.org/content/07195.pdf>

Whatever approach is taken, the fundamental emphasis is on communal rather than private rights. In cases where communal rights protector negates the rights of some, it implies a denial of the application of the PTD as argued by Pienaar and van der Schyff in this issue.

be held available for use by the general public;

- the property must not be sold, even for fair cash equivalent; and
- the property must be maintained for particular kind of uses, such as navigation, recreation, or fishery.<sup>15</sup>

### 3

#### APPLICATION OF THE PUBLIC TRUST DOCTRINE OVER NATURAL RESOURCES

Natural resources have traditionally been found either under the sovereignty of a particular state or in the so-called global commons. Where the resources are held by a state, the essence of the PTD is that the state or governmental authority, as trustee, has a fiduciary duty of stewardship of the public's 'environmental capital'. These resources must be held in trust by the state for the benefit and use of the general public. This public includes current and future generations.<sup>13</sup> The State must not alienate trust property unless the public benefit that would accrue outweighs the loss of the public use or 'social wealth' derived from it.

The most fundamental duty that a trustee has is the duty of loyalty and an obligation to act solely in the interest of the beneficiaries. The trustee also has a duty to use care and skill to preserve the trust property (including the duty to protect against 'invasion of the trust'). In addition, the trustee has a duty to furnish information to the beneficiaries, a duty to make the trust productive, and a duty to deal impartially with beneficiaries. In meeting its duties, the trustee must act prudently, diligently, and in good faith.<sup>16</sup>

The public trust doctrine has been used to prevent governments from conveying public resources to private enterprises (prohibition on conveyance) as well as to guarantee the public access to natural resources after the resources have been conveyed to private interests for purposes such as fishing and navigation (prohibition with impression). In many African countries, the imperatives of prohibition on conveyance are assured through vesting critical

So neither can the King intrude upon the common property, thus understood, and appropriate it to himself or the fiscal purposes of the nation, the enjoyment of it is a natural right which cannot be infringed or taken away, unless by arbitrary power, and that, in theory at least, could not exist in a free government.<sup>14</sup>

The trust imposes three kinds of restrictions on the state:

- the property subject to the trust must not only be used for a public purpose, it must

natural resources such as water in the state implying a trust on behalf of the citizenry to ensure sustainable management of the resources.<sup>17</sup> One implication of the trust is securing the right of the citizenry to access these resources.

The PTD's prohibition on conveyance can be used to defeat private ownership of natural resources. In the case of *Illinois Central Railroad v. Illinois*,<sup>18</sup> the state legislature had transferred ownership of the

13 Edith Brown Weiss, *In Fairness to Future Generations: International Law, Common Patrimony and Intergenerational Equity* 219 (Tokyo: UN University, 1989).

14 *Arnold v Mundy*, Supreme Court of Judicature of New Jersey, 6 N.J.L. 1, 10 Am.Dec. 356 (1821).

15 Note 9 above.

16 James T. Paul, 'The Public Trust Doctrine: Who Has the Burden of Proof', 9 (July 1996), available at: <http://www.rachel.org/library/getfile.cfm?ID=190>.

17 See e.g. Section 3 of the Kenya Water Act, 2002, available at: <http://www.ielrc.org/content/e0206.pdf>.

18 *Illinois Cent. R. Co. v State of Illinois*, Supreme Court of the United States, 146 US 387 (1892).

## Conclusion

*There is a need to consider ways of ensuring a systematic 'reaching back' of PTD to correct anomalies in governmental decisions of allocating natural resources, made over time and to recover the public estate. This has to be considered in the context where state holding of public resources as a trustee has been without clear definition of the trustee role. Additionally, the emergence of strong patrimonial and sometimes unaccountable states has resulted in wanton and illegal conversion of public land and resources to private ownership allocation in total disregard of the public interest. There are an increasing number of cases where different communities seek the return of their property that has now become privatised. This calls for pro-active measures on the part of the state to avert possible instability in the institution of property as guaranteed in the Constitution. With regard to South Africa, the application of the PTD needs to be considered in cases where it is acknowledged that allocation mistakes have been made and need to be corrected. There is recognition of the need for restitution in the realm of land in South Africa. Insulation of water rights from restitution dilutes the quantum of property rights of holders of restituted land. This cannot*

*be the intention of the land reform programme architects in South Africa. In my view, restitution of public water rights allocated during apartheid is necessary for the realisation of the right to water enshrined in South Africa's Constitution.*

## Very Little Legal Transparency in Customary Administration

Emmanuel Mutale 2019

*Like most African countries Zambia has a dual land tenure system. Customary tenure deriving from indigenous customary laws and practices and statutory tenure deriving from the country's British colonial legacy. The following are the legal instruments which have explicit or implicit references to customary land or its administration.*

- *Constitution*
- *Lands Act*
- *Chiefs Act*
- *Registration and Development of Villages Act*
- *Urban and Regional Planning Act*
- *Local Courts Act*
- *Subordinate Courts Act*
- *High Court Act*

*There is currently no law or written regulations specific to customary land administration. The limited guidance available relates to the conversion of customary land to state land. However, to the extent that customary land tenure and its administration are provided for or implied in other public legal instruments, it could be argued that there is a very limited level of legal transparency with regard to this form of land*

*administration.*

*In practice, access to customary land in Zambia is facilitated by chiefs through village headpersons and Indunas (chiefs' advisors) and follows a more simple process compared to the complex and bureaucratic procedures governing access to state land. However, these customary processes vary from chieftdom to chieftdom and are not codified and could be argued, are less transparent as there is no explicit guidance on the roles and responsibilities of traditional leaders in managing customary land.*

*Although chiefs hold and administer land on behalf of their subjects, the decision making process is not very transparent especially when land is subject to conversion from customary to state land. There are reported instances when chiefs have been accused of allocating huge tracts of land to investors without consulting the local communities.*

## Protected Area Network

The IUCN World Commission on Protected Areas classifies the national parks of Zambia as Category II protected areas:

*Large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.*

*Category II areas are typically large and conserve a functioning “ecosystem”, although to be able to achieve this, the protected area may need to be complemented by sympathetic management in surrounding areas.*

Protected area and surrounding areas – the classification goes on to say, are ‘needing to be complemented by sympathetic management in surrounding areas’, i.e. the game management areas (GMAs), a planning framework within customary area and not a separate category of public land, despite what government thinks. This definition did not consider the issues of bio-cultural rights as laid out in the Biodiversity Convention. The degree of protection

afforded these areas range from the highest to the lowest – in descending order: national park, national forest...

However, in 1994, IUCN introduced protected area management Category 1b (Wilderness Areas). In 2008, the IUCN World Commission on Protected Areas 2008 Guidelines on Protected Area Categories were approved at the World Conservation Congress in Barcelona. In these revised guidelines, both Category 1b and the term wilderness were retained.

The primary management objective of Category 1b is nature conservation: management that will protect the long-term ecological integrity of natural areas that are undisturbed by significant human activity has no modern infrastructure, and are characterized by freely occurring and reasonably intact natural processes. An important aspect of this objective is the emphasis on biological health and intactness.

Where the biological integrity of a wilderness protected area can be secured, and the primary objective of nature conservation is met, the management focus of the wilderness area may include other objectives such as recreation or other human uses, but only if the primary objective is maintained securely. Traditional ways of life and cultural and spiritual uses are commonly considered compatible with wilderness management, and, as noted throughout these Guidelines, rights-based approaches should be fully implemented at all times.

Category 1b exists to enable Indigenous Peoples, Tribes, and local communities to maintain their traditional wilderness-based ways of life and customs, living at low density and using the available resources in ways compatible with conservation objectives... promotes the protection of relevant nonmaterial benefits, such as solitude, respect for sacred sites, and respect for ancestors.

Botswana, Congo DRC, Tanzania, Equatorial Guinea, and Zimbabwe have introduced legislation to recognise Wilderness Areas. Zambia did not agree to introduce the category Wilderness Area suggesting that they wish to retain control of the game management areas, a major income source.

Out of Category 1b, wilderness areas, have come the category of [Indigenous and Community Conserved Areas \(ICCA\)](#).

## Latest on Wilderness Areas

*IUCN PROTECTED AREA DEFINITION, MANAGEMENT CATEGORIES AND GOVERNANCE TYPES* IUCN defines a protected area as:

*A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.*

*The definition is expanded by six management categories (one with a sub-division), summarized below.*

**Ia Strict nature reserve:** *Strictly protected for biodiversity and also possibly geological/ geomorphological features, where human visitation, use and impacts are controlled and limited to ensure protection of the conservation values*

**Ib Wilderness area:** *Usually large unmodified or slightly modified areas, retaining their natural character and influence, without permanent or significant human habitation, protected and managed to preserve their natural condition*

**II National park:** *Large natural or near-natural areas protecting large-scale ecological processes with characteristic species and ecosystems, which also have environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities*

**III Natural monument or feature:** *Areas set aside to protect a specific natural monument, which can be a landform, sea mount, marine cavern, geological feature such as a cave, or a living feature such as an ancient grove*

**IV Habitat/species management area:** *Areas to protect particular species or habitats, where management reflects this priority. Many will need regular, active interventions to meet the needs of particular species or habitats, but this is not a requirement of the category*

**V Protected landscape or seascape:** *Where the interaction of people*

*and nature over time has produced a distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values*

**VI Protected areas with sustainable use of natural resources:** *Areas which conserve ecosystems, together with associated cultural values and traditional natural resource management systems. Generally large, mainly in a natural condition, with a proportion under sustainable natural resource management and where low-level non-industrial natural resource use compatible with nature conservation is seen as one of the main aims*

*The category should be based around the primary management objective(s), which should apply to at least three-quarters of the protected area – the 75 per cent rule.*

*The management categories are applied with a typology of governance types – a description of who holds authority and responsibility for the protected area. IUCN defines four governance types.*

**Type A. Governance by government:** *Federal or national ministry/agency in charge; Sub-national ministry or agency in charge (e.g. at regional, provincial, municipal level); Government-delegated management (e.g. to NGO)*

**Type B. Shared governance:** *Transboundary governance (formal and informal arrangements between two or more countries); Collaborative governance (through various ways in which diverse actors and institutions work together); Joint governance (pluralist board or other multi-party governing body)*

**Type C. Private governance:** *Conserved areas established and run by individual landowners; non-profit organizations (e.g. NGOs, universities) and for-profit organizations (e.g. corporate landowners)*

**Type D. Governance by Indigenous Peoples and local communities:** *Indigenous Peoples' conserved areas and territories – established and*

*run by Indigenous Peoples; Community conserved areas – established and run by local communities.*

## Main pressures on and drivers of change to biodiversity (direct and indirect)

### Convention on Biological Diversity

#### Zambia Country Profile

*Forest reserves are today significantly threatened by encroachment through cultivation and settlement. In the North-Western Province, this process is driven mostly by mining, while Northern Zambia has lost much of its primary cover to shifting cultivation. In the east, central and southern parts of Zambia, the conversion of forest land to permanent crop agriculture is the main driver of loss. Bush fires, overexploitation of timber trees, invasive alien plant species are other contributing factors.*

*Threats to national parks, game management areas, and mammals include human encroachment and illegal wildlife use, such as large mammals poaching for the bushmeat market. Other threats are habitat degradation caused by conversion for cropping, livestock grazing, charcoal production, among other factors. Furthermore, mining activities conducted for aquamarine, tourmaline, and red garnets in certain protected areas have negatively affected wildlife species and their habitats. Although mining licenses can be granted as long as an EIA is carried out and approved by the Zambia Environmental Management Agency, some small-scale miners carry out activities without licenses. Additional threats are wildfires, diseases and pesticides.*

## PROTECTED AREA NETWORK

*Threats to birds include habitat loss, hunting pressure, bird food shortage, droughts, floods and temperature variation.*

*Threats to aquatic systems and fish include habitat modification due to river damming, among other causes. They are also threatened by invasive alien species (water hyacinth, Kariba weed, carpetweed) and poor aquaculture practices.*

*Threats to invertebrates and their habitats include pollution, overexploitation of edible invertebrates (e.g. caterpillar worm) and uncontrolled fires threatening certain species, the butterfly *Acraea acrita ambigua* whose larvae is destroyed by frequent fires.*

A 2014 report by Lindsey et al. on protected areas stated:

*Zambia's PAs are under-performing in ecological, economic and social terms. Reasons include:*

*a) rapidly expanding human populations, poverty and open-access systems in Game Management Areas (GMAs) resulting in widespread bushmeat poaching and habitat encroachment;*

*b) underfunding of the Zambia Wildlife Authority (ZAWA) resulting in inadequate law enforcement;*

*c) reliance of ZAWA on extracting revenues from GMAs to cover operational costs which has prevented proper devolution of user-rights over wildlife to communities;*

*d) on-going marginalization of communities from legal benefits from wildlife;*

*e) under-development of the photo-tourism industry with the effect that earnings are limited to a fraction of the PA network;*

*f) unfavourable terms and corruption which discourage good practice*

*and adequate investment by hunting operators in GMAs;  
g) blurred responsibilities regarding anti-poaching in GMAs resulting  
in under-investment by all stakeholders.*

*The combined effect of these challenges has been a major reduction in wildlife densities in most PAs and the loss of habitat in GMAs. Wildlife fares better in areas with investment from the private and/or NGO sector and where human settlement is absent. There is a need for elevated government funding for ZAWA; greater international donor investment in protected area management; a shift in the role of ZAWA such that they focus primarily on national parks while facilitating the development of wildlife-based land uses by other stakeholders elsewhere; and new models for the functioning of GMAs based on joint-ventures between communities and the private and/or NGO sector. Such joint-ventures should provide defined communities with ownership of land, user-rights over wildlife and aim to attract long-term private/donor investment.*

*These recommendations are relevant for many of the under-funded PAs occurring in other African countries.*

The situation since then has further deteriorated. Militarization now being a significant negative force on the kinship and eco-social systems of the customary people.

## A Comparison of National Wildlife Strategies in Africa

[Shallyn Pack et al.](#)

**1994 Director of Wildlife M.A. Ndolanga:**

“Ownership of wildlife is another major issue that must change to encourage community-based conservation. At present the state owns all wildlife and villagers in community-based conservation project areas are issued with a quota by the Department to give them the opportunity to hunt legally. Although this is a considerable step forward, the villagers do not own the wildlife and until they do, they will not feel responsible for it.” (Ndolanga 1996)

*Tanzania*

The privatization of wildlife and land runs counter to the principles of the Public Trust Doctrine.

