



# CONASA

*Community-Based Natural Resource Management  
and Sustainable Agriculture*



## Natural Resource Legislation and Policy Training Workshop

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*Fairmount Hotel, Livingstone*

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## ACRONYMS

ADMADE	Administrative Management Design
ASIP	Agriculture Sector Investment Program
AWF	African Wildlife Foundation
BOZ	Bank of Zambia
CBNRM	Community Based Natural Resource Management
CBO	Community Based Organization
CLUSA	Co-operative League of the United States of America
CONASA	Community Based Natural Resource Management and Sustainable Agriculture
CRB	Community Resource Board
FRA	Food Resource Board
GMA	Game Management Area
JFM	Joint Forest Management
JFMA	Joint Forest Management Area
JFMC	Joint Forest Management Committee
MAFF	Ministry of Agriculture, Food and Fisheries
NGO	Non-Governmental Organization
PACT	Private Agencies Collaborating Together
PFAP	Provincial Forest Action Program
SAFIRE	Southern Africa Alliance for Indigenous Resource
TBNRM	Transboundary Natural Resource Management Component
USAID	United States Agency for International Development
VAG	Village Area Group
VMC	Village Management Committee
VRMC	Village Resource Management Committee
WCS	Wildlife Conservation Society
ZAFCOM	Zambia Forestry Commission
ZAWA	Zambia Wildlife Authority

## **EXECUTIVE SUMMARY**

### **1. OBJECTIVE**

The main objective of the training was to raise awareness and sensitise communities on their rights and obligations under key wildlife and natural resource legislation and policy. The training was the second in a series of workshops intended to initiate a process of enabling communities within the CONASA project area address problems relating to community-based natural resource management and capitalise on sound investment opportunities.

The training was further intended to enhance and mobilise active community awareness and participation in environmental protection and natural resource management. By sensitising the members of the community on their rights and obligations under key policies and legislation, it is hoped that an educated and informed community will positively contribute to sustainable agriculture, wildlife and natural resource management in general.

### **2. CBNRM IN THE LEGAL AND POLICY FRAMEWORKS**

Community Based Natural Resource Management (CBNRM) is based upon the principle of local ownership of natural resources. This provides communities the opportunity to derive benefits from these resources but also requires local responsibility to manage them sustainably.

The full benefit of CBNRM still needs further development in Zambia although a few policies and legislation have attempted to articulate and make provision for community participation, co-management and joint resource management between the State and communities. One of the major constraints in achieving this result has been the environment in which policies are formulated and implemented and the lack of awareness and knowledge on the part of the local communities.

CBNRM policies are often made as top-down, bureaucratic decisions and in response to crisis or without the full benefit of information or advice from people who best represent the different stakeholders of CBNRM. Another major constraint to community participation and full benefit to natural resource management is the lack of organizational structures at local community level and capacity to lobby Government effectively to promote CBNRM or to devolve decision making to local level institutions.

#### **2.1 Land Sector**

Access to land facilitates greater access to other natural resources thereby providing opportunities for people to improve their living standards and rural economic transformation.

The Lands Act of 1995 regulates management of land. This Act vests all land in Zambia in the President, and the President alienates land to any Zambian and under certain conditions to a non-Zambian. Two categories of land exist: customary land and State land. The two types of land differ in terms of tenure.

Customary law administers customary areas. Under this system every person has rights to traditional subsistence use of natural resources on land. Furthermore, the President can alienate customary land after consulting the chief, the local authority and any person whose interest may be affected by the grant. Customary areas can be converted into individual/private leasehold tenure for 99 years, with the President granting the lease.

State land can either be protected areas (National Parks, National Forests, etc) or privatized through leasehold tenure for 99 years. Rights and obligations of the titleholder are well defined under this tenure. The workshop observed that the following matters affect CBNRM development: -

- The Lands Act does not explicitly state the role of traditional rulers – it is implied that the rulers are responsible for land management in customary areas. Neither does it state the role of the local authorities.
- The Act does not refer to the management of customary land. The administration and management therefore varies from tribe to tribe because it is managed in accordance with traditional practices and customs.
- The Act does not protect the interests of communities and leaves room for corruption and abuse of authority/influence. Inequalities with respect to land and other natural resources are the source of many conflicts in Zambia. Before CBNRM can become a reality, the land question must be resolved.
- No monetary compensation is paid to the traditional owners of land when traditional land is converted to leasehold title and the land once converted does not revert to the Chiefs.
- Many land disputes occur on traditional land because of the lack of prescription and proof of title by traditional owners and due to the lack of awareness by the communities of the existence of the Lands Tribunal.

The workshop resolved that the Lands Act should be revisited by the Government to ensure that community interests and rights are provided for and safeguarded.

## **2.2 Land Use (Agriculture Sector)**

The laws and guidelines for management and utilization of resources in GMAs allow for a wide range of activities including agriculture, commercial timber harvesting, wildlife management and settlement although the primary objective is to improve wildlife resource management.

Tenure affects land use. Lack of security of tenure or title and the duration of a lease for example, determines the nature of investment and affects the exploitation of resources on land.

In this regard it is imperative for GMAs to develop agreed land use plans that recognise and provide for the implementation and practice of the different land uses. This will not only minimize conflicts (e.g. encroachment of agriculture into wildlife habitats) between different users and uses but provides a basis for long-term investment in natural resources management.

Governments should not fail to devolve control, authority and management of natural resources to local communities with justification that there is lack of technical and appropriate skills at local level. There is wealth and value in indigenous knowledge that could form the basis of natural resource management and land use plans.

### **2.3 Wildlife Sector**

The Zambia Wildlife Act of 1998 makes provision for community participation giving the community resource boards (CRBs) authority to manage, although not own, wildlife and other natural resources within game management areas. The boards are able to retain a proportion of the revenue generated from wildlife utilization in exchange for their leadership to help manage and protect the resource.

The Act is an important step for empowering communities to manage and benefit from the wildlife they produce on their lands. The level of empowerment provided by the Act falls short of transferring ownership of wildlife to rural communities by reaching a mid-way point of co-management as opposed to absolute ownership.

### **2.4 Forestry Sector**

A new legislation, the Forests Act although enacted is not yet effective. A statutory instrument is still to be passed to state the date of commencement. Some of the main objectives of the Act are to establish the Zambia Forestry Commission (to replace the Forestry Department) and to provide for the participation of local communities, traditional institutions, NGOs and other stakeholders in sustainable forest management.

The *Joint Forest Management Statutory Instrument Number 52 of 1999* is a legal means to enable the Forest Department to pursue collaborative management without the Forests Act being enforced. The Draft Joint Forest Management Guidelines of 2000 provide details for how to go about Joint Forest Management under the Act.

A percentage of the revenues is payable under the Forest Act as determined by the Zambia Forestry Commission. This revenue is in respect of licenses issued, concessions granted or services rendered from the use of forest resources within a Joint Forest Management Area (JFMA) and is payable to a fund set-up by the Joint Forest Management Committee for this purpose. All parties are required to provide the necessary labour force, skills knowledge, physical and financial resources needed for the efficient management of the JFMA. If the JFMA is in a local forest or plantation, the revenue collected from licenses, concessions and services shall be shared in the following proportions: ZAFCOM 80% Community 20%.

The JFM guidelines provide a facility for local communities to access revenue generated from forest licenses, but they are vague on the mechanism for cost sharing. The costs of managing the forest are not specified; neither are the possibilities of costs exceeding revenue considered. The guidelines expect the communities to shoulder a big share of the costs of managing a forest.

The JFM concept empowers the community in accessing and controlling forest resources. The concept also accounts for nominal participation from local communities (30% community representation on JFM committee). It emphasizes the importance of gender considerations and allows the local communities an advisory role (give consent, be consulted, give input to inquiries) **not a leading role**. The guidelines do not give a consideration to the process of building community structures to participate in JFM. The role of traditional authorities is not clear.

## **2.5 Opportunities and Challenges for Viable Community Based Enterprises**

The actual nature and extent of livelihood diversification opportunities is largely dependent on the type of resources available, their abundance and condition. The extent to which they can be used to establish viable business ventures on the other hand is a function of several factors that include, technology and skills availability, resource tenure and user rights, infrastructure, markets and access to financial and other resources.

Since resources in GMAs are owned by the communities under the stewardship of traditional leaders, there is need to have community institutions that are responsible for controlling resource management and use clearly defined. In the case of GMAs, the roles of CRBs, VAGs and the traditional leaders must be clearly defined and allocated to ensure sustainable resource management through controls and implementation of resource management plans.

The community-based organizations must however be different and separate from the business or enterprise institutions (commodity groups). The business institutions must be constituted as enterprises that have the skills and capacity to run their selected businesses.

Opportunities exist to increase household income and improve food security through local control of natural resources and self-directed development. Zambia has established the political and economic frameworks that although far from perfect are in accordance with the principles of decentralization and local management of natural resources. Local communities, given the right support can establish and develop institutional structures responsive to both resource management and livelihood needs.



## **ANALYSIS OF WORKSHOP PROCESS**

### **1.0 INTRODUCTION**

The training workshop on natural resources legislation and policy was held at Fairmount Hotel, in Livingstone, from 28<sup>th</sup> May to 31<sup>st</sup> May 2002.

#### **1.1 Composition of resource persons**

Juliana Chileshe, made presentations on the topics in the programme, and facilitated the training. CONASA staff - Patricia Jere, Godfrey Mitti, David Mulolani and Susan Matambo supplemented some of the information during the presentation sessions. Participants representing Government ministries -Ministry of Lands, Ministry of Agriculture and Co-operatives, Ministry of Tourism, Environment and Natural Resources, representatives of the Zambia Wildlife Authority and National Heritage Conservation Commission, also provided clarifications and information on some technical issues. In addition, they responded to specific questions.

#### **1.2 Objectives of the workshop**

The objective of the training, to raise the awareness of the participants, was achieved and participants' expectations met.

#### **1.3 Outputs and outcomes of the workshop**

##### **Outcome**

Participants' knowledge of legislation and policies on land, forests and wildlife enhanced.

##### **Output**

Action plans drawn up to enable participants follow up on workshop recommendations.

##### **1.3.1 Workshop duration and adequacy of time**

The time for workshop presentation and discussions was adequate.

##### **1.3.2 Number and composition of participants**

There were altogether, forty-one (41) participants drawn from Non-governmental Organisations (NGOs), the Village Area Groups (VAGs), Sub-VAGS, Village Management Committees (VMCs), local authorities (Councilors), from government institutions and journalists from the print media. There were six women out of the forty-one (41) participants. This gender imbalance is revealing in that it demonstrates that women are still a long way in asserting themselves in order to proactively participate in development activities.

## **2.0 PARTICIPANTS' LEVEL OF KNOWLEDGE OF SUBJECT**

Most participants did not know the laws or Acts of Parliament and policies on Forests, Land and Wildlife. Whilst some participants did have knowledge of land use practices, they had not practically implemented the principles. The laws that stipulate their roles and mechanisms for participation in natural resources management have not been explained to them and therefore the communities' awareness has not been enhanced in respect of their rights and obligations in natural resources management and sustainable practice.

## **3.0 ADEQUACY OF METHODS AND MATERIALS**

Participatory resources mapping was used in order to demonstrate how communities currently use their land. Discussion methods, questions/answer methods were used throughout the workshop. The buzz group method was used to allow the participants to discuss a subject in greater detail.

Every participant received handouts on the subjects discussed in the workshop. There were resource papers on wildlife, forestry, land and land use sectors that had been used at a similar workshop convened earlier by CONASA on the 25<sup>th</sup> February to 1<sup>st</sup> March 2002. The papers are attached in Annex II.

A mood meter was used to assess each day's work. All the participants except one were happy. Two were moderately happy with the workshop deliberations.

## **4.0 ADMINISTRATIVE ISSUES**

The participants were picked up from their homes. Provision of transport makes it easy for participants coming from remote areas where there is no public transport to come and participate in such training workshops.

### **4.1 Workshop venue**

The participants were happy with the venue. The food was considered adequate, although some participants felt that the food quality could be improved.

### **4.2 Attendance at training workshop**

Participants were present during all the presentations and discussions.

### **4.3 Suggestions on how to improve the training workshop**

The participants suggested the following improvements to workshop processes:

- presentations on fisheries be included
- facilitation of field visits during the training workshop to break the monotony of sitting and listening to one individual lecture

## 5.0 SUMMARY OF KEY OBSERVATIONS AND RECOMMENDATIONS

People attending workshops reveal that there is no knowledge in the communities on legislation related to natural resources. This therefore, means that there is still need to build capacity and create awareness so as to ensure that the people are well informed.

### 5.1 Participants' Experiences and Feelings

The participants enjoyed the workshop and in particular, they found the presentation on land and land tenure stimulating.

### 5.2 Lessons Learnt

- It is practically hard to achieve inclusive development when the populace is not enlightened on laws and policies. **Legal illiteracy is a draw back to national development.**
- Communities need a lot of education on laws and policies or any change in law or policy that takes place in the country.
- Consultative processes that leave out communities miss the opportunities of tapping their intelligence essential to make a programme or a law successful.

### 5.3 Constraints

- **Literacy levels of participants:** There was a big gap in levels of education and levels of comprehension, which left some participants behind when discussing issues. The participation of Councilors who seemingly were able to articulate the issues intimidated some participants. Some participants do not as yet understand the role of local and elected leaders.
- **Adequacy of representation:** Representatives of the media and the Forest Department stopped attending the workshop after the first day. This occurred after CONASA staff informed them that the organisation does not pay any sitting allowance. The participants said that they do not see the need of attending workshops if there is no incentive for them to do so. The consequence was that issues that the Forest Department should have clarified were not adequately dealt with, and the media did not cover the proceedings of the workshop missing coverage of topical community issues and concerns.

### 5.4 Summary of Observations

- Those trained by CONASA in other workshops are not sharing the knowledge with others at community level. It is evident that the Chiefs who attended an earlier workshop on the same subjects have not adequately sensitised communities on the policies and laws. Emphasis must be placed on ensuring that participants in workshops go back with an agenda of sensitising others and/or simply sharing their experiences.

- Communities need more information on the use of land, the importance of natural resources and wildlife.

## 6.0 KEY RECOMMENDATIONS

It is recommended that:

- **simplified materials:** on the relevant Acts of Parliament and policies be prepared and translated into local languages for the communities to understand easily.
- **commodity groups be trained:** in entrepreneurship and other related enterprise development skills
- **review of grassroots institutional structures:** or mechanisms for community participation be undertaken in order to determine whether the existing structures are appropriate and adequate or if there is need for a new structure or mechanism to be facilitated specifically for natural resources management.
- **land use plans:** be prepared and by-laws for natural resource management formulated.
- **gender sensitisation:** be incorporated and mainstreamed into CONASA's training programmes.

## 7.0 ACTION PLANS AND PARTICIPANTS RECOMMENDATIONS

The participants prepared action plans and made some recommendations. It has to be noted that some participants had difficulties in understanding the simple rapid rural planning tool and therefore were not able to prepare meaningful plans.

## WORKSHOP PROCEEDINGS

The main objective of the workshop was to raise awareness of the councilors, members of the VAGS, VMCs and representatives of some non-governmental organizations on laws and policies affecting CBNRM.

### 1. ROLE OF CONASA

CONASA a USAID funded project stands for Community Based Natural Resource Management and Sustainable Agriculture. A consortium comprising three international NGOs – CARE International, Wildlife Conservation Society (WCS) and African Wildlife Foundation (AWF), facilitates the implementation of the project.

CONASA is a project aimed at promoting rural agriculture development and CBNRM. It focuses on agriculture and natural resource management as a strategy to improve rural livelihoods and conserve Zambia's natural resources.

CONASA comprises three interventions:

- (a) the **Household Livelihood Security Component** involves a series of activities to diagnose household livelihood strategies and opportunities, and then develop tailored interventions to improve food security and raise household income;
- (b) the **Policy Component** aims to help make policies in Zambia for CBNRM in rural areas. The target policy areas may include not only formal legislation, but also administrative procedures, pricing structures, negotiation and contracting procedures, to mention but a few; and
- (c) the **Transboundary Natural Resource Management (TBNRM) Component** is designed to take advantage of economic opportunities presented by the important tourism in Livingstone and Victoria Falls. This component provides services in business planning and management, property and contract law, community and institutional development.

### Emerging Key Issues

#### *Role of CONASA in promoting CBNRM*

CONASA is facilitating and supporting the empowerment of rural people to gain more control over the management of natural resources. As the name implies, the project's focus is on community based natural resource management with specific interest in sustainable agriculture. CONASA uses tools of CBNRM to promote natural resource management and sustainable agriculture.

CONASA facilitates capacity building of communities on laws, policies, business management and planning through workshops. It also raises the awareness of its target beneficiaries on community rights and obligations under the legal and policy frameworks and trains communities in advocacy and lobbying skills.

