



A modern Bushmen shack within a settlement camp



Buck House 2018 Tusk Trust meeting: in the centre is William Windsor and Ian Khama

[i] Manning, Ian. "Wildlife Utilization on a Botswana Ranch: A Pilot Project." *Botswana Notes and Records* (1977). The Botswana Society, Gaborone. pp. 170-171. Web. 6 July 2017.

https://drive.google.com/file/d/0B0sCBiNNeEh_YTJRdEVfM2Q3eWc/view?usp=sharing

[ii] Gumbo, Glorious. PhD dissertation: "*Economic and social change in the communities of the wetlands of Chobe and Ngamiland, with special reference to the period since 1960.*" University of Cape Town, 1 July 2010.

[iii] Adams, William M. Sleeping with the enemy? Biodiversity conservation, corporations and the green economy. University of Cambridge: in Connor Cavanagh and Tor Benjaminsen (eds.) 2017. "Political ecologies of the green economy", Special Section of the Journal of Political Ecology, 24: 200-341. Web. 6 July 2017.

http://jpe.library.arizona.edu/volume_24/Adams.pdf

[iv] Adams, M., Kalabamu, F. and White, R. Land tenure policy practice in Botswana; Governance lessons for southern Africa. *Journal fur Entwicklungspolitik* (Austrian Journal of Development Studies), 19(1): 55-74. 2003. Web. 6 July 2017. http://mokoro.co.uk/wp-content/uploads/land_tenure_policy__practice_botswana.pdf

[v] McGahey, Daniel J. Unpublished PhD Dissertation: *Maintaining Opportunism and Mobility in Drylands: The Impact of Veterinary Cordon Fences in Botswana*. Oxford: School of Geography and the Environment, U of Oxford, 2008.

[vi] Manning, I.P.A. "Simon Holmes á Court, Okavango." 1965. Web. 11 Apr. 2017. https://docs.google.com/document/d/125_MszElsAauaUYNtdNqshcq41Mk6C_IPq75m0JRVqk/edit?usp=sharing

[vii] Manning, I.P.A. *The Potential for the Utilization of Wildlife on the Ncojane Ranches, Kalahari Region, Botswana*. Report to the Department of Wildlife and National Parks, Government of Botswana, 1978.

[viii] Manning, I.P.A. "Phil Nel & Wouter Fourie, Luangwa 1973." *Google Docs*. 1 Jan. 1973. Web. 11 Apr. 2017. https://docs.google.com/document/d/1oby6Ps2cRrWD1m3P7e3bGiK3LwY0cj8gM_4qgSbRdcg/edit?usp=sharing

[ix] Frimpong, Kwame. "A Review of the Tribal Land Grazing Policy in Botswana,." Pula: Journal of African Studies, Vol. 9 No.1.

[x] "Botswana Tribal Land: Chapter 32 (02)." Part IV. 1970. Web. 7 Mar. 2017. <http://www1.eis.gov.bw/EIS/Policies/Environmental%20Policies/CAP%2032-02%20Tribal%20Land%20Act.pdf>

[xi] Manning, Ian. "Wildlife Utilization on a Botswana Ranch: A Pilot Project." *Botswana Notes and Records* 9 (1977): 170. Web. 11 April 2017.

https://drive.google.com/file/d/0B0sCBiNNeEh_YTJRdEVfM2Q3eWc/view?usp=sharing

[xii] Manning, Ian. *With a Gun in Good Country*. Trophy Room Books, Agoura, CA. 1995.

[xiii] Manning, I.P.A. "Odiakwe." 1964. Web. 11 Apr. 2017. https://docs.google.com/document/d/12uYDY3rYSAo48DgODh04x5jb_RsiaFFOoAbRaZro7nw/edit?usp=sharing

[xiv] Barnard, Alan. "Naro Bushmen medicine and medicine men." *Africa* (1), 1979. Web. 11 April 2017.

https://drive.google.com/file/d/0B0sCBiNNeEh_dlpIRmRVNTJJPdWc/view?usp=sharing

[xv] Manning, I.P.A. "Naro Woman Fashioning Ostrich Shell Necklaces - near Phuduhudu 1977." Web. 11 April 2017.

<https://docs.google.com/document/d/18Txr8upLkwOo3-D2Fbk3WRG8nLPdYZKnR6N3SW-P7-c/edit?usp=sharing>

[xvi] Gresham, Grits. "Africa Today: Lions of the Kalahari." *Sports Afield*, Apr. 1979. Web. 19 Apr. 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_d2ctSjVwMWZ0MW8/view?usp=sharing

[xvii] Petzal, David E. "A Phuduhudu kudu and other African stories." *Sports Afield*, June 1979. Web. 19 Apr. 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_N0R5blRucjI3OHM/view?usp=sharing

[xviii] Thorold, Alan. "Anthropology culture development." *George Silberbauer at Bells Road*. N.p., 16 Nov. 2013. Web. 11 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_TVkyZmFzWjZUUzA/view?usp=sharing

[xix] Manning, I.P.A. "Naro Bushmen Woman Fashioning Ostrich Shell Necklaces 1977." 1977. Web. 11 April 2017.. <https://docs.google.com/document/d/18Txr8upLkwOo3-D2Fbk3WRG8nLPdYZKnR6N3SW-P7-c/edit?usp=sharing>

[xx] Knight, Rachel S. "Statutory recognition of customary land rights in Africa: an investigation into best practices for lawmaking and implement." FAO Legal Office, 2010, No. 105, n.d. Web. 6 July 2017. <http://www.fao.org/docrep/013/i1945e/i1945e00.pdf>

[xxi] Arntzen, Jaap. "Case Studies on successful Southern African NRM initiatives and their impacts on poverty and governance: Country Study Botswana." *Natural Resources Management & Development Portal*. USAID-FRAME, 24 Jan. 2013. Web. 25 Mar. 2017. [file:///Users/lan/Downloads/botswana-case-studies-phase-1-final-draft-v3%20\(1\).pdf](file:///Users/lan/Downloads/botswana-case-studies-phase-1-final-draft-v3%20(1).pdf)

[xxii] Hitchcock, Robert et al. What about our rights? Settlements, subsistence and livelihood security among Central

Kalahari San and Bakgalagadi.

The International Journal of Human Rights, Vol. 15, Iss. 1, 2010. Web. 12 April 2017.

<http://dx.doi.org/10.1080/13642987.2011.529689>

[xxiii] Hitchcock, Robert K. (2017) The Economic Well-being of the San of the Western, Central, and Eastern Kalahari Desert Regions of Botswana. For *Routledge Handbook of Indigenous Wellbeing*, Matthew Manning and Christopher Fleming.

[xxiv] Hitchcock. The Economic Well-being. 2017.

[xxv] Suzman, James. Kalahari conundrums: relocation, resistance and international

support in the Central Kalahari, Botswana. Web. 12 April 2017.

<http://www.unl.edu/rhames/courses/current/readings/suzman-corry.pdf>

[xxvi] Suzman. Kalahari conundrums, p. 7.

[xxvii] Hitchcock. What about our rights? 2010

[xxviii] Hitchcock. The Economic Well-being. Web. 20 Apr. 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_bVhFOF9Yc29RZFVTMmlRU3llamhaX2VMT1ow/view?usp=sharing

[xxix] Barbee, Jeff. "Mapping Gas Prospecting Licences in the Central Kalahari Game Reserve - Alliance Earth." Alliance Earth, 10 June 2013. Web. 12 April 2017. <http://allianceearth.org/mapping-gas-prospecting-licenses-in-the-central-kalahari-game-reserve/>

[xxx] Barbee, Jeff et al. "Botswana Faces Questions over Licences for Fracking Companies in Kalahari." *The Guardian.com*. 18 Nov. 2013. Web. 4 Apr. 2015. <https://www.theguardian.com/environment/2013/nov/18/botswana-accusations-fracking-kalahari>

[xxxix] Minerals concession map Botswana. Survival International. 2012. Web. 11 April 2017. <http://assets.survivalinternational.org/documents/1116/bots-bush-concession-map2012.pdf>

[xxxix] Botswana grants gas exploration rights in Kalahari. The Africa Report. 21 November 2013. Web. 11 April 2017. <http://www.theafricareport.com/Southern-Africa/botswana-grants-gas-exploration-rights-in-kalahari.html>.

[xxxix] Karoo Energy Plc. MWeb. 11 April 2017.

<http://www.noddingdonkeyplc.co.uk>

[xxxix] Karoo Energy gas prospecting leases, 2015. Web. 11 April 2017. https://docs.google.com/document/d/1RgtOkN2xv_j28b4CMaWM75pJY-r9ZQmvWNc3PkO7fm8/edit?usp=sharing

[xxxix] About coal seam gas. Lock the Gate Alliance. 14 August 2014. Web. 11 April 2017.

http://www.lockthegate.org.au/about_coal_seam_gas

[xxxix] Meiners, H. Georg et al. "Environmental Impacts of Fracking Related to Exploration and Exploitation of Unconventional Natural Gas Deposits Risk Assessment, Recommendations for Action and Evaluation of Relevant Existing Legal Provisions and Administrative Structures." German Federal Government, 2013. Web. 11 April 2017. <https://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/texte_83_2013_environmental_impacts_of_fracking.pdf>.

[xxxix]

The Real Reason Oil & Gas Companies are Going Bankrupt: Financing Fracking Projects Became a Ponzi Scheme. Wolf Street, 26 September 2016. Wb 11 April 2017.

<http://wolfstreet.com/2016/09/26/the-real-reason-oil-gas-companies-are-going-bankrupt-financing-fracking-projects-h>

as-become-a-ponzi-scheme/

[xxxviii] “The Botswanan House of Chiefs - Sénat.” *Sénat.fr*. 7 Mar. 2015. Web. 7 Mar. 2017. <<http://www.senat.fr/senatsdumonde/english/botswana.html>>.

[xxxix] “The Gaborone Declaration for Sustainability in Africa.” UNEP.ORG. United Nations Environmental Program. Web. 4 Apr. 2017. <http://www.conservation.org/projects/Pages/gaborone-declaration-for-sustainability-in-africa.aspx>

[xl] Rosenfeld, Amy et al. Reinventing the Well. Conservation International. 1997. Web. 11 April 2017. http://www.conservation.org/publications/Documents/CI_Policy-Centre_Reinventing-the-Well.pdf

[xli] Adams, William. Journal of Political Ecology. 24:200-341. 2017. Web. 11 April 2017. http://jpe.library.arizona.edu/volume_24/Adams.pdf

[xlii] Illegal Wildlife Trade Challenge Fund: Project Funding, Department for Environment, Food and Rural Affairs. December 2014. Web. 11 April 2017.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/382616/iwt-challenge-fund-project-funding.pdf

[xliii] Corry, Stephen. Parks need peoples. Survival International, 2015. Web. 11 April 2017.

<http://www.survivalinternational.org/articles/3376-corry-parks-need-peoples>

[xliv] Fabricius, Peter. “Je Suis Cecil: Pin a Cause on a Lion.” *Polity*. 13 Aug. 2015. Web. 11 April 2017. <<http://www.polity.org.za/article/je-suis-cecil-pin-a-cause-on-a-lion-2015-08-13>>.

[xlv] MacAdams, John. “Country Report: Hunting in Botswana.” *The Big Game Hunting Blog*. Jan. 2014. Web.

7 Mar. 2017. <http://thebiggamehuntingblog.com/2013/07/country-report-hunting-in-botswana/>

[xlvi] The Hunting Report, "Not ALL Hunting Is Closed in Botswana, Ranches Open for Business." *Huntingreport.com.*, 1 Apr. 2013. Web. 7 Mar. 2017. http://www.huntingreport.com/hunting_article_details.cfm?id=3059

[xlvii] A good month for the Bushmen threatened with eviction. Just Conservation, 26 June 2014. Web. 11 April 2017. <http://www.justconservation.org/a-good-month-for-the-bushmen>

[xlviii] Ntibinyane, Ntibinyane. "Questionable Dealings of Connected Men." *The M&G Online*. N.p., 11 July 2011. Web. 11 April 2017. <http://mg.co.za/article/2011-07-01-questionable-dealings-of-connected-men>

[xlix] Bennett, Gordon. "Negative Impacts of Wildlife Law Enforcement in Botswana, Cameroon and India." Survival International, 1 Feb. 2015. Web. 7 Mar. 2017. <<http://assets.survivalinternational.org/documents/1369/negative-impacts-of-wildlife-law-enforcement.pdf>>.

[l] "Statement from Conservation International on Its Approval by the World Bank as the Global Executing Agency of the Dedicated Grant Mechanism." 4 January 2015. Web. 11 Apr. 2017. <http://www.conservation.org/NewsRoom/pressreleases/Pages/Statement-from-Conservation-International-on-its-approval-by-the-World-Bank-as-the-Global-Executing-Agency-of-the-Dedicated.aspx>

[li] MacDonald, David W. "Report on Lion Conservation with Particular Respect to the Issue of Trophy Hunting." P. 43, WildCRU, 28 Nov. 2016. Web. 11 April 2017.

https://www.wildcru.org/wpcontent/uploads/2016/12/Report_on_lion_conservation.pdf

[lii] Nkala, Oscar. "Botswana Budget Cuts Imperil Anti-Poaching." *Conservation Action Trust*. N.p., 19 Apr. 2017. Web. 28 Apr. 2017. <<https://conservationaction.co.za/media-articles/botswana-budget-cuts-imperil-anti-poaching/>>.

[liii] M.S. Rogan, P.A. Lindsey, C.J. Tamblinge, K.A. Golabeka, M.J. Chaseh, K. Collinsd, J.W. McNutta. "Illegal bushmeat hunters compete with predators and threaten wild herbivore populations in a global tourism hotspot." *Conservation Action Trust*. Biological Conservation, 17 May 2017. Web. 19 May 2017. <<https://conservationaction.co.za/resources/reports/illegal-bushmeat-hunters-compete-predators-threaten-wild-herbivore-populations-global-tourism-hotspot/>>.

[liv] Bailey, Rob. "Livestock–Climate Change's Forgotten Sector." Chatham House, 3 Dec. 2014. Web. 11 April 2017. <https://www.chathamhouse.org/publication/livestock-climate-change-forgotten-sector-global-public-opinion-meat-and-dairy>[lv]

[lv] Chendzimu Manyepedza. Botswana: A Visit to Tsokotshaa. Daily News, 14 April 2015. Web 6 July 2017. <http://www.mmegi.bw/index.php?sid=1&aid=388&dir=2013/August/Friday30/>

[lvi] Web. 2 September 2017. <http://www.mmegi.bw/index.php?aid=67824&dir=2017/march/30>

[lvii] Country Reports on Human Rights Practices for 2015: Botswana. U.S. Department of State. Web. 11 April 2017. <https://www.state.gov/j/drl/rls/hrrpt/2015humanrightsreport/index.htm?dliid=252653&year=2015>

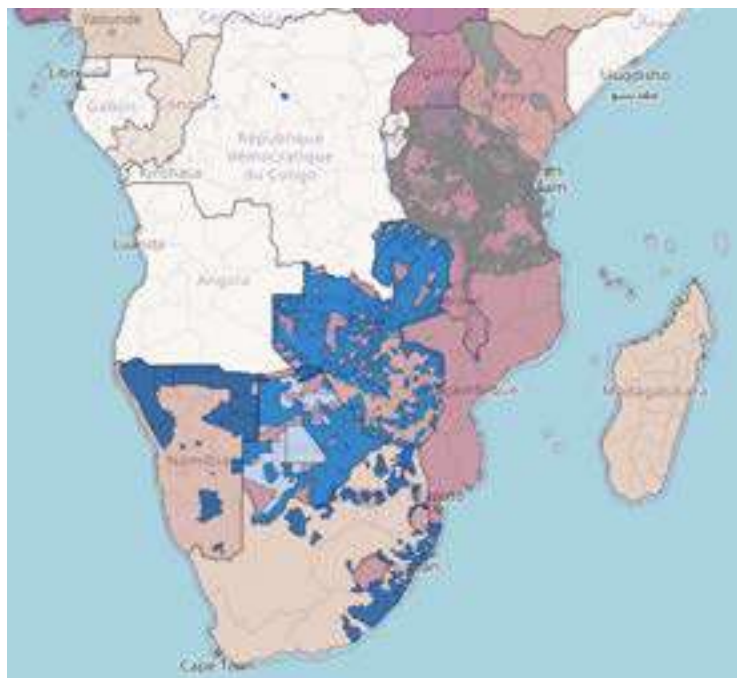
[lviii] Lang, Chris. "The Ogiek win huge land rights victory in Kenya." *Conservation Watch*. N.p., 03 June 2017. Web. 06 July 2017. <<http://www.conservation-watch.org/2017/06/03/the-ogiek-win-huge-land-rights-victory-in-kenya/>>.

Another Eight African Countries

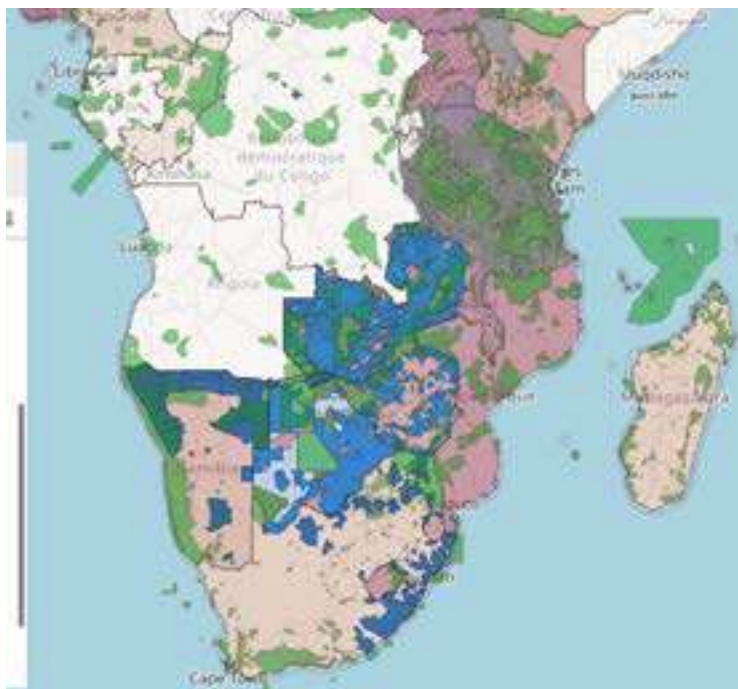
Rhodesia/Zimbabwe - WUS: Wildlife Utilization Services - CAMP-FIRE - **Namibia** - conservancies - deficiencies - biocultural community protocols for Babwata Bushman - **Malawi** - **South Africa** - 20m ha of private land - Natal Parks Board and safari hunting saves southern white rhino - 20m people on customary land left out of game picture - Chamber of Wildlife - hunters oppose Chamber's attempts to incorporate customary people - recently a change of mind - **Congo (Brazzaville)** - ECOFAC - Odzala National Park - African Parks - Congolese object - Survival International reports on Odzala illegality - Rainforest Foundation report (2016) - **Tanzania** - legacy of indirect rule - parliamentary land report (2015) - SAGCOT landgrab - wildlife management areas - classical ICDP project - organized consortium of WMAs - fast-track investor titling - elephant poaching crisis - massive human population increase - Ortello landgrab sanctioned by government - Saadani NP threatened evictions - crisis in Maasailand - lion management issues - Stiegler gorge dam given green light - **Congo DRC** - landscape ICDP - CARPE programme - **Central African Republic** - the Mbororo

ANOTHER EIGHT AFRICAN COUNTRIES

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Customary land in dark blue (Landmark.org)



Protected areas in green (Landmark.org)

Integrated conservation and development projects (ICDPs) were thoroughly reviewed at the 1982 World Congress on Parks and Protected Areas.[i] And the failure to deliver ICDPs or community-based natural resource management (CBNRM) has been explicitly dealt with by Blaikie.[ii]

There are a host of terms describing the same thing, all avoiding the tenure issue: CBWM (community-based wildlife management), CBC (community-based conservation), CWM (com-

munity wildlife management), usually donor-funded, NGO managed, biodiversity conservation projects with rural development components; an approach seeking to attain conservation goals by delivering socio-economic development to rural people in wildlife areas, *a quid pro quo*, and clearly apolitical approach. They do not deliver the true emancipation and empowerment of residents of the customary commons, so allowing them to guard and benefit from ecosystem services - services that now far exceed the value of the [global gross domestic product \(GDP\)](#) - as communal landowners under usufruct.

In Southern Africa, the ICDP leader is Namibia – having taken over that mantle from Zimbabwe – but paradoxically adjudged to have a marked disparity between the rich and the poor.[iii]

Southern Rhodesia/Zimbabwe

As reported by [Child and Riney](#), 602,041 head of game were shot between 1933 and 1958 - not counting another 10% wounded and lost - in an attempt to eliminate all game, on the basis that the tsetse fly, which fed on them, carried both human sleeping sickness and the cattle disease, nagana. In this massive and unnecessary slaughter, 428 black rhino were shot. And from 1960 to 1988, 44,000 elephant were killed for management reasons; it was decided that they were overpopulated and causing serious environmental damage. Later, the parks department admitted their mistake.

Many people disagreed with this program, even some work-

ing for the Tsetse Department. [As Brian Child wrote](#) (son of the former Director of National Parks and Wildlife Management of Rhodesia, Graham Child (d.2016)):

This waste appalled Reay Smithers of Mammals of Southern Africa fame. Using the new and far-sighted Zimbabwe Wildlife Act of 1960 that allowed game cropping through government permits, he invited three Fulbright Scholars from the University of Berkeley to experiment with wildlife utilisation and game cropping. Ray Dasmann, Archie Mossman and Thane Riney therefore began experimenting with game cropping on Doddieburn and Manyoli ranches in southern Zimbabwe, with Riney going on to lead the FAO/ UNDP special project that aimed to establish wildlife as an industry in Africa in the mid-1960s.

The passing of the Zimbabwe Wildlife Act of 1960, with the encouragement of the Chief Wildlife Research Officer and former biologist in the Northern Rhodesia Game Department, Allan Savory, saw them concentrate on Doddieburn ranch, owned by the Henderson brothers.

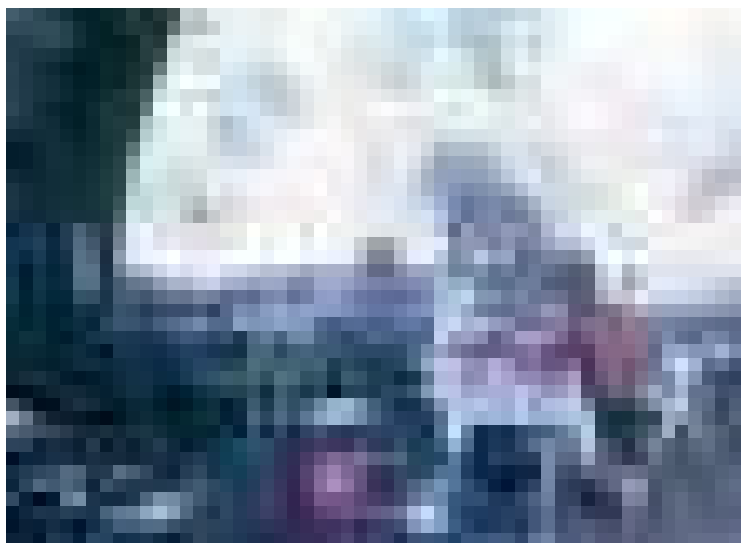
The success of this scheme, and the conclusions of the international conference on wildlife in Arusha in 1963, encouraged other ranchers to begin cropping operations (although men such as [Ray Sparrow](#) and George Style were already in business. [iv]). [Archie Mossman](#) stayed on in Southern Rhodesia for a few years after the 2-year Fulbright, joining Allan Savory and Robbie Robertson with Wildlife Utilization Services Limited (WUS) and game harvesting on Liebig's ranch and Gwaai Forest Reserve. In 1965 I joined WUS and was introduced to the

game harvesting by my Rhodesian friend from our Cedara Agricultural College days, Malcolm King.



Malcolm King

Later I was to sub-contract to WUS in a cropping partnership with Derek MacLeod. Later we moved to Zambia to take up a cropping contract with the Zambia Game Department on the Luangwa Valley elephant cropping scheme.[v] [vi]



Derek MacLeod at our Mazunga pools camp in 1965 (d.1977)

In a 2012 article entitled, [The economics and institutional economics of wildlife on private land in Africa](#), Child et al. reveal much on the wildlife management revolution in Rhodesia and spread elsewhere in Africa. In [a 1988 article](#), he had summarized the importance of safari hunting:

Wildlife utilisation, based on safari hunting but with meat as a byproduct, is the best economic use of some semi-arid rangelands; wildlife-based recreation is lucrative, and has the further advantage of raising income without intensifying grazing pressure in an easily degraded ecosystem, because income does not depend directly on how many animals are present. However, wildlife enter-

prises will only develop where landholders “own” their game, and where markets are simultaneously available. These conditions apply on privately-owned rangelands in Zimbabwe where, consequently, the industry has been expanding; this contrasts with a stagnating cattle sector. In some peasant areas wildlife has an even greater relative potential, but no advantage is taken of this because it is a “common” resource which, further, landholders have no experience of marketing. Wildlife will not fulfil its potential until these deficiencies are corrected by developing (1) marketing channels and (2) institutions that make landholders accountable and responsible for their use of wildlife. There are indications that such developments are indeed possible, and when they are introduced peasant communities can use and conserve wildlife successfully.

In the 1950s, some ranchers began to move away from the view that wildlife was a menace to cattle and needed to be removed. George Style (1902-1987), the owner of Buffalo Range Ranch (20,000 ha), from 1955 in the lowveld of Rhodesia, began to cull impala on the eastern section of the ranch bordered by the Chiredzi River.

In the early 1970s, in another revolutionary move, he and his son Clive (1933-2003) began conducting mini hunting-safaris (though by 1977, the bush war at its height, George had retired, taking on the hazardous role of farm watchman, donating his services to owners so that they could go on holiday). As my late friend, Deryck Lamb - murdered on his forest estate near Cashel in 1979 - had to say about George who had come to

relieve him in February 1977 so that he and his wife could go on holiday:

I was lucky to find a caretaker when we went to the coast in Feb. Poor chap, two days after we left the lighting plant packed in and he only got it back on three days before we returned. It rained all the time, the dam wall nearly went, he broke the key in the petrol tank lock, and had to travel 30 miles to get petrol for his car, and he was lonely. You may know him, or of him Ian, George Style who opened up Buffalo Range? He is retired and his sons run it, to keep himself occupied he does this caretaking on border farms only, and won't accept a cent, not even to travelling to here from Salisbury. He is 75, looks 65, and came armed with three of his big game guns, and I left him my FN so he is quite happy. Amazing fellow. He's on a farm at Melsetter at the moment.

The Styles encouraged ecological research on the ranch, revealing that cattle kept in camps damaged the soil and perennial grasses, becoming increasingly unproductive and destructive. Other ranchers who had taken up land after WWII had similar experiences, starting up hunting safaris and then giving up cattle altogether. They also were soon to discover, as Child et al. recorded, 'that the meat productive potential of semiarid rangelands was ecologically limited, regardless of species'. The limitations of cattle husbandry and game meat production have made hunting-safaris the essential landuse for Africa's drylands.

The remarkable Natural Resources Act of 1941 in Zimbabwe had laid the groundwork for a conservation revolution. As

Child et al. record:

The alternative to managing externalities with physical infrastructure is to manage them with institutions, as was done in Zimbabwe. Zimbabwe's far-sighted Natural Resources Act of 1941 enabled farmers to voluntarily establish themselves (usually 30 to 50 landholders in a catchment) as democratically-managed Intensive Conservation Areas (ICA) with more power to regulate themselves than anything a centralized state would dare to impose. ICAs had the power to require members to address soil erosion at their own financial cost, reduce livestock where overstocking was degrading the grass layer, desist from tree cutting, or set quotas and other restrictions on the use of wildlife species. Communities designed locally appropriate rules, which were enforced through peer pressure backed by the possibility of legal action. In essence, the community became the primary locus of regulation and enforcement. The state retained responsibility for regularly inspecting land to ensure that ICAs were performing and could intervene if this community-based system failed, but this was rarely required. The Act also established a court to which landholders could appeal.

The 1941 Act lead naturally, by way of the 1960 Act, to the 1975 Wildlife Act, which enabled a major decentralization allowing private ranchers ownership of their wildlife but also allowing communal land residents to receive benefits from hunting, yet

with no rights to the land itself or other natural resources.

This scheme on the customary commons, CAMPFIRE, was highly successful until 2000, with village and district wildlife committees writing wildlife management plans. They recognized that in the absence of local commitment, project management alone would not deliver sustainable management. As Metcalfe wrote with great prescience in 1994:[vii]

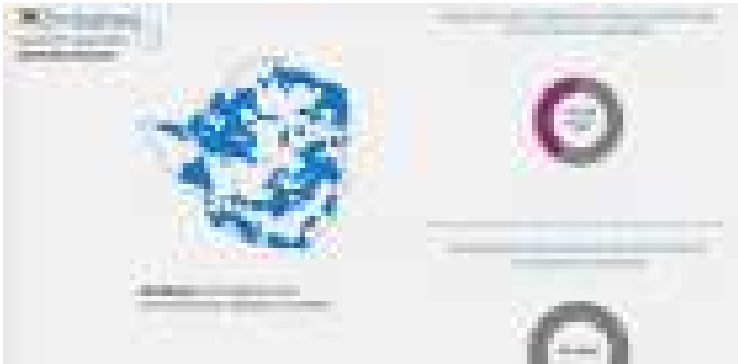
Wildlife could be part of the rural means of production, and therefore an integral part of the social organization of rural communities. Material and aesthetic aspects have been, and could again be, much more clearly linked. Assumptions of human selfishness and an inevitable 'tragedy of the commons' are possibly the result in circumstances where neither individuals nor social groups have been allowed to exercise control over their resources.

Since 2000, Zimbabwe has seen an almost total dismantling of CAMPFIRE. Once 90% of hunting revenue went to the communal residents, this had dried up following a complete takeover of CAMPFIRE leadership by the new totalitarian elite. However, there are some signs – as in the Nkayi and Lupane districts - that it was not political factors alone that led to the decline and historical issues that shaped people's views and resistance to CAMPFIRE. In 2007, Wolmer commented that 'people are deeply disillusioned with the CAMPFIRE project on other grounds - particularly, a feeling that it has not delivered on its promises to transfer either money or political authority to the local level'.[viii] They were complaining that they had no secure tenure rights to the land. And they still have no secure

tenure rights, resulting in land degradation and desertification. This can be seen by looking at Zimbabwe using Google Earth, a white, circular, and scarified moonscape revealed.

The private land conservancies, on the other, had been a resounding success until the land seizures took place. As an [EIA of the current crisis in Zimbabwe concludes:](#)

Conservationists note that natural resources are a safety net in hard times; it seems that the current hard times may have destroyed the resiliency of that net, at least from the wildlife perspective. The bitter struggle between new land claimants and title-deed holders has left many animal populations completely unprotected and subject to random depredation. While some specific segments of Zimbabwe's wildlife environment have been spared devastation, the environment as a whole has suffered damage which could take generations to repair. It will be little consolation to a future GOZ to possess 500 black rhino, or 100,000 elephants, if the ecology is so damaged that the land cannot sustain them. Tourism is one of the engines which could pull Zimbabwe out of an economic morass - but only if Zimbabwe retains attractions and infrastructure sufficient to catch the attention of tourists. Continued destruction of wildlife resources could cause severe delays in the eventual recovery of the tourism sector.



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Namibia

Namibia has a conservancy establishment program in place whereby wildlife quotas are made available and ownership rights awarded to organized customary residents within specific geographical bounds. However, they do not address true devolution and the shoring up of the customary commons through ownership of the natural resources under statutory and customary institutions. Guided by common-property resource management theory, the CAMPFIRE program and the successes of the NGO, Integrated Rural Development and Nature Conservation (IRDNC), customary-based policy and legislation was approved by the Namibian Cabinet in March 1995. This entitled residents of communal areas to form conservancies: in Namibia being defined as 'a community or group of communities within a defined geographical area who jointly manage, conserve and use the wildlife and other natural resources within the defined area'. The conservancy members, suitably elected and institutionalized as a corporate body, with the traditional authority included, are awarded exclusive use rights over game and commercial tourism within a defined conservancy on both communal and privately owned property. The first four conservancies were registered in 1998, increasing to thirty-one in 2004 and 79 in 2013.

However, early on, the rights enjoyed by registered conservancies were limited: 1) to the ownership of game; 2) to the sale of government-approved hunting quotas; 3) to the power to lease out the area as a tourism concession; 4) and the control

of common problem animals other than endangered species. A criticism of the policy and legislation was that it did not consider landuse planning. The policy framework for land reform in communal areas was unclear; and that it did not allow for hired game guards to be legally mandated as law enforcement officers. There was no broadly accepted authority over land with the usual grasping of large areas for private use in some areas, while the majority did not have access to the land.[ix] Confusingly, not all communal area residents were registered conservancy members, wildlife councils being established to manage wildlife for the benefit of non-conservancy members. With the expansion of the wildlife estate has come the spectre of escalating human-wildlife conflicts, with considerable predation on small livestock. Nevertheless, more than 16% of the country is now under communal conservancy, comparable to the state's amount of protected land.

The Namibian government had early on also implemented some fisheries and forestry projects. But in the case of fisheries, these adversely affected fishing communities that were old Guardians of Nature structures, greatly weakened by modern donor-aid organized meddling, as happened in Namibia's Caprivi fishery.

But in justconservation.org, on 9 September 2014, there appeared a blog entitled, '*Biocultural community protocols and the future of conservation*', concerning the development of a biocultural community protocol (BCP) – taking its lead from the Biodiversity Convention's Nagoya Protocol - for the Khoe Bushmen community of the Bwabwata National Park in Namibia's Caprivi Strip:[x]

Around 6,700 Khoe people reside in Bwabwata National Park in Namibia's West, and in the Kavango and Zambezi regions; they survive mainly as hunters and gatherers. The Khoe developed the protocol with assistance from the Namibian Ministry of Environment and Tourism, and Natural Justice (an international collective of environmental and community lawyers). The protocol sought to articulate the Khoe's values, priorities, and procedures for decision-making around their resources, as well as set out their rights and responsibilities under customary, state, and international law. The protocol would be used as the basis for engaging with external actors such as the government, companies, academics, and non-governmental organizations, who seek access to the Khoe lands, and traditional and genetic resources for research and development, commercialization, conservation, and other legal and policy frameworks.

Unfortunately, Namibia has been invaded by Chinese criminals intent on plundering whatever is available. [In a letter](#) sent to the Chinese Ambassador by Namibia's Chamber of Environment in December 2016, they accused Chinese nationals of involvement in the poaching of rhino, elephant, pangolins, carmine bee-eaters, shellfish, abalone, tortoises, monitor lizards, pythons and any other form of wild meat, including from protected. Endangered species and the import and distribution on an industrial scale of mosquito nets now hoovering out the fish of the Okavango, Chobe, Kwando and Zambezi rivers.[xi]

But fortunately, as Natural Justice announced on 11 July 2017: 'Namibia recently passed their national law on bio-prospecting called *Access to Biological and Genetic Resources*

and Associated Traditional Knowledge Bill. This is a historic moment as Namibia's enactment of their law implements the Convention on Biological Diversity's Nagoya Protocol'.



Communal	Indicator	Indigenous Peoples
3.0	Existence of title	2.6
1	Land rights and control	1
5	Property	5
3	Formal documentation	3
3	Legal person	3
3	Legal authority	3
3	Personality	3
4	Right to consent	4
2	Rights of use	2
1	Rights to water	1
2	Land rights and protected areas	1

Existence of title

Right to consent

Limited capacity

Lack of consent

The field investigation and analysis concludes that the perceived success of wildlife conservation and concomitant economic benefits for previously disadvantaged rural communities in Namibia is found to be predominantly a fabrication rather than a fact.

As detailed, Namibia's CBNRM model has often been

presented as the exemplification of elephant and wildlife conservation while at the same time providing meaningful economic benefits to rural communities living among and alongside Namibia's elephants and other wildlife. Yet, as this field investigation and analysis concludes, the perceived success of wildlife conservation and concomitant economic benefits for previously disadvantaged rural communities in Namibia is found to be grossly misrepresented. In many areas, particularly in the dry CBNRM-dominated Kunene Region of the country, wildlife populations of many species are declining. Elephant, oryx, Hartmann's mountain zebra and lion numbers are the large mammals most negatively affected, largely as a result of drought, trophy hunting, ownuse hunting, conservation mismanagement and human-wildlife conflict incidents. This region also faces the spectre of the capture, auction and possible export of live elephants which, when the auction goes ahead, will likely threaten the entire existence of this isolated and uniquely desert-adapted elephant population that is already in sharp decline. In other areas across the northern region, elephant populations and movements have likewise been adversely affected due to trophy hunting, own-use hunting, poaching and trade. In two additional commercial cattle farming areas, elephants have been earmarked for live captures, auction and possible export. Throughout the entire northern region, and especially within the twenty-nine CBNRM conservancies visited during this investigation, human communities remain impoverished to the same extent, and in some cases more so, than during South African apartheid rule prior to independence. Many

communities, most of whom are minority ethnic groups in the Namibian demographic landscape, are oppressed and exploited by central government. Central government is dominated by the largest ethnic group – the Ovambo. The Ovambo and other larger ethnic groups, such as the Herero, have in recent years moved into communal spaces of minority groups (San, Himba, Kavango, Caprivian, Damara) in pursuit of commercial capitalisation of the natural resources. This investigation has revealed that the exploitation of rural communities and indigenous peoples, and the removal of natural resources is taking place in the form of land invasion and expropriation, wildlife over-utilisation, mining, oil drilling, logging and other natural resource appropriation. Thus, far from being a success-story, Namibia's much-touted wildlife conservation model, and its adherence to sustainable utilisation of wildlife through community-based management has, in fact, achieved the opposite of what is commonly presented. Overall wildlife numbers are declining, and elephant populations in the Kunene Region are collapsing, while rural communities within the CBNRMs are as impoverished as ever, in many cases, more so.

The response to this report raised the ire of those investigated. A follow-up article revealed just why the response was misguided, another, why [Cruise and Sassada were right](#).

One of the authors, Christiaan Bakkes had worked in CBNRM for 22 years in Namibia:

In 22 years of involvement in CBNRM in the Namibian

northwest, I seldom experienced accountability, moderation and conservatism when it came to “sustainable utilisation” of wildlife. It’s simply not sustainable because there is no control.

The findings of Cruise and Sasada are merited. So are those of Frederico Links as well as Sullivan, Koot and Hebinck. It takes courage to stand up against injustice.

The reactionary bluster of the CBNRM community in its responses does not adequately address the real concerns of the lack of control measures in place. In being defensive, they divert attention from the real issues.

It’s not about pro-hunting or anti-hunting. It really is about the complete and utter lack of control. The growing evidence from several different fields of expertise demonstrates this.

<https://africanelephantjournal.com/wp-content/uploads/2021/11/Investigation-in-Namibias-conservation-model-Full-Report-LR.pdf>

<https://www.dailymaverick.co.za/article/2021-12-14-namibias-community-wildlife-conservation-system-has-come-off-the-rails-investigation-shows/>

<https://www.dailymaverick.co.za/article/2022-02-08-why-r>

[researchers-cruise-and-sasada-were-right-about-namibias-natural-resource-management-programme/?utm_source=top_reads_block&utm_campaign=africa](#)

Malawi

With 85% of the population living on customary land, Malawi approved a strategic plan for CBNRM in November 2001, implementing some fisheries and forestry projects. In fishery conservation projects, this, not surprisingly, led to ‘unexpected and detrimental outcomes for fishing communities.’[xii] This is further evidence that as far as fisheries exploitation is concerned, bottom-up and abstract co-management development ideas will be compromised by broader social, political and economic contexts, as found in Namibia’s Caprivi fishery.[xiii]

In March of 2019, [floods were reported in the lower Shire](#), decrying the fact that ‘Floods stifle development efforts at every level’; that ‘The combined effects of floods and droughts cause losses of [at least](#) 1.7% of Malawi’s GDP annually’; that ‘For instance, high poverty levels mean people lack access to land and work, and they are often driven to settle in zones that are more exposed to natural hazards’; and that ‘Projects are also unsustainable, rely heavily on aid and there’s a lack of ownership by the community which undermines the impact’; and so on. As I commented at the time:

There is no mention in the article of Traditional Land Management Areas, Traditional Authorities or customary land committees as incorporated under the Customary Land Act of 2016; only the “limited involvement of Local

Communities”, and that “flood risk management is mostly delivered by NGOs who implement community-based approaches.” The Act describes the committees responsible for customary land:

(3) A land committee shall not allocate land or grant a customary estate without prior approval of the relevant Traditional Authority whose approval shall not be unreasonably withheld.

4. Land committees shall, subject to the provisions of this Act, be responsible for the management of all customary land in a Traditional Land Management Area.

And the Customary Land Regulations of 2018, No 22 states:

(3) The base map and land use plan shall highlight the key natural resources that may require protection and management frameworks such as wetlands, fragile lands, hazardous lands and existing infrastructure and service

Mention should also be made that chiefs have the spiritual responsibility for the land.

Surely the framework is there. This is the problem with NGOs and donors who rarely mention the chiefs, the headmen or customary land. They think only of ‘communities’, and therefore are never able to deliver the assistance needed.

Yes, great storms will increase, but Lake Malawi will continue to lower and eutrophy, its fish stocks declining; the Shire to silt up at Kapuchira (I did the EIA there in ‘91). At Elephant Marsh and below there will be a tremendous heat increase. And, yes, the climate change demands action to control the rampant population increase in Africa, an increase which cannot be supported by its

ecological and economic base. But to do so women will have to be protected from child marriage, assault, rape, sexual cleansing, wife exchange (cidyerano to the Chewa people). Population apart, and reverting to the millet and sorghum of old, the rural people will be streets ahead of us azungu – the cause of it all.



South Africa

South Africa **has** 20 million hectares of privately owned land, fenced and classified as game ranch, with wildlife owned by the landowner. This was lent impetus in the post-apartheid era by a political strategy to thwart land reform, private game estates being exempt from land reform under South

Africa law.[xiv] Where everywhere else in the tropical world, the killing fields had begun in the late 1960s, South Africa experienced an exponential increase in vertebrate species. Great impetus was lent to the industry's growth by Rhodesia's example. Still, the Natal Parks Board's far-sighted actions in saving the white rhino resulted in a booming game ranching industry. Some of these were allowed to be translocated to the Game Department of Northern Rhodesia, [Johnny Uys and Barry Shenton collecting a few](#) and taking them first to Ngoma in the Kafue National Park and later to Mosi oa Tunya National Park.[xv] [xvi] A hundred years ago, the *wijd* (wide) rhino hovered on the edge of extinction. As Ian Player wrote in his preface to my late friend Don Lindsay's book, *Win the Wild*:[xvii]

By 1894, there were no more than an estimated 50 white rhino surviving, from a population of hundreds of thousands that existed between Kuruman in the Northern Cape and the Victoria Falls in Zimbabwe. The tiny remnant of 50 was confined to an area between the Black and the White iMfolozi rivers in Zululand... in 1961 the white rhino population had grown to over 600.

The Parks Board in the late 1960s then seriously considered culling rhino in the iMfolozi Game Reserve, but instead began an intensive program of translocation and protection, issuing a small hunting-safari quota in 1970 for the white rhino translocated to game ranches. This galvanized rhino numbers and game ranching, with hunting-safaris, photo-tourism and live game sales thriving, soon to be joined by the breeding of

disease-free buffalo sable, roan and other species. Hunting-safaris saved the white rhino after indiscriminate shooting nearly resulted in their extinction a hundred years before. In 1979 when I went commercial inshore fishing at St Lucia in Zululand, I soon found extra income for my truck brought from Botswana by transporting cropped buffalo carcasses in iMfolozi to a mobile abattoir. At the same time, helicopter-borne capture teams were collecting white rhino for onward sale to game ranches.

There are now in Africa in the order of 5,000 pert-mouthed gleaming black rhino and 18,000 wijd (wide) grazers – the white rhino. Most of the white - and half of the black, are in South Africa, 75% of those in the national and provincial protected areas, the rest on private land. In 2014 criminal gangs killed three white rhino every day for their horns. Between 2008 and September 2014, 3,445 white rhino were killed - Kruger National Park the main killing field. In 2016, by April, 316 were killed in 2019. [xviii] In 2019, 594.

About 20 million people are living on communal land in South Africa – the former Bantustans of apartheid. The government's attempts under the Communal Land Rights Act 2004 gave extensive powers to chiefs and their councils over land, producing a groundswell of dissent from communal residents. As a result, in 2010, the Constitutional Court struck down the Act. In 2012 the opposition Democratic Alliance presented a private members bill to Parliament seeking to privatize communal land – an act making clear the ignorance of wijd politicians from a supposedly educated minority.

Between 1998-2001, as Chief Technical Adviser to the South African CITES Implementation Project, I directed a law reform and administrative program to allow the nine provinces to work

with a CITES Management Authority and a CITES Scientific Authority. What soon became clear to me was that the private, state and provincial land given over to wildlife was only one part of the equation, communal lands being conspicuously left out. With Don Lindsay (d.2014), a prominent member of the International Professional Hunters' Association, in June 2000, after two years of consultations, we formed the Chamber of Wildlife, 'To promote the sustainable use of wildlife for the benefit of all the people of South Africa'.[xix]



IM, Don Lindsay on right (2002)

The manifesto accentuated 'to support property owners and common resource regimes whose investments and living needs depend on the sustained management of wildlife and its habitat'. The inaugural executive committee, amongst others, comprised the Game Ranchers Association, the Professional Hunters Association and the Confederation of Hunting and Conservation Associations, with future representation to be sought from national traditional leadership structures, national community-based organizations, and the marine environment and fisheries industry. However, the game ranchers and professional hunters soon rose against any notion of communal lands empowerment. As the project ended, the Chamber died.

Ten years later, with poaching, rural crime and landgrabs rampant, I called on market forces as the chief ally, suggesting in the September 2012 issue of the legal magazine, [*Without Prejudice*](#), that:

Rhino conservation must adopt the De Beers Central Selling Organization model. We must open a national rhino studbook and register every rhino on private land, followed by state and communal land. The Rhino Selling Organization, empowered under national legislation, will then issue the annual offtake quota, hold quota auctions, deal with CITES and control the market. The rhino, on fenced land, may well have to be declared a domestic animal; unthinkable I know.

But in a remarkable turnabout, the S.A. Game Ranchers Association, custodian of 20 million hectares, recently declared that they were prepared to help convert the 12 million hectares

of communal non-agricultural land to game ranches through various kinds of 'smart' partnerships. But I suspect that little has happened as the ranchers seek to protect their properties, especially when they see prime game estate like Mala Mala in the private Sabi Sand Game Reserve taken over by the ANC Big-Men and their 'clients'.

Richard and Jane Paumgarten (d.2019), who own Alicecott to the south of Mala Mala, now have no rhino. I remember, though, a few years ago, when we drove one evening among a magical gathering of a dozen or more of them, they unafraid, walking up to the vehicle and snorting in amicable curiosity. On 20 November 2003, we arrived at what we believe is the ultimate source of the Congo and Chambeshi rivers near the Kavumbo Middle Basic School in the Mbala district.



Standing: Richard Paumgarten & Valma Lindsay; seated: Jane Paumgarten, Cathlin Manning, Don Lindsay (d.2014), IM.

2004

Congo Republic

The Congo Republic began an ICDP project called ECOFAC in 1992 as part of a six-country moist tropical forest program funded by the European Union. Unusual for an ICDP, the project's terms of reference were to establish a highly devolved administration of the Odzala National Park and the surrounding forest areas – which included a hunting block – for the benefit, and considerable responsibility of the customary residents, the Pygmy, and the local Bantu settled on the roads. I was employed as the *Chef de Composante* (project director), driving for two days to the end of a hunting track in a finger of savannah in the forest, and making camp – then building a home from local materials and living there with my wife, three children and a tutor for two years.[xx]



Manning's Odzala Camp, Congo Republic 1992.

It did not take me long to discover that there was no provision for a legal consultant to map out the customary commons ownership issues, surely the most essential part of such a project. I then employed facilitators and set to work on the future structures needed to manage the area, and then got down to practical issues: 1) with the US Peace Corps constructing two stream-fed fish ponds; 2) mobilizing a riverine anti-elephant-poaching force; 3) constructing a small tourist lodge; 4) introducing a hunting-safari operator and building him a camp; and 5), creating a furniture-making co-operative. After 18 months or so, I was told by the Congolese that they had no intention of fully empowering customary people (Bantu and Pygmy) and that they would only 'consult them'. When I confronted the overall project director of the six-country moist tropical forest project and our Belgian and EU masters with the news that the Congolese had reneged on the project's terms

of reference, I received a callow response. I then called all the villagers together, bought all the beer available in the store, apologized for misleading them, and resigned.

My remarkable assistant, Berthin Mbangi, whom I had plucked from the labour lines, I then helped set up a small tv cinema business in the capital.



Mbangui Berthin 1993

ECOFAC in Congo carried on – a front for a Belgian University to have an African research area encompassing alternate fingers

of moist forest and grassland savanna, cutting roads into the forest, something I had not allowed, which immediately opened it up to plunder. It took until 2010 for a management plan to be produced. As revealed in Redd-Monitor.org, this plan supposedly ensured (sic) that local communities would gain benefits generated from the conservation of the national park. A recent report reveals the mounting plunder of the area, with Bantu and Pygmy marginalized, despite legislation being in place.[xxi]

I remember the time in the Hotel Huite Novembre in Brazzaville when the radio station next door started taking mortar fire. And then, collecting our Spanish gorilla researchers, and making the run out of the city, from one block to another, hoping to avoid the 'Tonton Macoute', armed, waiting to kill, before breaking out to the north.

A Greene world.

In 2010 the South African Kruger privatization cloner, African Parks, signed a partnership MOU with the Republic of Congo Government to control the Odzala-Kokoua National Park, the MOU stating that revenue from the park would not be distributed to local communities. The agreement also allowed AP to trade the carbon stored in the park. What happened to the EU, one should ask? As REDD+ projects are based on the sale of carbon credits where the amount of carbon stored in the forest is calculated and then traded on the carbon market, in this type of project, little consideration is given as to just who owns the carbon, and the process does not involve itself with the use of the forest by its traditional owners as this would upset the calculations on the amount of carbon available for sale. As shown in Redd-Monitor.org, OCDH - the [Congolese Human Rights Observatory](#) (*Observatoire congolais*

des droits de l'Homme) [produced a position paper in August of 2011 on the partnership agreement](#) signed on 18 February and 14 November 2010 between the Congolese government and African Parks Network:[xxii]

It appears from these agreements that the revenue of the park cannot be redistributed to communities if they exceed what is required for the functioning of the park. Moreover, this surplus will be allocated in priority to the provision for future expenses and will not be paid back to the community if there is a surplus after provision. The agreement also provides that the management of the park is responsible for the sale of carbon stored in the park. It will receive any (all) income from payments for ecosystem services, including carbon. Also, several statements in this agreement are contrary to several provisions of the management plan such as profit sharing and the mission and objectives of the park. To illustrate, the validated management plan provides three places for local communities in the Administrative Council, while the partnership agreement creates a council in which local communities are not represented. These provisions violate the national law on protected areas and anticipate, if not cut across, the national discussion on the status of carbon and transactions relating thereto. Indeed, Article 22 of Law No. 37-2008 on wildlife and protected areas makes it clear that local populations benefit from the revenue generated by activities carried out in the park. It is true that the legal application texts on this matter are not yet available, but it is equally true that the double condition

for the funds to come to the community makes it almost impossible for there to be a sharing of benefits.

The Congo Human Rights Observatory questioned the World Bank's Forest Carbon Partnership Facility on the matter of just who owns, regulates and benefits from the carbon. They then called for the Congolese government to:

State the illegality of the agreement. Indeed, the nature of it is not in compliance with the law on wildlife and protected areas; respect the wishes of the communities expressed in the management plan for the park approved in 2010 by ECOFAC; obtain the free and prior consent of the communities in case of revision of the management plan that ensures their involvement and participation unconditionally in the benefits generated by conservation activities; refrain from making commitments in the carbon market before the national process of developing the mechanism which is being implemented by the National REDD committee.

An investigation in 2013 by Survival International revealed that African Parks had realized that as there was no threat of deforestation in the central zone, that carbon could not be sold there. However, as carbon sale was originally included in the *Accord de Partenariat* between African Parks and the Congo government, this has to be confirmed. African Parks management felt that if the community areas were to convert to agriculture, it might be possible for the reaping of carbon

benefits, but that ‘20 years of broken promises’ – here alluding certainly to the failure of ECOFAC management – by the EU and the Congo government to abide by the terms of reference of the project, i.e. to empower customary residents - made this highly unlikely. But should it happen, they averred, the community would receive 100% of profits through the *Fonds Communautaire*.

In late 2013 Survival reported that their campaign’s focus would be on SE Cameroon, where instances of WWF-funded ecoguards torturing and killing people are under investigation. In February 2016, they submitted a complaint to the Organization for Economic Cooperation and Development (OECD).[xxiii] As for Odzala, Survival told me that they would be lobbying African Parks to ensure that in Odzala, they promoted legal hunting methods, guaranteed free and fair access to the park, and improved the way the sizeable ‘community fund’ is allocated to local people – the latter very welcome news. They will also lobby for the system of representation on the board to be changed, for the Pygmy are not represented as they are viewed as ‘districts of villages only’, with 70 of them electing two representatives to the park management board - some of them living far from the park – such as at Ouessou in the north of the country. However, even if the board were reformed, it is feared that the Pygmy would still not be represented.

It is now clear that the Odzala–Kokoua National Park’s participatory management was removed illegally and unconstitutionally from the 2011 law promoting indigenous rights. The United Nations Special Rapporteur on Indigenous Rights, James Anaya, noted that the underlined part of the following sentence was omitted from the law’s adoption by parliament and its promulgation by the President of Congo Republic: ‘In

the case where protected areas are created on lands occupied or traditionally utilized by indigenous peoples, the state has an obligation to consult them and take measures to guarantee their access to those areas for traditional activities or subsistence needs, and include them in the management of the resources'.

The question is: who was responsible for this omission?

However, in 2015 the government had regulations for local community forestry concession implementation, was drafting legislation on the rights of customary people, and had developed a draft decree for the implementation of customary rights.[xxiv] There is now legislation, but it is not being implemented.

A report by the Rainforest Foundation UK in April 2016 reports mounting problems of plunder and indigenous stress. Its summary of development in the Congo Basin confirms the downward - seemingly unstoppable - trend. A few of the sad points made are as follows:[xxv]

- *Biodiversity is declining and poaching persists:*

While hundreds of millions of US dollars have been allocated to conservation projects in the region in the past decade, there is little empirical evidence of tangible conservation achievements. In contrast, our study shows that poaching persists widely and large mammal populations, in particular, are declining at alarming rates (especially elephant, bongo, gorilla and chimpanzee), in spite of strong restrictions on access and use of protected areas, and high investments and efforts in security patrols and eco-guards. Research suggests that some protected areas are faring better than extractive land uses, such as

logging concessions, in protecting fauna. However, there is no evidence to demonstrate that this is a consistent outcome. More important, our findings suggest that protected areas are failing to reach their conservation objectives, irrespective of what goes on elsewhere. Related to this and the factors below is the question of the extent to which the current conservation model in the region is sustainable.

- *Lack of respect for human rights principles in conservation initiatives:*

There is an enormous gap between human rights obligations, principles and commitments by national governments, donors and NGOs, and the reality in the field. Many binding and non-binding instruments offer protection of local and indigenous communities' rights to lands, livelihoods, participation and consultation as well as fundamental rights and freedoms, including in the context of conservation. However, in the Congo Basin there is consistent neglect and in some cases outright violation of rights on all these fronts.

- *Creation and management of protected areas undermine customary land rights:*

Local and indigenous communities have virtually no tenure security over their traditional lands in any of these five Congo Basin countries. Thus, allocations for other uses – notably logging, mining and oil concessions, agro-industrial plantations and also protected areas – are effectively pushing these communities to ever smaller areas of land where they toil to meet their subsistence needs. Designation of protected areas in the region

follows the same pattern of exclusion, and in some cases even worsens it; in other kinds of concessions, local communities retain at least some usage rights. The areas are identified and designated based on mainly biological data and largely in disregard of the customary tenure systems already in place. Our research indicates that of the 34 areas analyzed, the creation of at least 26 resulted in partial or complete relocation or displacement of local indigenous and farming communities present in the area before park establishment. In no cases has any compensation been given (or reported) for the displacements – despite the requirements of international agreements to do so. We have found no examples of adequate documentation (such as mapping) of customary tenure taking place prior to, or informing, park creation. Management approaches reinforce this exclusion, as conservation measures based on customary tenure and use, such as community conservancies, are practically non-existent in the region.

- *Indigenous peoples suffer disproportionately:*

While different local communities and ethnicities have experienced negative impacts on protected areas, indigenous peoples appear to have suffered the most. This is related to the discrimination they suffer in general, but also to the fact that: the traditional territories of indigenous peoples largely coincide with areas targeted for conservation. Their nomadic or semi-nomadic lifestyles depend on the non-intensive use of extensive areas of forest, which in many cases overlap with protected areas. An already limited consultation and participation mechanisms are particularly ill-suited to indigenous socio-

cultural realities; their unparalleled hunting skills combined with an increasingly difficult livelihood situation has made them particular targets for both poaching and anti-poaching interests.

In 2004, Cameroon, Gabon and the Congo Republic signed up for a TRIDOM agreement in which 11 protected areas, taking up 10% of the Congo Basin, were to be jointly managed. In Congo, this was made up by Odzala and a presently unprotected area to the north called Messok Dja. In 2005, WWF signed a collaboration agreement with the Congolese government, setting up a joint conservation program called *ETIC* (Espace TRIDOM Interzone Congo). In 2014 a further agreement was signed allowing anti-poaching units known as the Tridom brigade to penetrate 20 km into a member's territory.

Survival International has been campaigning for some time against the brutalization of Pygmy (baKa) in Cameroon. Recently their attention has been drawn to [Messok Dja in the Congo Republic](#). A Survival staff member Fiore Longo visited Messok Dja and [wrote an article](#) entitled: *'The world's largest conservation group is complicit in human rights abuses and illegal land theft'*.

I then sent some questions to WWF Netherlands on 20 December 2018 and then spoke to their Messok Dja man, Jaap van der Waarde. The results of our conversation I sent to the director of Survival, Stephen Cory, copied to Jaap:

I asked Jaap to comment on the following four questions:

- 1. Is Messok Dja Baka customary land?*
- 2. Are the Baka being illegally evicted from Messok Dja?*

3. Is WWF Netherlands funding armed rangers who beat and torture Baka found in Messok Dja?

4. The creation of Messock Dja as a national park is illegal - given the eviction of Baka?

Jaap then phoned me and passed on the following information:

1. Messock Dja is not a national park but an area containing two logging concessions. Efforts are underway to make it a national park
2. The loggers have joined the process of conservation
3. WWF follows a policy of Prior Informed Consent (PIC)
4. They have started to interview residents of the area
5. They are drawing maps on the use of the area by Pygmy and Bantu
6. A few Bantu villages have not been cooperating as they want compensation for elephant damage
7. HEARSAY: some Pygmy declined to cooperate as they understood that they would be evicted from the national park
8. WWF has cautioned the government to obtain PIC before advancing on any proposal for national park status
9. Every villager must be in agreement
10. No people have been evicted
11. The park guards are selected, employed, trained and paid for by Congo/WWF under the ETIC project. The training course includes dealing sympathetically with villagers.
12. Reports promised by Survival have not been forthcoming
13. WWF has instituted a complaints mechanism for villagers in Cameroon, now being implemented in Congo as the ETIC programme does not cater for complaints. They are

working on ranger identification marks that villagers can use to identify abusers.

14. Abuse commonly occurs when villagers are involved with commercial poaching.

My comments:

1. From my experience as the first EU ECOFAC Chef de Composante of the Odzala National Park and environs in 1992-1993, I found that Jaap's description of Messok Dja reveals no history of official brutalization or eviction.
2. Therefore, the accusations by Survival and others of evictions and brutalization of Pygmy in Cameroon, Congo Republic, and the involvement of WWF, etc., is severe for both organizations and should be properly investigated. Until these vetted reports are forthcoming, Survival should freeze its campaign against WWF Netherlands.
3. Government guards, invariably Bantu, require considerable discipline and careful management, for as a mobile group, they are easily corrupted and prone to violence. They abuse pygmy at different levels. We must remember that at one time, Pygmy were forced to reside on the main road where they became prey to the Bantu, the latter never comfortable in the forest or living away from roads. In the north of Odzala – perhaps it was Sembe, I found the Pygmy still living on the road – as they did in Mbomo – and struggling to survive.
4. The essential issue is that the militarization of conservation is counterproductive. With the Pygmy's full ownership rights of their customary areas in place, conservation

takes care of itself – although ingress has to be strictly controlled, something not possible with the areas under logging concessionaires.

5. I went to Congo as the TOR of the ECOFAC project was all about the empowerment of customary people regarding the park, its environs, and the wildlife. This has been my 'work of the heart' since 1964. After I had got Pygmy and Bantu empowerment going, the Mbomo Prefect told me that the Congo government would not take this route. Shocked, I complained to my Belgian employers and the EU; but both told me to forget the issue. I packed up and left, first explaining to everyone why I was taking that course of action. Subsequently, Africa Parks took over, a counter-productive move towards privatization. I am critical of their work, as are others, particularly the lack of empowerment and income for the Pygmy (they also took over my old patch in Bangweulu, Zambia).
6. The Pygmy are as much part of the Congo forests as are the forest elephant. Any national park has to not only include the Pygmy but have them as the awarded custodians in perpetuity.

I had a letter back from Jaap agreeing with my suggestion for an unbiased assessment, but no reply from Survival or Stephen Cory. Unfortunately, Survival still pursues its campaign against WWF:

Why is Survival picking a fight with WWF? WWF has an indigenous peoples' policy.

Under WWF's watch, gross human rights violations are being committed against tribal people WWF's conserva-

tion projects bring about the eviction of tribal people from their land against their will, destroy their way of life and threaten their very existence. When the organization creates a new protected area on the ancestral land of tribal peoples, it does not secure their consent. All the while, WWF-funded park rangers persecute tribal people, subjecting them to physical violence. WWF's projects are irreparably destroying the lives of tribal peoples and the conservation giant must be called to task for its actions.

On 15 February 2019, WWF announced that the Republic of Congo government would no longer allow agricultural development over 5 ha in its forests:

WWF has welcomed the decision by the government of the Republic of Congo to regulate the opening up of new plantations in the forested areas of the country. According to a Ministerial order signed by Congo's Minister of Agriculture, Fisheries and Animal Husbandry and the Minister of Land Tenure in charge of Relations with the National Assembly, all large scale agricultural activities beyond five hectares should be oriented to the savannah areas of the country. The Ministerial order signed in October 2018 states that the decision is in line with the Republic of Congo's international commitments to fight against climate change. It abrogates all previous contrary decisions with immediate effect. "This is an unprecedented decision that should serve as yardsticks for other governments in the Congo basin", declares Marc Languy, Deputy Regional Director of WWF-Africa, in charge of Central African countries.



Tanzania

TZ has inherited much of what was implemented there from Nigeria in 1926 under British Indirect Rule – a system ‘based on traditional sanctions for authority’ - where a semi-autonomous local government is enshrined in the constitution and empowered to promote development and democracy at the district and sub-district level. In Tanzania, there are district councils, wards and villagers who should formulate and approve by-laws and policies for their development and have committees dealing with education, health, environment, women and children, water, safety and security. Unusual for Africa, Tanzania’s local government is theoretically highly decentralized, making available a well-structured partner for villager welfare and investment and land care under customary tenure. However, the centralization of state power over customary areas and their wildlife has been ferocious.[xxvi]

In 2015 a Parliamentary Select Committee reported the following:[xxvii]

1. *Tanzania has no comprehensive mechanism to deal with land.*
2. *Weak law enforcement, contradictory legal regimes and ineffective and incompetent leaders were the major factors driving land conflicts.*
3. *There were several guiding principles that contradicted each other: the 1997 Land Policy contradicts the*

2006 Livestock Policy - the former outlawing pastoralism, the latter allowing it.

4. Investors who need land are told they should enter into business ventures through the Tanzania Investment Centre (TIC), but the Land Act also allows the Land Ministry to sign up investors.

5. Only 1,200 villages out of more than 10,000 had been surveyed, and only a handful has land use plans, and there are no competent institutions able to supervise their implementation.

7. Conflicts involving farmers, pastoralists, investors and other land users are not only widespread, but they have persisted for a long time.

8. The land problems continue unabated despite the 1997 National Land Policy, which points to problems with implementation.

9. There are major shortcomings in the implementation of the 2006 Livestock Policy, including the failure to recognize livestock as wealth and therefore have land set aside for pastoralism.

10. There was no guidance on stocking rates.

11. Water policies are ineffectual due to water users and other stakeholders not being consulted.

12. There were serious flaws in the implementation of the Investment Policy, with landgrabbing taking place without consultation or compensation.

13. President Jakaya Kikwete's directive to stop the movement of livestock from one district to another was ignored and Parliament should direct the government to make sure that livestock is transported using cars and trains.

14. The government should take immediate steps to control pastoralists from neighbouring countries.

15. The National Land Use Commission should assume responsibilities for landuse management

While comments were made on the 1997 Land Policy, no mention was made of the Land Act No. 5 of 1999 in which Certificates of the Customary Right of Occupancy have been issued on some 162,000 ha to the clans of the Maasai, Barbaig and Hadzabe, with more in the offing with the aid of an NGO, the Ujamaa Community Resource Team who are now trying to recover the land taken from its customary owners for a wheat scheme, now failed but some of the land alienated to others and not given back to the commoners.[xxviii] [xxix]

Elsewhere in Tanzania, a large landgrab is well underway. In Southern Tanzania in the Southern Agricultural Growth Corridor (SAGCOT), where the 10-country New Alliance for Food Security and Nutrition in Africa is at work, a formidable consortium of agribusiness multinationals, convened by the World Bank, the World Economic Forum, USAID, DFID and others, and enjoined with the political establishment to create a massive agribusiness for the benefit of the corporates, and hopefully, for the villagers. As in all such cases, the impact on the people of the customary commons is one of dispossession and impoverishment, clearly revealed in an analysis of SAGCOT reported on in July 2015.[xxx] The European Parliament's policy department has assessed the New Alliance, criticizing it for its concerted attempt to introduce land titling.[xxxi] In the paper's abstract it states:

Burkina Faso, Benin, Côte d'Ivoire, Ethiopia, Ghana, Malawi, Mozambique, Nigeria, Senegal and Tanzania adopted 'country cooperation frameworks' (CCFs) listing their policy commitments, and companies provided 'Letters of Intent' identifying intended investments. While the general objective of the NAFSN is sound, certain deficiencies remain: the CCFs are silent on the need to shift to sustainable modes of agricultural production and to support farmers' seed systems, on the dangers associated with the emergence of a market for land rights, or on the regulation of contract farming; and they are weak on nutrition as well as on the recognition of women's rights and gender empowerment.

On 8 February 2018, France withdrew from the New Alliance, saying that 'five years after its launch, results are virtually nowhere to be seen.[xxxii]

Another example where villagers have had their land grabbed is the British company Agrica's industrial rice plantation in Mngeta - funded by Norfund, DFID and Capricorn.[xxxiii] Mngeta lies in the once enchanting Kilombero Valley, now taken over by DFID, WB, USAID and their corporate shock troops using as their agent of destruction their hideous rice, sugar and teak plantations. The only wildlife that survives – including the only surviving puku - is in the northern section concession held by Kilombero North Safaris – a hunting-safari outfit, one of those pilloried by the well-meaning but ignorant. In one year, it has seen three km of concession invaded by smallholders. The Kilombero Valley is now, in the words of C.S. Lewis, enemy-occupied territory.

Wildlife outside of national parks in Tanzania is under the

government's control through its Wildlife Division, which in 1998 opted to establish wildlife management areas (WMAs) on customary land. Hunting-safaris within the WMAs and outside is controlled by the division, its Director issuing quotas and concession licences. The division constantly conjures up more hunting areas with unrealistic quotas in its search for more revenue.

To begin with, there were 16 such pilot WMA projects, the arduous process of establishing them described by Wilfred:[xxxiv]

The process of establishing a WMA involves the following main steps: creation of awareness among villagers of the merits and disadvantages of having a WMA; a village assembly's approval of an application for WMA formation taking into consideration village council recommendations; formation of a Community-Based Organization (CBO); preparation of a strategic plan; preparation of a land-use plan; carrying out of an Environmental Impact Assessment (EIA) prior to approval of a land-use plan; preparation of village by-laws that support a land-use plan; and preparation of a resource management zone plan. The CBO then makes application to the director of wildlife for designating part of village land as a WMA; the director considers the CBOs application and sends his recommendation to the Minister of Natural Resources and Tourism, and finally, the minister declares a designated WMA by order in the Gazette. After this, the CBO applies to become an Authorized Association (AA), and the AA applies for a user right and hunting block to the director of the Wildlife Division. The AA may also

enter into investment agreements with potential investors. However, from local people's perspective, this seems to be a complicated process, which may delay the formation of WMAs and the realization of tangible benefits accrued from them.

The fact that the government refuses to compensate villagers for wildlife damage has led to increased opposition to the WMA program. Like so many conservation projects elsewhere, the government avoids land and wildlife ownership decentralization issues, the WMAs, therefore, being hamstrung.

Classical ICDP projects, such as the Danida funded Uluguru Mountains Biodiversity Conservation Project (1999-2002), have encouraged other programs such as the Mpingo Conservation and Development Initiative in the miombo forest areas. A newcomer to these ICDP approaches are proposals for equitable benefit sharing through REDD+; a path mined with good and greedy intentions. Currently, Tanzania is grappling with a virulent ICDP known as landgrabbing.

In 2011 the Tanzania Natural Resources Forum reported on a meeting, *Wildlife for Communities in Tanzania*, saying that there 'has been substantial successes' with some WMAs – though it gave no examples. They claimed that there are 14 fully-fledged WMAs governed by authorized associations (AAs) and that the AA Association is now formally established, 'leading to devolved natural resource management'. The Forum compared the WMAs with the GMAs of Zambia, saying, 'overall, GMAs (Zambian) have transferred millions of dollars to communities, and are supporting thousands of community projects', something patently untrue. By 2012 the Wildlife Division was taking 65% of hunting concession revenue.

In contrast to this is the success of Village Land Forest Reserve establishment based on decentralized local government. The WMAs and the VLFRs need to find common ground for the land to be safeguarded and for true holistic governance to take root.

Leasehold land in Tanzania may be obtained only once customary land is converted to state land – customary land is termed village land and converted to general land, but only with presidential assent. As in Zambia, should the entity acquiring the land go bankrupt, the land does not revert to its customary owners, an extremely serious consequence. This appears to contradict the provisions of the Village Land Act of 1999. Of early concern was the Kilimo Kwanza Agriculture First Policy, which fast-tracked land titling for investors. This scheme metamorphosed into the G8 New Alliance's SANGOT program. Invasive landgrabs such as biofuels have taken up common property resources – mainly along the coast – gobbling up forests where customary people are dependent for honey, firewood and medicinal plants.

Tanzania remains mired in an elephant poaching crisis – a repeat of the killing fields of the 1960s, 1970s and 1980s. A government-mounted anti-poaching scheme, Operation Tokomeza (terminate), was mounted in 2014 - immediately accused of atrocities; four MPs and the Wildlife Division head fired - an obvious ploy to halt Tokomeza. In April 2014, the US Fish and Wildlife Service announced a ban on the import of elephant hunting-safari trophies from state land in both Zimbabwe and Tanzania, weakening the custodial role of the hunting-safaris industry, greatly adding to the problem, though, given the current killing fields, no justification can be found for placing elephant on licence. In November 2014, the

Environmental Investigation Agency International produced a report detailing the shocking war on elephant being committed by corrupt politicians and businessmen, the Chinese buying and exporting the ivory. Between 2009 and 2014, the major cases that came up for investigation and trial, accounting for 26.5 tonnes of ivory hacked out from 400 dead elephant, achieved one conviction. The killing fields, which a former Senior Game Warden of Tanzania, Eric Balson – my former partner in a proposed tourism project in Zambia, had recorded in the decade after self-rule in a report to President Nyerere – and later in an unpublished book, *Animal War*, expanded in the years 1977-1987 with the killing of half of Tanzania's elephant – some 50,000 animals. The situation stabilized when Tanzania championed a ban on international trade in ivory, the elephant increasing. Since that time, the position has reversed, the elephant population has reduced by two-thirds. While improving the governance of the country is required, elephant will only survive - outside a few national parks, if the customary commons is considerably strengthened in a canton-type, Landsafe approach, and the people given ownership of the animals.

In March 2015, Operation Spidernet was underway in the Katavi area, a covert operation to curb the poaching.[xxxv] A month later came a report drawn from leaked statistics showing that in the Ruaha-Rungwa region, the elephant population had declined by 60% in one year.[xxxvi] In late 2015, the Tanzania Wildlife Research Institute announced that a recount had arrived at a figure of 15,826 animals – up from 8,200.

The spectre of a massive human population increase of 3%, resulting in the doubling of the present population over the next 20 years, the likely adoption of genetic engineering for

factory farming, and the spread of the agro-forestry industry, and the failure to fully empower customary people, will impact extremely negatively on the biodiversity and people of the customary and public commons. Then to this, add the impacts of the climate change, and you have an impending disaster.

Regarding what is currently happening, a conservation sideshow was highlighted in justconservation.org in August of 2014. Villagers of the Uvinje section on the Saadani National Park boundary were included in the newly laid boundaries of the park by the Tanzania National Park Authority (TANAPA) and told to remove themselves. The irony is that the villagers of the area in 1965 prevailed on the Game Department to protect the wildlife on their lands, this duly carried out by the gazetting of the Saadani Game Reserve in 1974. In exchange, the community was promised the retention in perpetuity of the coastal areas where their main villages, including Uvinje, are situated'. In June 2014, an attempt was made to evict the villagers, though TANAPA was unsuccessful. Since then, the ICCA Consortium (Indigenous Peoples and community conserved territories and areas) has taken up the matter with the Tanzanian government.[xxxvii]

Uvinje villagers have not only not received a response from the Tanzanian government. Still, they have also learned that TANAPA is now trying to finish a compensation exercise to be legally entitled to begin forcible evictions. The list of people to be compensated has been called into question. It apparently is made up almost entirely of people who do not live in Uvinje and contains none of those who do, as the latter has persistently refused to accept compensation.

An investigation conducted on 4 October 2017 by the Legal and Human Rights Centre (LHRC) of Tanzania revealed that

the government had, by January 2018, still failed to evict the villagers.

The Maasai landgrab

Neoliberalism consolidates resources by way of privatization and by allowing the market to function mercilessly when the impoverished are ground under and generously when the riches of the wealthy are imperilled. Neoliberalism offers a slower burn than fascism does, but the big finish is the same: mass suffering followed by mass extinction.

Kelly Hayes - Truthout

ANOTHER EIGHT AFRICAN COUNTRIES





The record of oppression against the Maasai by the Tanzania army, park rangers, Ortello Business Corporation (OBC) of Dubai and Thomson Safaris of the USA is horrendous. In 2009 many Maasai and their cattle were brutally evicted from there. The Kiteto area to the south, populated by Maasai and Akiye hunter-gatherers, also continues to experience forced evictions and landgrabbing, outsiders believing that because parts of the area are unused seasonally, that it is vacant. Thomson Safaris have teamed up with the BINGO, the African Wildlife Foundation.

In 2015 the situation along the borders of the Serengeti continued to deteriorate, numbers of Maasai settlements burned in Arash and Loosoito/Maaloni by Tanzania National Parks Authority (TANAPA), 8,000 cattle detained without water or feed for two days, and thousands of people left without food or

shelter.[xxxviii] [xxxix]



In 2017 the situation was dire; the campaign against the Maasai

by landgrabbers revealed by a remarkable woman, [Susanna Nordlund](#). [xl] On 13 August 2017, she records on her blogsite, *View from the termite mound*, that TANAPA staff have begun to evict Maasai from the 1,500 km² Osero area. One of the consequences of this oppression is that some Maasai are now forced to invade the Serengeti and kill their lion there for ritual purposes.[xli]

Given that in 2015 a parliamentary select committee found that 'Tanzania has no comprehensive mechanism to deal with land', it is not surprising that customary villagers are truly up against the compradors, aided by the BINGO's, the African Wildlife Foundation. GIZ and WWF. [xlii]

In November 2017, the new Minister of Natural Resources ordered the Ortello CEO's arrest for trying to bribe him, and their 25-year concession terminated. But in February of 2018, the Minister declared that a 'special authority' would be created to cater for all the interests: this being code for Ortello's landgrab success and the Minister's oiled capitulation.



Although the [statement of the Pastoralists and Indigenous NGOs Forum](#) to the African Commission of Human and Peoples Rights in November 2017, that “His order on 26th October 2017 when in Loliondo, for release of all pastoralists livestock under his jurisdiction until conflicts are resolved, is a relieve to Indigenous peoples who have recently become a subject of a violation of human right by the conservationists’ may well have been a relief at the time, albeit only a temporary one.

After 25 years of this, in [September 2018](#), the East African Court of Justice granted an interim order preventing the government of Tanzania and its milk cow, the OBC, from evicting four Maasai villages in their patch of Loliondo. The notional owner of OBC is Mohammed Abdulrahim Al-Ali, lieutenant general and Assistant Under-Secretary of the Dubai Ministry of Defence, its Loliondo hunting concession held on behalf of Sheikh Mohammed bin Rashid Al Maktoum,

vice president and prime minister of the UAE, and ruler of Dubai. OBC was set up for big man Maktoum and his friends to hunt. His oil billions, and unrestrained power, having reduced the Tanzanian government to begging accomplices in the [brutalization of resident Maasai clans](#).

[Thomson Safaris](#) - through their local company Tanzania Conservation Limited, have followed a similar path to OBC. Thomson bought land from Tanzania Breweries that had been illegally alienated from the Maasai. In October 2015, the Arusha court agreed with the Maasai that the land had been illegally alienated, ['but no damages were awarded, and the conflict over land and resources remains'](#).

As [Susanna Nordlund wrote on 18 November 2018](#) :

In wide areas around the camp of OBC, that organizes hunting for Sheikh Mohammed of Dubai, people are being attacked and beaten, and chased away together with their cattle. This is not only a crime against human rights and Tanzanian law, but it's a serious violation of interim orders issued by the East African Court of Justice on 25th September this year.

ANOTHER EIGHT AFRICAN COUNTRIES



Sheikhs hunting the OBC concession March 2018

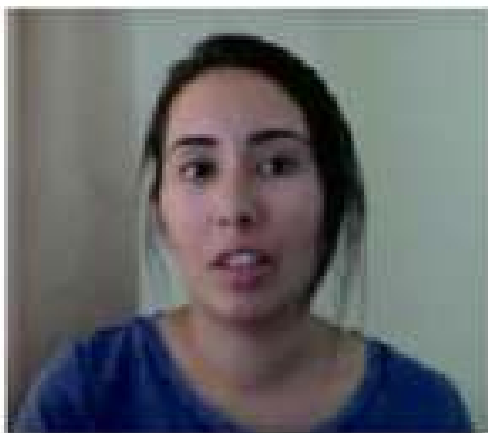


Maktoum and Maasai - keeping their distance



Maktoum and crown prince

The fabulously oil-enriched Sheikh and the Dubai government are already under mounting scrutiny as a result of the abduction of one of the Sheikh's five daughters - one of three - named [Latifa](#) (30 brothers and sisters in total) - on the high seas while escaping from her father after years of abuse - at age 16 being imprisoned and tortured for three years for attempting her first escape. She had, since her capture in March 2018 by UAE and Indian forces, [simply disappeared](#).



But on 24 December, 9 months after her abduction, she appeared in the company of a jolly Mary Robinson - former UN High Commissioner for Human Rights. Latifa was paraded forth looking drugged and 'bemused'. Robinson, her presence requested by Maktoum, represented the United Nations High Commissioner's Office for Human Rights (OHCHR) - Special Procedures. Robinson's intrusion was disgraceful. Three years later, she apologized for her actions:

In a recent interview with BBC Panorama Ms Robinson said she had been duped into believing Princess Latifa had bipolar disorder and was traumatised by her escape attempt.

On Friday, she appeared on the Late Late Show "not to excuse, but to explain" her role in more detail.

She said she had been contacted by her former friend, Princess [Haya Bint Al Hussain](#), who asked her to travel to Dubai to help.

Once there, she explained, she was misled into believing that the princess had bipolar disorder and they needed her help in establishing proof-of-life.

“I absolutely trusted Haya,” she said.

Describing the lunch, she said Princess Latifa had initially looked subdued but later came around while talking about skydiving.

“She seemed to become more and more engaged and looked a bit happier. And at the end, I remember, she actually thanked Haya for the lovely lunch,” she said. “I now know she was told to be on her good behaviour.”



Latifa is the second of the Sheikh's daughters to try to flee a life of a caged luxury and then vanish after reports of recapture. Her older sister, [Shamsa, was seized on the streets of Cambridge](#) after fleeing the family's Surrey estate in 2000, in an apparent abduction never fully investigated by British police.

But as reported in the British press on [4 December 2018](#), she was not the first to be abducted.

UAE only officially abolished slavery in 1963. But it continues, in three forms, 1) the capture of children jockeys for camel races (Dubai's Maktoum charged with this in 2006), 2) Kafala bonded slave labour of three million foreign workers, and 3) domestic slavery in one form or another - the President's (Khalifa bin Zayed) daughters found guilty in Belgium of offences against domestic servants.

In 2010, Sheikh Maktoum suggested that the UN move its headquarters from New York to Dubai. This was at the time of the 7.2 earthquake in Haiti, 2% of its population expiring, and about all of its infrastructure. The US donated \$100 million, Britain \$10 million, while the UAE offered 'shelter materials'. At the time, the gulf nations earned '[free cash flow approximating \\$1.5 billion per day](#)'.