## The Public Trust Doctrine

The doctrine [of Public Trust and United Nations](#)

*The Stockholm Declaration of United Nations on Human Environment clearly indicates this determining proposition: “The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural system, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate...” [7]*

*The Doctrine can also be used to influence policy debates and public scoping sessions and hearings. Through this influence, agencies can be forced to prove that their actions are not harmful to the environment to that extent that they will result in the destruction of a public resource. If the agencies fall short of providing a more environmentally benign alternative, then a Public Trust law suit can be brought up. Such actions*

*often lead to long and arduous law suits but fortunately many important precedents in this regard have been established.*

## Articles of Interest

<https://mail.google.com/mail/u/0/#imp/FMfcgxwLtQSPvhzgKxxLpphgGNRQmjNz>

### **Traditional stewardship and conservation in the Game Management Areas of Nkala and Namwala, Zambia.**

Mkanda et al

#### **Abstract**

We investigated the effects of socio-economic, institutional, and governance factors on two adjacent Game Management Areas in Zambia: Nkala, which is relatively pristine, and Namwala, which is degraded. Monetary benefits from the Nkala Game Management Area were almost double those from Namwala, which may have been sufficient incentive for the communities of Nkala not to occupy the area or conduct activities that were detrimental to wildlife conservation. There was no such incentive in Namwala, where traditional leaders may have considered settlement and cultivation a better alternative to wildlife conservation. The degradation of the area is largely attributable to weak governance amongst the traditional leadership, which allowed unauthorized migrants to settle and cultivate regardless of the effects of their activities. In contrast, there was good governance in Nkala, where the local chiefs did not allow settlement within the Game Management Area. We hope our findings will be useful in informing the management of Game Management Areas and other wildlife-conservation areas

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## Wildlife Law

### A-G Report on Wildlife (2014)

*The [Auditor-General's report on wildlife of 2014](#) declared that:*

*The audit was based on document review, observations, inquiries and physical inspections. In particular, the following were observed:*

*a. Animal surveys were not regularly done and the authority has no appropriate and adequate equipment and other resources for conducting proper animal surveys.*

*b. There was no information regarding levels of sustainability and the birth/outtake ratio per species provided for audit scrutiny. As a result, the regional offices could not effectively carry out monitoring activities as they lacked documentation regarding animal and bird quotas.*

*c. Various activities such as mining and settlements within the national parks and GMAs resulted in undesirable activities such as poaching, illegal farming, pollution, industrial noise, unauthorised bush fires, and*

*the introduction of exotic plants and domestic animals. These factors cause depletion of wildlife and loss of the eco system.*

*d. A number of exploration/mining activities are being conducted without proof of them being legal, especially in Kafue and Lukusuzi National Parks. In addition, disused mines were not being rehabilitated resulting in destruction of eco system.*

*e. ZAWA failed to provide proof of Environmental Impact Assessment having been conducted by tour operators thereby posing a risk of carrying out undesirable activities that may contribute to loss of bio diversity.*

*f. ZAWA and the CRBs visited did not provided proof of Area Management Plans having been prepared, as a result the activities of the boards such as plans to prevent loss of biodiversity, encroachment and community development activities could not be accessed.*

*g. ZAWA had failed to increase the revenue as it only managed to raise a total of K53.4 billion in 2009 and K51.4 billion in 2010 as compared to the targeted revenue of K40 billion in 2009 and K100 billion by the year 2010 according to the Strategic Plan for the year 2008 – 2012. From the above summary, it is evident that ZAWA has not done enough to reduce the decline in wildlife, maintenance of the bio-diversity, monitoring and sensitization activities in the GMAs and also to increase its revenue generation. It is therefore imperative that ZAWA should put up various effective mechanisms to address the above shortcomings and be able to be sustainable in its management of wildlife.*

*Recommendations:*

*It is being recommended that the Ministry of Tourism and Arts should immediately move towards strengthening the legal, policy and institutional framework of ZAWA.*

*a. Livelihood of the communities in GMAs*

*ZAWA should develop and implement a robust public awareness programme for the local people in GMAs and the general public at large.*

*In addition, the following recommendations are suggested;*

*b. High Threats and Pressure on Biodiversity and Wildlife*

*i. An updated wildlife inventory is essential for providing the most*

*reliable data for setting hunting quota hence ZAWA should update information on wildlife resources, socioeconomy and land-use for planning and sustainable management of the wildlife resources;*

*ii. ZAWA should take necessary measures to secure its properties so as to prevent allocation of land in the National Parks;*

*iii. ZAWA should develop a strategy aimed at addressing the problem of illegal activities in protected areas which is holistic to include a wide range of policy, legal, institutional and technical options;*

*iv. ZAWA should ensure that EIA reports are prepared and approved before operators proceed with developments;*

*v. ZAWA should develop park management plans in areas where these are not in place in order to strengthen the sustainable management of wildlife.*

## Auditor-General report on ZAWA (2015)

[The A-G's report of the years 2013-2015](#), the actual review carried out in June 2016, is a dismal Zambia Wildlife Authority (ZAWA) tale. For its final 20 months under Minister Kapata, it had no board; it prepared no income projections or operating budget; no annual reports; it owed money to a game capture company (Muchinga), yet there was no evidence of services supplied; it had not paid in tax and pension payments for its staff; as of September 2016 it still owed CRBs money; 416 officers were working without letters of appointment, 'their status was unknown'; it leased its holding pens in the Lusaka National Park to a South African company which had no lease agreement and which had stocked them with a 136 sable, but had only paid for 100; in Mosi oa Tunya National Park it paid Matobo Vet Centre to stock it with 55 animals of different species without putting it out to tender, and with no record of delivery; on 18 October 2015 they contracted Mabwe

Adventures Zambia Ltd for 5 years to cull hippo in the mid Luangwa, did not put it out to tender, nor provide written reports on the project indicating the number of hippo killed, nor issued receipts for hippo purchased @US\$250 each (defrauding further the CRBs and villagers); and it failed to collect concession fees from 15 tourism concession operators in the Kafue NP; and it had allowed parts of Blue Lagoon NP to be invaded by village settlements.

The A-G also took exception to ZAWA, allowing the GMAs of Mufunta, Mumbwa, Namwala and Sichifulo to be settled. Like everyone else in government, it failed to understand that GMAs are not State Land and are not under ZAWA management, except as colonialist rentgrabbers of the wildlife resources. As for Minister Kapata, the ex-theatre nurse in May 2015 informed Reuters that ZAWA would once more put lion and leopard on the hunting quota. “We have lifted the hunting ban for leopards starting this 2015/2016 season, which begins in July, and we are going to allow lion hunting starting next year. We did an aerial survey and established that we have more than 4,000 lions and leopards are more than 8,000.”

Her knowledge of animal surveys is abysmal, for I have yet to see a leopard when doing a survey, and only once, on Liuwa Plain, a lion.

Her reward for not understanding the tools of her ZAWA nursing function was to be made Minister of Lands, Natural Resources and Environmental Protection – the ministry where the new Department of National Parks and Wildlife (DNPW) should have been housed.

## The Zambia Wildlife Act of 2015

On 14 August 2015, [the Zambia Wildlife Act, No. 14 of 2015](#), replaced the Wildlife Act of 1998. On 1 January 2016, the failed - and predatory parastatal Zambia Wildlife Authority (ZAWA) became the Department of National Parks and Wildlife (DNPW) within the Ministry of Tourism and Arts. No one questioned its retention in a commercially orientated government ministry dealing with tourism. The act is ominous, the inexorable heavy boot march

of commodification, privatization, and the alienating state deafening.

The customary commons, which, along with state land, is described in the Lands Act of 1995, is not mentioned in the Wildlife Act of 2015. But ‘game management area and local area’ and ‘the GMA or Open Area’ we are so instructed, is occupied by a ‘local community’, meaning customary residents ‘who under their rights over land, including under customary land tenure, invest in and derive benefits from the sustainable utilization of the wildlife resources in their area’. And an Open Area ‘means an area other than a national park, bird or wildlife sanctuary, community partnership park or game management area (GMA), where wild animals are found’. Well, that is everywhere else.

So we now find imposed the term ‘public wildlife estate’, i.e. ‘a National Park, Community Partnership Park, bird or wildlife sanctuary, Game Management Area and any other area designated for wildlife conservation and management by a public body by this Act’.

Land under customary control is increasingly being consumed. Concession, trophy, and tourism fees, and now land user-rights fees - a term taken from the Luembe Conservancy Trust MOU I put together and negotiated with the Luembe customary authority back in 2003/4 - has been appropriated, but not in the right spirit, arguably, an illegal act. Landsafe’s landuser rights would have entailed paying fees to the chiefdom and a sharing with all the relevant government bodies, a royalty of sorts, but not paid only to the department which had the concession over all the old protected estate, a newly land-grabbed estate.

And a mining right can be granted in any customary area following ‘procedures specified by the Environmental Management Act, 2011’, though as with the Lower Zambezi National Park, the minister of whoever may override it. The term “private wildlife estate” means:

*An area outside public wildlife estate reserved by a person or local community for wildlife conservation and management, and includes a game farm, game ranch, reptile farm, aviary, zoo and captive breeding*

*facility.*

To further mark their control of a third of customary area – 22% of Zambia, the DNPW now has introduced the term ‘wildlife police officer’, meaning ‘an employee of any rank under the department, and includes a ‘wildlife police officer and community scout’. And were this not enough to curdle the conservation and customary rights blood, under 19 (2), the minister may decide ‘that a wild animal within a National Park or Community Partnership Park should be hunted for the better preservation of other animal life’. Hunting in a national park destroys its status.

And the Act allows one to obtain title to land in a GMA, signalling the destruction of GMAs, and therefore customary area.

Under section 12 (1) & (2), a Community Partnership Park (CPP) can be excised from a GMA:

*The Minister may, on the application of a local community, a person, institution or organization declare, by statutory instrument, an area that has an environmental, ecological or scientific value or significance to be a Community Partnership Park for environmental education and recreation or for conserving, preserving and restoring genes, species or biological diversity and natural amenities and their underlying ecological structure, and may, in like manner, declare that any Community Partnership Park shall cease to be a Community Partnership Park or that the boundaries of a Community Partnership Park shall be altered or extended. A person, local community, institution or organization may apply to the Committee, in the prescribed manner and form, to enter into a partnership agreement with the Department in respect of a Community Partnership Park.*

There is little mention of the chief, customary residents, customary area,

of the necessity for an EIA, only the dreaded 'local community' unhinged from any customary control or linkage. And this is accomplished by that untrustworthy legal artifice, the statutory instrument.(See Chapter 21)

This iniquitous landgrab has been inherited by the Department of National Parks and Wildlife (DNPW) under the Wildlife Act of 2015, which replaced ZAWA with the DNPW. Under the Act, GMAs, are dealt with under Part IV (28). Here the 'community' is at least 'consulted', though there are no retroactive rights implied:

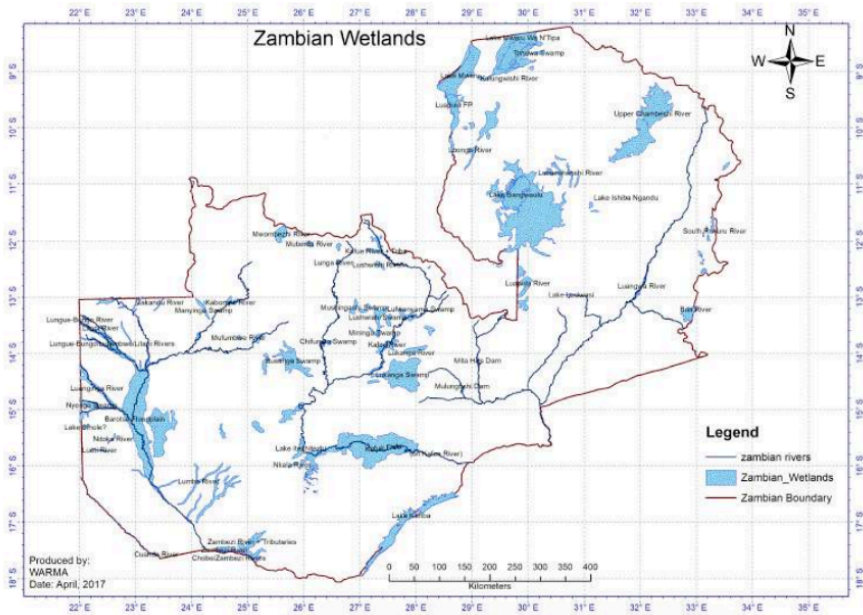
1. 'The President may, after consultation with the Minister and the local community, by statutory order,...'
2. . Alienated land is excluded from the GMA on application.
3. . A person may obtain a leasehold title.
4. The minister may grant a concession to someone who pays land user fees to be shared between the ministry and the 'local community.'
5. Any person living in the GMA must comply with the management plan provided by the CRB.
6. Miners may carry out their extraction after informing the Director that they are doing so. They must follow the prescriptions of the environmental impact assessment (EIA) approved by the Zambia Environmental Management Authority (ZEMA)
7. Any person who hunts there without a licence (elephant and rhino excepted) is subject to a fine or imprisonment for up to five years. Living as they do without government services in many cases, their habit forever of eating wildlife, they can be imprisoned with their family for five years for snaring a duiker - and spend three years waiting in prison to come to trial.

The implementation of this Act is the responsibility of the Director of the DNPW. The first director, Paul Zyambo, 2002 joined ZAWA as a biologist, becoming Director in 2016. In [March 2018, he published](#) a paper entitled:

*What is Limiting Success of Community-Based Approach to Conservation of Natural Resources in Southern Africa?* He identified four challenges limiting the success of Community-Based Natural Resource Management (CBNRM): the inability to sustain livelihoods, weak land and resource tenure, weak community institutions and poor governance. One of the number of issues he left out was the very poorly thought-out legislation, such as Zambia's atrocious Wildlife Act of 2015, particularly the seven issues I had brought up. He also made no mention of Landsafe or his employers' part in destroying its implementation in Zambia. Perhaps he should have suggested implementing the ceremony of *Beating the Bounds*, the pre-Norman conquest British custom of going a-ganging together annually on Ascension Day under their parish priest by walking the parish boundaries taking note of land-grabbing, praying for its removal, and also ripping out encroachments.

## National Policy on Wetlands (2018)

The policy was [produced in September 2018](#).