**The Project looks beyond mere community participation in natural resource management by emphasizing that empowerment of local communities must be accompanied by improvements in people's livelihoods. CONASA operates on the premise that better management of natural resources by local communities should result in improved livelihoods of local community members. Without this type of empowerment, communities will not deal with the management of natural resources effectively.**

### ***Relationship between CONASA and ZAWA***

The participants queried whether there is a difference between ZAWA and CONASA. CONASA is not a program of ZAWA, or indeed the Government, but is a project working in partnership with ZAWA that has a legal mandate under the Zambia Wildlife Act to manage wildlife estates. CONASA supports Government policies on wildlife and natural resource management. CONASA is financially supported through funding from USAID whereas ZAWA is largely self-financing although at the moment it continues to receive financial support from Government.

### ***Landuse Plans***

It is critical for the local communities to prepare land use plans for sustainable management of wildlife and natural resources and to establish different uses of land.

### ***Life span of CONASA Project***

The TBNRM Component will last for three years, whilst the CBNRM Component will be implemented over a four-year period. The life of the project was reduced due to reductions in funding from USAID. Nevertheless, it is anticipated that the project will ably demonstrate progress and impact on key elements of the results frame, which could be the basis thereafter on which to justify the submission of an application for extension through the consortium.

### ***Sustainability of project activities***

CONASA aims to ensure that capacity in local communities is built up in order to ensure future sustainability of key programme activities after the project. It is critical that communities learn to support their own initiatives and reduce their dependence on project/donor initiatives or reliance on external support for community development.

Regarding whether CONASA programme activities will necessarily lead to an increase in the population of wildlife, CONASA intends to improve the welfare of local communities by facilitating sustainable management of wildlife and other natural resources. CONASA also implements activities in areas that pose a threat to GMAs e.g. areas surrounding the GMAs.

### ***Dissemination of information to other community members***

CONASA expressed concern and disappointment that after one year and a half in implementation, most communities still do not know about CONASA. It was observed that representatives of CRBs, VAGs and other community groups attending CONASA workshops and meetings are not disseminating information to other community members. An appeal was made that information should be shared because due to financial constraints not all community members could attend workshops. Those that are availed the opportunity should share with the other members.

For Siachitema, the CRBs and VAGs have organized several meetings to educate the community members on the recommendations and resolutions of the workshops. It was noted that there is sometimes apathy to attending village meetings by community members. It was emphasized that minutes of the community meetings should be availed to CONASA.

### ***Collaboration between CRBs and other local level Institutions***

The CRBs are not linking or collaborating with other local level structures effectively. Representatives of CRBs and other structures with whom CONASA has been working do not brief the Councillors on CONASA operations and activities. There is need to assess the factors leading to the poor linkages between these institutions.

### ***Knowledge on CONASA***

- Most communities are not yet aware of CONASA and what it is doing. This is particularly true of the Councillors who were attending the CONASA workshops for the first time. Councillors argued that the CRB leaders did not inform them on CONASA activities.
- Communities do not turn up for meetings called to brief them on what has been learnt at workshops. It is apparent that there is some apathy to meetings at community level.

## **2. COMMUNITY BASED NATURAL RESOURCE MANAGEMENT**

### **Emerging Key Issues**

**Historically, the alienation of communities from indigenous natural resources first by colonialism and later by nationalization undermined customary systems resulting in insecure tenure systems and unsustainable land and natural use practices.**

Responsibility for land and resources ultimately lies at the local level and it is at this level that enforcement can be undertaken effectively and most efficiently.

**CBNRM denotes the devolution of authority and conferring of appropriate authority status on communities to manage and benefit from wildlife resource management. Devolution of authority must go hand in hand with control over natural resources**

Governments are choosing to surrender some of their powers, authority and functions over natural resources to other institutions because of:

- (1) **lack of financial and human resources:** to manage and control activities at regional and local level
- (2) **increased international pressure for democratic reform:** on good governance and decentralization
- (3) **growing realization:** that natural resources and land are best controlled and managed by people using them and living closest to them

**CBNRM processes have been driven by policy, rather than by legal instruments. This demonstrates that the potential for rapid CBNRM implementation is based on political will and that a process lacking legislative guarantees is vulnerable to sudden policy changes and is therefore not an adequate safeguard of rights and community interests. It is therefore critical that policies giving rights are translated into laws so that these rights and interests are safeguarded.**

In Zambia, the implementation of CBNRM processes is yet to be fully achieved. However, a few policies and legislative tools have been articulated which incorporate provisions for community participation, co-management and joint resource management between the State and communities. Notwithstanding, an array of weak laws continues to undermine the ability of Government to implement and coordinate CBNRM activities.

For example, emerging regional experience has shown that according tenurial rights to rural people over the resources they live with is the essential first step in creating an incentive-based intervention for the efficient and sustainable use and management of natural resources.

**Without an understanding of rights in natural resource management, communities cannot fully participate in CBNRM. Capacity building and institutional development of local communities are important, but are not sufficient to support communities in generating sustainable livelihoods. Communities need to be empowered economically through promotion of business enterprises that contribute to leveraging conservation impact.**

The success of ADMADE was relative compared to other regional programs. Some indicators of success that determine the parameters are: -

- devolution of authority to local communities:- ADMADE was not successful in this respect



- law enforcement:– ADMADE recorded some successes through the village scout system
- empowerment of communities:– not very successful
- mitigation of conflicts between law enforcers and communities – ADMADE was not successful

### 3. LAND TENURE

The words 'land tenure' simply mean the mode of holding land. Land tenure system in Zambia basically falls in two categories:

#### (1) *Leasehold Tenure*

The Lands Act of 1995 vests all land in the President and as such under this tenure land is transferred from the President to the lessee. The Commissioner of Lands exercises the powers and duties related to land allocation and other land matters on behalf of the President.

A person can hold land under leasehold tenure, which is for a period of 99 years and is automatically renewable upon expiry as long as the lessee complies with the lease terms, conditions and covenants under the lease agreement which is between the President and the lessee.

Some of the covenants under the lease agreement that should be observed by the lessee are, for example:

- To pay rates – ground rent, charged on an annual rate
- Not to use the land or buildings for other purposes apart from the one for which the land was obtained, without the written consent of the President (Office of the Commissioner of Lands). The aim is to ensure that there is good land use for the purpose intended.

Before any sale, transfer or other dealing in land can be effected, the consent of the State must be obtained. This is done through an application to the Ministry of Lands.

#### (2) *Customary Land Tenure*

A person may hold land under customary tenure. Under this system proprietary interests of individuals in land arise by virtue of the ownership/membership of the community, which occupies or owns the land. In occupying and using that land, a person is merely exercising a right that belongs to him as a member of that community, and not as an individual. As such an individual cannot by his own unaided act transfer the right to occupy exclusively his parcel of land to another person not a member of the community. Under this system consent of the chief is required before any person is allocated land, this also applies to the council falling within that territory.

Customary tenure may be converted to leasehold tenure. The consent of the Chief, local authority or Director of National Parks and Wildlife where the area is in a GMA

must be obtained before the conversion may be effected. Before the President approves the conversion of the land, the President has to consider all the interests and rights that will be affected by the conversion.

**Categories of land tenure – advantages and disadvantages**

<b>Customary Land</b>	<b>Leasehold Title</b>
<ul style="list-style-type: none"> <li>• No security of tenure</li> <li>• No title deed issued</li> </ul>	<ul style="list-style-type: none"> <li>• Secure title</li> <li>• Title deed issued to holder</li> </ul>
<ul style="list-style-type: none"> <li>• Administered by Chief</li> <li>• Customary laws not written, a matter of practice and acceptance</li> </ul>	<ul style="list-style-type: none"> <li>• Written rights and obligations</li> <li>• Administered by the Commissioner of Lands</li> </ul>

For CBNRM purposes, customary tenure may be preferred because it is flexible.

**Land Tribunal**

The Lands Act provides for the establishment of a Lands Tribunal, a special court to determine cases of land and disputes over land. Any person who is aggrieved by the decision of a person in authority (President, Minister or Registrar) may apply to the Lands Tribunal for justice.

**Land Development Fund**

The Act has provided for a Land Development Fund, which should be voted to it by Parliament, or should come from fifty per centum of ground rent. The Fund is to be used for opening up new land for development.

**Community Participation in Land Management**

The Act does not provide for community participation of communities in land issues, but it can be assumed that because the bulk of the land is in the hands of the traditional leaders, the local communities participate. However, it has to be noted that land under traditional leadership is managed without management plans, which makes land vulnerable to wrong use, resulting in land degradation.

- Zambia has a land policy which stipulates that women be accorded the chance to own land.
- Policy also provides for Environmental Impact Assessment in order to protect the land from damage.

**Emerging Issues**

- Once customary land is converted to leasehold tenure, the Chief loses any form of control over it.
- If a lessee fails to comply with the lease requirements, terms or obligations and conditions of the lease, or on the death of the owner, the state may repossess the land – effectively the land goes to the state and not the Chief.

**Tenure varies and depends on the interest acquired by an individual. It is important to distinguish between a right of occupancy and leasehold tenure. An occupancy license is issued by the local authority for residential premises in 'compounds/townships' under the Housing and Statutory (Improvement Area) Act for thirty year. It is not a complete transfer of ownership. A leasehold title is issued for 99 years under the Lands Act, 1995 by the Ministry of Lands. A lessee holds a certificate of title.**

The Lands Tribunal determines land disputes and malpractices dealing with land. It settles all land related conflicts. The Land Tribunal's offices are based in Lusaka and are therefore not readily accessible to rural communities. Furthermore, delays in disposing of cases and matters by the Lands Tribunal often affects the interests and enjoyment of the rights by individuals. Thus people are discouraged from taking land disputes and matters before the Tribunal. The workshop learnt that the Tribunal's composition will soon be reconstituted and its operations decentralized.

**Interest and tenure over land is determined by the nature of the land under which the interest and tenure is acquired and held.**

The communities and local level institutions do not properly understand issues of tenure. Provisions of the Lands Act of 1995 are still contentious and not widely accepted by the general public. For instance, because land held under customary tenure is prone to arbitrary repossession and lacks safeguards on title, it is important to strategize on ways of acquiring and ensuring proof of title for customary land.

Sometimes problems and disputes over land arise because of the disparities between law and practice. Enforcement of laws and monitoring of land use and compliance by Government institutions is weak.

- Communities do not have systems or mechanisms for allocating land.
- The roles of the Chiefs and other community leaders in land issues are not provided by the Act.
- Traditional leaders do not benefit from money made from leasehold arrangements.
- The country lacks a representative body such as a board, to attend to questions of land.

## **GROUP DISCUSSIONS**

### **Q1. *What are the communities' concerns with respect to land tenure?***

- Paying tribute to headmen and chiefs to seek favor and as a 'sign' of gratitude for land allocation
- Arbitrary allocation and seizure of land by chiefs and headmen
- Reduction of chiefs powers by giving title over customary land to leasehold

- Allocation of land to foreigners without community information and consultation
- Shortage of land due to population increase and allocation of land to foreigners
- 99 year lease is too long, it should be reduced to 30 years
- Investors acquiring large tracts of land (by hectare); a limit should be imposed by law
- Chiefs are not concerned about the boundaries of their areas resulting in land disputes
- Lack of security of tenure and proof of ownership in the case of customary land
- Restricted access to certain areas of communal land
- Communal grazing areas have no title therefore it is difficult to impose and implement controls
- Lack of management plans and shared management/utilization of resources
- Change of customary land to leasehold title takes land from the community for life
- Lack of title on customary land reduces responsibility as regards management of land and increases land degradation due to open access
- Poor collaboration between allocating and implementing offices (Chiefs and local authorities)
- The law is only on paper but not implemented in practice
- Lack of knowledge on land tenure issues among the communities on land tenure issues
- Due to loopholes in the law, room is left for corruption and abuse
- Inadequate land law and policy frameworks
- The Commissioner of Lands may reject an application for conversion of customary land to leasehold tenure where other interests will be adversely affected even if the Chief has consented to the conversion
- Chiefs are also prone to corruption in the land allocation process

**Q2. *Are these concerns addressed by policy and legal framework?***

- The laws and policies are inadequate. Some concerns are addressed whereas some are not. Arbitrary possession is addressed by the Lands Act, which recognizes customary law.
- All the groups concluded that the laws and policies have addressed some concerns, but generally the frameworks do not take into account community concerns, consultation and participation.

**Q3. *If they are addressed, are the provisions adequate? If not, what should be done?***

- Arbitrary allocation and repossession provisions are not adequate. The communities do not know the laws that provide for safeguards. Chiefs should be given powers to repossess land not utilised that was once customary land.

- Guidelines on customary land holding, allocation and management should be written to provide safeguards against corruption, abuse of power and arbitrary seizure of land.

**Q4. What are the roles of the following institutions under the natural resource sector?**

*(a) The role of traditional rulers:*

- They are custodians of traditional law based on traditional practices and customs
- They allocate land in consultation with headmen
- They settle disputes
- They are ceremonial heads of communities
- They allocate land in the interests of community
- They monitor land use, wildlife, and conservation matters
- They advise Government on land allocation in customary areas

*(b) The role of local authority (Councillors):*

- Ensure that land allocation procedures are complied with
- Support chiefs in land administration
- Link between communities and Government
- Advise Chiefs on land allocation
- Facilitate acquisition of land in customary areas
- Facilitate understanding of land allocation, holding and management

*(c) The role of Government Institutions:*

- Effectively screen investors to ensure investors concerned with community interests and welfare
- Perform regulatory role
- Award resource harvesting licenses
- Sensitise communities on policies and laws
- Enact laws and policies in consultation with members of the public
- Oversee the implementation of development projects
- Ensure effective and efficient land administrative systems through the enactment of effective and fair laws

*(d) The role of CONASA (NGOs):*

- Facilitate acquisition of knowledge and skills on land matters
- Promote the capacity building of communities
- Complement Government efforts in the natural resource sector
- Advise Government in law and policy formulation and document the emerging best practices from implementation
- Enable communities to benefit from management of land and resources

**Q5. *What problems do women face in accessing land?***

- Women are disadvantaged because procedures and criteria disadvantage women, allocation is often tied to marriage or a woman's economic status
- Women are not given opportunities to access land, although the land policy actually attempts to encourage the empowerment of women
- Laws and customary practices negatively impact on women and limit their access to land
- Women are not assertive, they do not request for land from chiefs and councilors
- Traditional custom often requires that women move if married, and therefore prevents Chiefs from allocating women land. Women are considered not to have permanent homes
- On death of a spouse, where a woman refuses remarriage, land is often repossessed

**Q6. *What are your recommendations under this sector?***

- Government should involve communities in legal and policy formulation
- Government should recognize the Chiefs' role in land matters and administration in practice as much as in law
- In land allocation, Chiefs should monitor their Chiefdoms regularly
- Government should sensitise members of the public on laws and policies
- Donors, NGOs and other stakeholders should identify and address community needs and concerns
- Institutions dealing with land matters should give women access to land whether married or not
- Government should update natural resource policies and review current laws on land tenure
- Government, donors and NGOs should involve communities in all CBNRM programmes
- Government should recognize traditional land acquisition and interests by ensuring that the customary practices and principles are written and incorporated into laws and policies

## **4. LAND USE**

### **Land Use Policies and Practices**

Land use is determined by its quality and properties. Land includes soil, water, forests, grasslands, dambos, streams, rivers and lakes. Before the colonial period, questions of land use did not arise per se, but there was good use of the land for production. Further, land use issues did not arise because the population was small.

On the advent of colonialism, land use practices began to change as the settlers took up large tracks of land for commercial agriculture. Some local or indigenous

populations were resettled to leave land for the settlers. In the 1930s, and 1940s it became necessary to introduce some land management practices, which included soil and water conservation. For many years during colonialism and after that, land husbandry was practiced until the 1980s when there was little support from government to good land use practices.

Land use in Zambia has largely depended on the nature of the activity. Among some of the uses of land are:

- agriculture (22% arable land)
- wildlife development
- forestry development
- urban development

Within these land uses, there is need to zone different uses of the land. Zoning ensures wise use of the land. Hence land earmarked for agriculture will be zoned according to the uses. Agricultural land could be zoned for rearing livestock and for crop cultivation among a variety of uses.

### **Land Use Plans**

Zambia has not updated its land use plans for many years. It is possible that land could have been put to wrong use if the old plans were not implemented correctly. Hence, lack of land use plans leads to illegal settlements, poor use of fire to manage the land, encroachment on watersheds.

### **Principles of Land Use**

Land is a renewable resource, which should be used well.