Dubai regards Tanzania as a mere former slave state. Their oil money buys them what they want; moving and abusing Maasai is, for them, small beer. Hellen Kijo-Bisimba, head of the Tanzania Legal and Human Rights Centre, had this to say:

What is appalling to us is that the government has been reviewing boundaries and subsequently evicting

communities in the name of conservation. This really makes me weep because the pastoral lifestyle of these indigenous people will become a thing of the past.

But if there was any doubt about the government's intentions, it was announced on 18 November 2018 that Tanzania had adopted [a policy of militarization](#) in respect of conservation, with retired military-appointed to conservation boards:

The departure from civilian to paramilitary system by the Tanzania National Parks (Tanapa), Ngorongoro Conservation Area Authority (NCAA), Tanzania Wildlife Management (Tawa) and Tanzania Forest Services Agency (TFS) not only seek to protect natural resources, but also instill discipline in the institutions which fall under the Tourism and Natural Resources Ministry.

This effort has now been added the militarized intentions of the newly formed [African Community and Conservation Foundation](#) in Tanzania.

Britain, to her shame, keeps quiet about Tanzania, quiet about Latifa and Maktoum senior. To that, add the US and every other country. But we will soon see the end of what Maktoum has built on the backs of slave labour - after all, it is their oldest industry, his '[city built from nothing](#) in just a few wild decades on credit and ecocide, suppression and slavery. Dubai is a living metal metaphor for the neoliberal globalized world [that may be crashing](#) - at last - into history'.

As for the Maasai, like the Pygmy and the Bushmen, the landgrabbers and abusers will keep coming, including the military.

2021

Tanzania's new president Mrs. Samia Hassan was sworn in on 19 March 2021. While there is every sign that she will lift the country from its Magafuli depths, there is still the matter of the Maasai. [As Susanna wrote](#) on 8 April ...*"hopes have first been raised with the change at the highest level of government, and then plummeted on 6th April when President Samia mentioned Ngorongoro in a speech showing that she'd swallowed the lies by the MNRT hook, line and sinker. This can still be salvaged..."*

Hunting Tanzania

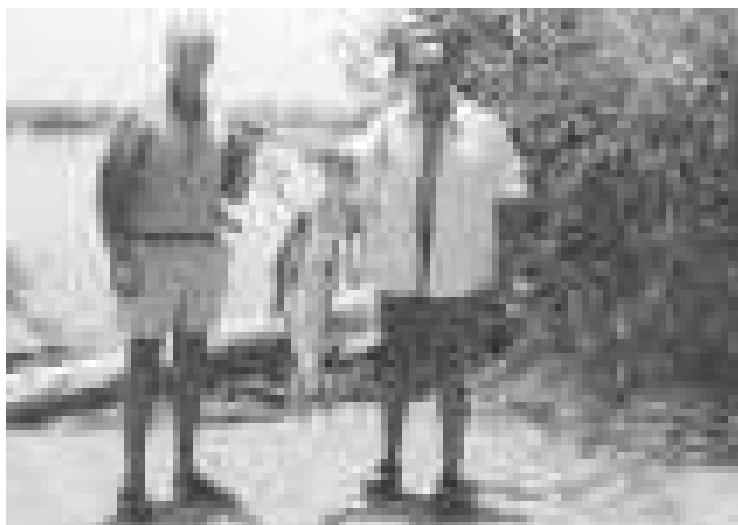
In late 2015 the US Fish & Wildlife Service banned the import of lion trophies due to quota corruption and overhunting reports. This follows Professor Craig Packer's deportation of the University of Minnesota in 2014, who had run a lion research project in the Serengeti for more than 30 years. He had become critical of government corruption, although he had been a major supporter of lion hunting-safaris if properly conducted according to age criteria he had helped produce, together with controls placed on Maasai killing lion for ritualistic purposes.

The large US corporate hunting organization, Safari Club International, had opposed any such decision by the US Fish and Wildlife Service (USFWS), as has its nineteenth President, John Jackson, a very vocal advocate for hunting-safaris. How-

ever, his legal enthusiasm leads him and SCI often into blanket acceptance of what a particular hunting destination country decides to do or say. Jackson, it was who in 2011, accepted at face value Zambia's decision to allow elephant hunting-safaris because three 'communities' of people suffering from elephant depredations would benefit from a share of the elephant licence revenue. As the Professional Hunters Association of Zambia and the Natural Resources Consultative Forum had opposed the issue of elephant hunting licences, this attitude was unhelpful, his loyalties lying only with his fellow Americans who want to come out and hunt elephant. Also, he accepted the ZAWA lies concerning payment to the 'communities'.

And Packer, gone from Tanzania, something not fought against by SCI or Jackson, was soon cast as enemy No.1. In a recent issue of the e-letter, African Indaba, [Jackson reviewed Packer's latest book](#), the corporate ire fully on display for someone who had broken ranks - an ad hominem attack at its most vitriolic.[xliii]

In June 2017 came the news that President Magafuli had approved the building of the Stiegler Gorge hydroelectric dam in what is a magnificent patch of the Selous Game Reserve. I remembered my and Rolf Rowher's hunting-safari camp on the Ruaha River upstream of there in 1996 and the wonderful Rufiji alluvial zone where I found no sign of poaching. Rolf Baldus, who for 13 years advised the chief warden as part of a German aid project, recently wrote a short article on the lamentable affair, [An Ecological Disaster](#), published in the e-zine, *The Conservation Imperative*.



IM, Rolf Rowher (d.2008), Ruaha River 1996

In 2018, to the west of the Serengeti, the North Mara gold mine continued to inflict brutal force on villagers living in the area and those attempting to extract gold from the mine dump.



Grievous violence continues to be inflicted on local men and women by private mine security and police guarding Barrick Gold's North Mara gold mine in northwestern Tanzania. There have been no criminal prosecutions, and the grievance process set up by the company to provide compensation to the victims is deeply inadequate, finds a [new report](#).

Another report records the rape and [sexual abuse of local village women](#) at the hands of Barrick's forces.

Jane Goodall Institute: Seeing REDD

In [April 2018, REDD-Monitor reported](#) the Norwegian Government-funded Jane Goodall Institute's REDD+ project in the Masito Ugalla ecosystem in the Kigoma district.

In 2007, the Jane Goodall Institute started its Masito Ugalla Ecosystem project, aimed at protecting about 70,000 hectares of forested landscape south of the Gombe National Park. Two years later, the Jane Goodall Institute received US\$2.76 million from the Norwegian Embassy in Tanzania to implement REDD in the Masito Ugalla Ecosystem Pilot Area, together with the Woods Hole Research Center, Sokoine University of Agriculture, the University of Dar es Salaam and the Kigoma District Council

From this point, there emerges an appalling tale of neoliberal enforced development reported by Emma Jane Lord: forced land evictions, property destruction, brutal assault, corruption and failure on all fronts. In May 2019, one of the affected villagers, [Nicodem Nicolaus, started a petition](#) to raise funds to pay a lawyer to help them. I wrote to the Jane Goodall Foundation in America and Tanzania three times requesting that Jane Goodall explain but received no reply.

On 4 September 2019, George Monbiot wrote in The Guardian: 'Among the most depressing things I have seen in the past year is [Jane Goodall's appearance](#) in an advertisement for British Airways: When a prominent environmentalist endorses an airline, you know we are in deep moral trouble'.



Congo DRC

The DRC is now the centre of a massive project to save the Congo moist forest. While I was developing my Landsafe framework, and unbeknownst to me, a framework called Integrated Landscape Management, or the Landscapes approach, came to prominence, seeking 'to provide tools and concepts for allocating and managing land to achieve social, economic, and environmental objectives in areas where agriculture, mining, and other productive land uses compete with environmental and biodiversity goals'.^[xliv] But as critics have pointed out, it differs from the European Convention on Landscapes.^[xlv] As mentioned before, a significant comment was made by [Chris Lang](#) on the increasing use of the woolly term 'Landscape approach' by such as CIFOR, the World Bank and others:^[xlvi]

The definition of landscape as above differs in a significant and dangerous way from that of the European Landscape Convention (ratified by the UK). Using landscape as a term to merely integrate only those stakeholders with financial stake risks destroying 'landscape' as the correct term in fully involving people and communities in site-specific planning. Missing this vital element twists the word to an extent where it becomes a malfeasant term and further disenfranchises those that any particular landscape belongs to and to whom the landscape belongs.

Landscape means 'all the visible features', an unfortunate choice to describe something holistic, not all of which is visible. But the Biodiversity Convention's 'Landscape' emerged with the full weight of academia, NGOs and foreign aid organizations behind it, the concept soon accepted by the Convention on Biological Diversity (CBD) in November 2012 after a presentation of ten Landscape principles at the 15th Meeting of the CBD Subsidiary Body on Scientific, Technical and Technological Advice. However, in the ten principles put forward, which 'represent the consensus opinion of a significant number of major actors on how agricultural production and environmental conservation can best be integrated at a landscape scale', none of them deal with maintaining the integrity of land tenure on the customary commons (in contrast to the CBD's own Nagoya Protocol), a fact not aided by the impenetrable 'development speak' language of the principles:[xlviii]

Principle 1: Continual learning and adaptive collaborative management.

Principle 2: Common concern entry point ('Solutions to problems need to be built on shared negotiation processes based on trust'.)

Principle 3: Multiple scales ('Numerous system influences and feedbacks affect management outcomes, but these impacts unfold under the influence of a diverse range of external influences and constraints'.)

Principle 4: Multifunctionality ('Landscapes and their components have multiple uses and purposes, each of which is valued in different ways by different stakeholders'.)

Principle 5: Multiple stakeholders ('The Landscapes approach Failure to engage stakeholders in an equitable manner in decision-making processes will lead to suboptimal, and sometimes unethical, outcomes'.)

Principle 6: Negotiated and transparent change logic ('Trust among stakeholders is a basis for good management and is needed to avoid or resolve conflicts. Transparency is the basis of trust (principle 2)').)

Principle 7: Clarification of rights and responsibilities ('Rules on resource access and land use shape social and conservation outcomes and need to be clear as a basis for good management. Access to a fair justice system allows for conflict resolution and recourse'.)

Principle 8: Participatory and user-friendly monitoring ('Information can be derived from multiple sources. To facilitate shared learning, information needs to be widely accessible. Systems that integrate different kinds of information need to be developed'.)

Principle 9: Resilience ('Wholesale unplanned system changes are usually detrimental and undesirable'.)

Principle 10: Strengthened stakeholder capacity ('The complex and changing nature of landscape processes requires competent and effective representation and institutions that can engage with all the issues raised by the process.')

As has been pointed out, this form of Landscape differs fundamentally from the definition underpinning the European Landscape Convention (ratified by the UK): 'Using landscape as a term to merely integrate only those stakeholders with financial stake risks destroying 'landscape' as the correct term in fully involving people and communities in site-specific planning'.

Curiously, the prominence now of Landscape – of the Biodiversity Convention - is due in part to the efforts of J.A. Sayer, once a wildlife biologist in Zambia in the early 1970s. His paper, Sayer et al. 2012,[xlviii] recognizes the early use of Landscape by WWF,[xlix] followed in 2007 by IUCN when they launched the 'Landscapes and Livelihoods' initiative. In 2011 Sayer cautioned that Landscape should complement current conservation efforts, as it was 'a long-term, effort to build constituencies and bring about social change'.[l] Later, Pfund et al. introduced the concept in some countries.[li] But it is in the Central African Regional Program for the Environment (CARPE), established by USAID in 2003 and set to run in a new phase from 2012-2020 in the Congo Basin, that 12 Landscape areas feature. An evaluation of the program in 2011 concluded that the CARPE Strategic Plan for 2003-2011 was successful in introducing landscapes and should continue to 2020 in phase III 'with greater focus on policy reform to support sustainable forest management systems and to support

local communities more directly', clear access rights to forest resources and associated ecosystems services payments'; clearly CBNRM by another name.

As the 12 targeted landscapes cover 70% of the Congo Forest, a massive opportunity exists to empower the people of the forest commons.

Miraculously, Decree No. 14/018 issued by the Congolese government on 2 August 2014 has opened the way for the traditional owners of the forests to assume powers hitherto denied them. This is a simply massive advance in a country, which is a byword for plunder and malgovernance. But will it be *carpe diem* or retreat?

Retreat it is. At the current rate of forest clearing by individuals and families for subsistence agriculture, the Congo Basin forest will be gone by the [end of the century](#).

Maintaining natural forest cover in the Congo Basin into the future will be challenged by an expected fivefold population growth by 2100 and allocation of industrial timber harvesting and large-scale agricultural development inside remaining old-growth forests.



The Central African Republic

My Diary of February 1997:

Bangui, a near-deserted town due to the military standoff between the French army and the C.A.R. army mutineers holed up in their barracks. Meet with Martine Challiol's husband, Jean-Jacques (JJ), a Frenchman from Martinique. In the morning I watch French soldiers on their walled parade ground gather for P.T. dressed in running shorts and vests, with close-cropped hair. Word has it that the passage of prostitutes into the barracks resembles driver ants and that they even pay the mutineers to allow women access from their part of the town. Rumour, the real capital of instability.

After breakfast, we set off in two vehicles, JJ in one and Andy Wilkinson (AW) and I in the other. AW, with whom I have travelled from Paris, is a Zimbabwean – a biologist years ago in the Veterinary Department and now, for some years, a professional safari-hunter (PH). He tells me of his ‘smoking out’ campaigns against cattle in the hunting area - some of them coming in from Chad, of shooting cattle, of catching herdsman, stripping them and cutting off their hair. I had been warned of this by my friend David Ommanney. Most disquieting. And I remember Eric S telling me of his own use of excessive force during his C.A.R. PH sojourn.



Andy Wilkinson

The people concerned are the Mbororo Indigenous people; a semi-nomadic Islamic group – part of the greater Fulani nation – who for centuries have migrated across the sub-saharan grass savannah with their cattle. They are a colourful people bedecked with charms, tattoos and braided hair as a protection against malign spirits. They are a deeply civilized aboriginal people, lovers of poetry.

I travel through deserted forest country; the bush-track dotted with the occasional Ndoka village: square mud huts, mango trees, ragged people, cassava, goats, pigs, small stands of essentials, sugar, soap, condensed milk – people hanging on despite turmoil.

Spend the night at a Catholic mission: three nuns and one nurse, excited, hospitable. Nuns agog, amused by JJ – a dark, good-looking Frenchman, yet with a hint of cruelty in his face. He shows signs that Africa rests uneasily on his shoulders.

The road to the mission is an excellent 520 km – especially the final 90 km traversing the Aouk River alluvial zone. Through more villages, very poor though they have neatly plaited grass fences and appear reasonably well nourished – though I saw signs of goiter in one. The people store their grain in large earthenware pots.



local village

Stop at Tiri - the Aouk-Sangha Safaris fly camp - all made of thatch. No sign of game, though the staff tell of giant eland nearby. Arrive at the main camp on the Aouk River – a reed and Vossia enclosed stream some thirty yards wide with Chad on the other side stretching away into the distance. The main camp is a permanent one of sprawling brick and thatch, a rural agricultural plot rather than a safari camp. JJ and wife Martine own everything, Martine the emperor, the resident PH (AW) merely there to conduct the hunting with no control over catering or staff. Camp very spread out with an orchard, chickens, ducks and duck pond. Numerous large pots hold pineapple and ornamental plants.

Out after the cattle with AW – something I had dreaded.

Drove out in an open vehicle through dry deciduous thickets. Little sign of anything, apart from some roan antelope tracks. AW turned down a long straight cut line crossing cattle paths and came on a small Mbororo cattle herd. He stepped down with his .223 auto – his man offering the other rifle to me which I declined – and the animals, dumb, trusting, loved and cared for night and day by their owners, were shot. When half of them lay prone, the crew cut off their legs and removed the fillets. Then AW carried on without so much as a glance at me. After a long bumpy ride across a plain, we came to – and began to follow, with the help of AW's GPS, a series of waterholes. Suddenly in the distance two men were seen, and AW gave chase into 12-foot high grass – nearly running over one of them – a wild looking man with long hair in horns behind, tattoos, and carrying daggers, bow, and poisoned arrows. Protesting loudly in a guttural tongue, he was stripped, made to kneel and had his twin ponytails cut off – a distasteful scene that I recorded with my camera. Eventually, after a long lecture, they were sent packing naked into the wilderness.



Wilkinson cutting of the hair of a Mbororo hunter shorn of his clothes (IM)



We carried on, following the line of waterholes and espied some more large Zebu cattle, and in the distance, white sheep. One magnificent bull with massive horns held like great arms beseeching Heaven led the herd back to the forest - and unwittingly, to his human family.



One of the crew shouted, the vehicle jerked ahead, and I had rapid impressions of some young boys gaping from a distance, of a mother with a child running in slow motion deeper into the trees, and then the crack of rifle, the milling of cattle, dumb, confused and in this dust a man, their master, running amongst them, bow in hand, shouting some ancient refrain over and over, his voice turning into hysteria as the cattle fell about him, and in their midst – spread here and there, were cooking fires and their food and possessions spread about, and tethered nearby, young sheep and cattle and a donkey, doubtless used to carry the mother and her child, the wild drovers possessions so pitifully simple and essential to survival: bags of grain, pots and pans, rough bark cloth for saddle numnahs, beautiful crafted basket saddle bags, wooden cradles for carrying goods, long ladles, small calabash containers,

ragged dirty clothing, little pockets of unknown medicines, rough tobacco calabashes, plastic bottles with water and white enamel basins.



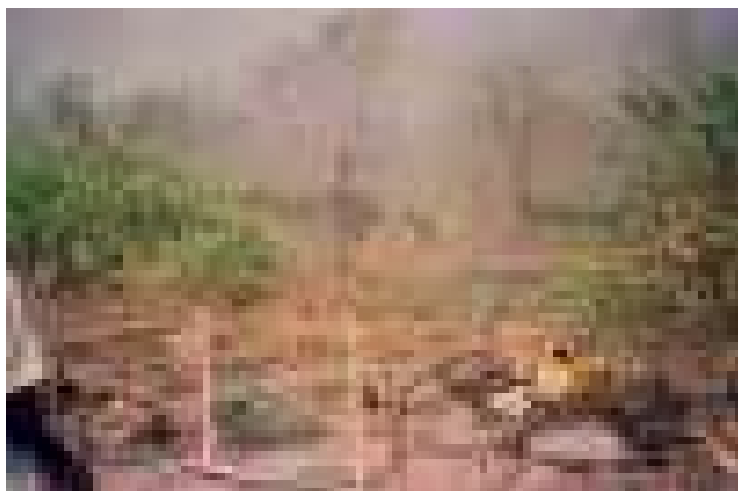
Wilkinson's men capture and attack a herder.

One man, now keening horribly, blood in his mouth, was

lead nearer. With a fierce wave of my hand, I stopped the crew raining blows down on him and bade them set the man free.



Coming to his senses, he stood up and began to run away. Some of the crew gave half-hearted chase, but I could see and hoped, they would never catch him. As he drew away, he began to chant, fiercely affirming his quest for freedom from this awful and brutal scene. And then their pitiful possessions were gathered together and burnt.





We drove away, AW muttering that he had been fighting the inroads of cattle amidst the eland since 1985.

Back at camp in the evening, JJ, in particular, is anxious to hear from me, sensing my disquiet at the day's events. Quietly I say that it is not my battle, that I understand the problem but that the memory of the mother and child, the cutting of the men's hair, the burning of their possessions, the stripping of their dignity is not the way to go about things. JJ agrees but then stands firm that they should shoot a few cattle every time. I think of Eric S. in Odzala (Congo Republic) telling me of his killing of the camels of some Arabs when he hunted C.A.R., and of his wish to do the same to the poachers in Odzala - I had invited him in

there to conduct safaris so as to generate income for the Pygmy and the Bantu.

2/2 Sunday

Out in the morning to the fly camp, a 75 km drive without seeing game. Pass groups of villagers on their way to the Aouk River to sell grain to the Chadians – a thriving business. From the fly camp, we set off on a circuitous route to the Aouk but prevented from going further by tall grass – the track incomplete and the bush on fire. The land is blackened, branches burn here and there 15 feet up in the trees...mounds of ash, kites whirl about after insects.

We unload a bag of Natron, a soda mineral sold by Chadian fishermen to JJ to feed a salt lick dug by eland into a termite mound. Stopped briefly in a blackened world of smoke, ash and fire, then retrace our journey and take a track directly across to the main road. In one of the villages we find some young Mbororo girls adorned with beads, their bodies oiled. They kneel, clap their hands, and sing. These are girls about to be welcomed to womanhood by having their clitorises removed.



Some of the older ones are bare-breasted with drooping breasts clutched by babies. It is a 'Chisungu' type ceremony, one enacted everywhere in bush Africa. Sad as it is, it is still powerful traditional cement binding these small often beleaguered commoners together. For that is what they do, they live on the pre-colonial commons and have done for many years, until we came.

The odd gang of AK47-armed bandits lurk nearby. They harass the villagers, the gendarmerie too scared to do anything about them. But the bandits are without cattle. What can their objectives be? There is so little of anything, so little money - except the instantly traded cattle should it be required or enforced.

On the way back we come on more people carrying grain to the river. Some of the men carry long poles with a heavy load in the rear, and far to the front – some ten

feet or so away, is a small sack, the counterweight.



Out for a full day of driving. I saw 1 Juvenile ♂ bushbuck, 2 immature ♂ hartebeest (Lelwel), 1 common duiker, 1 sub-adult kob, and ten oribi. I am told that 10 years ago the area was teeming with game.

Back at camp two gendarmes arrive saying they have been dealing with the cattle problem and need more fuel (they were given 140 litres some days ago). AW catches them in a lie as they happen to say they were operating in the same area as Aouk-Sangha. Petrol refused, and they go off in a huff. AW suggests to JJ that he go to the Prefect

and report the gendarmes' lack of action.

4/2

The nights are quiet. Early on I hear sandgrouse at the salt lick. About the extensive swept camp chickens scratch, and red-fronted bee-eaters hunt insects.

Had lunch at an old Portuguese camp (da Silva) used years ago – a beautiful site. Nearby is a herd of white Arab cattle. A Fulata (mixed Arab/Fulani) on the Chad bank sees us and raises the alarm. He shouts and the cattle stream instantly back across the river. A little later a figure appears some way off. I wait, others come closer and eventually, after my crew have explained that we two munju (white men) mean them no harm – they gather directly opposite us.



Aouk River, border of C.A.R. and Chad

At 1.45 they face north and pray, kneeling, then get up. After this, they strip to shorts – and after a long chat with us, begin to swim. A cow wanders across the river – one of the herders wades across and splashes water gently over her, then brings her back to the herd. They say they are scared as JJ recently shot a lot of their cattle. We are friends, and how nice it is.

18/2

Saw two cyclists ahead who signal to us frantically to stop. The story was that JJ who had gone out again today on a 'cattle smoking' raid, had shot about 30 head – wounding a large number, and was then attacked by armed bandits, his car shot. He had made off to the village,

and the bandits had taken possession of the vehicle setting fire to the tyres!

*That night JJ boasts that “I wound many cattles. Ouff!
But I don’t care. I feel nozzing for zem!”*

In 2018 the state of C.A.R and the Mboboro appeared hopeless.
The latter’s claim to the Central African Republic’s margins now
under severe threat:

The country’s recent and ongoing crisis has imposed unprecedented new challenges. The Mbororo adapted their strategies to uphold their claims to land and belonging: the majority temporarily sought exile, while some others have resorted to joining armed groups. Meanwhile, their political and economic inclusion weakened and their cattle became one of the main sources financing the conflict economy.



[i] Hughes, R. & Flintan, F. Integrating conservation and development experience: A review and bibliography of the ICDP literature. Biodiversity and Livelihoods Issues No. 3. London: IIED, 2001.

[ii] Blaikie, Piers. "Is Small Really Beautiful? Community-based Natural Resource Management in Malawi and Botswana." *World Development* 34.11 (2006): 1942-957.

[iii] Bond, P. Looting Africa: The economics of exploitation, Zed Books. 2006. p.46.

[iv] Obituary Ray Sparrow 2014. African Indaba. Web. 9 April 2017. <http://www.africanindaba.com/2014/11/obituary-ray-sparrow-21st-may-1921-21st-july-2014-a-tribute-by-ala-n-sparrow-december-2014-volume-12-6/>

[v] Manning, I.P.A. "Malcolm King in the Northern Transvaal." *Google Docs*. 1 Jan. 2010. Web. 9 Apr. 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_RWN5am55b2ZFcFk/view?usp=sharing

[vi] Manning, I.P.A. "Derek Macleod, Mzungu Pools Camp, Rhodesia." *Google Docs*. 1 Jan. 1965. Web. 9 Apr. 2017. <https://docs.google.com/document/d/1uaicWCvLP2Ndks0nOVBbYj8pW7ZiuZchasLxS4XZG-s/edit?usp=sharing>

[vii] Metcalfe, Simon. "CAMPFIRE: Zimbabwe's Communal Areas Management Program For Indigenous Resources in Natural Connections." *Perspectives in Community-based Conservation*,

Ed. D. Western and Michael Wright. Shirley Strum, 1994.

[viii] Wolmer, William. *From Wilderness Vision to Farm Invasions: Conservation & Development in Zimbabwe's South-east Lowveld*. Oxford: James Currey, 2007.

[ix] Corbett, A. & Jones, B.T.B. The legal aspects of governance in CBNRM in Namibia. A paper delivered at the CASS/PLAAS Second Regional Meeting on the legal aspects of governance in CBNRM. University of the Western Cape, October 2000. pp.16-17.

[x] Bavikatte, Sanjay Kabir. "Biocultural Community Protocols and the Future of Conservation." *Just Conservation*. 1 Jan. 2014. Web. 4 Apr. 2017. <<http://www.justconservation.org/biocultural-community-protocols>>.

[xi] Namibian Chamber of Environment. "Open Letter to the Chinese Ambassador." 21 December 2015. Web. 28 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_LWUzeUpkTVdYTGc/view?usp=sharing

[xii] Blaikie, Piers. Is small really beautiful? Community-based Natural Resource

Management in Malawi and Botswana. *World Development*. 2000.Vol 34, No. 11, pp. 1942-1957.

[xiii] Gordon, David M. Nachituti's Gift: Economy, Society and Environment in

Central Africa. The University of Wisconsin Press, Madison. 2006. p.169.

[xiv] Brinkate 1996, cited in Brechin, Steven R. et al. (Editors). *Contested Nature. Promoting International Biodiversity with Social Justice in the Twenty-First Century*. State University of New York Press, Albany. 2003. p.10.

[xv] "L-R Front: Barry Shenton, Johnny Uys, unknown, Ian Player C.1962." Shenton Family Collection. Web. 9 Apr. 2017.

https://drive.google.com/file/d/0B0sCBiNNeEh_ZFBFbHdpdjlGa28/view?usp=sharing

[xvi] Manning, I.P.A. "Last of the Livingstone White Rhino..." *ZAMBIA CONSERVATION*. 14 July 2007. Web. 9 Apr. 2017. <http://zambiaconservation.blogspot.ca/2007/07/last-of-livingstone-white-rhino.html>

[xvii] Lindsay, Don. *Win the Wild*. Private print, 2014.

[xviii] Manning, I.P.A. "Farewell, Farewell, You Old Rhinoceros." *Without Prejudice Magazine*, 1 Sept. 2012. Web. 9 April 2017. https://docs.google.com/document/d/1eRfQ1sp_7TnlxVkzcSB7_wejyGH97pe5qEkkB-cnYO4/edit?usp=sharing

[xix] L-R. "Ian Manning, ?, Don Lindsay, Chamber of Wildlife Booth, Joburg." 1 Jan. 2008. Web. 9 Apr. 2017. <https://docs.google.com/document/d/1rDVdXkXwaY1WYxb0LQKhVHxL4Gbml4mQBkmvqZxPyfE/edit?usp=sharing>

[xx] Manning, I.P.A. "Manning Odzala Camp, Congo Republic." *Google Docs*. 1 Jan. 1992. Web. 11 Apr. 2017. <https://docs.google.com/document/d/1pMylgsV-RHVJFScq3DE5XJYQlYbU2-b3n0vMNEQmhDQ/edit?usp=sharing>

[xxi] Pyhala, Aily. et al. "Protected areas in the Congo Basin: failing both people and biodiversity?" *Odzala-Kokoua National Park*, 5.4, pp.95-101. Rainforest Foundation UK, Apr. 2016. Web. 3 May 2017. <<http://blog.mappingforrights.org/wp-content/uploads/38342-Rainforest-Foundation-Conservation-Study-Web-ready.pdf>>.

[xxii] Lang, Chris. "African Parks Network Plans to Sell Carbon from Odzala-Kokoua National Park in the Republic of Congo." *REDD-Monitor*. 6 Sept. 2011. Web. 4 Apr. 2017. <http://www.redd-monitor.org/2011/09/06/african-parks-network-plans-to-sell-carbon-from-odzala-kokoua-national-park>

k-in-republic-of-congo/

[xxiii] Leaked WWF report on the Baka in Cameroon. Just Conservation. January 2007. Web. 11 April 2017. <http://www.justconservation.org/leaked-wwf-report-on-the-baka-in-cameroon>

[xxiv] "Who Owns the World's Land? A Global Baseline of Formally Recognized Indigenous and Community Land Rights." Rights and Resources Initiative, 1 Sept. 2015. Web. 11 April 2017. <http://rightsandresources.org/en/publication/who-owns-the-land-in-africa/#.WOx57BLyvw>

[xxv] Eisen, Joe. "Protection of Africa's rainforests needs radical change – RFUK calls for 'Sustainable Conservation' that serves both people and the planet." *Forest Zone*. N.p., 22 Apr. 2016. Web. 6 July 2017. <<http://blog.mappingforrights.org/?p=1279>>.

[xxvi] Benjaminsen, Tor A. et al. *Wildlife Management in Tanzania: State Control, Rent-Seeking and Community Resistance*. Development and Change, 44: 1087–1109.

21 Aug. 2013. Web. 11 April 2017. doi:10.1111/dech.12055

[xxvii] "Tanzania Lacks Means to End Land Disputes, House Told." *The Citizen*, 7 Mar. 2015. Web. 7 Mar. 2017. <http://www.thecitizen.co.tz/News/national/Tanzania-lacks-means-to-end-land-disputes—House-told/-/1840392/2615846/-/item/0/-/amv7xqz/-/index.html>

[xxviii] Ubwani, Zephania. "Hanang Pastoralists Secure Customary Rights over Land." *The Citizen Tanzania*, 3 Jan. 2016. Web. 4 Jan. 2017. <http://note.taable.com/post/1F446C/Hanang-pastoralists/2b556070TT44-6-0-1-050T77T44995394>

[xxix] <https://termitemoundview.blogspot.ca/2018/01/fear-and-silence-in-loliondo.html>

[xxx] Twomey, Hannah Ey Al. "A Right to Food Perspective." MISEREOR, 1 July 2015. Web. 11 April 2017. <https://www.misereor.de/fileadmin/publikationen/study-a-right-to-food-perspective-2015.pdf>

[xxxii] De Schutte, Olivier. "Study: The New Alliance for Food Security and Nutrition in Africa." European Parliament: Policy Department, 1 Nov. 2015. p.19. Web. 11 April 2017. [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/535010/EXPO_STU\(2015\)535010_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/535010/EXPO_STU(2015)535010_EN.pdf)

[xxxiii] Web. 8 March 2018. <https://www.farmlandgrab.org/post/view/27908>

[xxxiiii] wa Songo, Songo. "SPECIAL REPORT: Land Grabbing in Tanzania: The Truth, Fallacies and Fights- Part 1." The Citizen. 24 Mar. 2015. Web. 26 Mar. 2017. <http://www.thecitizen.co.tz/News/national/SPECIAL-REPORT—Land-grabbing-in-Tanzania—The-truth—/1840392-2663804-117w90xz/index.html>

[xxxv] Wilfred, Paulo. "Towards Sustainable Wildlife Management Areas in Tanzania." Tropical Conservation Science Vol.3 (1): 103-116, 2010. Web. 11 Aug. 2017. <http://citeWeb.info/20100368677>

[xxxvi] "SPECIAL REPORT: Shocking Details Emerge as Secret Anti-poaching Drive Takes Root." The Citizen, Tanzania, 30 Mar. 2015. Web. 4 Apr. 2017. <<http://www.thecitizen.co.tz/News/national/-secret-anti-poaching-drive-takes-root/-/1840392/2670900/-/hbylrj/-/index.html>>.

[xxxvii] "Leaked Statistics Confirm Scale of Tanzania's Elephant Crisis." Environmental Investigation Agency, 29 Apr. 2015. Web. 11 April 2017. <https://eia-international.org/leaked-statistics-confirm-scale-of-tanzanias-elephant-crisis>

[xxxviii] "Uvinje Villages Still at Risk of Eviction." *Just*

Conservation. 10 Feb. 2015. Web. 3 Mar. 2017. <http://www.justconservation.org/uvanje-villages-still-at-risk-of-eviction>

[xxxviii] Nordlund, Susannah. "More on the Bomas Razed by Serengeti National Park Rangers and Loliondo Administrative Police." *Just Conservation*. 18 Feb. 2015. Web. 2 Mar. 2017. <http://www.justconservation.org/more-on-the-bomas-razed-by-serengeti-national-park-rangers-and-loliondo-administrative-police#sthash.LPvhYfUY.dpuf>.

[xxxix] "OBC - Hunters from Dubai and the Threat against 1,500 km² of Masai Land in Loliondo." *Just Conservation*. N.p., 31 Dec. 2015. Web. 06 July 2017. <https://www.facebook.com/JustConservation/>

[xl] Nordlund, Susanna. View from the termite mound. 30 Jan. 2017. Web. 6 July 2017. <http://www.justconservation.org/view-from-the-termite-mound>

[xli] Packer, Craig. *Lions in the Balance*. Chicago UP, 2015. Web. 11 April 2017. <http://press.uchicago.edu/ucp/books/book/chicago/L/bo17372975.html>

[xlii] Sachadina, Hassan. "Chapter 5 Disconnected Nature: The Scaling Up of African Wildlife Foundation and its impacts on biodiversity, conservation and local livelihoods." In *Capitalism and Conservation*. Ed. Dan Brockington et al. Wiley-Blackwell. 2011. Web. 11 April 2017.

<http://onlinelibrary.wiley.com/doi/10.1111/j.1467-8330.2010.00765.x/abstract>

[xliii] Jackson, John J. "Book Review: Lions in Balance by Craig Packer." Africa Indaba E-Newsletter Vol. 13 No. 6. pp.21-22, 1 Dec. 2015. Web. 4 Jan. 2017. <<http://africanindaba.com/wp-content/uploads/2015/12/AfricanIndabaVol13-6.pdf>>.

[xliv] Sayer, J., T. Sunderland, J. Ghazoul, J.-L. Pfund, D. Sheil, E. Meijaard, M. Venter, A. K. Boedhihartono, M. Day, C. Garcia,

C. Van Oosten, and L. E. Buck. "Ten Principles for a Landscape Approach to Reconciling Agriculture, Conservation, and Other Competing Land Uses." *Proceedings of the National Academy of Sciences* (2013): 8349-356.

[xlv] European Landscape Convention. Council of Europe. 11 April 2017. <http://www.coe.int/en/Web/landscape>

[xlvi] Lang, Chris. "Introducing Another World Bank Forest Boondoggle: Initiative for Sustainable Forest Landscapes." *REDDMonitor*. 21 Nov. 2013. Web. 11 April 2017.. <<http://www.redd-monitor.org/2013/11/21/introducing-another-world-bank-forest-boondoggle-initiative-for-sustainable-forest-landscapes/>>.

[xlvii] Sayer, Jefferey et al. "Ten Principles for a Landscape Approach to Reconciling Agriculture, Conservation, and Other Competing Land Uses." *PNAS.Org*. 21 Dec. 2012. Web. 4 Apr. 2017. <http://www.pnas.org/content/110/21/8349.abstract>

[xlviii] Sayer. Ten Principles. 2012.

[xlix] Sayer J.A. et al. Protect, manage and restore; Conserving forests in multi-functional landscapes. *Proceedings, 2003 World Forestry Congress, 2003*.

[l] Sayer, Jeffrey. "Reconciling Conservation and Development: Are Landscapes the Answer?" *Biotropica* 1-4, 1 Jan. 2009. Web. 27 Mar. 2017.

https://cmsdata.iucn.org/downloads/sayer_2009_ii.pdf

[li] Pfund, Jean-Laurent et al. "Understanding and Integrating Local Perceptions of Trees and rests into Incentives for Sustainable Landscape Management." *Environmental Management*. Springer-Verlag, 5 June 2011.

The Great White Elephant

The Elysian Fields - the Zambezi River - taming the great white elephant - Federation & Kariba Dam - the Gwembe Valley Tonga - Operation Noah - kapenta - Cahora Bassa Dam - Kafue Gorge - Itezhi Tezhi - Kafue Flats impacts - early interventions - the state and electricity generation - Len Vaughan remembers - other hydro schemes planned - World Bank greed - Luapula hydro - Beilfuss report - ecosystem services - living planet index - Victoria Falls despoliation - Musi-o-Tunya illegal land alienations - Xen Vlahakis - Mosi boundary nonsense - Legacy Holdings Zambia and government corruption - Mwape maundering - NAMAC gives opinion - Sikazwe - EIA doublethink —unprofessional ECZ - UNESCO report - Chief Mukuni slavers - a legacy they don't want - Zaloumis doggy lease - scheme cancelled - minister admits dodgy dealing - Wildlife Society announces - ALERT/Lion Encounter lionscam - Dambwa Local Forest grab - lion working group S.A. opposed - EIA issued - African Parks tempted - Chief Mukuni does own deal - lion group lapse into gibberish (2013) - volunteer complaints - canned lion - Mushibwe and Vlahakis in pay of ALERT

*Here is no water but only rock
Rock and no water and the sandy road
The road winding above among the mountains
Which are mountains of rock without water
If there were water we should stop and drink
Amongst the rock one cannot stop or think
Sweat is dry and feet are in the sand
If there were only water amongst the rock
Dead mountain mouth of carious teeth that cannot spit
Here one can neither stand nor lie nor sit
There is not even silence in the mountains
But dry sterile thunder without rain
There is not even solitude in the mountains
But red sullen faces sneer and snarl
From doors of mudcracked houses
T.S. Eliot – The Waste Land*

* * *

God's Country I call it, once the Elysian Fields of vast herds of lechwe, buffalo, eland, wildebeest, zebra and tsessebe, all coursed by claw and spear, with elephant and black rhino common until the onset of the killing fields of the early 1970s.

Zambia's greatest river is the Zambezi, unmolested until the 1950s by plundering man. From its source in the north-western highlands - a miracle of upside-down trees - it fell down the Chavuma Step, was joined by the Kabompo River, glided past the Liuwa paradise of wildebeest, lechwe and free striding lion, then bestrode the Barotse plains, gilding them annually with

silt. Emboldened by the Chobe Swamps, it surged onward over falls and rapids to the glory of *Musi-o-Tunya* (the smoke that rises), pounding and jostling its whitewater way through the deeply incised Batoka Gorge - home of the Taita falcon. Then it plunged upon the eye-sucking heat of the Gwembe Rift, land of the Zambezi Valley Tonga, the first Bantu African settlers of the territory. A little further on it was joined by the Kafue, a river gloriously clothed upstream with floodplains and water meadows on which aboriginal Twa speared fish and naked Nilotic Ila stood one-legged amidst great herds of lechwe, eland, zebra, buffalo and cattle, all sustained by the miracle of an annual flood. From its confluence with the Kafue, it wandered on through braided channels and pools - the alluvial plains on its flanks awaiting their balm of water, and on down to Mutapa Gorge some 50 km away before meeting the Luangwa glory of oxbow lagoons, fever trees, elephant, black rhino and small villages wrought of pole-and-dagga, sweat and sorcery. Then on it went through jumbled hills to the miracle of the Zambezi Delta - absorbing the Shire River on its way - a land of fulsome plenty with villagers attuned to the metronomic flood and massed herds of buffalo. Finally, with a great expulsion of breath, it eructated and sighed its way into mangrove swamp and a plenitude of prawns and other marine life.

Europeans, spawn of the Industrial Revolution, came in increasing numbers after the Berlin Conference of 1884-1885 to the lands threaded by the Zambezi and its tributaries. To them, the Zambezi was a white elephant, a noble beast to be sure. Still, a burdensome white elephant, having a value that could only be realized through subjugation, by chaining it down fore and aft so that it could be put to work and serve the true imperial purpose - hydropower. At the time, they could not see that the

river was a living thing, absorbing and pumping out arterial water and nutrients across a massive part of central Africa, a river that had become inextricably annealed with the Tonga, the Ila, the Lozi, the aboriginal Twa, pre-industrial cultures completely dependent on this miracle of God's Nature, they and the river and the land about it locked in an ancient symbiotic and religious relationship by day and in their dreams.

In 1953 the British Crown Colony of Southern Rhodesia joined with two British protectorates to form the Federation of Rhodesia and Nyasaland, erecting its Kariba tombstone in the Gwembe Valley. Up went the Kariba Dam wall, 70,000 or so Gwembe Tonga in a time warp for centuries, were expelled to higher ground on both banks of the Zambezi, rent asunder in both Southern and Northern Rhodesia to unfamiliar conditions where the land, bereft of a seasonal flood, could not feed them, the burial grounds of their 'living ancestors' interred forever underwater. At first, the Tonga had resisted translocation believing that their river spirit *nyami-nyami* would destroy the dam, a guardian spirit that is but part of their African cosmology of people, animals, and their 'living ancestors', a totality in which the care of Mother Earth is paramount. And to this day, they receive no benefit whatsoever from Kariba.

As their lands flooded, thousands of animals of many species were drowned or trapped on islands - some of them, like large python, rescued by Operation Noah and released on the mainland.



But many were shot later by hunters in the tsetse fly eradication operations of the time.

The dam was built with its sluice gates high up so that there was no possibility of discharging the required amount of water necessary to simulate the flood so vital to all life further downstream. The lake that coalesced behind the barrier was immediately stocked with two small shoaling fish species, the Tanganyika sardine and the T. sprat, known collectively as *kapenta*. Here, in bounteous new waters, they thrived, attracting commercial interest.

Following the Federation's lead, Metropolitan Portugal built Cahora Bassa Dam on the Zambezi in its province of Mozambique, for one reason only, to sell power to South Africa; but for 17 years, a nationalist war made sure that only one turbine operated; and the river and the floodplains became a lifeless thing, people were impoverished, large numbers of buffalo died, fires wreaked havoc, desertification marched inexorably

onward. Unlike Kariba, the sluice gates were placed low down in the wall, and a simulation of the natural flood was possible - had the government acted.

Near the Zambezi's great tributary, the Kafue River, first crossed in 1905 by the BSA Company railway of Cecil Rhodes constructed from Kalomo to Broken Hill, saw herds of eland attracted to the horse-drawn carriages of the engineers as they pressed forward. As Varian recorded:[i]

The country to the south, like that on the north, was a veritable paradise of undisturbed game, which showed no sign of fear and in fact ran at times in front and at the sides of the mule cart. In one place I passed several times through a herd of over a hundred eland, the largest of the African antelopes. The last time I passed through this herd, I told my coloured driver to drop the reins and let the mules graze, which they were always keen to do. We both lay down on the floor of the cart, and the whole herd came up to examine this strange phenomenon, clustering close to the sides of the cart, sniffing and blowing and exuding the sweet, homely scent of cows.

Here Varian took perhaps the first picture of a naked Ila warrior.[ii]

The Kafue Gorge upper power station was built between 1967 and 1971, flooding a large area of the southern Kafue Flats, traditional cattle grazing grounds of the Ila and plateau Tonga. This was followed at the upstream side of the Kafue Flats and the Kafue Gorge Dam by constructing the Itezhi-Tezhi Dam between 1972 and 1978, both serving the power station.

The effect of this on the flats, 6,000 km² of protected floodplain fringing 255 km of the Kafue River and containing the national parks of Blue Lagoon and Lochinvar - and their attendant customary area, was a socio-ecological affront. Disease and restrictions on movement decimated the great herds of game and the cattle of the Ila and the plateau Tonga people, Zambia's most productive fishery damaged, the waters and floodplains invaded by pernicious and unpalatable plant species, and people impoverished. The cause of this destruction was the attenuated flood peaks, raised base flows, retarded drainage, reduction in the floodplain area, the fluctuations in water levels, and lamentable natural resource management by the government.[iii] As a result, the operation of the Kafue Flat's customary commons by two dozen chiefdoms comprising Ila cattle herders, Tonga agro-pastoralists and Twa fishermen was seriously impaired. The seizure of water and land resources by the government and large irrigation agro-businesses such as the Nakambala Sugar Estates and the increasing restrictions imposed on the chiefdoms by the state's GMAs (Game Management Areas) greatly exacerbated the problem. Moreover, 'free-rider' immigration into the area by people from other parts of Zambia further added to the burden of the Kafue Flats commons' ancestral owners. The reaction to all this by conservationists, donors, the government, and academia was predictable: to call for interventions that dealt with the malaise's symptoms, not its cause: the government mining's eco-imperialism and agri-business invading customary area.

One early effort to limit the damage was the 1986 World Wildlife Fund International (WWF-I) Zambia Wetlands Project, a partnership with the National Parks and Wildlife Service (NPWS) and the World Conservation Union (IUCN), a so-called

community-based natural resource management (CBNRM) symptoms approach on the Kafue floodplains that parleyed a revolving fund in exchange for livelihoods 'improvement' and conservation projects. But the project was made meaningless when irreconcilable differences emerged between the residents of the flats and WWF-I.

In 1997 wetland management was taken over by the Partners for Wetlands Project, initiated by WWF Netherlands, with its implementation begun in 2000, and metamorphosis into the Kafue Flats Integrated Water Resources Management Project, with the Zambia Electricity Supply Commission (ZESCO) coming on board, the latter soon withdrawing because it found its profit motive under threat. Consultants then developed a model which could predict water levels for different release scenarios. In June 2002, an integrated water management strategy for the flats was produced, agreed upon and endorsed by the Ministry of Energy and Water Development. In 2007 took place the first release of water mimicking a natural flood. The following year, a study,[iv] out of a host of recommendations, called for the involvement of local people wherever possible in both the planning and implementation processes, their participation is seen as critical in resolving landuse conflicts, this in an area already under the Ramsar Convention for Wetlands of International Importance - the Kafue Flats and its two national parks being one of eight designated Ramsar sites in Zambia.[v] All of this was underwritten by the Zambia National Policy on Wetlands Conservation of 2001.

Zambia's government is increasingly intent upon harnessing as much of Zambia's potential 6,000 megawatts of hydropower possible for mining and agro-industrial development. In 2014 at a mining conference in Perth, Australia, the Minister of

Mines, Energy and Water Development - now very much removed from his African traditions and religion - revealed that Zambia had only utilized 2,393 MW of the country's potential, but that it intended developing a further 4,920 MW from hydropower projects and so take advantage of the 40% of the land not yet geologically mapped for mining - the resulting hydro damage doubtless a Faustian bargain with mineral exploiters who corrupt, pollute, destroy Nature, and provide little revenue or other benefits for Zambia.[vi]

Len Vaughan

My late friend, Len Vaughan, former owner of what is now Lochinvar National Park, and founder of the Kafue National Park in 1950, wrote to me in 1986 from the retirement home he shared with his wife Anne at Port Alfred to tell me of the Elysian Fields of the 1920s to the early 1960s:[ix]

How can one help feeling an intolerable longing for Northern Rhodesia, and in particular the wide spaces of the Kafue, Namwala and the national park? One wonders what happened to it all? I am told that the plains no longer fill after the building of the dam at Meshi Teshi. Is this correct? And if so what of the winter grazing for the countless herds of cattle of the ba-Ila? The lutangas as they were called, one cannot imagine the flats without the floods and the annual migration of the Ila people to 'magic plains' for the fishing and hunting. Wonderful people as I first knew them in 1920 when they went stark naked and wore the mpumpi. I always wondered where they

came from because they were obviously Nilotic in origin, and very akin to the Masai, and alike in their habit of standing on one leg and leaning on their long throwing spears, shy people in those days but loyal when one became friends and knowledgeable about all wild life. They fished entirely with the spear in those days. Do you know that poling a dugout about on the floodplains the fish were so thick in the waters that they made a wave in front of the travelling dugout and throwing a spear I have killed two and even three with one shot. Quite incredible the wealth of fish those days. But latterly, of course, as the nets appeared there was nothing left, especially in the way of bream which are mouth breeders. You speak also of the lechwe, which were, of course, just countless thousands on the floodplains. Did you ever read Pitman's faunal survey done for the N. Rhodesia Government about 1931? As far as I can remember, in it he said that "Nowhere in African and possibly nowhere in the world was there such a wealth of game as in the Kafue Basin"; and he was surely right.



Len and Anne Vaughan (IM)

Damned

Other dams are planned for the sickening Great White Elephant as crocodile man grasps, spins and twists off bits of its flesh. In Mozambique, below Cahora Bassa, the Mphanda Nkuwa hydropower scheme signals further myopia; again to generate electricity for South Africa – a country in the grip of an exceedingly greedy and profligate African elite notorious for their sale of cheap power to mining and industrial concerns resulting from that shameful pre-independence agreement hatched with European business, 44% of the electricity being

sold to 36 companies, while the poor have little access to it, and at a higher price. In Zambia, a hydropower dam will be built on the Kabompo River that marks the West Lunga National Park's Western boundary - at its source a massive new copper mine. Below Victoria Falls, roads are being cut into the forest surrounding Batoka Gorge, the first thrust through the hide of this pristine and sacred place, perfunctory EIA conclusions unlikely to be incorporated into the project design - for what can restrain manic mahouts and members of the kakistocracy like Mugabe, Sata, Lungu and their ilk. On 6 October 2014, a public airing of the EIA carried out by Environmental Resources Management (ERM) was held, fifty or so river rafters attending, firing questions which the consultants appeared unprepared to answer; one rafter pointing out that the coordinates they had presented for the dam were incorrect.[x]

At a point on the river 60 km upstream of Victoria Falls, a site that would severely affect the flow over the falls, the Katombora hydropower dam is proposed, and a hydropower scheme at Ngonye Falls in the Sioma Ngwezi National Park upstream of this. Then there is Mupata Gorge down towards the Luangwa-Zambezi confluence - to be built at some time in the future, flooding the Mana World Heritage Site and the Lower Zambezi National Park alluvial plain, doubtless exhorted on by the World Bank and its mantra, 'The world economy needs ever-increasing amounts of energy to sustain economic growth, raise living standards, and reduce poverty'.

Under myopic President Jim Kim - the WB a member of the Cooperating Partners group representing Zambia's donor-aid nations - believed hydropower would assuage poverty and that they were wrong years ago to be so worried about communities

and ecosystems. The Zambian and Zimbabwe governments agreed.

The head of the doomed Great White Elephant lies in the Luangwa Valley, with a dam on the upper reaches of the Lunsemfwa River, in place since 1945, and hydropower schemes also at Mulungushi and the Lusiwasi, another on the cards for the Lunsemfwa Gorge near the Luangwa confluence, and as well for the Ndevu Gorge upstream of there on the Luangwa[xi]

In that last great tributary, the Shire, before the trunk of the once Great White Elephant reaches despairingly out for the Indian ocean, every megawatt of power is being extracted from the Nkula Falls, Tedzani and Kapichira hydropower schemes even though they need constant dredging to remove silt, and despite the inexorable fall in the levels of Lake Malawi (Nyasa), its former plenitude of fish stocks now but a memory. In 1991 I led the World Bank-funded environmental team for the Kapichira Dam scheme on the Shire.[xii] I have a watercolour - painted by a local man - of the ancient dam site, now drowned forever, Elephant Marsh lying breathless below.

A seminal report by Richard Beilfuss reveals that the Zambezi Basin 'has one of the most variable climates of any major river basin in the world', with rainfall highly variable and susceptible to droughts and floods. He points out that Kariba, Cahora Bassa, and the two present Kafue dams, Itezhi-Tezhi and Kafue Gorge, greatly affect the natural variability of the Zambezi, with more than 11% of the mean annual flow of the river evaporating from the dams. 'Dry-season flood recession, essential for river-dependent agriculture, fisheries, and wildlife is replaced by constant dry-season flows generated from hydropower turbine outflows'. The questionable climate change scenario suggests

increased temperatures, less rainfall, more evapotranspiration, and a significant decrease in river flow. Beilfuss sounds a grave warning, "The design and operation of the Batoka Gorge and Phanda Nkuwa dams now under consideration for the Zambezi illuminate these concerns. Both dams are based on historical hydrological records and have not been evaluated for the risks associated with reduced mean annual flows and more extreme flood and drought cycles.[xiii]

Elsewhere in Zambia, the dammers, and the to be damned play their part in Nature's rape. In early September 2014, the Ministry of Mines, Water and Energy gleefully announced an agreement with the Congo DRC government to develop hydropower on the Luapula River lying between Lake Bangweulu and Lake Mweru, part of the area under my authority when serving in the Game Department. At the end of my tour in early 1976, I co-authored an EIA report with my friend and colleague Peter Moss on the two proposed sites – the Mambalima and Mambatuta falls. We warned that impoundment would obliterate the seasonal flood on which the herds of black lechwe and other wildlife and fishermen depended. It would permanently push the herds back into the surrounding woodland, permanently flooding the plains and water meadows vital to the fishery and all life.[xiv] Doubtless, the World Bank and the African Development Bank, who will certainly fund the project, will argue that energy is more important to villagers adapted to the ebb and flow of water on the floodplains and that they should live in a manner that contributes to financialized capitalism; perhaps as subsistence villagers transformed into peasants and itinerant factory and mine workers, the dreadful 'working poor' of a people once free.

And on the Kalungwishi River linking Lusenga Plains, National Park and Lake Mweru are two hydro schemes sited at the Kundabwika and Kabwelume falls.[xv] [xvi] But Beilfuss has the last word on hydropower:[xvii]

The value of the ecosystem services threatened by hydropower development in the Zambezi River system is astonishing. A recent economic valuation study estimates that the annual total value of river-dependent ecosystem services in the Zambezi Delta is between \$930 million and \$1.6 billion. Agriculture, fisheries, livestock, tourism, and domestic water supply are all affected. Cumulatively, the economic value of water for downstream ecosystem services exceeds the value of water for strict hydropower production – even without valuation of biodiversity and cultural uses of the system.

And as the new ‘Living Planet Index’ of September 2014 revealed, after a study that analyzed 10,000 different populations of vertebrates, covering 3,000 species, we have lost 52% of their population in the previous 45 years. However, in freshwater ecosystems, numbers had declined by 75% since 1970, as 45,000 dams – 15m or higher – throttle and then butcher us.[xviii] In 2010, the Biodiversity Convention revealed that we had already lost 59% of our wild vertebrate populations in the tropics.

The Musi-o-Tunya National Park landgrabs

The Victoria Falls World Heritage Site straddles the Zambezi and includes the Victoria Falls National Park in Zimbabwe and the Musi-o-Tunya National Park in Zambia. On 8 February 1905, in an agreement signed by Frank Worthington of the BSA Company and Paramount Chief Lewanika of Barotseland, the latter gave all the land situated within a radius of fifteen miles of the north bank of the Zambezi at Victoria Falls as a gift to the BSA Company. The first attempt to protect the falls was in 1934, although the Victoria Falls Conservancy was only formed in 1948. In 1953 Governor Sir Gilbert Rennie created the Victoria Falls Trust with responsibility for the conservancy. In the rains of 1966/1967, I translocated a few eland there, darting them at our Chilanga HQ from a tame herd kept by Chief Game Officer Bill Bainbridge and transporting them in an airforce plane to Livingstone.

In 1972 the National Parks and Wildlife Service (NPWS) had declared the Musi-o-Tunya a national park. In 1989 UNESCO declared both the park and the Victoria Falls a world heritage site. David Phillipson, director at the time of the Livingstone Museum, in his Musi-o-Tunya Handbook of 1975 had first recorded the despoliation of the Victoria Falls area:[xix]

The sensitive visitor will recognize that tourist, commercial and industrial development in the immediate vicinity of the Victoria Falls in both Zambia and Zimbabwe already far exceeds that which should ideally have been tolerated. Probably more irrevocable damage to the Falls environment has been done in the last decade than in the

whole of the previous century; never again will man be able to see the wild beauty of the Victoria Falls unmarred by his own thoughtless activities. Let us hope that the visitor will ponder on this despoliation, and that the authorities will in future take a more responsible and long-term view of the need for constant surveillance if the beauty and scientific interest of the Victoria Falls are to survive for future generations.

In 2005 the Auditor-General's report on the Zambia Wildlife Authority (ZAWA), a parastatal replacing the National Parks and Wildlife Service in 1998, under the heading 'Irregular Issue of Title Deeds in Musi-o-Tunya National Park' reported that:[xx]

Two operators, namely Waterfront Lodge and Maramba River Lodge had been issued with title deeds in the Musi-o-Tunya National Park. The title deeds for Waterfront have since been cancelled and a Tourism Concession Agreement signed on 8th February 2005 for a period of twenty-five (25) years. As of August 2006, the title deed for Maramba River Lodge was still legal, and the lodge not paying the authority as there was no agreement, though the lodge operated in the national park. Furthermore, there was no evidence of an environmental impact assessment having been done for the above-mentioned lodges by the ECZ.

The Times of Zambia of 13 August 2006 revealed that Xen Vlahakis of Safari Par Excellence, in 1998 the Permanent Secretary of the Ministry of Tourism, Environment and Natural Resources (in 2013 appointed Acting Director-General of the

Zambia Wildlife Authority), had obtained two 99-leasehold title deeds (Plot No. 14730/m and 14732/m) in Musi-o-Tunya.[xxi] The Zambia Wildlife Authority (ZAWA) Director General (DG) of the time, Hapenga Kabeta, explained in the newspaper report that this was not allowed, but that a 25-year tourism concession agreement 'would give comfort to the investors and ZAWA as the security of tenure was guaranteed and the Wildlife Act not violated'. True to the rules of a patrimonial state, no investigation or prosecution resulted of the former permanent secretary of the ministry in charge of the NPWS, nor was revealed the sordid details of just how he had obtained leasehold title to land in a national park.

While ZAWA had direct control of the park, the Natural Heritage Conservation Commission (NHCC) – which at the time had no policy document guiding its activities - is responsible for the preservation of what is a declared World Heritage Site under the National Heritage Act Chapter 173 of the Laws of Zambia. A submission was made to a parliamentary committee that the latter ignored an MOU between NHCC and ZAWA.[xxii]

In July 2006, while the World Bank's *Support for Economic Expansion and Diversification* Project (SEED 2004-2011) was at work in the Musi-o-Tunya and Livingstone, ZAWA issued a two-hectare/five-year Concession Tourism Agreement (CTA) in the park to a Zambian firm, Tourism Investments Limited, soon to amalgamate with Legacy Resorts & Hotels International, spawning a subsidiary, Legacy Holdings Zambia. The Acting DG of ZAWA, Gershom Chilakusha, illegally expanded the lease to a 220 hectare/75-year concession in the 2,340-hectare park set along the Zambezi. Tom Mushinge, the ZAWA financial director, had a brother Renatus, conveniently the Legacy financial director. Legacy undertook to invest \$200 million in

an 18-hole golf course, 350 riverine villas, two hotel resorts of 480 beds, a clubhouse, marina and 1000-seat conference hall. For this, [as Wikileaks revealed](#), ZAWA was promised a \$9 million one-off payment (75% of their annual income) and an annual fee of \$2 million.[xxiii] On 25 July, a few days before the agreement was signed between ZAWA and Legacy, I met with Patson Zulu of the Environmental Council, who told me that the EIA tendered by Legacy Holdings Zambia was not satisfactory and that another report was to be submitted by the end of the month.

On 29 July 2006, Vice-President Lupando Mwape - in President Mwanawasa's name, laid the foundation stone for the golf estate, despite the refusal of Legacy's derisory EIA by the Environmental Council. I learned that the day before laying the foundation stone, ZAWA had signed the lease with Legacy. This suggested that President Mwanawasa was involved. At this time, Mwanawasa had created the ultimate weapon in his patronage arsenal, the Citizens Economic Empowerment Commission, brought into being by the Citizens Economic Empowerment Act of 2006. The President had powers to appoint the Commission Chairman. This happened to be J.J. Sikazwe, also the Chairman of Legacy Holdings Zambia.

Vice President Mwape, had he not been defeated in the 2006 Parliamentary elections, would have been reappointed Vice-President and might have succeeded as President of Zambia, rather than Rupiah Banda. When laying the foundation stone, Mwape announced that the proposed project had been allocated 220 hectares of the park. In his speech, he gave us some indication of what Zambia was spared from a racist Mwape Presidency:[xxiv]

The planned provision of permanent jobs by this Legacy Holdings project is really commendable because this sector is reported to be riddled with vices of casualisation and payment of slavery wages. Government will not hesitate to deal firmly with any investor found practising this form of abuse and exploitation of the Zambia people. Those who have been hero-worshipped somewhere else based on misdirected superiority complex will not be worshipped in Livingstone and the country in general and I therefore direct Haakayobe (Permanent Secretary) to submit a report on these culprits within seven days so that Government puts a stop to these managers' honeymoon.

Apart from the irreversible destruction that this Legacy project would wreak on Musi-o-Tunya, the lease was issued without tender and therefore procedurally incorrect. As a first step in what obviously was going to be a long battle, I reported it to the Commission for Investigations and the National Movement Against Corruption (NAMAC), the latter writing to me to say that the lease was illegal because:

One, the boundaries of the Park had not been changed to make the concession possible by statute. Two, the proposed development placed ZAWA in default of its statutory mandate as laid down in the Wildlife Act of 1998: Section 5(1) (a) and (c). Three, the concession reduced the area of the National Park, contrary to Section 12 of the Act.

The Chairman of Legacy, J.J. Sikazwe, was also Chairman of the private sector organization, the Tourism Council of

Zambia, and a Zambia International Business Advisory Council member. The Musi-o-Tunya development was the first elite black empowerment investment landgrab under the new CEE Act of 2006, ushered in by Mwanawasa.

Legacy Holdings finally submitted an EIA, a 360-page document that declared that although the proposed development would remove all natural vegetation from the site and cause 'irreversible ecological destruction' to the 220-hectare area, the socio-economic benefits outweighed any negative environmental impacts. They also affirmed that they would not build there despite being offered alternative sites outside the park on the Zambezi. As mentioned earlier, the team was led by Renatus Mushinge, the brother of ZAWA's financial director.

The Environmental Council admitted that they did not follow the EIA professional certification process as required in SADC countries - guidelines set by the Southern African Institute of Strategic Environmental Assessment. Thus, the Legacy Holdings EIA was compromised by not being conducted by an independent EIA team duly registered and certified within the Southern African Development Community (SADC). The consultants appeared unaware of this. They also ignored agreements made by the Commission for Africa, a Commission to which Zambia was a full participant, leading directly to its debt cancellation. This development and its strong support under the CEE Act (not mentioned in the EIA) caused little discomfort among donor agencies, investors and NGOs. In November 2006, UNESCO Commissioned a report on the proposed developments, its two main findings recommending that:[xxv]

Pending action by the two States Parties on these points, there should be a complete moratorium on the construction and development of all tourism infrastructure, facilities or services within the World Heritage property. Zambia should not proceed with the development of the Musi-o-Tunya Hotel and Country Club Estate project along the bank of the Zambezi River within the World Heritage site, as currently planned. The World Heritage Committee should consider inscribing the site on the World Heritage in Danger List if the project is approved for implementation.

The Environmental Council stated that a decision would be made on the Legacy development by 15 December 2006. However, UNESCO let it be known that they could not decide until they received Zambia's 'State of Conservation Report', due by 1 February 2007. Only then would they make recommendations as to the management of the park. When it was made clear by the Wildlife and Environmental Conservation Society of Zambia's (WECSZ) Livingstone branch that the Legacy development would cut the park in two, would destroy prime elephant and wildlife habitat, and would negate present plans to establish a five-nation transfrontier conservation area, tourism operators in England and South Africa began moves to boycott the Legacy Group.[xxvi]

In August 2006, at the scoping meeting called to lay out what the EIA should cover, Chief Mukuni - a partner of the African Wildlife Foundation's Kazungula Heartlands Project and patron of the AWF created Mukuni Trust, made an impassioned plea in support of Legacy and its proposed development in the park. Shortly after, the Environmental Council confirmed receipt of the Legacy Holdings Zambia scoping report, being

part of Legacy's requirements to consult with all stakeholders properly. They explained what had to occur in the report – the preliminary to a full EIA by Legacy Holdings. On 6 November, UNESCO representatives came to Livingstone, informing both Zimbabwe and Zambian governments that they had manifestly failed to implement agreed protocols for managing this WHS and threatened them with a worldwide campaign to discourage tourists from coming to Victoria Falls. Later, the Zambia National Tourism Board Chairman declared that this threat was not a serious issue.

On 11 November 2006, I attended a public meeting called by the Environmental Council in Livingstone to discuss the final environmental assessment. In my blog, *A legacy they don't want*, I described that day:[xxvii]

So on Saturday, redolent of colonial times, there were gathered the 'locals' and the 'notables', the latter – the Legacy brass, cosseted in the shade and soothed with mineral water, the former sitting mostly in the sun, a drink but a distant memory. And somewhere behind us lurked the local chief, Mukuni, who had bussed in many of his subjects – suitably 'juiced-up', and who sent forward his kapasu (Chief's Messenger) to ask that we should kneel in respect to him, which most of the crowd did, including some of us seven paler people, members of the Wildlife Environment and Conservation Society of Zambia – the only paler part of the rainbow there, but genuflecting bizarrely in the direction of the notables (we never did see the chief). This be the same chief who although a trustee of the Mukuni Trust - established by AWF to be an

integral part of the Kazungula Heartlands Conservation Area, which includes the Musi-o-Tunya Park - is a fierce proponent of bulldozer conservation to deliver jobs – and presumably, some dosh for the Trust Fund.

Absent of course from this hearing – or faceless in the crowd, were all the people you would expect to be there: the Environmental Council of Zambia - which has sole responsibility for seeing that development in Zambia is sustainable, the Zambia Wildlife Authority – who had issued the lease in the first place and who manage the park, the African Wildlife Foundation, the WWF, IUCN – who are UNESCO's environmental consultants, UNESCO itself, the World Bank – who are funding the resuscitation of the park and the town to develop tourism and get away from the rather nasty mining industry which makes money for its developers but pollutes northern Zambia (yesterday, to our amazement, the Environmental Council stopped the giant Konkola Copper Mining Company from mining until it stops polluting) – and which has pulled out some of its funding.

Well, the meeting kicked off, refereed by the rather meek and bewildered former head of WWF in Zambia. Legacy gave its spiel, talking of the socio-economic benefits, forgetting that we were all there to discuss the environmental concerns. But, of course, this presented some difficulty as the 360 page EIA tome, produced by Legacy itself, clearly states that the 220 hectare site will have all its natural vegetation removed and that there will be 'irreversible ecological damage'. Of course, it is difficult to come back

from an own goal. The captain of the 'notables', Bart Dorrestein, Chairman of the Legacy Group in Joburg, did try and cancel the own-goal by saying that, of course, the area would be carefully managed...etc. It was not clear how this could be achieved when a man-made environment is to be superimposed on a natural one where elephant roam.

The early part of the game had some structure: members of the Livingstone Branch of the Society - a formidable matriarchal assemblage, gave their presentations: Margaret Whitehead, former town councillor defiantly assuring all and sundry that it was all about money, and that if they wanted jobs then Legacy could go and erect the golf estate outside of the park, on land which was available. This went down rather well. Then a local Zambian grandmother, whose forefathers had lived around the falls for 400 years or so, dressed in a striking green dress, gave passionate voice to what the area had meant to her and her children. This was drowned out as the beer – crates of it being seen in one of the buses hit the collective bussed-in brains. Then I came forward, a visitor from the north, and read a letter written by the National Movement Against Corruption, an association whose members include the Anti-Corruption Commission and, indeed, the President of Zambia himself. This statement, a series of questions really, inquired of the rather obvious legal and procedural failings that had allowed the whole fiasco to have got this far. And to underline this, the Chief Executive of Citizens for Better Environment, Peter Sinkamba – who had come down from the Copperbelt, savaged the lack of due process.

The match now moved into a new phase. The Zambian chairman of Legacy, Jacob Sikazwe – also moonlighting as chairman of the Commission having responsibility for implementing newly arrived black empowerment legislation imported from South Africa, glared at the crowd and asked who present had Zambian business partners. As about everyone there were Zambians, including the pale spectrum, except for myself, and as I did indeed have Zambian partners, some 8,000 of them from another chiefdom, I stuck my hand up. This was ignored. Then people began to press forward, clamouring to be heard. Suddenly they moved as one towards the river; something had gained their attention; a hippo! “Please take your seats!” commanded the ref, now clearly losing control of the game. Play resumed but now with the whole crowd on the field.

On the way out, the game droning and chattering on, I joined others on their way down the footpath. They were united in their defiance of the proposed land grab and of their park being appropriated by developers. Journalists scurried away to get their copy out on the first Internet horse. Later, they reported that one of them, had been threatened by Chief Mukuni’s supporters, that a docket had been opened at the Police Station...

On 19 November 2006, I wrote a brief criticism of the EIA in the context of Zambia at that time.[xxviii] The following day, the WECSZ Livingstone branch submitted their criticisms of the Legacy EIA.[xxix]

On 1 December 2006, Gershom Chilakusha and Tom

Mushinge were fired by ZAWA and, like former ZAWA DG Kabeta, left with generous - and illegal, golden handshakes, entering into the lucrative world of donor consultancy and *comprador* activities where legal accountability is well-nigh absent. In fairness, they were merely following Mwanawasa's instructions. A few days later, on 7 December, I received a letter from Legacy's attorney, Mwangala Zaloumis, clearly confounded by the word 'doggy':

For some time now, you have personally ran a vicious and malicious campaign against our clients, Legacy Holdings Group of Companies, here in Zambia, South Africa, United Kingdom and elsewhere. Initially, our clients perceived the campaign as that of an interested Environmentalist for the sustenance of the ecological system in the Musi-o-Tunya National Park. Of late, your vicious campaign have turned personal towards the Legacy Group of Directors, Zambia Wildlife Authority officials, who legacy dealt with and to crown it all, the campaign has even been directed at Legacy Group Business world wide. Our clients are in possession of the e-mails you have sent to Travel Agents and Tour operators all over the world where you informed our Mr. Tom Mushinge who is a brother of Mr. Renatus Mushinge of Legacy Holdings Zambia has been fired. In your mail you alleged that, Tom Mushinge who was the Zambia Wildlife Authority official "who normally hands out doggy leases to investors for National Parks and Game Management Areas was linked to the Legacy lease purporting that the lease was "doggy" and obtained in a corrupt manner. You further stated that NAMAC is investing the Legacy Holdings Lease.

You have consistently labeled the Legacy project being born out of a corrupt arrangement with Zambia Wildlife Authority. At the public hearing in Livingstone on 11th November, 2007 you accused Zambia Wildlife Authority officials of having been corrupted by Legacy. Our clients therefore, demand an immediate and unqualified retraction approved by ourselves of the malicious, libelous and scandalous allegations being perpetrated by yourself within 24 hours failure to which we shall institute vigorous legal process against you and your allies, to retrieve the image and credibility of our clients you seem so determined to destroy.

This letter I ignored and heard no more. Zaloumis later became the spokesman for the National Constitutional Conference, a massive gravy train of very wasteful big man patronage created by President Banda. Like all gravy trains that the big man does not wish to halt at the station, it is permanently on the move, watched helplessly by voters on the platform.

On 14 December 2006, the Environmental Council issued a press statement concluding that the Legacy project would cause permanent damage to the wildlife habitat and the animal corridor; and that they would only approve the two hotels if they were built no higher than tree-top level on the northern part of the Maramba River, and not closer than 50 meters from the river. They also stipulated that no fencing would be allowed and that indigenous plants should be used. I heard no more about doggy leases. On 15 December, DG Lewis Saiwana of ZAWA informed the Livingstone Tourism Association chairman, Nick Katenekwa, that the tourism lease agreement issued to Legacy Holdings Zambia Limited (220

hectares/75-years) in the park had been cancelled. Legacy now reverted to their 2.2 hectares/five-year lease.

Later, in the press, Minister Kaingu admitted that ZAWA had been wrong to issue the additional land. But my calls in the press for those responsible to be prosecuted were ignored.[xxx] The fact that Legacy was allowed to go ahead with their two hotels on a five-year lease – despite a moratorium being placed on all future developments until the IUCN report was reviewed was swept under the carpet. In July 2007, the foundation stone - with Mwanawasa's name on it - was removed from the park's Legacy site.

The lionscam

Bearing in mind Shakespeare's observation that 'When sorrows come, they come not single spies, but in battalions', in June 2006, Ali Shenton of the Livingstone branch of the Wildlife & Conservation Society of Zambia reported that the *African Lion Rehabilitation & Release into the Wild* commercial project had begun in the Livingstone area:[xxxi]

African Encounters, with Safari Par Excellence (Xen Vlahakis), are planning to set up a captive lion breeding/-tourist attraction in the Musi-o-Tunya National Park, near Livingstone, and the nearby Dambwa Forest Reserve. The offspring of these lions will then be relocated to the wild to replenish depleted lion populations. On the African Encounter Website - africanencounter.org/lions - it states

that 'Captive bred lions can and have been rehabilitated to the wild. In South Africa, this is confirmed by senior ecologists and conservationists'. Lionesses and cubs will be imported from an existing operation in Victoria Falls, Zimbabwe, and a breeding lion from Tanzania, to start the project. Cubs will be removed from the mother for hand-raising and habituated to humans for wildlife walks, and when too big/dangerous at 12-16 months, will be transferred to enclosure(s) in the Dambwa Forest Reserve for wild-release training and "semi-captive" breeding. Second- generation animals from Dambwa will then be released into areas where the lion population has decreased, e.g. the Kafue National Park, and presumably into GMAs, where the real shortage of lions exists.

On 10 August 2006, the application by Lion Encounter for a lease on 6,070 hectares of the Dambwa was approved by the Forestry Department and ZAWA, without an approved EIA, even though under the Provincial Forestry Action Plan, the Dambwa Local Forest No. 22 – making use of the Local Forests (Control and Management) Regulations 2006 – had been declared a Joint Forest Management Area, and a forest management committee elected.[xxxii] In September 2006, ZAWA DG Saiwana announced that a foreign investor would introduce 'wildcats' into the Musi-o-Tunya National Park. "We will be working with this company to ensure that they bring these wildcats," he said.

In February 2007, changes had been made to the park's boundaries. A WECSZ member who had studied the statutory instrument and the former definition of Musi-o-Tunya declared that:[xxxiii]

ZAWA had cut off the Western end of the park to allow for the land allocated to Imusho Village, which was moved out of the park; moved the boundary from the Songwe River to the road, where Songwe Village has spread across the river into the park - apparently the villagers thought the boundary was the road and ZAWA has done nothing for years about checking their boundaries; and added a little triangle of Chief Mukuni's land to compensate for the Songwe land. The anomalies are: the fence for the park was extended years ago to include an area north of the original fenced area , i.e. game park extension - this is still included in the electric fence but has not been gazetted in the national park; there are now houses built right up to the fence - mostly illegal, and people keep breaking the fence and going in for firewood; near the Visitana gate on the west, the electric fence cuts a corner which is still not legally in the park - the gate was necessary to allow passage up Mbile Drive which is outside the fence but inside the park... it is also the access for Sinde Farms; the part of Songwe Village which has been removed from the park is presumably still in the world heritage site. The added triangle is not; there is a large farm overlapping into the park, on which United Air Charters is situated - the previous draft management plan said this was to be repossessed but nothing has been done; Chrismar Lodge overlaps into the park, and there are various other anomalies because the council planners claim they do not know where the park boundaries are! The description in the SI has some errors: there is no "Livingstone City Boundary" - what is meant is the former Livingstone municipal boundary; since Livingstone became a district

with a much larger area, this boundary is meaningless; after Beacon BK3, the boundary runs at about 238 degrees, not 183 - if you draw it as described you end up in the wrong place altogether. Various maps (including the recent ZAWA ones) have variations on the boundaries, especially the area north and west of the Maramba. I suspect this is just careless drawing. I have tried to follow the official descriptions. I hope we can have some proper planning of the park.

On 17 May 2007, a scoping meeting was held in Livingstone by the consultants to prepare a full EIA. Here over 100 subsistence farmers living next to the state-protected Dambwa JFMA, and dependent on it for honey, firewood and traditional medicine voiced total opposition to the scheme. The villagers, represented by three people on the forest management committee of the Dambwa JFMA, had their objections buried. The Environmental Council, the National Heritage Commission, and UNESCO – the latter responsible for World Heritage Sites, had not given their permission for the scheme. A few months later, I wrote a blog, ‘Zambia needs to change how it manages wildlife and protected areas’.[xxxiv]

By December 2007, Lion Encounter (Steve McCormick, Roy Penney, and Andrew Conolly), in association with Xen Vlahakis (Safari par Excellence Company) and the African Lion Research Trust (David Youldon), had their ‘Walking with Lions’ project approved by ZAWA, the quango having already issued them with an import permit for 19 lion and a tourism concession in the park - both without an EIA being approved.[xxxv] On Christmas Day, 2007, Sarel van der Merwe, Chairman of the African Lion Working Group, wrote:[xxxvi]

Lion can be rehabilitated into what some people might call “The Wild”. By such “rehabilitation” is meant they are being taught to hunt for themselves, and they breed successfully. That, I’m afraid is not rehabilitation at all. I have other reservations, though, some of which are as follows: “Rehabilitated” captive-bred lions can only be released into relatively small areas, such as properly fenced-off game farms and private nature reserves. In such case, invasive management will always be necessary, such as removing of the breeding males to prevent inbreeding, replacing them with younger, non-related males, which are fully adapted to that specific ecosystem. In such case the older males will have to be placed elsewhere – and where will that be? I’m of opinion that such males will have to be hunted for trophy purposes, such as was the case in Pilanesberg. Trophy hunting, if scientifically managed, is not a negative, though it will always be controversial. Most if not all captive-involved managers do not or cannot trace the origin of their stock’s genes, and within the ALWG we are concerned that corrupt gene pools may find their way into our wild lion populations from as far as European circuses, safari parks and zoos.

On 10 February 2008, Chris Haslam wrote a piece for the London Sunday Times entitled, ‘African lion encounters: a bloody con’, in which he went on the attack against the lionscam. This evoked a press statement of 14 February 2008, issued jointly by Antelope Park, ALERT, and Sir Ranulph Fiennes, an indignant response to the Sunday Times article. I weighed in with my views on their naivety that lion they had sent to South Africa would not be used for canned lion hunts and

that their release to the wild had not been properly thought out.[xxxvii] An article in the Sunday Times was particularly critical of canned lion shooting.[xxxviii]

In April 2008, the Environmental Council approved the EIA for the forest.

Then, years later, the Mayor of Livingstone appealed to the government to de-gazette part of the Dambwa due to the shortage of land after creating Kazungula District. In July 2013, the Parliamentary Committee on Lands revealed that the Livingstone Town Council had obtained 4,000 hectares of land from the Dambwa and that the Anti-Corruption Commission was investigating. However, no action appears to have been taken.

As the Dambwa JFMA was 10,766 hectares in extent and supported 300 households – with three representatives on the JFMA committee, this effectively meant that between Lion Encounter and the Council, the Dambwa had been taken over and the 300 households separated from their land and natural resource supports, and the regulations ignored. In April 2010, the African Lion & Environmental Research Trust (ALERT) advertised for donations from the public to purchase antelope for release into the Dambwa so that their captive lion there could hunt them.

David Youldon, manager of the scheme, declared that none of the 24 lion in Lion Encounter's possession were intended for release into an unfenced area, or one in which walking safaris would take place, or where people live. However, the ALERT website painted a different picture:

Where there is no available source population of suitable

wild lions, we will instigate a multi-stage program to reintroduce lions originally bred from captive individuals. Suitable captive lions, which lack hunting skills, would be bred in fenced areas. Their offspring would be raised around humans and become part of the Walk with the Lions Program. Because these offspring are used to humans, it is easier to study them, learning various characteristics such as behavior patterns, traits necessary to form a successful pride, how they develop various hunting skills, etc. Later, once these offspring mature and learn to hunt, they can be used to form prides designed to maximize the breeding and survival of offspring. These prides would be released in large enclosures with natural game, and carefully shielded from human contact. Again, their cubs, like the cubs of the wild caught lions, would then be released at an appropriate age into the wild after pre-release training by their parents.

In 2009 Xen Vlahakis, along with one of the prime movers of the lion project, the Zimbabwean Steve McCormick, formed Consolidated Tourism Investments to construct a 4-star hotel on the edge of Musi-o-Tunya. By April 2010, 800 hectares in the Dambwa was fenced, and six lion translocated there in May.

In May 2011, I received information that the conservation business, African Parks, was in talks with Lion Encounter about releasing one of their habituated prides into the Liuwa Plain National Park. I wrote to the Permanent Secretary of the Ministry of Tourism to inquire about this. No reply was received.

AWF's collaborator, Chief Mukuni, was quick to follow the ALERT lead. In partnership with an animal dealer, Basil Steyn,

he established a similar scheme at his Big Five Lodge with four lion, two imported from Europe. As The Post Newspaper reported on 26 September 2009, 'Chief Mukuni says the wild animals he is keeping at the lodge would be released into the wild once they grow old'. Mukuni ancestors were lackeys of the Matabele - the Makololo, Lozi and Tonga - and hung about the Victoria Falls as canoe men. The original Mukuni - no more than a headman - was under Indirect Rule appointed chief. The present chief, Mukuni, is a concocted Rider Haggard construction of an African chief. He strutted about as a Lion King, inventing ceremonies, dressing tourists up in animal skins, soiling himself in an attempted bungee jump, a ludicrous one-man show pony. Mukuni has turned himself and his people into one of those 'tribes whose chief function in history is to show the present an image of the past from which, by history, it has escaped'.[xxxix]

In July 2013, the lion conservationist Sarel van der Merwe visited the ALERT operations in Zimbabwe at Antelope Park (some 150 km north-east of Bulawayo), Victoria Falls and Livingstone. Though once very clear that release in the wild posed all sorts of serious problems, six years later, he concluded his visit to the ALERT operations by saying that ALERT was not involved in canned lion hunting and that ALERT was actively involved in conservation projects. Then he entered into a verbal thorn thicket:[xl]

I am acutely aware of the risks involved in the release stage. Some scientists are opposed to such ventures because there are no known successful releases into the wild of lions that originate from captive sources. However, modern

science respects objective, logical reasoning and follows a set of core procedures or rules to determine the nature and underlying natural laws of the universe and everything in it. Science also requires continuous prompting for better solutions that may work and, in this case, improve the chances of the African lion to survive for many decades to come.