The policy states:

*The Environmental Management Act No 12 of 2011, section 25 provides for the declaration of a wetland as an ecologically sensitive area imposing limitations on development in or around wetlands. The act further prohibits reclaiming or draining, disturbing a wetland by drilling or tunneling in a manner that has, or is likely to have, an adverse impact on the wetland or adversely affect the ecosystem. It also prohibits introduction of exotic animals or plants. There are at least 33 pieces of legislation, which are directly or indirectly related to the environment in Zambia. However, the Water Resources Management Act No 21 of 2011, section 8 (2b) does mandate Water Resources Management Authority to protect preserve and conserve wetlands, dambos and marshlands. Each sector has its own piece of legislation regarding components of the environment. This therefore implies that wetlands are perceived differently by different stakeholders (i.e., fisheries, agriculture, wildlife, and water) who focus on institutional functions. These issues raise the*

*need for a more holistic national policy on wetlands.*

## Guiding Principles for Wetland Management

*1. Commonality Principle – Property rights to land do not confer property rights to wetland resources sitting wholly or in part on that piece of land. They are a vital element of the national and global ecosystems and the economy, making them a common asset for Zambians to collectively own, use and sustain.*

*2. Intergenerational equity – wetland resources and assets will be managed for the benefit of present and future generations. Development and utilization of the Wetland shall not lead to degradation of the wetland resources.*

*3. Ecosystem approach – The wetlands will be managed in an integrated manner as a part of a catchment or system.*

*4. Holistic approach – Wetlands will be managed taking into account their social, economic and ecological functions. Both Indigenous and science based knowledge and value systems will inform the management of wetlands*

*5. Participatory Principle– The management of wetland resources and services will involve broad stakeholders’ consultation and involvement including local communities, women, men and the youth (gender);*

*6. Polluter Pays Principle– a person or institution responsible for pollution of the wetland will bear the cost of restoration and clean-up of the affected area to its natural and acceptable state.*

*7. Precautionary Principle – lack of scientific evidence should not be used as a reason to postpone measures to prevent wetland degradation.*

*8. Preventative Principle– measures need to be undertaken to avoid degradation of the wetlands ecosystem instead of focusing on restoration after wetlands are degraded;*

*9. International best practices – The management of wetlands shall embrace internationally accepted best practices of wetlands management.*

*10. No net loss principle – ‘that conservation/biodiversity losses in*

*one geographically or otherwise defined area are balanced by a gain elsewhere provided that this principle does not entail any impairment of existing biodiversity as protected by nature legislation.’ 11. Payment for Ecosystem Services – ‘That investors have a duty to pay for the management of wetlands which provide ecosystem goods and services which they derive.’*

*In order to promote stakeholder participation in effective management of wetlands and ensure equitable sharing of benefits, the following measures will be undertaken:*

- i. Support traditional leadership and communities to develop local level rules and regulations to facilitate effective management of wetlands.*
- ii. Develop mechanisms for value addition to wetlands resources for both local and foreign investments.*
- iii. Encourage the participation of micro, small and medium enterprises in the sustainable utilisation of wetlands resources.*
- iv. Promote the documentation and incorporation of Indigenous knowledge on wetlands utilisation and management and practices in decision making.*

## Legal Framework

# WILDLIFE LAW

The government will ensure an integrated management of wetlands through various enabling Acts. Ministries and Agencies of government will be expected to review their legislation in order to effectively contribute to sustainable management of wetlands. The enabling Acts are as follows:

ENABLING ACT	PURPOSE
Water Resources Management Act No. 21 of 2011	The Act provides for the protection, preservation and conservation of wetlands and headwaters.
Environmental Management Act No. 12 of 2011	The Act provides for declaration of wetlands as <u>ecologically sensitive areas and for their protection.</u>
Fisheries Act No.22 of 2011	The Act provides for sustainable fisheries and aquaculture <u>development and management.</u>
Agriculture Act No. 13 of 1994 Cap 226	The Act provides for sustainable agricultural practices and development, investment and management.
Lands Act Cap 184	The Act provides for the management and administration of <u>land in Zambia on which wetlands are located.</u>
The Forest Act No.4 of 2015	The Act provides for protection and conservation of forests and trees which in turn protects wetlands.
The Wildlife Act No. 15 of 2015	The Act provides for wildlife ecosystem's management.
Agriculture (Fertilizer and Feeds) Act No. 13 of 1994 Cap 226	The Act provides for regulation and control of manufacture, processing, importation and sell of agriculture fertilizers.
Zambia Development Agency Act No. 11 of 2006	The Act provides for trades, investments and industrial developments in Zambia.
National Heritage Conservation Commission Act No 173 of 1989	The Act provides for the conservation of the Cultural and Natural heritage sites in the country

Biosafety Act No. 10 of 2007	The Act provides the regulation research, development, application, import, export, transit, contained use, release or placing on the market of any genetically modified organism.
Public Finance Act No.15 of 2004	The Act provides for the control and management of public finances.
Mines and minerals Act No. 11 of 2015	The Act provides for minerals and mines development.
Local Government Act No.9 of 2004	The Act provides for an integrated three tier local administration system; to define the functions of local authorities; to repeal the Local Administration Act and certain related laws; and to provide for matters connected with or incidental to the foregoing.
The Urban and Regional Planning Act No. 3 of 2015	The Act provides for development, planning and administration principles, standards and requirements for

	urban and regional planning process and systems, provide for framework for administering processes for urban and regional planning for the Republic, establish procedures for an integrated urban and regional planning in a devolved system of governance
Tourism Act No 13 of 2015	The Act provides for the sustainable development of the tourism industry through effective tourism planning, management, promotion and coordination to ensure sustainable tourism.
The National Policy on Climate Change of 2016	The Act provides a framework for coordinated response to Climate Change issues. It gives guidance on how the Zambian economy can grow in a sustainable manner and thereby fostering a smooth implementation of the Revised National Development plans including the achievement of the Vision 2030

Most of the ministries are involved with this policy, but of great importance are the following:

#### **8.1.14 The Ministry responsible for National Parks and Wildlife**

The Ministry responsible for National Parks and Wildlife will be responsible for the operationalization of the Ramsar convention on wetlands in the Wildlife Protected Areas. The Ministry through the department of National Parks and Wildlife shall be responsible for:

- a) Ensuring the protection of wildlife resources in the wetland ecosystems that are within the protected area network;
- b) Undertaking research and monitoring and inventory of wetlands resources; and
- c) Conducting restoration of degraded wetland ecosystems within the protected area network.

#### **8.1.15 The Ministry responsible for Chiefs and Traditional Affairs**

The Ministry responsible for Chiefs and Traditional Affairs shall ensure traditional leaders and community participation in the formulation of by-laws governing wetlands.

## Zambia Vision 2030 and the 7th National Development Plan

President Mwanawasa introduced [Vision 2030 to Zambia](#) in 2006. In its executive summary, it states:

*By 2030, Zambians, aspire to live in a strong and dynamic middle-income industrial nation that provides opportunities for improving the well being of all, embodying values of socioeconomic justice, underpinned by the principles of: (i) gender responsive sustainable development; (ii) democracy; (iii) respect for human rights; (iv) good traditional and family values; (v) positive attitude towards work; (vi) peaceful coexistence and; (vii) private-public partnerships.*

Zambia is two countries in one: 1) a 'big man' neo-colonial urban and capitalist environment, and 2) an eco-socialist rural customary commonage i.e. the chiefdoms. Vision 2030, by announcing that Zambia aspires to be a 'middle-income industrial nation' only addresses the big man urban part - despite the massive evidence available showing that big man Zambia is a failed state, one ever-deteriorating, and has little prospect of ever attaining that status given its soaring population, and deteriorating political, economic and social structures. The chiefdoms, on the other hand, are intact, though weighed down by a plethora of big man laws and rent-seeking, and with very little development support.

## Wildlife Law and the Legal Empowerment of the Poor in sub-Saharan Africa

Maria Teresa Cirelli and Elisa Morgera  
[FAO Legal Papers May 2009](#) See Chapter 19.

## 11. Zambia Laws

### 11.1 Overview of the legal framework

*The Environmental Protection and Pollution Control Act (1990) is the general environmental law for Zambia. However, the focus of the Act is more on pollution than overall environmental management. The legislation most directly relevant to wild animals is the Wildlife Act (1998). Numerous texts of regulations adopted under the wildlife legislation previously in force have not been expressly repealed and so remain valid to the extent that they are not in conflict with the current Act. The Forest Act (1999), although expressly created for the sustainable management of forest ecosystems, does not address wild animals in any particular way.*

### 11.2 Institutional setup and role of stakeholders

*Pursuant to the legislation of Zambia, institutions responsible for environment and wildlife must include representatives of various non-governmental actors. In this respect, the legislation differs from that of other countries of the region, which generally relegate the participation of non-government entities and private sector to bodies which are established to advise the institutions, rather than in the institutions themselves.*

*An Environmental Council, created under the Environmental Protection and Pollution Control Act, must include one representative of an NGO,*

*in addition to representatives of various government sectors (sec. 4). The Council's function is "to protect the environment and control pollution, so as to provide for the health and welfare of persons, animals, plants and the environment" (sec. 6). FAO Legal Papers Online May 2009.*

*The Wildlife Authority, pursuant to the 2001 amendment of the Wildlife Act, has nine members, two of whom must be patrons (i.e., chiefs) of community resources boards and one of whom must have wide commercial experience in the private sector (Schedule). Functions of the Authority include the management of protected areas and, "in partnership with local communities", game management areas, and to ensure sustainability in wildlife management (sec. 5). The Zambia Forestry Commission is to be established under the Forest Act and its functions include the promotion of sustainability, preservation of ecosystems and biological diversity in National Forests, Local Forests and Open Areas and the implementation of participatory forest management and "equitable gender participation" (sec. 5). Among the Commission's fifteen members, one must have experience in the timber industry, one must represent the farming community and two must be chiefs (First Schedule). The Commission has not yet been established, but is expected to come into existence in 2009.*

*A local community neighbouring a game management area or an Open Area, or a chiefdom with common interest in the wildlife and natural resources in that area, may apply to the Authority for registration as a community resources board. Every board must include seven to ten elected representatives of the community, one representative of the concerned local authority and one chief representative. A chief must be the "patron" of the board. Such composition is a sufficient requirement for registration (sec. 6). Some rules are given for the creation and management of a fund by every board (sec. 9). Other provisions applicable to community resources boards are described in the section below on wildlife utilization.*

### 11.3 Wildlife tenure and use rights

*Ownership of wild animals is vested in the president on behalf of the people of Zambia (sec. 3). "Hunting game" animals or protected animals in any Open Area without a licence is an offence; exceptions exist where the hunter is the owner of such land or if the hunter has been given the landowner's permission. Thus, provision requires the possession of a valid licence (sec. 67), while also granting a significant privilege to landowners.*

*Wild animals may be killed for self defence or in defence of other persons. Landowners and owners of crops or livestock on land held under a lease or customary law may kill any "game animal, non-game animal, protected or nonprotected animal which is identified as causing or has caused material damage to land, buildings, crops or livestock". A report to an officer must be made within forty-eight hours. Killing an animal under any such circumstances does not entitle the actor to its ownership. However, ownership of the carcass, trophy or meat of the animal may be given by the administration as compensation for any damage (sec. 78).*

### 11.4 Wildlife management planning

*Under the Environmental Protection and Pollution Control Act, the Council must "take stock of the nation's natural resources and their utilisation" in liaison with other relevant agencies and experts dealing with natural resources conservation (sec. 76). The Authority, in consultation with a community natural resources board, must develop management plans for the Game Management Area or Open Area under the jurisdiction of the board (sec. 6).*

## 11.5 Wildlife conservation (protected areas, protected species, impact assessment)

*Under the Environmental Protection and Pollution Control Act, the Council must adopt regulations, with the approval of the minister, to protect wildlife (sec. 76). The president may declare national parks after consultation with the Authority and the local community (sec. 10). Land over which any person holds any rights may be compulsorily acquired (sec. 11). Hunting, disturbing or removing wild animals from national parks is an offence. A permit, however, may be issued to hunt specified animals “for the better preservation of other animal life, or for other good and sufficient reason” (sec. 16).*

*Pursuant to the Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations (1997), projects “located in or near environmental sensitive areas”, such as “zones of high biological diversity” require a “project brief” (the first step of a full environmental impact assessment) (First Schedule). Commercial exploitation of fauna and flora requires an environmental impact assessment (Second Schedule). Among the impacts to be considered for inclusion in the terms of reference of an environmental impact assessment are the effects on number, diversity and breeding sites of fauna, on “breeding populations of game” and on rare and endangered species (Third Schedule).*

*State or private plans or activities which may have an adverse effect on any wildlife species or community in a national park, game management area or Open Area are subject to a wildlife impact assessment, upon request by any person. “Existing or anticipated impacts upon wildlife, including an account of the species, communities and habitats affected and the extent to which they are or may be threatened and endangered species which are or may be affected are to be taken into account. Reference is made to the procedures specified by the Environmental Council under the Environmental Protection and Pollution Control Act*

(sec. 32).

## 11.6 Wildlife utilization (hunting, ecotourism, ranching, trade and other uses)

*Hunting of game animals or protected animals requires a permit (sec. 31). The president may, after consultation with the Authority and the local community, declare any area to be a game management area for the sustainable utilisation of wildlife. Land held under a leasehold title cannot be affected, except with the written consent of the occupier, who may apply for inclusion. Hunting protected animals in game management areas is an offence (sec. 26).*

*The following classes of licences may be issued: (a) non-resident hunting licence (to the client of a licensed "hunting outfitter"), (b) resident hunting licence, (c) bird licence, (d) professional hunter's licence, (e) apprentice professional hunter's licence, (f) professional guide's licence, (g) apprentice professional guide's licence, (h) special licence. The latter type of licences may be issued for scientific or educational purposes, or to hunt in national parks or game management areas, or to capture animals to rear them, or for chiefs or other authorized persons. Resident licences and special licences may authorize the licence holder to appoint other persons to hunt in their place. All licences specify the species and number of animals which may be taken (secs. 33–51).*

*Under the Tourism Act, persons holding a tourism enterprise licence, may obtain a photographic tour operators licence (sec. 52). Residents who hold a hunting concession over a game management area, may apply for a hunting outfitter's licence (sec. 53). A restricted professional hunter's licence may be issued to carry on business as a professional hunter in respect of "non-dangerous animals" (sec. 54). A commercial photographic licence may also be issued to create paintings or to take films or video for commercial purposes in a National Park (sec. 55).*

*Applications for any licences may be rejected if the applicant “is not a fit or proper person to hold such a licence” or if “the Director-General is satisfied that in the interest of good game management the licence should not be issued” and reasons for the refusal must be stated in writing (sec. 56). Licences may be revoked in case of failure to comply with conditions (sec. 58) or suspended “in the interests of good game management” (sec. 60). Appeals to the Authority, and subsequently to the High Court, of decisions to reject applications or suspend or revoke licences are possible.*

*A trophy dealer’s permit is required to buy, sell or process or otherwise deal in any trophy, or manufacture any article from any readily recognisable part of it, in the course of trade. The requirement does not apply to the case of sale, processing or manufacturing of animals hunted by the holder of a hunting permit (secs. 86 and 87).*

*Purchase, sale or possession of game animals, protected animals, or meat from either group of animals is also subject to rules. The Director-General may issue a certificate of ownership to any person who is in lawful possession of any game animal or protected animal or who intends to sell any meat of a game animal or protected animal. The seller must endorse such a certificate and hand it over to the buyer. These rules do not apply to sellers from authorized commercial outlets (secs. 101, 102 and 104). On the advice of the Authority, the minister may, by statutory instrument, regulate or prohibit the trade in live or game animals or protected animals or the trade in carcasses, meat and skins of such animals during specified periods or in certain areas (sec. 103).*

*The main requirements for import are: (a) for any wild animal or any meat of any wild animal or any trophy, an import permit issued by the Director-General; and (b) for the import of ivory or rhinoceros horn, an import permit issued by the director with the approval of the Authority (sec. 105). For export, requirements are: (a) for any ivory or rhinoceros horn or any protected animal, an export permit issued by the Authority*

*with the approval of the minister; and (b) for any non-protected animals, an export permit issued by the Director-General with the approval of the Authority (sec. 110). Wounded animals must be killed but not if they enter protected areas. Whenever killing the wounded animal is not possible, a report to the wildlife officer must be made within forty-eight hours (sec. 81). Any person who under any circumstances kills any elephant or rhinoceros must, within forty-eight hours, produce the ivory or rhinoceros horn of the animal to a wildlife officer to weigh and register it (sec. 93). The same must be done by a person who imports ivory or rhinoceros horn. If the officer finds that the ivory or rhinoceros horn has been lawfully obtained, they are returned with a certificate of ownership (sec. 94).*