- Land should be used according to its qualities.
- There should be a balance between production and conservation.
- An integrated approach to the use of land will maximize the productive capacity of the land.
- Land use planning can help in the layout of villages, a road, a school, a clinic, a farm and others.
- Land use planning is concerned with the detailed design and layout all infrastructure development.
- Land use can determine what land should be cultivated or be used for grazing, ranching or forestry.
- Land use planning will protect fragile or special ecosystems. For example, in districts or large river basin catchments, techniques of land use planning may help regional planners and politicians to decide on where to locate development projects.
- Different development activities demand different land uses e.g. tourism, agriculture-ranching and crop production.

## GROUP DISCUSSIONS

In groups, the participants drew maps of the areas where they came from and discussed the land use practices.

### MOOMBA CHIEFDOM

1. Draw a map of your town/village and show what is in it?



2. What has the land been used for?

- The land in Chief Moomba's area has largely been used for wildlife conservation. Other uses of the land include timber extraction, agriculture



and to a lesser extent subsistence fishing. Land in this area is exclusively traditional land.

3. *Who plans the use of the land?*

- The Chief and his headmen plan the use of land. The population is very small and tends to be clustered in one area, around the Chief's palace.

4. *What is the biggest use of the land?*

- Wildlife conservation is the major use of the land.

5. *What is the quality of the land?*

- The quality of the land is very fertile. It comprises woodland, savanna and thickets. It has got large plains with loam soil. There is minimal agriculture activity because of destruction of crops by wildlife and distances to markets.

6. *What do people do with degraded land?*

- In Moomba area there is no degraded land because the soil is naturally fertile.

7. *Prepare not more than five guidelines on how to plan the land use?*

- The area is exclusive traditional, therefore the decision on the use of the land has the following characteristics:
  - (a) For an investor, he/she has to see the chief who in turn will sit with the Traditional council and resolve either to approve or not.
  - (b) For a person applying for a land in a village, he will apply to a village headman who also sits with his VMC.
  - (c) A person with a large family who wants to open a village shall apply to the Chief who in turn shall consult people near that area.

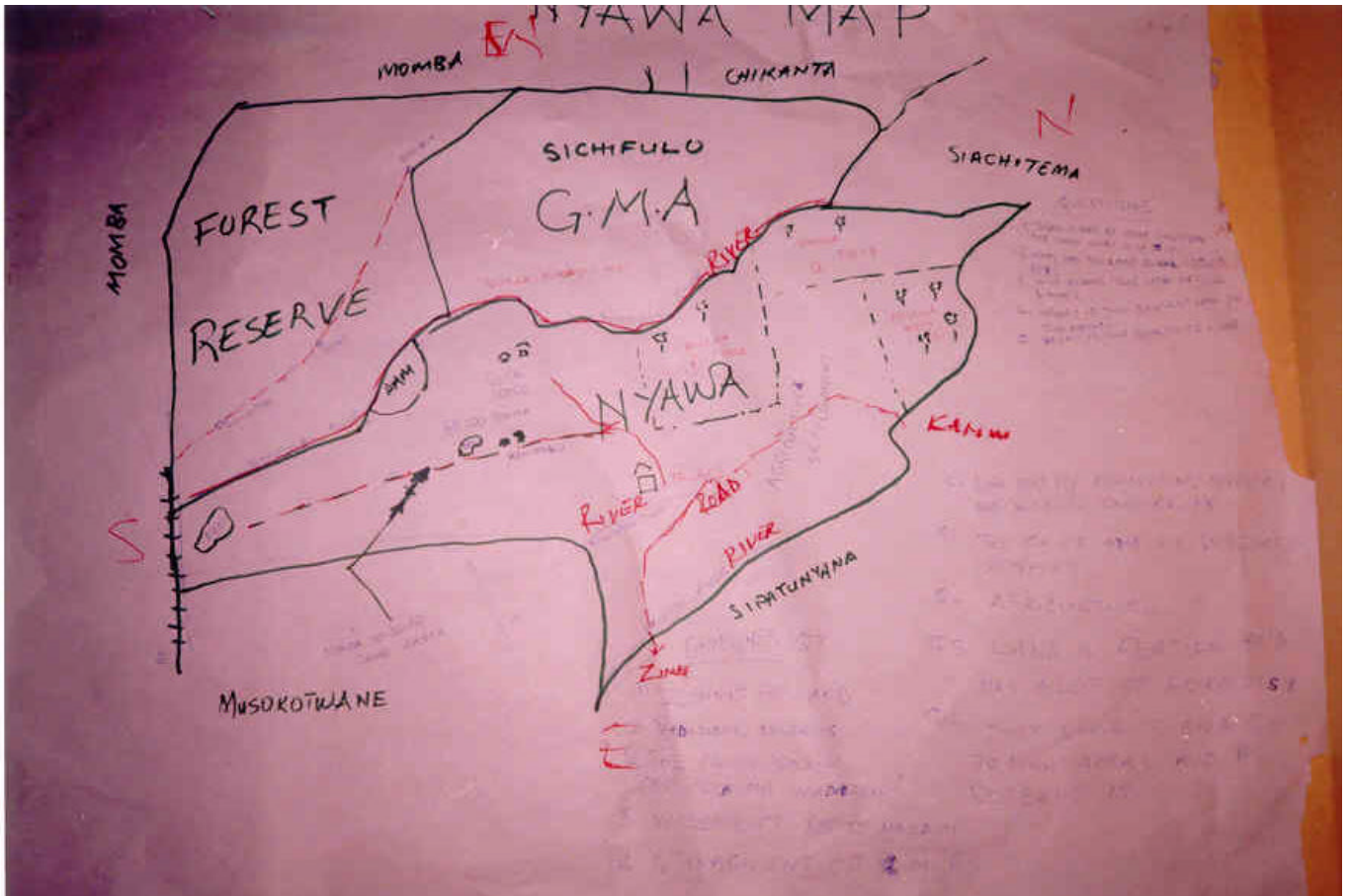
### **Emerging Key Issues**

- The area has a lot of wildlife, and the communities need by-laws for sustainable utilization. Village scouts currently enforce national wildlife laws.
- Timber exploitation is not very high although mukwa is currently exploited. There is concern that the monitoring of timber extraction and production is weak. This is because outsiders and investors are mainly involved in this exploitation. Interaction between the Forest Department and local communities is non-existence. The communities are not involved in approval processes or license issuance for the exploitation of the resource. Forest Department issues licenses without prior consultation or knowledge of the local people.
- The local communities still operate as if they still have abundant resources.
- License holders are cutting timber indiscriminately; communities are concerned because they are not benefiting from the use of the resource.

- The local communities need local by-laws to assist them with the management and conservation of wildlife and natural resources
- CONASA needs to hold a consultative meeting with the Chief, Area Councillors, members of the local community, Forest Department and license holders.

## NYAWA

1. Draw a map of your town/village and show what is in it?



2. What has the land been used for?

- Land is used for agriculture, forestry and wildlife game ranch. There are no clear boundaries. There is no security of tenure. The area is heavily encroached by people from Siachitema along the Sichifulo River.

3. Who plans the use of the land?

- The headmen. This area does not have a chief. There are wrangles over the chieftaincy and the matter is currently in court.

4. What is the biggest use of the land?

- Agriculture is the main activity. Mukwa is exploited for the community use. There is a game ranch operated and managed by a foreign investor. The communities complain that they do not benefit from the exploitation of resources by the investor or his use of land allocated by the former Chief, now deceased.

5. *What is the quality of the land?*

- Land is fertile and has a lot of trees

6. What do people do with degraded land?

- They migrate to new areas.

7. *Prepare not more than five guidelines on how to plan the land use?*

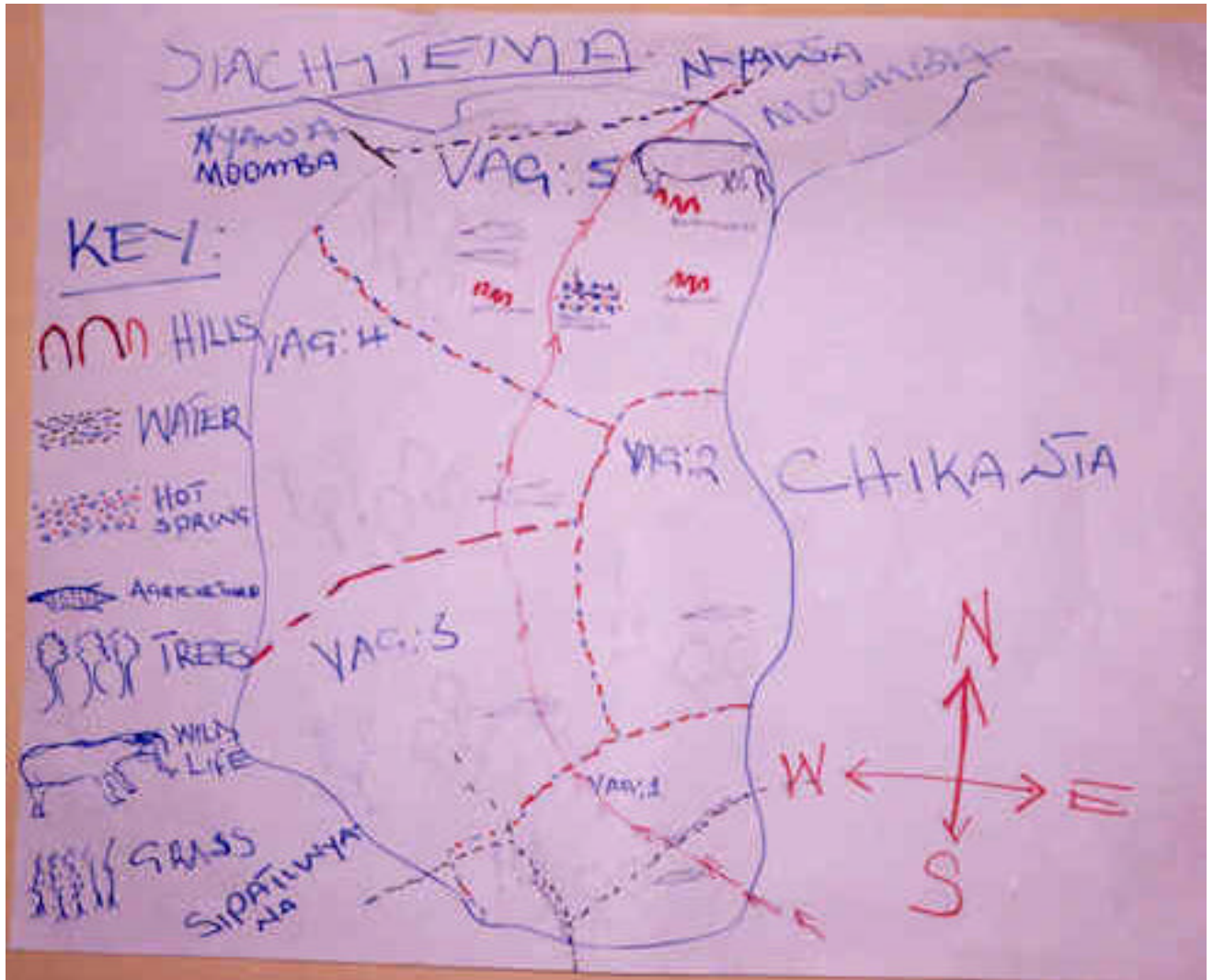
- Zoning the land
- The Chief should consult his headmen
- Implement policy and laws

**Emerging Key Issues**

- Need to come up with proper survey, mapping and establish boundaries
- Lack of conservation practices and by-laws for natural resource management.
- Over grazing is a main concern for the area.
- There are boundary disputes between Nyawa and Moomba due to historical factors which need to be resolved
- No harvesting of timber.
- Hunting concessions are not made in consultation with the communities, hence local communities are not getting a fair deal or equitable share of the revenue earned by holders of concessions.
- Illegal settlement by some 'so-called' foreign investors; the communities have taken the matter to Ministry of Lands for action

## SIACHITEMA

1. Draw a map of your town/village and show what is in it?



2. What has the land been used for?

- For agriculture
- For grazing
- Settlement
- Buildings

3. Who plans the use of the land?

- The community defines the use of land. The Chief allocates land in consultation with his headmen. There are no land use plans. There is encroachment in land zoned for wildlife management.

4. *What is the biggest use of the land?*

- Agriculture
- Settlement
- Building

5. *What is the quality of the land?*

- Medium - 25% is fertile whereas 75% is not

6. *What do people do with degraded land?*

- Practice crop rotation
- Use of pit farming
- Use of fertilizer

7. *Prepare not more than five guidelines on how to plan the land use?*

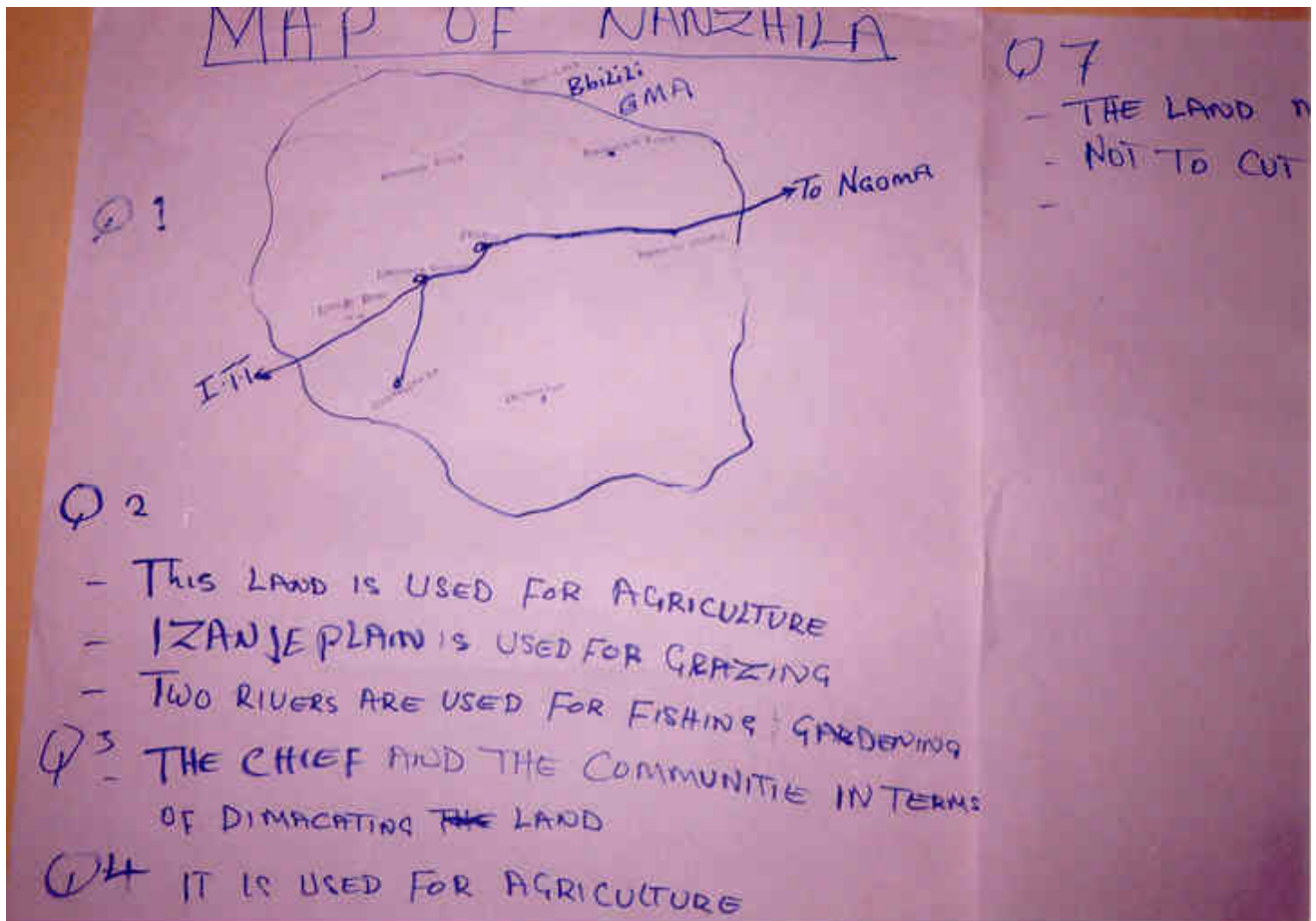
- Avoid overgrazing
- Zoning of land
- Pegging

### **Emerging Key Issues**

- The public is not consulted during law and policy formulation. Only the elite are allowed to participate and contribute.
- At community level, leaders both civic and traditional are not being held accountable for their actions. Communities accept the consequences of the decisions made by these leaders even if these decisions are to the detriment of the communities or not in their interests.
- Communities should agitate for their rights. They elect representatives who they should be holding accountable for their actions and ensure delivery of results and respect of community interests. The situation in Zambia allows speaking on these issues for one's own benefit. If communities are silent on national issues, the leaders/representatives will not perform or deliver.
- There is need for community sensitisation on wildlife conservation, farming methods, soil conservation methods and reforestation.
- There is rampant destruction of trees to clear areas for tobacco farming.