In December 2014, a journalist interviewed former employees and volunteers of Lion Encounter, revealing much that was amiss:[xli]

Some of the most commonly raised grievances were the poor treatment of lion, Encounter staff and volunteers, the even poorer treatment (and sometimes utter neglect) of the lions, the failure to release or rehabilitate one single lion into the wild since 1999, and the mismanagement of funds. But most pertinent of all were the repeated assertions by volunteers and former employees from Lion Encounter that their lions were (or still are) being sold into canned hunting, a concern that mirrors the current furor around Lion Park in South Africa, following the admission by the owner that Lion Park had sold lions into canned hunting less than two years ago.

In 2014 a parliamentary committee produced a report highly critical of the landgrab:[xlii]

(i) *Dambwa Forest Reserve was established in 1943, originally covering 14,000 hectares, but this had decreased to 13,000 hectares following the proposed degazetting of 1,000 hectares which is to be given to the local authority. The forest is the source of the Dambwa stream and provides products for the local people including firewood.*

(ii) *Dambwa Forest Reserve is a pilot project on joint forest management which involves local communities in forest management and this has given the local communities a sense of ownership of their forest resource and spurred the need to preserve and protect it.*

(iii) *The forest is zoned into six areas and the deforested area was managed by Lions Encounter in conjunction with the local community. The program had a lion sanctuary with 27 lions. The Lions Encounter program had paid into the community account a total of around K200,000.00. Though the local communities were happy with the partnership, they are unable to access the K200,000.00 as current legislation on forestry does not provide nor outline a benefit-sharing mechanism and how such proceeds should be applied nor does it provide for Public-Private Partnerships.*

(iv) *Although the pilot joint forestry management program is appreciated by the various players, i.e. the Forestry Department, the community and the private partner, it has weaknesses which include the lack of legislative provision to govern it.*

(v) *It is extremely shocking and highly irregular that there have been instances where in this gazetted forest reserve "title" has been given to persons and other entities without the due process being followed.*

(vi) There is persistent and constant pressure for gazetted land to be degazetted all the time.

(vii) It is extremely troubling that the local authority is one of the biggest culprits in encroaching on this gazetted forest reserve. This is a source of concern because this is an example where those who should be upholding or supporting the upholding of the law are breaking it.

(viii) There is the persistent problem of encroachment into the forest especially by charcoal burners who have even begun to enter the area that was regenerating.

(ix) The Forestry Department is handicapped as it lacks the personnel as well as the means to effectively do its monitoring work. The Forestry Department in Southern Province does not have a single running vehicle presently. Your Committee, therefore, recommends as follows: (i) there is need to capacitate the forestry sector close to the levels that are being done with the Zambia Wildlife Authority; in this regard, there is need to reintroduce the forest guards as well as to ensure that they have the means to police the agents of deforestation; and (ii) the Government should expedite the conclusion of both the policy as well as the legislation governing the forestry sector to include the important aspect of joint forestry management to address the weaknesses currently in the pilot.

In January 2015, Timothy Mushibwe - a former ALERT trustee and member of the ZAWA Board, died. As a controversial former employee of Deloitte and Touche, he had briefly assisted in converting the National Parks and Wildlife Service to the

Zambia Wildlife Authority. He had once been touted as a future Director-General of ZAWA. Like Xen Vlahakis, who was the acting DG for a time, he also raised his flag on the ALERT mast. In November 2015, Lion Encounter ceased the lion walking program.

[i] Varian, H.F. *Some African Milestones*. Oxford: George Ronald, 1953. pp.117-123

[ii] Varian, H.F. "Ila Warrior of the Kafue Flats: In 'Some African Milestones', p. 113." George Ronald, Oxford, 1953. Web. 16 Apr. 2015. <https://docs.google.com/document/d/1zTkTPabUrXHudV6MsIL2xAXfZL9cYScz6B-ykce33Kg/edit?usp=sharing>

[iii] Douthwaite, R. J. "Zambezi Rapid Assessment Report." 2007. Web. 30 March 2017. https://docs.google.com/document/d/1LQ_sknLEulSBIWMnyuWJ2ymeeSnIF_pFTzEVhPnCQwU/edit?usp=sharing

[iv] Chabwela, Harry & Haller, T. "Governance Issues, Potentials and Failures of Participative Collective Action in the Kafue Flats, Zambia." *Dlc.dlib.indiana.edu* (2008): 19.

[v] "The Ramsar African Secretariat Writes to Zambia..." *ZAMBIA CONSERVATION*. I.P.A. Manning, 24 Aug. 2007. Web. 30 March 2017. <http://zambiaconservation.blogspot.ca/2007/08/reaction-of-ramsar-secretariat.html>

[vi] Yaluma, Christopher. "Zambia: Christopher Yaluma: Address by Zambian Minister Of Mines, Energy And Water De-

velopment, on Zambia's Exploration and Mining Policies, at the Africa Down Under Conference, Perth, Australia (03/09/2014)." *Polity Org. za*. 3 Sept. 2014. Web. 30 March 2017. <http://www.polity.org.za/article/zambia-christopher-yaluma-address-by-zambian-minister-of-mines-energy-and-water-development-on-zambias-exploration-and-mining-policies-at-the-africa-down-under-conference-perth-australia-03092014-2014-09-03>

[vii] Borges, Alberto V. "African River Study Fills Gap in Carbon Emissions Tally." *SciDev.Net*. Nature Geoscience, 20 July 2015. Web. 30 March 2017. <<http://www.scidev.net/global/water/news/african-river-study-fills-gap-carbon-emissions-tally.html>>.

[ix] "Anne & Len Vaughan, Hillbrow, Johannesburg." 1984. Web. 31 March 2017 https://docs.google.com/document/d/1IqoinELVqFgM2Xx_C2C4D2bhf1s9KZ0NPQp8QA-XG4I/edit?usp=sharing

[x] Staden, Gill. "Butoka Dam EIA." *The Livingstone Bi-Weekly*, 15 Oct. 2014. Web. 31 March 2017. <https://thelivingstoneweekly.files.wordpress.com/2014/09/tlbw15oct14-compressed-2.pdf>

[xi] Phiri, Darius. "While failing to maintain Kariba, PF regime borrowing money to build new dam." *Zambia Watchdog*. N.p., 31 Mar. 2017. Web. 22 Apr. 2017. <<https://www.zambia-watchdog.com/while-failing-to-maintain-kariba-pf-regime-borrowing-money-to-build-new-dam/>>.

[xii] Manning, I.P.A. Team Leader Report: Kapachira hydro-electric scheme EIA (Shire River. Malawi), Associates in Rural Development (Vermont)/USAID. 1991

[xiii] Beilfuss, Richard. "A Risky Climate for Southern African Hydro." *Internationalrivers.org*. 1 Sept. 2012. Web. 31 March

2017. <https://www.internationalrivers.org/resources/a-risky-climate-for-southern-african-hydro-7673>

[xiv] Manning, I.P.A., and P. de Vere Moss. Environmental Impact Assessment of Proposed Hydro Power Schemes on the Luapula River at Mambatuta and Mambalima falls. Watermeyer, Legge, Piesold & Uhlmann. UK, 1975.

[xv] "Kalungwishi Hydroelectric Project -." *Kalungwishi Hydroelectric Project*. Knight Piesold Consulting. Web. 31 March 2017. <http://www.knightpiesold.com/en/projects/kalungwishi-hydroelectric-project/?mar>

[xvi] "Of Hydros and Smelly Fish..." *ZAMBIA CONSERVATION*. 2 Sept. 2006. Web. 31 March 2017. <http://zambiaconservation.blogspot.com/2006/09/of-hydros-and-smelly-fish.html>

[xvii] Beilfuss, <https://www.internationalrivers.org/resources/a-risky-climate-for-southern-african-hydro-7673>

[xviii] "The Living Planet Index." *Zoological Society of London (ZSL)*. 1 Jan. 2014. Web. 31 March 2017. <http://www.zsl.org/science/indicators-and-assessments-unit/the-living-planet-index>

[xix] Phillipson, D. W. *Musi-o-Tunya: A Handbook to the Victoria Falls Region*. London: Longman, 1975.

[xx] "Auditor-General 2005 Report on ZAMBIA WILDLIFE AUTHORITY..." *ZAMBIA CONSERVATION*. I.P.A. Manning, 16 Aug. 2007. Web. 31 March 2017. <http://zambiaconservation.blogspot.com/2007/08/auditor-general-2005-report-on-zambia.html>

[xxi] Editor's Choice (Ian Manning). "Previous Corrupt Activities of Fired ZAWA Director Vlahakis." *Zambian Watchdog*. 23 Apr. 2014. Web. 31 March 2017. <<http://www.zambianwatchdog.com/previous-corrupt-activities-of-fired-zawa-direct>

or-vlahakis/>.

[xxii] Report of the Committee on Energy, Environment and Tourism for the first session of the Tenth National Assembly of Zambia appointed on 8 November 2006.

[xxiii] "PROPOSED DEVELOPMENT RILES CONSERVATIONISTS." Cable: 06LUSAKA1591_a. WikiLeaks, 17 Nov. 2006. Web. 31 March 2017. <https://www.wikileaks.org/plusd/cables/06LUSAKA1591_a.html>.

[xxiv] Manning, I.P.A. "Vice-President Lays Legacy Foundation Stone." ZAMBIA CONSERVATION. 31 July 2006. Web. 2 April 2017. <<http://zambiaconservation.blogspot.com/2006/07/vice-president-lays-legacy-foundation.html>>.

[xxv] Rao, Kishore, and Gilbert Adrian Robinson. "Mission Report: Musi-o-Tunya/Victoria Falls (Zambia/Zimbabwe) (509)." *UNESCO.org*. 1 Nov. 2006. Web. 2 April 2017. <http://whc.unesco.org/archive/2007/mis509-nov2006.pdf>

[xxvi] "Victoria Falls World Heritage Site Desecration." The Wildlife and Environmental Conservation Society of Zambia, 21 July 2006. Web. 2 April 2017.

https://docs.google.com/document/d/1yXqs7k9PwnSpBBzZQoZCICRfADJfZMXP2_MFEIOLlwo/edit?usp=sharing

[xxvii] Manning, I.P.A. "Early Notes...a Legacy They Don't Want." VICTORIA FALLS HERITAGE PROTECTION. 1 Aug. 2007. Web. 2 April 2017. <http://victoriafallsheritage.blogspot.com/2007/08/early-notes.html>

[xxviii] Manning, I.P.A. "Zambia's state of the environment." ZAMBIA CONSERVATION. 19 Nov. 2006. Web. 2 Apr. 2017. <http://zambiaconservation.blogspot.ca/2006/11/zambias-state-of-environment.html>

[xxix] "Wildlife and Environmental Conservation Society of Zambia (WECSZ), Livingstone Branch Submission on Legacy

EIA..." 20 Nov. 2006. Web. 2 Apr. 2017. <http://zambiaconservation.blogspot.ca/2006/11/wildlife-and-environmental.html>

[xxx] Manning, I.P.A. "Irregular Issue of Title Deeds in Mosi-O-Tunya National Parks." VICTORIA FALLS HERITAGE PROTECTION. 24 July 2007. Web. 2 April 2017. <<http://www.victoriafallsheritage.blogspot.com/2007/07/irregular-issue-of-title-deeds-in-mosi.html>>.

[xxxii] Shenton, Ali. "Walking with lions and captive breeding in Zambia." 26 July 2006. Web. 2 April 2017. <<http://lionscam.blogspot.com/2006/07/walking-with-lions-and-captive.html>>

[xxxiii] "The Local Forests (control and Management) Regulations 2006.pdf." 2006. Web. 2 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_Z1h3MzVvcEFjdU0/view?usp=sharing

[xxxiv] Whitehead, Margaret. "Latest Map of Mosi Reflecting Its New Boundaries." 17 Feb. 2007. VICTORIA FALLS HERITAGE PROTECTION. Web. 2 April 2017. www.victoriafallsheritage.blogspot.com

[xxxv] Manning, I.P.A. "Zambia Needs to Change How It Manages Wildlife and Protected Areas.." ZAMBIA CONSERVATION. 16 Sept. 2007. Web. 11 Apr. 2015.

<http://zambiaconservation.blogspot.ca/2007/09/zambia-needs-change-in-how-it-manages.html>

[xxxvi] Mwamba, Jay. "Lion Kings." Web. 2 April 2017. <http://www.wag.co.za/cannedhunting/articles/Lion%20kings.htm>

[xxxvii] van der Merwe, Sarel. "The Chairman of the African Lion Working Group Says..." LIONSCAM. 25 Dec. 2007. Web. 2 April 2017. <http://lionscam.blogspot.com/search?updated-min=2007-01-01T00:00:00%2B02:00&updated-max=2008-0>

[1-01T00:00:00%2B02:00&max-results=13>](#)

[xxxvii] Manning, I.P.A. "To the Sunday Times, London." LIONSCAM. 14 Feb. 2008. Web. 2 April 2017. <<http://www.lionscam.blogspot.com/2008/02/to-sunday-times-london.html>>.

[xxxviii] Haslam, Chris. "African Lion Encounters: A Bloody Con." LIONSCAM. The Sunday Times, 10 Feb. 2008. Web. 2 April 2017. <http://lionscam.blogspot.com/2008/02/african-lion-encounters-bloody-con.html>

[xxxix] Trevor-Roper, Hugh. *The Rise of Christian Europe*. Norwich: Thames & Hudson, 1965.

[xl] van Der Merwe, Sarel. "Report on the findings of a visit to Antelope Park and alert activities in Zimbabwe and Zambia during the period." July 2013. Web. 2 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_ZHNwZ1lfSDIxaVk/view?usp=sharing

[xli] Clark, Christopher. "Walking With Lions: Con Or Conservation?" *Zambia Tourism RSS2*. 19 Dec. 2014. Web. 18 April 2017. <http://www.zambiatourism.com/walking-with-lions-con-or-conservation>

[xlii] Report of the committee on Lands, Environment and Tourism for the third session of the eleventh national assembly appointed on 26th September, 2013

p. 22-23. Web. 5 July 2017.

https://drive.google.com/file/d/0B0sCBiNNeEh_dIBzTlhWY0FfazA/view?usp=sharing

Digging Out Sacred Groves

Zambezi chiefs' declaration against mining (2008) – Convention on Biodiversity - Zambia report on access to genetic resources (2008) - 25-year uranium mining licence awarded with no EIS (2009) - Lower Zambezi National Park - history - Chiawa mining concessions - Zambezi Resources Limited - Wildlife Act confusion - ZRL issued large-scale mining licence (2011) - UNESCO welcomes GRZ decision not to mine (2011) - Patriotic Front allow mining (2011) - ZRL submit EIS to ZEMA (2012) - I start my mining petition (June 2012) - ZEMA turns down mining (August 2012) - ZRL allowed to submit modified EIS (November 2012) - parliamentary committee lambastes Ministry of Mines (2013) - Protea Hotels plan military-industrial style complex(2009) - Sata and the road trough - I set up petition to boycott UNWTO meeting (2013) - PF government again allow mining (January 2014) - ZEMA disgrace - stay of execution issued against mining (February 2014) - Minister of Tourism states opposition to mining (February 2014) - stay upheld in High Court (April 2014) - A-G report confirms GRZ ineptitude in managing mining (July 2014) - ZRL change name to Trek Metals Ltd (January 2017)

*Hope all are set. See you all at the rippers! - Won't be long
'til we can let the Moet flow. Make it rain Zambezi!*

Australian share trader – topstocks.com

Capitalism must be regarded as an economy of unpaid costs, 'unpaid' in so far as a substantial proportion of the actual costs of production remain unaccounted for in entrepreneurial outlays; instead they are shifted to, and ultimately borne by, third person or by the community as a whole.

K. William Kapp – The Social Costs of Private Enterprise [i]

The rights of communities in the swathe of legal instruments birthed by the Convention on Biological Diversity are rooted in the principle that effective conservation and sustainable use of ecosystems can only be ensured by recognizing the rights of those who manage and govern these ecosystems as common pool resources. These rights are increasingly referred to in law as 'biocultural rights' and are justified not on the basis of communities having a formal legal title to certain lands and waters, but on the basis of historical stewardship founded on the cultural practices and spiritual beliefs.

Kabir Sanjay Bavikatte - Biocultural community protocols and the future of conservation [ii]

* * *

Chiefs' declaration against mining

The Zambezi, the Great White Elephant, trussed and bloodied, its tail and trunk hacked off, its great stomach heaving, its fretful eye fringed by long straight eyelashes fixed on heaven, is about to be poisoned by mines given licence to operate without the required environmental reports and safeguards, the customary residents displaced, bribed, or ignored.

But on 18 October 2008, came a momentous decision that will reverberate through the corridors of power in the years ahead: Chiefs Chiawa, Chipepo, Simamba, Sinadambwe, Mupuka and Mbunema - in obeisance to their living ancestors and Guardians of Nature, met and issued [a historic declaration](#) against mining on behalf of 17 chiefdoms of the Zambezi Basin.[iii] This decision is extremely relevant to that beacon of light, the Nagoya Protocol on biocultural rights of the Convention on Biological Diversity, as is Zambia's recent legislation, The Protection of Traditional Knowledge, Genetic Resources & Expressions of Folklore Act, 2016.[iv] On 1 January 2017, the United Nations adopted a new set of sustainable development goals for 2030. The 16th goal commits us to achieve 'access to justice for all'.

Zambia became a Party to the CBD in 1993 (Zimbabwe in 1994), agreeing to abide by the CBD's three objectives: 1) the conservation of biodiversity; 2) the sustainable use of biodiversity; 3) the fair and equitable sharing of the benefits arising from the use of genetic resources; therefore supporting the Strategic Plan for Biodiversity 2011-2020 and the Aichi Targets.[v] Target 16 of the Aichi Goals clarifies that 'by 2015 the Nagoya Protocol on Access to Genetic Resources and the Fair

and Equitable Sharing of Benefits Arising from their Utilization *is in force operational*, consistent with national legislation'. Zambia and Zimbabwe had to ratify the Nagoya Protocol by 2015, but they were already bound by Target 16, ratified by them in 2010. Bavikatte describes the powers now conferred on customary people:

These rights are increasingly referred to in law as 'bio-cultural rights' and are justified not on the basis of communities having a formal legal title to certain lands and waters, but on the basis of historical stewardship founded on the cultural practices and spiritual beliefs.
[vi] [vii]

This and the Zambian Act on the protection of genetic resources must alter how we view the public commons - national parks or national forests - where the former occupiers have been removed or where they still reside. And it must diminish the highly centralized state control of protected areas – including customary areas where the 36 game management areas are placed. And it certainly brings into question the right of the Zambian state – directed by politicians under an American-style constitution deficient in curbing excessive executive powers - to issue mining licences when the chiefs have rejected them. But the state continues with its autocratic control of customary people, the mining, industrial agriculture landgrab and the destruction of a massive river system. And the implementation of the Nagoya protocol has many problems to contend with.[viii]

In 2008, the same year the Zambezi chiefs issued their historic declaration against mining, the Chiawa Leaseholders

Association (made up of the lodge owners and operators in the Lower Zambezi) put out a petition against the mining.[ix] And the United Nations, through UNEP and the United Nations University, produced a report on the access to genetic resources for Africa; Zambia is one of the case studies.[x] One of the authors was Gershom Chilakusha. At the time he made his written contribution, he was the Acting Director-General of ZAWA. But on 1 December 2006, he was fired from his post for authorizing the conversion of a two ha/five-year tourism lease in the Mosi oa Tunya National Park to a 220 ha/75-year lease.

The report painstakingly – and thoroughly, covers the landscape of natural resources management, legislation, the list of ABS (Access to Genetic Resources and Benefit Sharing) stakeholders; a vast new empty edifice is described, too much even, for the senior author who put the final report together in 2008. ‘There is no overall strategy or policy for ABS implementation in Zambia for equitable sharing of benefits accruing from the use of the country’s biological resources ((4) p.75),’ he finally admitted. And what did Chilakusha think when the chiefs said, ‘No Mining!’ and the Irish, who funded the study, did they not ponder on such things?

Uranium mining

On the north bank of Lake Kariba and in the Chirundu and Gwabe area, uranium mining has been given the green light by government, yet without the capacity to deal with the noxious metal or environmental impacts in general.[xi] A large-scale mining licence for 25 years was issued in October 2009

to African Energy Resources (a member of the International Council for Mines and Metals) to mine uranium by way of an open-pit, sulphuric acid heap-leaching process; first at Njame, followed by Gwabe, but without the permission of Chief Sikoongo in whose country the proposed mines are located.[xii]

The submission of an Environmental Management Plan (EMP), according to the Mines and Mineral Development Act of 2008 14(c), is required for the issue of a prospector's licence, requiring that the prospecting 'makes proper provision for environmental protection (15(b))'. If the area is in a GMA or national park, it required the permission of ZAWA. A holder of this licence could then apply for the issue of a large-scale mining licence requiring the submission and passing of an environmental impact study (EIS) by the Zambia Environmental Management Agency (ZEMA) under section 25(5), and once more, the consent of ZAWA where national parks and GMAs were concerned. The African Resources June 2011 annual report declared that baseline environmental studies had just started and would only be followed by an EIS. In the African Resources' Kariba Valley mining concession, an environmental project brief was submitted. According to a UNESCO/IUCN mission, it contained no assessment of socio-economic and environmental impacts.[xiii] This same mission had declared that at Njame (Chirundu), when an assessment was made of drilling impacts, that, in fact, no socio-economic or environmental impacts were declared.

Denison Mines (Zambia) Limited, a subsidiary of Denison Mines Corporation Canada, holds large-scale mining licences for 25 years and owns the Dibwe, Dibwe East and Mutanga uranium prospects near Siavonga on Lake Kariba. A Denison report in March 2012 announced that 600 customary families

would be relocated before the commencement of mining activities in the area, a repeat of the villagers' enforced move made 45 or so years before with the flooding of Kariba. Denison intended to develop two open-pits, one at Mutanga of 33 hectares and one at Dibwe of 54 hectares. The ore would be crushed and then piled on massive acid heap leach pads lying exposed to the elements. Denison, like African Resources, would start mining once the price reached \$65 a pound. In September 2017, the price of uranium was \$20.20 a pound. Again, the necessary environmental reports – and their acceptance – were absent.

Uranium is the most toxic and dangerous of all minerals. Opening up the ore releases radon gas, and the chemical and crushing process leaves behind radioactive tailings that are then spread by rain and wind. The effective half-life of this radioactivity is 80,000 years. Radon, which is about eight times heavier than air, is trapped close to the ground and spread by wind, depositing its radioactive by-products on vegetation, then being absorbed by animal life where it enters the lungs. Brugge & Buchner in 2011 considered the latest research on the health effects of uranium mining.[xiv] They revealed that the metal's chemical toxicity constitutes the primary environmental health hazard. They put forward 'the strong biological plausibility of adverse effects on the brain, on reproduction, including estrogenic effects, on gene expression, and on uranium metabolism', which would affect not only mine workers but also villagers living near uranium mines and processing facilities. They ended on a chilling note, 'As much damage is irreversible, and possibly cumulative, present efforts must be vigorous to limit environmental uranium contamination and exposure'.

Lower Zambezi National Park

Further downstream is the 4,000-km² wonderland of the Lower Zambezi National Park,[xv] flanked by the Chiawa GMA upstream and the Rufunsa GMA downstream, and a 39,000-hectare area alienated to Iqbal Alloo. The central part of the park at Chakwenga (*the place of plenty*) was once part of the Nsenga tribe's Mburuma Chiefdom - part of their country for over 200 years - and nobly defended by them from the Chikunda *prazo* holders at Zumbo who sought concessions in the Mburuma country. Mburuma IV had sacked Zumbo and, for three years in the late 1880s, waged a guerrilla war against the *muzungu* - as the *prazo* holders were known because of their European blood.

Gold was discovered at Chakwenga and mined until 1948. In 1952 Mburuma and his people were forced to move by the Provincial Administration due to severe sleeping sickness in the area, settling once more in their territory at Chitope near the Luangwa-Zambezi confluence. In the Chakwenga area, the Tsetse Department's Bill Steele - under whom I served when he later became Director of the Department of Game and Fisheries, carried out the removal of some of the fly's vegetative habitat. But he was not successful in removing the fly, and promises made by the Provincial Administration for Mburuma to move back once this was done, were deliberately forgotten, his people's sacred groves left untended.

As Savory described, the valleys of the Luangwa and Lower Zambezi in the 1950s presented a very different aspect to that of today. The river banks were stable and clothed in dense growth, the people living in small villages well away from the

river to avoid mosquitos and flooding, their gardens protected from raiding elephant and other game by their beating of drums and the firing of muzzle-loaders; and they hunted and trapped animals throughout the year. Savory maintains that with the removal of people from the future Luangwa national parks and Mburuma's people from what is now the Lower Zambezi National Park, 'within a few decades miles of riverbank in both valleys were devoid of reeds, fig thickets, and most other vegetation. With nothing but the change in one species' behaviour, these areas became terribly impoverished and are still deteriorating seriously'. The reason for this, he concluded being that 'the change in human behaviour changed the behaviour of the animals that had naturally feared them, which in turn led to the damage to soils and vegetation'. With the people gone, animals simply linger where they wish, desertification taking place.[xvi] The lead author of a paper debunking the Savory holistic grazing system, John Carter[xvii] replied to my letter of inquiry:

Similar things have been observed in relation to predators, prey and riparian...in Zion Nat'l Park, Utah, for example, two canyons each with streams, one with human presence scared off the mountain lions, deer concentrated in riparian and damaged the vegetation, in the other, little human presence and mountain lions kept the deer controlled and riparian was in good condition.

In 2017 an article in Sierra Magazine on Allan Savory elicited a deluge of letters, both for him and against. [I commented:](#)

To understand Savory's grazing theory (have a look at the Sierra letters to the editor) one has to understand the difficulty in 'proving' holism (Jan Smuts, 'Holism and Evolution') for it is aligned with systems theory in opposition to reductionist approaches. A holistic view is now extremely important, assailed as we are by ecocidal forces. Savory admits to the difficulty and rejects the attempts by critics to impose a reductionist viewpoint. When serving in the Northern Rhodesia Game Department in the 50s he was greatly taken with the stability of the ecology in the Luangwa and Zambezi valleys where small villages were to be found amidst much wildlife. When the villages were removed, the ecology greatly deteriorated for the people moved the game around. Now herds of animals stand as though cast in stone as the convoys of tourists pass by, the reeds of the river gone, the carrying capacity greatly diminished. The experience stayed with him. Of course, trying to get cattle to fit into the elephant/buffalo/people mould is difficult. Each case is different; management is required; or some lion to chase your cattle around. In the dryland areas it can be a disaster.

One of the Sierra letter writers, Peter Ardington, made a valuable comment:

'Holistic management methodology with adequate recovery needs further research with recognition of historic observations before the scientific establishment rejects it. Currently, the research is scanty and lacks recognition of such variables as periodicity, drought, wet conditions,

and recovery in a broad holistic approach. We cannot expect to get all the right answers unless we ask all the right questions'.

In the early 60s, Savory moved to the Southern Rhodesia Game Department, where he was one of the pioneers of game ranching (I contracted to him as a game harvester). At UDI, when I knew him, he became involved with the Tracker Combat Unit - leading a stick of civilians against armed insurgents. In 1970 he became an MP, later resigned and brought back to life the Rhodesia Party. Then for saying that "If I had been born a black Rhodesian, instead of a white Rhodesian, I would be your greatest terrorist," he was expelled from the party. In 1977 he and others opposed to Ian Smith formed the National Unifying Force. In 1979 he left the country. In 2018 he issued his manifesto for Zimbabwe, [Good Governance](#)'.

The first effort to increase the Lower Zambezi's conservation status took place in the early 1970s when two Americans, Barry Sullivan and Brick Stang, established Wildlife Conservation International and entered into an agreement with the government as lessee of what was called the International Game Park, provided for under the International Game Park and Wildlife Act No. 27 of 1971. This included the appointment of an advisory committee by WCI in place of the National Parks Board. Stang was active on the ground, bringing in Eric Balson (d.2014)[xviii] – a former Senior Game Warden of the Tanganyika Game Department, to manage the operation. In 1974, with a marked increase in Zimbabwe People's Revolutionary Army (ZIPRA) insurgency activity - using the Zambezi as their launchpad into Rhodesia, Balson and Sullivan visited me at Chikuni, south-east Bangweulu, to judge whether

the area might best replace the Lower Zambezi as the focus of WCI's efforts. In July of the same year, Balson returned for further discussions, accompanied by two WCI Trustees, Richardson Pratt and Dick Jackson. They decided not to adopt Bangweulu, and soon after, Sullivan amalgamated WCI with the African Wildlife Leadership Foundation – now called the African Wildlife Foundation. In 1983 the International Game Park was replaced by the Lower Zambezi National Park. However, the Act of 1971 was only repealed by the Wildlife Act No. 12 of 1998. On this, Chief Mburuma was not consulted.

Some years later, Chief Chiawa asked a long-serving honorary ranger, Alan Wardle, to report on her villagers' present state and the wildlife resulting from killing some villagers by an elephant. Out of this came the NGO, Conservation Lower Zambezi, registered under the Societies Act in 1992 by conservationists and tourism operators. In 1995, the Danish Embassy and DANIDA funded CLZ with grants to establish their base camp on the park's western boundary. They built an environmental education centre, incorporating a mobile education unit and provided equipment, media promotion and safari guide training. Perhaps unaware of what lay ahead, and with the best of intentions, in 2007, CLZ unwisely accepted a \$20,000 donation from Zambezi Resources Limited (ZRL), an Australian mining firm busy prospecting in the park.

In the Chiawa GMA are two mining concessions under Cheowa Resources mine, Chalimbana and Chayinda. However, the third concession, Cheowa (Cheowa 8573-HQ-LPL), intrudes well into the national park. Glencore (51%)[xix] and ZRL (49%) own the Cheowa, and Chongwe Copperbelt concession and Glencore's Mopani Copper Mines are the managers. The unsigned environmental project brief for Cheowa, according to

the joint UNESCO/IUCN inspection in January 2011 looking into potential impacts on the Mana Pools National Park and World Heritage Site across the river, contained no mention of potential impacts. "The mission noted that in a copy (unsigned) of the "environmental brief" for Cheowa/Kangaluwi prepared for Zambezi Resources mention is made of a World Heritage Property although potential impacts on the Property are not discussed'.[xx]

The Chiawa GMA Management Plan of 2009-2019 stipulated certain conditions for mining to occur: 1) there may not be more than three mines in the GMA at any one time; 2) they must each cover less than three hectares; 3) must be 50 km away from the highest flood line of the Zambezi; and 4) may not disturb trees and sacred and historical sites.

Zambezi Resources Limited

In 2007 a prospector's licence for the park was issued to Zambezi Resources Limited (ZRL), although they had started prospecting at least two years earlier when I had met with them. ZRL was an Australian Securities Exchange (ASX) listed company who, by its membership, accept the Equator Principles - a credit risk management framework for determining, assessing and managing environmental and social risk in project finance transactions. Australia is a designated member of the Equator Principles by its rigorous environmental management record. However, in ZRL's proposed activities, similar standards have not been transferred to Zambia.

In the environmental brief accompanying their application,

mention was made of a world heritage site, but no potential impacts were dealt with.[xxi] ZAWA – then legally in charge of the park and the wildlife in the adjoining GMAs – obviously approved the issue of this licence. On 24 April 2008, a draft of the amended Wildlife Act of 1998 prepared by ZAWA was quite clear that there should be no mining in the park:

13(1) Notwithstanding any provisions to the contrary in this Act or any written law, no prospecting or mining or such other related activities of any nature shall be undertaken on land within all National Parks, bird and wildlife sanctuaries and Community Partnership Parks

This was in stark contrast to the May 2008 draft of the park general management plan, ‘ZAWA is bound to permit these activities (mining) if they are considered to be in the national interest’. In June 2008, ZAWA had declared in its Policy for National Parks and Wildlife in Zambia, section 2:3(8), that ‘All geological features in any protected area will be protected’.

On 5 November 2008, to his great credit, the ZAWA DG Lewis Saiwana wrote to Andy Fleming of ZRL affirming that ‘National Parks and Game Management Areas should not be subjected to mining activities’.[xxii] Two years later, ZRL reported that they had decided to apply for a large-scale mining licence and had engaged GeoQuest to write the EIS.

Illegal issue of a mining licence

In January 2011, ZRL and its Zambian subsidiary, Mwembeshi Resources Limited, were issued a large-scale mining licence without submitting an EIS. As required under section 26:1 (f) of the Mines Act, ZAWA had to have given their permission – a massive dereliction of their duty as the guardian of Zambia's national parks. Complicit was the Department of Mines, for the Mines Act under Part IX, section 115, directs that the Director of Mines or the Director of Geological Surveys, 'In the matter of a mining right shall take into account the need to conserve and protect a) air, water, soil, flora, fauna, fish, fisheries and scenic attractions and b) to ensure any mining activity prevents adverse socio-economic impacts or harm to human health'. It would appear that the Ministry of Mines, ZAWA and the Mining Advisory Committee - members being the three Ministry of Mines Directors, the Zambia Environmental Management Agency (ZEMA) – once called the Environmental Council, and representatives of the Ministries responsible for environment, land, finance, labour and community development; and the Attorney-General, the Zambia Development Agency, the Citizens' Economic Empowerment Commission and the Geological Society of Zambia - were in serious breach of their responsibilities under the Act. Crucially, by its own Environmental Management Act No. 12 of 2011, the Ministry of Natural Resources was party to the issue of licences to a mining company to operate in a national park, knowing that such an activity can only cause irreversible damage.

Under the 2011 Act, ZEMA was directed to protect the environment for present and future generations, all of it guided by the precautionary principle. I had unsuccessfully attempted

to obtain the EMP from ZEMA, and the Ministry of Mines plans that are supposed to accompany the application for both a prospector's licence and a large-scale mining licence, in addition to an EIS - as required by the Act of 2008. Although Permanent Secretary of Mines Beene promised to send me a copy - as he was legally obliged to do, he did not do so, and ZAWA did not reply to my request.

In July 2011, the World Heritage Committee of UNESCO reported that they:[xxiii]

Welcome the decision of the State Party of Zambia not to approve the proposed mining operations in Chiawa Game Management Area and Lower Zambezi National Park nor the original proposal for a tourist conference facility in the Chiawa Game Management Area across the river from the property, which could have impacted the property's 'Outstanding Universal Value'. The WHC encourages the State Party of Zambia to consider nominating the adjacent Lower Zambezi National Park in order eventually to constitute a joint transboundary inscription on the World Heritage List.

Two months later, on 20 September 2011, the Patriotic Front Party won the election and formed a government, immediately reneging on the MMD government's decision not to mine the park – as reported by UNESCO. However, a mining licence had been issued in January. In their manifesto, to which I had contributed, they had promised to 'empower the Environmental Council of Zambia to carry out effective environment and resources controls'.[xxiv]

On 20 October 2011, the Parliamentary Committee on Lands, Energy and Water had reported that the promised revision of the Wildlife Act was not yet finalized. The delay is due to the failure of ZAWA to provide a budget for the revision exercise. In April 2014, the new Minister in charge of ZAWA promised to complete the Act's revision by the end of the year.

On 14 March 2012, the Australian miners submitted an EIS to ZEMA, the latter making no mention of it on its website, instead of reporting on outstanding copper assay results. The EIS report was not made available, nor details of the meeting sites held in the bush or the mandatory period of notice given. ZEMA, without a Director-General and Board in 2012, were leaderless and grossly understaffed. Chiefs Mburuma (Rufunsa GMA) and Chiawa (Chiawa GMA) allegedly had a sudden change of mind and supported the scheme, their people not. In the case of Senior Chief Mburuma (Simon Mwansa), this was unfortunate (if true), as he was highly respected for having advised against the appointment of his daughter, Stella Chibanda, as the MP candidate for Rufunsa; Chibanda having been found complicit with former President Chiluba in the Zamtropa theft, where massive amounts of government funds were stolen.

As many of the shrines and sacred groves of Mburuma's people are located in the proposed open-pit mining area, one can only imagine the financial incentives offered Mburuma to support the mining. However, two years later, it emerged in a High Court hearing on 4 April 2014 that ZRL's and the Attorney-General's assertion that the local chiefs and their people supported the project was denied by the appellants, citing a report by ZEMA on the public hearings held during the EIA process. They also clarified that the Minister had not dealt

with the scientific issues and that his decision was political.

ZRL's annual report for 2012 did not mention that the proposed Kangaluwi mining project was in a national park; neither did the map in their 2013 annual report.

On 11 May 2012, at the request of Conservation Lower Zambezi, the US-based Kuipers & Associates L.L.C., submitted a review of the Kangaluwi Copper Mining EIS, declaring that it 'grossly fails to meet the USA or international standards for environmental assessment...because it significantly underestimates the potential for water quality issues, fails to identify that issue as significant and offers no substantive assessment or mitigation for water contamination'. The EIS, they said, also failed to follow international guidelines on de-Commissioning and closure plans and grossly underestimated the costs.[xxv] A friend of mine, a Johannesburg-based mining and project management expert, Peter Watermeyer, after reading the Kuiper report, remarked that 'The report, properly presented to the ASX, could probably cut off the project funding'. In June, I mounted a petition on change.org against the mining, addressing, to begin with to ZEMA, then to the DG of ZAWA, then to Vice-President Guy Scott, and in March 2015, to the P.S. of the Ministry of Lands and to the officer in the Ministry charged with being the Executive Secretary of the CBD itself, passing on the information to our Australian supporters.[xxvi] I also produced a report on the intended rape and destruction.[xxvii] In July 2016, I re-directed the petition to President Lungu of Zambia.

On 31 May 2012, The Ministry of Lands, Natural Resources and Environmental Protection had presented Zambia's action plan for implementing the Convention on Biodiversity (CBD) program of work on protected areas (PoWPA), and that they

intended to 'Enact legislation on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from the Utilization of Genetic Resources', so confirming the Nagoya Protocol of the CBD and the rights of customary area commoners not to have mining if they so wish, and to have their sacred groves in the park protected (this appeared in 2016). Then under the subject of national parks, they repeated that they would 'exclude exploitation or occupation inimical to the purposes of designation of the area'. As for the GMAs, they wrote that:[xxviii]

GMAs comprise mostly communally owned land that is used primarily for the sustainable utilization of wildlife, through hunting and non-consumptive tourism concessions for the benefit of local communities and the wildlife resource, but which can also be used for other land uses such as settlement, agriculture, forestry, mining etc. Also, ZAWA and the Local Communities through Community Resource Boards jointly manage GMAs.

GMAs take up customary area, not state land, as the Ministry suggests. The residents of these areas suffer the depredations of wildlife without compensation and have been defrauded of the income they were supposed to receive from hunting-safaris. The land cannot just be 'used' for other land uses. This would depend on some factors: land size, land alienation or not, usufruct and so on. ZAWA does not jointly manage GMAs, and the Community Resource Board, only the game stocks, the hunting and ecosafaris – the latter rights simply grabbed illegally by government. GMAs are part of the chiefdoms and

under their authority.

The Ministry then listed their key threats, one of them being, 'Mining and Road Construction Activities: waiting that 'These have resulted in the fragmentation of ecosystems and habitats and obstruct migratory routes to breeding and feeding grounds used by wildlife and fish'.

In June 2012, the same month as my mining petition went online, a petition from the Council of Churches of Zambia was delivered by hand to the government on mining and its impacts on socio-economics but was physically refused acceptance. Shortly after, the Tourism Council of Zambia held a meeting of its tour operator members, deciding that appeasement was required:[xxix]

TCZ has to be supportive while seeking maximum mitigation measures are put in place. The industry needs to work with the mines to get as much out of them for the benefit of the park as possible. Objecting is going to end up as a losing battle that causes more harm than good. Tourism operators from Lower Zambezi tended to agree with this stance and that the mine would not affect the main tourist areas if it were managed properly as it is at the top of the escarpment. However, lots of the questions to the mine operator were left unanswered. So the industry needs to engage the operator now before they get permission, as when they do get permission (which they inevitably will), there will be less incentive to be positive towards the industry.

Zambia Environmental Management Agency impact assessment

On 31 August 2012, ZEMA reported on the impact assessment:

The development of the Kangaluwi mining operation will be over a period of two and a half years and see the construction of a 90,000 tonnes per annum copper sulphide concentrator and maintenance workshops, fuel storage depots, mining facilities, tailings storage and water storage facilities for a mine production of about 8 million tonnes per annum, a waste rock dump, water supply facilities (most water will be supplied through various as, yet not defined and finalized dewatering schemes) and administration offices. The site access road will be upgraded to provide secure access to all mining and processing areas throughout the year. Additional infrastructure required will include cooking and sleeping facilities at sites, waste facilities and a self-sustained camp. Apart from the stated components above, other items, including offices, accommodation for employees and sewer treatment facilities are not considered under the scope of this report. They will be subject to a different study when the feasibility is conducted on the appropriate designs and also sites for the infrastructures:

1. The Tailings Storage Facility (TSF) will be located in the Zambezi escarpment. The area is prone to earthquakes and it is therefore risky to put up a TSF, as the chances

of failure are high. If the TSF was to fail, the impact would be significant and would extend to neighbouring countries.

2. The mine is located about 30 km from the Mana Pools World Heritage Site in Zimbabwe. Any possible failure of TSF or abnormal discharge of effluent would affect negatively the World Heritage Site.

3. The issue of Acid Rock Drainage (ARD) and consequently the metal leaching has not been addressed. The EIS states that level 112m to 116m contains material that has the potential to generate acid and yet no mitigation measures both in the short and long term have been outlined. The impact of ARD would be significant especially after the mine has been closed.

4. The proposed site is not suitable for the nature of the project since it is located in the middle of a national park. The adverse impact of open-pit mining would therefore permanently destroy the landscape of the Park, thereby reducing the tourism value of the Lower Zambezi National Park. Lower Zambezi National Park is one of the four major national parks according to the Zambia Wildlife Authority (ZAWA), which earns the country a lot of money.

5. The footprint of the mine would increase when the road is widened and the power line is constructed. The integrity of the national park will, therefore, be compromised and in the long term, the ecological value would be affected.

6. The estimate of mine life is not based on verifiable facts, as the EIS is full of contradictions. The benefits from the mining operations may be for a very short period, but

the consequences may be far more reaching.

ZRL, it was further revealed, would transport all the copper concentrate from the mine site to smelters on the Copperbelt, moving 160 tonnes of concentrate per day by truck, in itself a massive disturbance.

In September 2012, a notice was placed on the ZRL website halting share trading, their CEO lamenting that 'senior ministers and the Minister of Mines were surprised' at the EIS's rejection and that 'Zambezi was acutely aware and supportive of the social and economic benefits which the development of the project would bring to the uninhabited and underdeveloped Luangwa district in particular'. On 19 September 2012, they appealed to the Minister against the EIS's rejection – although the Act stipulated that they had to have done so within two weeks. On 10 October, the Minister at an appeal hearing requested more information, though not ZEMA. The trader who had joyously written on the topstocks.com website, *'Hope all are set. See you all at the rippers! - Won't be long 'til we can let the Moet flow. Make it rain, Zambezi!'* would have been buoyed but not elated.

On 30 October the Australian Securities Exchange (ASX) - quoting from the September quarterly report of ZRL concerning a meeting with the Minister of Lands on 10 October - announced that the Minister had requested a more detailed environmental management plan. However, the market was satisfied that nothing would stop the mining. On 18 October 2012, Bergen Global out of New York made available \$5.8 million over two years for ZRL to complete the feasibility study.

In November 2012, ZRL submitted the modified plan to Minister Simuusa as requested. However, the mining was

planned for a national park and GMA that falls under the Ministry of Arts and Tourism. ZRL declared that if they were refused, they would appeal to the Supreme Court. *Mining Weekly* recorded that, ‘The CEO Vilensky was confident that the company had addressed all concerns about the EIS, and had been advised of Presidential and Government support for the project to move ahead’. ZRL made promises that emboldened them to raise a loan of \$10 million, the Bergen loan falling away by agreement.

In March 2013, I learnt that the Zambia CBNRM Forum was about to present the Kangaluwi mining project to the Parliamentary Committee on Lands, Environment and Tourism. I sent them a précis of the legal issues. The Forum reported back that:

We had a very good meeting with seven members of Parliament, chaired by Professor Lungwangwa. They were all surprised with the events developing in Lower Zambezi National Park and also the communication we all have done with the Minister without response...the committee was surprised that a mining licence was issued before the EIA was approved by ZEMA and also the issue of ZAWA involvement as provided by the ZAWA policy of 1998. We were promised action by the Committee to the Executive over the matter and expect feedback.

The ZRL CEO, in his March 2013 quarterly operations report, declared:

Since the beginning of the year, ZRL has continued to receive the wider support of stakeholders including higher authorities in Zambia, who are very keen to promote the development of such projects thus creating employment opportunities which are limited; During the months of February and March 2013, consultants have continued with the Ministry of Lands, Natural Resources and Environmental Protection on the finalization of the EIS appeal for its successful award; During April 2013, the company made a presentation on the Kangaluwi Copper Project to a Parliamentary Committee on Lands, Environment and Natural Resources. The presentation was very well received by the Parliamentary Committee, which as a result, visited the site of the project a week later.

A study of the parliamentary report reveals that the ZRL presentation was not well received. Significantly the Ministry of Lands, Ministry of Tourism and Arts, the Office of the Vice President, ZEMA, and ZAWA were not favouring the mining. Only the Ministry of Mines was in favour – along with ZRL. The committee excoriated the Ministry of Mines: ‘the mining licence ... was issued without following the requirements of the law and procedure and is invalid and should be revoked’; and ‘there should be no mining in the Lower Zambezi National Park’.[xxx]

In April 2013, ZRL said that the committee ‘expressed support’ for the mining. But in *The Post* Newspaper of 24 May 2013, Minister Simuusa finally admitted that there had been ‘no proper pre-qualification in Zambezi Resources’ application and issue of mining licences by the Ministry of Mines,’ adding

that, 'Two fundamental requirements were overlooked when a large-scale mining licence was issued to the developers of the proposed mine. The issue was being addressed'.

Protea Hotels in military-industrial style

The mining apart, other threats to the park presented themselves. In 2009 Protea Hotels Zambia - its Chairman Mark O'Donnell, at the time both Chairman of the Tourism Council of Zambia and a member of the ZAWA Board - proposed to construct a 144-bed hotel and conference centre designed in the military-industrial style on the Zambezi some ten km downstream of the Lower Zambezi National Park, and directly across the river from the Mana World Heritage Site, evoking the anger of those who value this primary wildlands area where tourism development is supposed to be appropriately small and eco-friendly. With the help of my friend David Gleason - former Chairman of the Wildlife Society of Zambia - on his Classic FM talk show in Johannesburg, a senior Protea Hotels executive and I were interviewed, the matter fully aired, and Protea taken to task.

Protea Hotels had provided an exceedingly prolix EIA report supporting its building and operation proposal, requiring civil society inputs to be made to the Environmental Council by 14 April 2010. In light of the transfrontier development, the council had concluded that the planning decision had already been made for the area, any deviation requiring changes to the management plan for the Chiawa GMA bordering the park, as well as requiring the agreement of Mozambique,

Zambia and Zimbabwe, UNESCO, and members of the Lower Zambezi Conservation Trust. The Protea impact assessment and application, widely regarded as *ultra vires*, was withdrawn but not rejected out of hand.

But another wholly unsuitable lodge was built in Zambia opposite the Mucheni camp, an architectural 'monstrosity with Dutch gables, bright green roofs, aluminum windows and a red and white waterwheel'. Other observers were concerned about the proliferation of powerboating and other activities at some lodges, suggesting that operators have gone beyond the bounds of 'appropriate tourism'.

Sata and the road pot

In September 2012, President Sata took over the Road Development Agency (RDA), in October appointing his ex-campaign manager, Willie Nsanda (d.2015), as the Chairman – yet without a board in place until December 2013 - and moved him into an office at State House where Nsanda continued to pay himself a sitting allowance for board meetings never held.[xxxix] Sata then diverted a massive amount of revenue into the RDA and launched the Link Zambia - 8 000 programs, the first project with high priority being the Lusaka - Leopards Hill Project. This involved the construction of a road taking in the present narrow dirt track linking Leopards Hill outside of Lusaka with Chiawa, Chirundu, the Chongwe/Zambezi confluence, thence down the Zambezi through the Lower Zambezi National Park to Feira (officially renamed Luangwa), and up the Luangwa River to the Luangwa Bridge on the Great East Road.[xxxix]

The potential negative effect of this on the narrow alluvial band lying between the Zambezi and the escarpment in the park – the area that is the jewel in the crown of this patch of primary Nature, and on which an important ecotourism industry exists, would be a severe perturbation striking at the heart of its primal value. In March 2013, President Sata Commissioned the Luangwa Bridge to Feira link to be built by the Chinese. It appeared that no public consultations had been carried out or EIAs produced for appraisal. By October 2014, Zambia's external debt approached \$5 billion. Much of it poured into the Road Development Agency under Willie Nsanda – he also served on the ZAWA Advisory Board, later obtaining a hunting-safari concession illegally. In November 2014, after two years without one, an RDA board was appointed to carry out a damage limitation exercise on a Sata malversation mess of massive proportions – including the fact that EIAs have not been carried out in the required manner for the various projects.

The whole core area of the park and Mana Pools NP is already part of the African Wildlife Foundation's Zambezi Heartlands program, which once attempted to create the Mana-Lower Zambezi Transfrontier Conservation Area incorporating parts of Zimbabwe, Zambia and Mozambique. AWF appears now to be a minor player, with the Peace Parks Foundation to the fore, funded by the Dutch Postcode Lottery, but making little progress with formalizing the Lower Zambezi-Mana Pools TFCA, a draft MOU still awaiting the signatures of Zambia and Zimbabwe, the proposed mining an obvious obstacle.

In August 2013, I set up another petition to the one created on the mining issue, 'Boycott the Mugabe/Sata/UN World Tourism Organization general assembly at Victoria Falls (24-29

August 2013)' explaining that the UNWTO has 154 member countries and many affiliate members drawn from the world tourism community, all of whom embrace the UNWTO global code of ethics, '*A landmark resolution recognizing ecotourism as key in the fight against poverty, the protection of the environment and the promotion of sustainable development and adopted by the United Nations General Assembly (21 December 2012)*'; a code forgotten in a rush to plunder minerals from the valley and destroy much of the eco-tourism industry.[xxxiii] Across the river in the Mana World Heritage Site, the Zimbabwe government ignores the site's 'Universal Value' status, allowing prospecting for minerals.[xxxiv] A year later, massive corruption was revealed in awarding contracts for the UNWTO General Assembly.

In *The Post* newspaper of 24 May 2013, an article appeared entitled, *Simuusa dismisses petition against UNWTO assembly*, the result of an interview with Minister of Lands Wylbur Simuusa reacting to my call for a boycott and his failure to act on the EIA appeal by the ZRL and support his environmental agency, ZEMA.

In July 2013, a Mineral Resource Development Policy was issued by the Ministry of Mines, Energy and Water Development, conjured up by Minister Christopher Yaluma and Permanent Secretary Victor Mutambo's aggressive mining investment program. However, section 7.4 (e) of the policy declared that 'exploration and mining in protected areas will only be allowed when rehabilitation is guaranteed'. In the case of 250 km² of deforested national park in which are gouged four or more mines, two or three of them huge open-pit copper mines with massive amounts of concentrate removed daily to the Copperbelt, rehabilitation is simply not possible. ZEMA on its website agreed: '*Open-pit mining is a major form of mining*

in Zambia; however pits are never rehabilitated when minerals are exhausted'.

In August 2013, as the *numero uno* political sorcerer Mugabe celebrated his 'election' victory, Sata crowed forth another round of 'forward with the cock' praise-singing ejaculations, as did Kabimba, the Minister of Justice, head of the PF Party, and my former attorney. In September 2013, Harry Kalaba was propelled blinking into the sunlight from the Office of the Vice-President - suggesting Scott's influence and interest in Kalaba taking over the duties of Minister Simuusa. In October, Kalaba sent a ZEMA delegation down to the park. They drove around, commenting on the pollution that would occur with the proposed mining, a scheme ZEMA had already rejected in August 2012. In late October, ZRL announced that Borniface Nguni, a Zambian geologist employed by ZRL, had agreed to take shares instead of money owed to him. Also, ordinary shares were issued to Robert McPherson and the chairman of Chambeshi, Willie Sweta, instead of fees and without disclosure to investors.

Minister Kalaba upholds appeal.

But the inevitable was to happen. On 17 January 2014, Kalaba wrote to ZRL informing them that he upheld their appeal of 19 September 2012. Kalaba made it clear that he accepted the word of the Australian miners that their mining operation would provide employment, that technology could deal with the negative effects, and that wildlife management would be enhanced by the management scheme suggested in the revised

report – a report not made available for public appraisal. Only six months before, the parliamentary committee dealing with the mining issue had been told by all the ministries (except mining) making submissions, including the Vice-President's Office and ZAWA itself mining should not go ahead. Sata clearly must have instructed Kalaba. Two months after Kalaba upheld the appeal, he was replaced by a sacrificial Lord Haw-Haw, Mwansa Kapeya, Minister of Information and Broadcasting. Kalaba went on to become Minister of Foreign Affairs until he resigned in 2018 because - as he disclosed - of the PF's corruption, something he had helped set off.

ZRL announced Kalaba's decision to the market on 20 January, a delay with a concomitant surge by more than 200% in their share price. This attracted ASX's attention, who wrote to ZRL about their concerns about insider trading on 21 January. As January came to a close numerous civil society organizations in Zambia began to organize themselves. I suggested that an injunction be sought, as allowed under the Environmental Management Act, 2011. News then filtered through that a Western Australia delegation of politicians and miners, including the Premier of Western Australia, had met with Scott at a hotel in Lusaka. Outside stood six peaceful Zambians holding placards, demonstrating against the mining. They were arrested and driven away.[xxxv]

On 3 February 2014, ZEMA – under the challenged minister's orders, wrote a seven-page letter to ZRL's Zambian subsidiary announcing that the Lands Minister permitted the mining, subject to a list of conditions, and subject also to any prescribed conditions which ZAWA might impose. The ZEMA conditions were all palliatives to what is clearly big man corruption, none of them of a technical nature such that they would stop or hin-

der the mining: 1) they must submit an integrated management and utilization natural resources plan for the mining site within 12 months; 2) must fully comply with the Environmental Act; 3) must undertake an environmental audit not less than 12 months and not more than 36 months *after commencement* of the mining operation; 4) must submit a closure report and de-Commissioning plan outlining the implementation of all the environmental management commitments presented in the EIS for consideration by ZEMA *at the end of the project*; and 5) the project must commence by 3 February 2017, failure to do so renders the approval invalid.

The true author of this shockingly amateurish letter was obviously the Ministry of Lands – not ZEMA - and certainly not competent mining and environmental experts. It was not a revised EIS and was not made available for public scrutiny and discussion. On 4 February 2014, the High Court issued a stay of execution of the government decision to allow large-scale mining in the park, pending an appeal on 18 February. Six appellants, lead by the CBNRM Forum, signed the document. This appeal was adjourned at the request of ZRL to 5 March; then, both parties were given until 14 March to make further submissions.

On 5 February 2014, the CEO of ZRL, whose membership of ASX is bound by the Equator Principles, had issued a vapid public relations effusion on the company website promising a ‘green copper mine’ in the park - a classic oxymoron and an impossible promise to keep. The CEO Vanspeybroek wrote that he would bring this to fruition with ‘local communities and environmentalists’. He would create an initial 500 jobs for local villagers - obviously mostly members of the chiefdoms encircling the park, usufruct landholders of customary area.

They would now presumably leave their land, wives and children – some 3,000 or so of them – and go off to live in a mine compound in the park. This on the social fabric of women and children living in customary area with few government services would be considerable. Presumably, survival pressures would increase the ever-diminishing bushmeat and charcoal harvesting and exacerbate an agricultural crisis brought about by the government's late delivery of seed and fertilizer.

The ZRL CEO declared that he was working with the 'traditional leaders, who support the project, improve livelihoods, and bring economic development to the area'. He provided no letter of agreement or plans to back up this assertion. He went on to say that the proposed mining area was in a 'remote, inaccessible and sparse part of the park, on the upper escarpment, more than 35 km away from the Zambezi River with no surface water and consequently very few animals'. Kellie Leigh, who researched the area for seven years, responded to this description in an article by Michael West in the Sydney Morning Herald of 8 February 2014:[xxxvi]

The open-pit site is within 19km of the Zambezi River and inside the river's water catchment area. More importantly, that 19-km distance is meaningless since the identified General Mining Activity Area, in their EIS, is less than one kilometre from the Chakwenga River and Kangaluwi stream, both of which they identify in their EIS as draining the project site and both of which flow into the Zambezi. According to the laws of gravity and water catchments, any contamination would flow into these immediately nearby tributaries and thus into the Zambezi. Contaminants

won't bother doing the 19-kilometre cross-country hike across the mountains to the Zambezi. The main open-pit area of the mine is only 7 km from the valley floor where the wildlife becomes concentrated.

The ZRL CEO said that he had listened to the concerns raised by ZEMA. Yet ZEMA had been kept out of the picture, the whole process gerrymandered by the Ministry and ZRL to achieve a compromise of sorts acceptable to themselves – all of it taking a year and a half. He also said that ZEMA would monitor and supervise the whole process of mining and mitigation. A parliamentary committee concluded that ‘a) The mining companies were not complying with environmental rules, laws, regulations and environmental licensing conditions set by Government, and b) Measures Government had put in place to ensure that the environmental degradation caused by mining activities was adequately managed were not working effectively’.

The Ministry of Mines and the environmental agency (ZEMA) could not police the mining companies. The statutory instruments governing environmental impact assessment were unable to deal with modern mining practices, which should have been attended to by 2008.[xxxvii]

On 11 February 2014, Minister Masebo of Tourism and Arts – in charge of ZAWA - gave evidence to the Parliamentary Committee on Lands, Environment and Tourism dealing with the Zambezi mining issue, reportedly declaring – though her submission was held *in camera* – that her Ministry opposed the position taken by Minister Kalaba to allow mining. On 18 February, the Tonga chiefs requested that the government revoke the mining licence.[xxxviii] The Lands parliamentary

committee considered the Auditor-General's report on wildlife management, declaring nine illegal mines in Lukusuzi National Park and one in the Kafue National Park.[xxxix] But they failed to mention that the Committee on Lands in 2012 had stated clearly that the Ministry of Mines had illegally issued mining licences for the Lower Zambezi National Park.

Mercifully the market may well pour cold water on the miners' fevered brow. As the *Zambian Economist* reported, 'Copper prices are headed for the longest slump in 20 years, on signs of weakening demand after manufacturing slowed in China and the U.S., the world's top metals consumers'. And in late March, Sata decreed that mining companies would have to pay a 29% increase in electricity tariffs.

High Court upholds stay

On 4 April 2014, the High Court in Lusaka upheld the stay of execution previously granted, 'until the final determination of the appeal to the court'. Judge Kondolo said if he had lifted the stay of execution granted on 18 February 2014 to the Zambia CBNRM Forum, Zambia Institute of Environment Management, Zambia Climate Change Network, Chalimbana River Head Waters Conservation Trust, Green Living Movement and David Ngwenyama - the six organizations and the individual who had appealed against the Ministry of Mines plea to allow large-scale open-pit mining in the National Park, it would become 'nugatory and rendered academic' because of the likely serious damage to the environment and human health. The Judge went on to say, 'damage to the environment is a matter of

public concern and interest which affects all people born and unborn. For this reason, I find that the appellants do not need to specify or prove exactly how they are affected by the subject project'. The Judge added that the stay was not an injunction against the state and that Attorney-General Malila's assertion that the stay was incompetent because it offended Section 16 (2) of the State Proceedings Act and was not valid as the mining would affect all people, not just the six who admittedly were not resident in the park. The April 4 court hearing did not cite the Mines and Minerals Development Act, 2008, an Act making it mandatory for prospector's and large-scale mining licences to be issued, both requiring submission of an Environmental Management Plan (EMP), the permission of ZAWA and the Mining Advisory Committee, and in the case of the large-scale licence, the submission and acceptance of an EIS before the licence is issued.

While attempting to obtain the Auditor-General's report on parastatals for 2012 from an unresponsive A-G website, I discovered that Zambia is a member of the International Organization of Supreme Audit Institutions (INTOSAI), an UN-sponsored organization dedicated to the improvement of the public accounting system. INTOSAI has some working groups, one of them being the Working Group on Environmental Auditing (environmental-auditing.org), which has the power to request that Zambia carry out pilot environmental audits and submit them to parliament. The Zambian members are all employees of the Auditor-General. I wrote to the responsible member in A-G for INTOSAI, Aggrey Mukalasha, concerning the website problem on 13 May 2014. He replied immediately and gave me a contact URL. I then wrote back regarding the powers of INTOSAI and the fact that he and Auditor-General

Anna Chifungula, as members, had the power to carry out an environmental audit of the Kangaluwi Project. To this, I received no reply nor from the CBNRM Forum when I suggested that this was an action that should be considered.

In June 2014, Judge Kondolo was transferred to some far-flung provincial post with a forthcoming High Court hearing where only affidavit material could be presented, and certainly no inconvenient witnesses and new facts; perhaps Minister Kalaba to reveal the orders from big man Sata to send ZEMA away. There had also been no guidance from ZAWA on future and past mining and tourism, and road development. But Kalaba was being protected, as Sata did Kabimba when he was about to be questioned by the Anti-Corruption Committee on Trafigura. The appellants had appealed to the Supreme Court to allow for the calling of key witnesses. Concurrently an appeal to stay the High Court case was made, requesting that the case not proceed until the Supreme Court appeal had been determined.

In July 2014, the Auditor General issued the report: 'The Management of Environmental degradation caused by mining activities in Zambia' covering the years 2008-2011: a shocking further revelation and confirmation of government ineptitude and political corruption, a problem without end. The report on mining acknowledged that the Zambian government is not capable of applying the laws – though what was not mentioned is that ZEMA did apply the law in the case of the Lower Zambezi National Park but was overridden by the President. The mining report concluded that:[xl]

1) The mining companies are not complying with the environmental rules, laws, regulations and environmental

licensing conditions set by Government.

2) Measures government has put in place to ensure that the environmental degradation caused by mining activities is adequately managed are not working effectively.

In November 2014, an evaluation of the mining at the request of the Lower Zambezi Tourism Association revealed two startling additions: 1) Copper oxide would be produced, not copper sulphide – a change unsupported by a revised EIA; and 2) the mining would result in a net loss of jobs and a loss of \$13 million in the first seven years.[xli]

As my friend – a mining expert - Peter Watermeyer commented to me: ‘One of the major processing costs of oxide ore is the provision of sulphuric acid, which has to be purchased... with potentially severe atmospheric emissions of sulphur dioxide, e.g. Selebi Pikwe in Botswana (already a desert). As sulphur dioxide - known as ‘[acid rain](#)’ in Europe – has serious environmental effects, the government’s failure to call for another EIA is deplorable.’

But an announcement by government that from 1 January 2015, open-pit mines must pay 20% in royalty tax – and not 6%, should it not be overturned, would surely see the demise of Zambezi Resources Limited; the Lumwana Mine in Solwezi making moves to close. But in April 2017, the open-pit tax was reduced to 9%, underground mining to 6%. Meanwhile, as of January 2018, the Court of Appeal’s decision to allow the government and Zambezi Resources to mine the park continues to be delayed. Therefore, a decision is unlikely, given the near certainty that massive corruption in Kalaba’s decision will then be unearthed.

At the end of 2015, new wildlife legislation was ushered in

by parliament, the Wildlife Act No. 14 of 2015.[xlii] Under Part III (16), mining is allowed in a national park, community partnership park or bird sanctuary, provided an EIA is carried out under the procedures laid out under the Environmental Management Act, 2011. However, in 2016, unheralded there came into law a new Act, The Protection of Traditional Knowledge, Genetic Resources & Expressions of Folklore Act, 2016. This could nullify any attempts to gouge out the sacred groves – if it is taken up.

But as 2017 flashed by, Zambia – but not the government – awaited Judge ‘Waiting for Godot’s decision. In January 2017, Zambezi Resources Limited changed its name to Trek Metals Ltd.



Trek Metals report on 27 August 2018

In January 2020 the government announced that mining in the Lower Zambezi National Park would not be allowed.

TOur Mother Earth's national parks should be akin to the sacred African animist groves - places of deep religious significance, with a sacred duty to protect them on behalf of their 'living ancestors'. Since this part of Mburuma's country was declared the Lower Zambezi National Park in 1983, it became instantly, as John Ruskin wrote in his evocative essay, *The Mysteries of Nature*, 'strangely animated by the sense of the Divine presence'.^[xliii]

[i] Kapp, K. William. *The Social costs or Private Enterprise*. Cambridge Massachusetts: Harvard University Press, 1971. p.231.

[ii] Bavikatte, Kabir Sanjay. "Biocultural Community Protocols and the Future of Conservation | OUPblog." *OUPblog Biocultural Community Protocols and the Future of Conservation Comments*. Oxford University Press, 8 Sept. 2014. Web. 10 Mar. 2015. Cited in Just Conservation, 9 September 2014. Web. 2 April 2017. <http://www.justconservation.org/biocultural-community-protocols>

[iii] "Save the Zambezi Call by 17 Chiefs, 18 October 2008.pdf." Web. 2 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_Rm1laVFjSWtiZFU/view?resourcekey

=0-fZehVVcmOeZ9twx9juDFZw

[iv] Protection of Traditional Knowledge, Genetic Resources & Expressions of Folklore Act No. 16 of 2016. Web. 5 July 2017. <http://www.parliament.gov.zm/node/5214>

[v] "Aichi Biodiversity Targets: Strategic Plan 2011-2020." *Convention on Biological Diversity*. Web. 2 April 2017. <<http://www.cbd.int/sp/targets/>>.

[vi] Bavikatte, Kabir Sanjay. "Biocultural Community Protocols and the Future of Conservation | OUPblog." *OUPblog*. Oxford University Press's Academic Insights for the Thinking World, 8 Sept. 2014. Web. 2 April 2017. <<http://blog.oup.com/2014/09/biocultural-community-protocols-future-conservation/>>.

[vii] Bavikatte, Sanjay. "Stewarding the earth: rethinking property and the emergence of biocultural rights." *University of Cape Town, PhD Thesis*. 1 Sept. 2011.

[viii] The two worlds of Nagoya. Natural Justice and Public Eye, 2016. Web. 2 April 2017. https://www.publiceye.ch/fileadmin/files/documents/Biodiversitaet/The_two_worlds_of_Nagoya_11-16.pdf

[ix] "Letter of Concern: Mining in the Lower Zambezi River Water Catchment and Protected Areas." Chiawa Leaseholders Association, 2008. Web. 2 April 2017. https://drive.google.com/file/d/0B0sCBiNNNeEh_UGxhUXFsVTFxMms/view?usp=sharing

[x] Hachileka, Excellent et al. "Country Studies: Zambia." *Access to Genetic Resources in Africa: Analysing ABS Policy Development in Four African Countries*. United Nations U, 2008. 54-81. Web. 5 July 2017. http://archive.ias.unu.edu/resource_centre/ABS%20in%20Africa.pdf

[xi] "Report of the Committee on Lands, Environment and

Tourism on the Auditor General's Report on Environmental Degradation Caused by Mining Activities for the Fourth Session of the Eleventh National Assembly Appointed On 25th September, 2014." *National Assembly of Zambia - Downloads*. 2015. Web. 5 July 2017. http://www.parliament.gov.zm/sites/default/files/documents/committee_reports/Report%20-%20Auditor%20General%27s%20Report%20-%20Environmental%20degradation.pdf

[xii] Nkhuwa, Daniel C.W., and Sakwiba Musiwa. "Prosperity Unto Death: Is Zambia Ready for Uranium Mining?" Council of Churches in Zambia (Norwegian Church Aid), 2010. Web. 2 Apr. 2017.

http://www.uraniumnetwork.org/Mali%20Konferenz/start_hm_files/start_hm_files/Prosperity-unto-Death-2010.pdf

[xiii] Howard, Geoffrey, and Guy Broucke. "Mission Report: Mana Pools, Sapi and Chewore Safari Areas (Zimbabwe)." *Archive Kubatana*. 1 Jan. 2011. Web. 3 April 2017. <http://archive.kubatana.net/docs/env/iucn_unesco_mission_report_110115.pdf>.

[xiv] Brugge, Doug, and Virginia Buchner. "Radium in the environment: exposure pathways and health effects." *Reviews on environmental health* 27.1 (2012): 1-17.

[xv] "Lower Zambezi National Park Boundary." Zambia Government. Web. 3 April 2017. https://docs.google.com/document/d/1_092D0QapYpyZzJbDMldd23zhYoukCAC6i-FuRQF2zo/edit?usp=sharing

[xvi] Savory, Allan, and Jody Butterfield. *Holistic Management: A New Framework for Decision Making*. 2nd ed. Washington, D.C. Island, 1999. p. 21.

[xvii] Carter, John et al. "Holistic Management: Misinformation on the Science of Grazed Ecosystems." *International*

Journal of Biodiversity Volume 2014, 23 Apr. 2014. Web. 19 June 2015. <<http://www.hindawi.com/journals/ijbd/2014/163431/>>.

[xviii] “Eric Balson Obituary (1930-1914).” 22 Feb. 2014. Web. 2 April 2007. https://docs.google.com/document/d/1EuMil1U_2kmBNCXrNr9XQIP7jDO34cUoSGgLBsuXuPE/edit?usp=sharing

[xix] “Billions from the exploitation of raw materials – the Swiss multinational corporation, Glencore Xstrata.” Ed. MultiWatch. 2015. pp 82-83. Web. 2 April 2017. http://www.mutiwatch.ch/cm_data/20150505_GlencoreBookMultiWathc.h.pdf

[xx] Howard, Geoffrey, and Guy Broucke. “Mission Report: Mana Pools, Sapi and Chewore Safari Areas (Zimbabwe).” *Archive Kubatana*. 1 Jan. 2011. Web. 2 April 2017. <http://archive.kubatana.net/docs/env/iucn_unesco_mission_report_110115.pdf>.

[xxi] Manning, I.P.A. “Lower Zambezi N.P. and Mana Pools.” 2013. Web. 2 Apr. 2017. <https://docs.google.com/document/d/1wS4BzCcVRIP8ZkLbGqligioY0i7-Rvz4MLEzk5Os2b0/edit?usp=sharing>

[xxii] Saiwana, Lewis. “Saiwana Mining Letter 2008.” 5 Nov. 2008. Web. 2 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_VFQ2Ym9ZTGtBelU/view?usp=sharing

[xxiii] “Committee Decisions 35 COM 7B.8: Mana Pools National Park, Sapi and Chewore Safari Areas (Zimbabwe) (N302).” *UNESCO.ORG*. United Nations Educational, Scientific and Cultural Organization, 1 July 2011.

[xxiv] “Manifesto of the Patriotic Front of Zambia.” *Patriotic Front*. 1 Jan. 2011.

[xxv] Kuipers, James. Kangaluwi copper mine EIS. Kuipers &

Associates, 2011. Web. 2 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_Q2lKYnF1ZTZpQWc/view?usp=sharing

[xxvi] Manning, I.P.A. "Petition against Mining the Lower Zambezi National Park, Zambia." *Change.org*. 1 May 2012. Web. 2 April 2017. < <https://www.change.org/p/president-lungu-prohibit-mining-in-the-lower-zambezi-national-park>

[xxvii] Manning. Petition against Mining. 2012.

[xxviii] Dauchi, Allan. "Zambia action plan for implementing the Convention on Biological Diversity's program of work on protected areas (PoWPA)." *CBD PoWPA Action Plans*. Convention on Biological Diversity, 31 May 2012. Web. 2 April 2017. <<http://www.cbd.int/protected/implementation/actionplans/country/?country=zm>>.

[xxix] Confidential e-mail report of the meeting in the possession of the author

[xxx] "Report of the Committee on Lands, Environment and Tourism for the second session of the eleventh national assembly appointed on 27 September 2012 pdf." 27 June 2013. Part II: pp. 9-12. Web. 2 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_TmlmNWdFVEJMY3c/view?usp=sharing

[xxxi] Road Development Agency report, in "Report of the A-G for 2014 on parastatal bodies" pp.100-105. Auditor-General Zambia. Web. 2 April 2017.

<http://www.ago.gov.zm/reports/Parastatal/2014/Parastatal%20Report%20-%202014%20Accounts.pdf>

[xxxii] Manning, I.P.A. Petition on proposed mining of the Lower Zambezi National Park. Web. 18 April 2017. <https://www.change.org/p/president-lungu-prohibit-mining-in-the-lower-zambezi-national-park>

[xxxiii] Manning, I.P.A. "Members of the UN World Tourism Organization: Boycott the UNWTO General Assembly in Victoria Falls (24-29 August 2013)." *Change.org*. 1 Aug. 2013. Web. 2 April 2017. <https://www.change.org/p/members-of-the-un-world-tourism-organization-boycott-the-unwto-general-assembly-in-victoria-falls-24-29-august-2013>

[xxxiv] Manning. Members of the UN WTA. 2013.

[xxxv] Editor. "More condemn PF Government for allowing mining in the Lower Zambezi National park." *Lusaka Times*, 31 Jan. 2014. Web. 02 Feb. 2017.

<https://www.lusakatimes.com/2014/01/31/condemn-pf-government-allowing-mining-lower-zambezi-national-park/>

[xxxvi] West, Michael. "Out of Africa, Problems for Zambezi Resources." *The Sydney Morning Herald*. 8 Feb. 2014. Web. 4 April 2017. <<http://www.smh.com.au/business/out-of-africa-problems-for-zambezi-resources-20140207-326y3.html>>.

[xxxvii] Report of the committee on Lands, Environment and Tourism on the Auditor General's report on environmental degradation caused by mining activities for the fourth session of the eleventh national assembly appointed on 25th September, 2014. *The Zambian Parliament*, 5 July 2017

[xxxviii] "Tonga Chiefs Condemn Mining in the Lower Zambezi." *LusakaTimes.com*. 18 Feb. 2014. Web. 5 April 2017. <https://www.lusakatimes.com/2014/02/18/tonga-chiefs-condemn-mining-lower-zambezi/>

[xxxix] Report of the committee on Lands, Environment and Tourism on the Auditor General's report on the management of wildlife in Zambia for the fourth session of the eleventh national assembly appointed on 25th September, 2014. p.8. Web. 5 July 2017.http://www.parliament.gov.zm/sites/default/files/documents/committee_reports/Report%20-%20Auditor

%20General%27s%20Report%20-%20Management%20of%20Wildlife.pdf

[xl] Report of the Auditor-General on the Management of Environmental Degradation Caused by Mining Activities in Zambia. Auditor-General of Zambia, July 2014. Web. 5 July 2017. <[http://www.ago.gov.zm/reports/Special/2014/OAG Management of Environmental Degradation.pdf](http://www.ago.gov.zm/reports/Special/2014/OAG%20Management%20of%20Wildlife.pdf)>.

[xli] Leigh, Kellie. "Evaluation Report: Kangaluwi Open-pit Copper Mine in the Lower Zambezi National Park, Zambia." *Researchgate.net*. 3 Mar. 2015. Web. 5 April 2017. <http://www.researchgate.net/publication/269065425_Evaluation_Report_Kangaluwi_Open-pit_Copper_Mine_in_the_Lower_Zambezi_National_Park_Zambia>.

[xlii] The Wildlife Act No.14 of 2015. Web. 5 April 2017. <http://www.parliament.gov.zm/node/4533>

[xliii] Ruskin, John. "25. The Mysteries of Nature, P.72." *Selections from the Writings of John Ruskin*. 1843-1860 ed. Vol. First Series. London: George Allen, 1994. 524.

Sullyng the Hunt

Victorian days - safari-hunting industry deterioration - corruption in tenders (1995) - Chiluba stops hunting safaris (2001) - Tolmay's empowerment attempt for Sichifulo (2003) - HCA: hunting concession agreement (2003- 2012) – The HCA scam - ZAWA blackmail and corruption – new hunting areas and my attempts to empower residents (2004) - game thresholds - game quotas - poisoning - the Kasanka quota debacle - safari report (2005) - quota corruption - lion status research – NAMAC - ZAWA moves against Smythe at Lunga Busanga - Kasempa corruption - Mbeza and Sofram sue ZAWA (2006) - state (NAMAC) moves to take over eight companies – NAMAC defeat - concession grabbing attempt - Rashid Randera grab of Nabwalya - Randera organizes Michelson's deportation (2007) - Kabimba advises CRB to take action - supreme court decision - PH Ray Millican arrested - SHOAZ meeting with arrogant ZAWA board (Jan 2008) - game ranching seminar (1989) - policy on game ranching (2003) - brief history of game ranching

So long as a man

*Likes the splashing
Of a fish, he is
A poet. But when
He knows that the
Splashing is nothing
But the chase of
The weak by the
Strong, he is a
Thinker; but when
He does not understand
What sense there is
In the chase, or
What use in the
Equilibrium which
Results from destruction,
He is becoming silly
And dull as he
Was when a child.
And the more he
Knows and thinks
The sillier he becomes.*
Anton Chekov – (poem found in one of his notebooks)

* * *

The Hunting Guilds

In the late 1880s, with the BSA Company intrusion into the territory, native hunters, often elders of elite elephant hunting guilds - the *Chiwinda* – guided the big-game hunter in pursuit of elephant and other game. One of the finest of these was Chief Luchembe's chief executioner, Chumamaboko (*arms of iron*).[i] F. H. Melland - a nephew of Prime Minister Asquith, who arrived on foot at Mpika in October 1901 to take up his post with the BSA Company as an assistant native collector, recruited Chuma as his hunting *fundi* and scoured the nearby Bangweulu Swamps and Luangwa Valley for good tuskers. At the time in N.E. Rhodesia, a £50 licence, allowed most species, including elephant and rhino, and a £2 licence for a general bag. In a 1913 edition of *The Guide to South and East Africa for the use of Tourists, Sportsmen, Invalids & Settlers*, obviously confused by the geography, they advised that 'giraffe, mountain zebra, wild ass and white-tailed gnu are absolutely protected'.[ii]

The Edwardian era (1901-1910) saw the flowering of the White Hunter controlled safari business, though some individual sportsmen continued to make their arrangements, as Melland did with Chumamaboko.[iii] [iv] [v] In 1902, the pioneer hunters, the Hill brothers, Clifford and Harold, began conducting lion safaris on their ranch in the Machakos area of Kenya. I have a letter written to me by Harold Hill in his eighties, announcing that with self-rule coming to Kenya, he was moving to South Africa.

On the Luitikila River, which has its headwaters near Mpika, Melland shot a 116 pounder (the heaviest tusk weighing 116 lbs),

which today can be seen in the Thring Museum in England, one of the biggest elephant ever taken in the territory, the record being a 130-pound single tusker.[vi] Chuma followed Melland from Mpika in 1912 to Solwezi,[vii], thence to Kasempa, Kafue, and Mazabuka. Melland wrote five books: 1) *Elephants in Africa*; 2) on the anthropology of the Kaonde in Kasempa district- *In Witch Bound Africa*; 3) on his journey with Chuma and a BSA Company friend from Bangweulu to Cairo - *Through the Heart of Africa*; 4) as co-author of a book on Indirect Rule - *African Dilemma*; and 5) *Lord Hailey's African Survey*.



One of Melland's machilas used for transporting his family
(see cover)



Dr. H. Norton, Frank Melland and other hunters c. 1930

While at Mpika, he became friends with two well-known hunters, Mickey Norton (d.1949) and J.E. Hughes (d.1935). Norton hunted elephant in Mweru wa Ntipa and other parts of present-day Northern Province, later becoming an elephant control officer with the Tanganyika Game Department. Hughes had left his post as Native Collector and magistrate, working as a white hunter and hide exporter, writing the classic, *Eighteen Years on Lake Bangweulu* while in self-imposed exile in Port Elizabeth.

Chuma was remarkable in every way. Melland recounts how he once personally cleaned up the latrines in the labour lines at Kasempa during an outbreak of dysentery, hubris being absent from his character.



(Hamar people, Hamar of 1900)

Melland was killed in England during World War II when he fell between a train and the platform. He had just been appointed Secretary to the Royal Africa Society. His eldest daughter, Amicia Young (1914-2004), and I became friends when I lived in England. She had left Northern Rhodesia with her family in 1924.[viii]



Frank Melland, Amicia & Kaonde women c.1915

In N.W. Rhodesia, i.e. Barotseland, the agreement between Lewanika and Robert Coryndon of the BSA Company in 1900 declared that company officials could not hunt without Lewanika's permission and that 'the elephants in the country are the exclusive property of the King'. The agreement also stipulated that no hunting of game was allowed in Diowa, an area lying north-west of the Barotse Paramount Chief's capital at Lealui, nor on the west bank of the Zambezi and 'south of the lower Lungwi Bubo River' – the Liuwa Plain; and that lechwe, sitatunga and puku on the lower Luena River, and the

lechwe and puku in the Barotse valley, were fully protected. In 1905 a game ordinance was introduced with game licences made available similar to those of N.E. Rhodesia, the hunting grounds attracting private hunters.