*The Zambia Wildlife (Elephant) (Sport Hunting) regulations, 2005, set out specific conditions for sport hunting of elephants, limiting it to a maximum of twenty per year. Subsidiary agreements are to be entered into between the Authority and the concerned concessionaires regarding the hunting of animals, in accordance with basic requirements set out in the regulations (reg. 6). Fifty percent of the quota is allocated to game management areas specified in the schedule. The rest is sold by auction to other concessionaires. Fifty percent of the meat of an elephant killed during sport hunting is to be given to local communities (sec. 6 (4)). Forty-five percent of the proceeds from the sale of licences issued for the hunting of animals must also be paid to local communities at the end of the hunting season “and the Authority’s guidelines to communities on the use of community funds” apply. Another five percent must be paid to the concerned communities’ chiefs (reg. 10 (3)).*

*The Zambia (Community Resources Boards) Regulations require that fifty percent of licence fee revenues be paid to the Community Resources Boards of the areas where the licences have been issued, and a proportion of the sums due to the Community Boards (five percent according to the schedule) must be paid to the local chief (“patron”) (reg. 3).*

## Legislation Reviewed

Zambia Environment Protection and Pollution Control Act, 1990 (Act No. 12):

*An Act to provide for the protection of the environment and the control of pollution; to establish the Environmental Council and* *FAO Legal Papers Online May 2009 Wildlife law and the legal empowerment of the poor in Sub-Saharan Africa to prescribe the functions and powers of the Council; and to provide for matters connected with or incidental to the foregoing.* 23 July 1990, as amended by Act No. 12 of 1999 *Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations, 1997 (S.I. No. 28 of 1997). 17 February 1997.*

Zambia Wildlife Act (No.12 of 1998):

*An Act to establish the Zambia Wildlife Authority and to define its functions; to provide for the establishment, control and management of National Parks and for the conservation and enhancement of Wildlife ecosystems, biodiversity, and of objects of aesthetic pre historic historical geological, archaeological and scientific interest in National parks; and for the promotion of opportunities for the equitable and sustainable use wildlife and effective management of the wildlife habitat in Game Management Areas; to enhance the benefits of Game Management Areas; to provide for the development and implementation of management plans; to provide for the regulation of game ranching; to provide for the licensing, sale, import and export of wild animals and trophies; to provide for the implementation of the convention on International Trade in Endangered Species of Wild Flora and Fauna, the convention on Wetlands of International Importance Especially as Water Fowl Habitat, the convention on Biological Diversity and the Lusaka Agreement on Cooperative Enforcement Operations Directed at illegal Trade in Wild*

*Fauna and Flora; to repeal the National Parks and Wildlife Act, 1991;  
and to provide for matters connected with or incidental to the foregoing.  
24 April 1998*

Zambia Wildlife (Elephant) (Sport Hunting) Regulations, 2005 (S.I. No. 40 of 2005). 6 May 2005

Repealed

Zambia Wildlife (Community Resource Boards Revenue) Regulations, 2004 (S.I. No. 89 of 2004). 6 October 2004

National Parks Regulations. 1993

National Parks and Wildlife (Night Game Drives) Regulations, 1997 (S.I. No. 49 of 1997). 22 April 1997

National Parks and Wildlife (Bird Sanctuaries) Regulations. 1993

National Parks and Wildlife (Camping Sites) Regulations. 1993

National Parks and Wildlife (Elephant and Rhinoceros) Regulations. 1993

[Abstract](#)

*These Regulations prohibit the hunting of elephant and rhinoceros, with immediate effect, prohibited throughout Zambia and provides for cancellation, with immediate effect, of all outstanding licences to hunt elephant and rhinoceros. They also prohibit the exportation of ivory rhinoceros horn and other than manufactured articles therefrom, provided that the Minister may authorise a department of the Government to export ivory or rhinoceros horn for or on behalf of any other person. Any person,*

Comment IM: This is about the year that the black rhino of Zambia became extinct - a classic example of stable-door legislation.

National Parks and Wildlife (Game Animals) Order. 1993

National Parks and Wildlife (Licence and Fees) Regulations. 1993

National Parks and Wildlife (Methods of Hunting) (Restriction) Regulations. 1993

National Parks and Wildlife (Prescribed Trophies) Regulations. 1993

National Parks and Wildlife (Prohibition of Holding Both a District Game Licence and a  
National Game Licence) Regulations. 1993

National Parks and Wildlife (Sumbu National Park) (Use of Boats) Regulations. 1993

National Parks and Wildlife (Trophy Dealers) Regulations. 1993

National Parks and Wildlife (Wild Animals in Captivity) Regulations. 1993

Forests Act 1999 (Act No. 7 of 1999):

*An Act to establish the Zambia Forestry Commission and to define its functions; to provide for the establishment of National Forests, Local Forests and joint forest management areas; to provide for the participation of local communities, traditional institutions, nongovernmental organisations and other stakeholders in sustainable forest management; to provide for the conservation and use of forests and trees for the sustainable management of forest ecosystems and biological diversity; to provide for the implementation of the Convention on International Trade in Endangered Species of Wild Flora and Fauna; the Convention on wetlands of International Importance Especially as Water Fowl Habitat, the Convention on Biological Diversity and the Convention to Combat*

*Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa; to repeal the Forests Act, 1973; and to provide for matters connected with or incidental to the foregoing.*  
4 October 1999

Local Forests (Control and Management) Regulations, 2006 (S.I. No. 47 of 2006). 20 April 2006 F

## TORT | Zambia Legal Information Institute

<https://zambialii.org/tags-local/tort>

Trespass to land Civil procedure:

- Distinction between heads of damages and heads of **tort**
- Liability must be established before heads of damages may be considered

Civil procedure

- Whether co-plaintiffs can advance wrongful eviction **claims** under a co-plaintiffs action for trespass

## Zambia Legal Institute

SAIPAR manages the [Zambia Legal Information Institute \(ZambiaLII\)](#) website. ZambiaLII provides no-cost access to Zambia's judgments and legislation, with the aim to make law more accessible to the public. More specifically, it collects and uploads Laws, Acts, Statutory Instruments, Court Cases and Law Development Commission Reports. It has since received technical support from the African Legal Information Institute (AfricanLII), a free access to law project operating in South Africa. The AfricanLII and SAFLII websites serves as a platform for engagement with African national and regional law. In 2012, the ZamLII website was set up ([www.zambialii.org](http://www.zambialii.org)) and is managed by both AfricanLII and SAIPAR.

### **Background**

The Zambia Legal Information Institute (ZamLII) was set up at University of Zambia (UNZA)'s Law School in 1996, by Prof Peter Martin. In 2012, the Southern African Institute for Policy and Research (SAIPAR) has initiated a revival of ZamLII. It has since received technical support from the African Legal Information Institute (AfricanLII), a free

*access to law project operating in South Africa. The AfricanLII website serves as a platform for engagement with African national and regional law. In 2012, the ZamLII website was set up ([www.zambialii.org](http://www.zambialii.org)) and is managed by both AfricanLII and SAIPAR.*

*The free access to digital legal resources movement started at Cornell University, U.S. in 1992. The work was carried out by the so-called Legal Information Institute, whose function is to provide free online access to legal information such as case law, legislation, treaties, law reform proposals and legal scholarship. The founders were Prof Peter Martin and Prof Thomas Bruce. The legal information institutes mushroomed around the world and when they assembled in 2002 in Montreal, they declared that:*

- Public legal information from all countries and international institutions is part of the common heritage of humanity. Maximizing access to this information promotes justice and the rule of law;*
- Public legal information is digital common property and should be accessible to all on a non-profit basis and free of charge;*
- Organizations such as legal information institutes have the right to publish public legal information and the government bodies that create or control that information should provide access to it so that it can be published by other parties.*

## ZAMBIA: ENVIRONMENTAL LAW CONTEXT REPORT (2019)

<https://africanlii.org/book/zambia-environmental-law-context-report>

## Most Important Environmental Laws

### **1 Constitution of Zambia ( Amendment) Act ( No. 2 of 2016)**

The Constitution covers: Traditional rights/customary rights, Economic/-social/cultural rights, Gender and natural resources, Indigenous peoples, Protection of environment, Sustainable development, Renewable energy, Polluter pays principle, Pollution control, Public participation, Agricultural land, Sustainable use, water right, among others.

[www.parliament.gov.zm/.../Constitution%20of%20Zambia%20%20%28A..](http://www.parliament.gov.zm/.../Constitution%20of%20Zambia%20%20%28A..)

### **2 Environmental Management Act, 2011 (No. 12 of 2011).**

The Act covers: Air quality/air pollution, Noise pollution, Radiation, Pollution control, Basic legislation, Institution, Environmental planning, Access-to-information, Biosecurity, Ecosystem preservation, EIA, Environmental audit, Environmental standards, Protected area, Land-use planning, Soil conservation/soil improvement, Soil pollution/quality, Pesticides, Transboundary effects, Waste management, Inland fisheries, Freshwater quality/freshwater pollution, Inland waters, Management/conservation, Biodiversity, Protection of habitats, Wetlands.

[www.zema.org.zm > ... > Environmental Management Acts](http://www.zema.org.zm > ... > Environmental Management Acts)

### **3 Zambia Wildlife Act 2015(No.14 of 2015).**

The Act covers Land tenure, Mining, Basic legislation, Protected area, National parks, Endangered species, Wild flora, Hunting/capture, Hunting gear/hunting methods, Hunting authorization/permit, Hunting authorization/permit fee, Wildlife products, Biodiversity, Dangerous animal/harmful animal, Reptiles, International agreement-implementation, Enforcement/-compliance.

[www.parliament.gov.zm/.../acts/The%20%20Zambia%20Wildlife%20Act](http://www.parliament.gov.zm/.../acts/The%20%20Zambia%20Wildlife%20Act)

### **4 Zambia Wildlife (International Trade in Endangered Species of Wild**

### **Fauna and Flora) Regulations, 2007 (S.I. No. 61 of 2007).**

The Act covers: Plant production, Management/conservation, Endangered species, Institution, Wild fauna, Wild flora, Wildlife products, International trade, Authorization/permit, Certification, Registration, International agreement-implementation, Ranching/captive breeding, Offences/penalties, Cartilaginous fishes, Protection of species

[https://www.ecolex.org/details/legislation/zambia-wildlife-international-trade-in-endangered-species-of-wild-fauna-and-flora-regulations-2007-si-no-61-of-2007-lex-faoc133726/?q=land+act+Zambia&xdate\\_min=&xdate\\_max=](https://www.ecolex.org/details/legislation/zambia-wildlife-international-trade-in-endangered-species-of-wild-fauna-and-flora-regulations-2007-si-no-61-of-2007-lex-faoc133726/?q=land+act+Zambia&xdate_min=&xdate_max=)

### **5 Forests Act, 2015 (Act No. 4 of 2015)**

The Act covers: Soil conservation/soil improvement, Gender and natural resources, Governance, Desertification, International agreement-implementation, Traditional knowledge/indigenous knowledge, Climate change, Basic legislation, Forest management/forest conservation, Forestry protection measures, Ecosystem preservation, Timber extraction/logging, Protected area, Protection forest, Afforestation/reforestation, Public forest, Marking/identification, Institution, Special fund, Classification/declassification, Authorization/permit, Community management, Private forest, Enforcement/compliance, Offences/penalties, Basin/catchment/watershed, Sustainable development, Sustainable use, Biodiversity, Protection of species, Wetlands.

<https://www.ecolex.org/details/legislation/forests-act-2015-act-no-4-of-2015-lex-faoc163377/?q=land+act+Zambia&type=legislation&page=2>

### **6 Lands Act, 1995 (Cap. 184)**

The Act covers Land tenure, Traditional rights/customary rights. [https://www.ecolex.org/details/legislation/lands-act-1995-cap-184-lex-faoc009900/?q=land+act+Zambia&type=legislation&xdate\\_min=&xdate\\_max=](https://www.ecolex.org/details/legislation/lands-act-1995-cap-184-lex-faoc009900/?q=land+act+Zambia&type=legislation&xdate_min=&xdate_max=)

### **7 Plant Pests and Diseases Act (Cap. 233).**

The Act covers: Plant protection, Plant production, Pests/diseases, Planting

material/seeds, Post-harvest treatment, Tobacco.

[https://www.ecolex.org/details/legislation/plant-pests-and-diseases-act-cap-233-lex-faoc046759/?q=land+act+Zambia&type=legislation&xdate\\_min=&xdate\\_max=](https://www.ecolex.org/details/legislation/plant-pests-and-diseases-act-cap-233-lex-faoc046759/?q=land+act+Zambia&type=legislation&xdate_min=&xdate_max=)

## **8 Petroleum (Exploration and Production) Act, 2008 (Act No. 10 of 2008).**

The Act covers: Mining, Oil, Registration, Institution, Contract/agreement, Environmental planning, Environmental standards, Authorization/permit

<https://zambialii.org/node/8125>

## **9 Fisheries Act, 2011 (No. 22 of 2011).**

The Act covers: Fishery management and conservation, Fishing area, Institution, Aquaculture, Mariculture, EIA, Policy/planning, Special fund, Protected area

[www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=94966](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=94966)

## **10 Energy Regulation Act (No. 16 of 1995).**

The Act covers Energy conservation/energy production, Institution, Authorization/permit, Environmental planning.

[www.erb.org.zm/downloads/legislation/Energy%20Regulation%20Act.pdf](http://www.erb.org.zm/downloads/legislation/Energy%20Regulation%20Act.pdf)

## **11 Water Resources Management Act, 2011 (No. 21 of 2011).**

The Act covers: Freshwater resources management, Groundwater, Surface water, Freshwater quality/freshwater pollution, Institution, Access-to-information, Aquaculture, Basin/catchment/watershed, Climate change, Disasters, Effluent wastewater/discharge, Enforcement/Compliance, Environmental planning, Flood, Monitoring, Protected area, Recreational water use, River basin institution, Water abstraction, Water conservation zone, Water quality standards, Water rights, Water shortage/drought, Water supply, Water users' associations, Waterworks, Well sinking/boreholes.

[nepadwatercoe.org/wp-content/uploads/zam117433.pdf](http://nepadwatercoe.org/wp-content/uploads/zam117433.pdf)

**12 Environment Protection and Pollution Control Act, 1990 (Cap. 204).**

The Act covers: Pollution control, Air quality/air pollution, Noise pollution, Radiation, Basic legislation, Institution, Fishing authorization, Waste disposal, Hazardous substances, Pesticides, Effluent wastewater/discharge, Freshwater quality/freshwater pollution, Inland waters, Registration

<https://www.ecolex.org/.../environment-protection-and-pollution-control-a>

**13 Biosafety Act, 2007 (No. 10 of 2007)**

The Act covers Biotechnology, Biosafety, Biosecurity, Traditional knowledge/indigenous knowledge, Plant production, Plant protection, Biodiversity, Liability/compensation, EIA

<https://www.ecolex.org/.../legislation/biosafety-act-2007-no-10-of-2007-le...>

**14 Mines and Minerals Development Act, 2015 (No. 11 of 2015)as reading together with The Mines and Minerals Development (Amendment) Act No. 14 of 2016.**

The Act covers EIA, Soil pollution/quality, Soil conservation/soil improvement, Basic legislation, Mining, Exploration, Soil rehabilitation, Freshwater quality/freshwater pollution

[www.parliament.gov.zm/.../acts/The%20Mines%20and%20Minerals%20Ac...](http://www.parliament.gov.zm/.../acts/The%20Mines%20and%20Minerals%20Ac...)