## NANZHILA

1. Draw a map of your town/village and show what is in it?



2. What has the land been used for?
  - o This land is used for agriculture, Izanje plan is used for grazing and two rivers are used for fishing and gardening.
3. Who plans the use of the land?
  - o The Chief in consultation with the community
4. What is the biggest use of the land?
  - o It is used for agriculture
5. What is the quality of the land?
  - o Loam - sandy soil: the land is fertile



6. *What do people do with degraded land?*
  - They use cow dung to revitalize the quality of the soil. They also practice crop rotation and inter-cropping.
7. *Prepare not more than five guidelines on how to plan the land use?*
  - The land must be used properly (land use plan)
  - Not to cut trees anyhow

## LUSAKA

1. *Draw a map of your town/village and show what is in it?*



2. *What has the land been used for?*
  - Residential
    - high density
    - medium density
    - low density
  - Industrial
    - heavy
    - light

- commercial
  - agriculture
  - burial grounds
  - recreation
  - administration
  - road network
  - airport / airstrips
3. *Who plans the use of the land?*
- Town and country planning (local authority)
  - Ministry of Lands
4. *What is the biggest use of the land?*
- Settlement
  - Industrial
  - Commercial
5. *What is the quality of the land?*
- Land is generally poor mainly rocky
6. *What do people do with degraded land?*
- Most degraded land has been used for settlement due to increased in population
7. *Prepare not more than five guidelines on how to plan the land use?*
- Population levels
  - Resource distribution
  - Quality of land
  - Environmental concerns
  - Envisaged expansionary trends
  - Land uses
  - Climatic considerations

## **LIVINGSTONE**

1. *What the land has been used for*
- residential areas
  - social amenities
  - industrial areas
  - business centers
  - communication and transport
  - conservation



2. *Who plans the use of land?*

- Livingstone City Council
- Traditional leaders
- Government institutions

3. *What is the biggest use of the land?*

- Tourism and related business activities

4. *What is the quality of the land?*

- Sandy. In the outskirts of town, mining is done but is not regulated. The areas that are under the control of Government institutions or local authorities are monitored though not effectively.

5. *What people do with degraded land*

- Nothing is done to improve the land quality and people normally abandon the land or sell it.

6. *Five guidelines on how to plan the land*

- (i) identify various potential uses of the land
- (ii) consider lands attributes, limitations/ capacities
- (iii) demarcate or zone land into various uses in consultation with principal stakeholders
- (iv) establish rules and guidelines to administer each land use category
- (v) monitoring and evaluation

## CHIKANTA

1. Draw a map of your town/village and show what is in it?



2. What the land has been used for

- farming (agriculture )
- livestock
- education
- administration office
- health
- game ranching
- water dams
- shed (food)
- markets

3. Who plans the use of land?

- The community
4. *What is the biggest use of the land?*
- Farming
5. *What is the quality of the land?*
- Fertile land
6. *What people do with degraded land?*
- Conservation farming with the assistance of non-governmental organizations and Government institutions - (CLUSA, CONASA, Agriculture Extension officers, Agro-Forestry, World Vision)

### **Emerging Key Issues**

- Chikanta area is in an open area and currently does not have a CRB although under the Zambia Wildlife Act, 1998, the communities are required to establish one.
- Two village area groups have been formed.
- The communities are anxious to have a CRB in place and are eager to re-stock their area with wildlife.

## **5. FORESTRY SECTOR**

In 1973, The Forest Act No.39 was enacted by Parliament and became the forest laws of Zambia. The Act provided for the establishment and management of National Forests and Local Forests. It made provision for the conservation and protection of forests and trees and for the licensing and sale of forestry produce. All the forest estate was vested in the hands of the President.

This Act repealed some of the laws that existed at that time such as the Barotse Forest Orders in which land and the forests were vested in the Litunga. The Act did not provide for community participation and if anything, it took away some of their rights and duties which were placed in the hands of the Department of Forestry which engaged Forest Officers and replaced the traditional rulers in land and forestry matters.

Zambia has 475 forest reserves, which occupy 7,326,119 hectares. The forests fall under two categories namely, national forests and local forests. Forests are an important economic resource. Forests play a major role in ecological processes and natural cycles such as the rain cycle. They are important for protecting the soil and making it fertile. However, forests are being depleted at an alarmingly rate in Zambia leading to loss of biodiversity and loss of habitat for wildlife.

In 1998, a Forest Bill was prepared and a new Act passed by Parliament in 1999. This Act provides for the creation of a Forest Commission to replace the Forest

Department. Of significance in the new Act is the provision for community participation in the management of the forest estate and the recognition of the use of indigenous knowledge in sustainable use of the forests.

It provides for the participation of local communities, traditional institutions, non-governmental organizations, and the private sector in sustainable forest management. This would be done through the mechanism of Forest Management Committee. This would comprise local communities living in or adjacent to a Joint Forest Management Area. Joint Forest Management Areas would be declared from forestland, National or Local Forest, plantation forest or open area. The Forest Management Committee shall accept grants and donations from any source within or outside Zambia. Some money will be voted to the Committee as approved by the Commission.

The Forest Act of 1999 provides, continuation of the protected area system of national Forests, local forests and open areas, for community participation in forest conservation and utilization through Joint Forest Management Areas. Hence it provides that Joint Forest Management Committees be established at community level to manage the Forests Management Areas. Although the Act cannot be enforced, guidelines on how the Joint Forestry area and the committees can be set up in direct consultation with the communities. Any selected Joint Forestry Management Area should not be a National Forest, National Park, or a National Monument. It should not be less than 200ha in size and should be of socio-economic and ecological importance to the community and should not have less than 100 households as the population of the local community.

The Joint Forest Management Committee shall comprise:

- 1 representative of the Chief
- 1 representative from Zambia Forest Commission
- representatives of the local community
- 1 representative from local authority
- 1 representative of holders of licences
- 1 representative of the Department of Agriculture, Water, Lands, Fisheries (4)
- 1 representative of ZAWA

The work of the Committee would be:

- to develop and implement management plans in the Joint Forest Management Areas bearing in mind land uses in the area
- to negotiate co-management or joint ventures agreements with other stakeholders such as the private sector
- to co-ordinate work programmes at village level
- to ensure that benefits are shared according to the agreed terms;
- to ensure accounting, review progress and report to Zambia Forest Commission on a regular basis
- to ensure participation at village level, there will be Village Resource Management Committees (VRMCs), each Committee shall comprise fifteen

(15) elected by the villagers from at least three villages. The committee shall include not less than six (6) women. The work of the VRMC would be to supervise the day-to-day operations required for the implementation of the Joint Forest Management Plan. The Management plan will be prepared and it will take into the location, the climate and the soils in which it will be set.

The guidelines have suggested that the benefits would be shared at 80% for ZAFCOM and 20% for the communities.

The Act also provides for the different types of licenses, which include: concessions, sawmill, pitsaw, casual, Conveyance and any other prescribed by the Minister.

The Act provides that apart from preparing management plans for Joint Management Areas, the communities will participate in preparing management plans for National and Local Forests. A National or local Forest shall not be declared within the jurisdiction of a traditional authority without consultations and without the consent in writing. Traditional authorities shall also be assigned control and management of licensed felling, taking and removal of major forest produce.

The details of how a Joint Forest Committee should function have been prepared as a Draft Joint Forest Management Guidelines of 2000. These guidelines are useful in clarifying how the Joint Management schemes should work.

The Act takes cognisance of the need to have a gender perspective in the management of forests.

## **Licensing**

The Act provides for the following classes of licences:

- a) concession
- b) sawmill
- c) pitsaw
- d) casual.
- e) Conveyance and any licence, which the Minister may prescribe on the commendation by the commission.

Licences attract fees, which are prescribed by the Minister. The Minister may authorize any local authority, traditional authority or other institution to issue licences for felling and taking of forest produce in and from National Forests, Local Forests and Joint Forest Management Area or area of State Land or Customary area and to collect fees in respect of forest produce and to pay the fees into the general fund or revenue of the local or traditional authority.

What seems not to be clear is how the communities should benefit from the funds raised from fees or other funds generated from the forest resources.

The main areas of concern to the communities should be:

- there no management plans for the forest estate;

- membership of the Joint Forest Management Committee will need training in some basics of the science of forestry to combine with their indigenous knowledge; and
- licencing procedures by the Joint Management Committees need clarification.

### **Emerging Key Issues**

- Representation of the communities on the Joint Forest Management Committee is not adequate
- The revenue sharing is not fair
- CONASA must facilitate the preparation of management plans. It was observed that some communities have misgivings about the assistance from CONASA. CONASA staff failed to peg a forest because the communities thought CONASA had come to seize the land. It was clarified that the CRBs and VAG representatives had not informed the headmen and the Chief about the activity, hence the suspicions on the part of the community.
- Other key issues could not be dealt with as they required the presence of Forest Officers. Forest officers who had been invited to attend the workshop left after the deliberations of the first day. After being advised that CONASA does not pay sitting allowances, the officers said that they do not see the need of attending workshops if there is no 'incentive'.

### **GROUP DISCUSSIONS**

*What are the advantages of establishing Joint Forest Management areas?*

- The community will gain knowledge on management of forest areas – communities will be trained by the stakeholders, Government institutions and other collaborating partners
- There will be community development from the income raised through concessions, partnerships and joint business ventures
- Communities are empowered in co-management of resources
- Communities will learn how to value existing resources
- Communities will value reforestation of deforested areas
- Communities are empowered to sustainably use resources
- It will introduce a sense of ownership in the members of the communities if they benefit from the resource
- It will encourage community participation
- It will provide source of income to the community
- It will encourage the use of indigenous knowledge along modern technical knowledge
- It will promote systematic use of management plans
- It will enhance a sense of security for the resources
- It will promote community involvement
- It will remove exploitation of the communities
- It introduces the concept of benefit sharing to the community

*What are the communities' strengths in getting involved in forest management?*

- Communities living adjacent to or next to the local forest will be direct beneficiaries.
- Makes it easy for communities to manage resources because they live near forest resources.
- Accessibility to the forest by the communities for management is critical and made easier.
- Communities will bring to joint management their indigenous knowledge, customary practices and skills.
- Management of resources is easy because the communities are within reach; they do not have to travel long distances for purposes of managing the forest resources in the joint forest management areas.
- Communities are the custodians of the forest and they will be able to monitor resource utilization.
- The communities have wide knowledge of the area, the available resources and sometimes people that have access to these forests.
- There are already existing community structures that have united the members of the local CBNRM.

*How will Joint Forest Management Committees and Village Management Committees work with CRBs, Village Area Groups and sub village area groups?*

- There will be consultation and collaboration among the institutions.
- They will compliment each other and supplement effort and resources.
- CRBs, VAG will be represented on the JFMC and will work together, the guidelines must be amended to take into account the already existing structures.
- These institutions are interdependent.
- These institutions will plan together and hold meetings regularly to ensure effective and efficient use of resources. What assurance exists to facilitate collaboration? Representatives of the organizations are usually invited to community meetings. What will link these people together? Mostly, community development and sustainable utilization of resources that are interdependent.
- Communities have to be prudent and cautions that all these seemingly large numbers of committees do not duplicate structures, activities and do not result in waste of resources. These may also be an overlap in powers and functions of these structures.
- Take advantage of leadership skills within the CRBs, VAGs, and Sub-VAGS.
- Can any succeed if the institutions work together under clearly defined roles and responsibilities?

## Recommendations

- Government should revisit the Forest Act to revise the composition of the JFMC
- Government should undertake an institutional impact assessment to determine the likely impact of introducing the JFMC on existing structures
- The Zambia Forestry Commission should be put in place with immediate effect
- Government should involve communities in decision making
- There is need for sensitisation of local communities
- Need for transparency and accountability on part of government institutions
- Train community in skills for community development
- The benefit sharing criteria should be reviewed by Government
- The representatives of government institutions on the JFMC should be reduced
- The Forest Act 1999 should come into force
- Percentage of benefit sharing should be 50-50
- Number of community representatives on the JFMC should be half of the total number
- Village area groups should be represented on the ZAFCOM

## 6. WILDLIFE SECTOR

The presentation looked at the provisions of the Wildlife Act of 1998 which has provided for the creation of the Zambia Wildlife Authority whose mandate is to control, manage, conserve, protect and administer national parks, bird sanctuaries, Game Management Areas and Wildlife sanctuaries and co-ordinate all activities in all these areas and encourage the general development of the same. The Act provides for establishment of partnerships with local communities and share responsibilities of managing Game Management Areas.

ZAWA is expected sensitise and educate the general public on the necessity of wildlife conservation and to undertake measures that will ensure the proper balance between the sustainable use of wildlife and management of ecosystems in protected areas. ZAWA has been mandated to enhance the economic and social well being of local communities in GMAs.

Among some of the many functions of ZAWA are:

- to prepare and implement management plans;
- to issue licences and permits ;
- to grant hunting concessions in close collaboration with communities;
- to assist and advise boards in the management of human and natural resources in GMAs and open areas;
- to advise the Minister on regulations for the management plans for the protected areas;
- to manage financial and human resources for the conservation of wildlife; and



- to pay out money into a fund established by Community Resources Board.

The Act defines the role of the Community Resources Boards and stipulates the composition of the same. The functions of the board shall be:

- to prepare management plans and negotiate with ZAWA co-management agreements,
- to participate in wildlife conservation;
- to implement management plans; and
- to perform any other functions as directed by ZAWA or the Director General.

The CRB members are to be elected and they have to represent the community.

## **GROUP DISCUSSIONS**

The group questions are listed in the Annex.

### **Chikanta**

The area does not have a CRB. The guidelines require the formation of at least five VAGs to establish a CRB. The community only has two VAGs that have just been recently formed with the facilitation of CONASA. The participants said that there is need for sensitization of the community at the moment because the Chikanta Area Development Structure formed by the Chief in the area, is currently responsible for most of the developmental activities in the area.

The participants said that they need a CRB. That this issue had been discussed with Chief Chikanta and the Chief had given approval for its establishment. They need a CRB because this is a legal requirement under the Zambia Wildlife Act that provides for conservation and sustainable utilization of resources for the benefit of the community.

### ***Siachitema and Moomba***

- CRBs have been formed but are not yet registered by ZAWA.
- The tenure of the office bearers is three (3) years.
- The CRBs should be registered because it is a legal requirement and will enable the CRB to have legal personality.
- The communities in this area have not fully understood the role of the CRB.
- The leadership is weak.

### ***Nanzhila and Nyawa***

- The CRB have been formed.
- The tenure of the office bearers is four years.
- The CRB is not yet registered.

- In Nyawa, the CRBs sensitised the communities on the surrender of guns to minimize poaching in the area. Through hunting revenue, they identified projects in various VAGs in which to apply the funds.
- In Nyawa, the communities do not fully appreciate the role of CRBs because of the establishment and the operations of the Nyawa Community Trust.

### **How the CRBs are financed in the areas?**

Only the participants from Chikanta area responded to this. The CRB would be financed through various income-generating activities such as game ranching, bee keeping, pig rearing and marketing, basketry, timber production and carpentry.

### **What is the relationship between ZAWA and CRB?**

CRBs are intermediaries between NGOs, the communities and ZAWA. They are entry points for many community programs. The CRBs manage wildlife and natural resources within GMAs in consultation with ZAWA. ZAWA should involve CRBs in the setting of hunting quotas and licensing of safari hunters.

### **What shall be the role of other NRM stakeholders?**

#### *CRBs*

- To mobilize the community
- To link the community with ZAWA, CONASA and other institutions and programs
- To sensitise communities on natural resource and wildlife management
- To act as entry points for community programs and activities
- To identify community needs and concerns
- To act as a pressure group for community concerns and interests in wildlife conservation and natural resource utilization in Game Management Areas
- To represent community interests and rights
- To perform the role of ZAWA at community level
- To employ scouts
- To establish a fund for the well being of the local community
- To mobilize communities in income generating activities and facilitate enterprise development
- To facilitate community development

#### *ZAWA*

- To assist the communities in the formation and registration of CRBs
- To facilitate community development
- To sensitise communities on Government policies and programs
- To train CRBs in wildlife and natural resource management
- To assist with transport for CRB operations
- To facilitate the establishment of a community camp in Mulobezi GMA to reduce poaching

## CONASA

- To sensitise the community on natural resource legislation and policy
- To provide training in enterprise development and business management
- To facilitate linkages with financial institutions, private sector and local and foreign investors

## NGOs

- To form partnerships with the local communities for community development
- To mobilize communities
- To facilitate linkages among communities
- To work in collaboration with community based organisations and structures
- To capacity build the members of the local communities
- To assist with community development programs
- To source for funds for communities

## Communities

- To participate and contribute to community development programs
- To monitor the activities of CRBs, VAGs, and other community structures
- To render advise on customary practices and principles
- To develop action plans and strategic plans for community development
- To initiate and implement management activities that involves resource conservation and utilization.