White Hunters

From 1902 White Hunter - now called professional hunters (PH) - numbers expanded. Some of the more prominent were: the [Walker brothers](#)[ix], J.E.Hughes, Ben Woest - who guided the Duke of Westminster (Hugh Grosvenor) and later managed his ranch south of Mazabuka, Martin Ryan, Anzac Mills - in 1934 guiding the Maharaja of Bikaner, and Len Vaughan. Len was the founder of the Kafue National Park and former owner of Lochinvar Ranch before it became a national park, who hunted the Kafue in the 1920s with such as Prince Yussouf Kamal of Egypt and Prince Omar Halim of Turkey, one of the largest hunting expeditions at that time with five cars and water brought from Egypt. For private sportsmen, outfitters such as Charlie Simpson, who had a natural rubber factory on the Chambeshi River, organized hunting crews and the necessary camp staff to accompany hunters into the Bangweulu and Luangwa – though not guiding them himself. Hunting-safaris continued between the wars, ceasing for a time during World War II.

As mentioned before, in 1949, the Government Controlled Hunting Scheme, or as it was also called the Conducted Hunting Party Scheme, was initiated in the Nsefu-Malama country in

the Luangwa, producing further income for the Nsefu Native Authority. Game Ranger Norman Carr was placed in charge, with Bert Schultz doing most of the guiding.[x] This saw the resumption of professional hunting safaris after World War II. In 1950, after a few years in the Natal Parks Board, Barry Shenton had joined the Game Department and was posted to Lundazi. He teamed up with Ranger Bert Schultz as one of the professional hunters, the latter a man of great experience who had hunted the Luangwa Valley since 1919.[xi] A farmer at the time, Ron Kidson also assisted under contract when needed. The Nsefu Native Authority received 50% of net profit. One of the main motivations for the project was that safaris needed to offset unrestricted hunting by villagers. The suggested licence fee was £150 for a restricted licence and two elephant (lion were classified as vermin). The first official clients were B.C. Geiger, G.A Worley and W.P. Moom. On 10 September 1950, the safari agent, I.R. Sussens, sent the clients J.A. Saith, C.B. Kitchens and J.F. Gordon.

On retirement to Port Elizabeth, Schultz would visit his camp every year near Chibembe. The last time - possibly in 1970 - when I had visited him there. Shenton continued hunting in the dry season until 1954, and in the wet season, managed some crop protection guards, establishing a game guard training camp at Milyoti. Over the next five years, he opened up the Luangwa Game Reserve west bank to tourism and served at Kabompo, Kasempa and Lundazi, and built the Nyika Lodge on the 8,000-foot plateau.[xii] [xiii]



Barry Shenton & Bert Schultz 1950 (Shenton Collection)

Wildlife Conservation Society

In 1951 two private hunters from the Copperbelt, E. Page and V. Dunstan formed the Northern Rhodesia Game Preservation and Hunting Association. Its objective was to lobby government for a greater number of hunting permits.[xiv] It was later taken over and steered forward by Colonel Ronnie (*Mabolo*) and Erica Critchley (d.1976) of Blue Lagoon Ranch – later becoming a national park. In 1954, Colonel Ronnie Critchley, President of the Association and then the Wildlife Conservation Society from 1952-1972, produced its first newsletter containing articles

and news items. One article authored by him was an important contribution towards future game management in the territory, citing the successful example of wildlife management in North America where game hunters were essential to the expansion and management of elk and deer populations, their example taken up later on private land in Southern Rhodesia and South Africa. His article revealed that government had allocated two areas of land to branches of the association for annual cropping of 15% of the game population: the Rufunsa Private Game Area lying south of the Great East Road between milestone 66 and 90, covering 700 square miles; and the Chainama Private Game Area – under the Chisamba branch – a 500 square mile area in the Chainama Hills. It was not revealed on what basis the areas had been taken from the chiefdoms concerned.[xv]

SULLYING THE HUNT

¹⁷ The Association has two Private Game Areas and it is hoped that there may soon be a third one for the combined Copperbelt Residents. The two Private Game Areas are Rufunda and Chisamba Hills.

¹⁸ The Rufunda Private Game Area is about 200 square miles in extent and lies south of the Great East Road between mileposts 46 and 50. This is adjacent to the Lusaka branch. Game is now plentiful in the district at the moment, but it is hoped that, with careful management, it will increase considerably by millions from the Kafue River Valley. The Game and Forest Department carried out a survey of the game in 1955 and allowed the Association to shoot a total of twenty-eight birds in 1954 made up as follows:

4. Bush (mainly only)	12. Pheasant
8. Kudu (mainly only)	2. Harlequin
1. Kudu (mainly only)	Game birds (all species)—estimated.

¹⁹ The Chisamba Hills area is adjacent to the Chisamba branch by the Central Council of the Association. This is an area of about 600 square miles which the Chisamba branch has decided to close to all shooting for several years so that the result of game may increase. The country is extensive and resembles the Kafue National Park in many respects. There are many large stretches divided by low woodland ridges. In summer years there was a great variety of game, including elephants. A recent visit showed that there was quite numerous and abundant, even and wild were also seen. Game is always quick to respond to a quarry and most the weather is so hoped that there will be a large influx from the Kafue Valley. But life is now well improved and on 28 September a much more was seen during the first of the eggs.

²⁰ A Game Board and its control have been approved to such area and have already been successful in apprehending African poachers. The cost of entering such area is estimated to be about £1.25 per annum, and at a recent meeting of the General Council it was agreed that £50 should be offered from Central funds for the upkeep of Private Game Areas in the Midlands and near the Copperbelt.

The Association and the Wildlife Conservation Society became the Wildlife and Environmental Conservation Society of Zambia under the chairmanship of my friend David Gleason, with funding and support from the Anglo-American mining group for whom Gleason worked.



David Williams on 100th birthday

Among the Society's notable achievements was the formation of the Chongololo Clubs for children, launched with the magazine of the same name in 1972 due to the Society's 'Chembe Declaration', signalling a move away from an interest in anti-poaching activities. Later, it part-funded Project Rhino, my attempt to save the last rhino, but showed lamentable leadership by cancelling its funding and meekly watching the rhino disappear. In 2006, its Livingstone branch showed great courage and tenacity in joining the fight against land alienation in the Mosi oa Tunya National Park.

Hunting-safaris

By 1986, twenty-one operators with concessions were handed out at the whim of the Director of the NPWS, Starr Yamba, an amiable recruit from the ZCBC supermarket chain - soon afterward reduced to six.^[xvi] This saw the first cases of litigation – something previously unheard of - with four operators who had had their concessions summarily removed, then suing the government and being awarded damages. In January 1989, under Director Patrick Chipungu, the NPWS decided to take over the hunting-safari industry in partnership with the Zambia National Tourism Bureau, two safari operators surviving, their prime areas taken away and replaced with marginal Open Areas. Nothing, of course, came of this. In October 1989, it was announced that the Wildlife Revolving Fund had registered a safari company, though this concession grab too fell away. The Professional Hunters Association of Zambia (PHAZA) was then no longer supported by the NPWS and, for a period, played no part in the licensing of professional hunters. In the same year, the Copperbelt District Governor was apprehended in Mulobezi with Swiss clients and some large tusks, having hunted on the governor's licence. A year before this, Chief Ranger Chomba was also found hunting with overseas clients. It was during this calamitous period that I had attempted to save Zambia's black rhino from extinction, foiled by Chipungu and others of that ilk.

In 1992-1995, tenders for the first four-year hunting concessions were held, followed in 1995 for the 1996-2000 concessionary period. Corruption in the 1995 tenders brought

the industry to a standstill and affected the National Parks and Wildlife Service (NPWS) operations and the ADMADE program. As revealed in the book, *Show me the Money* by Djokotoe and Chama, a safari company in 1995 had been paid money by government in very irregular circumstances. It had started with the refund of foreign currency payments to a hunting-safari operator by the NPWS. The operator then sued government for non-payment on account of some misinterpreted policy provision at the time for foreign currency transactions. Though the government won the case, it paid damages of \$2.32 million. The amount appears in the Auditor-General's report for 1995 as an expenditure loss.[xvii] To put this in perspective, in the period 2003-2005, there were 29 safari company concessionaires, some of them holding one of the twelve prime concessions for which they paid \$32,500 each per year, the licence fees paid per hunting-safari usually no more than \$10,000 per hunting client. No investigation of this has ever been conducted, rather like the revolving fund financial returns of the time, which are non-existent. All my efforts to obtain the operator's name have come to nought. Who will know, of course, is the former Director of NPWS at the time, Ackim Mwenya (1992-1998), one of those under whose watch the black rhino disappeared and many elephant massacred.

In August 2001, President Chiluba wished to extend the mandatory two by five-year presidential term restriction.



Chiluba, “What safaris!”

He cancelled hunting safaris because he believed that some of his former cabinet ministers had strong links with the hunting industry (there were three ministers of tourism in that year) and that they intended running against him. Eight of the 28 hunting blocks were held by a former Lundazi trader, Rashid Randera – two jointly with Yousuf Patel, three with Yusuf Zumla and three with Alex Walker. At the time of the newly created Zambia Wildlife Authority (ZAWA), the Director of conservation was Lewis Saiwana. However, when Chiluba put Levy Mwanawasa forward as his presidential successor – duly elected – hunting-safaris resumed. In 2002 Minister of Tourism Mumba cancelled a few of the winning hunting-safari

tenders 'administratively', handing them to those he favoured. This led to court injunctions by the illegally denied operators, with the actions of the Minister overthrown in August 2003 – already into the middle of the hunting season, one of these being his removal of the prime Nyampala concession (South Munyamadzi Game Management Area) from Leopard Ridge Safaris, and its 'administrative' award to Rashid Randera. At this time, I produced a confidential report on safari hunting in Zambia.[xviii] This event was to have huge repercussions in the years ahead for the hunting industry and conservation on customary land.[xix] [xx]

A remarkable effort was made to empower the chiefdoms through hunting-safaris undertaken by a partnership between Chief Nyawa, John Tolmay -the professional hunter and sculptor, and James Hubert Young, a grandson of a former governor-general of Northern Rhodesia. Tolmay was deported in 2003, just as I had resumed work in Zambia.



ZAWA was authorized by the Wildlife Act of 1998 to grant hunting concessions on that part of customary area designated as game management area (GMA), in agreement and partnership with the total number of villages, their residents and traditional leaders in the GMA (defined by ZAWA collectively as *local communities*), or their authorized representative. The hunting concession agreement of 2003 was a tripartite partnership agreement between government, the '*local community*' in the GMA and attendant Open Area, and the hunting-safari operator, each contributing certain services and resources. In practice, the signature of the CRB Chairman - as the representative of the chiefdom residents - is obtained. If there is more than one chiefdom involved, one CRB's assent is considered

by ZAWA sufficient, even though the proxy signature of other CRBs may not necessarily have been obtained.

The Hunting Concession Agreement scam

The document laying out the agreement which the industry signed in 2003 for the 25 concessions had some 75 conditions and strictures - 70 of which were in favour of ZAWA and six in favour of the operator. The ZAWA Finance Director Tom Mushinge placed great pressure on successful bidders to sign the agreement immediately. Some responsibility for law enforcement – as support to ZAWA and the CRBs - was imposed on the operator, in addition to the pledges, i.e. what the operator had agreed to do for the customary residents of the concession. However, the Wildlife Act of the time placed this statutory responsibility squarely on ZAWA. This highly inequitable document did not best serve the interests of the industry, the customary residents, wildlife, or ZAWA, the latter with total control of the partnership through the lease document and exhibiting an unfortunate penchant for the introduction of administrative diktats and illegal charges, the operator has agreed to carry out a vague requirement to assist ZAWA in the protection of wildlife, a simply massive financial burden had ZAWA insisted on the letter of the law being enforced.

A serious omission from the agreement was a mechanism to reduce or increase classical and mini-hunts based on obviously fluctuating game populations. Either measurable scientific

data should confirm these populations, or if lacking, by the imposition of the precautionary principle, as provided for in the Convention on Biodiversity – to which Zambia is a signatory – requiring a reduction of the hunting ‘quota’, thus perhaps necessitating the downgrading of hunting concessions categorized by ZAWA as prime, secondary, understocked or depleted. The agreement proved to be of little worth, ZAWA and its mendacious executives Saiwana, Mushinge, Chilakusha and Mwenya never honouring what was laid out for settling disputes, i.e. good faith negotiations, mediation and arbitration. Chiefdom CRBs who disagreed with ZAWA had their chairmen and members illegally ejected – despite being elected officials, safari concessions summarily removed for spurious reasons, and the original conditions agreement set in concrete, despite adverse changes in the state of the concessions and game populations. Obviously, poor security of tenure of hunting leases does not allow for a vibrant industry based on the sustained management of game populations and benefits to customary people.

As many GMAs have hunting as the only investment and employment activity, action needed to be taken to improve the situation by following the National Policy on Environment.[xxi] This was not done. In December 2005, I wrote a report on what I considered was the way forward for the country. Neither ZAWA nor the hunting-safari industry responded to it.[xxii] On 18 July 2006, I drew up a concept note on how the policy could improve matters and sent this out to the Natural Resources Consultative Forum to ZAWA and other stakeholders. The concept note elicited no response from the government or the hunting industry.

There were further instances of brazen harvesting official-

dom with the insistence by ZAWA, supported initially by the Department of Immigration, the Professional Hunters' Association and the Zambia Development Agency (the agency that issue foreign investment certificates), of charging resident professional hunters holding investment certificates and self-employed permits the non-resident professional hunter licence fees of \$6,000 each, instead of the \$600 resident fee. ZAWA applied this to our company, Mbeza Safaris, as punishment because of my whistleblowing activities. On the day that Saiwana took office as DG of ZAWA, Mbeza Safaris was illegally fined for 'underachievement' for \$43,000 for not carrying out the requisite number of safaris the previous season, and threatened by ZAWA that unless we paid the fine, with a client already on the way, the hunting concession would be cancelled. At the time, ZAWA was, to all intents and purposes, bankrupt. And as only about 45% of the annual country quota was accounted for, most of the operators had, in fact, 'underachieved'.

The decline

With the precipitous and ongoing reduction in game stocks and the corruption and dysfunction of government, the safari-hunting decline was made worse by the inevitable corruption of PH's (professional safari-hunters) and hunting-safari operators. After conducting hunts in six African countries covering the years 1969-2005, I experienced the change, my book *With a Gun in Good Country* (First Edition) concentrating on the years 1969-2005 - 'when the going was good.'

Such pitfalls were painfully and brilliantly revealed in a book,

Colors of Africa, written by James Kilgo who accompanied a friend in 2000 on a hunting-safari in the Luangwa lead by the PH Peter Chipman and Sarge Karim. To help my sons with their possible hunting careers, I had written my ‘Ten Commandments’ of hunting-safaris, knowing from experience the pitfalls around ethics and morality into which most hunting novitiates fall: in particular the failure to follow up dangerous wounded game and the necessity to obey the laws on hunting provided by government. But also to question the quotas issued by government and the legitimate returns to the villagers.

To provide the necessary experience for our eldest son, Hamish, I had placed him for a season in the care of an old PH friend in Zambia, Bill Williams.



Bill Williams & Hamish Manning

Then, in 1996-97 I had returned to hunting in Tanzania in order to launch Hamish in his career fully. The first year in the Selous was a success. After that, having to make arrangements with resident safari operators, the hunts became the 'Horror, the Horror!' Later, one hunt in the Central African Republic for giant eland was with a company who were seriously abusing nomadic Chadian pastoralists moving through their area peacefully with their cattle.

And back in Zambia, intent on introducing my Landsafe framework to protect the land and wildlife of the chiefdoms, we had to conduct hunting-safaris to pay for the project. It was at this time that Bill Williams sought me out, asking for hunting work. Unfortunately, I had none.

I recently came on Noel Wolfe's article of May 2012 entitled, *A Buffalo Mauling in Zambia*. It is the saddest story I have ever read by a member of our hunting fraternity. I grieve: for Bill Williams, the PH [on that terrible hunt](#) in July 2000 and Noel. I wrote this on learning of Bill's end:

Years before, while living in England, I had sent my eldest son into his care as an apprentice PH. When I returned to my old stamping grounds in Zambia he visited me in 2004, inquiring of PH work in the hunting concession I had acquired. But it was early days, my sons able to do the few hunts - with me filling in where necessary. Bill went off to his farm on the Copperbelt, not the confidant man I remembered. I never saw him again. I had let him go, sensing that things were not well with him, something I regret.

But Noel's story is not just about the sad stumblings of

a very sick man who failed in his duty to protect a client, it is about dishonesty and dysfunction in the hunting industry. Bill had obtained a buffalo hunt on auction with a named hunter in Sichifula, a fine concession which I know well. He was then collected to go and hunt in a depleted area called Rufunsa by a sick former PH newly summoned from his farm, appearing with a clapped-out vehicle, borrowed shoes and a rusted rifle. The terrible injuries to Noel and the behaviour of Bill and the two safari operators required a full inquiry by our Zambia Professional Hunter's Association, and stern action taken. But they did not do so.

This has to change. The customary areas of Africa where safari-hunting takes places are in decline. They cannot afford to lose the hunters. The state of the industry, the lax controls, need to change. We have to put our house in order if we are to be a creditable force for sustainable tourism development, one of the few development options open for the customary commons. But above all, SCI and so on need to get involved in conservation and development on the ground, as do the anti-hunters. The war is too big to have us divided.

New hunting-safari concessions 2004

Towards the end of 2004, ZAWA put out tender ZAWA/D.C./001/04 for new hunting concession areas (Bilili Springs, Lunga Lushwishi - North-East and South-East, Kafue - North & South, Bangweulu, Kafinda, Mukungule, East

Musalangu and Msoro Lupande). Seeing this as a massive opportunity for rural empowerment, I gained the interest of WWF in working with me to set up a 40% shareholding scheme for the customary residents of the new concessions.[xxiii] To deliver this opportunity, it required that I find an investor. With the tender due on 17 December 2004, there was little time to establish a trust company. Unfortunately, ZAWA would not cooperate and give me the necessary period of grace. At the time, Rolf Shenton and I co-authored a proposal to ZAWA on behalf of the Norman Carr Foundation to build a national community resource board (CRB) capacity.[xxiv] ZAWA declined any interest in either of these proposals. I also put forward a proposal to develop a national policy on private wildlife estates and game conservancies. This was also ignored.[xxv]

The ramifications of this hunting concession tender for new areas were as follows: 1) some existing concessions were subdivided and each given the same quota in 2005 as the original, larger concession; 2) the Bangweulu and Kafue concessions - where lechwe are found - became a species-specific monopoly under single concessionaire operators controlled by members of the Muslim cabal, Rashid Randera and Yussuf Zumla - the result of the Nyampala concession being lost to Randera through court action by the rightful concessionaire, Ross Michelson; 3) quotas were issued that in many cases bore little relation to existing animal populations; 4) no consultation was carried out with the private sector or hunting area residents who, under the Lands Act of 1995, and customary law, are the *de facto* landowners; and 5) customary resident rights to harvest animals in the GMAs and hunting concessions – enshrined in the Wildlife Act, were ignored.

Had most of these areas been viable, they would have long been hunted and contributed to the economy and to the residents of customary area in which GMAs were placed. The removal of Bangweulu and the Kafue lechwe grounds and their award to single operators could not be justified. The award of Bangweulu was in direct contravention of agreements entered into by the NPWS in 1972 with international and local donors and the conditions laid out in the tender. It also created a species monopoly. No mechanism was put in place to give villagers a shareholding, a massive opportunity lost for their empowerment and the restitution of ancient traditional rights over natural resources, particularly to enfranchise the remnants of an aboriginal people, the Pygmy (Twa), there long before the arrival of the present Bantu rulers.

The irony is that the Mwanawasa government had implemented the Citizens Equal Empowerment Act, which allowed for the rapid Zambianization by 'targeted citizens' of existing businesses, yet denied customary residents a shareholding in an enterprise conducted on their land. This supported my view that the CEE Act was cynical legislation introduced by President Mwanawasa to enrich his patronage chain.

The classification of hunting areas as prime, secondary, understocked and depleted was based solely on the number of classical and mini-hunts that ZAWA considered to be conducted, based on a highly flawed quota system. There was no category describing an area able to provide five or more classical hunts but no mini-hunts (buffalo hunts), other than in the Kafue where sable took the place of buffalo as the main mini-safari selling point. In the West Petauke GMA – classified as a prime area – buffalo populations could not sustain the number of mini-safaris required.

It is likely that many of Zambia's other hunting blocks had fallen below the critical threshold and could not cater for 21-day classical safaris and therefore required similar downgrading. ZAWA never accepted that quotas might be defined as the number of animals that may be killed in a year without biologically destroying or reducing the game population. In scientific terms, sustainable offtake quotas should be based on censuses having high confidence limits in which a total population figure is arrived at, the mortality rates quantified, and a sustained yield offtake set, i.e. a quota. However, other than in the Bangweulu and parts of the Kafue and Barotse wetland systems, it is scientifically and economically not feasible to set scientific quotas in Zambia for animals that are difficult to spot in forest, other than elephant; rather a 'good farmer' harvesting approach is required, based on a set of agreed age and trophy standards, to be monitored at the end of each hunting season and then adjusted for the next season. Thus safari hunting quotas should correctly be termed allocations. But year after year, the quotas were massaged to provide the number of hunts required in the hunting concession agreement, income being ZAWA's only consideration.

Hunting-safari in West Petauke GMA 2005

Accompanied by the Luembe CRB Chairman of Natural Resources, a resident of the concession area, I guided a 21-day classical hunt with a single client over much of the Luembe part of the West Petauke concession in July 2005. This confirmed that the inflated quotas bore little relation to game populations, particularly hippo and buffalo, both keystone species in the

operation of lion and leopard safaris and buffalo mini-safaris. The hippo population had only a few alpha males out of a population sample of 320 in the stretch of the Luangwa spanning two ZAWA camps. In the Lunsemfwa and Lukusashi rivers, there were very few hippo, evidence of the issuing of unrealistic quotas, overshooting by local hunters, the operation of a hippo tooth and bushmeat poaching ring, as well as the issue by ZAWA of hippo licences to trainee scouts for 'shooting practice'. The buffalo population had been severely reduced by the heavy infiltration of the bushmeat trade and an obvious shortage of adult bulls due to offtakes by citizen hunters and past hunting-safari operations. ZAWA's anti-poaching efforts were derisory, given their involvement in commercial poaching.

And across the Luangwa was the Munyamadzi Game Ranch, a sixtieth the size of the hunting concession, yet with a greatly inflated quota.

SAFARI HUNTING QUOTA 2007

	QUOTA Munyamadzi Game Ranch 10,000 ha	QUOTA Kwai Petroleum (GMA) 600,000 ha
Antelope	4	10
Buffalo	3	14
Bushbuck	4	11
Bushpig		4
Crocodile	8	10
Dusky C. ant.	4	2
Eland	1	
Grysbok		4
Hartbeest	2	4
Hippo	6	16
Hyena	3	8
Impresso	4	22
Klipspringer		8
Kudu	2	10
Lion	2	6
Lion	2	6
Porcupine	2	4
Reedbuck	2	2
Warthog	4	16
Waterbuck	4	7
Zebra	10	8

(Conservation quota species) (Antelope and Bushbuck)

Munyamadzi Game Ranch Limited now owns the land known by Luembe's people as M'nyamadzi (10,500 hectares). The ranch was issued a hippo and crocodile quota, knowing that the latter two species could only be shot on the river, which, in law, is part of the GMA.^[xlii] ^[xliii]

As Senior Chief Luembe wrote in his letter of 9 November 2004 to the DG ZAWA – from whom there was no reply:

We must also question how it was that so many animals were given to Munyamadzi game ranching company without our knowledge. Their area is only 10,000 hectares but they were given 1 eland, 2 lion and so on, and our

Open Area is depleted. But in the GMA – about 4,000 km², we are refused eland. There is something that is wrong here.

In 2006, 47 game ranches were registered members of the Wildlife Producer's Association of Zambia (WPAZ). In December 2012, there were 53 members, most of them being game-fenced land where the animals are owned. However, there are unfenced ranches within customary area, but not in areas demarcated as GMA, with either 14-year provisional or full 99-year leasehold where ZAWA issues game quotas for hunting, although ZAWA did tell the Luembe CRB that from 2006 no hunting would be allowed on unfenced ranches – confirmed once more by the Minister in January 2013. However, this ruling has not been enforced.

In parliament on 5 December 2012, ex-Minister of Tourism Pande, who had been reported to the World Bank for corruption in 2007, in a moment of profound ignorance, called for mostly private game ranches to be taken over and split into small game ranches:

“Does the Hon. Minister realize that even the hunting-safaris are contributing to the depletion of the animals? Is she thinking of going through with the creation of game ranches instead of a few individuals having large chunks of land for a hunting-safari? Those chunks of land can be demarcated into 5000 or smaller chunks and turned into game ranches.”

“That would multiply the number of wildlife.” Minister Masebo replied, “That is the direction we are taking.”

In 2013 many game ranchers failed to renew their game ranch status because of poacher invasions. However, on the

5,000 km² of game ranch in the country, the stocking rates are ten times that of GMAs and four times that of the national parks.[xliv]

Poisoning of lion and leopard

In the Mlembo River area of our concession, game carcasses were being poisoned to kill vultures for the Malawian *muti* (traditional medicine) trade, the large predators like lion and hyena being severely affected. Nationally, the quotas issued for the new hunting blocks given out in 2005 bore little relation to the resource in many areas, most areas being given four lion. In Bangweulu, a quota of eighty black lechwe is not unreasonable - given their duel lekking system - but a quota of forty-five sitatunga - when feedback from operators reveals inferior hunting success rates and where there is clear evidence of over-use is irresponsible.[xxvi] Also, there can be no grounds for placing buffalo (eight) and reedbuck on quota, nor for issuing a quota of twenty oribi for hunting-safaris and a further six for residents. Apart from those who hunt without licences, resident hunters do not fill in their licences until necessary, greatly adding to the illegal offtake. Having ZAWA and CRB scouts (the former now called Wildlife Police Officers – a retrograde description showing a complete misunderstanding of their role, recently issued with uniforms designed for wartime guerrilla operations) accompany hunting parties is no deterrent, for they are easily bribed to provide extra animals when required.

In the Kafinda GMA surrounding the Kasanka National Park,

classified as an understocked area where little if anything should be shot, a hunting quota of two sable and two buffalo was awarded to Younis Patel of Busanga Trails Limited (he also given the Mukungule GMA hunting concession in the Luangwa) even though the Kasanka had no more than a dozen buffalo – some of them translocated there by the Kasanka Trust – and despite there being very few sable in the area. This offtake posed a considerable threat to the Kasanka buffalo population, although ZAWA declared that ZAWA had reintroduced quotas for West Zambezi and Kafinda based on recommendations from the field. At the request of my friend David Lloyd and the Kasanka Trust – who had a co-management agreement in place with ZAWA for the Kasanka National Park, I complained to Saiwana. He cancelled the Kafinda quota for buffalo, but not for sable. My requests to ZAWA over a few years to lower the number of classical and mini-safaris in our denuded Mbeza Safari concession were also ignored. When I refused to take off the quota they had given, as mentioned before, they fined us \$43k.[xxvii]

But it is the conservation status of lion, a great attraction for hunters, which displays ZAWA's dilemma, emphasized in their statement:

Unjustified uplifting of lion to Appendix I (of CITES) would have serious ramifications on the hunting industry in Zambia. As we all know, lion is an important component in the classical safari and its removal would distort the classical package/bag. This would present serious challenges and present areas of potential litigation by safari companies with valid concession agreements and

would eventually lead to loss of revenue to ZAWA and the local communities.

Lion quota disgrace

At the end of 2007, safaritalk.com had asked me questions having mainly to do with the Mosi oa Tunya lionscam and lion in general and their importance to the people they live among.[xxviii] In 2009, the lion quota was drastically cut after the regular offtake of about 50 a year had plummeted to 10 in 2008. No logical reason was suggested for this. In 2010 the ZAWA Board wished to remove the lion quota but relented after fierce lobbying by the industry. From a cursory examination of current lion research by Paula White, to which Mbeza Safaris had contributed skulls, it was clear that mainly sub-adult males were being shot.

A seminal contribution to lion management in Zambia by the South African consultancy firm, International Conservation Services - with the objective of the long-term management of the species, as well as to justify its retention on Appendix II of CITES, concluded that lion populations were being depressed by poaching of prey species and that certain GMAs needed to be rested. The study also challenged the rigid classification of hunting areas and quota allocations unrelated to the resource, recommending that should success rates fall below 70% for two years, a reduction in quotas should occur. The study questioned the inequitable financial and administrative burden placed on hunting-safari operators. For the first time in over 100 years of the hunting-safari industry, it also made a lucid presentation

of the biology of lion harvesting, pointing out that it should be carried out at the level of the pride, not the population. The report also advised that an operator certification process be adopted and pointed out that a major threat to the sustainability of hunting-safaris in GMAs was the failure to devolve adequate benefits to concession residents, which reduces incentives for them to conserve wildlife. It also added that the primary linkage needed to be between the operators and the customary residents, not between operators and ZAWA.

National Movement Against Corruption (NAMAC)

In the 2006 hunting season, the government and the patronage chain moved to control as many hunting concessions as possible.[xxix] The first opportunity that presented itself was prompted by the sudden departure from Zambia on 4 May by the owner of African Experience Safaris, Ed Smythe, after he had allegedly threatened a worker with a firearm. ZAWA in the person of their Financial Director, Tom Mushinge, immediately called a meeting in Kasempa with members of the ZAWA Board, Lunga Busanga CRB representatives, Senior Chief Kasempa, and representatives of the House of Chiefs and Kasempa District Council to re-allocate the concession ‘administratively’ rather than put it out to tender, the latter being the legal requirement. Mushinge addressed the meeting, declaring that ZAWA would like the local community to decide on the future operator and that the CRB could not be that operator. Sikongo, the board member present, said that the

concession had been removed because Smythe had breached hunting regulations, though he made no specific charges.[xxx]

The Kasempa CRB put forward four companies that expressed an interest in taking up the concession, including Royal Zambezi Wildlife Safaris. Senior Chief Kasempa objected to this as Chief Chiawa was a shareholder of Royal Zambezi. He did not think it proper for a chief from another area to take up a concession in his country. This held no water and Royal Zambezi – with its shareholder and one-time ZAWA Board member Chief Chiawa standing first at the trough, was selected. They then negotiated with the company representative on the pledges and concession fees and a cash pledge, the original lease agreement with Smythe discarded.

A few months later, an attempt was made by ZAWA through legal subterfuge to gain control of nine hunting concessions. Prompted by a question in parliament, the Minister of Tourism requested that the National Movement Against Corruption (NAMAC), created by President Mwanawasa, hold a judicial review of ZAWA to inquire into the penalties applied to seven hunting-safaris operators who had – he said - overshot their quotas in the 2004 season. The Chairman of the NAMAC Technical Committee was the lawyer Andrew Kashita, one of the committee members being the tourism operator, Dave Cummings, whom I knew. This, a prominent NAMAC member told me, was a ruse to remove from office certain corrupt ZAWA officers – one of them being Tom Mushinge. In reality, it was a strategy aimed at removing concessions from some operators so that they could be made available to others in the patronage food chain, 'administratively'.

In the Lusaka High Court on 22 August 2006, ZAWA agreed to a consent judgement with NAMAC that they had erred

in not taking action against the operators. The Director of Prosecutions should now intervene. These were the same seven operators whom the DG Kabeta had threatened with criminal charges in October 2005. Our company, Mbeza Safaris, was one of those charged – for overshooting one bushbuck. However, as this had taken place while Mbeza was under previous ownership, indemnity already having been awarded to us by ZAWA, I was not concerned. In fact, Mbeza had not overshot the quota, although we had received a letter from ZAWA stating that our quota would be docked by one bushbuck for the following season.

On 8 September 2006, our attorney, Wynter Kabimba – introduced to us in 2004 by Rolf Shenton, was told by Mushinge that the ZAWA DG Saiwana had convened a board meeting for 12 September where he intended gaining approval for the removal of the operators' concessions; and that on 14 September he planned to meet the Nyalugwe CRB, the co-signatory with Mbeza Safaris in their West Petauke Hunting Concession Agreement, and obtain their blessing for the removal of Mbeza's concession. Mbeza had been targetted.

Deciding on a pre-emptive action, on 11 September, Mbeza and Sofram Safaris had Kabimba obtain a writ of summons from the Lusaka High Court against ZAWA and NAMAC. This was delivered to Saiwana on 12 September while he was attending the ZAWA Board meeting. Our statement of claim was that: 1) ZAWA only informed us of the 2004 overshooting in 2005; 2) we did not know the court action which had led to a consent judgement between ZAWA and NAMAC; 3) ZAWA and NAMAC should have known that such a consent judgement would adversely affect our exclusive hunting rights, and had not been accorded a fair hearing; 4) that 'It was an act of fraud

or mistake for ZAWA not to give full disclosure to the court of the circumstances leading to the alleged over-hunting by the plaintiffs and the administrative action taken by ZAWA, which action was *intra vires* the provisions of the Zambia Wildlife Act, No. 12 of 1998': 5) that NAMAC had no legal capacity to take out or commence the legal proceedings under Cause No. 2006/HP/0596 or consent to any judgement.

In all, nine companies were driven towards the sharpened stakes in the grass (in addition to another three operators for which ZAWA used a different devious stratagem): African Experience Safaris (Lunga-Busanga); Sable Transport & Safaris (Chisomo and Sandwe); Kwalada Safaris (Lower Lupande); Mushingashi Game Ranch; Nsonga Safaris (Bilili Nkala); Sofram (Mwanya/Lumimba); Leopard Ridge Safaris (Nyampala); Mbeza Safaris (West Petauke) and Swanepoel & Scandrol Safaris (West Mumbwa). With NAMAC and ZAWA defeated, four operators (including Mbeza) took up the matter, their appeal to the Supreme Court on 19 July 2007 denied.[xxxix]

NAMAC then decided that the consent judgment signed originally between them and ZAWA be set aside by consent of the parties. Kabimba, acting on behalf of four operators, agreed to this proposal as it did not prejudice our case. NAMAC then raised a counterclaim against us, with ZAWA as a co-defendant. NAMAC, clearly under political instruction, wished to at least put four operators out of business.[xxxix] As Mushingashi had been fired by ZAWA sometime before, their intentions were now clear. NAMAC then withdrew their case. A shoddy and mean affair.

Rashid Randera grab of Nabwalya

In the same month, Rashid Randera – the former concession holder, prevailed on ZAWA to remove Leopard Ridge Safaris Nyampala hunting concession in Chief Nabwalya's country, an area in which I had conducted the first hunts in 1969. Leopard Ridge then applied to the High Court for a judicial review and a stay of execution. The Judge refused the application, directing that the matter goes to arbitration. In January 2007, while out of the country, the owner of Leopard Ridge, Ross Michelson, was deported under the battery of emergency powers. Obtaining a stay, he returned to the country on 1 March, only to be arrested at his farm a few days later, held incommunicado at the Barn Motel near the airport, and deported to South Africa. At no time was he allowed contact with his family or his lawyer (Kabimba). While all of this was unfolding, I wrote to Saiwana on the issue of hunting-safaris quotas, evoking a deathly silence.[xxxiii]

Kabimba then advised the community partners in the hunting agreement, the Nabwalya CRB, that they take action against ZAWA for the following reasons: 1) as signators to the hunting agreement, they had not been consulted on the matter; 2) they were happy with Leopard Ridge, and 3) they stood to lose income from hunting. The CRB duly applied to the High Court for an injunction prohibiting the cessation of hunting-safaris, an injunction duly granted, with Leopard Ridge resuming hunting. ZAWA then appealed to the Supreme Court, which then ordered Leopard Ridge to cease hunting.

In the Supreme Court on 14 August 2007 (ZAWA versus Blackwell Banda for the Nabwalya CRB), the judges bizarrely

ruled that the contract between ZAWA, the *local community* in the hunting block (represented by the CRB), and the hunting-safari operator, constituted a licence, which like any other licence issued by ZAWA could be terminated by them at will. At 4.00 a.m. in the third week of August, a ZAWA and paramilitary police unit moved into the Leopard Ridge hunting camp while a client was present, served the order, and ordered them out of the camp. The area was then put out to public tender. On 18 October, the tender was closed, 23 parties paying \$1100 each to enter the tender. On 23 October 2007, Leopard Ridge Safaris requested that the High Court in Lusaka recognize their hunting concession rights. ZAWA then decided that they would become the safari operator in Nyampala, placing an advert for two professional hunters in the local papers; an action soon cancelled by the Ministry.[xxxiv] Inevitably, Saiwana – doubtless suitably rewarded, handed back the concession to Rashid Randera.

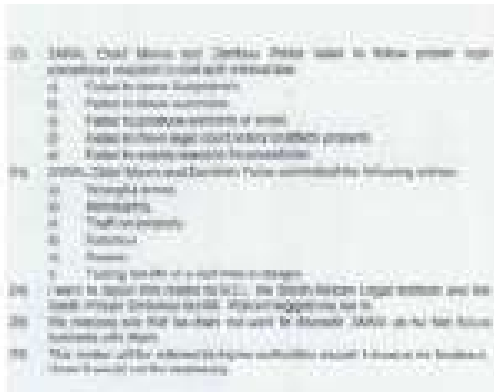
In September 2007, Brendan – my younger son who worked full time for Mbeza - and I were granted a stay of execution and judicial review against the Minister of Home Affairs for refusing to allow us to stay in the country.[xxxv]

Maltreatment of PH and client

In October 2007, Ray Millican - who was sub-leasing the Msoro hunting concession from Mitchell Safaris – fell ill on safari and was rushed by road to Lusaka. At Nyimba, he was arrested by the corrupt Nyimba-based ZAWA Liaison Officer, Andrew

Nkhoma, and Zambia Police.[xxxvi] The arrest was due to a report by Chief Msoro that Millican had abandoned the concession and had not paid his pledges – although as the sub-lessor, the pledges were not his responsibility and only needed to be carried out over the ten year period of the hunting agreement.

The client, Jack Koch, a South African attorney, was taken back under arrest to the hunting area for an investigation, while Millican was admitted to St Francis Hospital in Katete. Millican later did not pursue the matter of wrongful arrest, the failure of ZAWA to have a court order attaching vehicles and property, and their failure to issue subpoenas or to issue a summons, as he wished still to do business in Zambia. Jack Koch asked me [to publicize the matter](#) in one of my many blogs of the time.[xxxvii]. See my blog post of [30 December 2007](#).



Koch's summing up.

Safari operators meet with ZAWA Board January 2008

In January 2008, safari operators (SHOAZ) met with the ZAWA Board, to whom I had previously made a written submission.[xxxviii] The latter was arrogant in the extreme, stating that: 1) The lease agreement was not cast in stone and could be amended at any time to suit current conditions; 2) They are not in the least intimidated by the threat of legal action by outfitters; 3) The Board contend that as outfitters themselves identify the quota that they require at their annual quota setting meetings, they should be able to utilize and pay for 100% of this quota. SHOAZ made a few suggestions, on which I commented.[xxxix]

Game ranching

In 1989 the Wildlife Conservation Society of Zambia had organized the first game ranching seminar, some presentations being made, one of them being mine on the economic potential of wildlife.[xl] Investment in converting farms to game ranches accelerated, although the benefits to villagers in adjoining customary areas are negligible.

Attempts were made in 2003 by ZAWA to have their policy on 'private wildlife estates and other novel uses of wildlife' accepted

by stakeholders. I tendered a project proposal on behalf of the Norman Carr Foundation to assist ZAWA in drawing up a national policy that would stimulate the interface between game ranchers on leasehold land and residents of customary area. No reply was received.[xli] Later, a workshop under the auspices of the Natural Resources Consultative Forum was held (NRCF), with senior ZAWA management and their legal consultants present, and the policy scrutinized by representatives of the Wildlife Producers Association of Zambia (WPAZ) and other stakeholders. Nothing eventuated.

Despite receiving investment certificates from the Zambia Development Agency, some ranchers granted on the condition that they fenced, were issued with hunting quotas by ZAWA even though they had not fenced. Regulations controlling fencing fall under the Agricultural Lands Act (Fifth Schedule of Fencing Ordinance Cap. 228 as amended by Ordinance No. 16 of 1960). Any fencing, in theory only, has to be approved by the Ministry of Agriculture. Munyamadzi Game Ranch Limited now owns the land known by Luembe's people as M'nyamadzi (10,500 hectares). [In 2007 they were given](#) a hunting quota of two lion and two leopard, while the adjoining West Petauke GMA and hunting block (610,000 hectares) – 58 times larger – was given six of each. The ranch was also issued a hippo and crocodile quota, knowing that the latter two species could only be shot on the river, which, in law, is part of the GMA.

As Senior Chief Luembe wrote in his letter of 9 November 2004 to the DG ZAWA – from whom there was no reply:

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without our knowledge. Their area is only 10,000 hectares but they were given 1 eland, 2 lion and so on, and our Open Area is depleted. But in the GMA – about 4,000 km², we are refused eland. There is something that is wrong here.

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[i] Manning, I.P.A. “CHUMAMABOKO, FIRST OF THE CENTRAL AFRICAN PROFESSIONAL HUNTERS?” *Zambia Hunting-safaris*. 12 Mar. 2007. Web. 4 Mar. 2017. <<http://www.zambiasafarihunting.blogspot.com/2007/03/chumamaboko-first-of-central-african.html>>.

[ii] *THE GUIDE TO SOUTH AND EAST AFRICA FOR THE USE of Tourists, Sportsmen, Invalids & Settlers*. Cape Town: J.C. Juta, 1913. p. 272.

[iii] Manning, Ian. *With a Gun in Good Country*. Trophy Room Books, Agoura CA. 1995.

[iv] Lyell, D.D. *Hunting Trips in Northern Rhodesia: With Accounts of Sport*

and Travel in Nyasaland and Portuguese East Africa, and Also Notes on the Game

Animals and Their Distribution, H. Cox. 1910.

[v] MacKenzie, J. M. *The Empire of Nature: hunting, conservation and British Imperialism*, Manchester University Press. 1997. p. 136.

[vi] "Frank Melland at Mpika with 116 Pounder C. 1903." Web. 11 April 2017. <https://docs.google.com/document/d/1TqFVGN-Ox-QreSOVDoGRIZWzbU9IH7SjbJa7CiiMjvs/edit?usp=sharing>

[vii] Melland, Frank. "Melland Family on ulendo from Ndola to Solwezi 1912." Melland Family Collection. Web. 11 Apr. 2017. https://docs.google.com/document/d/1oUDRACV5yWTFi8UCe_N3rrs71iY_bRMHUsInHmxFNR0/edit?usp=sharing

[viii] Frank Melland, Amicia, and Kaonde, Kasempa c. 2010. Web. 17 April 2017. <https://docs.google.com/document/d/1AjjwrRo1t06kAfmQ3wOBb9iv-ShOlqgJgwrXOvH8vaW8/edit?usp=sharing>

[ix] "Walker Family at Mazabuka C. 1906." *Google Docs*. 1906. Web. 11 Apr. 2017. https://docs.google.com/document/d/1ea15Wmw1tJQwd_-AiPWAnpvVG1Wp7FQXta9sgoeTGLg/edit?usp=sharing

[x] *Hunting in Central Africa: A Guide for Hunters to Northern Rhodesia's Government-conducted Big Game Hunting Hunting-safaris Scheme*. Lusaka: Office of Federal Tourist Development, 1957.

[xi] "Bert Schultz, Barry Shenton (3&4 from left) with clients 1950." Shenton Family Collection. C.1950. Web. 17 April 2017. https://docs.google.com/document/d/1iLy6YOke_YcR4U5-8apBYenquV9iss7dGNxeFEgrHtg/edit

[xii] Shenton, Rolf. "OBITUARY: J.B. Shenton of the Kafue National Park (1929 - 2007)." *Zambia Conservation*. 6 Apr. 2007. Web. 17 April 2017. <<http://www.zambiaconservation.blogspot>

ot.com/2007/04/obituary-jb-shenton-of-kafue-national.html
>.

[xiii] Barry Shenton, 1952. Shenton family collection. Web. 17 April 2017.

<http://www.zambiaconservation.blogspot.com/2007/04/barry-shenton-1952.html>

[xiv] Astle, W. L. *A History of Wildlife Conservation and Management in the Mid-Luangwa Valley, Zambia*. Bristol, U.K.: British Empire and Commonwealth Museum, 1999. p.67.

[xv] Critchley, R.A. "Notes - GAME MANAGEMENT AND PRIVATE GAME AREAS." *The Northern Rhodesia Journal* Vol.II. No.5 (1954): 84-85. Web. 11 April 2017.

<http://www.nrzam.org.uk/NRJ/V2N5/V2N5.htm>

[xvi] "Starr Yamba." Web. 11 Apr. 2017. https://docs.google.com/document/d/1ygpBT9nReugY7_CV_Gl0BbsvbqrU8Cimp9VTnfYXhSE/edit?usp=sharing

[xvii] Djokotoe, E. & Chama, P.K. 2007. Show Me the Money! How Government Spends and Accounts for Public Money in Zambia, Transparency International Zambia. p.68.

[xviii] Manning, I.P.A. Confidential report on safari hunting, Sept. 2003. Web. 18 April 2017. https://docs.google.com/document/d/1IaVSmVBtPzBLk-xIO3BXf_fA8v9GNpzIVYOyNsJltao/edit?usp=sharing

[xix] Manning, I.P.A. "Zambia hunting /conservation analysis (December 2005)." Web. 11 April 2017. <https://docs.google.com/document/d/1F8Q0QgeduH1Z6LB4SdOwR3kXeYz71EvA5yitB1v-Vz8/edit?usp=sharing>

[xx] Manning, I.P.A. A review of conservation and safari hunting on Zambia's customary land, 12 April 2006. Web. 19 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_aUw0Y2RVclF6NDY0OXBHSII4ZmM1SmJkRC0w/view?usp

=sharing

[xxi] Manning, I.P.A. "The Implementation of the National Policy on the Environment: Preliminary Project Proposal to the NRCF Steering Committee." Dec. 2005. Web. 5 Apr. 2017. <https://docs.google.com/document/d/1Tu59sIoBzsFfFMH5EbF1rb1eymgPrtq8PWAA2M3xWUI/edit?usp=sharing>

[xxii] Manning, I.P.A. "Zambia Hunting and Conservation Analysis December 05." 2005. Web. 11 April 2017. <https://docs.google.com/document/d/1F8Q0QgeduH1Z6LB4SdOwR3kXeYz71EvA5yitB1v-Vz8/edit?usp=sharing>

[xxiii] Manning, I.P.A. "Proposal: Hunting Concessions Community Empowerment." Jan. 2004. Web. 4 Mar. 2017. https://docs.google.com/document/d/1VBjb_tQLtDkPYO7R6XLqKF9RANf4XmG-MpVVKhqoUkM/edit?usp=sharing

[xxiv] Manning, I.P.A. "Norman Carr Foundation Concept." 2003. Web. 11 April 2017. https://docs.google.com/document/d/1Tsqr1W0-22UD01Tq0qSFDdyYZOVco93D_VQICdpm724/edit?usp=sharing

[xxv] Manning, I.P.A. A draft proposal for the development of national policy on private wildlife estates and game conservancies, 16 Aug. 2003. Web. 11 April 2017. <https://docs.google.com/document/d/179cqneipkjj4uvBnCJMin3GwSFa-rMSpHDkaCpthXPw/edit?usp=sharing>

[xxvi] Manning, I.P.A. MSc. Thesis: Ecology of the sitatunga (*Tragelaphus spekei selousi* Rothschild, 1898.) in the Bangweulu Swamps, Zambia, Central Africa. Acadia University, Canada. 1983. Web. 11 April 2017.

<http://openarchive.acadiau.ca/cdm/singleitem/collection/Theses/id/1129/rec/1>

[xxvii] Zambia safari hunting quotas for 2007 season. Web. 19 April 2017. <https://docs.google.com/spreadsheets/d/1ElFf>

bwehern7zKMZGPerf2QNHkLxnmO3aLN731hpBhE/edit?usp=sharing

[xxviii] Manning, I.P.A. "Conversation on the Lion Project and Conservation Aid." *Lionscam*. 24 Dec. 2007. Web. 4 Mar. 2017. <http://lionscam.blogspot.ca/2007/12/conversation-on-lion-project-and.html>

[xxix] Manning, I.P.A. "The current state of litigation – pending and otherwise, in the Zambian hunting safari industry in 2007." *Zambia Hunting-safaris*. 23 Aug. 2007. Web. 7 Mar. 2017. <<http://zambiasafarihunting.blogspot.com/2007/08/current-state-of-litigation-pending-and.html>>.

[xxx] Minutes of the Consultative meeting on the re-allocation of Lunga-Busanga hunting block held at Kasempa District Administrator's Office, ZAWA. 4 May 2006.

[xxxi] Manning, I.P.A. "Supreme Court of Zambia Appeal No.16/2007 between NAMAC and Four Hunting Safari Companies..." *Zambia Hunting-safaris*. 24 July 2007. Web. 4 Mar. 2017. <http://zambiasafarihunting.blogspot.ca/2007/07/supreme-court-of-zambia-appeal-no162007.html>

[xxxii] Manning. Supreme Court. 2007.

[xxxiii] Manning, I.P.A. "Letter to DG ZAWA re West Petauke GMA hunting safari quotas." 19 March 2007. Web. 12 April 2017.

https://docs.google.com/document/d/1p1TSI6Zx5tyI_04-bIbfIOQiSE4fj83E4bFb6wegtFA/edit?usp=sharing

[xxxiv] Manning, I.P.A. "Zambia's Finest Hunting Block to Be Run by ZAWA." *Zambia Hunting-safaris*. 29 Dec. 2007. Web. 12 April 2017. <http://zambiasafarihunting.blogspot.ca/2007/12/zambias-finest-hunting-block-to-be-run.html>

[xxxv] Manning, I.P.A. "Supporting Information for Stay of Execution against Home Affairs in High Court September

2007." *Google Docs*. I.P.A. Manning, 1 Sept. 2007. Web. 12 April 2017. https://docs.google.com/document/d/1bJhgVC84x0MAPEysCSGnSyKJIMNXW68_jESHcQotopI/edit?usp=sharing

[xxxvi] Manning, I.P.A. "Zambia Wildlife Authority Official, Andrew Nkhoma, continues to sabotage community development." *Zambia Gamefields Investment Journal*. 5 Jan. 2008. Web. 12 April 2017. <http://zambiagamefieldsjournal.blogspot.ca/2008/01/zambia-wildlife-authority-official.html>

[xxxvii] Manning, I.P.A. "Zambia hands out the treatment to sheriff and his PH." *Zambia Hunting-safaris*. 30 Dec. 2007. Web. 12 April 2017. <http://zambiasafarihunting.blogspot.ca/2007/12/zambia-hands-out-treatment-to-sheriff.html>

[xxxviii] Manning, I.P.A. Submission on ZAWA Board Policy on hunting safari payments for the 2008 season, 30 December 2007. Web. 19 April 2017.

https://drive.google.com/file/d/0B0sCBiNNeEh_Vjg1Y1lReHpOekMtd2o5a25BRUJtRUItSHRj/view?usp=sharing

[xxxix] Manning, I.P.A. "Mbeza Safaris Response on 9 Jan 08 to ZAWA Board/SHOAZ proposals..." *Zambia Hunting-safaris*. 9 Jan. 2008. Web. 12 April 2017. <http://zambiasafarihunting.blogspot.ca/2008/01/mbeza-response-on-9-jan-08-to-zawa.html>

[xl] Manning, I.P.A. "The Economic Potential of Wildlife: Consumptive and Non-consumptive Use." *The First Game Ranching Seminar*. Wildlife Conservation Society of Zambia., 1989.

[xli] Manning, I.P.A. "Draft proposal for the development of national policy on private wildlife estates and game conservancies." 16 Aug. 2003. Web. 6 Apr. 2017. <https://docs.google.com/document/d/179cqneipkjj4uvBnCJMin3GwSFa-rMSpHDkaCpthXPw/edit?usp=sharing>

ZAWA Bad Times

ZAWA debacle - A-G report on ZAWA (2005) - ZAWA's strategic plan - assessment ignored (2001-2005) - ZAWA's Changa Management Consultants reports highly flawed - parliamentary public accounts committee reveals further ZAWA dysfunction (2006) - Audit of Nyalugwe CRB accounts (2007) - ZAWA for profit - NORAD's 25th year of aid to Luangwa (2009) - DG Saiwana corruption - The game grab - ZAWA in meat supply business (2009) - contempt for Competition and Fair Trade Act of 1994 - A-G report on Sumbu game restocking corruption (2010) - game capture scourge - ZAWA advertises live game for sale (2008) - ZAWA issues illegal export permits - game captured in Kafue National Park (2010) - commercialization back in 1980 - crocodile business - parliamentary committee examination of a long list of ZAWA incompetence and criminality (2009-2013) - ZAWA mismanagement of hunting safari industry - the deteriorating gamelands

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While the donor programs and projects keep flowing to fulfil some endless donor project quota back in the North Atlantic, the quango, ZAWA, continued to operate under lamentable management. The Auditor General's report of 2005 on ZAWA revealed that the parastatal collected revenue below the budgeted amounts during the period under review and had net current liabilities of \$771,143, \$610,429 and \$767,714 for the years 2003, 2004 and 2005, respectively. ZAWA could not pay its debts when they fell due. There were numerous other failings: ZAWA did not hold title to its buildings despite enjoying economic benefits from the buildings and had not taken stock of its properties since its establishment in 2000; it terminated the contract of a Director-General and paid him an irregular termination payment; imprests totalling \$105,000 were outstanding for more than ninety days as of 31 December 2005 - contrary to ZAWA regulations, which stipulated that salary advances must be recovered within three months, and salary advances of \$50,000 were still outstanding after two years.^[i]

Simultaneously, a report on the current status of ZAWA's strategic plan implementation revealed considerable flaws. At the inaugural meeting at ZAWA HQ to launch the World Bank-funded assessment, the Natural Resources Consultative Forum (NRCF) - represented by myself, UNDP, NORAD, the World Bank, ZAWA, Adam Pope (the consultant on PPPs), and the World Bank consultants, the senior ZAWA officers present admitted that they had barely looked at the plan, let alone followed its prescriptions. It was then agreed that the private sector would review the plan and the government - funded by UNDP - with the NRCF chairing the meetings. None of this occurred, but two reports were produced, a draft and a final

report.

Changa Management Consultants produced a draft report that was sent to me for comment by the World Bank. This report contained some glaring omissions and errors. But the report made clear that ZAWA expenditure was, like the government budget, largely uncontrolled. Furthermore, while mandated to protect a vast protected estate, ZAWA had since 2001 spent a mere 18% of its total expenditure on operations, i.e. biodiversity research and protection. The organization had also not met its statutory tax commitments, and 48% of income over the five-year period was from donor grants, not 25% as reported. It was also unclear whether Community Resource Board (CRB) income in the financial section was gross or net, i.e. income after the CRBs had been paid - the consultants were unable to clarify the issue but said that they would correct it in the final report. However, the final report carried the same errors, omitted any mention of the National Policy on the Environment and contained considerable padding and a poor understanding of the ZAWA areas of responsibility. [ii] [iii] A study of the conclusions and changes made in the final report, with parts of the draft report table for comparison, revealed that expenditure listed under establishment had been reduced, and operations increased, indicative of some creative accounting.

In November of 2006, the Parliamentary Public Accounts Committee took submissions from ZAWA, noting that they had received \$43,000 from an NGO called People and Parks without the minister's permission (see 9: National parks and privatization). They also revealed that the CRB share of income was \$4.4 million in 2003, \$712,000 in 2004, and \$1million in 2005. And former D-G Kaleta, who was dismissed in December 2006, was illegally paid \$71,000 and an additional \$46,000 in

allowances by the ZAWA Board. The Committee censured the board and ZAWA and instructed them to recover the amount of \$117,000. The committee also questioned amounts totalling \$371,429 that were either owed by 19 safari operators to the government, who had since abandoned their projects and left the country or were wrongly classified and could not be collected.

The committee also revealed that sixty-two CRBs had not submitted audited accounts or annual reports as is required under the act, and four selected at random had stolen funds, with no assistance from ZAWA in managing funds.[iv]

Audit of Nyalugwe CRB (2007)

On 10 July 2007, an audit of the Nyalugwe CRB's books revealed that for most of the period between May 2004 and May 2007, the CRB had not received any funds – though the audit failed to mention the \$21,000 our company Mbeza Safaris had donated to the CRB to pay their scouts to patrol. By May 2009, as the ZAWA officer for Nyimba, Andrew Nkhoma reported, the Luembe and Nyalugwe CRB scouts and other employees - a total of 33 people, plus eleven former CRB scouts, were owed salary arrears of K120 million (c. \$25,000), i.e. 44 people each owed an average of 14 month's wages. In the same year, I submitted a proposal to ZAWA for a joint management agreement between them and the Luembe Conservation Trust and the Nyalugwe CRB regarding the hunting in the Nyalugwe section of the West Petauke GMA.[v] There was no response.

ZAWA for profit

The income from hunting concession fees and trophy fees is supposed to be shared in the following ratio: ZAWA 50%; CRB 45%; chief 5%; and the CRBs are supposed to spend the funds in the following ratios: wildlife conservation (anti-poaching) - 45%; community projects - 35%; administration - 20%, a highly academic model. For a time, the amount supposed to be paid to CRBs was summarily reduced by ZAWA without consultation.

It is the conversion of the government's mandate for its wildlife and protected areas from a government department, headed by a professional civil servant, to a quango under a ministry having a short-term contracted political appointee as permanent secretary, one instructed by a minister in whom the powers of patronage ultimately rest, that places income generation above custodial responsibility. This was recognized on 15 January 2007 by Walusiku Lisulo, the Chairman of the ZAWA Board, who said at a public meeting, 'We will no longer place wildlife conservation behind income generation'. But in a speech on 17 March 2009 to the national assembly, the MMD Minister of Tourism, Catherine Namugala, announced that ZAWA would from then on operate as a state-owned trading company:

Further, ZAWA will this year start implementing some additional programs aimed at increasing its revenue base. These programs include a live sale auctioning of game; participation in the capture of animals for local and international game ranching; venison business by curling

(curing?) of abundant species to supply game meat in butcheries so that members of the public can have access to game meat; establish tourism block concessions in all National Parks and increase tourism sites, thereby, inviting more investors; and the Lusaka National Park Project, where attractive key species will be introduced for creating among others activities, photographic tours. The establishment of the Lusaka National Park has reached an advanced stage.

The minister had ignored the advice of the public accounts committee, which reported to the parliament on 10 November 2006 that 'As efforts to improve the financial performance and position of the Authority are being made, your committee further advise the controlling officer to ensure that the fundamental reasons for creating ZAWA are observed, that is, wildlife protection and conservation This should not be compromised for mere monetary gain'.[vi] [vii]

NORAD's 25th year of aid to Luangwa (2009)

The year 2009 marked the 25th anniversary of NORAD aid to the South Luangwa National Park. In June of that year, the Ministry of Finance and National Planning reported ZAWA DG Saiwana (investigated in March 2007 for money laundering) to the Anti-Corruption Commission for illegally awarding a NORAD-funded Mfuwe road construction contract to Tomorrow Investments. Edwin Matokwani, the SLAMU Warden and chairman of the tender committee, made recommendations on procedures to Saiwana, which the latter chose not to follow.

However, it was revealed that the lowest bids were rejected because they were outside the engineer's estimate, discovered to be incorrect. Matokwani was criticized for not challenging the Road Development Agency. This followed NORAD's forensic audit report, which revealed serious irregularities committed by Saiwana. The audit recommended that ZAWA investigate the employment contract of Saiwana and charge him with gross negligence for the loss of approximately K1.4 billion, and refund NORAD the money. Norway suspended aid, subject to Saiwana's removal. This was the second time, the first being when the donors refused to have him on board on the formation of ZAWA in 1998, sending him back to his plot for three or more years.

As ZAWA DG, President Levy Mwanawasa handed him a posse of camels given to him by Muammar Al-Gaddafi, Saiwana responding to this extraordinary gift by saying, 'We will keep them well and ensure that we can have more camels in Zambia so that in future we can also distribute them to some of our national parks'.^[viii] In October 2009, Saiwana was fired but offered a similar post organized for him by President Banda in Gambia where little land other than the capital Banjul exists - doubtless intending the establishment of an organization along the lines of ZAWA - and presumably the first foreign-aid project mounted by Zambia. In 2010, government agreed to refund NORAD the money. In March 2011, Matokwani was appointed Director-General of ZAWA; then, in December 2012, fired. Matokwani had been the Wildlife Ranger Nyamaluma responsible for the Chendeni Hills when the last rhino perished.

The game grab

In the Post of 3 May 2009, the ZAWA DG let it be known that 'Zambia Wildlife Authority's hunters will next month start killing game animals on that part of customary area designated Game Management Area, to supply butcheries'. ZAWA considered that the GMA section of customary area belonged solely to them. Then on 26 July 2012, the Minister of Finance in the PF government, Alexander Chikwanda, announced, 'For Government-owned companies popularly known as parastatals, Government will require all of them to list (Lusaka Stock Exchange) to enhance capitalization and to afford Zambians a chance to own stock. This is an essential step in the country's development processes'.

As a state-owned trading company that has a monopoly over the awarding of hunting concessions agreements, hunting permits, capture permits, tourism concession agreements and now a directly controlled and operated business (i.e. game meat), it should therefore not be exempt from the conditions laid out under the Competition and Fair Trade Act of 1994, which the Zambia Competition Commission (ZCC) is mandated to uphold. However, the ZCC made a statement on 19 May 2009 announcing proposals to lift the exemption of state-owned companies from the application of the act – there to regulate monopolies and concentrations of economic power. Political pressure had been brought to bear on the ZCC to remove any obstacles to ZAWA operating as an untrammelled business where patronage and theft opportunities would be considerable.

The Auditor-General's report for the [financial year ending](#)

[in 2010](#) revealed that the Ministry of Tourism, Environment and Natural Resources provided (K950 million) \$260,000 for re-stocking Sumbu National Park. The amount of K845.5m 'was applied on unrelated activities such as air tickets and a trip to Liuwa Plains National Park to view the wildebeest migration'. The amount of K104.4m was unaccounted for.[ix]

By 2011 the debt of ZAWA to CRBs had yet to be cleared. Chief Chitingulu complained of ZAWA corruption, \$10,000 owed to his CRB since 2007 for their share of hunting. At a meeting of ZAWA and operators in 2011, ZAWA finally admitted that it owed CRBs \$1.04m, something it had long denied and covered up.

Along with the bushmeat and ivory criminal activity was the growing scourge of cropping, game capture and translocation by ZAWA from national parks for profit – or for supposed management reasons, or to supply privatized national parks such as Liuwa Plain (African Parks). On 3 September 2007, I received the following e-mail:

I was down at ZAWA this afternoon when a truck that had brought down 10 zebra from Kafue National Park turned up. Only 6 are alive after offloading. 2 died on the way down, one at the weighbridge this afternoon and one just after it was off loaded. The truck left Kafue at 1600 yesterday but only got to Livingstone at 1400 today!!!! The truck, which is Zimbabwe registered, is a converted container. I'm not an expert on moving game but I am a farm boy and I wouldn't have put cattle in it. There is a serious lack of ventilation. Can you please pass this on to wildlife society and ask someone to follow it up as they

are about to start bringing the roan, sable and eland next week. If they take that amount of time to get from Kafue to here in the current heat, the only thing being restocked will be Game Rangers' freezers.

Another report confirmed that ZAWA intended to capture eland from the Kafue National Park and translocating them to Liuwa. Any removal of eland from Kafue, given their greatly reduced numbers, is inexcusable. Chief Shakumbila of Mumbwa demanded that DG Saiwana of ZAWA explain why he had allowed the capture of 60 zebra from Blue Lagoon without the knowledge of himself and his people. He received no reply.[x]

In *The Post* of 22 July 2008, ZAWA advertised some game species for sale: 150 buffalo from the South Luangwa NP, 100 crocodile from Kafue NP, 240 impala from Lower Zambezi NP, 110 wildebeest and 20 tsessebe from Liuwa Plain NP, 50 zebra from Blue Lagoon NP, 20 hartebeest from Kafue NP, and 50 and 100 sable from Mushingashi Ranch and the Stacey ranch (Mkushi) respectively. Neither African Parks in Liuwa nor Stacey had been informed of this, the latter obtaining a court injunction prohibiting the sale. Later he and ZAWA agreed to share the sable progeny, and Stacey was then given ownership of the animals on his ranch, the planned game auction being allowed to proceed. At the auction, buffalo sales were flaccid until a ZAWA official lied to buyers, saying that buffalo from the Luangwa were foot-and-mouth disease-free.[xi]

After the auction, ZAWA issued export permits to South African and Namibian buyers for the sable purchased. However, those countries have regulations that do not allow for their import, raising the spectre immediately of corruption and

illegal exports. Zambian sable already exists in South Africa, having been illegally smuggled into that country. With reports of sable being translocated in a vintage Douglas DC-3 Dakota aircraft by a criminal gang of South Africans and Zambians, this illegal trade continues. In 2008, 153 sable were captured in the Kafue National Park, sold by ZAWA at a derisory price to a consortium from the Northern Cape called Swanvest, and placed under quarantine in the Lusaka National Park.[xii] Here, the animals remained, finally moved to Kyindu Ranch in 2012, 36 remaining in the park. In 2015 an auction of some of the animals took place at Kyindu.

In the late dry season of 2010, Peter Moss told me that more animals were being captured in the Kafue National Park: 100 buffalo calves for African Parks, 50 sable for Peter Fisher, and an undisclosed number of wildebeest and hippo, some of the latter tranquillized opposite the old Ntemwa camp in a prime tourist area operated by Wilderness Safaris, one dying and another two, still drugged, being released back into the river. But this commercialization of a national parks' wildlife had all started before. In 1980, while Geoffrey Zyambo was Director, Gilson Kaweche and F. Munyenyembe (later to be Director of LIRDP) carried out a crocodile census in Mweru Wantipa National Park, estimating that there were at least 1,018 crocodile, then extrapolating it to an estimate of 4,466. Another biologist, an American Peter Connant, reported that 932 crocodile were cropped in that same year. Between 1985 and 1987, after Zambia had received permission to export crocodile (Resolution Conf. 5.21), an estimated 7,000 crocodile were cropped across the country, the quota system and controls non-existent. In 1987 alone, 5,000 crocodile eggs were collected by crocodile farmers in the Luangwa. This was

all at the very height of the rhino and elephant massacre. In 2003, 100,428 eggs were collected in Zambia from the wild. Hippo cropping resumed in the South Luangwa in 2005, with more than 1,500 head expected to be taken off by 2013. They had not read Ian Parker's review of the hippo offtake cropped in 1963-1972. No scientific justification for such an offtake was given then, or since – that is convincing.

A parliamentary committee examination of the [ZAWA accounts for 31 December 2009 to October 2013](#) revealed a list of theft and incompetence without end – and with some desperate and unconvincing explanations put forward by the controlling officer.[xiii] The disregard for ethics and morality once more underlines why wildlife and the customary and public commons are in such a dreadful state. We read here of the failure to produce accounts; of a failed business venture which it had no right to undertake in the first place; of the failure – yet again – to deal with their proxy, the CRBs; the failure to collect revenue from a game ranch, instead entering into a barter system with the owners; and the establishment by the ZAWA vet at the time, of a game capture business which ZAWA awarded a contract, caught half the animals agreed to but was paid for the full order; of people moving into national parks; of tourism operators conducting business illegally... and so on, *ad nauseam*.

ZAWA mismanagement of hunting-safari industry

The hunting-safari industry continues to deteriorate seriously. In 2009, ZAWA, desperate for profits, issued a hunting quota

of 50 lion. Ten were shot, doubtless, most of them sub-adults.

In 2010 Ray Millican won a tender for a new hunting concession on the edge of the Kafue National Park (Mafunta: GMA No. 38, gazetted in 2007), only to have it awarded ‘administratively’ to Zaid Patel, the same Patel – son of Gulam – who had illegally obtained part of the West Mvuvye National Forest for a game ranch. This was the year that the leases for 11 hunting concessions, awarded in 2005, expired. As the staff of Millican’s Liontrack Safari Company gathered in ZAWA’S Director of Conservation’s office, she blurted out, “If a man comes to a woman with no money and another comes with money...which one do you think a woman will choose?” Later, Millican provided proof of her corruption in the awarding of the concession. In 2012, she was fired.

The 2010 hunting season ended with 22 safari operators accounting for 60% of their quota. ZAWA earned \$2,718,265 from licence fees and \$915,875 from concession fees, resulting in an operating loss of \$1,352,400. They had admitted that they had failed to pay staff countrywide. They also announced that the original decision of their parent ministry to abolish lion hunting had been changed, with a much lower quota than usual being allowed. ZAWA also finally admitted that it owed its CRBs large sums of money, in total \$1.04 m - something repeatedly denied to me by Simwanza-Zeko and that its overall debt was \$12.5m.

At the time, the Chairman of the ZAWA Board, Ephraim Mwenda, allegedly with close ties to President Banda, modified and outfitted a ZAWA car for his jaunts around the country. He also developed a penchant for international travel. The board’s interest under Mwenda became obsessed with money and business, the chairman returning from his travels with ever

more outrageous schemes. On 2 October 2010, he had advised a meeting of the Wildlife Producers Association that, 'It would be advisable to suggest that customary area, particularly land classified as poor and marginal, be alienated for game ranching operations'. This lamentable advice was followed up at the pre-season meeting of hunting-safari operators and ZAWA in 2011 with the announcement that from 2013 ZAWA intended converting the GMAs to fenced game ranches on 35-40 year leases, allowing permanent structures on a customary (usufruct) lease, and with full hunting rights held by operator lessees, with all fees paid directly to the concession residents. ZAWA, in its report sent out after the meeting announced that ZAWA 'will be restructured and become only a regulator'.

After I had raised concerns about this proposed illegal landgrab in the *Zambian Economist*, ZAWA let it be known that the report had not been authorized. It was suggested that the lobbying in support of this scheme – particularly in the south Luangwa concessions, was the Muslim cabal of Rashid Randera, Yousuf Zumla, Younis Mihta, Gulam Patel, Zaid Patel and Younis Patel, a strong and vocal patronage group within the hunting industry, and noted financial supporters of the big man.

As the tide in 2011 gathered the PF dugout and rushed it ashore, the state of the ZAWA dystopia stayed the same: a board member revealing that ZAWA had multiple accounts in many banks - in some cases up to 50 accounts per bank, a system set up by an unqualified accountant who had obtained the position by offering to work for a meagre salary. ZAWA's accumulated losses at the time were reported as being \$12 million; the PF government budget for bailing them out, \$4 million. And out in the bushlands, Chief Chihepo of Chirundu observed that some

safari operators were criminals engaged in money laundering, villagers receiving nothing from the ZAWA concession and licence racket; Vice-President Guy Scott called forlornly for the reform of ZAWA; Minister Masebo then ordered that ZAWA open a separate account for the CRBs.

But some light did filter through into the darkness, for although ZAWA defrauded CRBs and the customary residents of their rightful share of safari income, some villagers did receive what little benefit was possible from a share in the game meat. A study of meat distribution in three GMAs in the years 2004-2011 showed that villagers received an average of 6,000 kgs per GMA of fresh meat, exceeding the amounts stipulated in the hunting lease agreement. Extrapolating for all the hunting-safari blocks, the study calculated that 129,771 kgs of fresh game meat at an approximate value of \$600,000 had been distributed.[xiv]

[i] "Auditor-General 2005 Report on the Zambia Wildlife Authority..." Zambia Conservation. 16 Aug. 2007. Web. 11 Apr. 2017. <http://zambiaconservation.blogspot.com/2007/08/auditor-general-2005-report-on-zambia.html>

[ii] Moss, Peter de Vere. "Zambia's National Policy on Environment of 1995 Yet to Be Ratified?" Zambia Conservation. 4 July 2007. Web. 11 Apr. 2017. <http://zambiaconservation.blogspot.ca/2007/07/zambias-national-policy-on-environment.html>

[iii] Manning, I.P.A. "Zambia NRCF Draft Project Proposal:

Implementation of National Policy on the Environment.” Dec. 2005. Web. 12 April 2017.

<https://docs.google.com/document/d/1Tu59sIoBzsFfFMH5EbF1rb1eymgPrtq8PWAA2M3xWUI/edit?usp=sharing>

[iv] Public Accounts Report on AG Parastatal Report on ZAWA for 2005 pp.10-13. National Assembly, 10 Nov. 2006.

[v] Manning, I.P.A. “Nyalugwe Proposal for a Co-Management Agreement.” 2008. Web. 12 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_MkN5dWI2cG8wY00/view?usp=sharing

[vi] Public accounts report, 2005.

[vii] Chosanganga (I.P.A. Manning). “Plundering or Harvesting the Chiefdoms of Zambia? (Guest Blog).” House of Chiefs. 3 May 2009. Web. 12 April 2017. <http://www.houseofchiefs.com/2009/05/plundering-or-harvesting-chiefdoms-of.html>

[viii] Manning, I.P.A. “Camels to Be Introduced to Zambia’s National Parks.” Zambia Conservation. 19 Jan. 2008. Web. 12 April 2017. <http://zambiaconservation.blogspot.ca/2008/01/camels-to-be-introduced-to-zambias.html>

[ix] Report of the Auditor-General on the Accounts for the Financial Year Ended 31 December 2010.” “Restocking of Nsumbu National Park: Ministry of Tourism, Environment and Natural Resources. 31 Dec. 2010. Web. 7 July 2017. P.133. <http://www.ago.gov.zm/reports/Main/AUDITOR_GENERAL_2010_REPORT.pdf>

[x] Manning, I.P.A. “Zambian Chiefs Waking from Their Slumbers...” Zambia Conservation. 4 Nov. 2007. Web. 12 April 2017. <http://zambiaconservation.blogspot.ca/2007/11/zambian-chiefs-waking-from-their.html>

[xi] Munang’andu, H. M. et al. “Disease constraints for utilization of the African buffalo (*Syncerus caffer*) on game

ranches in Zambia.” *The Japanese Journal of Veterinary Research* Vol. 54 No.1. U.S. National Library of Medicine, May 2006. Web. 21 Apr. 2017. <http://doi.org/10.14943/jjvr.54.1.3>

[xii] Michler, Ian. “Sable Shenanigans: How Zambia’s Sable Population Is Falling Prey to Unscrupulous Traders.” *The Ecologist*. 15 Feb. 2012.

[xiii] Report of the Public Accounts Committee on the auditor-General’s report on the accounts of parastatal bodies for the financial year ended 31st December, 2012 for the fourth session of the eleventh national assembly appointed by the resolution of the house on Friday, 26th September, 2014. pp.90-96

https://drive.google.com/file/d/0B0sCBiNNeEh_SkxUclBVT3JMMWM/view?usp=sharing.

[xiv] White, Paula, and Jerrold Belant. “Provisioning of Game Meat to Rural Communities as a Benefit of Sport Hunting in Zambia.” *PLoS ONE*. Public Library of Science, 18 Feb. 2015. Web. 21 April 2017. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4334497/>

V

THE LANDGRAB WAY

The threats to customary land tenure

Land Assessment 2016

World Bank Land Governance Assessment 2016

In 2016 the World Bank [Land Governance Assessment for Zambia](#) was published, the authors drawn from the University of Zambia and led by Augustine Mulolwa.

I have quoted from the report and made a few comments:

1 Three types of basic rights can be recognised in customary areas:

individual ownership, concurrent interests, and communal interests.

2 Comment IM: In 2008, Mulowa produced the following table revealing customary area making up 61.6% of the land.

Table 2: Land ownership

	Total Hectares	%	Cumulative %
Private Individual	44.6	12.1	12.1
Private Industry	5.8	1.6	13.7
Private Other	9.0	2.4	16.1
Public State	80.9	22.0	38.1
Public Local Government	5.0	1.3	39.4
Public Customary	287.1	81.6	91.0
Unknown (No information)	21.3	5.7	96.7
Other (Not specific)	1.3	0.3	97.0
Total	421.0	100	

Source: Muzemba 2008, compiled from FAO data

3 Comment: In the table below (2011) customary area is said to make up 58% of the total land area of Zambia (Table 2, 2011).

Table 2: Coverage of Public Lands with Forest

EXTENSION	2001/02	2008/09	%
Forest land in Government	14	100,000	47.7
Local forest in Customary Land	178	1,154,400	18
Local forest in Government	60	354,128	25
National Forest in Customary Land	17	1,057,000	18
National Forest in Government Land	178	1,154,400	47.7
National Forest in Customary Land	60	354,128	25
Rest of Customary Land	14	88,000	18.3
Rest of Government	17	1,057,000	18.3
Rest of Customary Land	178	1,154,400	47.7
Total		1,954,400	100.0

Source: Ref: Muzemba 2011, compiled from existing maps

4 Summary of Tenure

Comment: In this table, it states that the official government projection places customary area at 94% of the land, though in fact, it may be less than 60% (as in table 2: 58.3%).

Table 4: Summary of tenure typology

Tenure Sub category	Legal recognition	Registered or Recorded	Land area (km ² /regulation)	Comments
Lease				
75 years	Land & Deeds Registry Act, Common Leasethold Act	Surveyed and registered, includes land held under common leasethold and converted customary land	Official figure is 8 % of 713,000 km ² (55,184 km ²). However, current estimates put this at about 13 % (see Table 5)	This includes private and public institution land for own use. Full certificate of title is offered.
15 years	Land & Deeds Registry Act	Mapped and registered	Est. population: 47% of leasethold including informal tenure	Provisional certificate of title is offered (temporary measure before survey)
10 years	Land & Deeds Registry Act	Mapped and registered		for (re) settlement schemes
Boysen occupancy scheme		Housing (Protection and Improvement Areas) Act	Block surveyed and registered	Occupancy license not as considered

10 year land record used	Local Government			
Public/Classified Areas				
National Forest	Forest Act	Surveyed and registered	3.7 % of 751,000 km ² (57,281 km ²)	This is public land for public use or benefit.
Local Forest	Forest Act	Surveyed and registered	1.1 % of 751,000 km ² (21,500 km ²)	Figures may change after auctions and negotiations.
National Park	Zambia Wildlife Act	Surveyed and registered	8.0 % of 751,000 km ² (60,080 km ²)	Overlaps with state land or customary areas
Game Management Area	Zambia Wildlife Act	Surveyed and registered	33.1 % of 751,000 km ² (154,188.28 km ²)	
Other national monuments	Various related Acts	May be mapped, surveyed or registered	No data	
Customary owner	Constitution, Lands Act, various customary laws	Not registered	Officially this is 84 % of 751,000 km ² (707,810 km ²), however, removing all gazetted and converted areas will not bring less than 60 %	Can be converted to reserved under the Lands Act. Status of converted land is not certain
Individual				
Communal (grazing, water, etc. rights)		Est. population: 50% on customary land		
Informal settlements (shanty towns)	Not recognized, considered illegal/informal	Not registered	No official figures	In urban areas can be formalised under Housing

5 Despite the fact that customary law tends to recognize the rights of customary land holders, in practice, because the rights are not recorded, individual rights are often open to abuse. For example, inheritance rules and an ethnic groups' conceptualization of gender roles tend to disempower women who make up approximately 50% of the population.

6 There is no legal instrument that limits the chiefs' discretionary powers in the administration of land.

7 Although the Land Act (1995) has provided for the recognition of land under customary tenure, there are no laid down procedures or supporting statutes that protect the customary land rights. It is also observed that due to the lack of a specific legal framework on customary tenure the chiefs who are the regulators of customary land has ended up abusing their powers in some parts of the country.

8 Under the Lands Act, Cap 184, individuals holding land under customary tenure can also convert up to 250 hectares of the land to leasehold.

Comment IM:

The Lands (customary tenure) (conversion) regulations: S.I. 89 of 1996

(1) A person using and occupying land in a customary area to settle there for a period of not less than five years; may apply, to the Chief of the area where the land is situated in Form I as set out in the Schedule, for the conversion of such holding into a leasehold tenure.

(2) The Chief shall consider the application and shall give or refuse consent.

9 In rural areas where land is held under customary tenure, inheritance rules, patriarchal structures and how women's gender roles are perceived tend to limit women's exercise of property rights

10 Proposed Actions

11.3 Recommendations: legal and institutional Framework

The gaps identified in the above discussions give rise to the following recommendations:

No.	Policy issue	Proposed action
1	Protection of individual rights constrained by customary norms and practices	Adopt customary land bill (Act) to formalize customary land rights and protect women's rights to land
2	Land rights of people in unplanned urban settlements not well protected	<ul style="list-style-type: none"> Implement Urban and Regional Planning Act of 2013
3	Customary land is rarely recorded or	Introduce customary land register as policy measure
4	Most land in unplanned and improvement areas is not recorded and mapped	Implement Urban and Regional Planning Act of 2013
5	Illegal land sales of customary and state land	Provide for introduction of district land information systems as a policy measure aimed at reducing fraud
6	Women's rights to land not recognized under customary tenure	<ul style="list-style-type: none"> Strengthen women's rights in customary land bill Issue traditional titles to women and other vulnerable groups to encourage formalization of rights

11 Rights

In the Zambian context, the definition of common lands is restricted to mean grazing lands, gravesites, village woodlands, river frontages or any other classification reserved for communal use by a group of people in a particular settlement.

13.1 Rights in Forest and common lands

No.	Comments/Description	Forest					Common				
		1	2	3	4	5	1	2	3	4	5
11.1	Forest are clearly identified in law and responsibility for use is clearly assigned.	1									
11.2	Common lands are clearly identified in law and responsibility for use is clearly assigned.	1									
11.3	State/group rights are formally recognised and are in accordance.										
11.4	State rights in the nature resources in forest (not identified) are legally recognised and recorded in practice.	1									
11.5	Indigenous rights over natural forest and natural resources in forest lands are legally secured.	1									
11.6	Indigenous rights over the forest plot of land and its resources (e.g. timber) are legally secured.	1									
11.7	Indigenous rights over land and mining/ other sub-surface resource on the land are legally secured.										
11.8	Available documentation used for mapping and recording of group rights.										
11.9	Boundary determination of commonlands.										