**15 Agricultural Lands Act (Cap. 187)**

The Act covers land and soil.

**16 Disaster Management Act, 2010 (No. 13 of 2010).**

The Act covers Disasters, Environmental planning, Traditional knowledge/indigenous knowledge.

**17 The Tourism and Hospitality Act 2015 ( No. 13 of 2015)**

This Act covers environmental management and protection and empowerment of local communities; heritage, energy, forestry, fisheries, wildlife and

water resource management.

## 2 ENVIRONMENTAL LAW TOPICS IN ZAMBIA

### A ENERGY, MINERALS AND EXTRACTIVES

*The Minerals Development Policy of 2013<sup>[13]</sup> acknowledges that exploration and mining activities always have a negative impact on safety, health and environment of communities which in turn affects the potential for long-term sustainable development. The Policy therefore seeks to ensure compliance with environmental regulations, maintenance of the Environmental Protection Fund and the development of environmental assessment processes. Of particular significance is the requirement that mining in protected areas will only be allowed when rehabilitation is guaranteed. Zambia's mining activity is large-scale copper mining while the production, processing and export of other minerals remain underdeveloped. However, mining activities conducted for aquamarine, tourmaline and red garnets in certain protected areas have had negative effects on wildlife species and their habitats. Although mining licenses can be granted as long as an EIA is carried out and approved by the Zambia Environmental Management Agency, some small-scale mines are carrying out activities without licenses.*

*Under the Seventh National Development Plan (7NDP), the emphasis is on broadening the range of minerals to cover non-traditional mining of gemstones, gold and industrial minerals as well as promotion of value addition to mining products and include energy and material efficiency strategies to increase productivity and reduce environmental pollution. In relation to biodiversity conservation, the Mines and Minerals Development Act does not provide for the mining companies to fund biodiversity conservation. There are no guidelines in the corporate social responsibility stipulating that the mining companies should finance*

*biodiversity conservation activities. Most of the mining companies involved in biodiversity conservation base their funding on their own company's greening initiatives or to stabilise the surface that has potential to affect the underground mining activities.*

*The 7NDP indicates that energy plays a key role in facilitating activity in all sectors of the economy. Zambia is endowed with a range of energy resources, particularly woodlands and forests, water, coal and renewable sources, such as geothermal, wind and solar energy and has the potential to generate about 6,000 megawatts (MW). The Plan states that the goal is to ensure universal access to clean, safe, reliable and affordable energy at the lowest cost, consistent with national development aspirations. According to the 7NDP, this strategy aims at promoting the development and use of renewable and alternative energy sources, such as solar, wind, biomass, geothermal and nuclear. In addition, efforts will be made to develop a comprehensive national energy strategy including a master plan for sustainable alternatives to charcoal and other household energy needs. The National Energy Policy of Zambia was adopted in 2008 with the objective to remove barriers to the development of renewable energy capacity in the country.<sup>[14]</sup> It is aimed at the diversification of the country's energy mix and creation of conditions that ensure availability of adequate supply of energy from various sources which are dependable at lowest economic, financial, social and environmental costs consistent with national development goals. Currently, the Ministry of Energy and Water Development (MMEWD) with the support of the World Bank and Icelandic International Development Agency (ICEIDA) are engaged in a geothermal development support program for at least 80 hot springs.<sup>[15]</sup> Currently, Zambia is also in the process of wind resource and solar mapping.*

*Ministry of National Development Planning, Seventh National Development Plan (2017 to 2021).<sup>[16]</sup>*

## B COASTAL, MARINE AND FISHERIES

*Zambia's National Water Policy aims at increasing access to safe drinking water and sanitation facilities for the rural population of Zambia to achieve the overall national goal of "universal access to safe, adequate and reliable water supply and sanitation services". However, some challenges to achieving this goal include the illegal abstraction of water and unintegrated water catchments management. The Water Resources Management Authority (WARMA) was established with the Water Resources Management Act No. 21 of 2011. Its main purpose is to serve as the regulatory body to manage and develop water resources in the whole country and ensure equal access to water for the various stakeholders. Based on Integrated Water Resources Management<sup>[17]</sup>, WARMA also takes gender and climate change dimensions into account to perform its functions.<sup>[18]</sup> Pollution often has lagged effects on species diversity. However, effluent from the mines discharged into the Kafue river system has been reported to negatively affect the diversity of butterflies, dragonflies and other benthonic invertebrates due to elevated levels of redox, electrical conductivity and turbidity. The highest fish species richness is found in Lake Tanganyika, estimated to have over 200 species, of which over 70% are endemic to the lake. This fishery needs special conservation attention, especially because it is a transboundary water body shared by four riparian countries.<sup>[19]</sup>*

*Zambia has launched the Lake Tanganyika Integrated Management Project to promote sustainable management of the lake and natural resources in the area. Concerning fisheries, some of the main challenges, in general, include lack of incentive for aquaculture development; unsustainable utilisation/illegal offtake during the fish ban period & in fish breeding areas; population increase; climate change and variability; invasive species; pollution and inadequate resources. Other threats to aquatic systems and fish include habitat modification due to rivers' damming, among other causes. They are also threatened by invasive alien species (water hyacinth, Kariba weed, carpetweed) and*

poor aquaculture practices.<sup>[20]</sup> The Fisheries Policy falls within the draft National Agricultural Policy 2001-2010. The policy aims to increase fish production and promote sustainable utilization of fishery resources to contribute to the economy through employment, income, and improved availability of fish. The proposed policy encourages sustainable fisheries management and stakeholder participation (especially the participation of local communities) to capture fishery and aquaculture. In general terms, the policy would therefore seem to support the objectives of a National Policy on Environment.

Zambia's main interest in the implementation of the SADC Protocol on Transboundary Water Resources is managing potential constraints on water-related development, developing hydropower (national and bilateral with Zimbabwe, though Mozambique is consulted) and irrigation (national) and supporting regional integration (it has been suggested that the Ministry of Foreign Affairs, overruled the Water Ministry concerning the latter's reluctance to join the Zambezi Commission). In terms of its participation in the SADC water agenda, Zambia actively pursues its interests as the primary riparian in the Zambezi. Zambia is part of the Zambezi Watercourse Commission, whose mandate, in theory, includes collection, evaluation and dissemination of data, promoting, supporting, coordinating and harmonising management and development of the water resources, promoting the harmonisation of national policies. The 7NDP indicates that during the Plan period, management of local and transboundary aquifers with riparian states will be promoted to ensure regional integration and water security in the broader framework of River Basin Water Management, utilising local and international financing initiatives.

Secretariat, The United Nations Convention on Biological Diversity Zambia Country Profile, February 2019.<sup>[21]</sup>

## C AGRICULTURE, PLANTS AND FORESTRY

*Several timber species are locally threatened due to overexploitation that has caused mature trees to become rare. This is despite declaring some of these species as protected or reserved. Currently, seventeen species of trees are reserved under the Forest Law and can therefore only be cut under license, although in practice, this is difficult to enforce. The Integrated Land Use Assessments phase two (ILUA II) estimated that Zambia is losing between 79,000 to 276,000 ha of forests annually with a weighted average of 0.6% of total land per annum. [22] Forest reserves are today significantly threatened by encroachment through cultivation and settlement. In the North-Western Province, this process is driven mostly by mining, while Northern Zambia has lost much of its primary cover to shifting cultivation. In the east, central and southern parts of Zambia, the conversion of forest land to permanent crop agriculture is the main driver of loss. Bush fires, overexploitation of timber trees, invasive alien plant species are other contributing factors.[23] Some of the main challenges to forestry in Zambia include unsustainable consumption of forestry products, agriculture expansion; land-use change; unsustainable utilisation/illegal offtake; mining & infrastructure development; agriculture expansion; encroachment; wildfires; and poor governance.*

*The 7NDP (2017-2021) aims to contribute to achieving the green growth objectives set out in Vision 2030. Green growth is taken to be “inclusive development that makes sustainable and equitable use of Zambia’s natural resources within ecological limits”.[24] Licensed exploitation of forest products is allowed in production forests, while protection forests are intended to protect water catchments, biodiversity and cultural values. In addition to forest reserves, 59 Botanical Reserves are located either within or outside forest reserves.[25] Under the 7NDP, a programme will be set up, financed through the Environmental Protection Fund and will be invested into productive jobs for environmental restoration, notably reforestation. Forests are subjected to various*

*disturbances such as fires, drought, diseases, and climatic events that influence the composition, structure and functions. Despite these stress factors, the majority (92.7%) of the trees in forests were found to be in good health. This is a positive indicator of the potential for forests to support sustainable development in the country. This status implies that Zambia's forest ecosystem has the potential to continue supplying forest goods and services for now and should therefore be factored into forestry planning at national and provincial levels, notwithstanding the high rates of deforestation.*<sup>[26]</sup> Since its first NBSAP in 1999, Zambia has formalised a National Tree Planting Programme and developed a Forest Policy in 2014.

Ministry of Lands, Natural Resources and Environmental Protection, United Nations Convention on Biodiversity Fifth National Report, June 2015.<sup>[27]</sup>

## D CLIMATE CHANGE, NATURAL DISASTERS AND AIR QUALITY

*Rising temperatures are foreseen to negatively affect both crop and livestock productivity and raising the need for careful consideration for agrobiodiversity conservation for drought-resistant genetic resources to withstand the rise in temperatures and associated diseases and pests burdens that are likely to occur as a result. Studies have also shown that Zambia's fish stocks are in danger. Water levels are predicted to decline in rivers and lakes due to increased evaporation induced by rising temperatures and reduced precipitation, consequently affecting fish productivity and the fishing industry. Some fish species, such as the breams and sardines, which are the most vulnerable ones and yet the most sought after, might not survive the environmental change. Some communities also depend on wildlife as a source of nutrition. However, change in rainfall frequencies is projected to alter the migrating behaviours of species such as puku, lechwe and waterbuck, thus impacting negatively on local communities.*

*The Environmental Management Act does not provide for regulations to ring-fence the money from the Carbon tax. It is difficult to track the money collected for Carbon taxes, currently collected by the Road Transport and Safety Agency as inland tax revenue and by the Zambia Revenue Authority that collects it at importation or entry point. The money goes into the consolidated account, and some of it may be used for non-carbon sequestration activities. It is proposed that fiscal revenue derived from environmental or biodiversity fiscal measures should have a separate account earmarked to fund environmental or biodiversity conservation projects only.*<sup>[28]</sup>

*A cursory review of achievements towards the set targets under the first NBSAP shows feeble direct results. Most of the actions taken could broadly be classified as means rather than ends in meeting the set targets. Under the Southern African Development Community (SADC) policy framework agreement, Zambia has developed a country status report that provides air quality statistics.*<sup>[29]</sup>

*Ministry of Lands, Natural Resources and Environmental Protection, United Nations Convention on Biodiversity Fifth National Report, June 2015.*<sup>[30]</sup>

## E WILDLIFE

*The Seventh National Development Plan indicates that its focus will be on restocking of national parks whose wildlife populations have declined to levels where safari and photographic tourism is not viable. Threats to national parks, game management areas and mammals include human encroachment and illegal wildlife use, such as the poaching of large mammals for the bushmeat market. The Government will also strengthen the capacity of the Department of National Parks and partner with the private sector and communities to protect wildlife. Since the Fourth National Report the creation of a new Lusaka National Park brings the total number of national parks to 20. The park is stocked with 827 animals which comprise nine different species.*<sup>[31]</sup> *Further, the number of*

*Game Management Areas (GMAs) rose from 33 to 36 by 2014. Zambia has Implemented the Kavango-Zambezi Transfrontier Area (KAZA) to protect wildlife migratory corridors and populations in Angola, Botswana, Namibia, Zambia and Zimbabwe.*

Ministry of National Development Planning, Seventh National Development Plan (2017 to 2021).[\[32\]](#)

## F PROTECTED AREAS

*The network of statutory protected areas (PA) in Zambia covers about 40% of the total surface area of the country. It comprises National Forests, Local Forests, National Parks, Game Management Areas, Bird and Wildlife Sanctuaries and Heritage Sites and some private and community game ranches whose coverage is not fully known. These PA categories, which largely conform to the IUCN classification, have a critical role in protecting biodiversity and the physical environment of Zambia. [\[33\]](#) Forests, agro-ecosystems and wetlands are the most important ecosystem to the national economy and rural livelihoods. Biodiversity conservation to date has been undertaken through the management of the existing protected areas system and promotion of sustainable utilization of natural resources in Open Areas. Furthermore, mining activities conducted for aquamarine, tourmaline, and red garnets in certain protected areas have harmed wildlife and their habitats. The Mining Policy currently provides that mining will only be permitted in protected areas where rehabilitation is possible. Although mining licenses can be granted as long as an EIA is carried out and approved by the Zambia Environmental Management Agency, some small-scale miners carry out activities without licenses. Additional threats are wildfires, diseases and pesticides. The Fifth National Report indicates that under the 1999 NBSAP, Zambia undertook reclassification of Zambia's PA system, which identified gaps in species representation in the wildlife protected areas and recommended for additional types of protected areas (e.g. community parks, community protected forest areas). The*

*establishment of the Simalaha Community Conservancy and the Lusaka National Park have since followed.*

Ministry of Lands, Natural Resources and Environmental Protection, United Nations Convention on Biodiversity Fifth National Report, June 2015.[\[34\]](#)

## G AFRICAN CUSTOMARY LAW AND RIGHTS OF INDIGENOUS PEOPLES

*Zambia's rich biodiversity is scattered in customary or traditionally managed areas, protected areas, in situ conservation areas and agricultural landscapes. Game Management Areas (GMAs) are protected areas in communally owned lands (i.e., customary or traditional lands) that are used primarily for the sustainable utilization of wildlife resources, through regulated hunting and/or non-consumptive tourism concessions, for the benefit of the nation, local communities and the wildlife resource. Zambia's National Biodiversity Strategy and Action Plan (NBSAP-2) derived from the global conservation goals, the Aichi target. The NBSAP-2 identifies the Ministry of Chiefs and Traditional Affairs as the main stakeholder in protecting biodiversity, with its main interests being land administration, sustainable natural resource management and community rights. Zambia is presently embarking on the involvement of rural communities in the conservation of biodiversity. Creating community parks such as Simalaha Community Conservancy[\[35\]](#) in Mwandi District, Western Province, is one such example.*

Ministry of Lands, Natural Resources and Environmental Protection, Zambia's National Biodiversity Strategy and Action Plan (NBSAP-2) (2015 -2025).[\[36\]](#)

[\[1\] https://www.mlnr.gov.zm/.](https://www.mlnr.gov.zm/)

[\[2\] https://www.mota.gov.zm/.](https://www.mota.gov.zm/)

[\[3\] https://www.agriculture.gov.zm/.](https://www.agriculture.gov.zm/)

[4] <https://www.mwdsep.gov.zm/>.