## Local Authorities (Councillors)

- To enact natural resource management by-laws to facilitate the efficient and effective management and utilization of natural resources
- To monitor and evaluate the utilization of resources by license holders, the programs and operations of all stakeholders in wildlife and natural resource management
- To call village meetings on matters of communal interests
- To receive and introduce new settlers in the community to the Chief
- To assist with preparation of project proposals
- To sensitise communities on development activities and to monitor development activities
- To settle disputes at community level

## 7. DISCUSSION ON SMALL ENTERPRISES

The discussion on small enterprises looked at businesses that can be established for purposes of harvesting and using natural resources. Some of the products on which businesses can be set up are: timber, bee-keeping, (honey, wax, wine), foods, oil from trees, vegetables medicines, thatch grass edible caterpillars charcoal, crafts, basketry mushrooms and brick making.

Other businesses are tourism, eco-tourism, wilderness tourism, wildlife ranching photographic safaris, walking trails, cultural villages lodges and campsites.

A more detailed analysis of the viable natural resource based enterprises in the Project area was made by the Southern Africa Alliance for Indigenous Resources (SAFIRE) within the project area. Peter Gondo of SAFIRE reported on these in his paper presentation to a similar training workshop and is attached in Annex II of this report.

Windu Matoka, a participant from PACT – Zambia, led the discussion on enterprise development. The focus was only on the following major highlights and factors that the members of the community need to bear in mind before commencing a business:

### **The 'what' factor**

This dealt with what type of business the community wishes to undertake. It is important to know:

- What are the requirements for such a business
- Where can the items required for the business be obtained from
- At what cost
- What money do we have available
- What is the shortfall
- Where can the community can it
- On what condition
- Can the community afford these conditions

### **Skills**

- Are the skills available within the community?
- Can the community source somebody to guide the community?

### **The 'Where' Factor**

- Where will the business be located
- Are the customers available
- Are raw materials available
- How many competitors exist
- Can the community manage to fit into the competition

### **The 'When' Factor**

This refers to time frame.

Regarding enterprise developing skills, Windu Matoka said his organisation conducts business training in the following areas:

- Business Planning Process

- How to prepare a simple business plan/proposal
- How and where to register a small business
- Business ethics and values
- Personal entrepreneurial skills
- Productions and operations – employing the right human resource, skills, machinery
- Simple costing and pricing
- Marketing skills – this involves product, price, place and promotion analysis
- Keeping business records
- A strength weaknesses, opportunities and threats (SWOT) analysis of the venture

He observed that it is important for the commodity groups in the CONASA operation area to be trained in these skills. The training takes five working days.

The presentation also pointed out that business could be based on agro-industries and these include oil production from sunflower and groundnuts, shelling and grading groundnuts, grading and bailing paprika.

Knowledge on how to set up an enterprise was shared and it included the need to have business skills, which include knowing the following:

Business planning which clarifies what should be done in a business, what are the requirements of the business, the following questions will need addressing:

- Where can the items to start a business be obtained?
- At what cost?
- What money do we have?
- What is the shortfall where can we get it?
- On what conditions?
- Can we afford?
- Other questions will include:
  - Where will the business be located?
  - Are the customers available?
  - Are raw materials available?
  - Are there competitors? Can we manage to fit into the competition?
  - When do we start- time frame and schedule?

All the when, where, why, who the players will be and how the business will be carried out have to be addressed.

It was pointed out that once a business plan is prepared, it has to be registered.

- In conducting the business, ethics and values have to be observed.
- The business must be clear on production operations and efficiency and this involves organizing man-power (human resources), machinery, material, and method.
- There should be simple costing and pricing.

- The business must be clear on how it is going to market itself and this involves the product, price, place and promotion.
- A business should keep records.

### **Emerging Key Issues**

- The financial climate is not conducive for small-scale entrepreneurs in Zambia.
- The current policy framework is not conducive to small enterprise development.
- Due to lack of business skills, the communities reported that they are compelled to accept prices offered by the buyer.

## 8. COMMUNITY ACTION PLANS

### SIACHITEMA

ACTIVITY	WHAT SHOULD BE DONE	WHEN	BY WHO
Wildlife	Sensitisation of more members of communities	On going	<ul style="list-style-type: none"> <li>• CRBs</li> <li>• VAGs</li> <li>• VMC</li> </ul>
Business Enterprise	Training of CGs	On going	<ul style="list-style-type: none"> <li>• CONASA</li> </ul>
Land use	Planning meeting Zoning	15 <sup>th</sup> June 2002	<ul style="list-style-type: none"> <li>• Traditional Authority</li> <li>• Community</li> <li>• VMC</li> <li>• Sub-Vag</li> </ul>
Land	Reduction of 99 years lease to 30 years	1 <sup>st</sup> December 2002	<ul style="list-style-type: none"> <li>• Local authority</li> <li>• Commissioner of Lands</li> <li>• Ministry of Lands</li> </ul>
Forestry	Reforestation	1 <sup>st</sup> October 2002	<ul style="list-style-type: none"> <li>• Forest Department</li> <li>• Community</li> </ul>

### CHIKANTA

ACTIVITY	WHAT SHOULD BE DONE	BY WHEN	BY WHO
Land and Land uses	Land survey Zoning Bee keeping Piggery	October 2002	<ul style="list-style-type: none"> <li>• VAGs</li> <li>• CONASA</li> <li>• Communities</li> </ul>
Forestry	Land survey Zoning Preparation of land Reforestation	August 2002 September 2002 October 2002 November 2002	<ul style="list-style-type: none"> <li>• VAGs</li> <li>• CONASA</li> <li>• Communities</li> </ul>
Wildlife	Ranching Land survey (ecological) Zoning Seeking guidance on construction of fencing Stocking	July 2002 August 2002 September 2002 November 2002 December 2002	<ul style="list-style-type: none"> <li>• VAGs</li> <li>• CONASA</li> <li>• ZAWA</li> <li>• Communities</li> </ul>

## NYAWA

ACTIVITY	WHAT SHOULD BE DONE	WHEN	WHO
Land Sector	Reporting to the Committee (VAG)	3 <sup>rd</sup> week of June 2002	<ul style="list-style-type: none"> <li>Workshop participants</li> </ul>
Land use	Community sensitisation on land use	1 <sup>st</sup> week of July 2002	<ul style="list-style-type: none"> <li>VAGs</li> </ul>
Land tenure	Community sensitisation on land tenure	3 <sup>rd</sup> week of July 2002	<ul style="list-style-type: none"> <li>VAGs</li> </ul>
Forestry	Community sensitisation on afforestation	4 <sup>th</sup> week of July 2002	<ul style="list-style-type: none"> <li>VAGs</li> </ul>
Forestry	Introduction of JFMA to community Feed back over JFMA to CONASA	4 <sup>th</sup> week of July 2002	<ul style="list-style-type: none"> <li>VAGs</li> </ul>
Wildlife	Sensitise the communities on wildlife and the wildlife Act	2 <sup>nd</sup> week of August 2002	<ul style="list-style-type: none"> <li>VAGs</li> </ul>
	CBOs coordinating meetings to share ideas	3 <sup>rd</sup> week of August 2002	<ul style="list-style-type: none"> <li>CBO leaders</li> </ul>

## MOOMBA

ACTIVITIES	WHAT SHOULD BE DONE	BY WHEN	BY WHO
Land Use	Meeting with members of the community on land use for the purpose of <ol style="list-style-type: none"> <li>a) sharing experiences on how they are using the land</li> <li>b) to share ideas on how land can be zoned to promote good land practices</li> </ol>	5 <sup>th</sup> June 2002	VAG Chairman Kapunda VMC members Siamukuta Manyando Councillor Sialwindi
Forestry	Meeting the community members to explain the new policies on forestry and to identify the area or forest which can be turned into a Joint Forest Management Area (JFMA)	20 <sup>th</sup> July, 2002	The above mentioned group and one forest officer from Mulobezi



Wildlife	Meet the community members to educate the community on the importance of wildlife conservation and to inform the community of the recommendation made to ZAWA to open a camp north of Mulobezi GMA. Lastly to inform the community that CRB has been registered	10 <sup>th</sup> June 2002	VAG Chairperson Kapunda VMC members Siamukuta Manyando Councillor Sialwindi
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### NANZILA

ACTIVITIES	WHAT SHOULD BE DONE	WHEN	WHO
Land and land use	<ul style="list-style-type: none"> <li>Reduction of the period of 99yrs to 30yrs</li> <li>Land allocation under village area</li> </ul>	1 <sup>st</sup> July,2002  30 <sup>th</sup> July, 2002	Councillor Commissioner of Lands  Chief 's Representative Subject Councillor Community
Forestry 1999 Forest Act	Recommended that the project committees be established to protect the forests	15 <sup>th</sup> August, 2002	Forest Department Communities
	On operational structure, we recommend that its better to put CRBs, JFMC, VFMC, VAG, into one operational place and hence, we should re-visit the Forestry and Wildlife Acts.	15 <sup>th</sup> September, 2002	

	<p>20% to be given to the community. This percentage must be reviewed by the Forest Department because it is not adequate.</p>	<p>30th September, 2002</p>	<p>Forest Department Community</p>
<p>Wildlife</p>	<p>Employ Village scouts</p> <p>To provide hunting revenues for the well being of the community</p> <p>Non-resident hunters to pay some amount to community as hunting rights fees</p>	<p>15<sup>th</sup> October, 2002</p>	<p>ZAWA CRB Community</p> <p>ZAWA CRB Community.</p>

## **FEELINGS OVER FIRST DAY 'S DELIBERATIONS**

The following were general feelings expressed by workshop participants:

- That it is important that this workshop has been organized to raise awareness on CONASA, laws and policies on NRM
- That the workshop was educative, an eye opener and extremely worthwhile
- The day had been productive, enjoyable, interesting
- That participants got first hand information that women are discriminated against
- Happy with CONASA's efforts
- So far so good, happy with workshop and role of local level institutions have been highlighted
- Workshop has cut across many issues that have not been exhausted
- Indicators show that it is another successful CONASA workshop
- Learnt that women are part and parcel of developmental programmes
- A worthwhile workshop – content for the day
- Good to hear what is happening on the ground
- Impressed that we are moving together
- Looking forward to another educative day tomorrow
- Challenging work/day
- Impressed with participants expression of feelings concerning laws and policies

## LAND USE PRESENTATION

By Ernest Mwape, Policy Component Manager, CONASA

### Scope of Paper

This paper focuses on land use policies and legislation vis-à-vis the concept of Community-Based Natural Resource Management (CBNRM). It is difficult deciding what agricultural activities do not constitute land use forms. Leaving the land furrow for a year or two, but still being used to graze livestock is another form of land use. Therefore, land use operational definition in this paper is “extensive” because of the subject matter and considerations such as the one mentioned above.

### Basic Agricultural Characteristics

Zambia has a land area of over 752, 000 Km<sup>2</sup>, of which 12 % is suitable for arable agriculture. The agriculture sector contributes less than 20 % of the nation's Gross Domestic Product.

There are three agro-ecological zones that are characterised by the following features:

- **Zone I: 300 – 1,200 m above sea level;** receives up to 800 mm of rainfall per year; temperatures range between 20 and 25 degrees Celsius. Growing season is between 80 and 120 days
- **Zone II: is between 900 – 1200 m above sea level;** receives between 800 - 1,500 mm of rainfall per year; temperatures are between 23 and 25 degrees Celsius. Agro-season lasts between 100 and 140 days.
- **Zone III: receives over 1,000 mm;** of rainfall per year; temperatures range between 16 and 25 degrees Celsius. Growing season is between 120 and 180 days. This is mostly in the northern half of the country.

Maize is widely grown throughout the country, even in areas that are not suited to growing it. This is a legacy of mono-cropping agricultural policies that started with the colonial administration and continued with the First, Second and Third Republics. Maize now constitutes the greater portion to the staple basket of an average Zambian family. The earlier strategies to boost production were based on subsidising production and later on even consumption. This resulted in a number of problems that have continued to haunt the Zambian economy even after trying alternative economic strategies. Since Government could not sustain these, people were so accustomed to producing and consuming with the subsidy facility; the result today is lower production of almost all agricultural commodities.

### Policies

There is no agricultural policy per se in Zambia. Although Zambia has never had a formal agricultural policy this can be drawn from the various documents in form of strategies, plans and actions that have been prepared, taken or adopted by Government over a period of time. In 2001, a draft paper was prepared that was presented to Cabinet for consideration. It has yet to be declared the nation's agricultural policy.

In more recent times, we can make reference to Economic Reform Programs of the 1980's and Agricultural Sector Investment Programme (ASIP) documents in the 1990's to deduce agricultural policy objectives. Before 1991, the agricultural policy

and strategy was characterised by mono-cropping of maize. There was low private sector participation. Government and quasi-governmental institutions were running the agricultural sector; setting the floor prices for commodities produced by resource-poor small-scale farmers. The Prices and Incomes Commission, Ministry of Agriculture and Ministry of Finance would propose floor prices for Cabinet Office approval. The National Marketing Board, Lima Bank, Zambia Cooperatives Federation and the regional cooperative movement were active players in the production and marketing of agricultural commodities and services. Agricultural marketing was actually dominated by the parastatal sector for a long time. Despite the assurance of having the buyer of last resort and an “economic” floor price, there were fluctuations in fortunes of farmers. The “lows” were too numerous and lasted for longer durations than the “boom” times.

Eventually, with the advent of economic and political liberalisation and the wider acceptance of democratic values and principles, the economic (and political) orientation of the country was changed in 1991. In particular capitalism and its liberal tendencies came to symbolise the new thinking and approach of Government. The private sector players were asked to lead in almost all economic activities. In agricultural marketing Government tried to boost the private sector confidence through encouraging them to register as Maize Marketing agents with some start-up loans using the Maize Marketing Revolving Fund at the Ministry of Agriculture. The Fund never revolved, and the losses incurred by Government and farmers were huge.

The Third Republic was justified in introducing a liberalised economy, with the private sector playing a big role in production and marketing of goods and services. Agriculture being what it is, the farmers’ fortunes have not improved after ten years of implementing the liberalised, free market economy. The donor-driven Sector Investment Programmes (SIPs) were to a limited extent consultative in nature – the urban elite was consulted and local communities at least informed. Nevertheless these fell short of CBNRM practices and requirements. ASIP has undergone some revision, but not extensive and innovative enough to spur agricultural growth.

The Third Republic agricultural policy objectives (at least as spelt out in ASIP documents) are as follows:

- Attain Food Security (household and national level):
  - Supply side and strategic food reserve
  - Technology – irrigation, draught power
  - Secure markets – provide market information and incentives
  - Reasonable incomes and business skills
- Maintain and improve the Natural Resource base
  - Prevent deforestation
  - Conserve/improve agro-biodiversity and genetic pool
  - Prevent Land/soil degradation
- Increase Incomes and Employment
  - 50 % of population live in rural areas: Resettlement Department has been established at Cabinet Office
  - Create agro-jobs: add value through agro-processing
  - Promote agricultural small-holdings
  - Low productivity because of nature of technology employed e.g. cultivating with a hoe
- Contribute to Industrial Development
  - Value addition to raw materials

- Promote innovation/invention: Mount Makulu, National Institute of Scientific and Industrial Research and the University of Zambia
- Horizontal and vertical integration in production processes through provision of input and output
- Contribute to Exports
  - Contribute to Gross Domestic Product, stabilise foreign exchange rate
  - High value products: organic and natural resource products bring more foreign exchange
  - Competitive markets lead to efficiency in production/marketing
  - Limitations in real world market place (quotas, standards, etc) implies recognition of the role of Government to “facilitate” investment and marketing for its big investors

The strategies being employed to attain these objectives are:

- Diversification from low-value to high-value agricultural products
- Facilitate private sector participation in economic activities through provision of enabling legislation and policies
- Provide agricultural infrastructure and services
- Provide institutional and regulatory framework
- Promote development of appropriate technology
- Mainstream gender issues/analysis into agricultural programmes.
- Mitigate unstable weather, emergency preparedness
- Prevent crop/livestock diseases
- Control and regulate introduction of new technologies, species, etc

**At the end of the implementation of these policies poverty levels in the country went up from 70 % in 1996 to 72.9 % in 1998 and about 80 % at the end of the millennium.**

Hopefully capacity building (in form of basic training in budgeting, economic and financial programming, monitoring and evaluation, and good governance) will take place for the local CBOs to understand these issues and how they affect the local communities. Without it, we will end up with an ineffective and passive communities who want to participate, but are limited by the insufficient knowledge and understanding to effectively communicate with those who will lead this process from the civil service.