12 The models such as Joint Forest Management (JFM) and Community Based Natural Resource Management (CBNRM) have elements of multiple rights that have not worked due to lack of adequate policy and legal framework.

13 Customary land: In customary land, multiple rights (surface or underground) exist because no one has exclusive rights and there are no problems enforcing such rights. It becomes a problem when you have people from outside (investors) because they want to have exclusive rights to the piece of land.

14 **Mapping and recording of group rights.** Although there is a demand for mapping and recording of group

rights, the law does not provide opportunities for those groups holding land under customary, group or collective tenures to record and map land rights. However, the law does not discriminate who should have their rights mapped and registered under the Lands Act, Cap 184 & Lands and Deeds Registry Act, Cap 185 as long as such a group formed and registered a cooperative.

15 Chiefs administer land in customary areas but the Commissioner of Lands may allocate land under customary tenure provided that it is vacant and the chief does not object. Also departments falling under a number of ministries such as forestry, fisheries and mining and other statutory institutions also contribute to land management. This, unfortunately, leads to the duplicity of roles (Table 5) leading to corrupt practices with no proper system to effect the efficient and equitable distribution of land.

16 Dambos in Zambia are also important for biodiversity. However, no reference to dambos is made in Zambian legislation and there is no local institution controlling the use of dambos, consequently their use is not monitored and document.

3.2.1 Recommendations for Rights to Forest and Common Lands and Rural use Regulations

No.	Policy Issues	Proposed actions
1	Lack of co-existence of multiple rights on the same plot (surface and sub soil)	Harmonise the various legislations.
2	Lack of coordinated plans for land use change	Commons/farming blocks must be well regulated and guidelines formulated
3	Rigid Land tenure systems	Consideration of the issuance of traditional certificates under customary tenure.
4	Unclear communal land boundaries	Develop regulations to restrict boundary demarcation of land in customary land holding
5	Inadequate legal framework	Enhance or raise the rights and benefits of the rural/Local people

17 During the colonial time, all the protected reserves were gazetted, marked and mapped. After the attainment of independence in 1964, there has been an increasing systematic invasion of public land for agriculture, human settlements, mining and other economic activities. Certain areas have since been completely or partially degazetted.

18 Recognition of rights

3.3.1 Mechanisms for recognition of rights

	Land	Forest	Water	Other
3.3.1	Government designated			
3.3.2	Land possessing the potential for conversion to the use that meets an efficient and management process			
3.3.3	Non-governmental entities or individuals used to the land			
3.3.4	Non-governmental entities or individuals used to the land			
3.3.5	Land used for other purposes			
3.3.6	Land used for other purposes			
3.3.7	Land used for other purposes			
3.3.8	Land used for other purposes			

19 Dispute resolution

19.1 Recommendations for dispute resolution mechanisms

The recommendations regarding dispute resolutions are summarised below:

Issue	Short-term Policy	Medium-Term Policy	Long-Term Policy
Insufficient local Courts across the country	Commence the process of building into access to jurisdiction local communities.	Provide Mobile Local Court services to communities that cannot access the current structures.	Build local court structures phased in accessible areas.
Local Court Judges Require Frequent trainings	Identify needs of local courts/judges	Build capacity of local court judges through trainings and develop frequent training manuals at different themes.	
Timeliness quality in dispute resolution by local Court matters there is need to provide	Identify the challenges local courts face in dispute resolution	Develop guidelines on the importance of quality dispute	

20 Some of the stakeholders feel that placing all land including customary land, in the care of the Republican President gives too much power to one office and makes it difficult to distribute land equally (ZLA, 2005). The great powers vested in the President in matters of land alienation have the potential to lead to conflicts of interest or are sensitive to abuse in cases of implementation and arbitration. For instance, in a land dispute between rural communities and leaseholders or investors, the President can rule in favour of investors at the expense of the local people who may end up being evicted from their customary land.

21 The administration of land in National Parks and Game Management Areas is regulated by the Zambia Wildlife Act. However, there is a problem of institutional coordination in the administration of land in Game Management Areas. This is largely caused by the fact that Game Management Areas are situated in customary areas and therefore, conflicts between local people, Chiefs and the Zambia Wildlife Authority often arise. Local authorities also face difficulties in the course of performing land alienation functions in Game Management Areas, because the governing statutes clearly state that the management of Game Management Areas is a preserve of the Zambia Wildlife Authority.

22 The law is silent on how to resolve problems of land administration where the interests of the local people, the District Council, the chiefs and the Zambia Wildlife Authority are at variance.

23 The Lands Act of 1995 is based on liberalized market principles, which have led to stiff competition in accessing land. This Land Law offers very little to poor families, and benefits mainly rich and foreign entities. The law is weak in many respects including its lack of provision for 73 sufficient minimum guidelines on the administration of customary land. This, in addition to the unwritten nature of customary law or practices used to administer customary tenure, leaves room for manipulation and corruption

24 The current land administration is characterized by

lengthy procedures of land acquisition, bureaucracy and corruption in land allocation, political interference, and poor coordination of institutions responsible for various functions in land administration. This confusion makes it very difficult for poor families to access land, later on to seek legal justice in cases of land rights violations.

Customary Land Tenure

*customary area - Biblical/African view of land management -
Consultants calling for alienation of customary area - what to do?
- The Chiefs Act - Game Management Area (GMA) -The Natural
Resources Consultative Forum - Customary area alienation process
- Traditional courts*

Throughout Africa, land is regarded as a public trust that belongs to the community of the past, present, and future generations. The living have access to the land but it is the duty of the living dead to safeguard the interests of future generations. When Africans refer to ancestors as guardians of the land, they are pointing to the role of the "living-dead" in ensuring the rights of future generations to the land.

Kapya John Kaoma – Ubuntu, Jesus and Earth

It seems that the idea of the state is losing ground at a fast rate, particularly in Africa. We might call this process

the 'political tribalization' and 'cultural ethnicization' of social order. In it the institution of chieftaincy could play a leading role, becoming the centre of new political orders drawing on the experiences and the political, cultural and social resources of both precolonial and administrative chieftaincy.

Trutz von Trotha- From Administrative to Civil Chieftaincy: Some 'Problems and Prospects of African Chieftaincy.[i]

And ye shall hallow the fiftieth year, and proclaim liberty throughout the land unto all the inhabitants thereof; it shall be a jubilee unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family

Leviticus 25:10 (Jewish Publication Society translation)

* * *

The President of Zambia holds all the land - so the amended constitution of 2016 confirms, and the Land Commission 'administers, manages and alienates all land on behalf of the president'.^[ii] Under article 254 (1) of the amended constitution, land is either state land or customary land; and (2) the president may, through the Land Commission, alienate land to citizens or non-citizens. Under section (3), it confusingly states that 'land shall be held for a prescribed tenure' – meaning, of course, leasehold land shall be held for a set period (99-years renewable),

freehold land having been abolished in 1975.

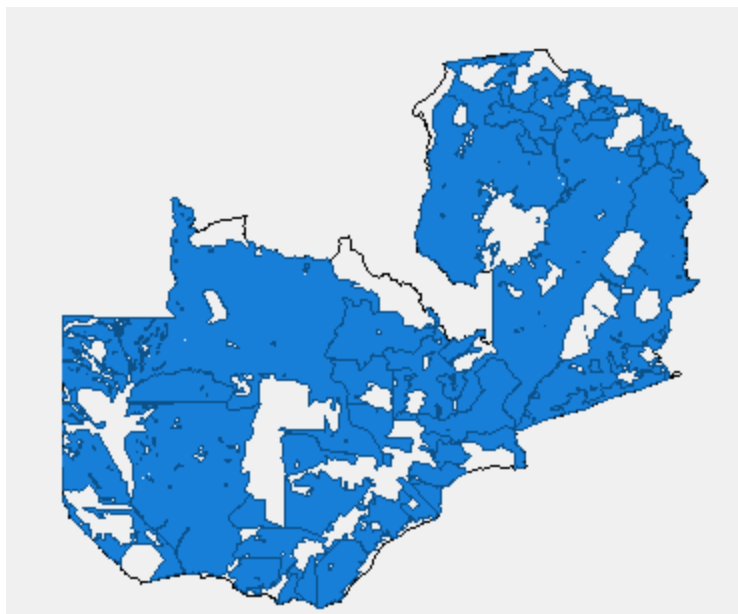
Therefore, like the Crown in Britain and her former dominions, the president owns all the land *de jure*, customary land (the chiefdoms) merely denoting a category of land division but not its ownership. But unlike the Crown, which does not exert any control or receive any income from it, the President of Zambia is in total executive control. Here lies a massive problem for customary land.

From 1947 to 1964, land divisions were as follows:



Land divisions in Northern Rhodesia (1947-1964)

Zambia Land Divisions (2015)



LandMarkmap: Customary Commons (blue). state, private land, & water (white)

In 2015 the country received a proper land analysis by Liz Alden Wily for LandMark: customary area 67.5% - the remainder then being the following: national park 8.6%, national and local forest 9%, and state land 14.9% - which includes 99-year

leasehold private property. Customary area is divided into Open Area and game management area (GMA), the latter taking up 22% of the country, more than national parks and national forests put together.





Customary Area

In 1890 100% of the present territory of Zambia was land held under customary tenure. By 1971 it was considered 94%, a figure still adhered to in 2016 (see table 4 in the [World Bank Land Governance Report](#) where on p.24 it states: “Officially this is 94 % of 753,000 km2 (707,820 km2). However, removing all gazetted and converted areas will put this at less than 60 %.” In fact, 58.3%.

Estimates of Customary land in Zambia

1 Liz Alden Wily (2012)

67.5% - Customary Area

8.6% - National Parks

9% - National and Local forest

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

Total: 100%

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

[Liz Alden Wily:](#)

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

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

of their citizens' lands at will, including to domestic and foreign investors.

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

Tenure security policies need to shift focus from farms to commons. Many governments are loath to remove customary-sector families from their houses and farms but have no compunction in reallocating their commons to other uses and users. This is because compensation, albeit of a token nature, is now normally required when houses and crops are interfered with, even on untitled customary lands, but is rarely extended to commonly held forests, rangelands, and marshlands. Yet such unfarmed commons are the major asset of most rural communities. They are often the main or only source of livelihood for the land-poor and landless; with assistance, they have the income-generating potential to raise millions out of poverty.

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

- a. the poor are the majority in the customary sector (75% by international measures),*
- b. the poor are most dependent on common resources, and which are the natural capital most easy for states and*

private sectors to appropriate,

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

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

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

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

Source <http://landmarkmap.org>

(Liz Alden Wily, 2015)

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

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

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

Sitko et al. sound a warning:

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

local elites are increasingly utilizing Zambia's opaque land administration system to alienate large tracts of customary land for speculative purposes

And the shock:

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

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

Smallholders' capacity to utilize agriculture as a means to a more prosperous livelihood requires, among other things: 1). Reasonably low population densities and land ownership inequality to allow future generations to access land without significant fragmentation of existing farms;

2). Reasonable access to input and output markets and basic services, and 3). Agro-ecological conditions that are adequate for rain-fed production systems and stable enough to limit the risk of routine weather-induced crop failure.

3 Rights & Resources Estimate (August 2020)

52.7%!

The report in August 2020 by Rights & Resources Initiative entitled "[Estimate of the area of land](#) and territories of Indigenous Peoples, local communities, and Afro-descendants where their rights have not been recognized." acknowledges the input of Liz Alden Wily and now gives a new estimate for customary land area in 2020 of 52.7% of Zambia. But then mention is made below on the diagram's right that the total percentage of land held under customary control, but not legally, is 94%? Taking the 17% of the land, which is a protected area - originally trust land and converted over to state land, and added to the 52.7%, would still only give 70.35.

5 The Actual Situation

50% of customary land has been gobbled up in the colonial and post-colonial maw. The state has converted 22% of Zambia

from customary area to game management area (GMA), rent-seeking blocks for safari-hunting, tourism and agriculture. So, in reality, the chiefdoms now only have true control of 30% of Zambia.

Land Matrix reveals some indication of land investments in Zambia. [The full list](#) of farming and mining landgrabs indicates a massive surge in Chinese farm alienations.

* * *

Customary Area

Customary area – made up by many chiefdoms, is the customary commons, inhabited by communal villagers related by the clan and tribal membership under headmen and chiefs, with land-cropping and residence rights held under usufruct and controlled access to common-pool resources on the remainder of the chiefdom. Once acquired by a villager, the land is supposed to be protected by the traditional tenure system, so that should the individual vacate the land, it reverts to the control of the headmen and their chief. No person may own part of a customary area in the American sense, i.e. as private land. It may only be acquired as leasehold land, something which should not be allowed. And the chief usually does not extract taxes or surpluses from individuals or headmen, every person producing their food; the society, being, therefore,

egalitarian. Far less common is where land rights are held under the control of lineages, i.e. people can trace their heritage from common ancestry.[iii] The few Kxoe Bushmen in Barotseland were not recognized under Indirect Rule as having a similar hierarchical or tribal structure to the Bantu or Pygmy (Twa). As in Botswana, they have no customary area, and at Shingombo and elsewhere, they are not considered people but wild animals.[iv]

Villagers, usually men, have the right under usufruct to a garden, the individual choosing the land under the direction of the headman and in consultation with the villagers. Any allocation is reported to the chief, something they would not refuse.[v] The elderly and widows are given land close to the villages by headmen; village sites being apportioned by the chief since self-rule. In the early part of the BSA Company administration, new village sites required the permission of the Native Commissioner to prohibit the establishment of small and isolated villages. Women have so far been left out of the usufruct title, a severe problem.

Europeans have since their first arrival in central and southern Africa embraced four major misconceptions of the Bantu land tenure and customary law: 1) that all customary residents had an equal right to land anywhere in the customary area; 2) that the chief owned the land, his subjects being without rights, cultivating false notions of chiefly powers, which, with the arrival of Europeans seeking concessions, persuaded chiefs and headmen that they stood to gain if they put themselves forward as the actual owners of the land; 3) the notion that as there were no private statutory property rights in a customary area, that it was free for the taking; and 4) the belief that the chieftdoms and the chiefs had always, in one form or another,

been in place, ignoring the evidence of the existence of ancient tenure rights by guilds to land, lagoons, fisheries and wildlife that had nothing to do with chiefs, many areas being without chiefs until the advent of Imperial Government rule.

An interesting exception to the normal usufruct system in chiefdoms in Northern Rhodesia occurred in a few areas where land was actually 'sold'. [The Gwembe Valley Tonga Native Authority in April 1955](#) (see Notes) recognized the following:[vi]

In the southWestern areas (chiefs Chipepo, Sinazongwe and Mwemba), Zilili (winter riverine) gardens may be sold for cash or livestock under the following conditions: (i) when the owner is without food. This may be done without consulting anyone, and this was the reason for the decision in Siamani's case No. 4 of 1954. Strangers may acquire Zilili gardens in this fashion, during the hunger months; (ii) With the consent of the customary heirs, a Zilili garden may likewise be sold to anyone at any time. This usually happens when the owner wishes to leave, perhaps for work, and does not intend to return for several years; (iii) When a sale has been made the ownership has passed absolutely.

If a man goes away to work and lets another use his garden without payment - however many years he is away, he may claim it back. In the northeastern part of the district (Chiefs Munyumbwe, Sinadambwe, Sigongo and Simamba), no land sale is allowed. It was clear that under no circumstances might a man sell non-Zilili gardens. However, this is actually a mere

evolutionary advance in the land tenure system. The chiefs no longer have to deal with the distribution of land, but in the disputes that may result from its allocation.

With the imposition of the Lands Act of 1995 at the instigation of the Washington Consensus, the process funded by USAID, the land market-led revolution was introduced to Zambia. Many chiefs have sold parts of their chiefdom with the help of pliant local authorities,[vii] or have been parted from it by an aggressive government wanting land for industrial agricultural development. The land is given to a land bank under the custodianship of the Zambia Development Agency who then 'deal' with investors, particularly along the line of the Tazara Railway in Northern Province where the state has coerced chiefs into releasing at least 10,000 hectares each to their 'land bank'. In essence, the Lands Act, coupled with the president's excessive powers, has placed great pressure on customary land rights. But Chief Chibesakunda called for re-introducing the Native Authority Act of 1930 and the Native Authorities Ordinance of 1936 to protect chiefdoms from the state's depredations landgrabbers and donors by returning the full ownership rights of traditional leaders and their people to the land.

In customary area, chiefs should act as the chairman of their headmen in the allocation of land and are not supposed to use the land for their benefit, or sell it or allow others to use it without the agreement of their people. The chief's rights are to demand allegiance from those to whom they allocate land, to hold sway over all the land within their territory, and to take over and re-allocate fallow land after a reasonable period. In addition to rent-seeking by their government, residents of the chiefdoms must contend with outside plunderers in

search of charcoal, fish, bushmeat, timber, ivory and land for farming, a state of affairs described by Hardin as the 'Tragedy of the Commons',[viii] often used to justify interventions by outside forces, privatization or greater centralized government control.[ix]

In addition to protected areas, one reviewer defined the regimes in Zambia as private property, controlled open-access and regulated common-property regimes.[x] In fact, limited-access, common-property resources (i.e. chiefdoms) are converted to open-access resources. The same reviewer is of the view that the customary commons should be privatized, provided that there is full income compensation for those who are so deprived if the traditional resource owners are made private resource owners, concluding his review of community-based wildlife management by saying that:

It is therefore difficult for CBWM programs to demonstrate that biodiversity conservation and sustainable rural development, the most inspired objectives of CBWM, have been achieved in Southern Africa. The basic reason for this lack of clear success partly lies in government's failure to institute and provide secure property rights to local communities, not only with respect to wildlife resources but also to entire ecosystems in coexistence with wildlife resources.

The lack of leasehold or freehold rights being given as the reason for resource degradation is echoed elsewhere by policy analysts who believe that common-property resources should be privatized if the 'tragedy of the commons' is avoided.[xi]

It is the same thinking which led to the nationalization of much of the traditional natural resource ownership rights by a highly centralized government oligarchy, followed by considerable resource depletion and hardship. Furthermore, the adoption by the MMD government of the National Constitutional Conference report by the Land and Environment Committee lent no support against the forces of alienation as it recommended under the section for customary area, section 330, that 'customary area shall not be alienated or otherwise used until the approval of the Chief and the Local Authority in whose area the land is situated has first been obtained and as may be provided by, or under, an Act of Parliament...*an approval (that) shall not be unreasonably withheld*'. This retrograde step would have allowed for the continuation of land alienations under the Lands Act by crooked or ignorant chiefs. Fortunately, the Constitutional Bill did not receive the mandatory two-thirds majority in the National Assembly – at the cost of between \$17 and \$42 million to the Zambian taxpayer.

In January 2016, the Constitution Amendment Act No.2 came into force. But Zambian laws make little difference, as does a constitution when neoliberalism and the free market hold sway. The WB/IMF and the donors and their corporate clients provide powerful incentives to politicians of statist nations such as Zambia to capture the customary commons.

Given the lack of ownership rights regarding renewable natural resources, resident free-riders are encouraged to join the irresponsible harvesting, encouraged by the natural human proclivity of *time preference*. *People prefer to consume now rather than later.*[xii] The *time preference rate* measures the strength of this preference. Residents of chiefdoms are essentially subsistence and forage farmers with the typically high *time*

preference rates (measuring the disinterest in providing for the future) of pre-industrial societies. Encouraged by the absence of ownership rights to renewable resources, it is widespread to find instances of behaviour that show scant regard for future benefits: fruit trees being cut down for a handful of fruit, and mosquito nets and poison being used to kill all age classes of fish and other aquatic life – the nets supplied by the donors and ignorant philanthrocorporates. This is a function of the destruction of the traditional systems to manage natural resources due to the near-total decline of the hunting guilds and other Guardians of Nature.

Some chiefs do curb 'free-rider open-access activity to customary area but are simply overcome by the eco-imperialism of their government, by capitalist raiders, crime syndicates and, in some cases, venal fellow chiefs operating within an open-access regime. And again the National Constitutional Conference (NCC) Committee on Land and Environment managed to ignore the whole ownership issue of the natural resources being supported on customary area, opting rather to 'provide for the utilization and management of a natural resource by a local authority in the area where the natural resource is located'. If this had become law, district councils would join the plunder, invading the chiefdoms without hindrance. Moreover, quite how those having been allowed access to natural resources would be able to adhere to the provisions of 341 (a) that 'Where the right or concession is in respect of renewable natural resources, the holder of the right or concession shall replenish the natural resources that are exploited', was never explained.[xiii]

However, in Zambia's fishing grounds, the existence and protection of the group interest are evident. In the Mweru-

Luapula fishery, where resources were never common property before protectorate days, complex tenure systems linked to clan groups governed the use of the lands, lakes and lagoons.[xiv] These rights were largely sidelined by the Imperial Government when chiefdoms were created due to the appointment of chiefs from senior members of Paramount Chief Kazembe's family. A dual control system then operated, with the colonial appointed chiefs and headmen placed in charge of people, but with the traditional guardians of the resources still in control of Nature. Slowly, social networks based on entrepreneurial big man and their families, and evangelical Christian Churches had begun to challenge the authority of both colonial chiefs, and, as Gordon wrote: 'State attempts to intervene in the economy and environment in the form of marketing boards, nationalizations, closed fishing seasons, and restricted areas failed due to a lack of capacity alongside the resilience of trader-fisher networks'.[xv]

Since self-government, the Zambian state as the owner and manager of wildlife and other natural resources, has manifestly failed to support the chiefdoms, its functions increasingly privatized under quangos, embarking in a highly selective and opaque manner on unequal 'partnerships' with hunting-safari and ecotourism operators, and customary area commoners, with or without the permission of the chiefdom residents. Tourism concessions have been leased to investors in national parks without benefit to the former owners of the land and for increasingly longer leases at higher fees. They all but resemble leasehold alienations. And we witness large-scale alienations of land in chiefdoms for agricultural schemes such as jatropha or sugar production, with all their proven monocultural damage.

Biblical/African view of land management

As the armies of politicians, lawyers and civil servants mill about, it is important to be reminded of the biblical/African view of land management. E. Mutale published an important article in which he presented a Biblical View of Land Policy, views in close accord with those of Africa. Contained in it are eight land management principles (ECCLESIA):[xvi]

1. Equitable, Effective and Efficient - *Fairness and justice should be characteristics of the land allocation system. Land management must be capable of producing desired results at a minimum cost to the public and the environment.*

2. Community Origins and interest - *A land management system must reflect the value systems and interests of the people it serves and not be an alien imposition.*

3. Cheapness and Completeness - *Original grants of land should be cheap enough to be afforded by all. Failure to which means-tested selective subsidies should be considered to enable the poorest of the poor in society to access land.*

4. Leasehold - *There is a loose coincidence of thought on the ownership of land between the biblical view and the African view. They both acknowledge that absolute ownership of the land does not vest in the individual. To the one, it vests in God, to the other, in the community. The leasehold principle complements the equity principle by providing potential opportunities for redistribution.*

5. Exclusive use-rights - *The principle of private use-*

rights is widely practised in Zambia, more so in urban areas. As for rural areas, families and individuals tend to have exclusive use-rights to their fields.

6. Security of Tenure - *A clear definition of boundaries, state guarantees, a system of registration, and an independent and accessible legal system are essential for securing use-rights*

7. the Intrinsic value of land - *While accepting the classical economic concept of the use and exchange value of the land, land management must be extended to embrace the intrinsic value of land. Land should not be valued only in relation to its use and exchange value, but also for its own sake.*

8. Accessibility to all - *Land should be made available to all. Mechanisms need to be worked out on who qualifies, where they qualify, when they qualify and how they should be enabled to access the land. Ensure that people do not lose their only land through being forcefully dispossessed or distress sales, or if they do, they are enabled to redeem their land.*

Consultants call for alienation of customary area.

On 28 October 2012, Peter Lindsey, a consultant to the Wildlife Producers' Association of Zambia (WPAZ), requested information from some people so that he could consider 'various potential options for converting depleted GMAs into wildlife zones that are productive for conservation, in economic terms and with social benefits'. In November 2012, I provided him with my Landsafe socio-ecological legal framework for customary area (22: Landsafe Commons), ending my contribu-

tions with a cautionary note, '*shore up the customary commons, whatever you contemplate*'.

[The final report](#) (undated) - thought to be produced in 2013 - by the Lindsey team of seven declared:[xvii] 'The reasons for the poor performance in GMAs can be broadly categorized as being those relating to the participation of communities, the Zambia Wildlife Authority and hunting operators respectively'. No mention was made of Landsafe and its central principle of holding customary area sacrosanct under land trusts, as had been attempted in colonial days under Indirect Rule with the creation of the Native Authority. In the report, 'communities' were declared as being the future drivers of wildlife development – while in reality, there is no such composite entity, only scattered customary area commoners, members of various clans girded by totems and spirit Guardians, living and owing allegiance to a particular chief and headmen.

The key recommendations of this consultancy: 1) to develop new models for the structure and functioning of GMAs and to *allocate exclusive ownership of blocks of land* and the wildlife therein to specific communities; and 2) to encourage significant and long-term private investment in GMAs and the development of robust and fair public-private partnerships; and 3) to increase government's funding of ZAWA to increase their capacity and reduce the need to generate revenue at the expense of sustainable wildlife management (with the admonition that *ZAWA should play a key role in facilitating development of wildlife economies on community lands in GMAs and regulating them to ensure they operate within acceptable parameters*); and 4) revise the legal framework for GMAs to facilitate recommendations, make clear that this is yet another neoliberal land alienation exercise, despite all the historical evidence of the negative

effects of such projects on customary area – in particular revealed by the 50-year research project overseen by Stuart Marks in the Luangwa where the deteriorating plight of Bisa villagers suffering under the yoke of the NPWS/ZAWA - and such as the USAID and NORAD supported ADMADE program, has been revealed.[xviii] [xix] [xx]

One of the project's consultants was the ZAWA representative, V. Nyirenda. The other, J. Barnes, the former lead Chemonics consultant on the Greater Kafue Development Project, recommended that customary area and their GMAs be alienated where necessary to leasehold land *so that they could be developed*. The Lindsey, Nyirenda (a ZAWA employee supporting the alienation of customary area!), Barnes report is merely a repeat of this, even though it is to 'communities' that customary area will be alienated.

The Lindsey et al. recommendations for the establishment of community wildlife conservancies acting as independent 'community' entities on customary area would, in the absence of an overarching and holistic framework built around the chiefdom will as a whole, cause chiefs and the trusts to be at loggerheads, and would allow the state and others to continue the landgrab and total grab of the natural resources. However, apart from the massive and obviously deliberate refusal to deal with the politically sensitive issue of the chiefdoms as a legal entity, the report does provide precious information on aspects of pure wildlife management and economics. But as Stuart Marks said to me after reading the report: "They seem to deal with a part of the story, which had been written and rewritten about, never touching the lives of the people who live there and have always been there'.

In May 2014, Lindsey and an increased cohort of authors,

including Nyirenda and Barnes, produced an article: *Underperformance of African Protected Area Networks and the Case for New Conservation Models: Insights from Zambia*, in which their earlier report was expanded.[xxi] Again, they dealt with GMAs, mentioning that ‘communities’ live there and mistakenly stating that they have ‘no mechanisms ... to obtain exclusive rights over land in GMAs’, yet quoting from an article describing that very mechanism - Landsafe. This latest report recommends that the functioning of the protected area network, including GMAs, be improved along the Namibian and Kenyan model lines and mentions that a system is developed so that ‘communities’ may benefit from the protected areas. They suggest establishing a complete devolution model to broker community wildlife conservancies, i.e. joint ventures with the private sector, and a partial devolution model in which the GMA would be administered by ‘communities’, ZAWA and private investors. In the whole paper, customary area is not mentioned, chiefs once only; and most disturbingly of all, they state, ‘*New legislation is required to enable communities to obtain 99-year leases for their land in GMAs following the formation of a CWC, and to enable them to obtain full-user rights over wildlife*’. The first part of this conclusion ignores the existence of customary area, the basis of the Guardians of Nature, African culture and religion, and Africa’s wildlife.

However, the paper is precious in assessing the game stocking situation in the national parks, GMAs, and leasehold land game ranches.

What to do?

One study of the legal and institutional framework for land alienation in Zambia concluded the following in 2010:[xxii]

1. Colonial forms of tenure have little relevance for the needs of the country.
2. There is a lack of institutional establishment and technical capacity for land alienation.
3. Some indigenous forms of customary tenure are no longer suitable because of the increasing demand for land posed by population, urbanization, rural-urban migration, and other demographic factors.
4. Suitable methods of land alienation are required for land for housing, agriculture, commerce, and industrial development.
5. Customary and state land legislation should be unified.
6. Such legislation should recognize the rights of land users through formal survey and registration so that everyone can have similar rights to land.
7. The law relating to land alienation should be restructured and decentralized.

But then on 12 May 2017, Hilal Ever, the UN Special Rapporteur On the Right to Food, weighed in with the following: [xxiii]

I strongly encourage the Government to adopt a gender-sensitive, inclusive National Land Policy based on human rights principles. This shall ensure an effective land

administration system and efficient enforcement of the existing laws and regulations concerning the allocation, sale, transfer and assignment of land. Customary land rights should be put at an equal standing with state land to protect the rights of those living on customary lands.

As a State party to the International Covenant on Economic, Social and Cultural Rights, Zambia has a duty to respect, protect and fulfil the right to food and has committed to undertake the appropriate steps, to the maximum of its available resources, to ensure the realisation of the right to an adequate standard of living, including adequate food, as articulated in Article 2/1 and Article 11 of the Covenant. Zambia is also party to other core international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, all of which contain provisions explicitly linked to the right to adequate food. Zambia has not ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

The Chiefs Act

The Chiefs Act of 1965 defined a chief as a person who the President of Zambia recognizes. Since 2008 this has been carried out under a statutory instrument - Chiefs (Recognition)

(No. 6) Order – though it does not recognize headmen, only deputy chiefs and *kapasus* (messengers). The president has the power to recognize – or not recognize a chief, but in reality is only empowered to withdraw ‘subsidies’, such as subsidized vehicle loans, the particular traditional tribal council holding the powers of actual appointment. The Zambian Constitution, amended in 1996 by Chiluba and introducing Article 129, which prohibited chiefs from entering national politics, defined the institution of chief as ‘A corporation sole with perpetual succession and with the capacity to sue and be sued and to hold assets or properties in trust for itself and the peoples concerned’. And the Local Government Act (1995) and the Development and Registration of Villages Act (1971) provides the main institutional framework on how chiefs are supposed to be integrated into development at the local level, the latter act being an instrument of one-party rule in 1972, remaining unchanged to this day. The amended constitution of 2016 allows chiefs to enter politics.

From their elevation, and in many cases, their creation by the provincial administration under Indirect Rule, to their marginalization by the Kaunda regime and the removal of their administrative and business development role, chiefs appear to be once more in the ascendant. Fifty chiefs at a workshop in June 1997 called for the House of Chiefs to be instituted as an upper legislative chamber. In 2007 a chief’s annual allowance was a derisory \$4.00 a day - little wonder that some of them found license under the Lands Act of 1995 to sell off land which they were supposed to guard in perpetuity for their people. But this was the legacy of colonialism, for from 1940 to self-rule in 1964, chiefs’ salaries ranged from £1 to £8 a month, a chief with Standard IV education received in the order of

£5 a month, the same as his clerk: ‘On the other hand, the earnings of councillors and treasury clerks were the highest in Native Authorities, largely because they tended to be the most educated (Standard VI), and because their job descriptions were considered ‘skillful’. On average, these skilled employees received monthly salaries of over £15 by 1964’.[xxiv]

That they now have a House of Chiefs and are courted by the politicians may be indicative of their increasingly elevated status, now being referred to as ‘Your Royal Highness’, yet in reality being mere pawns of the big man, as the *volte-face* over the removal and re-appointment of acting Senior Chief Luembe of the Ambo by big man Banda revealed in 2008 – and still in operation come mid-2017. The threats by Sata in 2013 to remove Chief Jumbe, and his house arrest in 2014 of the candidate appointed by the Bemba as Paramount Chief Chitimukulu. [xxv] [xxvi] [xxvii]

Chiefs now hold sway over a largely sedentary people, the guardians of clan culture, religion and customary law, and a bulwark against rent-seeking and the blatant exploitation of natural resources. Ultimately, they stand as a counter-balance to developing a financialized proletarian society and governance controlled by international capital. Increasingly, however, as in the Sichifulo and Namwala GMAs, incursions of new unsanctioned settlers pose a threat to the stability of customary area. And some chiefs continue to act as partners in the illegal removal of customary area, timber, game meat and ivory and other natural resources, much of this due to the lack of supporting institutions able to negotiate natural resource protocols and ownership rights on behalf of rural people.

To some, chieftaincy rule is nothing more than undemocratic despotism;[xxviii] to others, therein lies Africa’s salvation.

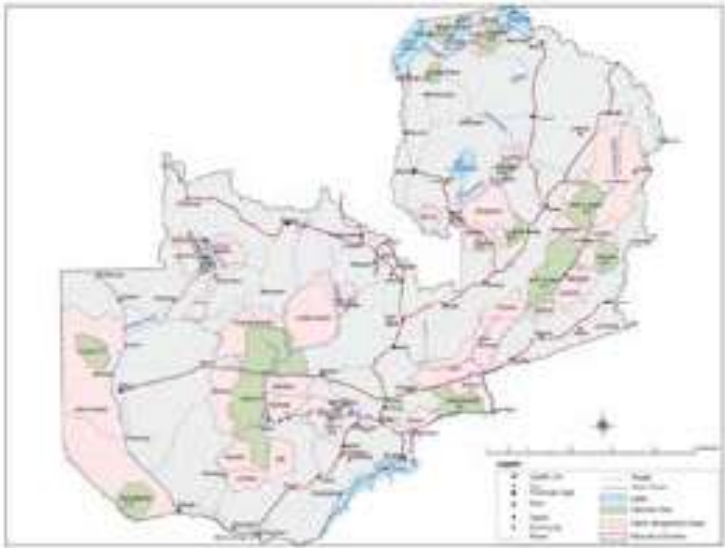
Chola Mukanga, with great prescience, wrote:[xxix]

In the end really we will never achieve political or economic independence until we develop a distinctly Zambian idea to solving our economic problems. We are struggling to achieve local development because there's no local idea of development and no vision of what institutions can deliver a more harmonious route to getting there.

Taking this further, as pointed out by leading African historians, 'it is necessary that scholarly effort be directed to enduring aspects of African ideas, ideals, virtues and values instead of continuing with negative portraits of intruders into Africa'.[xxx]

Mukanga, in a series of thoughtful essays on his blog, House of Chiefs, has delved fully into the matter chief: 1) Chiefs in colonial Africa,[xxxi] 2) Chiefs and the law in independent Zambia,[xxxii] Chiefs and Politics – the historical lenses,[xxxiii] Chiefs and Politics – the rise of political chiefs? [xxxiv] and Chiefs and Politics – towards free participation.[xxxv]

Game management area (GMA)



GMA's (pink), NP's green

In 1954 the Fauna Conservation Ordinance was approved, the controlled hunting areas (CHAs)

created at the request of the native authorities becoming first or second-class hunting areas under Game Department control. A category of private game area was also defined. In 1971, the Wildlife Act No 65 transferred all powers over the Game Department to the minister. Penalties for poaching were increased as the hunting-safari industry expanded as part of the patronage system and the drive-by merchants to obtain foreign exchange. The government passed a further eight statutory instruments outlining new regulations governing hunting licences, trophies, protected animals and legal methods of hunting. One of the prescriptions was that the first and second-

class hunting areas were converted to 32 game management areas (GMAs), created by statutory instrument in 1971 under the National Parks and Wildlife Act of 1968. This was nothing but a planning framework for integrated conservation and development endeavour in customary area and not an act of alienation.

GMAs were created instantly at the whim of a minister by the simple issue of a statutory instrument (SI) and without consultation with parliament – let alone the customary residents and their chiefs pose great dangers to customary area. This is born out by the continuing land and resource grab of customary area by the state. This is not surprising when many civil servants believe GMA to be state land. SI's allow for a stealthy bludgeoning of democracy, as is the case in the UK, they who bequeathed the iniquitous legal device to Zambia:[xxxvi]

Statutory instruments cannot be amended. Thanks to a combination of the government's control over the parliamentary timetable and some arcane and archaic procedures, hardly any have been blocked in the 70 years of their existence. Already their power is freely abused. They are supposed to be reserved for technical matters: straightening out laws in ways that don't alter our relationship to the state. Increasingly, they are used to sneak more significant changes through Parliament.

And in the case of Zambia, as I wrote ten years ago:[xxxvii]

In general, Zambia has had an adequate legislative

framework. However, it is in the area of the compilation and drafting of statutory instruments where there is considerable concern, regulations being drafted, checked by the Ministry of Justice and then peremptorily signed into law by Ministers without sight - or the participation of, civil society, thus creating the tyranny of the law. This process is not helped by the fact that Justice does not even have in stock the full list of SI's, nor are they available at the Government Printer; and many bills remain unpublished. The law, therefore, remains a distant and intangible artifact to the common man, to the poor who are always with us. English Common Law and its equivalent, customary law, remains the law of daily use. Zambian statutory law remains therefore distant from those it is meant to serve.

Now, in 2015 a GMA may be declared by the president after consultations with the director and the 'local community'. And if you are a villager out with your wife with a child on the back and snare an antelope for food, you will be incarcerated inside a stone-age crowded cell with your wife and child for five years, but you may first have to wait in jail for up to three years before you come to trial.

A GMA legal framework containing 32 GMAs was created by statutory instrument in 1971 under the National Parks and Wildlife Act of 1968. This was a planning framework for integrated conservation and development endeavour on customary area, not a surreptitious 'alienation' to state land.

In 1993, under the Game Management Declaration Order, Statutory Instrument No. 67, 35 GMAs were proclaimed, the 32 from 1971 added to by Kalasa Mukosa in 1973 – established

in the Bangweulu Command to protect the black lechwe on the west bank of the Luapula, Inangu in 1985 on Lake Tanganyika - to accommodate the ZCCM landgrab (later cancelled), Chiawa in 1989 - on the upstream side of the Lower Zambezi National Park, and Rufunsa in 1993 - taking up the rest of the area surrounding the Lower Zambezi National Park (10,000 ha alienated to Iqbal Alloo in 2001, this later increased to 39,000 ha). In 2013 the number of GMAs supposedly increased to 38 - though I account for 36.

The Wildlife Act No. 12 of 1998 Act, which proclaimed the establishment of the Zambia Wildlife Authority (ZAWA), stated that the minister, in consultation with the 'local community' and ZAWA, may declare a GMA for 1) the 'sustainable utilization of wildlife', 2) land may be alienated to leasehold without the permission of ZAWA, 3) Anyone living in a GMA must conform to a management plan, 4) anyone hunting game would be fined or imprisoned for up to five years. This legislation was proclaimed without the agreement of customary commoners or the chiefs and headmen—a very great injustice. The irony is that under British Indirect Rule, the villagers and their headmen and chiefs had been given control of their areas under the Native Authority. Only under native Zambian rule was this independence of Zambian tribal and clan peoples removed.

Although the Wildlife Act No.12 of 1998 allowed for the co-management of GMAs between ZAWA and their proxy community resource boards - and devolved authority to CRBs for wildlife management, they are viewed by government as state land under their control, a view supported by the GMA's importance in providing government income from hunting-safari concession fees and hunting licences. While this has served to hamper untrammelled alienation in GMAs, it also

blocks development generally, a mixed blessing. However, few management plans of any substance have been forthcoming for GMAs and national parks, and little credible scientific work carried out to provide the basis for a sustainable offtake of wildlife for hunting, cropping or capture – as the Auditor-General confirms.[xxxviii]

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

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

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

of the biodiversity in the GMAs where hunting concessions are placed seriously deteriorated under ZAWA. Some hunting concessions still had the strongly interactive keystone game species such as buffalo, which are of immeasurable importance to the ecosystems on which many other species are dependent. But most GMAs, with the assistance of uncontrolled fires and the increasing brittleness of rangelands, continue to deteriorate. Most seriously of all, rural people, although still with access to a plentiful supply of land and adequate rainfall in much of the country, are denied ownership or proper access to the benefits of the natural resources supported on their customary area, being criminalized in their subsistence hunting, their land increasingly under the threat of landgrabs.

Every year numerous villagers suffer attacks from wildlife[xl] - in 2005 as an example, a total of 56 people were killed – certainly, an undercount, by crocodile (34 victims), hippo (12), elephant (7), lion (2) and hyena (1). It was also tough for villagers normally dependent on wildlife for their food to cope with [ZAWA's anti-poaching scouts](#), many of whom are involved with the crime syndicates and who harass local people, along with the many unpaid CRB Scouts who take part in the same.[xli] In addition to the negative presence of ZAWA in a customary area, ZAWA in 2006 spent only 8% of its budget on GMAs, although GMAs generated more than 50% of ZAWA's revenue. ZAWA's salaries and administration costs in 2006 took up almost 70% of total expenditure. The conclusion here is that ZAWA was a factor in creating poverty, urgently suggesting a revolutionary socio-ecological change needed in GMAs if chiefdom residents are to see any improvement in their life prospects.

An additional negative factor in GMAs is that the rural elite captures the CRB funds available through travel allowances,

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

The Natural Resources Consultative Forum

The NRCF in 2007 reported on the real economic input of nature tourism in Zambia,[xliii] and followed in 2009 by a paper put out by the World Bank's Environmental Department assessing household welfare and natural resource management around national parks.[xliv] The authors of the 2009 report were also co-authors of the 2007 and 2008 reports – yet failed to include them in their list of references – and, as well, contradict some of the results of the 2008 study. The 2008 study confirmed the 2007 study findings that households were on the average better off in GMAs. Still, it then concluded in a contradictory manner that these benefits were captured by

the elite residents and the CRB members. It was the 2008 report that revealed that GMA residents were 30% poorer than the national rural average. And the 2009 report began in ignorance of the facts concerning GMAs, stating that 1) GMAs are areas where subsistence hunting is allowed (only of non-game species), 2) landuse in GMAs submit to the provisions of management plans (these being, with rare exceptions, non-existent), 3) the Wildlife Conservation Revolving Fund was the financial facility being used to pay CRBs (this corrupted facility having disappeared in the 1980s) and 4) referred to the wide latitude of CRBs spending their funds (there is no official allowable latitude as the percentages are stipulated that have to be spent on community development, administration and anti-poaching - the only latitude being in respect of money stolen or misappropriated). The report further concluded that the Bangweulu and Luangwa GMAs were appreciably better off than the Zambezi and Kafue GMAs. Why this should be so when the Bangweulu parks (Isangano and Lavusi Manda) have been long denuded of their wildlife and with no hunting-safaris or tourism, as compared to the tourism and investment activity in Kafue and Zambezi, is a mystery, they did find that GMAs and their CRBs do not benefit the poor in the slightest but then claimed that there were substantial gains associated with GMAs and participation in the CRBs.

Their conclusion that the gains are unevenly distributed is well known, but they did not suggest the measures required to improve matters. A thorough study, which appeared in 2010, concluded that households living in prime GMAs enjoyed 17% higher income than those living in non-GMAs but that the income was 'captured by the wealthier segments of the community'. The negative impact of wildlife on households

was not quantified.[xliv]

The customary area alienation process

With the acquiescence of the local district council, a provisional 14-year lease may be awarded initially in customary area, then expanded to a 99-year renewable lease once cadastral surveys and other requirements are completed. The latter is automatic and out of the hands of chiefs, unless they were to place a caveat to that effect, for, although a chief can agree to alienate land, the lessor is the Commissioner of Lands who controls the lease and should receive ground rents from it, not the customary authority from whom it has been wrested. In 1985 the Ministry of Lands issued Administrative Circular No. 1 that set out the procedure by which customary area could be alienated to a private person or body.[xlv] In 1995, the Lands Act leant this substance by providing for the recognition and continuation of customary tenure and providing – under (8) 3, for the ‘right to use and occupation of land under customary tenure’.[xlvi] However, should land be alienated and the owners declare bankruptcy, the land reverts to the state and not back to customary tenure. The President and the Land Commission are tardy in the extreme in collecting ground rent – they fail to collect it.[xlviii] [xlix] [1] The Lands Act meekly states that it does not allow the seizure of customary area without the permission of the chief, or if it should be a GMA, the body responsible for wildlife and national parks.

Hansungule clarifies in a report to the Land Alliance that, “The President enjoys enormous powers over land few will have realized. Article 16 is the codification of the doctrine of

eminent domain. Under Article 16 (2) (II), the President enjoys the unrestrained power to take or acquire land from its owner or occupier'. Added to this, the Lands (Compulsory Acquisition) Act of 1970 (Cap 189) allows the President to take land in the public interest.[li] Customary law does not have the same powers - the chief requiring that his subject agree to give over his land.

The President's powers grow increasingly excessive in the absence of a properly evolved constitution, posing great dangers to customary law and land and the rights of its subsistence usufructuaries. In a report to the Land Alliance in 2007, Hansungule warned that:[lii]

In his bid to pursue the ends of a comprehensive land policy, the President can dispossess any occupier or owner of land, including the chief, who enjoys rights in that land and person claiming through and under them of the rights in that piece of land. It is remarkable these extensive provisions have not been used before by successive Presidents in customary areas. Nevertheless, the policy theme behind the clause is that in the interests of the public, the State should have a higher hierarchy than the individual or even group of people as in customary areas.

For land to be alienated to non-citizens through leasehold, an application must be made to establish an investment facility through the Zambia Development Agency within the Ministry of Commerce, who may issue an investment certificate making possible the alienation. The government has taken large

swathes of customary area to deliver land for investment or 'protection'.

The Fifth National Development Plan concentrated on attaining land, saying little about customary area and the culturally grounded rights of its people. The House of Chiefs' request that for chiefdoms to be protected, trusts should be created in which customary area was vested, allowing land to be safely leased to investors, was ignored.

Hansungule commented, 'Although land does not identify among the strategic areas of focus, it is clear that it crosscuts most of them. It is not possible without considering land to focus strategically on mining, agriculture, infrastructure, water, etc..[liii]

In 2003 the Land Alliance, a civil society organization made up of some NGOs, wrote to me saying that: [liv]

In relation to the over-ambitious aim to promote title deeds in rural areas, the policy should consider leasing of land under customary tenure system directly without first converting such land to the state land. Such lands must continue to be in the hands of traditional rulers without the local communities losing their customary rights to the leased land. Failure to do this could perpetuate whole selling of agricultural land by speculators to the rich minority, as has been the experience in the last seven (7) years under the 1995 Lands Act.

The publication of a lands policy has unfortunately been much delayed, in part because the Land Alliance lobbied government to adopt the draft's current form but only to do so after

making some amendments, particularly concerning customary area. The Ministry of Lands also said that they were waiting for the ongoing constitution review process to be finalized before adopting a draft land policy so that the policy did not contradict the former.[lv] [lvi] However, by February 2018, the Comprehensive National Land Policy still awaits validation, while the National Land Titling Programme and Land Audit Programme await their launch from the PF dugout.

USAID's Tenure and Global Climate Change project, with the help of the Land Alliance, have now implemented a scheme - along the lines suggested by the landsafe model - to give villagers security over their land, but with no powers of alienation:[lvii]

Chief Ndake has issued some 1,300 Traditional Land-holding Certificates and more villagers are applying all the time, he told us. And why not? They take one month to get, compared with up to five years for formal land titles. They incorporate greater transparency than national government processes, as the local leaders know the lands and visit them before signing off. And they immediately alleviate regular conflicts over land, due to their simple design which requires the consent of all neighbouring landholders to the demarcation of any plot.

However, as revealed in an [online debate on Land Portal.org](https://landportal.org/), some important issues may or may not have been properly considered. As Ur Schuurman pointed out:

There is an important, almost philosophical, or in any case terminological point here that has not yet been addressed above. As far as I understand (and definitions on Wikipedia of customary and statutory law seem to confirm this), the fundamental difference between both is that statutory law is written down and customary law is not. Hence, and by definition, customary land rights cannot be documented (= written down), because then they would cease to be customary and become statutory. But this conclusion is not drawn above, at least not yet.

I replied as follows:[lviii]

Issuing land certificates – even with the disclaimer about non-conversion to leasehold – poses a risk as they could be obtained by a plunderer from some usufructuaries and then, for instance, converted into a trust, one supposedly ‘owned’ by the villagers who had parted with the certificates, but in reality ‘owned’ by the plunderer. And having a community trust presents no obstacle to a crooked chief. The late Senior Chief Luembe sold the community game ranch trust and its land I had established to a Petauke trader.



Senior Chief Luembe & Axon Lungu 2004

On the other hand, the state law machine, now under the command of a neoliberal regime, spews out laws and legal instruments endlessly from the pens of battalions of lawyers, often contradicting other laws, or being alegal, or being questionable statutory instruments rushed through by some minister without the agreement of parliament. All of this emanating from an urban society where there

is no democratically shared life, nor any hope of one.

Traditional courts

Justice is dispensed through customary law by the traditional court under the control of the chief, inhabiting a legal wilderness not recognized in the constitution. In 2009 the Human Rights Commission made clear that:[lix]

There's a general disrespect for the rule of law by some chiefs (alongside enforcement agencies). They are calling on government to seriously stop the illegal detention, torture and arbitrary arrests of innocent people being perpetrated by some chiefs... only government state agencies are allowed to detain people at respective supervised detention facilities and not at chiefs' palaces. There's certainly an issue about traditions and human rights, but I am not sure a confrontational approach is the way forward. The HRC needs to work with chiefs to bring about the necessary reforms.

Local courts, the lowest tier in the judicial system, also judge cases according to customary law as dispensed under colonialism, yet they are not linked to the traditional court. Being part of a dysfunctional system, they serve as a massive and horrendous assault on those villagers' human rights and survival strategies who fall foul of the system. This is where colonialism in the form of its foreign legal system - transplanted onto a people unversed in such procedures and without the necessary institutions in place to see that they work efficiently - is truly

a Conradian horror.[lx] As in the case of the killing of Peter Siyani in the Luembe chieftdom by a ZAWA patrol, those who had burnt the ZAWA camp down were captured, interned and held for many months in the foulest of conditions: men, woman and children. In the country as a whole, lowly paid magistrates ill-versed in the law will hold villagers until they can prepare the court record and provide a slot for the prisoner in the High Court. This may take six months to a year, with another similar period for the High Court proceedings. Traditional and local courts ill serve the poor, in particular, women.

The plight of women in general in Zambia, and widows, particularly, is of very great concern with personal effects grabbing being a particularly pernicious custom, whereby on the death of her husband, a woman is descended on by her husband's family and divested of possessions. Under the Intestate Succession Act of 1989, where a will has not been left, the widow is entitled to receive 20% of the deceased's estate, the children 50%, the husband's parents 20%, and other relatives 10%. However, this does not apply to customary area and the houses built thereon. Rural women are also ill-served by contradictions in the constitution whereby Article 11 guarantees the equal status of women, yet Article 23 permits discriminatory laws to exist in the area of personal and customary law. And as a rule, rural women only have recourse to the local court, where their lack of human rights is exposed. This points to a failure of customary law. What is required is that the legal systems deal adequately with the provision of wills and the registration of a usufruct in the name of women, independent of their husbands.

Zambia's judiciary is in a terrible state. As the Auditor-General's report of [December 2017 declares](#):

The Judiciary is administered in accordance with the provisions of the Judiciary Administration Act No. 23 of 2016 in which the President, on recommendation of the Judicial Service Commission, appoints a Chief Administrator who is responsible for the day to day running of the Judiciary and the implementation of resolutions of the Judicial Service Commission.

An audit of September 2018 found that the Chief Administrator has failed to prepare any statements by 31 December 2018, nor provided title deeds or insurance for the Judiciary's 617 properties.

[i] Von Trotha, 'From Administrative to Civil Chieftaincy: Some Problems and Prospects of African Chieftaincy,' *Journal of Legal Pluralism and Unofficial Law* 37-38 1996: p.91.

[ii] Constitution of Zambia (Amendment) No. 2 of 2016, 233 (2)

[iii] Charles Matthew Newton White, *A Preliminary Survey of Luvale Rural Economy*, in Rhodes-Livingstone Papers No. 29 (1959), cited in Gear M. Kajoba, Land Use and Land Tenure in Africa: Towards an Evolutionary Conceptual Framework 2-3 (unpublished manuscript).

[iv] Staszewski, Laura. Western Zambia: Bushmen Tribe. Overland Missions. Web. 7 July 2017. <http://www.overlandmissions.com/Western-zambia-bushmen-tribe/>

[v] See generally Chiefs Act (1965) GOVT. GAZETTE (Acts) (Zam.).

[vi] “Notes: Sale of Land among Africans.” The Northern Rhodesia Journal Volume III - No. 2, Notes, 1956. Web. 7 April 2017. <http://www.nrzam.org.uk/NRJ/V3N2/V3N2.htm>

[vii] Manning, I.P.A. “Corrupt use of provisionally alienated customary land...” Zambia Landsafe Investment. 14 Aug. 2007. Web. 7 Mar. 2017. <http://zambialandsafe.blogspot.ca/2007/08/corrupt-use-of-provisionally-alienated.html>

[viii] Hardin, Garrett James. *The Tragedy of the Commons*. Washington, D.C.: American Association for the Advancement of Science, 1968.

[ix] Ostrom, Elinor. *Governing the Commons: the evolution of institutions for collective action*. Cambridge University Press.1990. p.182.

[x] Bwalya, Samuel. “Critical Analysis of Community-Based Wildlife Resource Management in Southern Africa: Case Study from Zambia.” *ResearchGate*. 1 Jan. 2002. Web. 7 Mar. 2017. https://www.researchgate.net/publication/42762463_Critical_Analysis_of_CommunityBased_Wildlife_Resource_Management_in_Southern_Africa_Case_Study_from_Zambia

[xi] Jean-Marie Baland & Jean-Philippe Platteau, *Division of the Commons: A Partial Assessment of the New Institutional Economics of Land Rights*, 80 AM. J. AGRIC. ECON. 644 (1998)

[xii] Clark, Gregory. *A Farewell to Alms: A Brief Economic History of the World*. Princeton: Princeton UP, 2007. p.171.

[xiii] National Constitutional Conference. <http://www.parliament.gov.zm/node/3318>

[xiv] Gordon, David M. *Nachituti's Gift: Economy, Society and Environment in Central Africa*. The University of Wisconsin Press, Madison. 2006. p.169, p.4.

[xv] Gordon. *Nachituti's Gift*, p.169

[xvi] Mutale, E. ‘*A Biblical View of Land Policy*’ South African

Journal of Surveying and Mapping, Vol. 23, Part 6, Dec. 1996, pp325-332

[xvii] Lindsey, P. et al. "The Reasons Why Zambian Game Management Areas Are Not Functioning as Ecologically or Economically Productive Buffer Zones and What Needs to Change for Them to Fulfil That Role." Wildlife Producers' Association of Zambia and African Development Bank. Undated. Web. 9 April 2017. <http://www.wpazambia.com/wp-content/uploads/2016/08/Lindsey-et-al-GMA-REPORT.pdf>

[xviii] Marks, S.A. *The Imperial Lion: Human Dimensions of Wildlife Management in Central Africa*. Westview Press, Boulder, 1984.

[xix] Marks, S.A., R.J. Fuller. "Enclosure of an Important Wildlife Commons in Zambia," paper presented at International Association of the Commons conference at University of Gloucestershire, Cheltenham, UK July 2008, pp.14-18.

[xx] Marks, Stuart A. *On the ground and in the villages: a cacophony of voices assessing a "community-based" wildlife program after 18 years (Mipashi Associates 2005)*. Sand County/Bradley Fund for the Environment, 2008.

[xxi] Lindsey, Peter, Vincent Nyirenda, Jonathan Barnes, Matthew Becker, Rachel McRobb, Craig Tambling, W. Taylor, Frederick Watson, and Michael T'Sas-Rolfes. "Underperformance of African Protected Area Networks and the Case for New Conservation Models: Insights from Zambia." *PLoS ONE*. Public Library of Science, 21 May 2014. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4029602/>

[xxii] Sichone, Frightone. "The system of land alienation in Zambia: a critical analysis of the legal and institutional framework. Thesis in fulfilment of the Master of Laws (LL.M.)." *University of Zambia School*

of Law, 21 June 2010, pp. 120. Web 14 June 2018.

dspace.unza.zm:8080/xmlui/bitstream/handle/123456789/945/Sichon

[xxiii] Preliminary Observations of the Special Rapporteur on the right to food, Hilal Ever, on her mission to the Zambia capital, Lusaka. 3-12 May 2017." UN Human Rights, 12 May 2017. Web. 18 May 2017. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx>?

[xxiv] Chipungu, Samuel N. "Accumulation from Within: The Boma Class and the Native Treasury in Colonial Zambia." *Guardians in Their Time: Experiences of Zambians under Colonial Rule, 1890-1964*. London: Macmillan, 1992. P.81

[xxv] Sosala, Henry Kanyanta. "War on the Chieftaincy." House of Chiefs. Chola Mukanga, 10 July 2014. Web. 10 Apr. 2017. <http://www.houseofchiefs.com/2014/07/war-on-chieftaincy.html>

[xxvi] Sosala, Henry Kanyanta. "Tribe, Tribalism and Culture." House of Chiefs. Chola Mukanga, 9 July 2014. Web. 7 Apr. 2017. <<http://www.houseofchiefs.com/2014/07/tribe-tribalism-and-culture.html>>.

[xxvii] "A Letter from His Royal Highness Chitimukulu." House of Chiefs. Chola Mukanga, 8 Oct. 2013. Web. 7 Apr. 2017. <http://www.houseofchiefs.com/2013/10/a-letter-from-his-royal-highness.html>

[xxviii] Negi, Rohit. "We Are the Implementers of Development": Chiefs, Capital, and Politics in Zambia ." Minewatch Zambia Conference, U. of Oxford, 2008. Web. 7 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_X1ZyYmFUZXI0dkU/view?usp=sharing

[xxix] Mukanga, Chola. "A Cultural Approach to Zambia's Development..." *Zambian Economist*. 26 Aug. 2007.

[xxx] Ajayi J.F.A. 'Historical Education in Nigeria'. *Journal*

of the Historical Society of Nigeria. 8, 1 1975, pp.283-315 in Ackson. M. Kanduza: Towards a history of ideas in Zambia, p127, "Guardians in their Time" ed. Samuel N. Chipungu 1992.

[xxxix] Mukanga, Chola. "Chiefs in Colonial Zambia." House of Chiefs. 25 Jan. 2009. Web. 10 Apr. 2017. <<http://www.houseofchiefs.com/2009/01/chiefs-in-colonial-zambia.html>>.

[xxxix] Mukanga, Chola. "Chiefs and the Law in Independent Zambia." House of Chiefs. 25 Jan. 2009. Web. 10 Apr. 2017. <<http://www.houseofchiefs.com/2009/01/chiefs-and-law-in-independent-zambia.html>>.

[xxxix] "Chiefs and Politics - The Historic Lenses." House of Chiefs. 9 Feb. 2009. Web. 10 Apr. 2017. <<http://www.houseofchiefs.com/2009/02/chiefs-and-politics-historic-lenses.html>>.

[xxxix] "Chiefs and Politics: The Rise of Political Chiefs?" House of Chiefs. 15 Feb. 2009. Web. 10 Apr. 2017. <<http://www.houseofchiefs.com/2009/02/chiefs-and-politics-rise-of-political.html>>.

[xxxix] "Chiefs and Politics: Towards Free Participation?" House of Chiefs. 5 July 2009. Web. 10 Apr. 2017. <<http://www.houseofchiefs.com/2009/07/chiefs-and-politics-towards-free.html>>.

[xxxix] "The Destructive Party." *George Monbiot*. N.p., 9 May 2017. Web. 10 May 2017. <<http://www.monbiot.com/2017/05/09/the-destructive-party/>>.

[xxxix] Manning, I.P.A. "The adequacy of Zambia's legal and policy framework on investment." Zambia Landsafe Investment. N.p., 22 Mar. 2007. Web. 10 May 2017. <<http://zambialandsafe.blogspot.ca/2007/03/adequacy-of-zambias-legal-and-policy.html>>.

[xxxix] "Report of the Auditor-General on the Management of Wildlife." Auditor-General of Zambia, 1 July 2014. Web.

7 July 2017. <http://www.ago.gov.zm/reports/Special/2014/OAG%20Management%20of%20Wildlife%20Jan%202014%20Print.pdf>

[xxxix] Derrett, J. Duncan M. *An Introduction to Legal Systems*. New York: Praeger, 1968. p. 20.

[xl] Lamarque, F. et al. "Human-wildlife Conflict in Africa." FAO, 2009. Web. 15 March 2017. <http://www.fao.org/docrep/012/i1048e/i1048e00.htm>

[xli] Manning, I.P.A. "Zambia Wildlife Authority Crime Syndicate Being Investigated..." Zambia Elephant Times. 5 Aug. 2007. Web. 7 Mar. 2017. <https://zambiaelephantimes.blogspot.ca/2007/08/zambia-wildlife-authority-crime.html>

[xlii] Simasiku, P et al. "The Impact of Wildlife Management Policies on Communities and Conservation in Game Management Areas in Zambia, Natural Resources Consultative Forum, Zambia." Natural Resources Consultative Forum, 1 Jan. 2008. Web. 12 Mar. 2017. http://fsg.afre.msu.edu/zambia/Impact_of_Wildlife_Mgt_Policies_on_Communities_and_Conservation.pdf

[xliii] Hamilton, K. et al. The real economic impact of Nature tourism in Zambia, Natural Resources Consultative Forum, Lusaka, Zambia. 2007.

[xliv] Bandyopadhyay, S., and G. Gembo. "Household Welfare and Natural Resource Management around National Parks in Zambia." *Elibrary Worldbank*. 1 May 2009.

[xlv] Fernandez, Ana. "Wildlife conservation in Zambia: impact of game management areas on household welfare." *Thesis in partial fulfillment of the requirements for the degree of Master of Science in Agricultural Economics*, Michigan State University, 1 Jan. 2010. Web. 7 July 2017. http://www.fsg.afre.msu.edu/zambia/fernandez_ms.pdf

[xlvi] Adams, M. "Land Tenure Policy and Practice in Zambia: Issues Relating to the Development of the Agricultural Sector." DFID DCP/ZAM/018/2002, 13 Jan. 2003. Web. 25 Mar. 2017. <http://fsg.afre.msu.edu/zambia/resources/Land1.pdf>

[xlvii] Lands Act No. 20 (1996) GOVT. GAZETTE (Acts), at Part II.8.1 (Zam.).

[xlviii] Report of the Auditor-General on the Accounts for the year ending 31 December 2006. Para.21. Web. 7 April 2017. http://www.ago.gov.zm/reports/Main/FINAL_REPO_RT_2006.pdf

[xlix] Report of the Auditor-General on the Accounts for the year ending 31 December 2007. Para 18. Web. 7 April 2017. http://www.ago.gov.zm/reports/Main/Final_Report_2007.pdf

[l] Report of the Auditor-General on the Accounts of the Republic for the year ending 31 December 2015. pp. 24-30. Web. 7 April 2017.

<http://www.ago.gov.zm/reports/Main/AGO%20Main%20Report%202015.pdf>

[li] Lands Acquisition Act No. 13 (1994) GOVT. GAZETTE (Acts), at Part II.3 (Zam.).

[lii] Hansungule, Michelo. Analysis of Zambia's Fifth National Development Plan: report to the Zambia Land Alliance. Zambia Land Alliance, Lusaka. 2007. p.8

[liii] Ibid

[liv] "Civil Society Land Policy Review Committee Initial Position Paper on the Draft Land Policy of 2006." Land Alliance of Zambia, 18 Oct. 2007. Web. 20 March 2017. http://fsg.afre.msu.edu/zambia/resources/ZLA_Comments_Zambia_draft_land_policy_Oct2007.pdf

[lv] E-mail from Henry Machina, Executive Director, Zambia

Land Alliance to the author (May 18, 2009, 16:15).

[Ivi] "The draft Constitution of Zambia." *The Zambian Parliament*. 23 Oct. 2014.

[Ivii] Wise, Timothy. "Securing land rights in Zambia." Food Tank. No date. Web. 22 Apr. 2017. <<https://foodtank.com/news/2017/04/securing-land-rights-in-zambia/>>.

[Iviii] <https://landportal.org/debates/2017/customary-land-recognition-zambian-approach-documentation-and-administration>. Web 17 Jan. 2018.

[lix] Mukanga, Chola. "Traditions Vs Human Rights, 2nd Edition." House of Chiefs. 22 May 2009. Web. 7 Mar. 2017. <http://www.houseofchiefs.com/2009/05/traditions-vs-human-rights-2nd-edition.html>

[lx] Halengwa, Munyongwe. "Opinion: Zambian Prisons and the Need for Judicial and Legal Intervention." Zambia Reports. 4 Nov. 2014. Web. 12 Mar. 2017. <https://zambiareports.com/2014/11/04/opinion-zambian-prisons-need-judicial-legal-intervention/>

Chieftdoms Integrated Conservation and Development

Native Authorities Ordinance - Natural Resources Act of 1962 - Chipera scheme (1949) – Savory attempts - Government Controlled Hunting Scheme abolished (1962) - chieftdom ICDPs - Black Lechwe Project (1971-1976) - Nyawa Community Trust (2002-2003) – Nyawa – Luembe - Shinganda- Lumba - Kabuwebulwe - Mufunta – Mulobezi - Bilili Springs - Kafue Trust (UK) - Itumbi – Kaingu - Royal Empowerment Foundation - Zambian Parliamentarians Conservation Caucus - Chief Shikabeta of the Soli tribe in Luano Valley - CBNRM: the donor/government game - Second Biodiversity Plan (2015)

Human beings, all over the earth, have this curious idea that they ought to behave in a certain way, and cannot really get rid of it. Secondly, that they do not in fact behave in that way. They know The Law of Nature; they break it.

C.S. Lewis – Mere Christianity

The Zambian leadership is ambivalent in its attempts to devolve power from the centre to the provinces and the chiefdoms – despite the Decentralization Policy of 2002. However, the deep underlying reason is the executive cannot, under any circumstances, consider devolving power, given that political power allows the operation of the patronage system through access to government revenue and the easy recruitment and control of comprador ‘clients’ in the patronage big man chain. The adoption of the American Executive Constitution at Independence has proved to be an enduring disaster.

To avoid the permanent removal of land from its traditional owners, I believed it was necessary to revisit the Native Authorities Ordinance of 1936 and the Natural Resources Act of 1962 to provide a development model that did not alienate land under statutory law and which encourages investment under usufruct. Laudable as this appears, the prevailing political economy is a massive countervailing force that accelerated from the time of self-rule, from the despotic rule of Kaunda through to Presidents’ Sata and Lungu.

Virtually the only income received by customary area commoners - and then only a small percentage of those in wildlife-rich areas - is from safari-hunting, though the amounts are paltry considering that villagers in GMAs must shoulder the cost of protecting their areas as part of the bargain, as well as bear the cost of predation by wildlife on them, their houses and crops. And despite legislation and policy affirming the

rights of customary authorities, and despite its ratification of international and pan-African conventions, the government resists giving greater autonomy to customary commoners over their resources.

Investment by way of public-private partnerships in those parts of customary area classified as game management area (GMA) presents some constraints. Chief of these are the legally questionable and contradictory claims ZAWA had made in respect of GMAs by tendering them out as hunting concessions bound by hunting concession agreements that served the ZAWA interest and not that of the customary residents or the safari operator; and by creating proxy community resource boards (CRB) that reported and served ZAWA's interests rather than the customary residents. The fact that the Wildlife Act specifically empowers the government entity responsible for wildlife and wildlands, with the final decision on tourism development or land alienation, is contradicted by the more senior Lands Act of 1995 that gives chiefs the power over land allocation in all of their customary area. In many areas, ZAWA had turned a blind eye to alienations and extracted ground rents – an example being the land under usufruct given to me by Chief Chiundaponde (Shoebill island); as do some CRBs. GMAs also, regarding landuse planning, if not of natural resource management, fall within the ambit of district council planning.

The first formal integrated conservation and development project (ICDP) was mounted after World War II in 1949 with the Provincial Administration's efforts to see that local people benefitted from game cropping, from fee-paying hunting, and from properly organized and conducted hunting-safaris. This was the Government Conducted Hunting Scheme and the Chipera scheme in Chief Nsefu's country, where a tourism

camp shared income with the Nsefu Native Authority (see 2: Stewards of Nature). The scheme failed because of the usual problem – theft of the funds by the customary authority, but also because the Game Department found it superfluous to their conservation efforts – although ICDPs (integrated conservation and development projects) continued to be suggested over the years leading to self-rule. However, it was the failure to implement the Natural Resources Act of 1962 that ensured the continuing centralization of government control.

In 1957, Allan Savory, the Provincial Game Officer and Biologist Northern Province put forward a proposal entitled, *Conservation of lechwe for native nutrition in Northern Province*. In 1958 Savory also proposed that a project entitled, *Conservation for protein production* is mounted in the Mweru Marsh Game Reserve. Nothing resulted from this. But these areas continued to deteriorate as the state ignored the de facto customary owners. Although nothing was immediately done to legalize a very large illegal offtake of the black lechwe in the Bangweulu, the proposal may have encouraged the establishment of the Black Lechwe Project (1971-1976).

In 1961 the Ministry of Native Affairs issued *A Wildlife Policy for Northern Rhodesia* that accentuated preservation, conservation, cropping, and the protection of villagers from crop raiders. With moves towards self-government, power was centralized with frightening rapidity. In the same year as I hitch-hiked around the Northern Province, Kaunda's UNIP Party militants went on the rampage.



Northern Province 1961

The Natural Resources Act Cap 315 of 1962 - promulgated in the penultimate year of the Federation of Rhodesia and Nyasaland - was ignored by Zambian politicians because it was legislation that contained everything necessary to usher in decentralized development to land under customary tenure, the last thing big man politicians desire. The 1962 Act was introduced when Kenneth Kaunda was Minister of Local Government in the Northern Rhodesia government - soon to become Prime Minister. The Act provided for the establishment of a Natural Resources Board and a Natural Resources Tribunal with responsibility for conservation plan provision and implementation. The board could allocate

certain responsibilities to decentralized bodies, i.e. to villager natural resource management committees, in this case, called natural resource committees. These were to be elected by villagers and were to be corporate bodies. The powers of the committees were holistic and highly decentralized. But this was all theory, there being little sign of its prescriptions being implemented. The Act of 1962 should have been the quantum leap forward from the Native Authority, a natural progression.

The Black Lechwe Project, funded by Anglo-American from 1971-1974, and then taken over by the Game Department with myself in charge, was a desperate move to save the lechwe and then to implement an ICDP and allow the Bisa, Unga and Twa under chiefs Chiundaponde and Bwalya Mponda to crop black lechwe once they had reached 200,000.[i] This, of course, was never achieved as the scheme was abandoned by the UNIP government when Kaunda's 'Watershed Speech' showed expatriate officers the door, the now Zambianized and ill-funded 'Game Department' – the National Parks and Wildlife Service - converted to patronage clientelism, theft and dysfunction. Nine months after resigning from the NPWS I returned to Zambia with a party of Peter Moss's and my Ecosafaris Limited tourists to visit the isolated Black Lechwe Project field station, where I found the place untouched, our house as we had left it, our airboat immobile, my staff awaiting instruction, my 7-tonne truck – donated by WWF-I - parked in a nearby village, its cab home to chickens, its driver waiting in the village for instructions, still on full pay. *Bwana, where did you go? Where did you journey?* he asked me.

In the 1980s, WWF, with its Wildlands and Human Needs Project, sought to derive direct benefits from wildlife for villagers in the Bangweulu and Kafue. The projects remain

obscure, the results buried in the annual flood.

1. The Nyawa Community Trust

The first major attempt to empower a customary area from its wildlife resources in Zambia in the 21st century was in 2002, the professional hunter and sculptor John Tolmay, James Hubert Young (a grandson of a former Governor-General of Northern Rhodesia) and Chief Nyawa, establishing the Nyawa Community Trust as the non-profit vehicle for the customary area to benefit from hunting-safaris in the Mulobezi and Sichifulo GMAs. Later, Kalaluka Mulyakela, then the ZAWA Southern Province Warden, joined forces with them, facilitating the process with Tolmay. Unfortunately, the Nyawa chiefdom and the Sichifulo GMA, then an important hunting concession, fell within the remit of corrupt elements in ZAWA who saw the Nyawa Trust as a threat to their profiteering there from illegal safaris.

In early 2002 the American magazine, *The Hunting Report*, announced that hunting-safaris might soon commence in Sichifulo – they having been closed by the new Zambian president - but a possible hindrance might be the announcement that Tolmay and the trust had filed a court injunction to prohibit ZAWA from allocating hunting areas, claiming that it would perpetuate a system that was unfair to local chiefs. *The Hunting Report* opposed any ‘abrupt effort to place complete control of the wildlife in Zambia in the hands of local chiefs’, equating it to grants of land made by the US Government to American Indians. It then accused Tolmay

and his group of being motivated solely by the money to be made from hunting. The Hunting Report was also dismayed that Safari Club International in the USA supported the Nyawa Trust Project.[ii]

On 23 March 2003, a meeting of the customary residents was called by ZAWA on the instructions of State House; its purpose was to vote on the Nyawa Trust project issues. Chairman of the meeting was the Kazangula District Governor at the time – still in place in early 2009 – Fred Siasuntwe, who did not call for a vote, to begin with, causing many to leave, knowing that government had decided to quash their wishes for a decentralized system of natural resource management in Nyawa. Tolmay, who had been assisting voters with transport to attend the ballot, was threatened with deportation. Not long after he was deported.

From America, now a sculptor, he penned me this note:

What is interesting is that at a meeting of the Nyawa community on the 23rd of March 2003, called by ZAWA on instruction from State House, where the community had been invited to vote for or against the concept of the Nyawa Pilot Project, Siasuntwe was Governor even then, and he was there clearly in cahoots with ZAWA. The whole thing was a farce and no vote was taken in that there was no doubt the vote would go against ZAWA who the night before had been handing out money and bicycle tyres to the locals telling them not to vote for the Pilot. At the end of the day the community finally walked away in disgust, while Siasuntwe was bleating for them to come back so that they could close the hopelessly manipulated proceedings

with the national anthem in the usual Zambian manner; to no avail, they walked away. At this meeting, I was threatened with deportation if I did not go along with what they, ZAWA, termed the Policy of Government. I knew this already and was in fact by then surprised that they had failed to try to kill me. I had spent a week in there with all my trucks hauling people to Nyawa Central in an attempt to have a landslide vote for the Pilot. I was very high profile and I would do it again if I had the chance. By then the whole thing was too high profile and it had got beyond where they could control it. It is sickening indeed to read that Siansuntwe is still there and now calling for investors to go into game ranching in that area; still missing the mark by a million miles when all that is needed is to put the Pilot into effect, under a good operator. If it needs to be known I watched the warden after Kalaluka unload game meat from a ZAWA Land-Rover into Siasuntwe's house. I was tipped off but failed to take a camera - not that it would have made any difference. My God, I wonder where those communities would be now if the Pilot had of been initiated all those years ago. Their earnings by now would have topped the million-dollar mark no doubt. They had the game, they had everything, and all they had to overcome was the filthy corruption that lingers like a plague all over that country.

Subsequently, the trust declined, the wildlife situation deteriorated, more people invaded the area, and the prospects for Nyawa's people diminished. In 2007, both Chief Nyawa and Siachitema made strenuous calls for the owner of Alfa

Safaris (Gilson Kaweche, of Project Rhino notoriety and former Director of the NPWS) and ZAWA to leave the area, claiming that they and their CRBs had received no benefits from the hunting or pay for 20 months. In particular, they wanted Kaweche removed because he had sub-leased the area without their permission and had not fulfilled his pledges under the hunting concession agreement.[iii] However, in early 2007, the sitting Chief Nyawa died, Chief Moomba of Kazungula lamenting that, but for his death, they would have removed the illegal settlers.

In October 2008, 8,500 people within 72 villages, commonly known as the 'Nduzya community', were evicted from the Sichifulo GMA (shared by Chief Nyawa and Chief Siachitema) after defying ZAWA's orders to relocate. In this extraordinary action, some reports claimed that the two chiefs supported the Government (the new Chief Nyawa, not the one who had formed the Trust). The Nduzya claimed that they had been allowed to settle there in 1985.

This prompted 44 opposition MPs to vainly petition the President of Zambia to order the Minister of Natural Resources, Catherine Namugala, to halt further brutality against the residents of Sichifulo in Kalomo and Kazungula.[iv]

We, the undersigned members of parliament, hereby petition Your Excellency and seek your redress to the plight of the landless poor people in Sichifulo whose humanity has been degraded, their ego and self-esteem eroded beyond redemption. On Wednesday, 11 February 2009, the Minister of Tourism, Environment and Natural Resources, Hon. Catherine Namugala, MP presented a

Ministerial Statement in the National Assembly on the forced removal of the settler community in Sichifulo which has lived in that Game Management Area (GMA) since 1985. ...She said that she would like to reserve Sichifulo for hunting expeditions and photographic safari, a preserve of a foreign company called Alfa Recreation Safaris... However, she did not mention the fact that the game scouts who removed those people at gunpoint, also burnt down their houses, grain barns and crops. She further did not reveal that in a place called Dindi, game scouts raped some women and tortured men and children... and since GMAs are not state land by definition, it follows, therefore, that chiefs Siachitema, Nyawa IV and V were all legally constituted to authorize settlements in their traditional areas of Sichifulo. In all 36 GMAs across the country, people live side by side with wildlife... how come Hon. Namugala, singled out the people of Sichifulo without risking being accused of segregation. The future of those two thousand two hundred (2,200) helpless kids, who were going to fourteen (14) schools, will need to be borne in mind.

On the 26 February 2009, Siasuntwe, now the District Commissioner of Kazangula, made a statement that ZAWA had evicted the Nduzya in the Sichifulo GMA, and that wildlife had begun to increase, appealing to investors to take up game ranching in the GMAs:

Government is saddened when there is massive land and no one comes up to develop it. I appeal to you as tour operators if you are interested to go into game ranching to

apply to invest in the Sichifulo GMA. We have managed to evict the illegal squatters and those who were encroaching on the area.

The Minister for Southern Province, Daniel Munkombwe declared that he would use his powers to evict anyone who encroached on GMAs forcibly.[v] The new Chief Nyawa, one of three Southern Province chiefs who met with Munkombwe, a man plagued by a new phenomenon, 'cattle wrestlers', declared that:

The Sichifulo Game Management Area was created in 1941 and it shocks me that lawmakers can parade themselves on national television calling for the breaking of law instead of repealing it first. The people who encroached on Sichifulo came without consulting the government of the day and us as chiefs, they were ex-convicts, cattle wrestlers and prison escapees; they are not farmers. The MP's should mind their own business and concentrate on their constituencies.

The Kalomo MP, Request Muntanga, accused Munkombwe of coercing the chiefs to issue a statement against their people who had been evicted from Sichifulo GMA, saying that:[vi]

Chief Siachitema of his constituency had phoned him to inform him that Mukombwe had sent a vehicle from Livingstone so that he could be picked together with other chiefs so that they could go and issue the statement in

support of the government. Chiefs Siachitema, Mukuni and Nyawa are not part of what has happened to the people, and their support was not voluntary because when Mukombwe sent a vehicle to pick Chief Siachitema in my constituency, he phoned me saying I am being told to go and make a statement.

Chief Nyawa reportedly denied these claims.[vii]

Major Chizhyuka, the Namwala UPND Member of Parliament, who was suspended from parliament for 60 days as a result of his supposedly intemperate outbursts in the house in support of the evicted people, filed an injunction in the High Court to restrain ZAWA and Chief Nyawa VI from taking any foreign or local investor to the area from which the 8,500 settlers had been forcibly evacuated. He explained that the injunction if granted, would remain in effect until President Banda had responded to the petition from over 40 opposition parliamentarians on the matter.

By 2006 Sichifulo was seriously depleted of its wildlife, the population below the threshold necessary to support even one classical safari, although two 21-day safaris had been booked consecutively, professional hunters bringing in baits shot on nearby game ranches. However, as predators were regularly poisoned, a practice that appears to be on the increase nationally - legal baiting was not often successful.

2. The Shinganda-Lumba Conservancy [viii]

The conservancy established by the MacDonald family is situated within the Mushima Chiefdom in the Mufumbwe District of North-Western Province. It is approximately 50 km northwest of the Kafue National Park, adjacent to the Kasonso-Busanga GMA, 20,000 hectares in extent, comprising a 4,000-hectare core under a 99-year leasehold title alienated in 2006, with a 16,000-hectare remainder managed under an MOU with Senior Chief Mushima. A 56 km government surveyed boundary line demarcates the conservancy. Initial negotiations were held in 2001 with Chief Mushima, the Mushima Council and Mufumbwe District Council and approval was obtained for the establishment of the conservancy. The area was surveyed in 2002, and an operational management and socio-economic plan completed in the same year. The conservancy was established with the express purpose of restoring wildlife to the area while contributing to rural development, with the long-term intent of establishing a wildlife-based ecotourism venture to ensure project sustainability. The conservancy supports the promotion and retention of local Kaonde traditions and culture, such as Chief Mushima's *Makundu* traditional ceremony held at Lalafuta. The project has close links with the Mubambe CRB in the Mufumbwe District. The project area is an ecological corridor for the movement of game in and out of protected areas, and potentially between the Kasonso-Busanga GMA to the south and the Chizela GMA to the northwest of the conservancy.

3. The Kabuwebulwe Trust

The trust was first registered as a society in December 2003 and incorporated in November 2005. The Kafumba Kwale Community Lodge was then built with funding from DANIDA on the proposed alienated land in the GMA. The general objective of the trust was to provide a legal framework for integrated conservation and development in the Kabuwebulwe Chiefdom. The CRB was the resident partner for the project, but when an application for land was made, the Department of Lands advised the CRB that they could not legally hold land and that they should form a trust under the Lands (perpetual succession) Act. This advice was taken, the trust established, with trustees drawn from the headmen, a representative of the chief, the CRB, and the ZAWA ranger. The local district council was charged with oversight of the accounts and the selection of a business partner. In 2010 a Lusaka lawyer leased the lodge to a Lusaka lawyer.