[5] <https://www.mcti.gov.zm/>.

[6] <https://www.mndp.gov.zm/>.

[7] <https://www.mof.gov.zm/>.

[8] <https://www.moe.gov.zm/>.

[9] <https://www.mfl.gov.zm/>.

[10] <https://theredddesk.org/.../ministry-chiefs-and-traditional-affairs-zambia>.

[11] <https://www.mohe.gov.zm/>.

[12] [www.warma.org.zm/](http://www.warma.org.zm/).

[13] Ministry of Mines, Energy and Water Development, Mineral Resources Development Policy, July 2013 available at [https://www.mmmd.gov.zm/?wpfb\\_dl=142](https://www.mmmd.gov.zm/?wpfb_dl=142).

[14] Ministry of Mines, Energy and Water Development, The National Energy Policy, May 2008 available at <https://www.moe.gov.zm/download/policies/The-National-Energy-Policy-2008.pdf> accessed on 3 August 2019.

[15] Lufunda Muzeya, Energy Policy in Zambia 24 July 2015 available at [http://www.grips.ac.jp/teacher/oono/hp/course/student\\_slides/2015/lufunda\\_energy.pdf](http://www.grips.ac.jp/teacher/oono/hp/course/student_slides/2015/lufunda_energy.pdf) accessed on 4 August 2019.

[16] Available at <http://extwprlegs1.fao.org/docs/pdf/zam170109.pdf> accessed on 2 August 2019.

[17] Water is a key driver of economic and social development, while it also has a basic function in maintaining the integrity of the natural environment. However, water is only one of several vital natural resources, and water issues mustn't be considered in isolation. Managers, whether in the government or private sectors, have to make difficult decisions on water allocation. More and more, they have to apportion diminishing supplies between ever-increasing demands. Drivers such as demographic and climatic changes further increase the stress on water resources. The traditional fragmented approach is no longer viable, and a more holistic approach to water management is essential. This is the rationale for the Integrated Water Resources Management (IWRM) approach that has now been accepted internationally as the way forward for efficient, equitable and sustainable development and management of

the world's limited water resources and coping with conflicting demands. United Nations Department for Economic and Social Affairs (UNDESA) International Decade for Action 'WATER FOR LIFE' 2005 to 2015 <https://www.un.org/waterforlifedecade/iwrm.shtml> accessed on 4 August 2019.

[18] According to the Water Resources Management Authority, water is a basic human need, and as such domestic and non-commercial needs shall enjoy priority on the allocation of use. The environment is a water user and shall enjoy the second priority of allocation. There shall be equity between all genders in accessing water resources. The Water Resources Management Authority available at <http://www.warma.org.zm/warma-about-us/> accessed on 5 August 2019.

[19] The Secretariat, Convention on Biological Diversity Zambia Country Profile <https://www.cbd.int/countries/profile/default.shtml?country=zm#facts> accessed on 2 August 2019.

[20] Ibid.

[21] Available at <https://www.cbd.int/countries/profile/default.shtml?country=zm%20-%20facts> accessed on 2 August 2019.

[22] Jacob Mwitwa, Roselyne Mwila and Bruno Mweemba, Policy and Institutional Review for biodiversity conservation in Zambia Policy Brief number 1 February 2018, Biodiversity Finance Initiative (BIOFIN)-Zambia available at [https://www.biodiversityfinance.net/sites/default/files/content/knowledge\\_products/BIOFIN%20ZM%20PB%20%231-Policy%20and%20Institutional%20Review%20for%20biodiversity%20conservation%20in%20Zambia%5B1%5D.pdf](https://www.biodiversityfinance.net/sites/default/files/content/knowledge_products/BIOFIN%20ZM%20PB%20%231-Policy%20and%20Institutional%20Review%20for%20biodiversity%20conservation%20in%20Zambia%5B1%5D.pdf) accessed on 4 August 2019.

[23] The Secretariat, Convention on Biological Diversity Zambia Country Profile <https://www.cbd.int/countries/profile/default.shtml?country=zm#facts> accessed on 4 August 2019.

[24] Banda, T and S. Bass. Inclusive green growth in Zambia. Scoping the needs and potentials. Country Report. February 2014. IIED. London, as cited in the Fifth National Report. June 2015 available at <https://www.cbd.int/doc/world/zm/zm-nr-05-en.pdf> accessed on 4 August 2019.

[25] Ibid.

[26] The Food and Agriculture Organization of the United Nations, the

Forestry Department, Ministry of Lands and Natural Resources, Integrated Land Use Assessment II Report for Zambia (2011 to 2016), December 2016 [https://prais.unccd.int/sites/.../ILUA%20II\\_Final%20Report\\_Zambia\\_19062016.pdf](https://prais.unccd.int/sites/.../ILUA%20II_Final%20Report_Zambia_19062016.pdf) accessed on 4 August 2019.

[27] Available at <https://www.cbd.int/doc/world/zm/zm-nr-05-en.pdf> accessed on 4 August 2019.

[28] Jacob Mwitwa, Roselyne Mwila and Bruno Mweemba, Policy and Institutional Review for biodiversity conservation in Zambia, Policy Brief number 1 February 2018 [https://www.biodiversityfinance.net/sites/default/files/content/knowledge\\_products/BIOFIN%20ZM%20PB%20%231-Policy%20and%20Institutional%20Review%20for%20biodiversity%20conservation%20in%20Zambia%5B1%5D.pdf](https://www.biodiversityfinance.net/sites/default/files/content/knowledge_products/BIOFIN%20ZM%20PB%20%231-Policy%20and%20Institutional%20Review%20for%20biodiversity%20conservation%20in%20Zambia%5B1%5D.pdf) accessed on 4 August 2019.

[29] United Nations Environment Programme, Global Environmental Outlook Report GEO- 6: Regional Assessment for Africa, 2016 available at <https://www.unenvironment.org/resources/assessment-report/geo-6-regional-assessment-africa> accessed on 4 August 2019.

[30] Available at <https://www.cbd.int/doc/world/zm/zm-nr-05-en.pdf> accessed on 4 August 2019.

[31] Ministry of Lands, Natural Resources and Environmental Protection United Nations Convention on Biological Diversity Fifth National Report, June 2015 available at <https://www.cbd.int/doc/world/zm/zm-nr-05-en.pdf> accessed on 4 August 2019.

[32] Available at <http://extwprlegs1.fao.org/docs/pdf/zam170109.pdf> accessed on 2 August 2019.

[33] Ibid.

[34] Available at <https://www.cbd.int/doc/world/zm/zm-nr-05-en.pdf> accessed on 4 August 2019.

[35] Mava Foundation pour la nature, Empowering Zambia's First Community Conservancy, 24 January 2019 available at <http://mava-foundation.org/news-empowering-zambias-first-community-conservancy/> accessed on 5 August 2019.

[36] Available at <https://www.cbd.int/doc/world/zm/zm-nbsap-v2-en.pdf> accessed on 4 August 2019.

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[FAOLEX Database: Zambia](#)

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[National Policy on Wetlands.](#)

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Date of text: 01 April 2016

[Second National Agricultural Policy 2016.](#)

Date of text: 01 February 2016

National Water Supply and Sanitation Council Strategic Plan 2016-2020.

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National Disaster Management Policy 2015.

Date of text: 01 July 2015

Zambia National Strategy to Reduce Emissions from Deforestation and Forest

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Action Plan for Youth Empowerment and Employment.

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Date of text: 01 February 2009

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Date of text: 12 April 2017

[Agricultural Credits Act, 2010 \(No. 35 of 2010\).](#)

Date of text: 14 November 2010

[Rural Electrification Act.](#)

Date of text: 12 December 2003

[National Agricultural Marketing Act \(No. 19 of 1989\).](#)

Date of text: 18 August 1989

[Zambia Agricultural Development Bank Act \(No. 18 of 1979\).](#)

Date of text: 12 April 1979

[Agricultural Products Levy Act \(Cap. 232\).](#)

Date of original text: 01 October 1957 (2006)

[Control of Goods Act \(Cap. 421\).](#)

Date of original text: 26 March 1954 (2004)

[Agricultural Statistics Act \(Cap. 229\).](#)

Date of original text: 13 March 1919 (2006)

[Agricultural Institute of Zambia \(General\) Regulations, 2018 \(S.I. No. 54 of 2018\).](#)

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[Agricultural Credits \(Appointment of Authorised Agency\) Order, 2014 \(S.I. No. 59 of 2014\).](#)

Date of text: 04 November 2014

[Agricultural Credits \(Registration\) Regulations \(Cap. 224\).](#)

Date of original text: 1996 (2006)

[Lands \(Land Development Fund\) Regulations \(Cap. 184\).](#)

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[Control of Goods \(Import and Export\) \(Commerce\) Regulations \(Cap. 421\).](#)

Date of original text: 1965 (1994)

[Town and Country Planning \(Appeals\) Regulations \(Cap. 283\).](#)

Date of original text: 1963 (2006)

[Control of Goods \(Agricultural Products Prices\) Regulations \(Cap. 421\).](#)

Date of original text: 1958 (1994)

[Agricultural Statistics Regulations \(Cap. 229\).](#)

Date of original text: 1953 (2006)

[Local Government \(Amendment\) Act, 2010 \(No. 6 of 2010\).](#)

Date of text: 12 April 2010

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[Emergency Powers Act, \(Cap 108\).](#)

Date of text: 1964

[Disaster Management \(Qualifications of National Co-ordinator\) Regulations, 2019 \(S.I. No. 6 of 2019\).](#)

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Date of original text: 1992 (2006)

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Date of text: 22 January 2019

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Date of text: 01 November 2013

Disaster Management (National Disaster Management Council) Regulations, 2012 (S.I. No. 39 of 2012).

Date of text: 05 June 2012

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Date of original text: 17 February 1997 (2006)

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Date of original text: 1994 (2006)

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Date of original text: 1994 (2006)

Ionising Radiations Regulations.

Date of original text: 1992 (31 March 1997)

Local Government (Solid Waste Management) Regulations, 2011 (G.N. No. 100 of 2011).

Date of text: 20 July 2011

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Date of text: 18 October 2004

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[Shangombo District Council \(Fish Levy\) By-laws, 1999 \(S.I. No. 47 of 1999\).](#)

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Date of original text: 07 February 1997 (31 March 1997)

[Fisheries \(Prescribed Areas\) \(Declaration\) Order, 1986 \(Cap. 200\).](#)

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[Fisheries \(Amendment\) Regulations, 2017 \(S.I. No. 76 of 2017\).](#)

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[Fisheries \(Amendment\) Regulations, 1989 \(S.I. No. 16 of 1989\).](#)

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[Forests \(Community Forest Management\) Regulations, 2018 \(S.I. No. 11 of 2018\).](#)

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[Control of Goods \(Import and Export\) \(Forest Produce\) Regulations, 2017 \(S.I. No. 27 of 2017\).](#)

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[Forest \(Concession Licence\) Regulations, 2016 \(S.I. No. 50 of 2016\).](#)

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[Forests \(Export of Timber\) Regulations, 2015 \(S.I. No.94 of 2015\).](#)

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Date of original text: 1973 (2006)

Local Forest No. P341: Chinsali Plantation (Declaration) Order (Cap. 199).

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Date of original text: 1973 (2006)

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Local Forest No. P331: Nalikenena (Declaration) Order (Cap. 199).

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National Forest No. P316: Lunzua Extension (Declaration) Order (Cap. 199).

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Local Forest No. P318: Milima-Mulobola (Declaration) Order (Cap. 199).

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Local Forest No. P330: Kambowa (Declaration) Order (Cap. 199).

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Notice of the President on powers of a forest officer (Cap. 199).

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Government Notice on National Forest No. F6 Mwekera-Mwekera Fish Farm (Cap. 199).

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Declaration by the Minister on Local Forest No. P52 Chibombo (Cap. 199).

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120-142 and 144-148 (Cap. 199).

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[Control of Goods \(Import and Export\) \(Forest Produce\) \(Prohibition of Importation\)](#)

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[Forest \(Amendment\) Regulations 2013 \(S.I. No. 52 of 2013\).](#)

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Date of text: 14 August 2015

[Lands Act, 1995 \(Cap. 184\).](#)

Date of original text: 13 September 1995 (2006)

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Date of text: 14 November 2010

[Rating Act, 1997 \(Cap. 192\).](#)

Date of original text: 18 April 1997 (2006)

[Common Leasehold Schemes Act \(Cap. 208\).](#)

Date of original text: 31 December 1994 (2006)

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Date of original text: 19 May 1989 (2006)

[Wills and Administration of Testate Estates Act. \(Cap. 60\).](#)

Date of original text: 1989 (1994)

[Property Transfer Tax Act \(Cap. 340\).](#)

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[Valuation Surveyors Act \(Cap. 207\).](#)

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[Landlord and Tenant \(Business Premises\) Act \(Cap. 193\).](#)

Date of original text: 01 January 1972 (2006)

[Trusts Restriction Act \(Cap. 63\).](#)

Date of original text: 24 December 1970 (2006)  
[Lands Acquisition Act \(Cap. 189\).](#)

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[Deeds of Arrangement Act \(Cap 84\).](#)

Date of original text: 1968 (1994)  
[Occupiers' Liability Act \(Cap. 70\).](#)

Date of original text: 16 August 1963 (2006)  
[Bills of Sale \(Registration\) Act.](#)

Date of original text: 1961 (31 March 1997)  
[Agricultural Lands Act \(Cap. 187\).](#)

Date of original text: 23 December 1960 (2006)  
[Land Survey Act \(Cap. 188\).](#)

Date of original text: 1960 (2006)  
[Administration of Estates \(Trust Corporations\) Act \(Cap. 62\).](#)

Date of original text: 17 August 1956 (2006)  
[Fencing Act \(Cap. 190\).](#)

Date of original text: 01 October 1949 (2006)  
[Subordinate Courts Act \(Cap. 28\).](#)

Date of original text: 1933 (1995)  
[Land \(Perpetual Succession\) Act \(Cap. 186\).](#)

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[Administrator-General's Act \(Cap. 59\).](#)

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[Lands and Deeds Registry Act \(Cap. 185\).](#)

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[Delegation of](#)  
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Date of text: 01 November 2013

Lands Tribunal (Fees) Regulations, 2013 (No. 7 of 2013).

Date of text: 15 January 2013

Lands (Ground Rent, Fees and Charges) Regulations, 2009 (S.I. No. 110 of 2009).

Date of text: 27 November 2009

Lands (Land Development Fund) Regulations (Cap. 184).

Date of original text: 1996 (2006)

Lands Tribunal Rules (Cap. 184).

Date of original text: 1996 (2006)

Lands (Customary Tenure) (Conversion) Regulations (Cap. 184).

Date of original text: 1996 (2006)

Town and Country Planning (Application) Order (Cap. 283).

Date of original text: 1993 (2006)

Town and Country Planning (Delegation of Functions) Order (Cap. 283).

Date of original text: 1993 (2006)

District Councils (Rateable Property) (Exemption) Order (Cap. 192).

Date of original text: 1982 (2006)

Valuation Surveyors Rules (Cap. 207).

Date of original text: 1979 (2006)

Landlord and Tenant (Business Premises) Rules.