At a more local level - the local authorities - there has not been adequate participation by the communities. The Provincial Development Coordination Committees (PDCC) and the District Development Coordination Committees (DDCC) have been in place for over five years now, but most of them are not effective in terms of representing the interests and issues affecting the local communities. Apart from the fact that the representatives on the PDCCs and DDCCs may not have been democratically elected and therefore do not go with the mandate of the people they claim to represent. This results into non-compliance by the communities to whatever agricultural-related policies or legislation that are put in place.

The PDCC and DDCC draw their membership from a wide range of stakeholders that include heads of Government Departments, local authorities, traditional leadership, the church, CBOs, NGOs, and private sector representatives operating in these areas.

## **Legal and Institutional Framework**

The institutional framework for implementing agricultural policy, strategies, plans etc is through the Ministry of Agriculture, Food and Fisheries (MAFF), with the Departments of Field Services being the most important for the local communities. Donor-funded projects such as the Zambia Social Investment Fund (ZAMSIF), International Fund for Agriculture and Development (IFAD) and quasi-Government institutions like the Food Reserve Agency, National Plant Genetic Resource Centre and Agriculture Colleges are equally important in the implementation of policies. The NGOs also supplement the efforts by intervening on behalf of the local poor and vulnerable community. The private sector is supposed to make the market forces work.

The principal Acts for *administration* of land are the Lands Act, Landlord and Tenant (Business Premises) Act, the Agricultural Lands Act, Common Leasehold Schemes Act, Land Acquisition Act, Rating Act. There are some statutes on the land use side that may have indirect implications for administration of land. For purposes of this paper, the legislation that are of interest are those that deal with the issues and consequences of *using land* such as the Agriculture (Fertilisers and Feed) Act, Environmental Protection and Pollution Control Act, Town and Country Planning Act, etc. The latter Act confines itself to land under the local authorities (urban areas) and exempts agricultural land.

There are too many pieces of legislation that affect the agricultural sector. Even crops have their own pieces of legislation that govern their production and marketing. Although the laws follow from the policy documents, there are a lot of separate pieces of legislation that govern the different, but related activities in agriculture. Some of these pieces of legislation may be outdated, and no longer serve the initial intended purposes and definitely need repealing or at least realigning them with the current more appropriate policies and legislation.

For administration of land, we can refer to the following pieces of legislation, some of which may not be applicable to agricultural land:

### ***Lands Act, CAP 184 (1995)***

*“An Act to provide for the continuation of the leaseholds and leasehold tenure; to provide for continued vesting of land in the President and alienation of land by the President; provide for statutory recognition and continuation of the customary tenure.”* It provides for the conversion of customary land into leasehold tenure; provides for the establishment of the Land Development Fund; the establishment of the Lands Tribunal and repeals the State Land and Reserves Orders.

### ***Agricultural Lands Act, CAP 187***

*“An Act to provide for establishment of the Agriculture Lands Board; to prescribe the composition and membership thereof; to prescribe its powers and functions; to provide for tenant farming schemes; and to provide for matters incidental to or connected with the foregoing”.* The Act stipulates the conditions applicable to 30-yr leases; outlines the requirement to take up residence within six months of offer; outlines options and conditions for purchase; provision for state grant; agricultural holdings and rent rules. The Act further provides for functions of the Board among which are to review use of land outside urban areas and make recommendations to Minister and the alienation of land under the State.

### ***Lands Acquisition Act, CAP 189***

*“An Act to provide for compulsory acquisition of land and other property; and to provide for matters incidental to or connected with the foregoing”.* It provides for the Compensation Advisory Board; prescribes forms and regulations. e.g. discovery of valuable natural resources and the obligation to inform public authorities.

### ***Rating Act, CAP 192***

*“An Act to provide for declaration of rateable areas; to make provision for the assessment of rateable property; to provide for matters connected with or incidental thereto”.* The Act is applicable to areas within council boundaries, except those under the Zambia Consolidated Copper Mines (ZCCM), Agriculture, Trust and Reserve land. The Surveyor General prepares rateable area plans. The Act calls for setting up of a Rating Valuation Tribunal. Special rates apply in case of increase in capital works scheme executed by the rating authority. It is the duty of a leaseholder to supply information on rateable property except those used by the President, public utilities/sports/worship facilities, aerodromes, rail tracks and diplomats.

### ***Common Leasehold Schemes Act, CAP 208***

*“An Act to provide for the division of land and buildings into units with separate titles by means of common leasehold schemes; and to provide for matters connected with or incidental to the foregoing”.* Unit holders are tenants, holding shares proportional to unit entitlements, boundaries and easements; it divides the buildings and fixtures belonging to different units; it stipulates the requirement to apply with plans indicating unit entitlements and addresses; the different units are registered as a corporate body with by-laws; it requires the appointment of an Administrator in case of oppression among unit holders; appeals lie to the Lands Tribunal: outlines conditions for termination and variation of common lease by common consent.

### ***Town and Country Planning Act, CAP 283***

*“An Act to make provision for the apportionment of land by the planning authorities; for the establishment of a Town and Country Planning Tribunal; for the preparation, approval and revocation of Development Plans; for the assessment and payment of compensation in respect of planning decisions; for the preparation, approval and revocation or modification of regional plans; and for matters connected with or incidental to the foregoing”.* Provides for the establishment of the Town and Country Planning Tribunal; preparation of Regional Plans; Application for development Plans in areas under the local authorities; the Act has limited application to state, reserve and customary areas.

### ***Land Lord and Tenant (Business Premises) Act, CAP 193 (1971)***

*“An Act to provide security of tenure for tenants occupying property for business, professional and other purposes; to enable tenants to obtain new tenancies in certain cases; and to provide for matters connected therewith and incidental thereto”.* Business does not include (agriculture) farming on land. Tenancy term must not exceed 21 yrs. The Act does not apply to agricultural holdings, residential premises, Government and tenancies exceeding 21 years. It is the duty of the tenant and landlord to give each other correct and timely information.

For administration of land, the Ministry of Agriculture, Food and Fisheries, Ministry of Lands and various Tribunals and Commissions that are set up; local councils and



traditional authorities are the major players. Local communities, private sector and NGOs have become important stakeholders that are increasingly being recognised and therefore form part of the institutional framework. However for formulation of most of the above pieces of legislation there was little input by these non-state actors – even as late as 1995 when the current Lands Act was passed.

For land-use purposes in so far as agricultural activities are concerned, we can refer to the following pieces of legislation:

#### ***Control of Goods Act, CAP 421***

*“An Act passed to enable the President regulate and control the distribution, disposal, purchase, sale, wholesale and retail prices of any manufactured or un-manufactured commodity or of any animal or poultry, or of any class or any such commodity, animal, poultry; for the control of imports into and exports from Zambia, and for other purposes incidental and supplementary to the foregoing.”*

#### ***Agricultural Credits Act, CAP 224***

*“An Act to facilitate the borrowing of money on security of charges upon farming stock, additional assets or other agricultural assets; to provide for registration of such charges; and to provide for matters incidental or connected with the foregoing”.* It requires the giving of notice of agriculture charges; requires the registration of the charges within 30 days of execution with the Registrar. Most rural agricultural land is not titled, and therefore may not be acceptable as collateral for the loans. Security of tenure is not guaranteed without title deeds. The Act provides for penalties in, for example, cases where a farmer sells a crop that has been contracted to somebody else not party to such a contract.

#### ***Food Reserve Act, CAP 225***

*“An Act to establish the Food Reserve Agency (FRA); to establish the national food reserve; to transfer certain assets, rights, obligations of Nitrogen Chemicals of Zambia and Zambia Cooperatives Federation to Government; to repeal the National Agriculture Marketing Act (1989)...”.* The Act allows the FRA to designate the food security commodities, provide market information, standardize quality, packaging and grading; it provides for the registration of traders and processors; it requires that reports be prepared and stipulates penalties for non-compliance.

#### ***Agriculture (Fertilizers and Feeds) Act, CAP 226***

*“An Act to provide for the registration and control of the manufacture, processing and sale of agriculture fertilisers and farm feeds; to provide for minimum standards of effectiveness and purity of such fertilisers and feed; and to provide for matters incidental to or connected with the foregoing”.* The Registrar is required to register plant and owner, inspectors, analysts, laboratories; the Act prohibits the import of farming requisites; it spells out penalties for failure to comply and conditions for seizure and disposal.

There are other pieces of legislation that affect land use, and are only listed below. The political and economic orientation of the country has drastically changed and some of these legislations may need repealing or complete overhaul. These are:-

- Water Act
- Environmental Protection and Pollution Control Act

- Cotton Act
- Tobacco Act
- Plant Pests and Diseases Act
- Plant Varieties and Seeds Act
- Weeds and Pesticides Act

To appreciate the complexity of the agricultural sector, it is necessary to highlight the relevant institutions and related pieces of legislation that govern the respective agricultural sub-sectors. Since some of these laws were enacted at different times, their relevance might have long expired. For the respective institutions, these have been phased out at almost the same time when the policies they implemented no longer addressed the concerns/purposes for which they were intended. Thus the National Marketing Board was replaced by Zambia Cooperatives Federation, which was later replaced by the Food Reserve Agency. There is already a pronouncement that the new Government will replace the FRA with a Crop Marketing Agency. The parent Ministry's name has had to also change on a number of occasions: from Ministry of Agriculture and Water Development (MAWD) to Ministry of Agriculture, Food and Fisheries (MAFF) and now the Ministry of Agriculture and Cooperatives over the last ten years.

### **Crop Sub-sector**

*Objective:* to assist farmers increase their production and productivity

*Institutional Framework:* Field Services under Ministry of Agriculture, Food and Fisheries, out-grower companies such as DUNAVANT, ZAMSeed, Zambia Leaf, etc, NGOs (Program Against Malnutrition, World Vision, CARE International, CONASA, etc)

*Legal framework:* Cotton Act, Tobacco Act, Weeds and Pesticides Act, Plant Pests and Diseases Act, Environmental Protection and Pollution Control Act, Water Act, Agricultural Lands Act.

### **Seed**

*Objective:* to ensure quality seed of various crops is available to the farmers in efficient and convenient manner. Conserve and protect the seed variety stock through proper breeding and taking precautionary measures against contamination.

*Institutional framework:* Mt Makulu, ZAMSeed, National Plant Genetic Resource Centre, SADC Gene Bank, NGOs and private sector

*Legal framework:* Plant Varieties and Seeds Act CAP 236, and related acts. There is however no statute that regulates and protects plant breeders, farmers and community rights so that they get recognition and reward them for their efforts in developing and preserving the natural resource genetic pool and variety. There is need for concerted effort to educate the local communities about these developmental issues.

### **Livestock**

*Objective:* to improve production efficiency in a sustainable manner, support market, and improve food security situation.

*Institution framework:* Animal Production and Health Department at the Ministry of Agriculture, Food and Fisheries, private sector operators.

*Legal Framework:* Stock Diseases Act, Cruelty Against Animals Act, Veterinary Surgeons Act, Brands Act, Public Health Act, Tsetse Fly Control Act, Dairy Act, Cold Storage Board of Zambia Act, Piggery Act, Zambia Bureau of Standards Act, Science and Technology Act.

### ***Fisheries***

*Objective:* to increase food production, sustainable utilisation of fisheries resource, preserve fish species through regulation and promulgation.

*Institutions:* Fisheries Department at Ministry of Agriculture, Food and Fisheries, private sector.

*Legal Framework:* Fisheries Act of 1974, Water Act, etc. The Fisheries Act is being reviewed to recognise community contribution, but the bill has yet to receive Cabinet approval to become an Act. The draft bill provides for community participation in management and utilisation of the fisheries resources.

Marketing and credit arrangements do not form part of the land use forms, nor do they directly influence land use, but they surely indirectly influence and facilitate the land use practices.

### ***Agricultural Marketing***

*Objective:* Competitive, efficient and transparent private sector driven market system

*Institutional framework:* National Marketing Board, Zambia Cooperatives Federation, Food Reserve Agency

*Legal framework:* Food Reserve Act, Cooperative Societies Act, Control of Goods Act, Zambia Bureau of Standards Act, Seeds Act, etc.

### ***Agricultural Credit***

*Objective:* to regulate development of an efficient, demand-driven and sustainable rural financial system.

*Institutional framework:* Lima Bank, Zambia Cooperatives Federation, Financial Services,) BOZ, Co-operatives Bank, private sector.

*Legal framework:* Bank of Zambia Act, Banking and Financial Services Act, Agricultural Credit Act, Agricultural Charges Act, Loans Guarantees (Authorisation) Act, Small Enterprises Development Act, Money Lenders Act, etc. Micro-Credit draft bill is still being drafted by the Bank of Zambia and Ministry of Legal Affairs. Depositors' Insurance Scheme draft bill is still under consideration by Cabinet Office and Ministry of Legal Affairs.

## **Policy and Legislation, Land–use Related Issues**

The various forms of Land-use recognised by law are:

- Building (residential, commercial and industrial),

- Protected areas (GMAs, Game Parks, Sanctuaries, cemetery, etc),
- Agricultural
- Raw materials (firewood, wild/natural products,)
- Traditional practices (herbalists)
- Public utilities (waste disposal, water reticulation, etc)

Individuals need to have documentary proof of title or ownership that shows the delineation of their holding. The institutions and communities are not bound by the same requirement of documentary proof when they lay claim to forests, GMAs, cemeteries, council areas or chiefdoms. It is important to note that the duration of the lease/title affects land use.

Factors affecting enforcement of CBNRM practices include the following although not limited to those listed:

- Offences and penalties: ineffective monitoring mechanisms and excessive penal sanctions
- Traditional knowledge versus conventional hard sciences
- Different valuation of natural resources as a result of ignorance and imperfect flow of information
- Limited devolution of power
- Weak local community institutions
- Need to demonstrate benefits in the short term
- Inadequate conflict resolution mechanisms
- No well-defined or lack of common understanding of user/access rights
- Population growth and squatters: high frequency of land related disputes because of unclear boundaries
- Tragedy of the commons, that is, the free rider concept
- Food security threat

### **CBNRM Policy and legislation Issues that need to be addressed**

- Earlier policies and subsequent legislation were based on the flawed assumption that local communities were over-utilising or exploiting natural resources. The natural resources were assumed to be in sufficient numbers, but were in danger of being wiped out by unsustainable use.
- Indigenous knowledge, traditional practices and institutional arrangements that have some acknowledged “best-practices” in conservation and natural resource management have been overlooked or undermined.
- Where as the policies and legislation have solved most of the concerns on the part of Government, the community concerns have not been addressed.
- Local communities still think that Government owns and manages natural resources. Therefore, even if they are allowed to manage these natural resources, the individual members of CBOs may not necessarily be primarily concerned with sustainable management, but personal gain.
- Poor enforcement of legislation and policy due to long distances and poor infrastructure in most areas
- Lack of awareness of legal and policy provisions by local communities
- Policy and legislation do not clearly indicate boundaries. When people become mobile, the motivation to conserve natural resources will be less strong as they will always tend to think that they will not benefit from them since they will be moving out soon. Mobility, whether by people or wildlife, brings problems associated not only with boundaries, but also access and user rights.

- With the acceptance of CBNRM, people have developed very high expectations about the deliverables. It is very important to demonstrate the benefits in the short-term, no matter how small, for people to effectively participate in CBNRM efforts. If the perceived foregone benefits are much larger, then compliance will be difficult.

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**WILDLIFE PRESENTATION**  
**By Dr. Dale Lewis, CBNRM Technical Advisor to CONASA**

**Introduction**

The Zambian Government prescribes written laws in the Wildlife Act to protect and manage wildlife resources. The current Zambia Wildlife Act was gazetted in 1998 as an Act of Parliament and signed into law by the Head of State. It defines all legal and procedural guidelines for managing and protecting wildlife in Zambia. Some of the key areas of interest included in the new Act are: -

- Definition and structures of Zambia Wildlife Management Authority, its Board and Community Resource Boards
- Regulations governing protected wildlife areas
- Types, uses and issuances of licenses pertaining to any use of wildlife
- Guidelines on hunting in Zambia and regulations for ownership of trophies or meat
- Powers of enforcement provided to ZAWA employees
- Prescription of offences and penalties for contravening the Act.

Wildlife Acts are rarely rewritten but instead are amended through a procedure that takes three steps in Parliament:

- 1) introduction of need
- 2) review and study of need
- 3) a final vote.

Only the Minister or someone from his office can introduce such an amendment. Hence, members of Parliament have limited powers in this regard but can use their positions to influence the Minister to revisit certain articles of the Act for possible revision. The Zambia Wildlife Act was a complete redrafting. This required a lengthy review process by stakeholders as well as legal and technical advisors.