4. The Mufunta Participatory Natural Resource Management Project

The project, located in the Mafunta GMA (gazetted in 2007), was started by WWF-Zambia with Norwegian Embassy funding in co-operation with Chief Kahare of the Nkoya people - residents of the Western buffer zone of the Kafue National Park. They are now busy converting the area into a 'multi-production zone', making use of a Village Action Group (VAG) - an ADMADE relic - and a CRB elected for the area. Here

they declare that they have established about 154 commodity groups to provide alternative livelihoods and income generation activities to villagers – and presumably an alternative to commercial poaching. After training, some VAGs (village area groups) have embarked on ventures such as horticulture, poultry, piggery, honey and wax production, fish farming, and carpentry, tailoring and handicraft production.

With poor soils and little water available, criticism has been levelled at the suitability of the development program and its likely impact by way of increased fire and the inevitable poaching of the GMA and the adjoining national park. A few years ago, the Road Development Agency constructed a very expensive road with culverts and embankments to receive the influx of new settlers for yet another mad-hatter scheme of NORAD and WWF, now with an injection of 'enthusiastic' capital. Known in Game Department days as the Western Boundary, in 2004, it had six permanent poaching camps, identified by a bright new Zambian biologist, who, when he pointed this out to the ZAWA Warden at Ngoma HQ, found himself transferred to Mbala near Lake Tanganyika. He then resigned. In 2010 ZAWA, in its tender procedures for the Mufunta GMA as a hunting concession, had, through former Director of Conservation Melody Simwanza-Zeko, corruptly awarded the hunting-safari rights.

5. The Mulobezi Community Development and Sustainable Natural Resource Management Project

This project, originally funded by the Danes under the Civil Society Environment Fund, is implemented in Chief Moomba's country by the Nature Conservancy (USA). The project was supposed to end in 2013, though the recent acquisition of the Isdell funds may have prolonged it. Originally a 16-month project, its stated goal was, 'By 2013 manage and sustain a viable natural resource base that can positively impact local livelihoods in Mulobezi GMA and safeguard the ecological integrity of the Kafue ecosystem'. The project does not address customary rights to land and natural resources.

In the adjoining Bilili Springs GMA, Unrah revealed that the GMA is an example of migrants taking advantage of an open-access area by over-cutting forests and plundering wildlife.[ix] As he pointed out from fieldwork in 2001-2004, this plunder was made worse by the immigrants clearing much larger areas of land than were needed because of their wish to lay secure claim under usufruct to the area. This particular migratory movement has its roots in the forced removal of 57,000 Gwembe Tonga from the middle Zambezi Valley and their relocation to the northern shores of Lake Kariba to make way for the Kariba dam. The carrying capacity for subsistence agriculturists being vastly exceeded, a sizable part of the population moved into the Bilili miombo forest bordering the Kafue National Park. Between 1986 and 2000 the area of cleared land more than doubled.

6. The Kafue Trust (UK)

The trust was registered as an English charity No. 1067086, established on 30 September 1997 to support The Kafue Trust (Zambia). I assisted its late founder, Grahame Younger, to recruit two wildlife experts and friends of mine, Anthony Ziegler and Ian Ross, as its first international trustees. Any profit or surpluses accrued by the Kafue Trust (Zambia) was required to be deposited in the account of the Kafue Trust (UK). Its mission was to provide a framework for integrated resource management in the environs of Kafue National Park (KNP) and to provide expertise in park management, resources, training and educational opportunities. Under its last chairman, Steve Smith, they produced a definitive tourism guide to the park written by a former ranger and biologist of the park, the authority on the KNP, Peter Moss.[x] According to Moss, the UK trust was later taken over under questionable circumstances by Julian de Groote and Bob Douthwaite and renamed the Kafue River Trust. The Kafue Trust Zambia is dormant at the moment but will be revived in time. Its trustees are Steve Smith, Tom Younger and Sipho Phiri.

7. The Itumbi-Kaingu Trust[xi]

The trust was registered under the Companies Act (limited by guarantee) on 1 June 2007. It was established to serve the Kaingu Chiefdom of Itezhi Tezhi District under Chief Kaingu (Jason Kandundwe). The guiding light behind the trust was his son, Kachelo Kandundwe, and for a time the founder of

the Kaingu Safari Lodge, Tom Heinecken. The trust had an executive committee, which included a non-voting member of the area development committee. The trust operated in that part of the Kaingu Chiefdom designated as the Namwala GMA, the hunting concessionary rights held initially by Nsonga Safaris. The trust had received funding from the DANIDA Itezhi Tezhi CBNRM program and Kaingu Lodge. The trust at one time was looking into the formation of an integrated multi-use conservation conservancy in the Kaingu Chiefdom portion of the Namwala GMA, in line with what was proposed under the GEF-V project (Strengthening Management Effectiveness and Generating Multiple Environmental Benefits Within and Around the Greater Kafue National Park in Zambia).

8. The Royal Empowerment Foundation

The foundation was formed by Chief Chibesakunda (Bob Bwembya Luo) in the Bemba country in Chinsali District and aims at the socio-economic empowerment of rural communities under their customary authorities.[xii] I was a trustee until my deportation. The last I heard of a development initiative was an announcement in 2010 that, with the assistance of WWF, they wished to establish a game ranch in the Chibesakunda chiefdom.[xiii]

9. The Zambian Parliamentarians Conservation Caucus

The caucus was announced in May 2013 in parliament. At the ceremony, a former Northern Rhodesian couple, Neville

and Pamela Isdell, whose families had come to the territory in 1954 from Ireland and who had left the country in 1972 in order for Neville Isdell to pursue a long and very successful career with Coca-Cola Company, donated \$3 million to wildlife conservation in Zambia, Isdell declaring that 'This gift reflects our determination to help the people and wildlife to live in harmony for the benefit of all of Zambia'. A trustee of WWF-I, and co-chairman of the Climate Investment Facility for Africa (closed down in December 2016), Asdell gave \$2 million to WWF-Zambia for the Mufunta CBNRM project and for work in the Silowana complex (West Zambezi GMA and Sioma Ngwezi National Park), and on behalf of his wife, \$1 million to the Nature Conservancy for its work in the Mulobezi GMA and adjoining Kafue National Park.

10. Chief Shikabeta and the Nortons of Makasa Safaris



The Chief was a remarkable woman. In 2015, realizing that her country was growing ever poorer, a situation made worse by the witchcraft induced operations of the [Mailoni brothers](#) and seeing the short flush of development brought by the presence of a hunting-safari outfit, she recruited a former Chairman of the Professional Hunters' Association of Zambia, Roland Norton, to take on the Luano. The wildlife departments of Zambia had never paid attention to the area. In 2015, Norton and his son, Allister, and their wives, Anne and Kendal, set to the task.

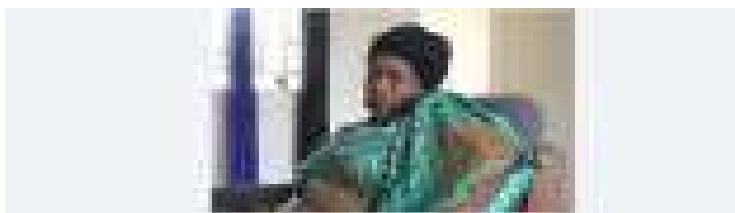
In 1970 I had hunted a leopard with a client in the Luano - a wonderful patch of Africa. As I wrote in my book, *With a Gun in Good Country*:

The hills bordering the Luano Valley can be seen from

Lusaka. This gives one the impression that it is simply a matter of driving out a short way and starting up the hunt. At the old tsetse barrier at Unda Unda on the Great East Road, one takes a rough track to the edge of the escarpment. From here one of the most precipitous tracks in Zambia winds its way down to the valley floor. It is a narrow, thickly bushed valley populated by few people and split by the Lunsemfwa River. There, on its eastern end, and some way from the Lunsemfwa, Zambia Safaris had set up a camp supervised by a young apprentice named Horton.

Then, the area was already depleted; now, the commercial poachers were killing what was left under the spell of that new force, richcraft. The Norton's set to work, Roland using his savings from his work in import/export. In 2017, the owner of a film company, Tom Opre, came out [to make a film](#) of the project. On his return to the U.S., he began to attract funding.

The Chief died suddenly in 2018 soon after the project began. Then when her daughter, Paxina Sakala, took over in March 2019, she fell ill and died in [April 2020](#). It is likely that the powerful poaching gangs had orchestrated their deaths with the aid of sorcerors. There is no mention in any of the reports of an investigation of their deaths. When the territory was colonized the Soli had no chiefs. They were given a chief by the British but then left to fend for themselves to the present day.



CBNRM – the donor/government game

In October 2011, USAID, through its consultants, DAI produced a draft review of CBNRM in Southern Africa, the final report produced in 2013.[xiv] Zambia's contribution to the report was written by a ZAWA employee, Vincent Nyirenda, who concluded: 'As a result of conducive policy and legislation and as support from cooperating partners and local governance systems, CBNRM produced positive results'.[xv] [I disagree with this conclusion and much else.](#)[xvi]

DAI report presents a distillation of the Zambia profile:

Quote Page 20 (1).

In Zambia, the Wildlife Act No. 12 of 1998 established the rights of local communities to use and manage natural resources in Game Management Areas (GMAs) and Open Area's.

As in the 1998 Act,[xvii] DAI makes no mention of customary

area. Under section 7 (2b), it does direct that a Community Resource Board (CRB) shall have the power to 'manage the wildlife under its jurisdiction, within quotas specified by the Authority' (ZAWA at the time). But, in reality, no such power has ever been conferred on CRBs. And although the CRBs do attend a quota meeting, they have absolutely no impact on it as they are directed principally by the income requirements set for the particular category of hunting concession by government. CRBs have not been given the right to use and manage natural resources, the main problem afflicting customary area. And as I wrote in Chapter 28 regarding the new Wildlife Act of 2015. "The act is ominous, the inexorable heavy march of commodification, privatization, and the alienating state deafening'.

2. 'These rights include developing management plans, in consultation with the Zambian Wildlife Authority (ZAWA), on the integrated use of natural resources – plans that are expected to reconcile different land uses within GMAs. To exercise NRM rights, communities must apply to ZAWA for registration as CRBs (Nyirenda, 2010). CRBs are then divided into smaller Village Action Groups (VAGs).'

CRBs never write management plans; the few that have been written are produced by government and imposed on the customary villagers. CRBs don't apply to government for registration. It is government that sets them up and removes them when they see fit. As for the VAGS, they disappeared a long time ago in the ADMADE era.

3. *'In the fisheries sector, local communities have rights to 25% of fish levy revenues via zonal committee's.*

This is the first I have heard of this. It is unlikely – as with the CRBs – that a fish levy has ever been paid. The administration of Zambia's fishery is a fine example of an oxymoron.

4. There has also been some encouragement of a sense of forest ownership and the establishment of joint ventures with the private sector via the 1998 National Forest Policy. Legislation does guarantee the right to access and use NTFPs. Forestry legislation makes provision for Joint Forest Management Agreements between the government and communities, but has not been implemented except in a few pilot areas. The result is that communities cannot meaningfully engage in forest management and it is difficult for them to derive income from the sustainable use of forest products. Large timber harvesting concessions are provided to the private sector without any provision for community benefit.

Yes, forestry is a disaster area. However, the Forestry Act of 2015 holds out considerable promise.

5. *'CRB rights include the negotiation of co-management agreements, in collaboration with ZAWA, with hunting companies and photographic tour operators. CRBs specify the benefits that should accrue to them in these agreements. CRBs also participate in setting wildlife quotas, including the quota that is retained for GMA residents; they have the right to manage the wildlife within these quotas. CRBs*

also have rights to a share of revenue generated by wildlife utilization: 45% of animal fees and 20% of concession fees are allocated to them as community funds.

CRBs are treated with disdain by government. They have no power, being merely ghost-actors not paid according to the law by the rent-seeking government.

6. 'The allocation of the revenue to communities is often slow and not very transparent. According to official policy, the use of these funds must be divided between wildlife management activities (45%), community projects (35%), and CRB administration (20%). Some stakeholders maintain that the transfer of NRM governance and rights to local communities is still generally insufficient. Also, the Wildlife Act does not clearly define the use rights of CRBs and ZAWA mostly drives management activities and decision-making. Communities have realized that they play an important role in wildlife management and have started to demand a higher percentage of income.'

An understatement. CRBs have been defrauded, and many are complicit in poaching rings.

Page 24.

7. 'In Zambia, elephant have more than doubled in the Luangwa Valley since the 1980s from around 9 000 to about 18 600 and some other species in the valley such as impala and puku have also increased.'

There are only about 22,000 elephant left in Zambia, 14,000

in the Luangwa. No mention is made of the extinction of the black rhino when CBNRM was at its most active.

Page 25.

8. *'In addition declines in wildlife numbers are attributed to the partial implementation of CBNRM where community rights are not well defined and benefits are not clear.*

True. But DAI makes no mention of the CBNRM context, i.e. customary area and its misuse by donor-aid CBNRM projects.

9. *'There are some indications that fish stocks have increased in traditionally protected fisheries in Zambia where community participation is robust (e.g., Barotse, Kariba). Also, local forests outside of the National Forest network have generally been conserved through traditional values and the participation of local communities. In the agricultural sector, widespread adoption of conservation farming techniques has resulted in impressive yield increases: 5,000 kg/ha for maize as opposed to 1,100 kg/ha using traditional practices. The Zambian approach to conservation farming appears to be a model that other CBNRM programs can learn from.'*

Here there is an admission that villagers are in some areas conserving their fishery and forests. No mention is made that this is because of the existence of customary area and traditional systems that are free of the CBNRM rent-seeking.

Page 30.

10. *'In Zambia 1,012 village scouts have been employed in wildlife management activities.'*

Mostly unpaid, unsupervised, and not employed under civil service conditions. They form the core of poaching rings.

Page 47.

'Conclusion

CBNRM can be a powerful tool for both conservation and rural development in Southern Africa. It has produced positive results where it has been implemented most closely in line with its underlying principles. It has not succeeded so well and in some cases has failed where devolution of rights has not gone far enough, where communities have been prevented from receiving the full benefits from resource management, and where insufficient attention has been given to developing resilient institutions and good governance processes. Decision-makers and policy makers in the region are in a position to build on the successes and take steps to avoid the failures of the past.'

No mention of the real issue – the empowerment of the customary commoners over land and its resources. CBNRM in Zambia has been an abject failure, working against the interest of customary people, the wildlife, the fishery, the forests etc.

Perhaps the new Act, hidden away for the moment, will help remedy the donor-government CBNRM refrain (The Protection of Traditional Knowledge, Genetic Resources & Expressions of Folklore Act No. 16 of 2016).[xviii]

Second Biodiversity Plan

In November 2015 there appeared a draft of Zambia's Second Biodiversity and Action Plan: 2015-2025, where the authors laid out what they consider as their first – and most important strategic goal in addressing 'the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society' and that 'by 2020, Zambians, especially local communities, are aware of the values of biodiversity and the steps they can take to conserve and use it sustainably'.

So, they infer that for the previous centuries, 'local communities' – meaning customary villagers – were not aware of the values of biodiversity. How is this possible?

[i] Grimsdell, J. J. R., and R. H. V. Bell. *Ecology of the Black Lechwe in the Bangweulu Basin of Zambia: Black Lechwe Research Project Final Report*. Lusaka, Zambia: National Council for Scientific Research, 1975.

[ii] The Hunting Report, "Last-Minute Hitch In Zambia." *Huntingreport.com*, 4 Feb. 2002. Web. 7 Mar. 2017. <<http://www.huntingreport.com/worldupdate.cfm?articleid=43>>.

[iii] Manning, I.P.A. "Zambia's Chief Nyawa of the Sichifulo Game Management Area." *Zambia Conservation*. 31 Mar. 2007. Web. 7 April 2017. <http://zambiaconservation.blogspot.ca/2007/03/zambias-chief-nyawa-of-sichifulo-game.html>

[iv] Kalaluka, Mwala. "Chizhyuka Vows to Continue Fight

for Sichifulo Settlers.” *The Post* 7 Apr. 2009.

[v] Mbulo, Edwin. “Siasuntwe calls for investors in game ranching,” *The Post Newspaper*, Lusaka, 28 February 2009.

[vi] Kalaluka, Mwala. “44 MPs petition Rupiah over displaced Sichifulo residents,” *The Post Newspaper*, Lusaka, 3 March 2009.

[vii] “I Was Not Coerced to Support Govt, Traditional Ruler.” *LusakaTimes.com*. 20 Feb. 2009. Web. 8 Mar. 2017. <https://www.lusakatimes.com/2009/02/20/i-was-not-coerced-to-support-govt-traditional-ruler/>

[viii] Shinganda-Lumba Conservancy, March 2007. Web. 19 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_N1dyRHhPT0ctcnZFSzRDcGx3c3pJdlI1Vkc4/view?usp=sharing

[ix] Unruh, Jon et al. “Migrant Land Rights Reception and ‘Clearing to Claim’ in Sub-Saharan Africa: A Deforestation Example from Southern Zambia.” *Natural Resources Forum*. Wiley Online Library, 8 Sept. 2005. Web. 5 Apr. 2017. http://landportal.info/sites/default/files/final_publication_nrf_00129_x.pdf

[x] “Peter Moss and Steve Smith - Kafue Trust.” *Safaritalk*. N.p., 21 Jan. 2011. Web. 27 Apr. 2017. <<http://safaritalk.net/topic/6133-peter-moss-and-steve-smith-kafue-trust/>>.

[xi] Tom Heinecken, Itumbi Trust, February 2009. Web. 19 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_NkxFN1lzNFd2R1ZfQ1BRZjVTTWhzaHpkeXY4/view?usp=sharing

[xii] Chibesakunda, Chief. “Concept note: Royal Empowerment Foundation.” *Zambia Landsafe Investment*. I.P.A. Manning, 22 July 2007. Web. 16 March 2017. <<http://zambialandsafe.blogspot.com/2007/07/concept-note.html>>.

[xiii] Mukanga, Chola. "Chiefdom led Capitalism." House of Chiefs. 20 June 2010. Web. 7 April 2017. <<http://www.houseofchiefs.com/2010/06/chiefdom-led-capitalism.html>>.

[xiv] Jones, Brian et al. Community-Base Natural Resource Management in Southern Africa. DAI/USAID. 2013. p.20. Web. 8 April 2017. http://pdf.usaid.gov/pdf_docs/PA00JRSF.pdf

[xv] Nyirenda, V. Community-based natural resource management: Stocktaking assessment. Zambia profile. USAID. Washington, D.C. 2011. Web. 10 July 2017.

[xvi] Manning, I.P.A. Critique of report: CBNRM stocktaking report, Zambia profile, by Vincent Nyirenda. Web. 8 April 2017. https://docs.google.com/document/d/1QI2lOVCcYtDgybtjU_imDHVlmjHDoieZSP376BJ_1mo/edit?usp=sharing

[xvii] Wildlife Act of 1998. Web. 7 April 2017. http://thereddDesk.org/sites/default/files/wildlife_act_12_1998_1.pdf

[xviii] Web. 7 April 2017. <http://www.parliament.gov.zm/node/5214>

Landgrab of the Chiefdoms

Land categories (1947) - parliament's customary area miscalculations (2010) - Fifth National Development Plan land alienation facility (2006-2010) - Sixth National Development Plan - REDD+ madness (2011-2015) - Co-operating Partners Group - Denmark damage - customary area landgrab - state landgrab - Sipatunyana - Chiawa - Mkushi - Muchinda scandal - Chiwala - Mufulira and Musele - Nakonde, Isoka - Mpika - Mazabuka - Machiya - District Councils landgrab - Mumbwa and Chief Kaindu - Mwape - NGOs - landgrab - AWF - Petauke - Mikuni - Simwatachela - Mukonchi - Nalubamba - Mpumba - land sold by chiefs - Nyalugwe - Luembe - Sinazongwe - Sekute - Mushima - illegal state land alienation - West Mvuvye National Forest – customary area in danger - Nyimba forest project - Community Partnership Parks - Chiawa - Chikuni - other CPP attempts - what to do?

Indigenous tenure regimes in general and communal landholding in particular are to be done away with as obstructions to individual-centric economic growth, to

allow the polarization needed to produce a landless class for urban industrialisation and fewer and larger native land owners assisted to produce food and commodities at scale.

Liz Alden Wily – The Global Land Grab: The New Enclosures

Unfortunately, finance-based approaches, no matter how well intentioned, tend to ride roughshod over the rights of local people. Appropriation of land without full cognisance of the customary tenure that rural dwellers have enjoyed for centuries will undoubtedly have major negative livelihood implications.

Terry Sunderland – CIFOR Forest News, September 2012

Denmark will use its political influence in large parts of Africa to get rid of local cultures and traditions that hinder the development of African agriculture. I will insist that land ownership becomes private and individual.

Christian Friis Bach - Minister for Development Cooperation, Denmark.

It is only the hippo which can show a clear picture of how the crocodile lives in the water.

A Luembe villager friend[i]

* * *

Land categories 1947

In 1947 the Pim Commission announced that the territory consisted of 5.6% Crown land, 18.9% native reserve, 59.5% native trust land, and 16% Barotseland. At self-rule in 1964, Crown land, owned by the British monarch – a feudal system which still today recognizes the Crown as the legal owner of vast areas of the world, including Australia and Canada - was renamed state land, land under customary tenure at the time being considered by many as making up 94% of Zambia.[ii] This figure has been trotted out to the present time by most writers, including myself, until recently.

Other than the state president, no one actually owns the land – a negative feudal entitlement – resulting in increasing agro-industrial landgrabs and the removal of villagers from their age-old agricultural supports, their customary law and their solemn duty to protect their ‘living ancestors’.

The Second Report of The Parliamentary Committee on Agriculture and Lands of 2010 reported erroneously to parliament by including GMA as part of state land, such being the degree to which the government has used GMAs as a rent basket. They also made an error of subtraction, calculating that with about 6% of land alienated already, only 37% of the land was left under chiefs – and much of that, not arable land. It confusingly stated that “There is generally individual ownership of land in Zambia under customary tenure. Land held under usufruct is not ownership but the right to use. Some lands, however, have entered into a form of ownership, a natural progression, but still not ownership in its strict British or modern Lands

Act sense'. In 2011, in Part III, the following was clarified on land alienation:[iii] 'Any conversion over 250 hectares and up to 1000 hectares requires the approval of the Minister of Lands and any conversion over 1000 hectares requires presidential approval. Government will continue to sensitize traditional rulers on these ceilings'. The government had informed the committee that they were distributing the chiefdom maps of 1958.

Under pressure from the donors, the Fifth National Development Plan (2006-2010) created the Private Sector Development Reform Program to increase the amount of land available to investors. It, in turn, established the Land Reform Working Group formed jointly by the Zambia Development Agency and the Ministry of Lands to spearhead the state landgrab operation. By 2011 they had obtained half a million hectares for their land bank in Northern Province – most of it from that part of customary area not taken up by GMAs, i.e. Open Area, in addition to the million hectares already alienated to eight farming blocks – one in each province.[iv] No effort was made to lease the land in a manner that ensured it remained customary area.

The Sixth National Development Plan (2011-2015), with the preposterous objective of Zambia becoming a prosperous middle-income country by 2030, has a strategic focus aiming to produce a 'conducive environment to promote private sector agricultural development' – its policy being 'to facilitate equitable access to land for agricultural purposes'. The programs that are laid out to achieve this involve 50,000 women in REDD+ projects, building 30 dams and irrigations systems, and developing an additional three farming blocks. For mining, it lists the mid-Zambezi uranium mines as coming into

production – for which no strategic EIA has been conducted, let alone environmental management plans, mandatory for the issue of prospecting and large-scale mining licences. And there is no institution able to deal with the management of the dire radiation and genetic impacts on people. Also, no strategic socio-environmental impact study has been made of the state's past and present programs; nor has there been given any thought to maintaining the integrity of Zambia's cultural heritage, the state opting – under the control of the WB/IMF, to continue down the path of land alienation, debt creation and agro-industrial destruction, with ever more plans to dam and irrigate. The 2013 PF party announced a revision of the SNDP to fit the PF Manifesto more closely, which appears to be another 'development in 90-day' Sata lie.

The Co-operating Partners

The Co-operating Partners Group – the foreign aid donors supporting Zambia comprise the World Bank, African Development Bank, Canada, Denmark (bilateral aid phased out in 2013), EU, Finland, Germany, Ireland, Japan, Netherlands, Norway, Sweden, UK and the USA. The Partners Group supports the Sixth Plan; one of its main objectives is to see that 'rural poverty and inequality is reduced through increased investment in rural areas, particularly in agricultural diversification and productivity, manufacturing and tourism'. Again we have the donor and development mantra of the word poverty. They fail to understand that residents of customary areas are only

poor if the state exploits the ecosystem resources belonging to them or tragically removes their land. They cannot be poor if they have full control of their resources. It is the state which creates the 'tragedy of the commons', not the customary owners. Over the five years of the Sixth Plan, the partner's group will spend \$2.5 billion, 95% as a grant and 5% as a concessional credit, supporting, amongst other 'good works', these being highly questionable hydropower and biofuel production. They also support NEPAD's Comprehensive Africa Agricultural Development Program (signed in January 2011) and declare that they will:

Support tourism development that involves greater participation by local communities and addresses biodiversity conservation; conducting ecosystem assessment, including economic valuation of land to provide the evidence needed to inform decision making and investment on environmental issues.

All of this, despite the massive questioning of the efficacy of donor and plunder capitalism's effort in trying to either profit or develop African nations, something comprehensively assessed and, in most cases, skewered.[v] In particular, a brilliant analysis of the conditions which gave rise to the Industrial Revolution poses considerable questions on any possible outcome of donor aid on societies that have not been long settled and are without the necessary institutions, training and education;[vi] while another, much earlier work questions the economic controls imposed on free societies, controls which led to the Washington Consensus.[vii]

Denmark damage

Once one of the partner's group leaders, Denmark has now greatly downscaled their activities, closing down their embassy. But the development wing, DANIDA, still embrace the mantra, 'The right to a better life!' and for a time held a totalitarian eurocentric view of deeply shocking proportions. As espoused by the Danish Minister for Development Cooperation in Denmark at the time, Christian Friis Bach (Radikale: Danish Social-Liberal Party), who revealed in an interview with POLITIKEN magazine on 9 July 2013, that 'Denmark will use its political influence in large parts of Africa to get rid of local cultures and traditions that hinder the development of African agriculture'. The full extent of what awaits many Africans of the customary commons can be adjudged by some of what he said:

1. Africa must be developed in a rush to avoid a global food crisis

2. We can transform Africa from being dependent on others for food to become the world's breadbasket. It requires massive investment, especially from abroad. And we're going to see very quick and very harsh structural changes, which large parts of the continent are not prepared for

3. Some have a rather romantic belief that traditional cultures value them, and they want to sit down with the chief and fix things. I do not share this belief

4. For the poor farmers, who are the majority in the village, collective ownership, which is in practice administered by the chief, is usually of no value

5. But I will insist that land ownership becomes private and individual. It is a fundamental condition for us to develop agriculture. Otherwise, there is no incentive to invest in the land. No one builds terraces, plants, shade trees or buys fertilizers if the harvest is not theirs

6. In the long term, some people need to move away from the agricultural sector and into the cities. But without ownership of the land, they cannot sell it. They cannot take money with them, which can start a life in the city. Therefore, lack of land rights is in all ways a huge barrier to development

7. Fortunately, it is not just our values. It is universal human rights, as developed by all countries worldwide through two hundred years. So we can allow ourselves to insist on these rights. And that is not a Western invention either

Bach resigned on 20 November 2013 and now works for the UN.

Those who had signed up for the destruction of their traditional commons under Danish assistance were Burkina Faso, Ethiopia, Ghana, Kenya, Mali, Mozambique, Niger, Somalia, South Sudan, Tanzania, Uganda, Zambia and Zimbabwe. This was all at variance with the findings of the Zambia Parliamentary Committee on Lands that reported to parliament in July 2013: ‘Large-scale land investments in Zambia are on the rise in areas such as mining, tourism and agriculture. In many instances, local people and traditional leaders are not consulted, or there was minimal consultation before large-scale land acquisition occurs’.[viii]

Fortunately, the radical Friis Bach had roused the ire of 35

African civil society organizations, who responded thus to his arrogant utterances:[ix]

Truth be told, Minister Christian Friis Bach said exactly what many politicians and leaders of developed countries think but cleverly would never dare say. Frankly, we prefer Christian Friis Bach to those other dodgy individuals. Petulant or reckless, your Minister of Development Cooperation said just what he thinks, giving us a chance to rebut, to contest and tell him that his notion of development is obsolete, that what he says he is willing to do is ethically despicable and offensive, that those who he claims would be the main beneficiaries of the policies he intends to impose will for sure become its main victims, and that even though unfortunately he may have the power to influence the decisions taken by the State apparatuses of some African countries, he definitely does not have the right to do so. We believe that he ought to know it. We Africans assure Christian Friis Bach and all who think like him, that even though we are already being pillaged, we will never allow Africa to be economically recolonized. Never. It is instructive to remember that contrary to what Minister Friis Bach said in his interview, Africans do have the capacity to feed and sustain our people. African agriculture and food needs have been met over time through sustainable and multi-dimensional approaches, keeping to a minimum such externalities as artificial fertilizers, imported pesticides and herbicides as well as practices that are alien to the socio-cultural settings of our people. The support Africa needs right now

is a decisive stand to maintain seed as well as cultural diversities and defend staple crops which are targeted by biotech even when there is no need for their engineered varieties or GM crops.

The customary area landgrab



Agricultural landgrab by 2015 (Land Matrix)

For about ten years after the Lands Act of 1995 was promulgated, the Commissioner of Lands was allowed to alienate up to 250 hectares without the minister's permission or the president's. Anything over that and up to 1,000 hectares had to be approved by the minister and greater than that by the president. However, despite what parliament thinks, there appears now to be no restrictions or safeguards for the residents of the customary commons, the Zambia Land Tribunal not empowered to act on behalf of dispossessed chiefdoms, chiefs or villagers, as experienced by our Luembe Conservancy Trust in Nyimba District when questioning the failure of the Zambia Development Agency to ensure investors in customary area delivered on their legal pledges that are part of the investment certificate agreement.

The appropriation, under leasehold, of customary area by the state and commercial interests has become a massive problem in Zambia, the list for landgrabs growing daily, affecting both customary area and state land. And 'even in the absence of corruption, large-scale land investments may worsen rather than reduce rural poverty, encouraging forms of development that are neither environmentally nor socially sustainable'.^[x]

Ordinarily, a landgrab of customary area has two forms: 1) the alienation to a 14-year provisional lease - without a caveat being lodged by the customary authority with the Commissioner of Lands preventing it from being automatically converted to 99-year leasehold (renewable); and 2) the direct alienation to 99-year (renewable) leasehold, and should the owner of the land be declared bankrupt, the land does not revert to customary area but state land; or 3) the Zambia Development Agency simply acquires customary area from chiefs for nothing and then sells or leases it to investors with no sharing of the

proceeds with the customary residents, and in some cases removes villagers from the land.

The Second Parliamentary Committee on Agriculture and Lands of 1 January in their 2010 report was forthright on the rights of customary area commoners over their land:

Regarding the law, therefore, the rights of the local communities occupying customary land are required to be taken into account by the President when alienating or allocating land for farm blocks and other large-scale investment. While the provisions of the Lands Act may be clear, what has been taking place on the ground is different. Witnesses that appeared before your Committee stated that Government has not considered local communities in some areas where farm block have been created. The farm blocks identified where local communities are aggrieved include the Nansanga and Kalumwange farm blocks in Central and Western Provinces respectively, in Madzi-atuwa area in Chipata district, the Government resettlement office had resettled retirees and issued them with title deeds on customary land without consulting local people. Further, many local communities have suffered displacement and deprivation of water and forestry resources after 'investors' have acquired land along major rivers to establish farms and lodges. This was identified to be more common along the Zambezi and Kafue rivers. Local communities had also been denied their rights to footpaths and access to common pool resources like wetlands and the forest where they pick foodstuffs as investors had enclosed these common resources.

Customary area alienation by the state

A 2016 study of 38 large landgrabs in four African countries, including Zambia, produced the following conclusions:[xi]

- 1. The establishment of many large-scale farmland investments is typically accompanied by displacement, dispossession, and environmental degradation*
- 2. Many new agricultural investments are located within areas of high ecological significance, such as wetland areas, dry and tropical forests, and wildlife-abundant savannah landscapes*
- 3. While analysis of the legal underpinnings has revealed numerous deficiencies in land, environment, and investment law, the apparent ease with which statutory safeguards are ignored points at more important underlying institutional issues*
- 4. The consequent lack of effective regulatory enforcement and unwillingness to introduce meaningful new safeguards exacerbates the threat of underlying structural issues related to, for example, deference to local hierarchies, easily raised community expectations, the incompatibility of production systems, and the absence of accountability by many investors*
- 5. Farmland investments in sub-Saharan Africa are inherently unsustainable without well-functioning checks*

and balances

6. The interests of many state and non-state actors are strongly aligned with those of investors, which in turn undermines domestic procedural and distributive justice

7. This research has also exposed unique weaknesses in the land tenure systems when subjected to new market forces

8. In the context of common pool resources, what constitutes a 'community' and 'community consent' is a fuzzy concept; communities are not homogenous and consist of social hierarchies with layers of rights that could have a substantial bearing on consensus forming processes

In Zambia:

1. Customary land use rights are protected under statutory law without requiring formalization

2. Conditions for alienation are specified

3. No comprehensive procedures are in place that incentivises or formally restrict investors to land areas where land use conflicts can be minimized

4. The absence of sufficiently rigorous checks and balances on the conduct of traditional authorities exposes the land alienation process to iniquitous and exploitative conduct

5. Chiefs often require, besides cash, new 'palaces' and vehicles

6. While land laws stipulate that chiefs should not derive individual rents from land transactions, the fuzzy boundaries between what could be considered a 'sales price', or 'land revenue' and 'custom', reveals how ambiguities created by legal pluralism are often exploited for personal

enrichment

7. Consultations rarely provided a platform for voicing community concerns.

8. Investors reportedly often used community consultation for obtaining a social licence to operate by playing in on community expectations by presenting a highly modernized vision of rural development

9. Public officials did frequently play a prominent role

10. Since the late 2000s, their investment promotion agency (IPA) has begun to acquire land around the country for its land-banking program. By becoming a large landholder, as a result, further conflicts of interest arise, especially since the sub-leasing of land from the land bank has become a source of revenue

11. Chiefs and their kin often occupied salaried positions at projects

12. Government across scales and sectors condemned the inefficiency of forest swiddening (chitemene)

12. Dispossession was rarely contested

13. Although in theory, many communities did have legal grounds for contesting rights infringement before the judiciary, only in one case in Zambia (which was ruled in favour of the investor) were such actions taken

14. The state is the only contractual counterpart of investors and in that capacity bears some responsibilities to investors

15. With investors increasingly sub-leasing land from the IPA, unresolved land conflicts are the responsibility of the IPA, not the investor

16. Statutory law arguably provides the most explicit protection of customary claims. 17. Legal reforms are

unlikely to yield intended results if structural, institutional issues relating to implementation and enforcement remain unresolved

18. The increasing commodification of land gives new meaning to alienation rights; without land markets, such rights have limited (monetary) value. This serves to further consolidate and entrench chiefly control over land and provide new avenues for rent capture by both customary and political elites

19. Where customary land management institutions are bestowed with important alienation rights, dispossession is easily legitimized

Sipatunyana customary area

In Chief Sipatunyana's country around Kalomo, villagers were made to move in 1979 to make way for the Chikoli and Mutala State Farms. Sipatunyana's people have since 'illegally' moved back onto the land.

Chiawa customary area

In 1987 President Kaunda personally alienated to leasehold a large area of Chief Chiawa's country on the Zambezi to a Rhodesian, Eric Owen 'Farley' Winson (d. 2009), a former resident of Texas. Winson had persuaded Kaunda that a 'grass to oil' scheme was the way forward for Zambia's bankrupt economy. There were objections to the alienation in parliament, to which Kaunda famously replied, "None of us are clean!" My friend Bob Scott assisted Winson on Zambezia Farms (Zambia) with growing the crop until Winson fled the country after

contravening exchange control regulations. The property was then acquired by the professional hunter Sholto Lewis 'Lew' Games (d. 2001). In December 1989, Chiawa was declared a GMA. In 2005 it was proposed that the Chiawa Community Partnership Park be established. The project appears to have expired.

Mkushi District

Neil Crowder, CEO of Chayton, allegedly took up 20,000 hectares of customary area near Mkushi on a 14-year provisional lease with automatic expansion to a 99-year renewable leasehold. Some of this land is certainly land previously alienated from customary control by the Northern Rhodesia government in the 1950s, with 74 farmers located in the Mkushi Block by 1964 when I worked there briefly before independence as a locum farm assistant. As quoted by farm-landgrab.org, Crowder said that his company's legacy would be to 'teach Africans the latest farming techniques'; this being code for applying hybrid and GMO seeds, chemical fertilizer and pesticides. Crowder would have little idea of the depth of agricultural knowledge in a population in which the southern *chitemene* system has operated successfully since the villagers came to the area from Luba-Congo 200 years ago. Aiding this process is the World Bank Multilateral Investment Guarantee Agency (MIGA) that provided Chayton Capital with \$54 million in political risk insurance for its farm holdings – MIGA being particularly lax on environmental and customary rights. The South African financial corporation, Zeder Investments, purchased 96% of Chayton Africa in March 2012.

Senior Chief Muchinda

In January 2011, the government invited investors to prequalify 100,000 hectares in the Nansanga Block, Serenje. Another eight blocks of 95,000 hectares each were demarcated across the country in customary area. Between 2,500 and 9,000 villagers had to be evicted from the Nansanga Block in Chief Muchinda's country, but without other land being made available to resettle them. The land grabbed without consultation with the chief or his people. The environmental impacts on local watersheds were simply glossed over; the actual land allocation process was carried out in secret. Two large farms in Nansanga were made available to investors for 25 years on leasehold, after which the land – according to the text of the scheme - reverts to the customary authority, something not possible for alienated customary area.[xii] [xiii]

The Oakland Institute report clarifies that there was 'little detailed planning or consultation' with the villagers in the area. And there is no mention of any discussions with the Kasanka National Park management downstream. At one stage, the farming block boundary went within 200 metres of the park but was then moved back. As the Luombwa River flows from the Nansanga and into the park, the pollution of the sitatunga wetlands – the reason for the Kasanka's protected status - and bat habitat (*mushitus*) will be severely compromised.[xiv] In 2006, the Zambia government's EIA stated:[xv]

Eight dams are proposed to be constructed in the entire Farm Block. Six of these dams are sited on the Luombwa

River (and its tributaries), while one is on one of the tributaries of the Kasanka River. These drainage systems run from the Southern axis of the Farm Block to the Northern axis and coincidentally, all these rivers flow into the Kasanka National Park. Construction of these dams can have impacts such as hydrological changes of water quality and quantity, which are crucial to the maintenance of the main freshwater habitats for birds and animals. The expected impacts will be caused mainly by (a) increased abstraction from surface water or groundwater resources, (b) changes in natural flow patterns and seasonal flow regimes due to dam construction, (c) increase in off-load of agricultural chemicals such as fertilizers, insecticides and herbicides into water bodies, (d) dislocation of upstream local communities, (e) increased water-borne diseases such as malaria, bilharzias and diarrhea, (f) environmental degradation: This will arise from increased pressure caused by human activities around the dams, (g) proliferation of weeds: this will arise from increased nitrification of water in the dams.

In a 2017 report, Andrew Chilombo reported that:[xvi]

While cash flow and physical capital have increased in Nansanga farm block area, preliminary results reveal joblessness; land-developers' indolence and land idleness; land speculation, lack of land use planning; erosion of social capital; an amplified sense of tenure insecurity among community members; corruption; and immigration. Community access and user rights to land

and associated resources have been undermined. Socio-economic and ecological implications of LSLA on rural communities are diverse and context-specific.

Chief Muchinda was murdered after Chilombo had gathered the preliminary data.

Now a report by Human Rights Watch (HRW) of October 2017 fully lays bare the infamy.[xvii] The Farm Block Development Programme is criminally implemented in Luombwa, Nansanga, Munte, Kasanka and Ssasa. HRW reveals the following:

1. There has been no Strategic Environmental Assessment of the blocks.
2. Of six farms studied, only Silverlands had obtained the necessary EIA approval from government – not surprising considering it is an international agricultural company and owns 5,506 hectares.
3. Billis Farm's (2017 ha) owner Abraham Viljoen had evicted 65 residents from 11 villages in 2013, giving them a short period to move before bulldozing their houses and dumping the people outside the property where they lived without shelter for four months in the winter. For four years, they continue to live in a few bedraggled tents given them by government. They receive no compensation of any sort.
4. Jackman Farm (263.7 ha) applied for an eviction order for the residents. They appealed but were evicted. Some residents were imprisoned.
5. Badcock Farm (2,202.3 ha) once had 22 families on the

property. Those few remaining they are attempting to evict.

6. Sawyer Farm (996 ha) forcibly evicted 45 families, destroyed their fruit trees, houses, livestock, crops and other property.
7. Matthew's Farm (Rowe) destroyed the homes and property of some of the legal residents on their small farm (117.8 ha), others still at risk.

This disgraceful plunder of the land held under usufruct by chiefs' subjects reveals the horrible admixture of corruption and extreme government dysfunction melded with the brutality of some commercial farmers who deserve to be imprisoned, their properties confiscated and awarded to the families so abused. As for the government officials, they need to be replaced; but from where?

HRW's author of this report, Juliana Nnoko-Mewanu, in her recommendations, makes no mention of Chief Muchinda, of customary area, of customary residents, referring to the abused people as 'rural residents'. However, she has advice for the government, the donors, the farmers, and the financial institutions. Chief Muchinda should never have handed over the land in the first place, but he should have immediately found other land for his people as he did. That was his responsibility. And no other Zambian institution, the Land Alliance etc., came to his people's aid. HRW did not understand the importance of customary area and its people in the scheme of things. This was an opportunity missed.

Chiwala customary area

In 2011 over 400 families in the Chiwala Chiefdom on the Copperbelt – the villages of Altoni and Majaliwa - were forced to move when the Zambia Development Agency allocated their land to Nikant Mining from India and Dangote of Nigeria - the first for the construction of a lime plant, the second for a cement factory. In July 2013, the villagers demonstrated against Dangote for their failure to pay compensation as promised; many of them were jailed.

Mufulira evictions and the Musele customary area evictions

In 2001 the UN released their ‘Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo’. The report accused 29 mining multinationals of plundering the DRC: eight from Canada, one of them being First Quantum Minerals (FQM). FQM and its partner Glencore, at the time joint owners of Mopani Copper Mines Plc in Zambia, had been illegally evicting villagers in the Mufilira area of Zambia over a long period. In 2011 complaints were lodged against Glencore and FQM by the Centre for Trade Policy and Development (Zambia), the Berne Declaration, L’Entraide Missionnaire, and MiningWatch, and the Swiss and Canadian National Contact Points (NCP) for violating the Organization for Economic Cooperation and Development (OECD) guidelines for multinational enterprises on the matter of tax.[xviii]

Since 2010 Chief Musele of North-Western Province, aided by his Musele task force, resisted a landgrab made by FQM and government. This landgrab resulted in the eviction of villagers from 600 km² of customary area alienated without Musele's permission to FQM. Known as the Sentinel Project, the Zambia Environmental Management Agency (ZEMA) conditions have not been adhered to by FQM. It is alleged that ZEMA was unaware that the project has advanced beyond an exploratory phase.

On 4 March 2013, the Canadian government announced the conclusion of foreign investment promotion and protection agreement (FIPA) negotiations with Cameroon and Zambia, 'a treaty designed to promote and protect Canadian investment abroad through legally binding provisions and to promote foreign investment in Canada by ensuring greater protection against discriminatory and arbitrary practices, and by enhancing the predictability of a market's policy framework'.^[xix] The Canadian government has so far made little effort to get its mining houses around the world in order through civil and criminal law reform.^[xx] Despite promises made by the Liberal government's Minister of International Trade to appoint a mining ombudsperson, [the minister has not done so](#).

Glencore agreed to a financial settlement with Canadian regulators, 12 months after the Paradise Papers [investigation](#) exposed its dishonesty. [As ICIJ reports](#) on 28 December 2018 - Glencore was brought to some financial account:

On December 18, Katanga Mining Ltd., a Glencore-controlled company headquartered in Canada, agreed to pay regulators in Ontario \$22.5 million to settle multiple

counts of corporate wrongdoing. The company, which operates open air and underground mines and processing plants across the Democratic Republic of the Congo, failed to accurately report its financial position, as the Ontario Securities Commission [found after a lengthy investigation](#).

On 27 July 2013, Zambian civil society organizations stated the Chisola Dam project at Sentinel, 'It is obvious to those who care for the environment, morality and justice that First Quantum/Kalumbila Minerals have violated the Protection Order by carrying out projects that have not been approved either by the community or ZEMA':[xxi]

The government, through the land, Environment and Natural Resources Minister, Hon. Wilbur Simuusa, has given KML conditional permission to continue construction of the dam, which will cover 200 hectares of woodland. Even more shocking is the fact that the minister permitted KML to continue working on the project, despite the Protection Order issued by ZEMA.

On 4 October 2013, government issued a statutory instrument waiving export duty on copper concentrates for FQM and other mining companies. President Sata later reinstated the tax. At the same time, senior Patriotic Front members called for Minister of Finance Chikwanda and the Zambia Revenue Authority boss to be investigated for having lifted the tax in the first place, the inference being that a massive bribe had taken place. Sentinel, an open-pit copper mine, is but part of the

FQM Trident Project in the area lying some 150 km west of Solwezi. It was commissioned in mid-2014 with an estimated life of 15 years.

Mining began at Sentinel in 2014; by 2017, the mine only received half the amount of power is required from government.

In November 2016, ZCCM mines announced it would sue FQM for fraud for \$1.4 billion.[xxii] On 9 February, FQM asked the Lusaka High Court to dismiss the claim.[xxiii] In May 2017, President Lungu ordered ZCCM to drop the case. However, arbitration continues in London. The FQM saga reveals a predatory, greedy and desperate PF government:[xxiv]

It's hardly an action to encourage First Quantum's directors to travel to Zambia, let alone attract other, serious investors who always look to see the way in which those already present are treated. While the Zambian government is desperate for cash to keep itself afloat, and this may be little more than a negotiating ploy, treating your most important investor this way risks a lot of hurt. How painful this will be depends on Lusaka's next move. Lacking fresh development thoughts, it has nowhere to go. This has led it to tap existing sources such as First Quantum, rather than sign on to an IMF programme, trim government, make savings and grow the economic base, investment and jobs. Without change, it's a path to ruin.

Nakonde/Isoka customary areas

In the Nakonde/Isoka area on the Tanzanian border, the Chinese now lease 78,000 hectares from two chiefs with no trusts in place. The biofuel enterprise, Kaidi Biomass, is supposedly investing \$450 million in a jatropha project.

Mpika

The 2008 National Energy Policy supported biofuel production in Zambia. In the Mpika area, jatropha cultivation has alienated land from five different chiefdoms. The main investors are the UK-based D1 Oils - allocated 195,000 hectares, and Marli Investments, given 18,500 hectares – both implementing out-grower schemes. However, D1 Oils has downsized, Marli, Oval Biofuels, Bedford Biofuels, ETC Energy and Ferrostaal have ceased or suspended operations. One investor, Kaidi Biomass, has production plans. With the assistance of the Land Reform Working Group, one investor obtained 302,749 hectares from the five different chiefdoms for jatropha, another investor doing the same on 79,300 hectares in Kasama and Isoka. Also, a subsidiary of Zambeef Products, Zampalm, obtained 20,000 hectares for a palm-oil plantation. In September 2017, Zambeef announced the sale of 90% of its Zampalm operation to the Zambian government's Industrial Development Corporation for \$16 m. Zampalm will manage the farming operation. Its maize crop also suffered a 30% drop in the sale price, and a fungal infestation assailed its wheat. As the land was alienated from customary control near Mpika, this effectively means the

state has taken over much of the land.

An ODI report revealed that in the order of 30,000 hectares was under jatropha production in 2010, declining to about 4,000 ha. Ethanol projects have not yet come into production.[xxv]

Mazabuka

The Munali nickel mine in Mazabuka District has carved out further customary areas. Half of the customary residents of Mugoto Village of some 3 500 people have been evicted and paid a derisory compensation fee against their will.[xxvi]

Chief Machiya

By 2016 Chief Machiya had allocated 10 000 hectares of land in Mpongwe District, Copperbelt Province, to Muchindushi Farm Limited (MFL), a subsidiary of Yombwe Investments Limited. The area is apparently aligned to the Zambeef farming belt. MFL had persuaded government to promote mini-farm blocks of 10,000 ha, divided into ten autonomous parts, and are looking for foreign investor partners.[xxvii]

On 10 February 2016, at a meeting of the Africa-Indian Agribusiness Forum, Minister of Agriculture Given Lubinba advocated alienating at least a third of the customary area in Zambia to the mega commercial agro-industry, the land not being state land as he suggests. "We are willing to offer 10,000-15,000 hectares on lease for 99 years. We have 75 million hectares of land, of which 58 % is arable. Of total arable land,

only 11 % is used, and the rest is available for investment.”[xxviii]

Customary area ‘stolen’ by district councils

Mumbwa

The Mumbwa District Council orchestrated an early and substantial alienation of customary area in Zambia in the late 1980s. The Council Secretary and some of his colleagues approached the late Chief Kaindu to establish a game ranch adjoining the Kafue National Park. He was given the usual development and poverty alleviation bromide. Trusting the Secretary, he demarcated 56,000 hectares of suitable land, thinking that he was giving it out under usufruct. The Secretary took Kaingu’s letter of agreement to the Mumbwa Council, had it approved, and then persuaded the Commissioner of Lands to grant the council title to the land. Shortly after this, the Local Government Minister vetoed the alienation as being beyond the council’s remit to obtain the land. However, the land could not be returned to the chief as customary area – though the minister should have transferred it to the chiefdom as leasehold. Instead, the council retained ownership and split it into six farms. In the early 1990s – probably in 1995, given that being the year of the appearance of the Lands Act of 1995, the bulk of the land was sold to Botha and Swanepoel of Lusaka West. After Swanepoel’s death, Botha sold a large portion to the late Prime Minister of Lebanon, Rafic Hariri (d.2005) - Mushingashi Game Ranch being the result; now a flourishing wildlife spectacle. In 2014

ZESCO suddenly appeared in convoy and began digging a road through the ranch, clearing a swathe 50 metres wide through thickets in which blue and yellow-backed duiker thrived. They had no letter of permission, no approved EIA by ZEMA for their plan to erect a power line.

In 1999 Willie Botha owned 17,000 hectares of leasehold land adjacent to the park and north of Mumbwa. The adjoining property, once owned by Swanepoel, was left to his daughter on his death. Further to the east is the farm obtained by Vic Enslin - and later sold to Johan Jordaan, and a farm now belonging to a Mrs. Burton.

In 2010 Chief Kaindu complained to *The Post* newspaper that the government was 'giving out' his land without his permission. But in 2012, he was accused by some 200 of his subjects of having sold 20,000 hectares of land to one of the Botha family, confirmed by the Mumbwa District Commissioner, who declared that all that would be allowed to be alienated was 1,000 hectares – anything over that requiring the permission of the State President. Chief Kaindu claimed that he had rejected alienating any land.

The *Hunting Report* of July 2013 revealed that hunting-safaris would now be conducted on a 40,000-hectare unfenced game ranch adjoining Mushingashi named Royal Kafue and in partnership with Chief Kaindu. A Director of Royal Kafue complained to the online *Zambian Economist* that the chief was offering land vested in the Kaingu Natural Resources Trust and then leased to Royal Kafue for sale. He also charged that land was sold to J. Botha, who then on 4 November 2013 sold 8,000 hectares to Martin Grobbelaar, and 25,000 hectares to a partnership of Elizabeth Grobbelaar and Henry de Kock Grobbelaar.

As Peter Moss wrote to me concerning Kafue, 'KNP's coffin is being weighed down by the nails ..., and the Co-operating Partners (CPs) seem to be with them...WWF, TNC, Amatheon, Blackthorn, Easy Fuels, ZESCO, COMACO, PHAZA, charcoal producers, extensive farmers, cotton growers, tobacco growers, game ranchers, loggers all around...and the list is growing'. Recently, Chief Kaindu evicted more of his people from their land.[xxix]

Chief Mwape

The Petauke District Council and the late Chief Mwape registered the Nyakolwe Trust to establish a game ranch, vest the land in the trust. As with the Mumbwa Council taking advantage of Chief Kaindu, Mwape was old and illiterate, ready for the Petauke Council predators. The customary area had once been the Kaundi Secondary Controlled Hunting Area. The council, under unclear circumstances, 'sold out' to Iqbal Alloo (owner of Sable Transport), who took over the trust, operating the unfenced area as a hunting concession by leasing it out to a South African safari operator with hunting quotas supplied by ZAWA, an illegal act as the land had not been fenced. Alloo may have entered into a sub-lease arrangement with the trustees, but as far as the customary owners of Mwape were concerned, their land had been illegally alienated.

In addition to this, Alloo had obtained 39,000 from Chief Unda Unda in 2001, the land bordering the Lower Zambezi National Park (See: 21 REDD+ herring).

Customary area alienations facilitated by NGOs.

African Wildlife Foundation (AWF)

The US NGO, The African Wildlife Foundation, in its Kazungula Heartlands Program, claim they created five community trusts within contiguous chiefdoms (Inyambo, Sekute, Mukuni, Musokotwane and Simatachela) in southern Zambia, with the Victoria Falls as the core of the development and the KAZA Transfrontier Conservation Area (TFCA) viability as their objective - 40% of KAZA is state protected area and 60% of it customary area.

Metcalf, in his report of 2005, justified the formation of development trusts because 'AWF has facilitated the establishment of community development trusts with the vision of improving household livelihoods through the sustainable use of natural resources within a landscape conservation approach', adding ominously that, '*A central strategy of the trusts is to apply to convert strategic parcels of customary area into leasehold*. Once the trust holds leasehold land, it could then seek investors and partners for development as both customary and statutory landlord'. But then he added, somewhat confusingly, that, 'The trusts are designed to avoid land converted from customary to leasehold tenure slipping out of the control of the community by using the advantages of private title for its own purposes'. But here, he made no mention of just which statutory trust mechanism he had implemented.[xxx]

In his 2006 MPhil thesis, Metcalf wrote that:

Although chiefs cannot be forced to allocate land to the trusts, the community bodies hope to persuade the chiefs to allocate the trusts exclusive access to strategic parcels of land, with the intention of then negotiating with the private sector on a head lease to sub-lease basis. This prevents customary area being alienated’.

But then, in the abstract to his thesis, he remarks, “The communal areas in question have the opportunity to use their land to leverage sustainable development *but also risk alienating it in perpetuity*. The outcome is uncertain’.[xxxii]

If customary area is alienated for 198 years (99-year renewable), it is lost forever to a chiefdom. Should the legal entity to which the land has been alienated declare bankruptcy, it becomes state land. In the case of trusts, be they under the Land (perpetual succession) Act or the Companies Act, the land is vested in the trust in perpetuity – unless the trustees decide otherwise, but it is not alienated. But it can be taken over by acolytes of the big man.

The first AWF scheme was conducted in the Sekute Chiefdom lying adjacent to Zimbabwe’s protected areas, Botswana’s Chobe National Park and the Impalila and Kaseke conservancies in Caprivi (Namibia). The Sekute Trust was established in 2003, the only one of the five trusts declared to have been registered under the Lands (perpetual succession) Act. In the Simonga area of Sekute at the time, there were ten villages, their land already alienated for 99-years (renewable) by Chief Sekute to 18 commercial farms and eight tourism lodges, with a total of 22 sites already approved by the chief and being processed by the Kazungula District Council. The Sekute Community Trust Board, formed with the help of AWF, was therefore left with

little land on the Zambezi with which to work. In March 2006, the trust made a presentation to the chief on the remaining commercial investment potential on the river. The chief agreed in principle to make that land available to the trust.

It is not clear whether AWF was party to the alienation of land made by the chief to the AG-ZAM sugarcane-farming scheme, the prime attraction being the free use of water from the Zambezi.[xxxii] AWF, on its 2013 website, [xxxii] reported that Chief Sekute has made 20,000 hectares available to the trust for conservation investment purposes, 5,000 hectares of it for a breeding project for high-end commercial species such as sable and roan. In a 2012 newsletter AWF makes mention of the development of a 40,000 hectare Sekute Conservation Area and, for the first time, mentions that a carbon sequestration scheme may be implemented, presumably REDD +.

The Inyambo Community Development Trust was established by AWF and Senior Chief Inyambo Yeta in the south of Shesheke District, Barotseland. The chief was at the time both a ZAWA Board member and a trustee of Peace Parks. In 2012, under the Peace Parks KAZA umbrella – and funded by WWF Germany, the Mava Foundation and the Swedish Postcode lottery - he announced that a joint program called the Simalaha Community Conservancy had been introduced in partnership with Chief Sekute to ‘create a wildlife park aimed at empowering the local people through shared community wildlife resources’.

The Musokotane Chiefdom lies north of Sekute. The chief had alienated land on leasehold to a private sector operator who constructed a lodge, drilled boreholes and installed pumps. A system of anti-poaching patrols was established on a 20,000-hectare site. The investor has acquired leasehold title to 5,000

hectares, with exclusive user rights over the remaining 15,000 hectares and an option to apply for leasehold title. AWF and Chief Musokotwane established the Siluwe Trust in 2003.

Mikuni Chiefdom

Mikuni customary area lies near Livingstone. AWF persuaded the chief to form the Mukuni Adventure Company in 2006 to deal with the commercial opportunities arranged by the trust. The chief was a major supporter of a massive landgrab attempt in 2006 on the Mosi oa Tunya National Park, without any opposition from AWF. Chief Mukuni granted 10,000 hectares to a trust as the core of the Bwenga Conservancy.

Simwatachela Chiefdom

The Simwatachela Chiefdom lies east of Mukuni and to the north of Lake Kariba. There, an investor had established a game ranch and a sport-fishing camp. In 2005 the Simwatachela Trust was in the process of being formed.

Mukonchi Chiefdom

In 2002 Chief Mukonchi alienated 26,000 hectares to the Mulungushi Agricultural Development Corporation (MADCO). Two thousand resident villagers were told they could either be employed by MADCO or have to move, with compensation only for their huts.

Nalubamba Chiefdom

On the Kafue Flats, the Ila Chief Nalubamba attempted to alienate a commercial rice farm for a partnership with some Italians, provoking fierce dissent from his pastoralist people.

Mpumba Chiefdom

At the same time as the Sekute Trust formation, the politician Guy Scott, believing that villagers could not convert their traditional land rights into modern deeds, obtain loans or sell their land, had his consultancy firm, Mano – with funding from WWF-USA, established a statutory trust into which was alienated some of Chief Mpumba's land in Mpika district. A second objective (increasing responsiveness and accountability for the distribution of safari revenues) was addressed through legal action taken on behalf of a few specific CRB plaintiffs with the help of Wynter Kabimba, a member – along with Scott - of the A-team of a future President of Zambia, Michael Sata. However, this never expanded into any action assisting all the CRBs in the country – even latterly when Kabimba held considerable political powers.

The Mpumba Trust was first organized as the Mpumba Natural Resource Conservation Society in 2000, a process driven by Leonard Bowa with the assistance of Mutinondo Wilderness, private owners of land alienated to them by Chief Mpumba. The Mpumba Conservation Trust was created under the Lands (perpetual succession) Act, into which the chief wished to alienate all the remaining land in his chiefdom.

However, it was finally decided to alienate 8,940 hectares to the Trust, which was obtained from the Mpika District Council in October 2002. On 27 November 2003, the first meeting of the Trust was held. An application was then made to the Commissioner of Lands, with caveats registered as follows: the land could not be sold or mortgaged; it reverted to customary area if the Trust dissolved. It could only be used for conservation. By November 2008, the land had still not been registered.

Mpumba has since languished, trustees from Mutinondo Wilderness and Shiwa Ngandu have resigned, and the legal actions begun, not taken up by CRBs who are still owed money by government.

In January 2010, Rolf Shenton, the former MP for Mpika, wrote on the House of Chiefs blog (see 22: The Landsafe commons), ‘Landsafe is perhaps the most practical structure as it does not involve alienation of land, a process that can hold up progress for years as the people in Mpumba Conservation Trust found out’.

Customary land sold by chiefs

In the late nineteenth century, Mwape and the adjoining Luembe chiefdoms were the first in the territory to sell off all of their lands (to the North Charterland Exploration Company). More than a hundred years later, having reclaimed their land, chiefs Luembe, Mwape and Nyalugwe have all sold off large portions of their subject’s land on 99-year renewable leasehold

without their subject's agreement, but with the consent of the Petauke and Nyimba district councils and the Commissioner of Lands.

On the promulgation of the Lands Act of 1995, Yussuf Zumla had sought land in Nyalugwe, followed by Gulam Patel (applying for land to the east of Nakeenda Ranch).

Nyalugwe Chiefdom

Chief Nyalugwe alienated some 20,000 hectares of land bordering the Luangwa and Nyimba rivers to Leopard Ridge Safaris. This was Piamanzi Game Ranch (now called Nakeenda under its new owners). The main shareholder, Ross Michelson, then fenced the property, built up the wildlife stocks, and conducted a few hunting-safaris. In 2005 villagers informed me that the store owner and hunting-safari operator, Rashid Randera, was fomenting Michelson's removal due to a long-standing wrangle over the Nyampala hunting concession in Chief Nabwalya's country. I also learned that the commercial cooking oil company, Amanita, having attempted to obtain land in Nyalugwe, was once again seeking land on leasehold for an oil palm plantation in Luchembe's country near Mpika. In March 2007, Mwanawasa dismissed his Minister of Lands, the Reverend Gladys Nyirongo, for allowing the alienation of 25,000 hectares of Chief Luchembe's country to Amanita for a palm-oil plantation in Mpika District.

On 16 January 2005, Mohamed Bhagoo and the Nyalugwe residents signed an MOU to alienate land to a 99-year leasehold. Thomas Mwendwe and Chief Shikabeta's brother, Vincent Shikabeta, under what they called the Luano Nature Conserva-

tion Consultancy, facilitated this agreement. I had given them money to hold meetings – which they never did, trousering the money and then plagiarising my Landsafe framework and bending it to their shoddy purpose. I opposed the alienation because the people of Nyalugwe had not agreed to it and that it would remove a large area of land from them forever. Chief Nyalugwe then attempted to have me deported. A few years later, having understood and implemented the first stage of Landsafe, he regretted in public that he had alienated so much of his people's land, thanking me for having intervened on his and his people's behalf.

Luembe Chiefdom

Immediately to the north of the Nyalugwe Chiefdom, in the Nyimba Open Area of Senior Chief Luembe, Mbizi Ranch was obtained by Yussuf Zumla and an American businessman in 1995 under a 99-year leasehold. No evidence exists of any benefit to the customary residents or the chiefdom itself. The property was later sold to a former senior Microsoft executive, Paul Maritz, again with little benefit to the chiefdom and its people from the purchase. The present owners built a clinic and computer facility.

A controversial alienation within Luembe has been that of the area on the M'nyamadzi and Luangwa rivers, obtained originally on a 14-year provisional lease by Adrian Erickson. Later the chief transferred the property to Munyamadzi Game Ranch Limited, its directors now listed as Andrew Baldry, Murray Collins, Thomas Younger and Thomas Hancock; its shareholders Adrian Erickson, Frederick van Staden, Teddy

Mulonga, and William McGeghan. The property is 10,500 hectares in extent (property No. f/10005; certificate of title No. L9879), extended illegally to a 25-year provisional lease and registered on 9 March 2001. It was obtained from the chief in 1998 without any benefit or consultation with his people. In a letter written on 9 November 2004 by the Luembe CRB and Senior Chief Luembe and addressed to ZAWA, they complained:

The M'nyamadzi section of Luembe was given to a foreigner by Senior Chief Luembe, with the agreement of the Nyimba District Council, and the obtaining of an investment licence from the Zambia Investment Centre for a provisional lease of 14 years. 'A Provisional Certificate of Title is a certificate that a District Council issues in accordance with the Lands and Deeds Registry Act No. 38 (1994) GOVT. GAZETTE (Acts) Part I.2.a'. [xxxiii] The agreement with the ZIC required the owner to fence the property and develop certain infrastructure. This has not been done and we have discovered that the lease has been illegally extended to 25 years on the original document held by the Commissioner of Lands. And more, without consulting us as required by the wildlife act, a hunting quota was issued to the company to conduct hunting-safaris without our involvement and without the knowledge of local ZAWA officers. And we understand that certain species have been shot without ZAWA officers being present, some of these species (such as lions) which are very scarce in our Open Area, and for which we have received no income. As well, we have discovered that

workers employed by M'nyamadzi have been poaching animals. The Luembe CRB therefore urgently request the following: that no quota be issued in the future to M'nyamadzi; that a copy of the quota and the species shot be given to us; that all money from licence and concession fees be given to the CRB, as well as compensation for our having to come to Lusaka and to hire lawyers to represent us; that M'nyamadzi report on how the meat from the animals was given to the community; that the M'nyamadzi do what they have agreed to do under their investment permit, meaning they must fence the property in such a way that it is with our agreement, and within the next six months; that they must then buy the species inside the fence and pay the full price to the Luembe CRB/ZAWA; that any other species within the Luembe hunting block and Open Area which they may wish to buy to be agreed to only with our permission and with certain conditions given by us, and that the price be negotiated by us and ZAWA; and that ZAWA supports us and our patron and his headmen in obtaining direct benefits from our wildlife for our community.

No reply was ever received to this letter, nor an application by Luembe - as allowed for under the Wildlife Act of 1998 - for harvesting rights to wildlife in the remaining part of the Nyimba Open Area within the Luembe chiefdom. The Luembe Conservancy Trust then took the matter further, inquiring of ZAWA as to the actual boundary between the game ranch - lying on the west bank of the Luangwa River - and the GMA east bank. ZAWA confirmed that the entire river was included in the GMA. The Surveyor-General in the Ministry of Lands

declared that private land might not encroach closer than 60 metres to the Luangwa River, although hippo and crocodile are annually issued on quota by ZAWA to the ranch for hunting-safaris; ZAWA, therefore, issuing licences for animals to be shot outside of unfenced private land, and on customary area, or by their definition, on GMA. No EIA of the fence construction was carried out, nor any consultations with customary residents, the GMA concessionaire, or the Forestry Department, as is required by the Fencing Ordinance of the Agricultural Lands Act. The chief also failed to keep his promise to the Luembe Trust to place a caveat against the inevitable alienation to a 99-year leasehold of the land held by the Munyamadzi Game Ranch Company.

At the time, the chief was co-director and trustee with me of the Luembe Conservancy Trust and had given his blessing for part of the West Mvuvye National Forest to be taken over by the Trust Joint Forest Management Agreement (JFMA) with the Department of Forestry.

The lower terrace of that part of the Nyimba Open Area lying between M'nyamadzi and Mbizi ranch, the land called Kazumba, that had been vested under customary law in the trust in 2003 for use as a community game ranch, had a large part excised and sold in 2005 by the chief to an Indian Petauke trader, Ridwaan Munshi. When this was taking place, Munshi, as reported to the Commissioner of Lands on 10 March 2009, paid a Nyimba district councillor to backdate the application for the lease to February 2008. A villager from Luembe wrote to me and commented:

It is only the hippo which can show a clear picture of

how the crocodile lives in the water. I have gotten to the bottom of this and have discovered that some many government officers took part in the sharing of Ridwan's money including the District Commissioner. This is in addition to the meat that the D.C. was collecting from the Chief, Mr Francis Kalunga Njobvu in the night. The D.C. thought he was clever but posterity has judged him wrong and good heavens my writing to relevant offices has made him leave this sweet Nyimba prematurely. I hope he remembers me in his dreams in Lundazi. So far about four of the Indunas have died in Luembe in very unclear circumstances. The story is that some Indunas were in magical aircraft travelling to Nyimba to come and bewitch us but due to our belief in Christ, the pilot missed his malocation and crashed. Another one, Mbega Besa from Chitumbi has developed itching disease that has forced him to abandon us. The revolution is unstoppable, and as soon as the new D.C. is put in place, we will demand the last part to be done. Thanks for the external pressure you are exerting on Francis which is giving us more zeal to extinguish the fire of witchcraft that Francis has set blazing in Luembe. I wish you well and continued co-operation with us.

As a result of my threats of legal action, Munshi temporarily ceased building. My relations with Chief Luembe were already sundered, and the trust unable to function. But in early 2009, now out of the country, I agreed to continue working for the benefit of the villagers, and I resumed payment of the chief's monetary allowance as trust co-director. In February 2009, the chief's advisor reported to the Trust that Luembe had again

applied to the Nyimba District Council for their approval to sell the land to Ridwaan Munshi. The council refused this application. In June 2009, with the chief's removal, Munshi and Chief Luembe made a last effort to complete the sale, with Munshi donating a vehicle to the council and bicycles to the councillors who then agreed to the sale. A writ of summons was issued in July 2009 by our attorney Wynter Kabimba on behalf of the Luembe Conservancy Trust, and injunctions were placed against Ridwaan Munshi and the Nyimba District Council. Munshi was later cited for contempt of court as he had continued with his building activities. Investigations into the matter were conducted by the local chairman of the MMD Party, Whiteson Njobvu, also head of a Catholic Task Force, and by the Land Alliance.[xxxiv] In August 2009, the task force investigated the sale of the 4,500 hectares by the chief to Munshi, discovering that only 50 of 219 headmen had approved the sale of the land, that the land encroached on village farming lands, that the residents were not widely consulted, and that headmen were given \$10 each in local currency to append their signatures. On the withdrawal of my partner from our Zambia investment in 2010, I was forced to let matters rest on this matter. The cases against Immigration and ZAWA and requests to Kabimba to carry on our cases on contingency were met with silence.

The corruption which I exposed - including the activities of a SLAMU/ZAWA poaching ring (in which the chief was involved) - resulted in the seizure of my safari concession in the chiefdom, my jailing and deportation, followed by that of my family. On the death of Francis Njovu in 2013, a new chief was appointed, Lazarus Mulowa, a graduate of the Military Technical Training School and a self-trained computer specialist. Although he is a board member of the Zambia CBNRM Forum and Chairman

of the House of Chiefs, he has done nothing to rectify and reinstate our agreements and the trusts and associations we had established. Our expenditure as registered investors over the 7 years of the project amounted to \$2.5m. I communicated all this to an old friend who replied as follows in March 2021:

There is nothing new about Chief Luembe, we all know how corrupt the system is. His ascent to the chieftainship was via corruption. He is worse than the late chief. On the issue of appointments, the House of Chiefs is mandated by the law to appoint whoever can lead them, it's their constitutional right. As for the issue of the Luembe Conservancy Trust, it is very simple: there is a legally binding agreement between the Luembe people and the Trust, the violation of which allows the aggrieved party to sue and compel the other party to honour their contractual obligations. The challenge we have is that we have a corrupt system that requires a lot of resources to fight such a battle!

Article 18 of our constitution provides a presumption of innocence. Chief Luembe has not been convicted of any criminal offense and as such he has a constitutional right to be appointed as a chairman or anything else. But on moral grounds he is untitled. The Luembe Trust as a legal entity is entitled to sue and be sued. The contract was not with the chief in his official capacity, but with the Luembe community. The chief as an institution is a patron to the Trust, therefore it is for the traditional council to take action.

Sinazongwe

In October 2013, in the Lusaka High Court, 167 villagers obtained an injunction against Chief Sinazongwe in Southern Province, preventing their eviction without compensation for an investor to build an irrigation dam. The villagers attempted to sue the Chinese-owned African Brothers Corporation and the Attorney General.

Sekute

On 2 April 2011, President Banda witnessed the signing of an MOU between the Zambia Development Agency and AG-ZAM, a South African firm who had announced that 15,000 hectares along the Zambezi in the Sekute Chiefdom of Kazungula District would be cleared of vegetation, and sugar cane planted for ethanol and sugar production. The agency declared that AG-ZAM would produce 200,000 tonnes of sugar and 28 million litres of bio-ethanol per year and create 4,000 jobs. AG-ZAM cultivates 15,000 hectares for itself and 3,000 hectares for villager out-growers. No EIA detailing the impacts of land clearing, water extraction and social impacts of the scheme had been lodged with the state environmental agency, ZEMA. President Banda gave the scheme the go-ahead in some haste - given the looming party elections at the time and his need for funds. AG-ZAM promised to create thousands of jobs under an outgrower scheme producing a product purely for export.[xxxv]

An Overseas Development Institute (ODI) report of May 2013 on biofuels in Zambia declared that there is currently no land in Zambia under cultivation for Ethanol production – although 53,383 hectares have been approved. The report also places the AG-ZAM sugar project in the ‘planned’ category.[xxxvi]

A 2013 report by Sutton & Langmead, *An enterprise map of Zambia*, maintain that Zambia’s GDP per capita rose by 80% between 2000 and 2010 – manufacturing increasing by 50%; and that Zambia is one of the lowest-cost producers of sugar in the world, accounting for three to 4% of GDP and 6% of total exports.[xxxvii] Such a GDP projection does not consider the loss of land and ecosystem services accounting, sugar companies paying nothing for ecosystem services and little if any tax. Action Aid revealed that the British firm, Zambia Sugar PLC – owners of Nakambala Estates, have gobbled up large areas of customary land at Mazabuka and that between 2007 and 2012, they paid less than 5% of their pretax profits in corporation tax; and between 2008 and 2010 they paid no corporation tax at all. By a convoluted system of commercial subterfuge, they pay themselves the profits (\$13 million a year) where and whenever they wish.[xxxviii] One of the motivations for the proposed raising of the Itezhi-Tezhi Dam wall to generate more power was that Zambia Sugar wished to increase their cane fields by 10,000 hectares, and therefore required considerably more water and power.

Mushima

In the buffer zone encircling the Kafue National Park, in addition to Mushingashi Game Ranch, were two more alienations:

Dendro Park Game Ranch, some 7,000 in extent, and the Shinganda-Lumba Conservancy's 4,000 hectares core under a 99-year leasehold title, alienated in 2006 to them by Chief Mushima.

Protected state land alienation by chiefs in collusion with the state

West Mvuvye National Forest

West Mvuvye National Forest was once customary area under the authority of chiefs Mwape, Luembe and Ndake. On 20 June 1951, the Nsenga-Ambo Native Authority proposed the Mvuvye Forest Reserve. With their agreement some years after, it was converted to national forest status. On 21 October 2003, I wrote to the Provincial Forestry Officer of Eastern Province applying for a Joint Forest Management Agreement (JFMA) or, as laid out under the Landsafe system, a co-management agreement between the Luembe Conservancy Trust and the Forestry Department for the Luembe and Mwape sections of the West Mvuvye - the Ndake section running inland being already settled. However, the application depended on an agreement being reached between Chief Mwape and her brother, Luembe. This did not take place.

On 12 March 2005, Chief Mwape sold what was once her traditional portion of the Mvuvye – even though it is fully protected state land - to the Muslim cabal member Zaid Patel, with

the assistance of a land agent, Thomas Mwengwe. Mwape's advisors and some headmen were paid to sign. Later, with their Lusaka-based attorney, Solly Patel, Zaid Patel received a 99-year (renewable) leasehold title from the Commissioner of Lands. The Nyimba District Council, represented on the Luembe Conservancy Trust, knew that the area was national forest yet agreed to the alienation for personal gain. Complicit was the Nyimba office of the Forestry Department, the Provincial Forestry Officer and the Commissioner of Lands – a cadastral survey and the whole registration process in record time. My complaints to the Anti-Corruption Commission and the Commission for Investigations received no response. Mwape 'sold' the land despite a verbal agreement to join with her brother in a Mvuvye JFMA with the Forestry Department and the Luembe Trust, and although I was assisting her in claiming her land known as Kaundi, inveigled out of her by the Petauke District Council and then obtained from them under dubious circumstances by Iqbal Alloo. Zaid Patel and his father later established the Uhuru Peaceful Trust in the UK, operating shops for second-hand clothing, the proceeds used for 'good works.'

On 24 June 2006, Senior Chief Luembe called an extraordinary meeting at his HQ attended by a Nyimba district councillor, 27 headmen, two messengers (*kapasus*), the chairman secretary of the Luembe CRB, and the ZAWA community liaison officer. The purpose of this meeting was to choose the chiefdom's business partner for the alienation and development of the Luembe section of West Mvuvye that lay between the Munyamadzi Game Ranch Limited property and the land now known as Chimalesa Ranch; land illegally alienated to Zaid Patel. The chief announced: 'The government has advised

the chief over the same piece of land that if this area is to be given to any investor, the community must be a shareholder to benefit with a certain percentage' The applicants were listed as Gerald Mulowa (brother of Luembe and Mwape), Jack Kawinga, and Messrs Baldry and Younger of Munyamadzi Game Ranch Limited and their Royal Luembe Trust. Chief Luembe and a Nyimba councillor then declared that the ranch would be fenced and a camp built for hunting-safaris; that shareholding would be split: 60% to the Royal Luembe Trust, 10% to the chief, 30% for Luembe residents, and the ranch would be run by a board comprising the investor, the Luembe CRB chairman and the chief; and an application would be made for leasehold title. Chief Luembe also announced that three of the applicants had refused to have the Luembe people as partners, and therefore he and the headmen had selected Baldry and Younger as their partners. The CRB Chairman Ackson Lungu, who had stood remarkably firm against the chief and ZAWA on a previous occasion, publicly announced that as the headmen had decided on the issue, he would support selecting Baldry and Younger. In private, he confessed to me that he had been forced to agree with the decision on Baldry under duress, i.e. for fear of Acting Senior Chief Luembe's considerable powers of sorcery, powers charged up occasionally by a visit to a grand *muloshi* (sorcerer) in nearby Malawi.

As a result of this and other mischiefs by the late chief (Francis Njobvu), the Luembe headmen and people of Luembe sought once more to have him impeached. Early in November 2006, the chairman of the Luembe CRB visited the Forestry Department in Lusaka to complain of the corruption that had occurred and of the failure of the Forestry Department to take action, and of the ongoing attempts of Chief Luembe, Baldry

and Younger - with the connivance of Forestry Department officials, to take over that part of the forest once Luembe customary area. The Director of Forestry, Anna Chileshe Masinja, refused to see him; instead, he was interviewed by a junior officer and promised an answer in the forthcoming week. None was forthcoming.

Late in November 2006, the Luembe CRB Chairman reported that Younger and Baldry revisited Senior Chief Luembe to obtain more land but were unsuccessful. At the time, the chief was the subject of an application for an interim injunction in the High Court under the Chiefs Act (Cap 287 of the Laws of Zambia), restraining him from acting as Senior Chief Luembe, the plaintiff being Devalias Phiri Besa. Later, the head of the Nyendwa clan, Senior Chief Mboroma, visited Luembe and travelled to Mwape for a meeting of the Nyendwa chiefs to discuss the issue.

On 30 November 2006, the chairman of the Luembe Headmen's Association, Patson Lungu, said in Lusaka that he would shortly call a meeting of all the headmen in the Luembe chiefdom to discuss the illegal alienation of part of the Mvuvye National Forest No. 54 by Senior Chief Luembe, which chief, his subjects wished to remove and have replaced by Devalias Phiri Besa. Lungu said that he would hold another meeting with the Zambia Anti-Corruption Committee. After the headmen's meeting, Lungu would petition parliament to undo the illegal alienation by corrupt elements within the Nyimba District Council, the Forestry Department and the Ministry of Lands.

In December 2006, Wiseman Sangalube, Chief Forest Extension Officer, reported to Ackson Lungu that the Patel lease had been cancelled. As mentioned before, no investigation has ever been conducted by the Anti-Corruption Commission or

the Commission for Investigations concerning the actions of the Forestry Department, the Nyimba District Council, Chief Mwape (in January 2014 appointed a ZAWA Board member), the Commissioner of Lands, or the attorney who facilitated the illegal process. Furthermore, Christopher Miti, the Chipata-based reporter for *The Post Newspaper* – normally vigilant in these matters and whom I had kept informed, remained silent.

On 8 February 2007, Axon Lungu and I visited the Forestry Department to meet with its Director, Anne Chileshe Masinja, to resolve the issue. She refused to see us. As I blogged at the time:

My community colleague cannot, unfortunately, hang on in Lusaka; his money is running out, and he needs to return to his village to see if there is anything left there from the massive flooding of the Luangwa River. His family will be huddled in the trees, his crops washed away, the school flooded, but he will come again, and with help, stay a little longer...

In April 2007, Tom Younger assured me that the West Mvuvye National Forest had been de-gazetted to a local forest and that he had made the necessary application - with the agreement of Senior Chief Luembe and the Nyimba District Council, for a 14-year provisional lease, personally granted to his Royal Luembe Trust by President Mwanawasa.[xxxix] Kathryn and Gerald Mulowa, brother and sister of Chiefs Luembe and Mwape, told me that the Ministry of Lands had assured them that the area had not been de-gazetted and that the Forestry Department had belatedly sent someone down to investigate. But Gerald and

his brother, Senior Chief Luembe, tried to obtain land in the forest. Younger and Baldry were unable to produce evidence to me of their ownership of the Luembe section of the Forest.

With my help, Gerald Mulowa formed the Nyakaulu Mwape Community Trust. He attempted to have the forest de-gazetted, despite my advice that removing its protective state should not be attempted. The Forestry Department, complicit in the Patel alienation – and the Chief Luembe attempt on a further alienation – had ignored the original verbal agreements reached with the Luembe Conservancy Trust in respect of establishing a Joint Forest Management Agreement.

On 23 July 2007, following my complaints and those of Gerald and Kathryn Mulowa, the Surveyor-General of the Ministry of Lands wrote to the Chief Registrar, Lands and Deeds, declaring that:[xl]

It has been discovered that sketch plan No. 10295 where farm 10442 is found is defective in that almost the whole farm is in Mvuvye National Forest No. 54, and a small portion of the same farm is outside the national forest. My office has therefore unconditionally cancelled the sketch plan No. 10295 and I further request your office to cancel the title of farm 10442.