Date of original text: 1973 (2006)

Land Survey Regulations.

Date of original text: 1971 (2006)

Landlord and Tenant (Business Premises) Regulations (Cap. 193).

Date of original text: 1971 (2006)

Lands Acquisition (Prescribed Forms) Regulations (Cap. 189).

Date of original text: 1970 (2006)

Town and Country Planning (Appointment of Planning Authorities) Regulations (Cap. 283).

Date of original text: 1963 (2006)

Town and Country Planning (Planning Authority Procedure) Regulations.

Date of original text: 1963 (2006)

[Town and Country Planning \(Development Plans\) Regulations \(Cap. 283\).](#)

Date of original text: 1962 (2006)

[Town and Country Planning \(Claim for Compensation\) Regulations \(Cap. 283\).](#)

Date of original text: 1962 (2006)

[Town and Country Planning \(Use Groups\) Regulations \(Cap. 283\).](#)

Date of original text: 1962 (2006)

[Town and Country Planning Subdivision Order \(Cap. 283\).](#)

Date of original text: 1962 (2006)

[Town and Country Planning \(Enforcement Notices\) Regulations \(Cap. 283\).](#)

Date of original text: 1962 (2006)

[Town and Country Planning Development Order \(Cap. 283\).](#)

Date of original text: 1962 (2006)

[Delegation of Powers to City and Municipal Councils Notice \(Cap. 283\).](#)

Date of original text: 1962 (2006)

[Town and Country Planning \(Application for Planning Permission\) Regulations \(Cap. 283\).](#)

Date of original text: 1962 (2006)

[Agricultural Holdings \(Rent\) Rules \(Chapter 187\).](#)

Date of original text: 1961 (2006)

[Extermination of Mosquitoes Rules \(Cap. 312\).](#)

Date of original text: 1946 (2006)

[Lands and Deeds Registry Regulations.](#)

Date of original text: 1940 (2006)

[Urban and Regional Planning \(Planning Appeals Tribunal\) Regulations, 2018 \(S.I. No. 77 of 2018\).](#)

Date of text: 0000

[Arbitration \(Recognition of Arbitral Institutions\) Regulations, 2001 \(S.I. No. 73 of 2001\).](#)

Date of text: 2001

Non-Cadastral Survey and Mapping Fees and Charges Notice (SI No. 65 of 1996).

Date of text: 1996

District Councils (Rateable Property) (Exemption) Order.

Date of original text: 1982 (31 March 1997)

Subordinate Courts (Amendment) Act (No. 4 of 2018).

Date of text: 09 April 2018

Property Transfer Tax (Amendment) Act, 2017 (No. 11 of 2017).

Date of text: 19 December 2017

Property Transfer Tax (Amendment) Act, 2015 (No. 16 of 2015).

Date of text: 17 December 2015

Property Transfer Tax (Amendment) Act, 2014 (No. 9 of 2014).

Date of text: 23 December 2014

Property Transfer Tax (Amendment) Act, 2013 (No. 14 of 2013).

Date of text: 20 December 2013

Property Transfer Tax (Amendment) Act, 2012 (No. 13 of 2012).

Date of text: 21 December 2012

Property Transfer Tax (Amendment) Act, 2009 (No. 4 of 2009).

Date of text: 31 March 2009

Lands (Amendment) Act, 1996 (No. 20 of 1996).

Date of text: 28 June 1996

Lands (Ground Rent, Fees and Charges (Amendment) Regulations, 2016 (S.I. No. 106 of 2016).

Date of text: 30 December 2016

Lands (Customary Tenure) (Conversion) (Amendment) Regulations, 2015 (S.I. No. 74 of 2015).

Date of text: 08 October 2015

Land Survey (Amendment) Regulations, 2013 (S.I. No. 54 of 2013).

Date of text: 18 June 2013

Lands and Deeds Registry (Amendment) Regulations, 2013 (S.I. No. 53 of

2013).

Date of text: 18 June 2013

Non-Cadastral Survey and Mapping (Fees and Charges) (Amendment)  
Notice, 2013 (S.I.  
No. 4 of 2013).

Date of text: 05 January 2013

Lands and Deeds Registry (Amendment) Regulations, 2005 (S.I. No. 24 of  
2005).

Date of text: 24 February 2005

Lands and Deeds Registry (Amendment) Regulations 2004 (S.I. No. 21 of  
2004).

Date of text: 09 February 2004

Land Survey (Amendment) Regulations (S.I. No. 103 of 1998).

Date of text: 13 August 1998

Lands and Deeds Registry (Amendment) Regulations (S.I. No. 12 of 1997).

Date of text: 30 January 1997

Lands and Deeds Registry (Amendment) Regulations 1996 (S.I. No. 67 of  
1996).

Date of text: 01 January 1970

## Livestock

Animal Health Act, 2010 (No. 27 of 2010).

Date of text: 16 August 2010

Agriculture (Fertilisers and Feed) Act (Cap. 226).

Date of original text: 01 January 1970 (2006)

Prevention of Cruelty to Animals Act (Cap. 245).

Date of original text: 01 January 1921 (2006)

Medicines and Allied Substances Act, 2013 (No. 3 of 2013).

Date of text: 21 March 2013

Veterinary and Veterinary Para-Professions Act, 2010 (No. 45 of 2010).

Date of text: 24 November 2010

Dairy Industry Development Act, 2010 (No. 22 of 2010).

Date of text: 13 April 2010

Cattle Slaughter (Control) Act, 2010.

Date of text: 2010

Cattle Cleansing (Repeal) Act, 2010.

Date of text: 2010

Pig Industry Act (Cap. 251).

Date of original text: 01 February 1960 (2006)

Extermination of Mosquitoes Act (Cap. 312).

Date of original text: 1944 (2006)

Tsetse Control Act (Cap. 249).

Date of original text: 30 December 1941 (2006)

Pharmacy and Poisons Act (Cap. 299).

Date of original text: 1941 (1965)

Control of Dogs Act (Cap. 247).

Date of original text: 15 March 1929 (2006)

Export of Pigs Act (Cap. 246).

Date of original text: 06 June 1925 (2006)

Public Pounds and Trespass Act (Cap. 253).

Date of original text: 28 April 1920 (2006)

Brands Act (Cap. 244).

Date of original text: 01 November 1913 (2006)

Medicines and Allied Substances (Agro-Veterinary Shops) Regulations,  
2016 (S.I. No. 10  
of 2016).

Date of text: 27 January 2016

Animal Health (Veterinary Services Fees) Regulations, 2018 (S.I. No. 22 of  
2018).

Date of text: 07 March 2018

Medicines and Allied Substances (Importation and Exportation) Regulations,  
2017 (S.I.  
No. 57 of 2017).

Date of text: 14 July 2017

Medicines and Allied Substances (Certificate of Registration) Regulations, 2017 (S.I. No. 58 of 2017).

Date of text: 14 July 2017

Citizens Economic Empowerment (Reservation Scheme) Regulations, 2017 (S.I. No. 1 of 2017).

Date of text: 04 January 2017

Animal Health (Control and Prevention of Animal Disease) Order, 2014 (S.I. No. 24 of 2014).

Date of text: 13 January 2014

Animal Health (Livestock Cleansing) Order, 2014 (S.I. No. 16 of 2014).

Date of text: 13 January 2014

Cattle Slaughter (Control) Act (Application) Order (Cap. 250).

Date of original text: 1981 (2006)

Food and Drugs (Warranty) Regulations (Cap. 303).

Date of original text: 1972 (2006)

Agriculture (Farm Feed) Regulations (Cap. 226).

Date of original text: 1970 (2006)

Tsetse Control Picket Regulations (Cap. 249).

Date of original text: 1963 (2006)

Trypanosomiasis Regulations (Cap. 252).

Date of original text: 1963 (2006)

East Coast Fever Regulations (Cap. 252).

Date of original text: 1963 (2006)

Foot and Mouth Disease Regulations (Cap. 252).

Date of original text: 1963 (2006)

Stock Diseases Regulations (Cap. 252).

Date of original text: 1963 (2006)

Pig Industry (Grading) Regulations (Cap. 251).

Date of original text: 1960 (2006)

Pig Industry (Definition of Areas) Notice (Cap. 251).

Date of original text: 1960 (2006)

Pig Industry (Powers of Inspectors) Regulations (Cap. 251).

Date of original text: 1960 (2006)

Tsetse Control (Mumbwa-Namwala (North) Tsetse Fly Area) Regulations (Cap. 249).

Date of original text: 1955 (2006)

Tsetse Control (Eastern Lunga and Luswishi Catchment Tsetse Fly Area) Regulations (Cap. 249).

Date of original text: 1955 (2006)

Control of Dogs (Inoculation) Regulations (Cap. 247).

Date of original text: 1953 (2006)

Extermination of Mosquitoes Rules (Cap. 312).

Date of original text: 1946 (2006)

Public Health (Livingstone Abattoir) (Slaughter of Western Province Cattle) Regulations (Cap. 295).

Date of original text: 1939 (1994)

Control of Dogs Regulations (Cap. 247).

Date of original text: 1933 (2006)

Public Health (Infectious Disease) Regulations (Cap. 295).

Date of original text: 1931 (2006)

Brands Regulations (Cap. 244).

Date of original text: 1931 (2006)

Control of Goods (Import and Export)(Agriculture)(Prohibition of Exportation of Hides and Skins) (Revocation) Order, 2018 (S.I. No. 78 of 2018).

Date of text: 02 October 2018

Agro-Veterinary Shop Permit Guidelines - Guidance on Procedures for Applying for

Permit and Operating an Agro-Veterinary Shop, 2017

Date of text: 20 December 2017

Guideline on Application for Registration of Unregistered Veterinary Medicines Already

on the [Zambian Market](#)

Date of text: 14 August 2014

[Guidelines on Application for Registration of a Veterinary Medicine](#)

Date of text: 14 August 2014

[Guidelines on Applications for Registration of Vaccines and Other Biological Products for](#)

[Human and Veterinary Use](#)

Date of text: 2008

[East Coast Fever \(Amendment\) Regulations \(S.I. No. 90 of 2008\).](#)

Date of text: 08 September 2008

[Control of Goods \(Import and Export\) \(Agriculture\) \(Amendment\) Order, 2003 \(S.I. No. 19 of 2003\).](#)

Date of text: 23 January 2003

## Water

[Water Resources Management Act, 2011 \(No. 21 of 2011\).](#)

Date of text: 15 April 2011

[Water Supply and Sanitation Act, 1997 \(No. 28 of 1997\).](#)

Date of text: 14 November 1997

[Millennium Challenge Compact Act, 2013 \(No. 6 of 2013\).](#)

Date of text: 22 March 2013

[Zambezi River Authority Act, 1987 \(Cap. 467\).](#)

Date of original text: 25 September 1987 (2006)

[Inland Waters Shipping Act.](#)

Date of original text: 03 November 1961 (31 March 1997)

[Mines and Minerals \(Environmental\) Regulations, 1997 \(Cap. 213\).](#)

Date of original text: 20 February 1997 (2006)

[Water Resources Management \(Groundwater and Boreholes\) Regulations, 2018 \(S.I. No.](#)

20 of 2018).

Date of text: 07 March 2018

Water Resources Management (Licensing of Drillers and Constructors) Regulations,

2018 (S.I. No. 19 of 2018).

Date of text: 28 February 2018

Water Resources Management (Charges and Fees) Regulations, 2018 (S.I. No. 18 of 2018).

Date of text: 28 February 2018

Water Supply and Sanitation (Transfer of Property) Order, 2017 (No. 8 of 2017).

Date of text: 11 January 2017

Zambezi River Authority (Water Tariffs) By-laws, 1999 (S.I. No. 109).

Date of text: 06 October 1999

Water Board (Water Measurement) Regulations (Cap. 198).

Date of original text: 1994 (2006)

Water Board (Works) Regulations (Cap. 198).

Date of original text: 1993 (2006)

Water Pollution Control (Effluent and Waste Water) Regulations (Cap. 204).

Date of original text: 1993 (2006)

Water Board (Charges and Fees) Regulations (Cap. 198).

Date of original text: 1990 (2006)

Local Administration (Trade Effluent) Regulations (Cap. 281).

Date of original text: 1985 (1994)

Inland Waters Shipping (Section 24(3) Harbours) Regulations.

Date of original text: 1961 (31 March 1997)

Inland Waters Shipping (Navigation) Regulations.

Date of original text: 1961 (31 March 1997)

Order on Prescribed Form for purposes of the Water Act (Chapter 198).

Date of original text: 1953 (2006)

Water Rights (Procedure on Application) Rules (Chapter 198).

Date of original text: 1950 (2006)

[Water Rights \(Registration\) Regulations \(Cap. 198\).](#)

Date of original text: 1950 (2006)

[Public Health \(Drainage and Latrine\) Regulations \(Cap. 295\).](#)

Date of original text: 1932 (2006)

[Zambezi River Authority \(Amendment\) Act, 2001 \(No. 12 of 2001\).](#)

Date of text: 09 November 2001

## Wild species and ecosystems

[Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act,](#)

[2016 \(No. 16 of 2016\).](#)

Date of text: 06 June 2016

[Zambia Wildlife Act, 2015 \(No. 14 of 2015\).](#)

Date of text: 14 August 2015

[Forests Act, 2015 \(Act No. 4 of 2015\).](#)

Date of text: 14 August 2015

[National Heritage Conservation Commission Act, 1989 \(Cap. 173\).](#)

Date of original text: 29 December 1989 (2006)

[Zambia Wildlife \(Protected Animals\) Order, 2016 \(S.I. No. 42 of 2016\).](#)

Date of text: 12 May 2016

[Zambia Wildlife \(Zambia Wildlife Police Uniforms and Badges\) Regulations, 2016 \(S.I.](#)

[No. 40 of 2016\).](#)

Date of text: 12 May 2016

[Zambia Wildlife \(Export Prohibition\) Order 2016 \(S.I. No. 43 of 2016\).](#)

Date of text: 12 May 2016

[National Parks and Wildlife \(Game Animals\) Order, 2016 \(S.I. No. 41 of 2016\).](#)

Date of text: 12 May 2016

[Zambia Wildlife \(Elephant Sport Hunting\) Regulations, 2010 \(S.I. No. 107](#)

of 2010).

Date of text: 09 December 2010

Zambia Wildlife (International Trade in Endangered Species of Wild Fauna and Flora)

Regulations, 2007 (S.I. No. 61 of 2007).

Date of text: 03 August 2007

Zambia Wildlife (Community Resource Boards Revenue) Regulations, 2004 (S.I. No. 89

of 2004).

Date of text: 06 October 2004

National Parks and Wildlife (Night Game Drives) Regulations, 1997 (S.I. No. 49 of 1997).

Date of text: 22 April 1997

National Parks and Wildlife (Wild Animals in Captivity) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Prohibition of Holding Both a District Game Licence and a

National Game Licence) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Prescribed Trophies) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Monuments (Entry Fees) Regulations Cap. 173).

Date of original text: 1993 (2006)

National Parks and Wildlife (Trophy Dealers) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Methods of Hunting) (Restriction) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Licence and Fees) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Elephant and Rhinoceros) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Sumbu National Park) (Use of Boats) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Camping Sites) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Bird Sanctuaries) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks Regulations.