The need for a new Act was justified for various reasons. The Ministry of Tourism decided there was need to restructure the entire wildlife management institution called National Parks and Wildlife Service into a statutory body with limited autonomy from Government, now called the Zambia Wildlife Authority. Furthermore, community institutions were developing and demonstrating increased capacity to manage and protect wildlife resources through ADMARE experience. Parliament therefore supported establishment of Community Resource Boards to assume a legal status as a local authority for managing and protecting wildlife resources in areas outside the national park.

As situations change, new issues or needs make existing legislation less workable or less effective in solving the problems for which they were originally meant. In the case of wildlife, these needs do arise. For example, the Act may exclude commercial game ranches from game management areas but there may be single case where such a ranch would be highly recommended as a way of restocking wildlife. In such a case, therefore, the Minister is given powers to approve a statutory instrument without seeking approval from Parliament and makes such a special case a legal exception.

## Statutory Instruments

There are many uses of statutory instruments for helping to clarify the Act or to add additional details to the Act that ensure management or protection of the resource follows guidelines as set down by law. Once a statutory instrument is passed, it is also possible to declare penalties of fines for someone who does not follow the instrument.

In general terms, the Wildlife Act provides broad legal structures and guidelines while statutory instruments provide the necessary details to support and better define the Wildlife Act.

Other examples of statutory instruments might include:

- User fees and licenses for hunting in game management areas
- Restricted areas for hunting that allow game management areas to be zoned
- Hunting quotas for a game management area
- Removal of a given species from hunting for a given game management area
- Regulations for camping in a game management area
- Used to address emerging issues outside provision of the Act, for example, game ranching in a Game Management Area.

Statutory instruments are important tools of wildlife legislation. From the examples provided above, it is easy to see how useful statutory instruments are in helping shape policies and regulations that might enhance the value and level of protection for wildlife for such stakeholders as local communities who live with wildlife.

### Ways ZAWA can define policies

There are other ways that Ministry of Tourism, Environment and Natural Resources (MOTENR), through its Zambia Wildlife Authority, can define policies for managing wildlife, though in most cases final authority rests with the Minister.

**ZAWA is empowered to enter into concession agreements with tourism operators. Such agreements lay down important principles and procedures for how the private sector will manage and develop wildlife resources. For example, the agreement may require operators to train residents of local communities in skills that qualify them for employment in a particular tourism operation or may require them to pay certain minimum wages. Hence, such agreements can have important and far-reaching impacts on local communities.**

- ZAWA is also empowered to officially register Community Resource Boards. Such registration will have stated conditions and benefits bestowed on such Community Resource Boards once their status is made official.
- A legal Memorandum of Understanding or MOU provides another way for ZAWA to formalize a partnership with an organization wishing to work with ZAWA. In so doing, ZAWA establishes a relationship; focus and set of procedures for how to develop a wildlife approach and in so doing such a process may help shape and influence policy.

The ADMADE Program is a good example of how partners working with the Zambia Wildlife Authority helped shape CBNRM policy in Zambia. During its early years the

program was experimental and its impact on conservation was too preliminary for Government to commit itself to as a legal policy. ZAWA (then called the National Parks and Wildlife Service Department) recognized the need to test different approaches and to modify ADMADE as lessons were learned. Overtime the ADMADE approach became better defined and more successful. At this later point, Government accepted the program as a basis for policy change and incorporated the program's basic structures and objectives into the Wildlife Act. As a result many communities involved in ADMADE helped change Government views and policies regarding community participation in wildlife management.

### **Key wildlife policy structures supporting rural community stakeholders**

Wildlife policy in Zambia has come far in recognizing the need to involve rural communities and to link wildlife benefits to community needs. There are important provisions in the Zambia Wildlife Act that illustrate this:

- Creation of a Community Resource Board (CRB) with responsibilities to develop their own management plan for wildlife resources in their area
- Establishes a democratic institution, the CRB, that allows representative and participatory leadership in wildlife management
- Formally recognizes the local Chief as the Patron to the Board and requires a representative of the Chief to be a member of the CRB, thus merging both traditional and elected democratic leadership into one structure.
- Provides powers to the CRB to negotiate co-management agreements with operators, employ village scouts, and other duties as deemed appropriate by ZAWA.
- Establishes a fund to enhance the economic and social well being of the local community from sources as defined below:

The Zambia Wildlife Authority shall pay out such money into a fund established by the CRB from revenues payable under this Act in respect to licenses issued, concessions granted and services rendered from the use of wildlife resources within an area of a Board as the Minister shall prescribe by regulations after consultations with the Authority.

These provisions under the Wildlife Act set an important legal basis for communities through their community resource boards to become active and important co-management partners with ZAWA and as such be able to earn income from sale of animals or fees issued to people for the right to use this resource, either as a lodge owner or as a licensed hunter.

### **Limitations of the Act**

As this might be expected the Act is vague about how this community involvement will proceed and how communities will receive revenues from their animals and services rendered for the production of wildlife.

Furthermore, the Statutory Instruments in support of these provisions with the needed details and direction are lacking. This is not intentional, it is due in part to the slow process of the establishment of the Zambia Wildlife Authority with permanent staff needed to respond to this issue and consult with community leaders.

Furthermore, the ZAWA board experienced frequent reorganization and it too was unable to focus on Community Resource Board issues. All these factors contributed



to a relatively uncertain beginning for Community Resource Boards and illustrate the critical need for government structures and personnel to be well established and supported to facilitate effective implementation of gazetted legislation. Now that ZAWA and its board are well established, after two years of restructuring, one can expect wildlife policies affecting community needs and wildlife resources in game management areas to receive far more attention.

Roles and responsibilities of ZAWA and CRBs to enhance the Wildlife Act implementation and refinement of policy, prior to Wildlife Act 1998, wildlife management decisions were left almost entirely to government technical offices and bureaucrats. Decisions were 'top-down' and often misrepresented the interests of wildlife stakeholders including local communities. With the legal establishment of community resource boards empowered with management authority and right to benefit from wildlife, there is now the opportunity to encourage policy decisions that are more '**bottom-up**'. This means that decisions on how to manage and benefit from wildlife in game management areas will be increasingly driven by the expressed needs and views of community stakeholders.

The successes of this bottom-up approach requires a genuine willingness by both parties, ZAWA and community resource boards to have frequent and open consultations. There are various avenues available to enhance this dialogue, though as of yet, progress is slow:

- ZAWA Board with representatives from the Community Resource Board (currently the Board is represented only by two Patrons)
- Regularly scheduled management meetings between Community Resource Boards and ZAWA (Under the EU-funded Village Scout support programme, CRB chairpersons will review their work with ZAWA Directors at six month intervals)
- Community Resource Board Association with more frequent consultations with ZAWA on member needs and requests by its appointed Chairperson (currently an Association has formed but level of activity is low)
- Increased training of Community Resource Board to facilitate improved understanding of policy issues and resource use opportunities (ZAWA supports its own College to promote CRB leadership and management skills).
- Improved coordination of communication vis-à-vis minutes, letters, reports between ZAWA and the Community Resource Boards (this should improve as the GMA Directorate becomes better established).

The above practices will help cement personal relations and increase trust and understanding among the partners of the ZAWA/CRB co-management partnership. CRB Leaders can facilitate this process and increase its chances of success by focusing their efforts on the following:

- Demonstrate CRB's effectiveness in reducing wildlife threats, such as illegal hunting and land use conflicts.

**Many CRBs in Zambia are achieving impressive results and are contributing to increases in wildlife numbers in their areas. Unfortunately, CRBs have not received the full recognition they deserve and this is in part because of their own weakness in publicizing their achievements to ZAWA and to other Government authorities. This obviously requires skills in monitoring, collecting information, interpreting results and preparing well-written reports that will convince ZAWA how valuable a partner CRBs are in promoting wildlife management in Zambia.**

- Articulate those issues or policy needs that impede CRB's effectiveness to promote community-wide support for wildlife conservation. Policy is shaped in various ways, including use of statutory instruments or by piloting new initiatives to test their value as improved tools for wildlife conservation. In the past such ideas have come largely from government-based people but not community based stakeholders. Unless ZAWA receives strong and clearly expressed views and rationales of how policies should be implemented or modified to meet the particular needs of a community, ZAWA may be misguided with wrong approaches or priorities.
- CRBs therefore need to define, both for themselves and for improved dialogue with ZAWA, what specific benefits they seek from wildlife in order to promote local support for wildlife production and improved ways to achieve these benefits. Through such requests, if well explained, ZAWA will better understand what it can do to better support the co-management partnership.

### **Outstanding Issues Frequently Raised by CRBs**

Here are some examples of outstanding issues that CRBs frequently bring up but in general have not presented effectively to ZAWA:

- Establishing community-run camps to accommodate and provide services to non-resident hunters who come to their area as well as other possible visitors who may wish to see their area
- Requiring non-resident hunters to pay some amount to the community as a hunting rights fee
- A policy that requires the CRB and safari operator to develop a co-management agreement before safari hunting can commence
- A clearer policy on revenue retention by CRBs sufficient to support community social needs and resource management needs from both safari hunting and lodge operations
- A clearer policy on the role of CRBs in recommending hunting quotas and wildlife uses in their area
- Establishing criteria for how CRBs can adopt some form of game ranching in their area if safari hunting fails to support the benefits they expect from their wildlife resources
- Establishing criteria for how an area becomes delineated as a safari hunting block and revisiting certain areas too large to be considered as a single hunting block
- Exploring other community incentives for producing wildlife or safe-guarding wildlife habitat

Such concerns reflect very basic needs of a community wishing to serve its role as a wildlife producer. Both ZAWA and CRBs have a mutual interest in seeing these concerns are addressed and resolved. The biggest challenges to achieving this task

thus far are overcoming the barriers of distance, education and background or culture and to sit down and collectively discuss and agree on how these interests can be best served.

### **Five Steps to Facilitate Dialogue**

1. **CRB leaders in specific regions should consult:** and prepare clear but short documents that review wildlife management needs in their area with specific proposals to promote better management
2. **Send:** these documents with letters of appeal to ZAWA to address the issues presented in the document.
3. **Consult:** with local MPs and seek his help to communicate CRB messages to ZAWA and ask for formal follow-up communication by the MP
4. **Support the CRB Association:** promoting their role to arbitrate with ZAWA the various issues CRBs have identified
5. **Write letters:** to key ZAWA officials who are responsible for CRB affairs.

### ***Why Should CRBs and their respective communities be committed to a co-management relationship with ZAWA?***

1. The Zambia Wildlife Act of 1998 is an important step for empowering communities to manage and benefit from the wildlife they produce on their lands. The level of empowerment provided by the Act fall short of transferring ownership of wildlife to rural communities by reaching a mid-way point of co-management as opposed to absolute ownership.
2. Few people closely involved with wildlife management in Zambia would agree that communities are ready to take on the responsibilities for owning wildlife at this point in time. Yet, real ownership might provide communities far more incentives to manage and protect wildlife on their lands.
3. ZAWA recognizes this possibility and wishes to prepare communities for a possible future policy that would confer wildlife ownership to local communities.
4. This will clearly depend on how well CRBs take up their current level of responsibilities and how well they engage ZAWA on management issues to enhance wildlife conservation and develop increased economic opportunities for themselves and other interested stakeholders.
5. The great challenge for demonstrating such results is reducing the enormous level of poverty in rural areas that drives so much of the destruction of wildlife in Zambia.
6. Both ZAWA and CRBs must determine how well current policies support legal and sustainable use of wildlife for alleviating household livelihood needs. This is a question that requires serious and almost constant reflection, analysis, and remedial actions.
7. Leadership that guides this process is critical. Complacency is an attitude that will kill any opportunity communities might have had to call wildlife their own resource, and without facilitating the process with active interventions and dialogue, ZAWA will miss out on a partnership that might have established ZAWA as a model wildlife institution for all of Africa.

In short, policies can only be as good as people make them and the key people for Zambia are community leaders and ZAWA.

## FORESTRY SECTOR

### COLLABORATIVE FOREST MANAGEMENT IN ZAMBIA: EXPERIENCES FROM THE PROVINCIAL FOREST ACTION PROGRAMME (PFAP II - Adopted from paper presentation By

*Gunn Kokwe, Technical Advisor, Forest Department, Ministry of Tourism,  
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#### **Provincial Forestry Action Programme Phase I**

The PFAP Phase I program was undertaken from 1994 –1997. During this phase Provincial Forest Sector Action Plans were prepared for Luapula, Copperbelt and Central Provinces. The Program also designed and implemented immediate action programs in selected areas. It created village resource management plans for open areas and raised public awareness on forestry and environment.

#### **PFAP II (2002-2003)**

The main objects of this Phase are to:-

- a) build local, provincial and national capacity for sustainable natural resource
- b) management and utilization
- c) Support the implementation of the Forest Sector Action Plans in three provinces- Central, Copper belt and Luapula
- d) Support the strategic planning for the forest sector in Southern Province

The major project outputs are:

- a) Capacity building for stakeholders
- b) Local organisation capacity for collaborative forest management and sustainable natural resource management built
- c) Institutional mechanisms put in place for implementation of collaborative forest management
- d) Value added to forest resource use and management
- e) Participatory planning process institutionalized

Some of the activities for Southern Province include resource assessment (land use map for the whole province and related inventories) and undertaking micro projects in all the districts.

Resource assessment involves undertaking a large scale forest inventory covering all districts in the province, preparing land cover maps for the province and undertaking participatory resource inventories in collaboration with local communities in specific areas. A forest sustainability assessment on the other hand is a method for measuring ecosystem and people's well being at the same time, and analyzing what action is needed for forests and people's well being to improve. Collaborative forest management has been proposed in three districts- Choma, Livingstone, Kazungula, Kalomo and Sinazongwe. The proposed local forests include Ndondi, Simonga and Dambwa Local Forest, Zimba Hills local forest and Zeze Hills local forest. For open areas, the program focuses on village resource management.

Examples of targeted micro projects are income generation, agro forestry, bee-keeping NGO support, marketing support and schools programme.

The current status of forests in Zambia according to the Global forest Resource Assessment 2000 can be presented as follows:-

- Zambia total forest 1990: 39,755, 000 ha
- Zambia total forest 2000: 31, 246, 000 ha
- Annual change: 851, 000 ha lost per year
- Annual change rate: 2.4%

The rate of change in loss of forest cover from 1990 to 2000 was very high- a significant decline in forest cover. The major factors in the forest sector are:-

- Deforestation - overall loss of forest cover due to agriculture and charcoal burning
- Deforestation on watersheds leading to erosion and drying up of perennial streams
- Selective loss of species- due to commercial harvesting/ loss of habitats
- Encroachment in forest reserves, botanical reserves and other protected areas

Some of the causes of deforestation include:-

- a) **increasing poverty** - rural people are worse off now than in 1991- they must make;
- b) **ends meet** - through agriculture;
- c) **loss of jobs** - more people depend on land and forests for an income;
- d) **Loss of fertilizer** - people must cut more forests to produce enough food;
- e) **More people** – a young and rapidly growing population looks to agriculture for sustenance;
- f) **natural disasters** e.g droughts - forest suffer from drought as well. They compensate for loss of livelihood for communities due to drought;
- g) **poor CBNRM practices**- old practices have been forgotten; the new ones are not enforced. Poor fire management is also a factor; and
- h) **weak institutions** - the forest department is weak. With the abolition of the Natural Resources Department, the rights of chiefs eroded and local people are not able to protect forest resources and watersheds.

Some milestones have been embarked on to address these concerns between 1990-2002. In 1994, the Government adopted the National Environmental Action Plan (NEAP), which is still the Government policy on environment and natural resources. Following the NEAP, the Zambia Forest Action Plan was adopted in 1998, and shortly thereafter, the National forest policy in 1998. In 1999, the Forest Act was enacted and in 2000, drafts Joint Forest Management Guidelines were prepared.

### **Forests Act No. 12 of 1999**

This Act although enacted is not yet effective. A statutory instrument must be passed to state the date of commencement. The main objectives of the Act are to:-

- establish the Zambia Forestry Commission;
- provide for the establishment of National Forests, Local forests and Joint Management Areas;
- provide for the participation of local communities, traditional institutions, NGOs and other stakeholders in sustainable forest management;
- provide for the conservation and sustainable use of forest and trees for the management of forest ecosystems and biodiversity;

- provide for the implementation of the Conventions on endangered species, Wetlands, Biological Diversity and Desertification; and
- repeal the Forests Act of 1973.

The joint forest management statutory instrument number 52 of 1999 is a legal means to enable the forest department to pursue collaborative management without the forest Act being enforced. The Draft Joint Forest Management Guidelines of 2000 provide details for how to go about Joint Forest Management under the Act.