My tolerance of Gerald's behaviour, trying to obtain land for himself or his Trust, the next minute objecting to others doing the same, can be explained by my efforts to recruit him to the cause. But having revealed my plan for a JFMA quite openly to Chief Mwape, Gulam Patel – father of Zaid, Gerald and Katherine Mulowa, Tom Younger and Chief Luembe, they all

made their respective attempts to obtain parts of the forest.

When my staff inquired of the woman at the Lands and Deeds office why the title to the land had not been cancelled, she replied that she had not written the letter, as she had no secretary. On 1 November 2007, I wrote to Gibson Chizanda of the Anti-Corruption Commission complaining that 'Another attempt at alienation was made by the Royal Luembe Trust, who, despite knowing it was a national forest, had tried to have it de-gazetted so that they could take ownership of it'. He took no action. Fortunately, adverse publicity over the illegal alienation by Mwape, Patel and the Forestry Department persuaded Baldry and Younger to drop their landgrab attempts.

The greater part of the West Mvuvye was originally the customary area of Chief Ndake. This is now farmed – presumably under Ndake sanctioned usufruct – a criminal act.

On 28 October 2007, members of the Nyendwa royal clan travelled to the seat of Mwape and Luembe to pave the way for Senior Chief Luembe to re-assume his responsibilities for the chieftdom and to sign a commitment to the Luembe Conservancy Trust. They also intended to deal with Chief Mwape over her part in the illegal alienation of the northern portion of the West Mvuvye and discuss the proposed formation of a Mwape Trust – one based on Landsafe. Talks were held with Mwape headmen who complained that their area was not well governed and that they would not entertain the formation of any trust involving Chief Mwape until the people who had illegally acquired the Mwape part of Mvuvye National Forest (Zaid Patel) departed. They were particularly bitter about the fact that guards hired by Patel barred them from access to thatching grass and *loshi* (binding bark).

Customary area in danger of alienation

In 2013 USAID began a five-year community-based forest management program (CFP) in Eastern Province on the Ndake customary area in Nyimba District and protected forest. USAID made the extraordinary statement that participating customary residents (or the implementing partner) will likely have to seek land titles in cooperation with traditional authorities to protect the participatory forest management area. When I inquired of this from USAID in Lusaka - having been referred to them by the Centre for International Forestry Research (CIFOR), they remained silent for two months, then after further prompting replied, but declined to answer my query. As part of the program, CIFOR had just completed the Nyimba Forest Project, a 20-month training exercise and an investigation of 'linkages between the direct and underlying drivers of deforestation and forest degradation', not once mentioning that forest degradation is a result of the operation of open-access plunder of customary area. The project's overall objective was to give technical support to Zambia's National Joint Program with UN-REDD on forest carbon measurement and monitoring and inform the formulation of Zambia's National REDD+ strategy. The local implementation partners in all of this were the Forestry Department, ZAWA, COMACO and two local NGOs.[xli]

However, the Land Portal was discussing customary area issues in Zambia hosted by USAID's Matt Sommerville. I posed the following question in January 2018: 'Clarity is required from USAID on their land titling efforts in Eastern Province

and elsewhere. Is this code for the alienation of customary area to leasehold, or simply the issue of land certificates as Chief Ndake is doing?' To which he answered: [xlii]

*The work that USAID supports through the Tenure and Global Climate Change project in Zambia **does not** promote alienation of customary land to leasehold, and as a result the chiefs and partners (Chipata District Land Alliance and Petauke District Land Alliance) who USAID supports are very careful never to use terms like "land title" about the customary documents that they produce. The certificates themselves have a list of conditions on one side that describes in both English and local language that the certificates **do not** reflect consent for conversion of customary land to leasehold, as well as other conditions.*

Community partnership parks

ZAWA, through its Trojan horse, the REMNPAS project (2006-2011): the Reclassification and Effective Management of the National Protected System, advanced on a scheme to take part ownership of some customary area by the creation of a form of national park known as a community partnership park. Two demonstration sites were chosen to begin with: 1) the Chiawa GMA adjoining the Lower Zambezi National Park; and 2) the Chikuni and Bangweulu GMAs of southeast Bangweulu,

encompassing the range of the black lechwe antelope in the Bangweulu Swamps.

Chiawa CPP

In the Chiawa demonstration site, community representatives, ZAWA, and local tourism operators agreed to create this new protected area category, the land to remain under customary tenure and be managed in a partnership with the customary residents ZAWA and local tourism operators. But this new category of protected area placed on customary area signalled a future change of land tenure - effectively alienation by another name, this being the experience of some chiefs in 1949-1954 who soon found their partnership arrangements develop inexorably into national parks from which they did not benefit, this being their condition for the release of their native trust land in the first place. In REMNPAS, the process was engineered by UNDP who used a secular planning group called Future Search to usher in the scheme.[xliii]

They required that a trust be established and given responsibility for the area. The first board of the Lower Zambezi Conservation Trust dedicated to managing the community park was established on 11 February 2008. The Trust was a partnership between the Chiawa residents, the Chiawa Leaseholders Association - the latter representing commercial and private lodges in the chiefdom (formed to bid as the private partner), the NGO Conservation Lower Zambezi, ZAWA and Chief Chiawa. Through the REMNPAS project, the Ministry of Tourism undertook to fund the partnership park for four years, after which it was hoped it would be financially viable.

However, in an authoritarian move, the chief inveigled her representatives onto the trust, taking control of four votes out of the nine. The trustees representing the operators were told that she would find an alternative private partner for the park if they did not accept this. As this private partner was likely to be Protea Hotels under the direction of Mark O'Donnell – who had attempted to build a large hotel on the Zambezi near the eastern edge of the Lower Zambezi National Park, the trustees signed the amended trust document.

The stated beneficiary of the partnership park – an area that borders on the Zambezi and Chongwe rivers – was the biodiversity, followed by the community through skills development projects. The Leaseholders' Association intended to raise more than \$150,000 a year from its members through bed levies for the trust. This was based on a \$10 guest levy per night for commercial operators, at an average occupancy rate of 40% over an eight-month season. Private non-commercial members would pay a set annual fee for bed levies and all members an annual membership fee to cover other costs. GEF/UNDP pledged to match this funding for four years.

The ministry and its donor funders and directors of policy were only interested in turning the GMAs into partnership parks, financially assisted by private investors. The idea that these new parks would become financially self-sufficient and provide local employment, but in reality, become an income source for ZAWA. One informant declared to me that 'We felt that this was all very noble but very unrealistic: it would take a good few years to turn the park into a viable business; it was unlikely that a 100 square km park would generate sufficient funding for a community of over 17,000 people'.

Chief Chiawa had assisted in the distribution of my Landsafe

(then called Chipuna, taken from the Bemba word *cipuna* – stool)) scheme to the House of Chiefs, a system of chiefdom trusts accepted by them and submitted to a plenary session of the stakeholders’ meeting for the Fifth National Development Plan held from 24 to 27 July 2006.[xliv] James Matala, who facilitated the meeting, submitted the report to the conveners, commenting that:

Chiefs and traditional leaders are prepared to be engaged in the evolution of a land administration and management system that ensures that: i) chiefs and chiefdoms retain absolute title to their lands whilst giving investors renewable lease rights under the various chiefdom trusts, and ii) land leased from chiefs and chiefdoms to non-subjects and investors for commercial use should attract royalties and fees payable to the chiefdom trusts. Such royalties and fees would form part of the income and resources for financing administration and development projects in their areas. The current administration of land appeared to be chaotic, unwieldy and subject to corruption. There was an urgent need to complete the land policy and to undertake an independent audit exercise of all titled land holdings.

UNDP/GEF completely ignored an indigenous system and injected a foreign one, with ZAWA still holding the reins of power, ignoring that REMNPAS was willing to allow customary residents to have one institutional structure for all natural resources that ‘they manage or are to manage’.

By April 2014, the Chiawa Community Partnership Park had

not been established. When I inquired of Conservation Lower Zambezi, they replied, “No, it was never approved and has never been established; only ever an idea.” A recent report on the suitability of national parks for REDD+ projects claimed that ‘Chiawa Community Partnership Park is up and running’, yet by February 2011, the Convention on Biodiversity listed it as having expired.[xlv] [xlvi]

Chikuni Community Partnership Park

In September 2007, the REMNPAS UNDP Project engineered matters. The customary residents within the Bangweulu and Chikuni GMAs agreed to create the Chikuni Community Partnership Park to ensure that the area would be protected and kept free of permanent human settlement and cultivation. It was agreed that the partnership would be between the chiefdoms of Kopa, Chitambo, Nsamba, Bwalya Mponda, Kabinga and Chiundaponde, and ZAWA, and one or more private sector and NGO partners. On 25 February 2008, the conservation business, African Parks, was invited by over 30 resident groups and ZAWA representatives to be the private partner.[xlvii]

In 2003, I had advised – on a pro bono basis - ZAWA’s Director of Conservation Saiwana on public-private partnerships (PPPs). I had also applied, through the vehicle of the Norman Carr Foundation (that Judy Carr, Rolf Shenton, Professor Patrick Mvunga and I had registered for the purpose) to ZAWA to establish my Landsafe framework for the commons in the

Bangweulu, more or less covering the same territory I was in charge of from 1973-1976 in the Game Department, i.e. the Isangano, Lavusi Manda and Kasanka national parks and the attendant GMAs and Open Areas, but concentrating, to begin with, on the Lavusi Manda and Isangano parks. Our application followed my meetings with the main Bangweulu chiefs: Paramount Chief Kopa to whom I had presented Landsafe at his *masumba*,^[xlviii] ^[xlix] and my friends Chief Chiundaponde and Chief Chitambo (the latter who had visited me in England), and my correspondence with Chief Bwalya Mponda, Cotton Mateyo, who had, before taking over the chieftaincy, been my Wildlife Research Scout at Chikuni, HQ of the Black Lechwe Research Project.



Game Guard Buffalo Banda, and wildlife research scout (later to be Chief Bwalya Mponda), Cotton Mateyo. 1974.

But Saiwana turned down my application as there was as yet no public policy on PPPs. He kept it secret from me because he had already signed a PPP for Sioma Ngwezi and Liuwa Plain national parks with African Parks.

At a meeting of the African Parks Board on 26 May 2008, the organization agreed to accept the invitation by the chiefs and ZAWA (the latter effectively bankrupt by 2008 but saved by a \$4.6 million bailout from the Medium Term Expenditure Framework for 2008-2010) to be the partner for the management of the 'park'. An agreement was reached on the articles of association: to form and register the Bangweulu Wetlands Management Board, made up of seven directors (three each from the chiefs and African Parks, and one from ZAWA) and registered as a company (limited by guarantee) - not a non-profit trust; and the DG of ZAWA to be the first chairman. African Parks negotiated a management agreement with ZAWA. UNDP and WWF Netherlands agreed to fund the project. The terms of the MOU signed in 2008 stipulated that the board would retain all income from tourism and other development, both in the 'park' and in the Bangweulu GMA - less 75% retained by African Parks (presumably of the gross income), and then distribute 10% to ZAWA; 5% to the chiefs; and 10% to the CRBs. No stipulation was made for any sharing of income with the village residents. At the time, it was declared that 'the board is at liberty to set up an endowment fund for the project and local communities.' I believe this has not been done.

Chikuni, as mentioned, was formerly the field station of the Black Lechwe Research Project.[1] [1i] One version of the proposed amended Wildlife Act of 1998 did not allow hunting

there. But in 2009 and 2010, an application was made to ZAWA for hunting quotas, safari operators not allowed to hunt within the Chikuni section, something they had objected to at the pre-season meeting of operators in 2011. ZAWA responded by saying that it would enter into negotiations with African Parks to allow this to happen. This is the second time a hunting monopoly over black lechwe and the Bangweulu tsessebe had been imposed.

Since 2014 hunting-safaris are under the control of African Parks, who provide the quotas, with licences issued by a ZAWA seconded officer on site, and the same revenue-sharing arrangement as for other income streams, i.e. 10% of gross income to ZAWA, 10% to the CRB, 5% to the chiefs, and 75% to African Parks.

Community partnership parks theoretically have a similar status to that of a national park but with regulated fishing and hunting permitted. Still, they have since 2007 inhabited a legislative wilderness, that is until the promulgation on 14 August 2015 of the Zambia Wildlife Act, No. 14 of 2015, which replaced the Wildlife Act of 1998, and on 1 January 2016, obliterated ZAWA and created in its place the Department of National Parks and Wildlife (DNPW) within the Ministry of Tourism and Arts. Under the act, The Chikini CPP is now part of what is now termed the public wildlife estate, defined as a 'National Park, Community Partnership Park, bird or wildlife sanctuary, Game Management Area and any other area designated for wildlife conservation and management by a public body in accordance with this Act'. Thus, the reality: CPPs are now part of the public commons, i.e. state-protected land, and the GMAs are now considered 'public wildlife estate'. An extraordinary move towards state control.

Under section 19 (2), the Minister may decide 'that a wild animal within a National Park or Community Partnership Park should be hunted for the better preservation of other animal life'.

There is no mention in the act of customary area.

The six chiefdoms had handed over 3,000 km² in Chikuni and 3,000 km² in the Bangweulu GMA. The DNPW remains the governing authority – something that should not have been allowed - and approves quotas and oversee the sale of licences. However, this is based on recommendations made by the board. These developments ignore Jeremy Grimsdell and Richard Bell's recommendation in their seminal Black Lechwe Project report of 1972-1973.[lii] ZAWA, REMNPAS, UNDP, and African Parks at the outset was not aware of the project's work or publications, such being the loss of institutional memory and interest by ZAWA.

In 2009 ZAWA produced the Bangweulu GMA General Management Plan for the period 2009-2019. Its lamentably short bibliography makes no mention of the classic Bell and Grimsdell study (although they do cull from it). Nor does it mention my sitatunga, lechwe and shoebill research, nor my Black Lechwe Project reports.[liii] [liv] This plan was funded by GEF through the REMNPAS project. The plan explains that a five-year business plan was developed subsequently to 'conserve and protect the wetland habitat for both endemic (black lechwe) and rare species (shoe-billed storks), provide for conservation education, scientific research, recreation activities and sustainable income-generating activities for the benefit of local communities, in particular, the nation and the global citizens at large'. The plan deals with three zones: 1) a special use zone designed to protect the biodiversity and deliver

tourism and the harvesting of fish and non-game resources such as grass and papyrus; 2) the development zone - taking up 19% of the area and set aside for another community park, the permissible developments to be game ranching, fish farming and timber production, and licensed timber extraction; 3) a conservation use zone covering 41% of the GMA where hunting-safaris will occur.

Among a rambling wish list, the strategic investment plan will restock depleted species, presumably such as the foreign strain of zebra already translocated from the Kafue Flats to Chimbwi Plain. As there is no record of zebra occurring on the floodplains, the variety found in the woodland and Lavushi National Park – a beautifully marked variety with clear black and white stripes running right down to its hooves – this action was irresponsible, treating the area as though it was a game ranch. Other imports are planned based on the whim of African Parks; buffalo already translocated there.

African Parks is considering issuing residents with an annual offtake of lechwe once they reach 80,000. But the government has conspired in the enclosure of the customary commons of Bangweulu and profiting from it.

Other Community Partnership Park (CPP) attempts

It had been mooted by the REMNPAS Project to implement a partnership park in the three GMA blocks in the southern Luangwa-Lukusashi-Lunsemfwa valleys: Chisomo, West Petauke and Luano. As our Luembe Conservancy Trust holds the landuser rights to all of Luembe, REMNPAS management

approached me with an offer to join them and their proposed partnership with Tom Younger and Andrew Baldry in the development of a partnership park in the West Petauke GMA and Nyimba Open Area. These negotiations failed as Younger and Baldry had formed the Royal Luembe Trust with Chief Luembe in opposition to the one the chief and I had already formed - despite my having invited them to join our trust as investors before this.

[i] Anonymous. "Luembe Chiefdom." 1 Aug. 2009. Web. 7 April 2017. https://docs.google.com/document/d/1hHCgXKADAr3nxdG4md4RmBxOaa4i-oVnhgP2n-IzY_k/edit

[ii] Adams, M. "Land Tenure Policy and Practice in Zambia: Issues Relating to the Development of the Agricultural Sector." DFID DCP/ZAM /018/2002, 13 Jan. 2003. Web. 25 Mar. 2017. <<http://fsg.afre.msu.edu/zambia/resources/Land1.pdf>>.

[iii] Report of the Parliamentary Committee on Agriculture and Lands for the fifth session of the tenth assembly appointed on 22 December 2010 (2011 Report). 1 Feb. 2011. pp. 12-14.

[iv] Mukanga, Chola. "Land for Development?" House of Chiefs. 11 Nov. 2009. Web. 9 April 2017. <<http://www.houseofchiefs.com/2009/11/land-for-development.html>>.

[v] Bauer, P. T. *Reality and Rhetoric: Studies in the Economics of Development*. Cambridge, Mass: Harvard UP, 1984. pp.38-

72.

[vi] Clark, Gregory. *A Farewell to Alms: A Brief Economic History of the World*. Princeton: Princeton UP, 2007.

[vii] Hayek, Friedrich A. Von. *The Road to Serfdom*. Chicago, IL: U of Chicago, 1944.

[viii] Report of the Committee on Lands, Environment and Tourism - second session - eleventh national assembly appointed on 27 September 2012 (2013 Report). 1 June 2013. p.7. Web. 7 July 2017. <http://www.parliament.gov.zm/node/3953>

[ix] African Civil Society. "Africa Is sovereign and will not accept being re-colonized." *Pambazuka: Advocacy & Campaigns*. Pambazuka News, Issue 6428. 7 July 2013. Web. 9 Apr. 2017. <https://www.pambazuka.org/activism/africa-sovereign-and-will-not-accept-being-re-colonized>

[x] "Tainted Lands: Corruption in Large-Scale Land Deals" ICAR, 15 November 2016. Web. 9 April 2017. <https://www.icar.ngo/news/2016/11/15/tainted-lands-corruption-in-large-scale-land-deals?rq=Land%20grab>

[xi] Schoneveld, G.C. Host country governance and the African land rush: 7 reasons why large-scale farmland investments fail to contribute to sustainable development. *Geoforum*. 22 December 2016. Web. 9 April 2017. <http://www.sciencedirect.com/science/article/pii/S0016718516301671>

[xii] Ernest Chanda, *Zambia: Nansanga Bloc Farmers Face Homelessness*, THE POST 17 August 2011. Web. 9 April 2017. <http://farmlandgrab.org/post/view/19090>

[xiii] Manning, I.P.A. *The Kazangulu Land Clearance in Zambia*, Food crisis and the global land grab. 2011. Web. 9 April 2017. <http://farmlandgrab.org/post/view/18458>

[xiv] Horne, Felix. "Understanding land investment deals in Africa." *Country Report: Zambia*. Oakland Institute, 2011. Web. 11 May 2017. pp.22-32 <https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_country_report_zambia.pdf>

[xv] February 2006. Report on the environmental impact assessment carried out for the development of Nansanga Farm Block in Serenje District. Ministry of Agriculture and Cooperatives, Zambia.

[xvi] Chilombo, Andrew. *Optimism and populism of large scale land acquisitions: A case study of Nansanga farm block in Zambia*. University of Edinburgh, 2017, Web 13 January 2018. www.tropentag.de/2017/abstracts/posters/541.pdf.

[xvii] Nnoko-Mewanu, Juliana. "Forced to Leave": *Commercial Farming and Displacement in Zambia*. Human Rights Watch, 25 Oct. 2017. Web 12 January 2018. www.hrw.org/sites/default/files/report_pdf/zambia1017_web.pdf.

[xviii] Umuchinchi Initiative. The evictions at Mufulira by First Quantum Minerals/Mopani Copper Mines. C.2008. Web. 9 April 2017. http://ihrp.law.utoronto.ca/utfl_file/count/documents/WorkingGroup_Clinic/Mining%20Case%20Study.pdf

[xix] "Harper Government Concludes Investment Agreements with Cameroon and Zambia." GAC. Canadian Government, 04 Mar. 2013. Web. 07 July 2017. <http://www.international.gc.ca/media_commerce/comm/news-communiques/2013/03/04a.aspx?view=d&lang=eng>.

[xx] Grahame, Russell. "Canadian Mining Harms Around the World: Criminal and Civil Law Reform Needed Now." *Canadian Mining Harms Around the World: Criminal and Civil Law Reform Needed Now* | MiningWatch Canada. 13 Nov. 2016. Web. 07 July 2017. <<http://miningwatch.ca/news/2016/11/13>>

/canadian-mining-harms-around-world-criminal-and-civil-law-reform-needed-now>.

[xxi] “Civil Society Organizations’ Response on the Zambian Government Position Regarding the Protection Order of the Chisola Dam Project in Kalumbila.” *Civil Society Organizations’ Response on the Zambian Government Position Regarding the Protection Order of the Chisola Dam Project in Kalumbila* / MiningWatch Canada. MiningWatch, 27 July 2013. Web. 07 July 2017.

[xxii] Hill, Matthew. “First Quantum Faces \$1.4 Billion Claim From Zambian Firm.” *Bloomberg.com*. Bloomberg, 14 Nov. 2016. Web. 07 July 2017. <<https://www.bloomberg.com/news/articles/2016-11-14/first-quantum-faces-1-4-billion-claim-from-zambian-state-firm>>.

[xxiii] “Zambia: First Quantum Minerals asks court to dismiss ZCCM IH’s \$1.4 billion claim.” *LusakaTimes.com*. N.p., 09 Feb. 2017. Web. 07 July 2017. <<https://www.lusakatimes.com/2017/02/09/first-quantum-minerals-asks-court-dismiss-zccm-ihs-1-4-billion-claim/>>.

[xxiv] Mill, Greg. Mining, debt and miserable leadership in Zambia. 2 March 2017. Web. 15 April 2017. <https://www.zambianwatchdog.com/mining-debt-and-miserable-leadership-in-zambia/>

[xxv] Locke, Anna, and Giles Henley. “4.2 Zambia.” *Scoping Report on Biofuels Projects in Five Developing Countries*. London: Overseas Development Institute (DFID Funded), 2013.

[xxvi] Sikombe, Kathy. “Zambia: Ordinary Zambians Grapple With Land Grabbing.” *AllAfrica.com*, 7 Oct. 2015. Web. 9 April 2017. <http://allafrica.com/stories/201510070689.html>

[xxvii] Mashinkila, George. “Partners for ARD.” *Linked in*. N.p., 20 Aug. 2016. Web. 9 April 2017.

<https://www.linkedin.com/pulse/partners-ard-george-mas-hinkila?trk=hp-feed-article-title-publish>

[xxviii] "Companies must explore Africa for producing pulses, oilseed: Govt of India." *Farmlandgrab.org*. N.p., 11 Feb. 2016. Web. 9 April. 2017. <http://www.farmlandgrab.org/25754>

[xxix] "Zambia land grab: Chiefs' land sale sparks national outrage." *Farmlandgrab.org*. N.p., 29 May 2017. Web. 07 July 2017. <<https://www.farmlandgrab.org/post/view/27160>>.

[xxx] Metcalf, Simon. *Landscape Conservation and Land Tenure in Zambia: Community Trusts in the Kazungula Heartland*. African Wildlife Foundation Working Papers, 2005.

[xxxi] Metcalfe, Simon. M.Phil Thesis (*land and Agrarian Studies*): *Communal Land Reform in Zambia: Governance, Livelihood and Conservation*. Faculty of Economic and Management Sciences, U of the Western Cape, South Africa. 2006.

[xxxii] Manning, I.P.A. "The Kazangulu land clearance in Zambia." *Farmlandgrab.org*. N.p., 17 Apr. 2011. Web. 07 July 2017. <<https://www.farmlandgrab.org/post/view/18458-the-kazangulu-land-clearance-in-zambia-by-i-p-a-manning>>.

[xxxiii] Bastiaan van Loenen, *Land Tenure in Zambia* (1999) (unpublished manuscript) (on file with the University of Maine Department of Spatial Information Engineering) 5. Web. 9 April 2017. <https://pdfs.semanticscholar.org/d097/70ce5b02f8b38d6188d492c303585fc5df92.pdf>

[xxxiv] "Catholic Commission Investigation of Land Alienation by Chief Luembe 2009." Catholic Task Force, 27 Aug. 2009. Web. 9 April 2017. https://docs.google.com/document/d/1KGRt6A2TvqH9ujspRPbBVatO8RdGu4D4OfGA5q_X93s/edit?usp=sharing

[xxxv] <<https://www.farmlandgrab.org/post/view/18458-the-kazangulu-land-clearance-in-zambia-by-i-p-a-manning>>.

[xxxvi] Locke, Anna, and Giles Henley. "Scoping Report on Biofuels Projects in Five Developing Countries: Jessica Chu 4.4 Zambia P.17." ODI, 13 May 2013. Web. 9 Apr. 2017. < <https://www.odi.org/publications/7441-biofuels-land-agriculture-indonesia-ethiopia-zambia-mozambique-tanzania>

[xxxvii] Sutton, John, and Gillian Langmead. *An Enterprise Map of Zambia*. IGC: International Growth Centre, 2013. Web. 9 April 2017. http://personal.lse.ac.uk/sutton/sutton_zambia_press.pdf

[xxxviii] Lewis, Mike et al. "Sweet Nothings: The Human Cost of a British Sugar Giant Avoiding Taxes in Southern Africa." Action Aid UK, 1 Feb. 2013. Web. 9 April 2017. https://www.actionaid.org.uk/sites/default/files/doc_lib/sweet_nothings.pdf

[xxxix] Manning, I.P.A. "West Mvuvye National Forest No. 54 Illegal Alienation." Zambia Conservation. I.P.A. Manning, 29 Nov. 2006. Web. 9 April 2017. <http://zambiaconservation.blogspot.ca/2006/11/west-mvuvye-national-forest-no-54.html>

[xl] Manning, I.P.A. "Patel Farm' Lease in West Mvuvye National Forest to Be Cancelled..." Zambia Forests. 3 Aug. 2007. Web. 7 Apr. 2017. <http://zambiaforests.blogspot.ca/2007/08/patel-west-mvuvye-national-forest.html>

[xli] "Nyimba Forest Project." *The REDD Desk*. 1 Aug. 2012. Web. 9 Apr. 2017. <http://theredddesk.org/countries/initiatives/nyimba-forest-project>

[xlii] <https://landportal.org/debates/2017/customary-land-recognition-zambian-approach-documentation-and-administration>

[xliii] Manning, I.P.A. "ALIEN INVASIONS OF ZAMBIA." Zambia Conservation. 17 Nov. 2007. Web. 9 Apr. 2017. <http://zambiaconservation.blogspot.ca/2007/11/alien-invasio>

ns-of-zambia.html

[xliv] Manning, I.P.A. "Landsafe investment partnerships for customary land and protected areas in Zambia - a preliminary guide prepared for customary leaders, Government and Community Resource Boards." *Google Docs*. I.P.A. Manning, 1 Apr. 2005. Web. 9 Apr. 2017. https://docs.google.com/document/d/1lC83nGl5YGnHdV4_Jag4yqmE_7yeACgUFvSum6kXzUI/edit

[xlv] Michels-Kokwe, Gun et al. "Sustainable Forest Management Initiatives of Relevance to REDD in Zambia." 25 June 2013. P.37. Web. 9 April 2017. <http://www.fao.org/docrep/016/i2826e/i2826e00.pdf>

[xlvi] A Community Partnership Park for Forests, Communities & the Zambezi River. LifeWeb. 2009.Web. 7 July 2017. <https://lifeWeb.cbd.int/project?id=41D3C667-4C18-C1F9-1F48-0E8D9B7A0DC0>

[xlvii] Newsletter May. REMNPAS: Reclassification and Effective Management of the National Protected Areas System, MTENR, Zambia. 2008.

[xlviii] Manning, I.P.A. Kopa meeting minutes, 21 July 2003. Web. 18 April 2017. <https://docs.google.com/document/d/1I05T3R3ZAzh7UAW0-5PeNoJ49U15C1mYOvSzFalaUQ/edit?usp=sharing>

[xlix] Manning, I.P.A. Kopa Conservancy trust deed. Web. 18 April 2017. <https://docs.google.com/document/d/15w9ZbxXFLfKU8oLPsRPiisd3GJulK308Z9PAcIPblyc/edit?usp=sharing>

[l] "Chikuni, Black Lechwe Project HQ 1975 (catching Lechwe). 1 Jan. 1975. Web. 9 Apr. 2017. <https://docs.google.com/document/d/1yAn1eUHEuFrMoHnPOI3ryATi1OEdt1PkuJxablOqxPA/edit?usp=sharing>

[li] "Cathlin Manning & Richard Bell, Young Wattled Crane,

SE Bangweulu 1973.” *Google Docs*. 1973. Web. 9 April 2017.
<https://docs.google.com/document/d/1A5XVcp23o4DRR6vMLGaF3h4TKbfPw-rfJfSsJsQ2dCE/edit?usp=sharing>

[lii] Grimsdell, J. J. R. & Bell, R. H.V. Ecology of the black lechwe in the Bangweulu Basin of Zambia. Black Lechwe Research Project: final report. Animal Productivity Research Report, ARI. 1975. No. NCSR, TR. pp.170-174.

[liii] Manning, I.P.A. *M.Sc. Thesis: Ecology of the Sitatunga Tragelaphus spekei selousi in the Bangweulu Swamps*, Acadia U, Canada. 1983. Zambia Conservation. 1 May 2007. Web. 11 Apr. 2017 <<http://www.zambiaconservation.blogspot.com/2007/05/ecology-of-sitatunga.html>>.

[liv] Manning, I.P.A. Sitatunga bull, Lukulu River swamp, S.E. Bangweulu, 1974. Web. 11 April 2017.

https://docs.google.com/document/d/13F4kY5qxWcet5IyOz45dvi9_vFU4gA7Aylht8hG2vpE/edit?usp=sharing

VI

LANDGRAB v LANDSAFE

*My part in attempting the protection of land
originally recognized by the British colonial
administration as customary land belonging to the
customary authorities of Zambia, i.e. the chiefdoms*

Landsafe Commons

a hypothesis - the Chipuna model – Norman Carr Foundation and Bangweulu a hypothesis - the Chipuna model – Norman Carr Foundation and Bangweulu proposal - funding by Gamefields - ZAWA resistance and duplicity on PPPs - the landsafe hypothesis and framework - resistance from the private sector - formalizing Landsafe - holder of land and resource rights - proposed co-management agreements with government - landsafe outcomes - problems and key concepts - blog: sharing the proceeds of mining - suggested Zambia Permanent Fund – urge Patriotic Front to adopt the Zambia Foundation for Environmental Sustainability - the Nagoya protocol of the CBD for genetic resource rights - biocultural community protocols – Fifth World Parks Congress (2003) - equity in conservation - UN General Assembly re-affirms UN Declaration on the Rights of Indigenous Peoples

* * *

The Commons can be understood from at least four different perspectives:

1. Collectively managed resources, both material and immaterial, need protection and require a lot of knowledge and know-how.

2. Social processes that foster and deepen thriving relationships. These form part of complex socio-ecological systems which must be consistently stewarded, reproduced, protected and expanded through commoning.

3. A new mode of production focused on new productive logic and processes.

4. A paradigm shift that sees commons and the act of commoning as a worldview.

Silke Helfrich – Commons Strategies Group

*They sought it with thimbles, they sought it with care;
They pursued it with forks and hope;
They threatened its life with a railway-share;
They charmed it with smiles and soap.
Lewis Carroll - The Hunting of the Snark*

* * *

At the end of 2002, I returned to Zambia to further empower customary people in the conservation of the chiefdoms, their wildlife and adjoining protected areas.[i] My first step was to develop a hypothetical set of holistic conservation and development propositions for customary area and their associated

protected areas, i.e. the customary and public commons. These were:

1. That much of the conservation of biodiversity and the environment is dependent on the preservation of indigenous culture, religion and land held under customary tenure.

2. That clan societies - having had much of their natural resources and traditional landuser rights removed by the colonial government – or in the case of Barotseland, by the Kaunda regime, an act of general disenfranchisement which is unrelenting, requires them to regain these rights and obligations, and in the case of protected areas given up by them voluntarily or seized by the state in the past, to bring them back under a degree of customary control.

3. That these rights and responsibilities require being safeguarded and guided by the creation of custodial trusts under the direction of customary villagers, but with trustees drawn from local government, CBOs, NGOs, investors and other responsible agents.

4. That customary area should remain inviolate and not be alienated. Its use awarded only to investors under time-bound and controlled usufruct, i.e. 'the right to enjoy the use and advantages of another's property short of the destruction or waste of its substance'.

5. That trusts must safeguard trust funds.

6. That landuse plans must be drawn up by the trusts with the full agreement of every customary resident.

7. That land registration books be maintained by traditional authorities, the customary usufruct title of individual villagers, both male and female, be registered to offset 'honey-pot immigration and the enforced imposition of Western land

tenure systems.

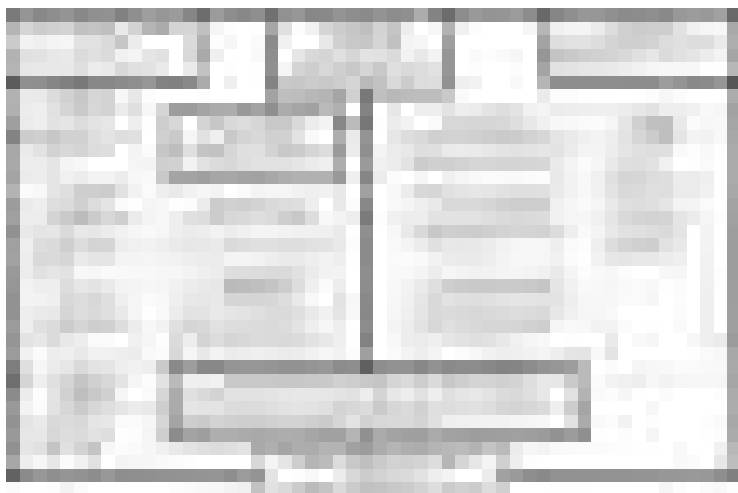
8. That investors be encouraged to lease customary area in working and equitable partnerships with chiefdoms and government, and that such investment is safeguarded by the trusts, overseen by advisory committees.

9. That significant wildlands, wildlife, forest and water resources areas should be conserved.

This set of hypotheses I then used to develop an integrated conservation and development framework originally conceived as an investment structure based on the traditional three-legged African stool - named *chipuna* in Bemba – a stool carved from a single piece of wood, providing strength, stability and comfort, and impervious to attack by termites, its three legs made up of a chief and his people, the local district council, and, because I was targeting chiefdoms containing game management areas (GMAs), the local community resource board - the latter a Zambia Wildlife Authority (ZAWA) proxy empowered under the Wildlife Act of 1998.

In developing the idea for a suitable institutional structure, I realized that it would have to be a community-based organization, registered as a society, or ideally, as a non-profit trust having as its trustees the sitting chief, an investor, and representatives of the main partner NGO, as well as the CRB, the district council in which the Chipuna would be conducted, and other key stakeholders. Thus the way forward was to encourage investment in these areas, but investment that came in as a partner that would support the traditional structures, the ecology and culture, and that would not alienate the land. The customary authority - as the senior partner - was the key for appropriate development, with responsibility for ensuring that secure access and use of the land was possible for customary

residents and that they were partners with investors in the process.



Chipuna model

It was envisaged under the Chipuna that the main investor was essential to provide the seed money to start the project and recruit additional investors. For this to happen, there had to be an incentive to do so and the necessary protection and security of tenure. In consort with a trust and a board having oversight, the investor would have the crucial role of managing development in a chiefdom, one containing scattered villages and possibly endangered species and valuable forest and water resources. This would be holistic development requiring experience in wildlife management, biodiversity protection,

tourism development, wildlife conservation, commercial agriculture, forest exploitation, community development, and small business development. Also, the services of an NGO would be necessary to act as an umpire between investors and between the customary authority, the community organizations and government. They would assist the scheme to grow and lay the groundwork for long-term sustainability. Crucially, they would be empowered to carry out villager development drawing on money built up and secured in a development trust fund. I envisaged that all of this would create a business partnership between the chieftdom and an investor, expressed in the form of a trust company in which the customary authority, the investor, NGO, CBO and a district council are subscribers, the use and occupation of the land (the usufruct) being vested in the trust.

At this very early stage, it was apparent that there should be an NGO that understood the local conditions and the history of public-private partnerships. ProjectsAfrica, an online facility for conservation investment I had introduced at the World Summit (WSSD), had been established for this purpose. It was, however, necessary to have a local NGO. Fortunately, at the request of Judy Carr, I had helped her establish the Norman Carr Foundation in 2002, with the support of fellow trustee, Rolf Shenton (his father, Barry Shenton, and Norman Carr having been involved in the early ICDP project in Nsefu in 1949), Panji Kaunda, and as patron, his father, the founding President of Zambia, Kenneth Kaunda. The chairman was Professor Patrick Mvunga, an authority on Zambian land tenure. [The foundation initially tried to facilitate](#) the management of the Bangweulu and the establishment of a wildlife corridor linking Zaire, Zambia and Malawi:[ii]

To support the Zambian constitution and the Zambia Wildlife Authority (ZAWA) in protecting national parks, and in promoting the sustained use of both game management and communal areas. Its focus is on the development of a Central African Transfrontier Conservation area linking the northeastern pedicle of Zaire, the Bangweulu and Luangwa biomes of Zambia, and Western Malawi. The foundation will focus on the Lavusi Manda and Isangano national parks and their attendant GMAs and communal areas, and will also protect the Lukusuzi National Park and encourage the sustained development of the GMAs and communal areas of the Luangwa rift system – an essential conservation bridge with Malawi. For this, it will seek investment and executing partners and will enter into partnerships with community resource boards, the traditional leadership and communities so that conservation development may deliver sustained biodiversity and economic benefits.

Initial funding was received from Gamefields Limited (Gibraltar), an international company I formed in partnership with a financier and keen hunter from Dubai, Khalid al Tajir, and dedicated to integrated conservation and development work in Zambia and Tanzania that focused on hunting-safaris. On 17 September 2003, I tendered a draft proposal to a hunting-safari operator to establish a conservancy in their concession area.[iii] Barry Bell-Cross, Prohunt's owner – he and his uncle former members of the Department of Game & Fisheries – were due to meet with Chief Kasempa – in whose chiefdom they operated, to discuss the issue. The proposal was not taken up.



Senior Chief Kasempa

ZAWA's response to establishing the foundation specifically formed to support its functions was one of suspicion and total unwillingness to respond to any of its proposals over an eleven-month period. Also, a fairly detailed analysis of the situation regarding ZAWA, the hunting industry, protected areas, customary resident participation and benefits - and CRBs, and duly submitted to the Chairman of the ZAWA Board at a meeting attended by myself, Rolf Shenton and Chairman Mvunga, had no response. Also, promises to invite the foundation to meetings and workshops were not kept. And despite ZAWA's request that we assist with the production of national policy on public-private partnerships on the management

of national parks, no acknowledgement of submissions was ever made. The foundation's application for a PPP regarding the Isangano and Lavushi Manda national parks was refused because national PPP policy was not in place, even though Liuwa and Sioma Ngwezi national parks had been awarded to the NGO African Parks under a PPP arrangement. I then decided that the foundation had limited use for advancing our cause, the implementation of a chiefdom trust structure being an essential first step.

Here I had once again put out of mind events of the past, in this case, Project Rhino in 1987-1989. The enemies I had made during that period had not gone away. While the hierarchy of the NPWS had responded well to my attempts to facilitate their transition from NPWS to ZAWA – in particular with the implementation of CITES, the influence of characters from the past soon poisoned the waterhole.

In November 2003, a year after my return to the territory, I experienced the first warning shot across my bows from forces outside of government. Someone I knew, unhappy with the Norman Carr Foundation being used as the vehicle for the development scheme, spread the rumour that I had stolen money from the conservation investment fair I had organized at the World Summit (WSSD). When I confronted her, I received a retraction and an apology. But it was the first intimation of the resentment I had already stirred up and would continue to do in the forthcoming campaign.

Because of the restricted tribal connotations of the word and its limitations as a purely investor driven concept, one that did not grasp the nub of the problem, customary empowerment, I renamed the Chipuna, Landsafe, its true purpose revealed, i.e. to protect customary area, customary law and culture.

The Landsafe framework would consist of a chiefdom trust, with part of the chiefdom vested in it according to an agreed participatory landuse plan. This customary area trust then would enter into a series of co-management agreements with government, capturing the management rights to protected land, wildlife, fish, forestry and water and, inevitably, some rights to its minerals as well, all of this leading steadily towards a form of devolution which would provide for Zambia a canton-type structure of semi-autonomous chiefdom commons embraced within a unitary state, lending it stability and cultural, economic and ecological integrity. Although a logical way forward, it proved to be politically naïve early in the New Millennium in a Zambia where power is wielded by big man patronage. However, I have perhaps underestimated the reformist zeal of the burgeoning urban population, digitally wired, armed by the internet, and impatient with archaic dictatorship. Then, the residents of the customary commons are now empowered and recognized by the Nagoya Protocol of the Convention on Biological Diversity and by new legislation on genetic rights and forestry.

Conservation and rural development lie at the heart of the political process. In 2003 there were no guidelines available for chiefs and their subjects to provide the structures for future development without destroying the chiefdoms, their wildlife, and its Zambian culture and religion. As I wrote in an article for the Natural Resources Journal, results of a recent survey provide support for the Landsafe approach:[iv]

This survey argued for recognition of a community structure as the holder of devolved rights. It also concluded

that negotiations between state and traditional authorities are necessary to confer the status of the community structure, as “holder of land and resource rights,” subject to agreed conditions. It made clear that: “This does not imply alienation of customary land but formalizing such an allocation of land through a legal document.

To formalize and implement Landsafe, some steps need to be taken for customary residents to sign up with partners and government departments. For this purpose, I designed nineteen forms.[v] [vi] All residents of a chiefdom form a chiefdom society with the Registrar of Societies and then develop and agree on a business and landuse plan – one of the outcomes being a landuse-zoning plan. The society then establishes a chiefdom trust, either by way of a petition to the Minister of Lands and the issue of a certificate of incorporation under the Lands (perpetual succession) Act or by way of a company (limited by guarantee). Trusts formed under perpetual succession will require the appointment of an advisory committee, appointed both from within the chiefdom and from without. An uncomplicated approach to land is for the customary authority to cede land to the trust under the Lands Act in perpetuity. Investors can then enter into a landuser rights process where the trust has provided the landuse plans. The investor must then tender a full business plan to the trust for assessment. An example of this is the business plan I wrote to develop the Luembe conservancy on the west bank of the chiefdom.[vii] Should the trust wish to pursue game ranching, then they may apply to ZAWA for registration of a game ranch and the ownership of wildlife stocks within a suitably fenced area.

Then, following the dictum, Render unto Caesar the things that are Caesar's, the trust then enters into a series of co-management agreements (CMAs) with government over the natural resources, making full use of a formidable legislative arsenal[viii]: 1) a CMA for wildlife and game management areas, the trust entering into an agreement with the CRB/ZAWA for the management of game, or they follow the procedure for registration of the area as a game ranch; 2) a CMA for adjoining national parks that allows for a flow of benefits from the park to the villagers, instilling in the villagers a sense of responsibility and proprietorship for the well-being of the park; 3) a CMA with the Forestry Department for the sustained use of the forest; 4) a CMA with the Department of Fisheries for the creation of a fisheries management area; 5) a CMA over water use and extraction whereby the trust enters into a CMA with the Department of Water Affairs and Catchment Council over water management in a chiefdom.

There are five expected outcomes for Landsafe as laid out in my article in the Natural Resources Journal:[ix]

First, the model will enable a chiefdom to operate securely as a functioning customary commons in which the land is sacrosanct. Second, it will guarantee usufructs rights of both men and women. Third, it will support collective land-use agreements over common-access rights. Fourth, it will allow for exploitation of renewable natural resources and mineral mining only under co-management agreement land vested by the customary authority. Finally, it will place investors, foreign aid, and NGOs under the control of a land-use plan and a properly

institutionalized customary commons.

This phase I of Landsafe fully considers the determination of government to have near-total control over customary area and its resources. Phase II lies in the future after considerable devolution has occurred – a time for truly holistic development. Eventually might come phase III, the canton-type enclave.

Apart from an error in the calculation of customary land in Zambia – 94%, instead of 70% or less, it is unfortunate that in my article, I referred to Landsafe as a model, for the term is unsuitable, suggesting something new to modern life, to the ‘development market’, accompanied by advertising blandishments so that it may be ‘purchased’. Landsafe is merely the re-creation of something that existed in law but not in the predatory realm of neoliberal patronage politics. It has become an attempt to safeguard customary area and rekindle the Guardians of Nature guilds, the pre-1964 Barotse system, and aspects of the Native Authority administration of Indirect Rule.

With all of Landsafe’s promise, it must be born in mind that any program is a perturbation and an inevitable victim of the law of unintended consequence. Community empowerment is a minefield of good and dishonest intentions, of ignorance, of utopian ideas crafted at a distance, of big man patrimonialism, of government rent-seeking and weak institutions, of donors seeking and ‘manufacturing’ projects – and making the grave error of encouraging land alienation, of consultants manufacturing work...the list is endless. Landsafe is all about protecting Mother Nature, with man an essential and intrinsic part of it. But it has to deal at some stage with the modernizing wishes of the people with whom it works, with the forces at work seeking

to convert it into big man entitlements and an endless target of begging and open-access harvesting. It has to deal with the machinations of those who wish to take hold of the land and the renewable and non-renewable natural resources. Chiefs are part of the solution and the problem: Landsafe requires to become more democratic, with the separation of powers in place, moving away from the current trend of converting chiefs into exalted Rider Haggard Kings – a collection of grasping ‘Royal Highnesses’ in their mud-hut ‘palaces’ requiring society to genuflect and pass them tribute. This feudal regime will have to change to a democratic one of elected chiefs serving a term. England, of course, is still semi-feudal, a state maintained by the Conservative Party where large landowners pay no taxes, but in fact, receive farm subsidies, with every householder in Britain paying £245 a year to the land barons.

As pointed out by Brechin et al., some key concepts should be kept in mind when dealing with biodiversity conservation and social justice:[x]

Human dignity – establishing a strong moral foundation for social processes; Legitimacy – constructing authority; Governance – establishing modes of decision making and power sharing; Accountability – guaranteeing responsibility and performance; Adaptation and learning – institutionalising reflection and self-correction and; Fully taking into account non-local forces.

Landsafe pays attention to all of these and more, but problems and challenges not yet envisaged will emerge and will have to be dealt with as they occur. As I wrote in my comment on a

blog, *Sharing the proceeds of mining*, 6th edition in the *Zambian Economist* in 2012:[xi]

The principal task is for government to provide the necessary policy and legislative framework making customary common property rights unassailable. In this, common-property rights are fully assigned over land and renewable natural resources to responsible guardians, i.e. the chiefdoms, on behalf of all Zambians for customary area over all the natural resources except mining – that to be dealt with through the equivalent of the Alaska Permanent Fund. They, through the trusts, then control market environmentalism, the chiefdoms having had the property rights to them fully assigned. They, therefore, internalize the negative externalities (costs) of pollution or over-harvesting, charging the necessary fees to concessionaires through an auction system. Government, must, therefore, recognize public goods and ecosystem services as things of considerable value. Such services cannot under any circumstances be privatized, but are to be held under common property by the chiefdom trusts on behalf of the people. And following the example of the State of Alaska, the Zambian government elected in 2011 should establish the Zambia Permanent Fund with legislation affirming that 75% of all mining royalties be paid to government as a replacement for taxes, and 25% paid to the Zambia Permanent Fund. Annually, dividends would be paid to the registered residents of the chiefdoms in the form of a living grant to heads of families resident in the villages, the balance – being subject to a means test – paid to

those living outside of the chiefdoms. As a quid pro quo, chiefdom residents would be responsible for the protection of the renewable natural resources, following a Landsafe or similar landuse plan supervised by their trust and their customary authority. It is critical to this exercise that the mining compradors and any corrupt politicians overseeing the mining taxes are sidelined so that mining taxes reflect international financial reality.

The Alaska Permanent Fund – as does the universal basic income - has its origins in recommendations made in 1795 by the American revolutionary, Thomas Paine: [xii]

To create a national fund, out of which there shall be paid to every person, when arrived at the age of twenty-one years, the sum of fifteen pounds sterling, as compensation in part, for the loss of his or her natural inheritance, by the introduction of the system of landed property. And, also, the sum of ten pounds per annum, during life, to every person now living, of the age of fifty years, and to all others, as they shall arrive at that age.

Could Paine have foreseen the consequences of plunder capitalism where some 50% of Americans have no savings?[xiii]

In early 2010, at the request of the Chairman of the PF Party, Wynter Kabimba, I and an expert in these matters from South Africa, Martin Carstens, had put forward the suggestion for the creation of a foundation having broader objectives than those that Kabimba and I had discussed, or, indeed, of the Zambia

Permanent Fund itself. We named the Zambia Foundation for Environmental Sustainability – essentially a foundation to be established by the Patriotic Front government – Landsafe in everything but name. The proposal, of course, was never acted on.

However, Landsafe is just the first step in aligning Zambia with its cultural roots and history. The unedifying experience of yet another corrupt patrimonial administration – this time under a party ominously called the Patriotic Front – named after Mugabe’s party - whom I had naively believed would follow the right track into the future, does suggest that it is time to re-think the nation-state called Zambia. The suggestion by the North-West Province leadership and others for Zambia to adopt a federal system of government is a sign that people realize that under the present multi-party ‘winner takes all system’ Zambia will never progress. The country cries out to become a canton-type federal state based on the chiefdoms (but much more democratically bound) and a small regulatory government, a non-political party state where people are elected directly to represent their chiefdoms and cantons. Perhaps we should look to the Emirates or to Switzerland to go forward building with Landsafe.

The dishonouring of the Barotse Agreement 1964, ongoing, is a tragedy. This could have shown the way forward: the Barotse Landsafe system developed as part of it and not as part of a unitary state where the power of dictator big man Presidents of minimal vision and education are inimical to development.[xiv] Was that not what Melland had in mind when he proposed that what was required was, *“The rule of the aristocracy (in its original sense) which can be built on to the old tribal council, and yet admit into such councils plebeian educated natives who have demonstrated*

their worth'.[xv]

But as is the rule, there being no truly new thoughts, other vibrant artesian wells from man's unfathomable unconscious are at work. Unknown to me at the time I was in my maverick trench, the Convention on Biodiversity on 29 October 2010 in Japan produced the Aichi Biodiversity targets and strategic plan for 2011-2020; the Convention also giving birth to a supplementary agreement, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS). This protocol provides a legal framework for the 193 Contracting Parties, endeavouring to:[xvi]

1. Take measures providing that genetic resources utilized within their jurisdiction have been accessed in accordance with prior informed consent, and that mutually agreed terms have been established, as required by another contracting party

2. Cooperate in cases of alleged violation of another contracting party's requirements

3. Encourage contractual provisions on dispute resolution in mutually agreed terms

4. Ensure an opportunity is available to seek recourse under their legal systems when disputes arise from mutually agreed terms

5. Take measures regarding access to justice

6. Take measures to monitor the utilization of genetic resources after they leave a country including by designating effective checkpoints at any stage of the value-chain: research, development, innovation, pre-

commercialization or commercialization

The NGO, Natural Justice: Lawyers for Communities and the Environment, established in South Africa in 2007, took this all further, developing biocultural community protocols and a toolkit for community facilitators. As Kabir Sanjay Bavikatte wrote in his blog, ‘*Biocultural community protocols and the future of conservation*’ in justconservation.org on 9 September 2014:[xvii]

The rights of communities in the swathe of legal instruments birthed by the Convention on Biological Diversity are rooted in the principle that effective conservation and sustainable use of ecosystems can only be ensured by recognizing the rights of those who manage and govern these ecosystems as common pool resources. These rights are increasingly referred to in law as ‘biocultural rights’ and are justified not on the basis of communities having a formal legal title to certain lands and waters, but on the basis of historical stewardship founded on the cultural practices and spiritual beliefs.

The development of a biocultural community protocol (BCP) in July 2014 between the Bushmen and Namibian government in the Bwabwata National Park is a massive step forward in the way we view property and ecosystem resources and how we secure protected areas – the public commons, that were once part of the customary commons. But it remains to be seen how the protocol deals with the mining plans of Rio Tinto for the

park. In 2017 the park was battling to save its elephant from extinction.

Lending massive force to the CBD and the Nagoya Protocol is the ICAA Consortium, a Swiss-based institution created in October 2008 and promoting 'Indigenous Peoples' and Community Conserved Areas and Territories' and closely collaborating with the Secretariat of the CBD, UNEP, IUCN, GEF and others.

The Nagoya Protocol and the ICAA Consortium were really conceived at the Fifth World Parks Congress in Durban in 2003 - the year I started work on my Landsafe framework - where was 'clarified that indigenous peoples and local communities - crucial actors in conservation - should be fully recognized in their governance roles; and where indigenous peoples representatives made clear that the 'respect of their rights would actually advance, rather than diminish, conservation outcomes'. In 2004 the CBD at CoP7 approved the CBD Program of Work on Protected Areas (PoWPA), which supports 'a "new approach" to protected areas, calling for attention to governance types and quality, equity conservation, and indigenous peoples' rights'.

All GMAs in Zambia fit the ICAA Consortium definition, being populated to a lesser or greater degree by:

- 1) A people or community closely connected to a well-defined territory, area or species (e.g., because of survival and dependence for livelihood, because of historical and cultural reasons);
- 2) The community is the major player in decision-making (governance) and implementation regarding the management of the territory, area or species, implying that a community institution has the capacity to develop and enforce regulations; (in many situations other stakeholders are involved, but primary

decision-making rests de facto with the community);

3) The community management decisions and efforts lead to the conservation of the territory, area or species and associated cultural values (the conscious objective of management may be different than conservation per se, and be, for instance, related to material livelihood, water security, safeguarding of cultural and spiritual places, etc.)

In September 2014, as Natural Justice reported, the UN General Assembly adopted the Outcome Document of the [World Conference on Indigenous Peoples](#) (World Conference), reaffirming: a) support for the United Nations Declaration on the Rights of Indigenous Peoples; b) commitments to obtain free and informed consent before the approval of any project affecting Indigenous peoples' lands or territories and other resources, c) commitments to acknowledge, advance and adjudicate the rights of Indigenous peoples about lands, territories and resources; and d) the significant contribution of indigenous peoples to the promotion of sustainable development and ecosystem management, including their associated knowledge.

However, at the core customary residents' level, it is necessary – as Palan Mulonda wrote, for them to adhere to the following [strategy in seeking to regain natural resource ownership](#) on their lands:[xviii]

i) In the area of policy and legislative formulation, Cabinet Office to be courted and, in particular, an input made into the ongoing review of policy and legal formulation processes by the Management Development Division under which the Public Sector Capacity Building Project,

inaugurated in October 2000, is being managed. This will allow non-state actors to feature prominently in policy and legislative formulation, especially during the initial stages.

ii) Customary stakeholders need to understand the policy and legal formulation procedures of government to implement a tracking system for the current state of policy and legislation.

iii) The Parliamentary Subcommittee entrusted with natural resources sectors needs to be lobbied, and the Executive checked through the Action Taken mechanism.

iv) Friends of the stakeholders within government and beyond need to be identified so that public opinion may be influenced. These should include technocrats within government line Ministries entrusted with the initiation of policy and legislation, as well as co-operating partners of the state capable of providing both financial and technical support necessary for effecting change and new developments.

v) Small working groups need to be set up that will specialise in specific natural resources to enhance effectiveness and efficiency and to build the requisite expertise and contact with relevant authorities. Close contact should be maintained with Cabinet Liaison Officers of line Ministries dealing with natural resources, as well as with staff of the Policy and Analysis Co-ordination Division at Cabinet Office, and lawyers within the Attorney-General's Chambers, in particular, the Legislative Drafting Department.

vii) Customary community stakeholders should facilitate the establishment of community-based resource

boards or institutions to enhance the flow of information between the local and the national level. They will require legal persons as well as capacity building in understanding policy and legislative measures in the natural resources sector. To assist this process, policies and laws affecting the various community resource boards should be simplified and translated into languages local communities can read and understand best.

For the record, Landsafe contains a core proposal concerning common-property trusts (the chiefdoms):[xix]

The principal task is for government to provide the necessary policy and legislative framework making customary common property rights unassailable. In this, common property rights are fully assigned over land and renewable natural resources to responsible guardians, i.e. the chiefdoms, on behalf of all Zambians for customary land over all the natural resources except mining, which is dealt with through the proposed Zambia Permanent Fund. They, through their Trusts, then control market environmentalism, the chiefdoms having had the property rights to them fully assigned. They, therefore, internalize the negative externalities (costs) of pollution or over-harvesting, charging the necessary fees to concessionaires through an auction system.[xx] Government must, therefore, recognize public goods and ecosystem services as things of considerable value to the customary commoners, but not as a further opportunity for the state to rent-seek. Such services cannot under any circumstances be

privatized, but are to be held under common property by the chieftdom trusts on behalf of the people.

[i] Manning, I.P.A. "Wildlife conservation in Zambia and the Landsafe Customary Commons" 61-65 (unpublished Ph.D. dissertation, University of Pretoria, South Africa 2011), Web. 13 April 2017. <http://repository.up.ac.za/handle/2263/25570>

[ii] Manning, I.P.A. "Norman Carr Foundation Concept." April 2003. Web. 12 April 2017. https://docs.google.com/document/d/1Tsqr1W0-22UD01Tq0qSFDdyYZOVco93D_VQICdpm724/edit?usp=sharing

[iii] Manning, I.P.A. "Draft: Prohunt joint-venture proposal Kasempa conservancy development program." Norman Carr Foundation. 17 Sept. 2003. Web. 12 April 2017. https://docs.google.com/document/d/1km4nEMq758fudTLmmTD4ivK8v8w4XIwXaajKBcE2_Yo/edit?usp=sharing

[iv] Manning, I.P.A. "The Landsafe Socio-Ecological Development Model for the Customary Commons of Zambia: Evolution and Formalization." 52 *Nat. Resources J.* 195. Natural Resources Journal, Law School, University of New Mexico., 1 Aug. 2012. Web. 12 April 2017. <http://digitalrepository.unm.edu/nrj/vol52/iss1/7/>

[v] Manning, I.P.A. "Formalisation of Landsafe Framework for the Customary Commons: In "Wildlife Conservation in Zambia and the Landsafe Customary Commons" (unpublished Ph.D. Dissertation University of Pretoria, South Africa 2011)." University of Pretoria, 2011. Chapter 6: pp.250-260. Web. 13

April 2017.

<http://repository.up.ac.za/handle/2263/25570>

[vi] Landsafe forms (1-19), pp. 325-357 in Manning, I.P.A. Ph.D. dissertation

Web. 13 April 2017. <http://repository.up.ac.za/handle/2263/25570>

[vii] Manning, I.P.A. "Luembe Conservancy Business Plan." 2003. Web. 12 April 2017.

https://docs.google.com/document/d/1yrlecEqLq3DJHEbvFR26co8lpNGZLhWfj_Zf2mXpx0/edit?usp=sharing

[viii] See The Fisheries Act (1974) GOVT. GAZETTE (Acts) (Zam.); Fisheries (Amended) Act (2007) GOVT. GAZETTE (Acts) (Zam.). See also Forestry Act No. 39 (1973) GOVT. GAZETTE (Acts) (Zam.); Forestry Policy (1998) GOVT. GAZETTE (Pol.y.) (Zam.); Forestry Act No. 7 (1999) GOVT. GAZETTE (Acts) (Zam.); Local Forests (Control and Management) Regulations No. 47 (2006) GOVT. GAZETTE (Stat.) (Zam.); Lands Act (1995) GOVT. GAZETTE (Acts) (Zam.); Water Act (1948) GOVT. GAZETTE (Acts) (Zam.); and Zambia Wildlife Act No. 12 (1998) GOVT. GAZETTE (Acts).

[ix] Manning, I.P.A. "The Landsafe Socio-Ecological Development Model for the Customary commons of Zambia: Evolution and Formalization." 52 *Nat. Resources J.* 195. Natural Resources Journal, Law School, University of New Mexico., 1 Aug. 2012. Web. 12 April 2017. <http://digitalrepository.unm.edu/nrj/vol52/iss1/7/>

[x] Brechin, Steven R. et al. *Contested Nature Promoting International Biodiversity Conservation with Social Justice in the Twenty-first Century*. Albany: State U of New York, 2003. pp. 252- 259.

[xi] Mukanga, Chola. "I.P.A. Manning Comment: In Zambian

Economist: Sharing the Proceeds of Mining, 6th Edition.” *Zambian Economist*. 9 Nov. 2012. Web. 5 Apr. 2017. <<http://www.zambian-economist.com/2012/11/sharing-proceeds-of-mining-6th-edition.html>>.

[xii] Paine, Thomas. *The Political Writings of Thomas Paine, Secretary to the Committee of Foreign Affairs in the American Revolution to Which Is Prefixed a Brief Sketch of the Author's Life*. Charlestown [Mass.: G. Davidson, 1824.

[xiii] Karlin, Mark. “Living Without a Net: Nearly 50 Percent of Americans Don’t Have Any Savings.” *Buzzflash*. 7 Oct. 2015. Web. 13 April 2017. <<http://www.truth-out.org/buzzflash/commentary/living-without-a-net-nearly-50-percent-of-americans-don-t-have-any-savings>>.

[xiv] Chitala, Mbita. “What Should Be Done about the Barotse Question?” *House of Chiefs*. Chola Mukanga, 19 Mar. 2012. Web. 13 April 2017. <http://www.houseofchiefs.com/2012/03/what-should-be-done-about-barotse.html>

[xv] Melland, Frank H., and T. Cullen Young. *African Dilemma*. London: United Society for Christian Literature, 1937.

[xvi] “The Nagoya Protocol on Access and Benefit-sharing.” *The Convention on Biological Diversity*. 1 Jan. 2015. Web. 5 Apr. 2015. <<http://www.cbd.int/abs/>>.

[xvii] Bavikatte, Kabir Sanjay. “Biocultural Community Protocols and the Future of Conservation | OUPblog.” *OUPblog*. Oxford University Press’s Academic Insights for the Thinking World, 8 Sept. 2014. Web. 13 Mar. 2017. <https://blog.oup.com/2014/09/biocultural-community-protocols-future-conservation/>

[xviii] Malonda, Palan. Policy and legislation review of the fisheries, forestry, wildlife and water sectors vis-à-vis community based natural

resource management,

HURID for CONASA/USAID, Lusaka. 2002. Web. 13 April 2017. p.32

https://drive.google.com/file/d/0B0sCBiNNeEh_M29kaFI1dGNmMzg/view?usp=sharing

[xix] Manning, I.P.A. Ph.D. dissertation Web. 13 April 2017. <http://repository.up.ac.za/handle/2263/25570>

[xx] Barnes, Peter. Capitalism 3.0: A guide to reclaiming the commons. Berrett-Koehler Publishers, San Francisco. 2006.

Landsafe in Luangwa Valley

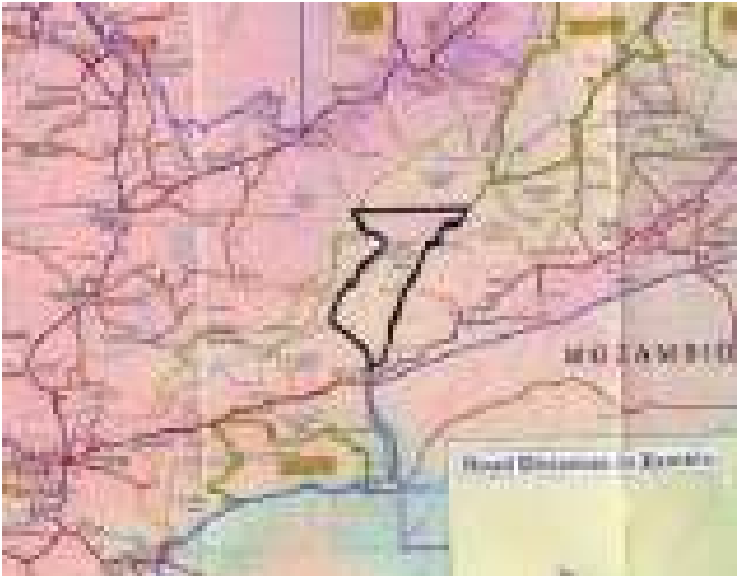
Savory's holistic framework model - the Lunsemfwa, Lukusashi, Luangwa rifts - villager agriculture - fire impacts – desertification - tsetse fly – sleeping sickness – malaria – DDT - impact of mossy nets on ecology – HIV/ aids – sorcery and witchcraft – the meaning of poverty - spectre of future mining and dams SLAMU: South Luangwa Management Unit of ZAWA (1999) and NORAD - SLAMU corruption and dysfunction - DMU: Disaster Management Unit - non-game supports for villagers – Peter Siyani murder - villager justice - the Luembe chiefdom - the Ambo people - legitimacy of Senior Chief Luembe - Mbilisao villages - Chitumbi and Mushalira villages - Nyambweka - Chief Nyalugwe - history - schools Nyalugwe - farming - disaster relief and health - game scouts

The whole is in the parts and the parts are in the whole, and this synthesis of whole and parts is reflected in the holistic character of the functions of the parts as well as of the whole...the resulting wholes are not static but

dynamic, evolutionary, creative ... this is a universe of whole-making.

Jan Smuts - Holism and Evolution

* * *



Luembe Game Management Area, and immediately to the East,
the Luembe Open Area

In that paradise of Nature, the Luangwa Valley – which includes
the Luembe and Nyalugwe chiefdoms, is customary area

that I thought ideal for establishing the Landsafe framework, followed by its holistic management, a concept laid out by a great South African, Jan Smuts.

Allan Savory's long experience in the Northern Rhodesian and Southern Rhodesian Game Departments, followed by work in game and cattle ranching – similarly inspired by Smuts, resulted in his book *Holistic Management*, wherein he provided his rotational grazing system, as well as *A New Framework for Management and Decision Making*, a process made up of the following:[i]

1) the whole under management – from the perspective of the decision makers and the resource base; 2) description of the holistic goal – comprising i) quality of life, ii) forms of production, iii) future resource base; 3) the ecosystem process; 4) the tools for managing ecosystem processes (rest, fire, living organisms and technology; 5) the testing guidelines for economic, environmental and social soundness; 6) the management guidelines; 7) the planning procedures and 8) the feedback loop (plan, monitor, control, replan).

For customary areas to be safeguarded and provide full un-commodified ecosystem services, both the implementation of Landsafe and a framework along the lines of Savory's vision are essential, one framework following and complementing the other. However, that phase is being re-attempted in late 2016, leant impetus by the climate disruption engulfing us.

Three-rifts

As I call it, three-rifts are small populations of traditional villagers living within a large area of pristine primary Nature, an area protected by the Luangwa (north of the Great East road) Lukusashi and Lunsemfwa rivers. Between 2002 and 2009, the Luembe Chiefdom was the focus of my Landsafe development efforts, the adjoining Nyalugwe Chiefdom coming on stream from 2008 – 2011.

The Luangwa Valley is a trough some 645 km long, an ancient depression occupied by Karoo beds, lowered at the centre during a post-Karoo period of faulting and folding. The other two valleys are similar in structure. Large sections of the Luangwa are filled with colluvial soils brought down from the escarpment, while old areas of alluvial deposits lie closer to the river. Great banks of barren shingles and water-worn stones cover parts of the eastern escarpment and the valleys of the Lukusashi and Lunsemfwa. The Luangwa is enclosed by an almost solid wall of the western escarpment and hills to the east; finally, about 40 km upstream of the Lunsemfwa/Luangwa confluence, the hills from both sides meet and the Luangwa is cut off from the other two rivers by the high western range.

The Luangwa rises in the Mafinga Hills in northeast Zambia near the Tanzania and Malawi borders and flows in a south-westerly direction through a broad valley. The river continually shifts its course, leaving behind ox-bow lagoons and meanders, an area of floodplain recognized as being of considerable importance by the Ramsar Convention. It is bound to the west by the Muchinga Escarpment and low hills to the east. At the

southern end of the Luembe Chiefdom, it enters a gorge, then later meanders through a narrow sandy plain where it joins the Zambezi.

The Lunsemfwa River rises at an elevation of about 1,250 metres to the north of Mkushi and south of the Congo Pedicle and flows south. It is impounded at the Mita Hills Dam for hydroelectric power generation with a reservoir of about 30 km long by 3-5 km wide and an additional power station at Lunsemfwa Falls. Some 30 km below the dam, it enters the Lunsemfwa's Wonder Gorge, 20 km long, up to 500 metres deep, and about one km wide at the top. The Lunsemfwa is later joined by the Lukusashi River, which flows into the Luangwa from its source on the Congo-Zambezi divide. The river is crystal clear, with fertile river banks used by scattered villages to grow two crops a year.

Although the climate of Zambia is equitable, the valleys grow hot in the period before the onset of the rains in November, which last until early April – though mid-season droughts do occur. All life is therefore adapted to the long dry season. In the rains, the rainfall is lower in the valleys than on the plateau.

Villagers recognize stands of *Hyparrhenia* grass - which form dense and tall beds in the rains, and acacia trees - which are an efficient nitrogen fixer, as sure guides to soil fertility. On the other hand, they know that poor soils are indicated by the genus *Uapaca*, usually associated with impermeable ironstone pans. For their gardens, villagers typically seek out old high woodland or dense thicket - including bamboo thickets and tall and luxuriant grass with open tree canopies.[ii]

Miombo forest, associated with the older plateau soils, as in Luembe, is found on the flanking escarpments. Local thicket belts are distributed throughout the Mopani on sandier soils

derived from the Karoo, while one spectacular climax forest of flat-top *Acacia tortilis* graces the east bank of the mid-Lukusashi River. Roughly speaking, the areas above 1,000 meters are covered with miombo and deciduous woodland, while Mopani forest occurs lower down.

Agricultural land is confined mainly to the plateau terrace on the eastern side of the Luangwa and the dense thicket areas found on sandy soils on Karoo beds, noteworthy in the Lunsemfwa alluvial belts derived from the rocks of the escarpment and adjoining plateau areas. As long ago as 1904, note was made of the bounteous crops grown by the Nsenga people of the plateau, now much intermarried with the Ambo of chiefs Mwape and Luembe, and with the Chikunda chiefs Nyalugwe and Mphuka. Sorghum (*mapira*) and maize (*chimanga*) were once the staple crops, with various beans, sweet potatoes, and yams. From the Luangwa Bridge to Nyimba are agricultural soils and miombo on either side of the road, with the area between Kachalola and the Mozambique border long known for its cotton, maize, soya and sunflower - planted originally by the English pioneer, Dr. 'Kachalola' Broomfield. With the development of rural electrification and ready access to a good road, the Nyimba River area in Luembe and the land bordering the West Mvuvye National Forest holds great promise for agriculture, an area set apart from the main gamelands.

The territory suffers from dry season pyromania. Whatever controls were once exerted by the Native Authority and the Provincial Administration, or before that by headmen and chiefs, is now absent. In British protectorate days, the influence of the Forestry Department on fire policy was considerable, early burning being promoted to protect forests from damaging

late fires, a plan that conserved trees but not much else. The Game Department in Northern Rhodesia, without the finance and manpower, and with a massive protected estate to care for, were forced to carry out a concerted early burning campaign and avoid the late dry-season hot fires that removed much of the grazing at a time when grazers were concentrated around water, and therefore more vulnerable. Additionally, they set fire to the grass to produce green grass for the game. However, somewhat in contradiction, it was then accepted by some experts that forest fires should not be lit after mid to end July.

Barotseland was a major exception until Zambia attained self-rule and the later abrogation of the Barotseland Agreement 1964 when a *Litunga's* powers over fire control were removed, and the early burning policy of the Forestry Department prevailed. The fact that fires now consume the whole country in the dry season is one of the prime factors creating a more brittle environment. The reduction of buffalo in the southern part of the Kafue National Park and its environs may be ascribed to predation by man and the effects on the savannah of rampant early fires. In Three-rifts, a naturally dry area with low rainfall and humidity, a similar situation is ongoing.

This burning of vegetative biomass, which creates a pall of smoke over the savannah and grasslands of Africa in the mid to late dry season, contributes to the phenomenon of global dimming, where a percentage of sunlight is reflected into the atmosphere from the smokescreen. Zambia exudes black carbon from biomass burning - resulting in plumes of atmospheric brown clouds (ABCs) containing sub-micron size particles, i.e. aerosols. ABCs and the haze intercept sunlight by absorbing and reflecting it, leading to surface dimming. It is very likely that the fires that burn continually in Zambia

from July to the onset of the rains in November affect surface temperatures, photosynthesis, and plant productivity, the latter perhaps negated by the increase in carbon dioxide levels and its stimulation of plant growth. It is thus critical that Zambia places biomass burning and forestry protection at the top of its agenda.

Savory hypothesized that the marked desertification taking place in the alluvial zone of our national parks with the loss of reed beds suggests that we need more grazers, not less, but grazers moved around by sufficient numbers of large predators, including man.[iii]

The tsetse fly has only populated the Luangwa in the last hundred years, cattle being regularly driven down from the north until the end of the nineteenth century, this ascribed to the considerable increase in wildlife brought about by the imposition of BSA Company rule.[iv] Company officials first reported cases of sleeping sickness and deaths in 1910, and from 1925 to 1935, it was a significant mortality factor, eventually leading to the removal of much of the population from the lowlands of the Luangwa. From 1912-1925 the Luangwa was declared a sleeping sickness area and was closed to Europeans. From June 1911 to April 1912, a Commission was based at Chief Nabwalya to investigate the reasons for the outbreak.

The final movement of people took place in 1931 from the 25,000 km² North Charterland Exploration Company concession on the east bank of the Luangwa (which had taken over Mwape and what is now Luembe land) to the Ambo Reserve. In a tour of the district by the Provincial Administration in 1935, five people in the last throes of SS were found in the Ambo Reserve, the symptoms being swollen faces and abdomens and extreme lassitude. The mortality in

this area was 66/100, a villager in Lisati Village commenting, "If they keeps us here another year there will be no need to worry to move us. We shall all be dead." This village had shrunk from 34 people in 1930 to 16 people in 1935. The area particularly hard hit in Petauke district lay between the Luangwa-Mvuvye and the Lusangazi-Luangwa confluences. In October 1930, the Assistant-Director of Medical Services had advised that villages should move closer for protection and that the bush around the villages should be cleared. This was carried out in the area around Katipa at the confluence of the Mvuvye and Luangwa. However, instead of improving matters, it made them worse. As recorded by Watmore, the District Commissioner lamented the 'grave error in condemning these natives to live in an area known for many years to be infected with sleeping sickness and humanity demands that they should be moved elsewhere without delay'.[v]

In 1936 Chief Mwape requested that the acting Governor allow her and her people to return to their former home. This was refused because Mwape's ancestors had sold the land to the NCE Company. However, the Governor said that they would make moves to deal with the tsetse fly in her old home and the Native Reserve where she was presently situated. From January to November 1978, a tsetse survey of the Lunsemfwa Valley was undertaken; cattle being absent from the area since 1939.

Before the discovery in 1898 that mosquito-transmitted malaria, the territory was deadly for Europeans. Only later was it realized that blackwater fever was connected with malaria and could be similarly treated. After World War II, aided by the World Health Organization in 1955, a global program using DDT allegedly reduced mortality rates by 95% worldwide. In the territory, it was used in townships and villages alike, being

sprayed annually on the walls of huts and houses. DDT was banned in the early 1970s. This, coupled with the improper use of malarial prophylactics in a population already resistant to malaria, greatly reduced the efficacy of chloroquine as a treatment.

Mosquito net scourge

The recent widespread introduction of mosquito nets, most of them treated with insecticide, and their subsequent use by villagers as fishing nets has caused widespread damage to fish stocks and other wildlife.[vi] No EIA of such a perturbation has been carried out.[vii] One of the chemicals used to coat the nets is Fendona, which is highly dispersible in water and contains the hazardous ingredient Alpha-cypermethrin, for which there is no known antidote. The manufacturers, BASF, give notice in their priority identifier warning that it is to be kept out of reach of children; and in its secondary identifiers, warning that it is highly toxic.[viii] Nets are frequently stitched together and used to remove all age classes of fish. The increased incidence of attacks by crocodile on people and lion crossing the river in the Three-rifts, and other such unusual incidents in rivers where it was once safe to wade in the dry season, may be further evidence of massive overfishing.

The United States and the Global Business Coalition on HIV/AIDS, Tuberculosis and Malaria (now called GBCHealth) some years ago donated \$2.9 million to distribute more than 500,000 insecticide-treated mosquito nets in Zambia, saying that they would greatly reduce the number of Zambians who die from malaria – their estimate being 50,000. This figure was not substantiated. Furthermore, other agencies also distributed

nets, with the Red Cross of Canada claiming in a letter to me that the 'leakage' of nets (i.e. used for other purposes) was less than 10%.

The philanthrocapitalists Bill and Melinda Gates were interviewed by the Financial Times and claimed that malaria was down 50-60% in Zambia, Rwanda and Ethiopia. But as pointed out by William Easterly, they were quoting a dubious report by Dr. Arata Kochi for the WHO, whose report was never finalized by WHO, with its specific claims contradicted by WHO's own September 2008 World Malaria Report, which declared that the effects of malaria control in Zambia were 'less clear'. As there is virtually no data on malaria cases available in Zambia, WHO merely took a guess, precipitating an avalanche of nets, thus damaging the fishery and bringing added complications to the lives of rural people.

As I wrote in my blog of 19 October 2007, *Mossy nets and feeling good about Africa* [ix]

Any intervention into the lives of people and the environment is subject to the law of unintended consequence. In a country like Zambia, one of the best watered in Africa, and with a fishery that was once the envy of all but which is now much diminished due to the complete absence of any controls on fishing - driven as it is by an insatiable and expanding urban market for fish and bushmeat, the indiscriminate issue of three million or so mosquito nets provides a significant environmental perturbation.

In 2015, it was clear that the continuing issue of millions of chemically treated nets was having a massive impact on

freshwater and inshore marine systems. Gettleman of *The New York Times* reported on a visit to my old patch, Bangweulu, recording, along with Carl Huchzermeyer - the African Parks fisheries biologist in the region, of the invasion of nets to fish and clear out all life – not to protect people from malaria:[x]

Mr Ndefi has taken his family's supply of anti-malaria nets and sewn them together into a gigantic sieve that he uses to drag the bottom of the swamp ponds, sweeping up all sorts of life: baby catfish, banded tilapia, tiny mouth breeders, orange fish eggs, water bugs and the occasional green frog.

‘Mosquito nets,’ laments Gettleman, “Are a million dollar industry.” But this disaster is not as he suggests an unintended consequence, as others and I warned in 2007, for at the time, President Clinton was handing out awards to big business – notably Marathon Oil, for its work on malaria prevention. This ignorant action destroys the ecology of our water ecosystems and consigning to major poverty the ‘saved’ from malaria. By this time, the GBCHealth has financed the purchase of 450 million nets, smugly sitting back with their big business ‘network’ and chemical manufacturers, congratulating themselves on their humanitarianism.

Mclean reported in 2014, after a survey in seven fishing villages on Lake Tanganyika, that:[xi]

A total of 196 surveys were administered over a four-week period with a 100% response rate. Over 87% of households

surveyed have used a mosquito bed net for fishing at some point. The majority of respondents reported receiving their bed net for free (96.4%), observing “many” residents of their village using bed nets for fishing (97.4%), and noticing a subjective decrease in the fish supply over time (64.9%).

While the survey noted a 64% decline in the fishery over a few years, the fall in wild vertebrate populations in Zambia and other emergent tropical nations over the last four decades has been quantified in 2010 by the Biodiversity Convention in its Global Biodiversity Outlook 3: “The population of wild vertebrate species fell by an average of nearly one-third (31%) globally between 1970 and 2006, with the decline especially severe in the tropics (59%) and freshwater ecosystems (41%)’.[xii]

The other notable disease is HIV/Aids, a significant mortality factor in Zambia. Infected villagers are left to their own devices with no support from the chief, the government or donors, and conventional work carried out by the Church tends to be top-down palliative efforts that are not to any great extent used by villagers. An FAO study on HIV/AIDS and agriculture in 2003 revealed that 90% of those falling below the poverty line are women – most of them in rural areas. The study projected that by 2014 a million orphans would exist, placing near intolerable demands on women, particularly elderly women and young people.

Another affliction is sorcery. Three-rifts is besieged by it, the late Senior Chief Luembe once leading the way. Reports from the ‘fire of witchcraft (sorcery) chiefdom that Francis Kalunga Njobvu has set blazing in Luembe’ suggests a chiefdom severely stricken. Rumours of twisted sorcery had also spread

to Luembe's sister, Chief Mwape, in the adjacent chiefdom (a ZAWA Board member on occasion), who was allegedly set upon by villagers and beaten for failing to protect them from elephant that had killed ten people - thirteen villagers arrested as a result.

From year to year, conditions remain much the same - the villagers dealing with floods or droughts, severe animal depredations, very poor and restricted education and health facilities, a lack of motorable tracks and transport, the lack of markets for crops and honey (the people of Nyambweka have a bee project but cannot sell their produce), a people caught in a time warp where the government is to them largely irrelevant.

Women bear the brunt of the continuance of sexual cleansing where a widow is compelled to have sex with her late husband's relatives, being pestered by men even during their husbands' funerals, and their possessions are plundered on the death of their husband by his relatives. There are many more women than adult men in the villages, with the men working elsewhere as migrant labour, an unhealthy situation.

The spectre of major perturbations in the Luangwa system is at hand. The Luano Valley Uranium-Coal Project - in the Lunsemfwa Rift - comprises two licence areas, Lunsemfwa and Bulonga, and is part of an exploration agreement with Albidon Limited. The two areas cover two Albidon prospecting licences and have a combined area of 6,970 km² covering Karoo sediments. Were these to be developed, particularly for uranium, with the impossibility of curbing its pollution, this area of primary Nature would be destroyed. Then there is the sword of Damocles of hydropower dams, inevitable at the Lunsemfwa and Luangwa gorges.