Date of original text: 1993 (2006)

National Parks and Wildlife (Payment of Fees to Livingstone Municipal Council) Regulations.

Regulations.

Date of original text: 1978 (31 March 1997)

Hippo Pool, Chingola, By-laws (Cap. 173).

Date of original text: 1957 (2006)

Natural and Historical Monuments and Relics By-laws (Cap. 173).

Date of original text: 1954 (2006)

Ancient Monuments Rules (Cap. 173).

Date of original text: 1948 (2006)

National Parks and Wildlife (Licence and Fees) (Amendment) Regulations, 1997 (S.I. 53 of 1997).

Date of text: 22 April 1997

## International agreements

Presidential Decree No. 104/20 approving the Cooperation Protocol between the Ministry of Agriculture and Forestry of the Republic of Angola and the Ministry of Agriculture of the Republic of Zambia in the field of Agriculture.

Date of text: 20 April 2020

Cooperation Agreement between the Government of the Republic of Turkey and the Government of the Republic of Zambia in the field of forestry.

Date of text: 28 July 2018

Agreement between the Government of the Russian Federation and the Government of the Republic of Zambia on cooperation in the field of the use of atomic energy for peaceful purposes.

Date of text: 31 May 2016

Agreement between the government of the Federal Republic of Germany and the government of the Republic of Zambia on technical cooperation 2006.

Date of text: 19 July 2007

Pacte sur la sécurité, la stabilité et le développement dans la Région des Grands Lacs.

Date of text: 15 December 2006

Agreement on the Establishment of the Zambezi Watercourse Commission.

Date of text: 13 July 2004

African Convention on the Conservation of Nature and Natural Resources (Revised version).

Date of text: 11 July 2003

Convention on the Sustainable Management of Lake Tanganyika.

Date of text: 12 June 2003

Protocol on Fisheries of the Southern African Development Community (SADC).

Date of text: 14 August 2001

Revised Protocol on Shared Watercourse Systems in the Southern African Development Community (SADC).

Date of text: 07 August 2000

Protocol on Wildlife Conservation and Law Enforcement in the Southern African Development Community (SADC) Region.

Date of text: 18 August 1999

Agreement between the Republic of Zimbabwe and the Republic of

Zambia concerning the utilization of the Zambezi river.

Date of text: 28 July 1987

Agreement on the action plan for the environmentally sound management  
of the Common Zambezi River System.

Date of text: 28 May 1987

## Digital Rights

### Zambia Digital Rights Landscape Report

Sam Phiri & Zorro

#### 1. Introduction

*This report offers an overview of the digital rights situation in Zambia. The purpose is to scope the rights landscape in Zambia; and to document the political, civic, and technological areas. The report is dependent on desk reviews of existing documents about what is taking place in the country. The overall objectives of this study are to: promote an understanding of the civic and digital rights situation in the country; identify local Zambian capabilities and existing gaps; reflect upon the digital technologies used by government and civil society; and, finally, to recommend areas for further research, civic activism, and policy change. Generally, it is observed that Zambia's civic space has, over the years, narrowed through a combination of factors. These factors include government political and legal actions on one side, and the rather weak civil society base on the other. Ultimately, though, in promoting a*

*better understanding of the digital rights situation in Zambia, this report seeks to ensure that citizens continue advocating for the expansion of local civic spaces. At the same time, scholars are expected to back up this 'pushback movement' with the requisite empirical research into this critical area of social practice. By so doing, civil society, scholars, and policymakers, jointly or separately, will hopefully build new platforms and bases, to promote policy change and new policy directions. For our purposes, we define civic space as 'the set of conditions that determine the extent to which all members of society, both as individuals and in informal or organised groups, are able to freely, effectively and without discrimination exercise their basic civil rights' (Malena 2015: 14) and delimit the notion of digital rights to human rights during the era of the internet. These are basically civil rights that relate to the right of online privacy, freedom of expression and freedom of online association (Hutt 2020). Thus, the report takes a bird's eye view of the political situation over the past 20 years, closely examines the status of Zambian civic space and scrutinises the technologies used. It concludes that the fortunes of the country's digital rights situation could depend on: the emergence of more vibrant civic activism; the building of a culture of respect for human rights; creation of more open civic spaces; and ensuring greater civic participation in policy formulation and implementation.*

## *2. Political landscape*

*Zambia, with a population of 18 million people, has been an independent state since October 1964. In a period of 56 years, it has undergone three major political phases. These are the eras of multiparty democracy, oneparty rule and then a return to multiparty democracy in 1990. Since then, Zambia has enjoyed a relatively free and peaceful political environment, albeit with a lot of economic and other social problems. However, throughout these periods, what has remained constant is the powerful position occupied by the executive wing of government over all other sectors such as parliament, the judiciary, the media, and civil society formations. What Zambia has had since 1964 has been an*

*authoritative patrimonial and almost imperial presidency that is ably reinforced by a governing party and looms large across all sections of society. This is despite Zambia having had three different constitutions and two additional major constitutional amendments in 1964, 1969, 1973, 1991 and 1996, respectively (ZIS 1991; Chinyere and Hamauswa 2016). However, the basics of the winner-takes-all one-party rule paradigm have remained unchanged. This static situation has generally impacted upon Zambia's human rights ethos and resulted in a weak participative culture in civic activities by its citizens. Besides, from the initial years of Zambia's independence, its first president, Kenneth Kaunda, established an oppressive and ubiquitous eavesdropping state security apparatus, which spied on citizens and bugged communication lines, such as telephones (Sardanis 2014: 89). This 'System' as it is colloquially called, was supported by an entrenched pyramidal political party structure. This was the supreme governing body of the country that since independence in 1964 had continued to vest itself with more and more powers (ibid.: 89). This entrenched a tradition of social control that has largely continued and is now impacting on human rights and digital citizenship. However, after the changes of 1990–91, when the country returned to multiparty democracy, there were promising signs that the socio-political dominance of governing political parties as described above was to take a back seat and that spaces for media and civil society would open up. This hope did not last long. By 2011, such positive political reforms had dwindled. Systemically and then, quickly, they were reversed when new President Michael Sata came into office. Sata, who cut his political teeth during the one-party era, was sent to the Soviet Union by the Kaunda government to study as a 'commissar' in political party organisation (Scott 2019: 54). After becoming president, he subsequently reasserted the supremacy of his governing political party, the Patriotic Front (PF), placed the PF's chief executive officer on the government payroll, and ensured that government ministers genuflected to the PF. Social policy, too, was generated from the corridors of the party offices, as was the case before 1991. Whereas in the immediate*

*aftermath of the 1991 changes, the governing party was distanced from the government, Sata reasserted the supremacy of the PF as the overlord 'ruling' party, thereby placing state functionaries into submissive roles to those of PF party officials (Zambia Reports 2012a). The reversal was almost complete. Further, Sata ensured that the Public Order Act (POA) – an old, repressive colonial law, enacted in 1955, and, originally meant to subdue anti-colonial protests – was used to the maximum, to reduce dissent, paralyse civil society activism and mollify opposition elements. In fact, within six months of being in office, Sata said that the POA, which when in opposition he had considered reprehensible, was in fact a good law for maintaining social order (Zambia Reports 2012b; *Zambian Watchdog* 2012). These reversals were strongly opposed by civil society organisations (CSOs) including the Zambia Episcopal Conference (ZEC), representing the Catholic Church; the Law Association of Zambia (LAZ) for the legal fraternity; and the Council of Churches in Zambia, on behalf of Protestant Christians. Summing up the feelings of the times, ZEC said: 'looking at what is happening... it would seem to us that the ideals of a politically plural society have not been fully understood and appreciated by those who aspire for political leadership in our successive governments'. The ZEC called on political leaders to 'prudently exercise the power that the Zambian people have entrusted in them' (Zambia Reports 2013). Since then, there has been a closing-in of political spaces for actors with alternative views such as the CSOs. Old laws have been harshly enforced. New ones have been put in place. Hopes for a more open society have been largely dashed. Among the laws and regulations in Zambia that now specifically oversee digital citizenship, or govern digital rights are those listed below.*

## *2.1 Information and Technologies Act of 2009*

*A unique feature of this law is that it takes 'supremacy' where there is inconsistency between it and any other law with regard to the regulation of information and communication technologies (ICTs). Also, it empowers the regulatory authority, the Zambia Information and Communications*

*Technologies Authority (ZICTA), which it created, to be responsible for radio frequency transmissions. This has a direct effect on the broadcasting sector in Zambia. For instance, in August 2020 the Independent Broadcasting Authority (IBA), the broadcasting regulatory authority that works in tandem with ZICTA, claimed that all online broadcasting should be licensed because according to the IBA, the law states that: Any person wishing to operate or provide broadcasting service in Zambia, regardless of whether the broadcasting service is conveyed through radio frequency spectrum or any electronic communication networks such as the Internet, is required to obtain a broadcasting license from the IBA. Operating without a broadcasting license amounts to an offence. (News Diggers 2020) The IBA was responding to a Zambia-based online television station, Spring TV, which had incorrectly reported the suicide of a fired government minister. General Education Minister David Mabumba had been dropped from the cabinet for producing and distributing pornography on the internet, but he was alive (The Mast 2020; The Zambian Observer 2020).*

## *2.2 Electronic Communication and Transaction Act of 2009*

*This law allows for the 'lawful' interception of communications; for service providers to install interception devices/software in their infrastructure; for the minister to instruct service providers to disclose 'alleged illegal activities' of suspects, and for the establishment of a government-controlled Central Monitoring and Coordination Centre, which, on behalf of the state, aggregates all communications interceptions. Further, there is an absence of data protection and privacy laws to safeguard the interests of digital citizens in Zambia. Whereas, in brief, this law ostensibly forbids service providers from monitoring user activities, nonetheless the minister can order that they install devices for realtime monitoring of suspects and disclose suspects' activities to the authorities. Moreover, there are no safeguards for data collected by telecoms companies, traffic police, insurance companies, and even hospitals since the emergence of diseases such as HIV/AIDS and the*

coronavirus disease (Covid-19).

### 2.3 Statutory Instrument No. 65 of 2011

*This sub-legislation provides for the registration of all SIM cards used in Zambia. Owners are expected to give personal details regarding their residences and particulars of national registration cards (NRCs). All Zambians are compelled to be registered and are expected to carry their NRC with them at all times from the age of 16 years.*

### 2.4 Non-Governmental Organisations Act No. 16 of 2009

*This law requires that all non-governmental organisations (NGOs), including those engaged in digital rights work, whether local or international, be registered with the Registrar of Societies. It is also a requirement that NGOs should on an annual basis submit their activity reports to the government department responsible for NGOs, the Ministry of Social Welfare. The inflows and outflows of the finances of NGOs are also closely monitored by the government. This means that any organisation that is working in the civic sphere, whether on aspects of human or digital rights or not, is closely monitored by the government. Such oversight has been considered 'highly restrictive' (CIVICUS 2017) by some observers. Moreover, the mere presence of the demand that all CSOs should be registered by a government agency presupposes the absence of privacy for civic activists. The good thing, though, is that this act is under revision, with some limited consultation with the NGO sector.*

### 2.5 Preservation of Public Security Act (PPSA) of 1960

*This law has been used to control public gatherings; ban publications considered to be 'prejudicial to public security'; and regulate assemblies, including those of political parties and CSOs. The law also authorises the president to do anything 'as appear[s] to him to be strictly required by the exigencies of the situation in Zambia'. This law was used in 1996 to ban the online issue of The Post newspaper, including its hard-copy edition. On many occasions, it has been used to stop unauthorised public*

*gatherings, arrest protesters, and violently disperse public gatherings, including those of NGOs and opposition political parties, actions which in some instances have led to deaths (ibid.). Clearly, Zambia has witnessed the government exercising greater control over its people. Also, the country has observed that the state was getting as much information as possible about people's private lives and activities (MTN 2020). Then, too, the domestic civic space has been substantially narrowed especially for human rights activists, lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people, bloggers, academic researchers and all others who are on the margins of, or outside, government thinking. The next section focuses on how this political and legal context has shaped the civic space in Zambia.*

**Table 3.1 Civic space timeline**

Year	Shift	Implication
1999	CSOs create voluntary code of conduct	Strengthens CSOs' capacity to work independently and to negotiate with government
2000–present	Increased inter-party violence during elections	Narrowing of space for political activity as citizens are generally fearful of partaking in political activities, including elections
2004	Government publishes contentious NGO Bill	Plans to give government control over CSOs financing, registration and other activities
2009	NGO Act becomes law	Reduced operational freedom and effectiveness of NGOs
2011–present	Abuse of Public Order Act	Obstruction of public policy debate, freedom of expression and freedom of association
2011	Forced registration of SIM cards	Makes it easier for government to check and follow citizens' communication
2013	Secret service ordered to tap phone conversations and emails of all people in Zambia	Fear among the public of talking openly and freely
2013	Online websites forcibly shut down	Free flow of information and free exchange of views curtailed
2016	<i>The Post</i> newspaper closed by government	Civic space narrowed
2018–present	Introduction of well-funded social media accounts by state functionaries	Promotion of fake news, disinformation, misinformation and the drowning out of alternative voices
2018	Introduction of tariffs on internet phone calls	High cost of communication reduces the amount of communication taking place in society

## GUARDIANS OF EDEN MANUAL

<b>2019</b>	Independent television station Prime TV closed	Media freedom curtailed
<b>2019</b>	Government introduces tax on online streaming platform Netflix with the purpose of sharing profits	High costs bar entry and access into this new form of social communication
<b>2019</b>	Cabinet approves Access to Information Bill, which has been on ice since 2002	Hopes for a more open government raised – but as of 25 January 2021 the Bill had not gone before parliament, once again dashing hope and optimism
<b>2019</b>	Introduction of constitutional amendments to strengthen the presidency and weaken the judiciary and parliament	Public debate around this constitutional amendment (Bill No.10 of 2019) splits the country as a substantial number of CSOs and the public are against the intended changes
<b>2020</b>	Arrests of social media 'bloggers'	Public disengagement from free expression on matters of public policy; increased levels of fear generally among the public



## About the Author

In my bush life in Africa of over 54 years, I worked in 13 African states as an independent game cropper, safari-hunting and ecosafari operator, inshore ski-boat fisherman, warden and biologist of national parks (M.Sc.), international consultant, activist, and developer of my Landsafe framework for the customary wildlife commons (Ph.D.). For most of this time, as now, I was fortunate to have the help of my wife - and for part of the time, our three children. Cathlin and I now live in her native Canada, the result of our deportation from Zambia. However, in obedience to my Kunda name, *Chosa Ng'anga* - smeller out of evildoers, my conservation advocacy and writing continue, primarily for the benefit of the customary villagers, their wildlife and customary land, and for the country as a whole.

Read my magnum opus, *God's Country* - 575,000 words in two volumes. As Peter de Vere Moss (d.2017) was kind enough to write (a former District Officer in Northern Rhodesia and wildlife biologist, Zambia), "*The book is unique and makes a massive contribution to the history of Zambia. No one else has ever had the courage to recount first hand what went on during the period.*"

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🌐 <https://ipa-manning.com>