## **Collaborative Forest Management**

### ***Legal and Institutional Aspects***

The Forest Act 1999 declares that ‘ any local forest, plantation or open area may be declared a joint forest management area provided consent has been obtained from the local community.’ The Forest commission in consultation with the local community establishes a Forest Management Committee for this area.

The proposed criteria for selection of joint forest management area is as follows:

- The area must not have the status of National Forest, National Parks or National Monument.
- The area must not be less than 2000 ha in size.
- The area must be of socio-economic and ecological importance to the local community.
- The area must have not less than 100 households as population of the local community.

### ***Joint Forest Management Committee***

The JFMA Committee will have 12 members:–

- 1 representative of the chief
- 1 representative of the Zambia Forestry Commission
- 3 representatives of the local community
- 1 representative from the local authority
- 1 representative of holders of licenses
- 1 representative from each of the Departments of Agriculture, Water, Lands and Fisheries
- 1 representative from the Zambia Wildlife Authority

The functions of the JFM Committee are to develop and implement management plans for the JFM area, reconciling various uses of land in that area and to negotiate co-management agreements with other stakeholders. Other functions are to co-ordinate work programmes at village level, ensure that benefits are shared according to legal requirements, ensure proper counting of the funds, review progress and report to ZAFCOM on a regular basis.

To operationalise JFM plans at village level, Village Resource Management Committees (VRMC) will be established consisting of 15 elected villagers. Villagers shall elect the members from at least three villages – the composition shall include at least six women.

The functions of the VRMCs are to:–

- Supervise day to day operations required for the implementation of the JFM plan.
- Prepare work programme schedules.
- Plan, design and implement projects that contribute to the socio-economic development of that community.
- Convene meetings to review progress.
- Report to the JFMA committee.

### ***Management Plans***

These are required and must be prepared for each National Park, Local Forest or JFMA. In so doing, the commission shall conduct national and local inquiries as may be necessary to obtain representation from a local community, committee, traditional authority and any other stakeholder. The management plans will be published in the Government Gazette and the plan becomes binding upon registration.

The management plans shall:-

- a) describe the area in terms of size, location, climate, vegetation and soil types;
- b) provide information on the people, their culture and history;
- c) include a map; and
- d) provide information on commercial tree species, biodiversity, socio-economic activities, harvesting operations, allowable annual cut, regeneration, fire protection, pest and disease control, forest maintenance and cutting cycle.

### ***Revenue sharing***

**A percentage of the revenues is payable under the Forest Act as determined by the Zambia Forestry Commission. This revenue is in respect of licenses issued, concessions granted or services rendered from the use of forest resources within a JFMA and is payable to a fund set up by the JFMC for this purpose. All parties are required to provide the necessary labor force, skills knowledge, physical and financial resources needed for the efficient management of the JFMA. If the JFMA is in a local forest or plantation, the revenue collected from licenses, concessions and services shall be shared in the following proportions: ZAFCOM 80% Community 20%.**

A percentage of the revenue is paid into the fund set by the JFMA Committee. The committee members by consensus will agree on how the funds from the JFMA will be used. The JFM guidelines are not specific about how to include conservation needs and how to deal with ecosystem interactions.

### ***JFM Economic Aspects***

The JFM guidelines provide a facility for local communities to access revenue generated from forest licenses, but they are vague on the mechanism for cost sharing. The costs of managing the forest are not specified; neither are the possibilities of costs exceeding revenue considered. The guidelines expect the communities to shoulder a big share of the costs of managing a forest.



## JFM-Community Aspects

The JFM concept empowers the community in accessing and controlling forest resources. The concept also accounts for nominal participation from local communities (30% community representation on JFM committee). It emphasizes the importance of gender considerations and allows the local communities an advisory role (give consent, be consulted, give input to inquiries) *not a leading role*. The guidelines do not give a consideration to the process of building community structures to participate in JFM. The role of traditional authorities is not clear.

## JFM SWOT Analysis

<b>Strengths</b>	<b>Weaknesses</b>	<b>Opportunities</b>	<b>Threats</b>
Provides legal and institutional space for partnership in sustainable resource management	Present Act and guidelines are inadequate to address all aspects of JFM	For diversifying incomes and enhance livelihoods	Process to ZAFCOM will be very slow
Provides a platform for how to develop co-management	Community representation and cost-revenue sharing are not adequately provided for	For local communities to regain control over local resources	Weak Forest Department will not be able to develop JFM
Starts a process towards community empowerment	JFM committee too heavy to function well	For traditional leadership to assert their role as stewards in natural resource management	Local communities are not prepared to share management responsibility.
Re-orientes Forest Department to a new approach	No mechanism for conflict resolution	For sustainable management of forest resources	Poverty and short term gain will rule
	Heavy dependence on the process of transferring Forest Department to ZAFCOM.	For restoring ecosystem health and conserving important resources.	Political interference will stop sharing of economic benefits.

## OPPORTUNITIES AND CHALLENGES FOR VIABLE COMMUNITY BASED ENTERPRISES IN THE CONASA PROJECT AREA

*Peter Gondo, Southern Alliance For Indigenous Resources*

### Introduction

The CONASA project area covering the three game management areas, Bbilili, Mulobezi and Sichifulo have a wide range of natural resources that have potential to provide rural communities with a wide range of livelihood strategies. If properly harnessed, the natural resources can assist people living in these areas to diversify their livelihood strategies, improve their standard of living and reduce their vulnerability to food insecurity.

**The actual nature and extent of livelihood diversification opportunities is largely dependent on the type of resources available, their abundance and condition. The extent to which they can be used to establish viable business venture on the other hand is a function of several factors that include, technology and skills availability, resource tenure and user rights, infrastructure, markets and access to financial and other resources.**

This paper gives an overview of the opportunities and challenges for establishing viable enterprises in the CONASA project area.

### **Natural Resource Base**

The three game management areas (GMA) are located around the southern part of the Kafue National Park. Whilst a wildlife survey is yet to be completed the GMAs are known to have a variety of wild animals although the populations are now considered to be low. Some of the common animals include elephant, buffalo, lions and other cats and a wide range of antelopes and other plains game. In addition to wildlife, some of the GMAs for example Mulobezi still have some wilderness areas and other unique sites that have potential for eco-tourism. In other areas the local communities still practice their culture and traditions with little modification from modernization or the western culture and thus offer potential for cultural tourism.

The dominant vegetation type in the GMAs is the dry miombo woodland. In Mulobezi large areas are dominated by teak (*Baikiaea*) woodlands that also have mukwa and *strychnos* species in abundance. The other areas are dominated by *Brachystegia* and *Julbernardia* species. Parts of Bbilili such as Nkandazovu are relatively dry with large areas dominated by mopane woodlands and areas of *Brachystegia bohemii*. Important species such as *Adansonia digitata* and *hyphaene petersiana* (mulala) occur in these areas.

Nanzhila VAG is located on deep white sands and has mixed woodlands that host a large variety of fruit tree species that include *Parinari* (Mubula), *Schinziophyton rautanenii* (mungongo) *Strychnos* species and *Kigelia africana* (muzungula). There are also wide expanses of wetland and grasslands. On the edges of the VAG towards Itezhi-tezhi, there are large areas with palm, mainly *Hyphaene petersiana* and *Borrassus ethiopum*. The other areas in the GMAs are also mixed woodlands dominated by *Julbernardia globiflora*, *Schinziophyton*, *Combretums* and *terminalias*.

The vegetation in Sichifulo is predominantly miombo dominated by *Brachystegia spiciformis* and *Brachystegia bohemii*. On the fringes of the miombo are mixed

woodlands with species such as *terminalias*, *Peltophorum africanum* and *Pilostigma thonningii*.

### **Enterprise Opportunities**

Based on the information from the livelihood analysis exercises conducted in early 2001, and an overview assessment of the resources, potential forest products and the skills available in the project area (Sola et al, 2001) a number of the potential business opportunities were identified and these are presented below.

- a) Non-timber forest products
  - bee-keeping and honey production
  - commercial timber harvesting (teak, mukwa)
  - carpentry and wood-carving (Afzelia and mungongo)
  - fruit processing for: foods (e.g. mubuyu) and oil production (e.g. mungongo)
  - medicinals
  - thatch grass
  - edible caterpillars
  - charcoal
  - crafts and basketry
  - brick-making

The Table below gives a summary of the product potentials by VAG.

- b) Tourism
  - Wilderness tourism
  - Wildlife/game ranching
  - Photographic safaris
  - Walking trails
  - Cultural villages
  - Campsites
- c) Agro-industries
  - Oil production (sunflower and groundnuts)
  - Shelling and grading (groundnuts)
  - Grading and baling (paprika)

### **Critical Factors for Establishment of Viable Community Based Enterprises**

#### **Land Use Plans**

The laws and guidelines for management and utilization of resources in GMAs allow for a wide range of activities including agriculture, commercial timber harvesting, wildlife management and settlement although the primary objective is to improve wildlife resources.

**In this regard it is imperative for GMAs to develop agreed land use plans that recognise and provide for the implementation and practice of the different land uses. This will not only minimize conflicts (e.g. encroachment of agriculture into wildlife habitats) between different users and uses but**

**provides a basis for long-term investment in natural resources management.**

### ***Resource Management***

Natural resource management to enhance production and productivity of the natural resources especially the species being utilized commercially is essential to ensure that there is continued and increased availability of raw materials. Production of community resource management plans is very essential for determining resource requirements, implementation and compliance with guidelines for resource management and utilization in GMAs.

### ***Institutional Arrangements***

**Since resources in GMAs are owned by the communities under the stewardship of traditional leaders, there is need to have community institutions that are responsible for controlling resource management and use clearly defined. In the case of GMAs, the roles of CRBs, VAGs and the traditional leaders must be clearly defined and allocated to ensure sustainable resource management through controls and implementation of resource management plans.**

### ***Separating Community Organisation Institutions from Community Enterprise***

The community-based organizations must however be different and separate from the business or enterprise institutions (commodity groups). The business institutions must be constituted as enterprises that have the skills and capacity to run their selected businesses. For example carpentry should be made up of and run by people skilled in carpentry and or/business management.

### ***Business Skills and Capacity***

**Whilst potential business opportunities have been identified, the extent to which these can be exploited and developed into businesses largely depends on the availability of skills and appropriate technology required for their implementation. This is currently a major limiting factor in the project area in relation to a number of opportunities. Strategies for skills development and acquisition will be required to translate most of these opportunities into reality. Possible strategies include strategic partnerships between communities and government, private sector or NGOs, joint ventures with private sector partners, leasing, and hiring qualified/professional staff. The actual strategy depends on the nature of the enterprise and prevailing conditions in a given locality.**

### ***Marketing***

Identification and development of markets is very important for the development of the opportunities into viable enterprises. This will involve product and market development for the new products and improved market access for traditional products such as agricultural products. The skills and capacity to undertake marketing are absolutely critical for any enterprise. Again, as an initial step strategic partnerships and alliances with established private sector companies, buyers or potential markets will be essential not only for improved market access but for meeting market requirements.

### ***Benefit sharing***

This is very critical for the viability of community-based enterprises and resource management, as the resources are communally owned. Any impression that the resources are only benefiting outsiders or a few may lead to resource destruction or disruption of resource management plans. Benefit and cost sharing mechanisms that provide the local communities with incentives to invest in resource management and protection are essential. These should ensure the flow of benefits to both the entrepreneurs and the resource managers (the community and resource management institutions).

### ***Enabling policy and legislative environment***

**A conducive policy and legal environment is essential for the successful operation of any community-based enterprise.**

In this case the project is operating in GMAs that are governed by the Zambia Wildlife Act, thus it is important for the entrepreneurs to understand the provisions of this law in terms of what is feasible and what is not. For example, law does not permit the sale of live wild animals and therefore embarking on game ranching for this purpose is not feasible.

**It is however, recognized that the new business opportunities may lead to identification of policy and legislative gaps. This provides an opportunity for changing and improving the policies to allow the communities to benefit from the management and use of their natural resources. It is therefore incumbent upon the community institutions, local authorities and other government agencies to identify these policy gaps and new requirements in order to advocate for policy and legislation reviews to facilitate creation of a conducive environment.**

### ***Access to Finance***

Financial resources for investment capital and operational costs are essential for the realization of most of the business opportunities. The actual requirements depend on the nature and size of the enterprise. Given that the communities in the project area are poor, grant financing to enable them to start small-scale enterprises is essential. It should also be possible to mobilize additional resources through joint ventures, and access to micro-credit and through own resource mobilization.

### ***Infrastructure***

The type and status of infrastructure in a given area also influences the type of business that can be viable. Most of the GMAs have poor road facilities and do not have electricity. Until these are improved or available, it may not be possible to embark on some of the identified business opportunities. For example, production of baobab oil with the technology available now requires access to electricity, thus it will not be possible to embark on this in the near future.

The project area is endowed with variety of resources that provide significant opportunities for establishment of viable enterprises. However, the extent to which they can be developed in any one area depends on several factors the most important of which are resource availability, skills and technology availability, access to financial resources and an enabling legal environment. A major limiting factor in most of the GMAs is the poor infrastructure, especially roads.

## Summary: Priority Action Areas

The table below is a priority list of what could be the immediate action taken by the implementing team on each of the identified activities.

1. business institution development (commodity groups)
2. product development research
3. market research
4. ecology and social economic research
5. policy research

Activity/ areas	Bbilili	Nanzila	Mbila	Kakuse	Mabwe	Moomba	Kalobe	Mulanga	Nkanda nzovu
Carpentry	1		1	1	2	2	1		1
Carving	1					1,2			
Fruit processing	2	1,2	2	2	2	1,2	2		3
Medicinal	2,3					2,3			
Caterpillars					2				
Honey	3			2	1				2
Pottery									1
Thatch grass	3								
Charcoal								1,5	
Crafts	1	1,2	2		1,2	1			1
Brick making	4								4

## Conclusion

For a business venture to be viable, it is important that:

- it has enough raw material resources to guarantee market of constant supply
- it has the skills and technology to develop and produce products acceptable to the market
- there are markets for the products
- there are conducive institutional and policy arrangements

## WORKSHOP EVALUATION QUESTIONARE

- Have you enjoyed the workshop?

(Please give reasons in each case)

- How were the presentations? Do you think that adequate time was given for discussions?
- Which part of the workshop did you like most?
- Has the workshop achieved the objective as it was explained to you at the beginning of the workshop? If not what were your expectations?
- What did you learn from fieldwork?
- What was not clear from the workshop?
- How was the organization of the workshop with regard to your travel from home to the workshop venue, bookings into the Hotel, food at the hotel and time keeping?
- If not satisfactory, for each case please make suggestions for improvement.
- What other issues do you think the workshop should have dealt with?
- What other suggestions do you have with regard to your training?
- Please indicate other areas you think your community needs to be educated on, which you feel CONASA should help you deliberate on for the benefit and development of your community, or indeed any other recommendation you have on an issue of concern to your community

**PROGRAMME FOR WORKSHOP**  
**27<sup>TH</sup> MAY – 1<sup>ST</sup> JUNE 2002**

<b>Time (Hrs)</b>	<b>Tuesday 28-05-02</b>	<b>Wednesday 29-05-02</b>	<b>Thursday 30-05-02</b>	<b>Friday 31-05-02</b>	<b>Saturday 01-06-02</b>
08:30 to 10:00	Introductory Remarks Official opening Presentations on <b>CONASA</b> CBNRM	Paper presentation <i>Land use policies and legislation</i>	Paper presentation <i>Forestry Sector</i>	Paper presentation <i>Wildlife Sector</i>	Departure
10:15 to 10:30	<b>B</b>	<b>R</b>	<b>E</b>	<b>A</b>	<b>K</b>
10:30 to 11:30	Paper presentation <b>Land Tenure</b> <i>Discussion on effect of land laws on CBNRM</i>	Discussion on Land use presentation	Discussion on joint forestry management  Plenary on forest based activities, businesses and services	Discussion on: <b>-Community participation in wildlife management</b> -Viable business opportunities in the sector	
11:30 to 13:00	<b>Presentation from Community Members on experiences</b>	Group discussions on land use	Presentation from community members on experiences and customary practices in natural resource management	Group Discussions on Wildlife sector	
13:00 to 14:00	<b>L</b>	<b>U</b>	<b>N</b>	<b>C</b>	<b>H</b>
14:00 to 15:00	Group discussion on land tenure	Group discussions on land use  Plenary	<b>Group Discussions on Forestry sector</b>	Resolutions and Recommendations	
15:00 to 15:30	<b>B</b>	<b>R</b>	<b>E</b>	<b>A</b>	<b>K</b>
15:30 to 16:30	Plenary	The role of local authorities/traditional rulers in wildlife and natural resource management	Plenary	Resolutions and recommendations  Closing remarks	



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