The Ambo of the Luembe Chieftdom

The Luembe chieftdom falls within Nyimba District of Eastern Province, taking up all of the Luembe parts of the West Petauke GMA (west bank of the Luangwa) and its own Open Area, which in Luembe takes in all the land between the West Mvuvye National Forest to the east and down to the Luangwa, and south as far as the Mbizi Ranch boundary at Ndevu, and north to the M'nyamadzi River (the southern boundary of Munyamadzi Game Ranch). And the GMA section (Luangwa west bank) incorporates Luembe's country on the west bank of the Luangwa within that part of the West Petauke GMA lying between the Luangwa and the Lukusashi rivers, and south to the Nyalugwe Chieftdom, and north to the Chisomo Chieftdom.

Luembe forms the core of the Ambo tribe's country, which consists of five chieftdoms straddling three districts: Mkushi, Serenje and Petauke; and two provinces: Central and Eastern, with Chief Chisomo falling within Serenje, Chiefs Mwape and Luembe in Petauke, and Chief Mboshya and Senior Chief Mboroma in Mkushi. To the west, the Ambo country includes the Chifukunya Hills, to the north the South Luangwa National Park, to the south the Lunsemfwa River, and to the east some twenty km or so of the eastern bank of the Luangwa.

The Ambo are of Congolese origin (Luba), who, because of land pressure and food shortages, moved to the Luapula in the early 1800s, then into the Congo Pedicle (Bukanda), and later east into the Nsenga country, which then incorporated the Three-rifts, tarrying first on the Mlembo River. This movement was remarkably similar in time and motivation to that of the tribes to the south that spread out far and wide in the *Difaquane* diaspora – some of them, such as the Ngoni and Kololo, moving

into the territory as well. *A matrilineage of the Nyendwa clan rules the chiefdoms*, the first four originating from the founder, Kunda Mpanda, who, coming from the Mulembo River, defeated some minor Nsenga headmen (in 1902, the Nsenga – apart from Chief Mburuma – had no chiefs), and took up their territory. Mpanda was killed and buried on the Mulembo. Today the descendants of Kunda Mpanda have the honorific title of *Kankomba* (scraper of pots), the paramount chief of the Nyendwa royal clan is Senior Chief Mboroma (not to be confused with the Nsenga Chief, Mburuma).[xiii] The Ambo, in common with other Bantu, use land under usufruct:[xiv]

This “ownership’ is not only socially or administratively invested in the chief but also supernaturally. This supernatural control of the land is evident in the supernatural sanction which is administered if there is a breach of the chief’s right to land control. For a proof of this statement, reference is made to the punishment by chief’s spirits, if one were to consume the fruits of the land without making an offering of the first fruits and thanksgiving thus slighting the chief’s right (cf. Ch. XII). This belief is only a corollary of the supernatural control by the chiefs’ spirits over the land and over its produce through the control of rain.

Luembe is the senior chief of the Ambo in the Petauke/Nyimba area, forming a closely-knit political unit with the Mwape Chiefdom - a chiefdom inherited in the female line and supplying a son for the Luembe seat. On the death of an Ambo chief, the successor is selected from the surviving matrikin (family on the female side). In the case of Luembe, on his

death or impeachment, his successor is supposed to be from the senior sister's Mwape lineage – a chief subordinate to Luembe. A candidate for an Ambo chieftainship from a minor matrilineage is inconceivable, yet this is what Chief Mwape foisted on Luembe. The selection of a chief is supposed to be primarily by people of the land since village headmen acting as councillors, *mpemba*, either accept the proposed heir or pass over in favour of a man of more equitable temperament and greater ability from the family on the female side.

At the end of May 2008, the House of Chiefs conducted a two-day inquiry at Kalanshya School in Luembe. Six chiefs interviewed Senior Chief Luembe, the community and the other family line headed by Develias Besa Phiri – the legitimate chief. In October of 2008, the House of Chiefs reported as follows:

The late Senior Chief Luembe (by name, European Chibuye) – deceased 1990 - had appointed Develias Besa Phiri to take over from him as Senior Chief Luembe upon his death and had requested Phiri, a teacher, to be transferred to a nearby school so that he could groom him for the chieftaincy, the Ministry of Education complying with the request. On his death, the chieftaincy was passed by Chieftainess Mwape to her son, Francis Kalunga Njobvu, who has been acting chief since 1991, though his appointment having not been recognized by government. In 2005 the House of Chiefs removed Njobvu's stamp as acting Senior Chief Luembe. The Nyimba District Council had failed to safeguard important documents in the wrangle, many having gone missing.

The House then recommended that the original arrangement whereby the lineage of the senior sister succeeded to the Luembe chieftainship and the junior sisters' lineage succeeded to the Mwape chieftainship should be maintained; and that the family of Develias Besa Phiri from the senior sister should select a person to succeed to the Luembe seat; and that Chief Mwape should only play an advisory role in matters concerning succession to Luembe.

In March of 2009, President Banda took the advice of the House of Chiefs and gave orders for the removal of Francis Kalunga Njobvu as chief, confirmed by a notice in the Government Gazette. The inauguration of Develias Besa Phiri as the new Senior Chief Luembe was expected in July 2009, but political machinations continued to tamper with traditional processes, the Nyimba District Commissioner, having formed a liaison with Chief Mwape, Luembe's sister, being removed after numerous complaints that he was delaying the inauguration. In November, Banda re-appointed Francis Njobvu as Senior Chief Luembe. The family of Develias Phiri then made a legal declaration on the matter but made no progress under Banda, nor Sata or Lungu by early 2019.

Isolated villages

In 2005, while on safari with a client, I found about 1,500 people living there under four headmen. As there was no store, people had to walk 12 km to buy salt and soap. There was no health centre. The education scenario was equally grim: the

school consisting of 120 children taught in two classrooms, with four teachers grappling with seven grades, the teachers paid by our company Mbeza Safaris until our removal three years later. There were no government teachers, no pit latrines, no windows and no desks, paper, pens or seats, and the nearest potable water was four km away. The parents had no money to improve the situation. The closest clinic was eight km away on the west bank of the Lukusashi at the Chingombe Rural Health Centre. Very ill patients had to be carried there - this with great difficulty in the rainy season with the river high from November to May and with crocodile attacks frequent. Malaria is prevalent, and HIV/AIDS and tuberculosis, with no sensitization program ever conducted in the area. Deaths are ascribed to sorcery.

Not that it mattered much to these villagers living deep in the bush, untouched by their government; in 2009, it was found that the Ministry of Health had stolen \$7.7 million of donor funds – some linked organizations in the health sector, \$11.6 million, the donors cancelling their contributions. The government admitted the scam and paid back \$1.7 million. The health sector has yet to recover. Those responsible were found not guilty of their crimes, such being the web that patronage spins.

Food crops planted by villagers on the rich alluvium are prone to flooding. Thus food security is based on bush fruits and sorghum, rice, millet, sweet potatoes, groundnuts, pumpkins, cassava and two crops of maize a year. Chitemene (swiddening) agriculture supplements riverine agriculture, much reliance being placed on the alluvium. Baboon, monkeys and buffalo are the main raiding animals. As most fields are on the river, the maize cobs have to be carried out on flooded paths with the villages located a few km away, then shelled and carried

for three to four days to market. There are no boreholes, no hammer mills, and no extension officers – though I sent one village leader on a conservation farming course - and the government rarely visits. And there was no record of an MP's visit.

The area, rich in wildlife, is an open-access area plundered by bushmeat gangs from the Great East Road, poachers whom villagers greatly fear. In 2003 in the Luembe, we had received reports from our community resource board (CRB) contact in the area, Boniface Zulu, that there were a few rhino in the hills. Brendan went off on a long foot *ulendo* but was unable to find any sign of them.[xv] Had I expressed an interest in whales, the reaction would have been the same.

The other residents of the GMA are the people living on the east bank of the Luangwa on the Chisanga River - the villagers of Chitumbi and Mushalira, people considerably better off than residents of Mbilisao.[xvi] In 2006, they had a large but decrepit school, a health clinic, a Flying Doctor airstrip, a school in which there are two government teachers and, for a time, an additional two paid for by Mbeza, though the headmaster is absent two weeks out of four collecting the pay from Petauke. There was one ZAWA game camp, Chisinga, which at the time of our operation of safaris in 2005-2006 was an outpost of the ZAWA/SLAMU criminal poaching syndicate. There were three ZAWA camps in Luembe: Chisanga, Ndevu and Kalanshya (recently torched by angry villagers) with nine CRB scouts, five assistants, three ferrymen and a bookkeeper, all of whom in 2008 were owed an average of 14 months salary by ZAWA. They are still owed money.

The Nyimba Open Area on the eastern side of the Luangwa is easily accessible from Nyimba town; the villagers better off

than their fellows on the Luangwa, and certainly very much so when compared with Mbilisao. There are a few villages along the Luangwa (Nyambweka) and near Kalanshya further inland. Children must walk eight kilometres daily through lion and elephant to the Ambo school near the chief's HQ. This school at the time had 350 pupils, few teacher houses, no lavatories for the pupils, yet better off than Chitumbi and Mbilisao. The nearby Chalubilo Clinic had one nurse and three untrained assistants. Further down the road towards Nyimba from Senior Chief Luembe's HQ are a series of villages served by the Chinambi Clinic and the Chinambi Basic School. Most of the agricultural activity in the area takes place along the road connecting the chief's HQ with Nyimba, served for a time in 2005 by a truck-taxi service.

Nyalugwe

The area that Chief Nyalugwe controls to the south of Luembe should have been the chiefdom of Chief Chitambo, a Nyendwa clan member. However, in colonial days the Provincial Administration appointed a Chikunda elephant hunter, Nyalugwe, as chief. The Chikunda were formed due to the slaving activities from the 1880s of the Goanese *prazo* land-holders of the Zambezi Valley. The Goanese captured slaves for their estates and commanded a mixed force of slaves, ex-slaves and mercenaries called the Chikunda, whom they then formed into raiding companies and set loose in search of slaves and ivory. The Chikunda subsequently operated as mercenaries for hire to the Luangwa Valley chiefs. They were mightily feared, and one of them, Matakanya, was still recalled with dread in the Mfuwe

area of the mid-Luangwa eighty years or so later. By 1902 the Chikunda had attained tribal status, being found scattered amongst the Nsenga they had raided in the past, with Nyalugwe being a major stronghold.

There are six basic government schools in Nyalugwe: Nyalugwe, Muchamadzi, Mombe, Mkoma, Unyanya, and Kasansamula; and four community schools: Nyamwalika, Mkoma (GMA), Ucha and Chimilala. A secondary school was built at Mombe. Most of the existing schools were built before independence (1964). According to the registers, attendance is good, probably because the government provides some financial grants. For grade one, the government introduced a curriculum to ensure pupils can read and write in the vernaculars of Nyanja, Bemba, Lozi, Tonga, Kaonde and Luvale. Most of the schools lack staff housing - one of the main reasons teachers are reluctant to serve in rural areas, although the late or total failure to pay hardship allowances is another.

Chitemene in Nyalugwe is followed widely along traditional lines. By 2006, no agricultural extension officer had visited for four years. Wildlife crop damage remains a critical factor in limiting yields. One study confirmed that where there are active village scouts, the damage is greater as there is more wildlife.[xvii] During times of drought, food relief is usually supplied, the NGO ARDRA for a time providing cooked wheat and maize. The COMACO project assists with rice production.

The chieftdom is served by two health clinics: Nyalugwe and Kachalola. The former is at the chief's HQ, 23 km from the Great East Road, and the latter 500 metres from the road. At each clinic, there should be four employees present: a clinical officer, nurse, cleaner and a watchman, but in 2007 only two of these were in place. Malaria remains the main

problem due to a shortage of drugs, particularly for the under-fives. ARDRA abandoned ten health posts after a three-year project. With the PF government removing primary health care from the Ministry of Health and placing it under the Ministry of Community Development, it remains to be seen whether matters will improve.

There are ZAWA game camps at Kasolo, Mulilanama and Fundo, with a ZAWA scout in charge and manned by nine CRB scouts and four assistants, and one bookkeeper. They are likely all owed salaries, the pension payments of DNPW officers almost certainly unpaid as well.

[i] Savory, Allan, and Jody Butterfield. "A New Framework for Management and Decision Making." *Holistic Management*. 2nd ed. Washington, D.C.: Island, 1999.

[ii] Trapnell, C.G. *The Soils, Vegetation and Agriculture of North-Eastern Rhodesia: report of the ecological survey*. Lusaka: Government Printer of Northern Rhodesia, 1943. pp.1-146.

[iii] Savory. A New Framework. 1999.

[iv] Musambachime, Mwelwa C., Colonialism and the environment in Zambia, 1890-1964. In "Guardians in Their Time: Experiences of Zambians under Colonial Rule, 1890-1964. Ed. Samuel N. Chipungu. London: Macmillan, 1992. pp.14-15.

[v] Watmore, H.A. Petauke Tour Report No 2/1935, Annexure 3. Petauke District Notebook. 1935.

[vi] Manning, I.P.A. "Think Again America..." Zambia Con-

servation. I.P.A. Manning, 25 Aug. 2007. Web. 11 Apr. 2017. <http://zambiaconservation.blogspot.ca/2007/08/think-again-america.html>

[vii] Manning, I.P.A. "Mossy Nets and Feeling Good about Africa." Zambia Conservation. 19 Oct. 2007. Web. 14 April 2017. <http://zambiaconservation.blogspot.ca/2007/10/mossy-nets-and-feeling-good-about.html>

[viii] Fendona. Web. 14 April 2017. <http://www.Web.citation.org/5nIClYJDH>

[ix] Manning. Mossy Nets. 2007.

[x] Gettleman, Jeffrey. "Meant to Keep Malaria Out, Mosquito Nets Are Used to Haul Fish In." *The New York Times*. The New York Times, 24 Jan. 2015. Web. 11 Apr. 2017. https://www.nytimes.com/2015/01/25/world/africa/mosquito-nets-for-malaria-spawn-new-epidemic-overfishing.html?_r=0

[xi] McLean, Kate A. et al. "Fishing with Bed Nets on Lake Tanganyika: A Randomized Survey." *Malaria Journal*. 7 Oct. 2014. Web. 9 Apr. 2017. <<http://www.malariajournal.com/content/13/1/395>>.

[xii] "Global Biodiversity Outlook 3: Biodiversity in 2010." Convention on Biological Diversity, 1 Jan. 2010. Web. 9 Apr. 2017. <https://www.cbd.int/gbo3/?pub=6667§ion=6691>

[xiii] Stefaniszyn, B. *The Ambo of Northern Rhodesia*. Johannesburg: Unpublished Ph.D. Thesis, the U of Witwatersrand, 1956.

[xiv] Stefaniszyn. *The Ambo*. Web. 26 Jan. 2019. p. 353 https://drive.google.com/file/d/0B0sCBiNNeEh_M2RqRDZlMnhOSXc/view?usp=sharing

[xv] "Brendan Manning, headman, Boniface Zulu, ?, at Mbilisao, 2004." Web. 14 Apr. 2017. <https://docs.google.com/document/d/1mOD-48uvu9S5X1vzb6xP3zO0Ktcf7Xvy34WC2r6t>

mO0/edit?usp=sharing

[xvi] Manning, I.P.A. "People of Luembe....waiting!" Zambia Conservation. 30 July 2006. Web. 11 Apr. 2017. <http://zambiaconservation.blogspot.ca/2006/07/people-of-luembewaiting.html>

[xvii] Fernandez A, Richardson RB, Tschirley DL, Tembo G. Wildlife conservation in Zambia: Impacts on rural household welfare. Michigan State University: Food Security Collaborative Working Papers. 2010. Web 18 Jan. 2018. <http://ageconse.arch.umn.edu/bitstream/55053/2/wp41.pdf>

ZAWA/SLAMU Poaching Gang

Three-rifts villagers - bushmeat - game country - Peter Nyalugwe notes - game impact on villagers - MP Nguni complains about ZAWA - animal/villager conflict study - I catch ZAWA poaching (2005) - ZAWA elephant poaching - Malcolm King and I catch ZAWA poaching (2007) - justice denied - Reg Gray found with ivory and jailed - headmen complain about poaching - Peter Nyalugwe reports - Marks writes of high rates of incarceration of villagers - the Disaster Management Unit (DMU) - minister of tourism ignorance (2012) - more on villager killed, body covered up - villagers burn ZAWA camp - chiefs complain about poaching (2013) - anarchy reigns - Zambia Airforce implicated

Mr President, Mr Michelson, Manning and Guy Scott of PF are working against my ruling MMD and new deal government. How can I have such type of people in my chiefdom? Kindly Mr President, come to my aid and deport these people.

Chief Nyalugwe – The Post Newspaper 21 June 2006

Ultimately many land grabs will play out according to the ability of local communities to mobilise and represent their interests using accountable elected officials and accessible judicial institutions. Such mobilizations are widespread, inevitably, but often thwarted by the unaccountable governance structures prevalent in much of Africa, and the inaccessibility of judicial remedies.

Fred Nelson et al - Land Grabbing and Political Transformation in Tanzania 2012

* * *

Three-rifts ecology

Since they arrived in Three-rifts, people have eaten a wide variety of insects, birds, mammals and fish, using an equally varied means of capturing or killing what they hunt. Residents tend not to eat any animal with claws, hares, lemurs, ratels, or mongoose, though they eat monkeys, and some baboon. Unlike the Kunda people further up the Luangwa, they also eat hippo. Subsistence bushmeat hunting is not a factor in the depletion of the animals supported on customary area, but rather the failure of government to monitor hunting and fishing licences issued by them and the Fisheries Department to citizen non-residents (who simply keep killing animals on the same licence), the overshooting of lion and hippo under the hunting-safari system, and the serious plunder by themselves and commercial

gangs for bushmeat and ivory.

All of Three-rifts is good game country, though depleted. Most of the human settlement is in the more accessible Open Area on the east bank of the Luangwa. The west bank, in Luembe and Nyalugwe's country, is taken up by the West Petauke GMA, classified once as a prime hunting-safari area, but in reality much plundered - although holding out promise for a return to its former status if the political ecology is addressed.

West Petauke is one of the few GMAs that does not adjoin a national park and is therefore at a disadvantage in not receiving a steady flow of wildlife immigration. It carries most of the common Luangwa species, except wildebeest, and it likely contained some of the last native black rhino in Zambia. However, as mentioned before, the strong reports of their presence set us off on the project proposal route, later discontinued when it was clear we were set up for a harvesting opportunity.^[i] Elephant are now rare visitors to the Lukusashi River due to poaching, though they are common on the Luangwa. Buffalo numbers are much reduced, their behaviour in going hard downwind of hunters evidence of severe predation by man. Hippo – particularly alpha males – have also been greatly reduced by poachers and hunters, as have adult male lion. All other species are depleted due to poaching and excessive fires, particularly the grazers. But despite the depletion, people still suffer attacks on body and home. Our Nyalugwe Chiefdom liaison officer, Peter Nyalugwe (d. 2011), brother of Chief Nyalugwe, reported to me that:

In our Nyalugwe chiefdom in the Eastern Province

of Zambia, our people suffer from animal attacks on people and crop damage. Complaints are not attended to by ZAWA wildlife officers and village scouts of our community resource board. Elephants, wildpigs, baboons are the most notorious animals to crop damage. One day a baboon walked away with a 25 kg bag of mielie meal to the bush thinking that was maize while chasing the other flock of the mammals. This happened at the Kasolo streams in my brother's (Chief Nyalugwe) chiefdom. I witnessed this incident. During the 2006 and 2007 farming season, none of the villagers had tasted a mango fruit because of the very notorious animals. Elephants again terrorized villagers from their granaries in search of food. There are two big bulls which have brought havoc to the Nyalugwe community, i.e. starting from the villages called Chamilala, Kasansamula, Nkondasoka, Kasolo gardens, Nyalugwe Palace, Kautukilo, Mzenje, Mankomba, Chilinga Gardens. The community around the Nyalugwe palace never sleep in their house, when the sun sets, partial darkness, i.e. around 1800 hrs, the very elephants arrive then they sleep. This time the beating of drums and all sorts of irregular noise prevails, i.e. chasing them away. Meanwhile ZAWA office of Nyimba sector have brought some bags of chilly for making buffer fences which another process of chasing them away from the community. A named resident of Mankhomba village was attacked (Astone Daka) around 0400 hrs whilst trying to sleep in his house thinking that the elephants have gone away which resulted in drama situation of him and the wife came out in Adam suit. The very animals abruptly damaged his house due to the maize smell in their house.

The couple were assisted with their neighbours to dress themselves. Another incident happened at Miss Lineli Mumba of the next village named Mzenje was equally the same. On the same day of 18 March 2007 this matter was reported to ZAWA Nyimba sector but no action has taken place. There is also the increase in the killing of elephant for ivory. From observations, this is caused by poverty, corruption, availability of illegal weapons and lack of enforcement resources. To this regard you will found a village scout going for patrol without a uniform, boots, and a bag. Carrying their rations. This has made no different with civilians or villagers. They carry with them weapons for controlling the situation. I appeal to the responsible authorities to motivate scouts with full kit as proper officers on duty. Meanwhile, the office of the Vice President through the District Commissioner of Nyimba district has assisted the community with some relief food, i.e. maize and wheat which being distributed by ADRA. Remember, ZAWA doesn't compensate affected victims, even though it is their animals which damage our land and property. An elephant bull was killed near the Chilinga reserve a few days ago by five villagers. ZAWA recovered some meat but the ivories have gone.

The problem of damage to life and property by wildlife - given increased human populations and government incapacity - is poorly attended to, leaving villagers exposed and subject to greater food insecurity, made worse by the refusal of government to pay compensation for wildlife crop damage on the pretext that it is not covered in the Wildlife Act. This major factor in rural poverty where populations of wildlife

exist - is not even mentioned in Zambia's poverty reduction strategy. However, the land tenure expert Professor Mvunga believes that the state as the 'owner' of wildlife being supported on customary area is liable to pay compensation for losses incurred through legal precedent under English common law. The logical effect of this should be to persuade the state that devolution in respect of wildlife ownership is inevitable.

In the Three-rifts, as elsewhere in Zambia, there is an uneven, though a mutually parasitic relationship between wildlife and people; the one preying on the other, and in turn, being supported. This relationship was altered by the British occupation and the inherited template of Westminster government that Africans continued with after decolonization, with restrictions on hunting certain species being imposed and restrictions on land settlement. However, from the 1930s it was recognized that in certain areas large populations of elephant threatened villagers' food security, with action being taken in the form of the Game & Tsetse Control Department, eventually evolving into a highly centralized quango (ZAWA) where income generation predominates over villager protection. On 30 November 1936, the Chief Luembe had written to the acting Governor thanking him for the assistance rendered by the elephant control officers.

The fact is that animal impacts on villagers are a highly emotive issue, as revealed by MP Nguni for Chama South in his speech to the Ninth Assembly on 5 December 2002:

Mr Speaker, ZAWA goes into rural areas to cheat the people that the wildlife belongs to the nation and not

local people, when, in fact, it is not true. They collect, for example, money through licences for hunting. They eat even the little portion they allocate for the local people, leaving hopeless people exposed. How will the local people understand the value of the inconvenience they sustain from wildlife that loots their fields? I can rest assure that one of these fine days, they will shut the doors to ZAWA in rural areas so that, maybe, we can deliberately deplete those animals because we do not see economic benefits from the inconvenience of an elephant coming to gore somebody. I have not seen the advantages of keeping lions that are going to eat people and if you kill it, you are going to be hanged. They are using the most primitive methods of torture. Mr Speaker, the situation that exists on the sharing of the portions of revenue generated from wildlife leaves much to be desired. If K1 billion has been generated, 20% goes to the rural area and 80% remains with ZAWA. ZAWA does not provide any social facilities in the rural areas. They claim that they own the wildlife, people walk in footpaths at the risk of snakes, lions and buffaloes which we are not allowed to kill. When people die, they do not respond. On the contrary, when an elephant dies, they come in huge numbers. We cannot accept that kind of situation.

In Three-rifts villagers are prone to attack by hippo, crocodile, lion, elephant and buffalo. In 2008 the local political official at Chitumbi was killed and eaten by a pride of lion while on his way back there from the river where he had gone to collect meat from a hippo killed by ZAWA. In the dry season of 2006

our company Mbeza Safaris funded a study of animal-human conflicts in the Open Area/GMA interface on the Luangwa River and within Luembe.[ii] In the Nyambweka, Musharira and Chitumbi villages it was confirmed that damage to crops and fruit trees was caused by hippo, elephant, baboon, bushpig and porcupine, with the villagers inland in the Open Area suffering damage from bushpig, baboon and porcupine.

ZAWA/SLAMU poaching

While conducting our safari operations, I discovered that the Three-rifts and the mid-Zambezi were besieged by criminals seeking ivory and bushmeat. Many villagers had no option but to participate. Falling within the South Luangwa Management Unit of ZAWA (SLAMU), poaching gangs included CRB scouts and their supervisory SLAMU scouts, operating with the tacit support of the ZAWA hierarchy, the Zambia Police and their paramilitary, and with other links in the patronage chain in support. Since the extermination of the rhino, the principal animals targeted by those with firearms are buffalo, hippo and elephant. The smaller game is set upon by waves of poachers using snares. In instances where scouts are caught red-handed, they are rarely prosecuted. The meat from these animals is carried to Rufunsa and Lukwipa on the Great East Road and there sold openly in the market. ZAWA sells its game meat in Nyimba; much of it is also used locally to purchase favours or villagers' labour. The ivory, as already established, follows the traditional route through Malawi and on to one of Singapore, Manila, Hong Kong, Taiwan and eventually, Japan and China. For over 40 years Zambia has been in the grip of patronage

harvesting by the very people supposed to protect wildlife.

In 2005 I caught Luembe scouts poaching sent out by Senior Chief Luembe (Francis Njobvu) to get meat for him. SLAMU's Area Warden, Mushimbalume, failed to reply to my report detailing his officers' involvement in the elephant and bushmeat poaching ring. No attempts to prosecute those responsible was made.

On 12 November 2006, with the hunting season closed, a matriarchal herd of elephants was attacked a few kilometres from our Malone safari camp – a camp named after my great friend and first ever hunting-safari client John Malone M.D. of Milwaukee.

An adult female and a juvenile killed, and two others wounded.[iii] Twenty-three shots were heard between 0800 and 1100 hrs. Later, two ZAWA scouts appeared at Malone and requested transport from my camp-in-charge, David Chilubula – a police reservist, saying that an AK47 wielding poacher, accompanied by seven unarmed meat carriers, had killed some elephant. Chilubula drove them inland for some three km to where four other ZAWA scouts were waiting. Nearby lay two elephant, their tusks removed and much of their flesh. Clothing, bedding, food and pots lay nearby. Pointing out some vulture-laden trees in the distance, Chilubula was told that there was probably another dead elephant there. They did not comment. The six scouts, armed with AK47's, issued a trumped-up tale that their Ndevu camp i/c Benson Mwale had heard shots and had then sent someone on foot to another camp, Kalanshya – some 15 km away, for reinforcements. Then much later in the day, after scouts from Kalanshya had arrived on foot, the six armed scouts walked in the direction of the shots, eventually coming – so they said - on a gang of eight,

who then ran away. Firing a few shots in the air, they then settled down to cut off as much meat as possible, the ZAWA scouts in charge of the two anti-poaching camps, Mbo and Mwale, walking to Malone camp to request transport. A full load of meat was then delivered to the river crossing point at the nearby Ndevu camp (where early that morning a fisherman, Gandi, had seen people drawing water). The scouts explained that local villagers could not have the meat as it was needed in the nearby town of Nyimba and that they were waiting for their boss. When Collins Chibeka, the ZAWA Officer-in-Charge and gang leader arrived, he recovered one bag of meat, another nine having disappeared.[iv]

On 14 November 2006, two drunk ZAWA scouts were seen on the Ndevu-Nyimba road, and two days later seen drinking again in the morning in a nearby village. Two weeks earlier an elephant had been killed in the same area and the ivory removed. When we were investigating two other cases of poaching, one of a buffalo killed by a CRB scout, another of an ex-scout found in full uniform and hunting a hippo with a muzzleloader.

On 29 November four armed ZAWA scouts, two from Nyimba, and two from nearby Ndevu (one officer called Siliya) came to Malone. Here they washed, rested and cooked a meal, then left camp. The following morning many shots were heard in the direction they had taken. Later in the day David Chilubula went to the river and was told by fishermen that they had seen some men running away. Chilubula then left for Lusaka and when passing through Nyimba, saw Collins Chibeka, who said he would be going to Ndevu camp on 5 December to collect his officers – and doubtless the meat. He complained of missing meat from the previous incident. The Nyimba police refused to investigate our complaints, declaring

that it was a matter for ZAWA.

In early April 2007, the rains over, ten people were arrested at Luangwa Bridge on a lorry as they attempted to smuggle elephant meat and four tusks through to Lusaka. Alerted by a Nyalugwe CRB member, in whose country the two elephant had been poached, paramilitary police arrested the group, delivered some impromptu corporal punishment, then released the driver and the lorry and sent the poachers to Nyimba town jail. Two hunting rifles (.375 and 30.06), a shotgun and a muzzleloader were confiscated. The poaching group had come from Lukwipa. One of the poachers was a teacher, the other the dispensary assistant. This continuing onslaught on elephant has the unfortunate effect of forcing them to take refuge around villages where they attack grain bins and villagers.

Reports were also received at the time of an attack by poachers on personnel looking after a safari lodge at Mushika in the Lower Zambezi National Park. In the adjoining Rufunsa GMA, a ZAWA scout poached a kudu, calling in his friends on his cell phone. The lodge at Mushika - now called Ana Tree Lodge, owned by Yousuf Zumla and Charles Davey, the latter a friend of Mugabe's, his daughter, the girl-friend of the Queen of England's grandson, Harry. The Mushika River's watershed is the proposed Kangaluwi Copper Mine.

At midday on the 24 June 2007, I and my friend of many years from Cedara Agriculture College, and game harvesting days in Rhodesia, Malcolm King, cut human tracks in the bed of the Ilinda stream. Looking south, I saw a wisp of blue smoke rising in front of a small thicket; then turning north, I found myself staring at a man armed with a military weapon standing a hundred yards away; a lean and sallow-complexioned man dressed in the familiar shirt worn by ZAWA

scouts. Unhurriedly he moved out of sight. I immediately sent two trackers after him, unaware that they had seen a second man, similarly armed, running away. I then walked towards the smoke and found a newly dismembered impala ram and meat being smoked over a fire and boiling away in two pots. Scattered about were the boots and familiar apparel of ZAWA scouts.



ZAWA poached impala

Ten minutes later, my men brought the ZAWA scout in charge of the Kalanshya game camp, Joseph Mbo, to me.[v] He knew who I was, having attended my meetings with the chief.



Senior Chief Luembe, and second from right, Game Scout Mbo

His story was a familiar one: they had come on poachers with newly killed animals, had fired a few shots in the air while giving chase, and had then started to prepare the meat so that it could be collected for consumption by villagers. It was a perfect alibi, as the absence of a bullet would make it well nigh impossible to prosecute the scouts. Without being pressed, Mbo happily divulged the names of his group: Daniel Daka and Frackson Phiri from Nyimba, and Ackson Phiri and Josephat Walya - hailing from Kalanshya. Mbo, in calm and unhurried fashion, said that they had come on the poachers the previous day. The impala ram had been killed but a few hours before, fresh blood

mantling the leaves where it lay. Disarming Mbo, I gave orders for the camp to be packed up and loaded on my vehicle and then returned to Malone camp.[vi]



The following morning I drove to Nyimba town on the Great East Road. Halfway along this track, a man suddenly jumped from behind a hut and into the road, flagging us down, he being none other than the head of the Nyimba poaching gang,

the ZAWA Sector-in-Charge, Collins Chibeka. Loading him and his bark-wrapped bundle of fish or meat, perhaps both, we drove to the Nyimba Police Station where the Criminal Investigation Division (CID) spent some hours interrogating us, declaring that our chances of jailing the gang were slim. Japher Mbewe, my newly qualified prosecutor, agreed.[vii] [viii] I tried to remember where I had read that on occasion that the weight of circumstantial evidence could far outweigh direct evidence. Outside the police station, I looked for Chibeka, but his bundle of meat had already been spirited away. Despondent, I drove back to the Luangwa with Mbo and my main witness, Sylvester, stopping at the Ndevu game camp where Mbo said we would find the other officers who had accompanied him under his command. There we found Phiri and Walya, the former a CRB scout employed by the Luembe CRB, the man who had run away, and Walya, who had left his trousers hanging on the tree in the poaching camp. I then dropped them off on the way to my camp, discovering later that they had left two AK47s in the car. For a short time only, the CRB suspended their guilty Village scouts.[ix] The Luembe Headmen Traditional Committee even took the unprecedented step of complaining to ZAWA about the corruption.[x]

The poaching activities of CRB scouts – usually illiterate villagers employed without the shield of the normal requirements of the labour laws, explains the contents of a letter sent by Andrew Nkhoma, the SLAMU community-liaison officer in Nyimba, to his ZAWA HQ, in which he revealed that forty-four former and current CRB scouts, bookkeepers and boatmen had not been paid for an average of fourteen months, with some former scouts being owed money for three years.

With the private sector constantly being excoriated for not

abiding by the labour laws, ZAWA continues with an entrenched system of staff recruitment introduced by ADMADE, a system whereby classified employees are taken on as CRB Scouts without being subject to the labour laws, paying villagers without the necessary civil service required qualifications, paying them far less than civil servants, and without the need for pension or tax payments, or terminal benefits.[xi]

In June 2007, ZAWA raided the house belonging to the former FDD MP for Nyimba, Lloyd Gray, and confiscated 24 tusks. A woman who had been trying to sell the tusks to a ZAWA officer and who had received a down payment of K7 million was held in custody. Lloyd's brother Reg let it be known that an additional tonne of ivory was available for sale. On 18 July, Reg Gray was sentenced to five years hard labour, signalling a failure in his relationship with the 'clientelism' patronage system.[xii]

A few days later, the Nyalugwe CRB let it slip that on the orders of Collins Chibeka, they had sent a meat hunting patrol to the Lower Zambezi National Park. In early July, I received a report from my field workers busy clearing tracks - relayed to the chairman of the Luembe CRB, that they had discovered a fresh elephant carcass on the Ilinda stream where we had found the two poached impala, and that more dead elephant were to be discovered. On 3 July, my team of workers on the Ilinda were approached by one of ten poachers who offered my staff the elephant meat (they had already removed the ivory). I notified ZAWA's SLAMU Unit at Mfuwe and then provided a vehicle to help transport an anti-poaching unit into the field. It returned without making any arrests.

On 3 July 2007, the Luembe Headmen's Traditional Committee secretary wrote in outrage to the DG of ZAWA, saying that

nothing was being done about the poaching of elephant and other game. In particular, he produced proof of the involvement of ZAWA scout Ben Mwale in the killing of two elephant and Collins Chibeka for collecting bags of meat and taking them to Lusaka. He also supplied an affidavit signed by 27 men and women, admitting that they had worked in Ben Mwale's fields in return for elephant meat.[xiii] The committee received no reply, and Mwale, Mbo and Chibeka were not suspended or prosecuted. A few months later, Ben Mwale was given a pair of tusks recovered from an elephant by the fisherman, Gandi, the latter complaining that he had not been rewarded for doing so, nor were the tusks sent into the Nyimba SLAMU office.

In early August came news from Luembe that ZAWA scouts from Mfuwe were currently in the area investigating the crime syndicate being operated by themselves. In mid-August, a visitor to the Nyalugwe Open Area heard shots fired across the Luangwa River in the Nyalugwe section of the West Petauke GMA. On 15 August, a Nyalugwe CRB scout, Davy Zulu, was found in possession of a pair of tusks. Seven days later, Zulu and his wife appeared in the Local Court in Nyimba and were each sentenced to five years in prison; she, along with her young child! Peter Nyalugwe sent me a report of more plunder:[xiv]

Met one of the village scouts at Kasolo camp and told me about a suspect who was caught with an illegal muzzle-loader at Nyalugwe village hanging in his verandah. The man is Yesaya Lungu who appeared in court last Friday 17, 2007. I haven't heard the ruling. ZAWA also in the same week on 19 August caught three men selling game meat on the Great East Road at Saulo Village. The quota

setting meeting on 26 July 07 heard complaints that the monitoring officers (village scouts) sent by ZAWA to check on hunters coming to hunt in Nyalugwe from other parts of Zambia (urban dwellers) were corrupting these same officers – and shooting more animals than on licence. As most village scouts cannot read or write they cannot do the job very well. The negative point of it is they have the immunity on the ZAWA Wildlife Act No 12 of 1998 section 118 part xiii which whatever they can practice will be protected. I don't know what proper evidence can we take.

As I wrote at the time in a blog:[xv]

Daka was aware that ZAWA personnel and CRB scouts were engaged in their normal activity of killing animals and preparing them for collection by the Nyimba ZAWA office. Why did he not go and investigate the presence of such a large gang in the area? After all, they were his own staff. And once again village scouts are unpaid and therefore help themselves under the eager ZAWA meat syndicate. And what of the rural poor? Well they now have increased hunting licence fees, are refused game harvesting rights as is allowed under the Wildlife Act of 1998, are assaulted and hauled off to a prison unfit for decent people who simply are trying to survive, and have to stand by and watch while the government officials kill the very animals living on their traditional land, animals they are supposed to protect. And what can Mbeza do, the company whom

Chief Nyalugwe, with the help of Indian businessmen, tried to have removed from his area simply because it had seen to it that no more customary area was stolen from the community and sold off for 99 years? Not much. Jealousy is poison.

At the same time, Stuarts Marks was paying a visit to his 50-year stamping ground in Chief Nabwalya'a country in the Munyamadzi corridor – that wonderful bit of country lying between the two Luangwa parks.[xvi] There, he interviewed 525 villagers, most of whom

Related a continuing decline in their household welfare, including reduced food and personal security, and complaints of insufficient and skewed employment opportunities. Also over a third (38%) volunteered details that either they or a close relative had been arrested, beaten, or jailed for a recent wildlife violation.[xvii]

On 24 August, I received a report from Peter Nyalugwe that he had met with the camp-in-charge, Whyson Daka, and had inquired about the many shots he had heard coming from the hunting block. Daka mentioned that ZAWA scouts fired the shots and that they were "Chasing away the elephants from crop-raiding in the GMA residents fields." Peter asked him who was patrolling. He had no answer. This same Daka left for Nyimba to hand over an old man called Zuwua Ibale from Fundo Village, caught with snares and some game meat (for his use) on the Lunsemfwa. He had been beaten and had a very swollen eye. Daka was aware that scouts were killing game and preparing the meat for collection by Collins Chibeka.

In October 2007, a large gang of poachers invaded the Nyalugwe hunting block and Open Area. Three elephants were killed near the Chilinga villages. The villagers rushed to cut out the meat. While they were skinning the elephant, the mob of poachers came and enquired of the whereabouts of the CRB scout, Abiya Daka, the only one of the CRB scouts in the area – the rest having been sent on a training course to the Nyamaluma Institute of CBNRM.



In the same month, Peter Nyalugwe interviewed a fisherman, Langizulu, who reported coming on the machine-gun-toting gang of poachers – none of whom he recognized, while he was a km or so from the carcasses' of a bull elephant busily

being stripped by villagers under the supervision of Chief Nyalugwe.[xviii] [xix] The poachers were obviously wary of trying to recover the ivory while the chief was there. Later in the Chilinga Reserve, Peter came on a ZAWA patrol that included the notorious Joseph Mbo whom I had caught poaching earlier in the year and who had merely been transferred from his former camp, Kalanshya, to Nyimba. Present also were Frank Mwaza, Chitambo, and Perry Daka. The regional ZAWA headquarters had sent them to Mfuwe due to a report Peter had sent through to me and which I had forwarded to them. In the best smoke and mirrors tradition, they stayed one week, then left. Patrols, in general, rarely stayed for longer than a week, the area ineffectively protected by one ZAWA scout at Kasolo camp, one CRB scout and one ZAWA scout at Mulilanama camp, and in the remaining camp, Fundu, one ZAWA scout and two CRB scouts.

In April 2006, at the request of Chiefs Nyalugwe and Luembe, I met with the Disaster Management Unit (DMU) in the Office of the Vice-President to determine why food relief had not been forthcoming for the villagers in the West Petauke GMA hard hit by animal depredations and flooding of villages and crop lands. The investigation revealed that money had been released to agents – the Adventist Development and Relief Agency International (ARDRA) - in January but that they had not yet delivered the food. The army then promised to do so. Also, undertakings were given to villagers by the DMU and ZAWA in March 2005 that they would empower some community members and professional hunters to undertake crop protection; these promises were not kept. I had assisted the Director of Conservation in ZAWA at that time (Lewis Saiwana) in providing guard training guidelines - written by

Barry Shenton in Northern Rhodesia days.[xx] Later, some professional safari-hunters assisted briefly with the actual training of control guards.

On 20 September 2009, Peter Siyani, a resident of Chinambi Village in Senior Chief Luembe's country, was shot and wounded, then followed up and killed by a ZAWA game scout from the nearby Kalanshya camp.[xxi] His body was covered with branches somewhere between the Uмба and Utope streams, found later by villagers who in retaliation burnt Kalanshya to the ground. The police and paramilitary from Nyimba were summoned, and together with ZAWA scouts from the Nyimba office, descended on the nearby villagers, assaulting them – including women and children – many of whom ran into the bush where they remained in hiding for days. The government forces widened their terror tactics to include villages far from the game camp, the former chairman of the Luembe CRB, Ackson Lungu, having to take to the bush with his family and live there for a few days without food. He subsequently contracted malaria, fell into a coma, and was saved by our Mbeza Safaris staff, who took him to Katete Hospital. Sixteen villagers were incarcerated in the Nyimba jail, where they spent some weeks awaiting trial. An investigation by a Catholic task force revealed that villagers knew where the body was but were too terrified to tell the police. Later, when ZAWA attempted to rebuild the camp, villagers tore down the structures. Fourteen people were arrested and imprisoned in Nyimba, twelve being released within days for lack of evidence. The two remaining were defended in court by the Catholic task force and acquitted. However, in early 2011, six alleged arsonists were given ten-year prison sentences, the Siyani murder, buried.

[i] Manning, I.P.A. "LUEMBE CONSERVANCY: ZAMBIA BLACK RHINO RESCUE PROJECT PROPOSAL." 2004. Web. 6 Apr. 2017. <https://docs.google.com/document/d/1NVCbzoNk2GWYdD55Xqo0rj67AmtYauYTAYEjB0Adg3o/edit?usp=sharing>

[ii] Manning, I.P.A. "The Luangwa River, Luembe's Country." Zambia Conservation. 1 July 2006. Web. 11 Apr. 2017. <http://zambiaconservation.blogspot.ca/2006/07/luangwa-river-luembes-country.html>

[iii] Manning, I.P.A. "John Malone M.D. at Chikuni on a Visit in 1975." Web. 14 April 2017. <https://docs.google.com/document/d/16isEfH7SU6y-H1TUxw7gkW0prPVr0wDu-LPRJKPGvLc/edit?usp=sharing>

[iv] Manning, I.P.A. "Zambia Wildlife Authority Officers implicated in poaching." Zambia Elephant Times. 12 Aug. 2007. Web. 14 April 2017. <https://zambiaeletimes.blogspot.ca/2007/08/zambia-wildlife-authority-officers.html>

[v] Manning, I.P.A. "ZAWA Poaching Gang Caught Red-handed; Evidence Eaten." Zambia Elephant Times. I.P.A. Manning, 14 Feb. 2008. Web. 8 Apr. 2017. <http://zambiaeletimes.blogspot.ca/2008/02/zawa-poaching-gang-caught-red-handed.html>

[vi] Manning, I.P.A. "Zambia Wildlife Officers Plunder the Birthright of the Rural Poor." Zambia Conservation. 29 June 2007. Web. 11 Apr. 2017. <http://zambiaconservation.blogspot.ca/2007/06/zawa-officers-plunder-birthright-of.html>

[vii] "Japher Mbewe LLB, Ian Manning, Lusaka 2007." 1 Jan. 2007. Web. 13 Apr. 2017. https://docs.google.com/document/d/12Lte5kyNHG8MaW-GXowGpyttRh8FJezQGS9_7zFrZ2Q/edit?usp=sharing

[viii] "Japher Graduation at Home House Lusaka 2007." *Google Docs*. 1 Jan. 2007. Web. 13 Apr. 2017. https://docs.google.com/document/d/15PRwePgJKgo7djEo670S3QQmYJDn1W4azH___2kveij0/edit?usp=sharing

[ix] Manning, I.P.A. "Zambian Community Suspends It Own Village Wildlife Scouts..." *Zambia Conservation*. 1 Sept. 2007. Web. 11 Apr. 2017. <http://zambiaconservation.blogspot.ca/2007/09/zambian-community-suspends-it-own.html>

[x] "Luembe Headmen Complain About, and to ZAWA...on 1 July 2007." *Zambia Conservation*. 1 Sept. 2007. Web. 11 Apr. 2017. <http://zambiaconservation.blogspot.ca/2007/09/blog-post.html>

[xi] Gibson, C.C. *Killing Animals with Guns and Ballots: The Political Economy of Zambian Wildlife Policy, 1972-1982*. *Environmental History Review*, 1995. 19(1), pp.49-75.

[xii] Manning, I.P.A. "Zambia Ivory Cache Owners Sentenced to 5 Years Hard Labour." *Zambia Elephant Times*. 18 July 2007. Web. 9 Mar. 2017. <http://zambiaeletimes.blogspot.ca/2007/07/zambia-ivory-cache-owners-sentenced-to.html>

[xiii] Manning, I.P.A. "Zambia Wildlife Official Pays Labourers with Ele Meat." *Zambia Conservation*. 1 Sept. 2007. Web. 4 Mar. 2017. <http://zambiaeletimes.blogspot.ca/2007/09/zambia-wildlife-official-pays-labourers.html>

[xiv] Manning, I.P.A. "Nyalugwe Villages Scout Found with Tusks." *Zambia Conservation* 25 Aug. 2007. Web. 9 Mar. 2017. <https://zambiaeletimes.blogspot.ca/2007/08/nyalugwe-village-scout-found-with-tusks.html>

[xv] Manning, I.P.A. "A Follow up on the Nyalugwe Poaching Syndicate..." Zambia Conservation. 25 Aug. 2007. Web. 9 Apr. 2017. <http://zambiaeletimes.blogspot.ca/2007/08/follow-up-on-nyalugwe-poaching.html>

[xvi] Stuart Marks and Ian Manning, 2010. Web. 17 April 2017. https://docs.google.com/document/d/1JF5UPAPiui49KX8KkDUifKFWd8w4WiI-_YVGXgeNWCg/edit?usp=sharing

[xvii] Marks, Stuart. *Life as a hunt*, Berghahn New York, 2017. p. 415

[xviii] Manning, I.P.A. "Elephant Anarchy Descends on Nyalugwe Chiefdom." Zambia Conservation 15 Oct. 2007. Web. 9 Mar. 2017. <http://zambiaeletimes.blogspot.ca/2007/10/elephant-anarchy-descends-on-nyalugwe.html>

[xix] Manning, I.P.A. "Machine Gun Wielding Elephant Poaching Gang Invades Zambian Chiefdom." Zambia Conservation 1 Nov. 2007. Web. 9 Mar. 2017. http://zambiaeletimes.blogspot.ca/2007_11_01_archive.html

[xx] Shenton, Barry. "Barry Shenton on Dealing with Crop Raiding Elephant." Shenton family collection. 1 Jan. 2007. Web. 1 May 2017. <http://zambiaconservation.blogspot.ca/2007/05/barry-shenton-on-dealing-with-crop.html>

[xxi] Christopher Miti, *Police Nab Nyimba Villagers for Burning ZAWA Camp*, THE POST NEWSPAPERS (Zambia), Sept. 26, 2009, and a phone interview with an anonymous villager (Oct. 2009) (Peter Siyani, was the fourth villager killed, in the same area, in the previous nine years since his death.).

Manning v 'Big Man'

Norman Carr Foundation - Gamefields - Luembe MOU and land rights ceded to trust (2003) - purchase of Mbeza Safaris Limited (2004) - ZAWA threats - the deportation scam - ZAWA fires second shot - underachievement fine - ZAWA, Mihta, Kabimba conspire - Brighton Phiri and Chief Nyalugwe - State House accuses me, Guy Scott etc. - Nyalugwe & Rashid Randera seek our deportation - Rashid Randera assists Nyalugwe - Safari Maced - Dannaud Safaris warned off by State House - Minister Pande truce meeting (2007) - anti-Chief Luembe movement - Luembe Caretaker Association - the shushushu campaign - the police join the campaign - the dracula men - ZAWA terminates Mbeza concession (2007) - Ackson Lungu stands tall - the Mulwila affair - Kabimba fails to act - ZAWA fails to defend - government ignores High Court order - blog: 'Your Business is not viable'

Good morning, my big man. My mission is possible. I will leave each stone unturned. That man must be convicted by his deeds against you. Corruption will never hinder

me to pursue your aims. Brief you in person later. Our foes must pay their debts. Spare me some talk time.

*Bernard Mwila, Mbeza Safaris' private investigator –
A note to the author in 2007 [i]*

No good deed goes unpunished.

Oscar Wilde

*So the moral of the story is, fight back? It's not easy but
doing the right thing rarely is.*

Gavin MacInnes

*Whistleblowing protection is essential to encourage the
general reporting of misconduct, fraud, maladministration,
wastages, breaches of legal obligations and corruption,
and therefore has a more inclusive and expansive
role as a means of promoting accountability by allowing
for the disclosure by any person of information about
misconduct.*

*Florence Kafwimbi - An appraisal of the contribution of
public interest disclosures in the attainment of governance
in Zambia (2012)*

* * *

Implementing Landsafe

Following the formation of the Norman Carr Foundation,
both as the vehicle to assist ZAWA and to pursue the aims

and objectives of Landsafe, I opened a Zambian branch of Gamefields Limited, the company my Middle-Eastern partner in London, Khalid al Tajir, had registered in Gibraltar. On 12 June 2003, I signed an MOU for the implementation of Landsafe with Senior Chief Luembe, 153 of his headmen, the Luembe CRB and the Nyimba District Council. I then set out to establish a chiefdom-owned game ranch. On 31 July 2003, I signed another MOU with the parties to transfer all landuser rights for all of the Luembe land classified as GMA to the future Luembe Conservancy Trust. On 4 June 2003, the trust was registered under the Companies Act (limited by guarantee) to safeguard customary area, followed by implementing a holistic development program. On 3 September 2003, the chief, with the agreement of the Nyimba Council and the Luembe CRB, ceded the landuser rights for all of the Luembe lying to the east of the Luangwa River to the trust for 60 years.

In September 2004, the trust invited the concessionaire for the West Petauke GMA, Mbeza Safaris Limited - owned by Muslim Indians, Younis Mihta and his brother - to join us and to work in furthering the trust's objectives. When they declined to join the trust, we bought Mbeza from them for \$350,000; our lawyer Wynter Kabimba handling the transfer, his fee 2% of the purchase price. On 5 March 2005, in the name of Mbeza Safaris, and as shareholders, an application was made by my family of five to the Zambia Investment Centre for the issue of investment certificates under the Zambia Development Agency Act. These were issued.[ii]



Hamish, Cathlin, Brendan, Ian, Bronwen (2005)

We then sent a preliminary Landsafe manual to the House of Chiefs. We also began hunting-safaris in the GMA sections of Nyalugwe and Luembe. We encouraged the trust to block the alienation to 99-year leasehold of more land in both chiefdoms and particularly in the West Mvuvye National Forest. I then wrote a business proposal for the lease of the GMA as 'Primary Nature' to an investor. And to offset free-rider immigration into the area and assist in the establishment of secure landuse rights for villagers, I planned to open a chiefdom land registration book in which all residents and their agricultural usufruct plots could be GPS registered.

On [28 November 2005](#), our peace and optimism was shattered. With our first hunting season completed, I wrote a letter to *The Post* Newspaper taking the DG of ZAWA Hapenga Kabeta to task for his threat in the press to lay criminal charges against

seven hunting-safari operators for allegedly overshooting their hunting quota in the 2004 season. Our company, Mbeza Safaris, was one of those accused, but at a time when we were not the owners or the operators.^[iii] This ZAWA article was written by a member of State House security – masquerading as a journalist on The Post, Brighton Phiri, a ploy to move in and grab safari concessions, a campaign carried on by NAMAC. This marked the start of my campaign against government corruption affecting wildlife. Kabeta may as well have been a *shushushu* plant from State House, as he had absolutely no qualifications for the job of Director.



DG of ZAWA Kabeta fires the first shot.

Start of the safari grab

In June 2006, with the hunting season about to start and with ZAWA in dire financial straights, they presented Mbeza Safaris with a \$43,560 'underachievement' fine, the only operator to be so treated. This fine was levied on the day that the new DG, Lewis Saiwana, took office. With a client arriving in three days time, we were threatened with closure unless we paid. My entreaties to Saiwana – whom I had helped *pro bono* with the writing of draft policy on public-private partnerships and assisted in the original signing of the Kasanka National Park PPP in the early 1980s, fell on very deaf ears. The fine - for failing to conduct the full complement of hunts in 2005 was calculated by ZAWA to be based on \$8,435 for each of two classical hunts and \$3,670 for each of six mini-safaris. I then tried to organize mediation in the matter through an obdurate ZAWA legal officer by the name of Ms. Mwaka B. Majula, who understood very little of what was required. One letter from her is a Pecksniffian classic:

Given the misgivings, you expressed about our choice of mediation, it now remains for you to propose a mediator of your idiosyncrasies'. ZAWA ignored the dispute resolution safeguards contained in the hunting concession agreement. It is worth pointing out that in ZAWA's time in charge of hunting concessions and quotas over a decade up to that time, quota utilization had not exceeded 45%.

Tom Mushinge, the financial controller of ZAWA at the time, told me that ZAWA had adjudged three operators (of some twenty-eight to thirty-three in total for Zambia) to have 'under-achieved' for 2005. It transpired that the small percentage of 'underachievers', given the state of 'quotas' and the fact that many areas have wildlife stocks below a critical threshold, had failed to make use of a loophole in 'underachievement' assessment, i.e. as long as an operator provides a tourist's import and/or export permit (The Firearms Act: Regulation 4 (2)) – a simple application requiring submission of a client's address, passport and firearm details, ZAWA will issue the mandatory non-resident hunting permit and bird licence (total cost of \$250) that allows a client to hunt in a specified hunting block and for a specified period; and as long as the ZAWA Form 14 trophy returns are made to ZAWA showing that a few animals were shot, the safari would not be counted as an 'underachievement'. One Muslim-Indian safari operator, Yussuf Zumla, assured me that any attempt by ZAWA to extract 'underachievement' fines from his fellow Muslims had simply been ignored. Wynter Kabimba advised me that such a fine was illegal, yet he never made any progress in recovering our money. It was clear that Mbeza Safaris had been deliberately targeted because of my activist work.

In early 2006, Mbeza Safaris had paid ZAWA in advance for game licence fees. At the end of the season, as was usual, we laid a claim for the refund that was due. ZAWA wrote to me to say that as Mbeza Safaris owed money to ZAWA regarding licence fees for the 2004 season, they would take the \$8,500 owed from the amount. I pointed out that ZAWA itself had indemnified us from any debts entered into by the previous owners of Mbeza, Younis Mihta and his brother, and as we had purchased Mbeza

from them at the end of 2004, we were not responsible for the debt. Kabimba declined to do anything about it despite having drawn up the contract of sale between the two parties, part of which required him to obtain the signature of ZAWA to an indemnity agreement. When I pointed out to Younis Mihta that it was he who owed the money to ZAWA and therefore should refund the amount to Mbeza Safaris' current owners, he grew angry and refused to do so. In January 2014, he and Kabimba were appointed to the ZAWA Board – Mihta, as head of investigations.[iv] And in 2008, I had written of Kabimba that he was 'fearless and highly competent'.

On 8 March 2006, in an article by *The Post* reporter Brighton Phiri - who did not deny to me that he was an Office of the President (OP) security operative (*shushushu*), reported that Chief Nyalugwe had called for the removal of Mbeza Safaris from the West Petauke hunting concession in his chiefdom because it had failed to fulfil its pledges under the hunting agreement. When questioned by the same journalist, I said that the request by the chief was due to my opposition to his leasehold alienations and not for the reasons he had put forward. No proof was provided that I had failed to honour my pledges, though in that same year, I had spent \$21,000, in addition to the legally required pledges, in supporting the Nyalugwe CRB scouts who had not been paid for three years by ZAWA.[v] In the 15 March 2006 edition of *The Post*, Brighton Phiri quoted me as saying that the reason Nyalugwe wished me removed was that I had opposed the chief alienating land to a palm oil scheme punted by Amanita Oils.

On 3 April 2006, I received a letter dubbed SECRET signed by Mwanawasa's principal private secretary Chipoya and addressed to me, Oliver Irwin (d.2012), and the safari operators,

Ross Michelson and Ian Asherwood – and copied to Guy Scott, the Secretary-General of the PF Party, accusing us of seeking the overthrow of the government and the destruction of Zambia's maize stocks:

Dear Gentlemen,

The President is in receipt of information that Dr Guy Scott the Secretary-General of the Patriotic Front is influencing white commercial farmers and safari operators to work against the Movement for Multi-Party Democracy in the run-up to this year's elections. Dr Scott on 16th March 2006 is alleged to have organized a luncheon in Lusaka which was attended by yourselves. During the luncheon, you all agreed that the MMD had to be removed from power citing among other reasons the value-added tax (VAT) on agricultural inputs, the appreciation of the kwacha which allegedly has had a negative impact on the farming community and the proposed Empowerment Bill which you contended was not in the interest of whites in Zambia. You agreed to do the following to ensure that MMD did not win this year's elections:-

1. That the white community should mobilize funds for Mr Sata's campaign and that Mr Sata should not walk into unworkable alliances with other opposition political parties;

2. Create artificial food shortages in Zambia by about August 2006 by applying three options: a) buy maize and destroy it; b) buy maize store it or export it, or not to buy the commodity; c) stop the buyers of cotton from purchasing cotton in Eastern Province and Central

Province respectively. I have been requested to seek your confirmation that this is what you resolved to do.

On 21 April 2006, the letter appeared in *The Post*. I replied in a blog:[vi] [vii]

When I received the letter (included in The Post article) from the President of Zambia's Principal Private Secretary, I fell about a bit, pinching myself to ensure I was awake. Rolf Shenton, who indeed hosted some braais (barbecues) at his house, attended by all sorts of people - one particular one attended by the prominent politician Guy Scott, a lady from the World Bank, two members of the Muslim community active in tourism, Yussuf Patel and Gulam Patel, myself, and others, to discuss tourism development and so on, but nothing to do with politics, counselled caution and sound legal advice.[viii] The President happened to be out of the country at the time, so it was a time when power had gone to the heads of his minions. So I wrote to Chipoya, stating what a good fellow I was and that I had not given much thought to overthrowing the ruling party or destroying the maize stocks of Zambia. The two Patels were obviously the source of the 'leak.'

On 7 June 2006, State House passed a letter to Phiri at *The Post* in which Chief Nyalugwe called for my deportation and that of Ross Michelson, owner of Leopard Ridge Safaris and Pia Manzi Game Ranch lying within Nyalugwe's chieftdom. The Indian cabal hunting-safari operator and store-keeper,

Rashid Randera, had taken Chief Nyalugwe to the office of the DG of ZAWA, Saiwana, to effect the removal of our two hunting companies. Following this meeting, Randera provided transport for Nyalugwe to State House to request my and Michelson's deportation. On 21 June 2006 in *The Post*, Phiri wrote an article entitled, *Chief Nyalugwe asks Levy to deport Mbeza Safaris director*:

Chief Nyalugwe of the Nsenga people of Nyimba district has asked President Mwanawasa to deport Mbeza Safaris director Ian Manning and Leopard Ridge Game Ranch director Ross Michelson for the alleged involvement in illegal hunting activities. In his letter of complaint to President Levy Mwanawasa, dated June 7, Chief Nyalugwe accused the two investors of using louder speakers to entice unsuspecting wild animals before shooting them down. "This man (Mr Ross Michelson) was first introduced to me by the former inspector general of police Mr Henry Tonga in 1994 as an investor from Zimbabwe," Chief Nyalugwe stated, "Mr President, Mr Michelson, Manning and Guy Scott of PF are working against my ruling MMD and new deal government. How can I have such type of people in my chieftdom? Kindly Mr President, come to my aid and deport these people."

Safari Maced

Towards the end of 2006, Gordon Ernest Mace, a Zimbabwean safari agent cum PH/owner of GEM Safaris, based in Johannesburg, approached me in Lusaka saying that the hunting-safari operator and gunshop proprietor Rashid Randera had suggested that he and I could do business. Taking him at face value – for Rashid Randera and his cabal were doing everything possible to put us out of the very business we hoped would finance our Landsafe commons programme, I took him on a tour of our concession. On our return to Lusaka he offered me five hunting clients - already recruited - for the forthcoming season with gross earnings projected at \$176, 000. We shook hands on the matter.[ix]



Mace in the Luangwa, late 2006

While staying with us, Cathlin and I would find him on occasion on our verandah with his head in his hands, rocking to and fro, assailed obviously by some great anguish. When Mace returned from the Safari Club International (SCI) Convention in the USA in early 2007, he did not contact me. When finally run to ground, he said that he had changed his mind about supplying clients to Mbeza. This left me with little opportunity to recruit replacements.[x] Knowing that it was pointless taking him to court, I registered his ignoble act on the internet, entitled 'Safari Maced':[xi] [xii]

The term, safari maced, is named after Zimbabwean safari agent Gordon Ernest Mace, a term used to describe

safari agents who book named clients with a safari operator, then fail to deliver them without reason or compensation – and with insufficient time to find replacements. This was a practice unheard of prior to the 1970s where the utterance, “You have my word” - followed by a handshake, was binding. This term for deception and dishonourable business conduct is redolent of the term, Quisling, describing a traitor who serves as the puppet of the enemy occupying his or her country, named for Vidkun Quisling (1887-1945), a Norwegian who collaborated with the Nazis. In contemporary use, ‘safari maced’ is synonymous with ‘a dishonourable and dishonest act’. Unlike the chemical Mace, the effects of being safari maced are long lasting – for the perpetrator.

Sometime after, I read an article by a former client of Maces’s, Kyle Ball MD who tells of an elephant hunt in Zimbabwe with Mace. He was [fulsome in his praise](#) for the man, writing that:

Lessons of the bush, many times written in blood, are so easily transferred into everyday lessons of life. Having been fortunate to have hunted on five continents over the past 30 years with countless professional hunters, to have kept returning time after time to share safaris with Gordon, meant that his impact, at least for me, transcends time.



L-R: Kyle Ball with PH, Gordon Mace

It is a sad tale: it seems likely that Rashid Randera set a trap for us, using Mace as the bait. By his behaviour on the verandah, the latter was obviously aware of this and was unhappy. But he went ahead. The ZAWA Director-General released the trap by assuring the Muslim Indian cabal that we would do no more hunting and would have our concession removed. But how did this all benefit Mace?

The Truce Meeting at Mulungushi Hall January 2007

On 3 January 2007, Minister of Tourism Pande called a 'truce' meeting at Mulungushi Hall in Lusaka between hunting-safari operators, ZAWA, the Ministry and a few community resource boards (CRB) as a result of my blogs and the circulation of a letter addressed to the World Bank by someone else accusing him, Saiwana, Tom Mushinge, and Rashid Randera of corruption. The letter, signed [by a David Cummings](#), dated 24 August 2006, was thought to be from me.[xiii] At the meeting, the DG Lewis Saiwana - only in his position since May 2006, admitted that mistakes had been made in the past and asked for future co-operation. The Chairman of the ZAWA Board, Lisulo Walisuko, in schoolmasterly fashion, ordered us to behave, as it was the safari operators, he said, "...who have been backstabbing the industry."

Minister Pande in his address - the 'Taliban' members gathered right below the stage, looked directly at me, then decried the flood of e-mails and internet postings critical of ZAWA, the government and himself, charging that some operators had written to members of the US Senate, Congress and World Bank, accusing him of corruption. Pande complained that they had also called for aid to Zambia to be terminated. He said that if the critical e-mails, letters and damaging blogs continued without bringing their complaints to him, they would be dealt with firmly; and that if those involved were non-Zambians, they would be deported. These people, he said, were "self-styled experts". He also referred with annoyance to those (myself)

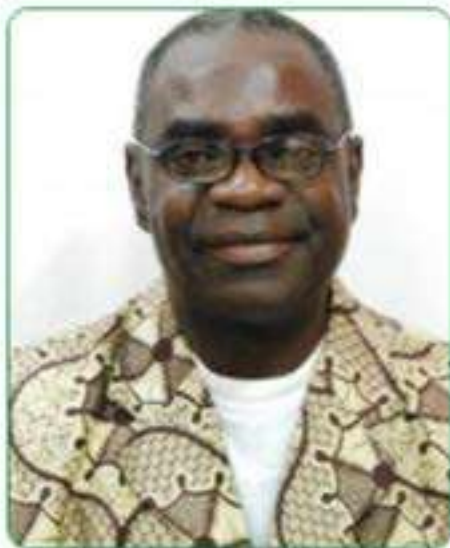
opposing the building of a golfing estate in the Musi-o-Tunya National Park. He concluded, in a threatening manner, by mentioning that he now knew the four authors of the e-mails and other correspondence.

Teddy Mulonga, a director of Hunters & Guides Safaris and fellow Director with Andrew Baldry of Munyamadzi Game Ranch Limited (appointed Deputy Secretary in the PF Cabinet Office and then fired shortly after), said that I was arrogant in the manner in which I had addressed the Minister; and that I had named him on the internet. Tony Musutu, the owner of Hunting Horizons, who, with the support of Rashid Randera and his cabal, was handed our Nyalugwe hunting block when it was removed from us illegally, said that the internet postings and e-mails should be treated as treasonable offences. He then offered to trace those responsible for the Minister.

Deputy-Minister Kaingu, looking perplexed, moaned, "What is this internet? I thought it was for children?"



But Minister Pande had the last word, “Zambia is not a democracy like America or France. Zambia has its own democracy.”



Kalunga Family

The Government Unleashes the Dracula Dogs.

A few members of the Luembe Community Resource Board (CRB), dissatisfied with the behaviour of the chief, went to have their application endorsed for the formation of a society called the Luembe Development and Caretaker Community Association. To do this, as required by the Registrar of Societies in Lusaka, they were compelled to obtain the signatures of the Nyimba District Council and the Nyimba police. These they

obtained, but the council informed them that the Nyimba state security representative, G.K. Mumba, should also sign.[xvi] Mumba arrogantly declared that he knew that the group was connected with me and that I had posted on my blogs the news that his office had recently gone to Luembe to investigate our complaints of elephant ivory and bushmeat poaching ring being operated by ZAWA personnel. The leadership group was upbraided for giving secret information to people who had used it for 'economic sabotage against Zambia' by telling the world that they were investigating corruption. When asked how this was economic sabotage, Mumba replied that I had sought to dissuade hunting clients from coming to Zambia by telling them of the poaching.[xvii] This was not true.

As the months of 2007 passed, the *shushushu* campaign against me intensified. In addition to our internet service provider (ISP) Zamnet being breached, our phone was tapped, and the *shushushu* parked daily outside our gate until I arrived with a shotgun and suggested they leave. And we soon discovered that our staff had been instructed to inform against us and to hinder us in every way possible.

On the day that I was taking my mother to South Africa, our trusted house servant, whose wife was a police constable, stole her temporary permit, thinking it was mine; the bookkeeper I was putting through accountancy school destroyed and hid receipts; his successor (Sikaundi), whom I had hired as a temporary accountant because his family had fallen on hard times, took us to the labour court swearing that he was a permanent employee and therefore entitled to all sorts of benefits; our Muslim-Indian accountant (Zakir), taken on when Rolf Shenton brought him to our house - deliberately failed to submit our accounts to the Zambia Revenue Authority; and a

new Landcruiser safari car was stolen from our property under suspicious circumstances.

After a continuous three-month investigation by my trusted cook and padre, David Chilubula, he discovered that the theft of the car had been orchestrated by the Zambia Police (C.I.D.) and some of my staff – one of whom I had put through a few years of motor mechanic training; a *shushushu* dirty tricks operation.

While I was away in South Africa, Cathlin received a phone call from Brighton Phiri, the journalist-cum-shushushu operative with The Post newspaper. Brighton asked if he could talk to me, though knowing full well that I was in South Africa. Then, on the same day, a 'Zambian professional hunter job seeker' phoned. When Cathlin asked how he had obtained our phone number, there was confusion at the end of the line. A villainous voice whispered, "Letterhead!" to the so-called 'job seeker'. The villain repeated, "Letterhead," several times before the 'job seeker' took the hint and replied, "From your letterhead."

That night, a large pack of baying dogs – something never heard before at the house – awoke Cathlin. Curious but too sleepy to wonder further, she fell asleep again. The next morning, a young and loyal gardener living on the property told her what had happened. Hearing people outside the 12-strand electrified fence, he had climbed a mango tree and saw a couple of cars parked in front of the 5-acre Great East Road property's gate. Standing near the cars were eight men wearing black T-shirts, the name DRACULA emblazoned on the back. They then moved relentlessly up and down the fence for two full hours, trying to decide how to gain entry. They never did. Later, Cathlin quoted Psalm 34, verse 7: "The angel of the LORD encamps around those who fear him, and delivers them'.

Suddenly, a large pack of dogs charged from the long grass and chased them into their cars. The following day when Cathlin checked the fence, its power supply registered two out of ten.



Rolf Shenton

A day or so later, Cathlin had gone to collect Rolf Shenton's daughter for Sunday school. Linda Shenton told Cathlin that a member of the Muslim cabal, Yussuf Zumla, had phoned her asking her to 'tell her husband to tell Ian Manning' to

stop our campaign against him and the Muslim Indian safari operators. A night later, another carload of invaders arrived, five in number, with the same black Dracula T-shirts, again attempting entry. They, too, failed. On the third and last attempt, there were three of them; but they gained no entry. But when Cathlin inspected the outside wall of the bedroom, she found oily fingerprints and muddy scrape marks. This suggests that the gang had lifted a young boy, suitably oiled, over the fence with instructions to access the house and open it up. Cathlin slept through it all: protected.



Two Presidents

On 28 March 2008, Saiwana sent a letter to Chief Nyalugwe terminating Mbeza's concessionary rights, although I only

received a copy by courier on 21 April. Unbeknownst to me, on 2 April, a meeting was held in Nyalugwe where the signing of the Nyalugwe hunting concession agreement took place between the Nyalugwe CRB, ZAWA and Tony Musutu of Hunting Horizons.

In 2015 the Muslim Cabal's [Rashid Randera](#) part in the allocation of hunting concessions in Zambia was exposed in Wikileaks:

In Zambia the hunting industry is firmly under the control of a group only half-jokingly known in Zambia as 'The Taliban'. The three main players are Rashid Randera, Yusuf Patel, and a fellow by the name of Zumla. All are fervent Muslims but Rashid is the most powerful and radical...Rashid Randera is a particularly nasty individual who suffers from a pathological hatred of all beings white. Unfortunately it does not end there. He seems to have ZAWA (Zambia Wildlife Authority) under his thumb and together they conspire to exploit the country's wildlife. Returns from commercial hunting are good when you don't have to pay the concession fees levied on the few legitimate operators in the country who get the depleted areas but there's more. The trade in bush-meat and ivory continues and it is big business and probably also controlled by Rashid.

Disappointing to many in the hunting fraternity is the fact that the US authorities have done nothing to stop their nationals hunting with Rashid's company and in the process, almost certainly helping him further his anti-American agenda. That said, I am told he along with

Yusuf Patel's son was not allowed entry to the US to attend the last Safari Club International convention.

In 2009, Randera had also been subject to an [investigation by the US](#) Secretary of State concerning ammunition imports (One million rounds).

The same sequence of events took place in Luembe as had occurred in Nyalugwe, with Bimm's Travel (Dorothy Mulwila) taking over the Luembe section of our concession.[xviii]

In September 2007, I had a letter from the Chairman of the ZAWA Board, Lisulo Waliusiku, saying that I should 'show cause why the Board of ZAWA should not deal with your menacing behaviour in a manner and style that should put the scourge to complete rest, decisively and once and for all'. I replied on 3 October:

Your charge that I am posting articles on the internet libellous of ZAWA, its board and the Director-General, and requires investigation. As you are making a general accusation, I would presume that you have at hand those articles you consider libellous and could point them out to me?[xix]

No reply was ever received.

Given the deteriorating situation, I penned a memo to the Congressional Sportsmen's Foundation president in Washington, hoping that they could exert some muscle on a congressman.[xx] Such is my naivety.

On 2 January 2008, I made a further submission to Saiwana on the extortionate payments ZAWA was foisting on hunting-safari operators. On 20 January, attended by the chairman of

the Luembe CRB, Ackson Lungu, an unauthorized member of the Nyalugwe CRB, a senior ZAWA officer, Edwin Matokwani (appointed DG in 2012 and later fired), the chairmen of the Msoro and Nabwalya CRBs, and Jack Chulu (for a time the acting DG), Saiwana said he had called the meeting so that the CRBs could help ZAWA with the re-allocation of the West Petauke, Nyampala and Msoro concessions to new investors by endorsing letters of termination addressed to the present operators. Ackson Lungu refused to sign the Mbeza termination because: '1) the operator was not present at the meeting to defend himself; 2) the Luembe community did not want Mbeza Safaris removed from the area and 3) that he had not been given time to consult with his board'. He added that his board had previously submitted three CRB letters to ZAWA favouring the operator and therefore had nothing more to say.

Saiwana responded by accusing the Luembe CRB Chairman of receiving money from me and for paying for his children at a school in South Africa – something I had not done. He then added that the government had informed him that I would not be issued with another work permit; hence, they could remove the concession. Therefore, he had given instructions for the termination of the hunting agreements and for the areas to be advertised before the end of January. He then again instructed the CRB members to sign the termination letters. Ackson Lungu refused, saying that he would not do so without first consulting with his people. In March 2007, ZAWA cancelled Mbeza's concession without compensation.

In late January 2008, Saiwana informed the Safari Club International Convention in Reno, Nevada, that Mbeza was no longer a concession holder and that clients should not do business with it. On 24 February 2008, Chief Luembe and

Andrew Nkhoma - the crooked ZAWA CBNRM liaison officer in Nyimba, called a public meeting at which they removed the sitting Luembe CRB and its chairman. On the same day, my attorney, Wynter Kabimba, warned the DG of contempt of court, declaring that the High Court had issued a stay in the matter of the refusal of the Mbeza shareholders' work permits.

On 31 March, Ackson Lungu wrote to the Minister of Tourism, objecting to the removal of CRBs without a vote being cast. He received no reply. The next month a meeting of the Nyalugwe CRB was called to discuss the issue of their secretary, Lameck Zulu, who had been collected by ZAWA in January 2008 for a meeting with Saiwana to terminate the Mbeza concession. They also discussed the CRB chairman's (Frederick Tembo) unsanctioned signing of the letter of termination. Although Chief Nyalugwe appeared unhappy at the events, he meekly allowed ZAWA to award our Mbeza Safaris concession to Masutu's company. Naturally, no tender had taken place.

On 21 April, Kabimba met with the Chairman of the ZAWA Board and Saiwana and gave them a copy of the e-mail sent by Dorothy Mulwila, offering them the hunting – an illegal act. Saiwana promised to 'put it right'. Kabimba gave them the day to do so or be sued, and Mulwila served with an injunction.[xxi] When they did nothing, Kabimba failed to act. Two months later, I was abducted by the *Shushushu*, imprisoned briefly, then driven through Botswana to the South African border.

On 23 July 2008, Mbeza applied to the High Court for a default judgement to have its concessions returned. ZAWA did not defend the action. Kabimba then presented a claim on my behalf to the High Court:[xxii] [xxiii] Kabimba never followed this up.

In a blog written at the time, entitled, *the Zambian Department*

of Immigration mantra, 'your business is not viable', I wrote:

The batwings to Kent House, Emigration Lodge, now half ruin, half container shed, have moved their batwings to the side entrance where endless anxious souls wanting to live and work here, or just visit here, enter, milling about like sheep, trying - usually in Uriah Heap mould, or just striding up to a desk if not, oblivious of that ancient custom, the queue. No one helps with the traffic of course, nor seems to realize that this truly is bedlam and the worst advert for this country possible - once one of the richest and best run in Africa. My wife, she of kindly Christian firmness, waits patiently day following day for promised permits; sitting in this office and that, until finally the promised letter she awaits informing my son that his self-employment permit has been refused, as 'our business is not viable', is really a letter for me from the Minister of Home Affairs informing me that my appeal to stay on in Zambia as a bona fide investor, supposedly protected by the Investment Act, let alone that old stand-by, 'good faith', has been denied, and that no further correspondence on the matter will be entertained; game, set and match.

And so to the High Court, where, thank goodness, Order 53 rule 3 of the rules of the Supreme Court of England are enforced, and I have my stay of execution and judicial review in a month's time. But what of the many similar such 'your business is not viable' claps of gloom that fall about other investors' ears? I met the partner of an English chap who has invested \$2 million in the country and they won't even give him a self-employed permit.

And the word at the Zambia Investment Centre is that the emails pour in from my 'your business is not viable' fellow sufferers, now gone for ever from Zambia, their investment in tatters, or sold off for a pittance, or just left in the bush for someone else to sort out the mess, or, ominously, handed out to someone else 'administratively'. But, hang on; the Zambia Development Agency (which is supposed to have absorbed the Zambia Investment Centre by now) has just announced that it has issued another 53 investment permits. Do they give them out with a Kent House health warning?

There are of course Zambian laws for the protection of investors - even international agreements and conventions. And of course, there are our mother countries, which pour the money in here daily. Will they help? Not much is my experience? But I will try; at least to warn some fellow Irishman about thinking it is all a cool Guinness here. I might even give Business Action for Africa a ring, the organization that negotiated with the G8 for Zambia's debt write-off. Our company here, Mbeza Safaris, is a corporate member, faithfully following the manifesto, which is to help Africa in every way possible, including fighting corruption.

Well, we are over a million and a half dollars over our head already in our effort to partner rural communities in developing businesses and to look after the land and the wildlife, with part of our operation a tourism business which now aestivates; for one can hardly bring in tourists now. And other plans to invest more money, to bring in other investors at the request of some Zambians who have tourism concession agreements (TCAs) but no capital, will

have to wait, perhaps forever.

It's sad, really. I've been here on and off since Northern Rhodesia days, served government for three tours, came back to help the forgotten in the sticks - which includes the elephant now so mercilessly being extirpated by rotten officials and crime syndicates. But does anyone care? Of course not. Just bring in foreign investors under any old pretext, then when they have set something up, just give them the old heave-ho; they won't complain, carrying all that guilt of the white man's burden as they do.

Deportation

This all eventually resulted in our deportation, the MMD Minister of Home Affairs Shikapwasha, told by the Muslim Indian cabal, ZAWA and others to get rid of us.[xxiv] The Zambia Development Agency and its parent ministry would not come to our defence despite our being bona fide investors holding investment certificates issued under the ZDA Act. The only assistance came from Transparency International Zambia, a young Englishwoman intern taking up our case with the Ministry of Commerce and the ZDA itself. However, on her departure, the Transparency International office dropped the matter. But then numerous bona fide investors have for years been targeted for takeover by their Zambian partners and summarily deported, with the profits and shareholding purloined. It is a profitable business, ongoing since self-rule.

Investors who hope that their national representative will come to their defence may equally be disappointed. Again, in

my case, the Irish Ambassador, Bill Nolan, on my arrest and deportation, interviewed my attorney, Wynter Kabimba. After examining the illegal deportation order, he concluded that "All seems in order." I dropped him a line on 28 May 2009.

Dear Bill,

Well, I am glad that The Post managed to unearth the internal audit on the Luwingu District Council. Perhaps now, with the Swedes leading the way, our Irish government will finally take a stand against corruption, even if you did little to nothing to object to my arrest, imprisonment, and illegal transport through Botswana to the South African border. "Seems all in order" you were quoted as saying when asking my lawyer about the deportation. And I am an investor holding an investment certificate, my son (who had no part in my fight against corruption and also an investor) also deported, my wife (an investor) and 92-year- old mother given a week to pack up, our twelve teachers, foster home with children, rented houses, plant and vehicles and numerous other staff left somewhat in limbo, our two chiefs, CRBs and impoverished communities wondering where we had gone. But we press on with the help of our few friends and loyal staff. We are not put off, even though we are denied justice.

Luwingu is just the tip of the finger you see of the thief holding his breath under murky water in the ox-bow lagoon. What about the theft from the Ministry of Education? When I asked one of your chaps at the Irish Embassy whether I could get some funds for our schools sans teachers, books and any services of government, I

was told that the Irish gave it all to government to decide how to spend.

It is now time to bury the tax money in the embassy grounds, or to impose conditionality, or to send funds direct to the rural people forgotten by their government, they whose lives go daily backwards. People in the 36 GMAs of Zambia are 30% poorer than their fellows in other rural areas. This is where we work and have done for many years.

Yours sincerely,

Kabimba, to his credit, was incensed. Not long after, Nolan announced that Ireland would give \$3.5 million to Zambia for various programs. Yet, in 2008, Ireland commenced its austerity program, the consequences of which have been dire.[xxv]

All of this made it clear why I had failed in my legal attempts to gain justice for the numerous wrongs of the state, chiefs, political cabals, individuals and, in particular, ZAWA against us. The power of Rashid Randera and his pards and their trade cash proved, with Kabimba and the patronage system in general, all-powerful indeed. The MMD Mwanawasa government confiscated our concessions and soon deported us from the country. When running for president, Banda made promises to one of his funders - a Johannesburg friend of mine - to remedy what had been done to us but did not do so. But it was the PF government hierarchy - Kabimba and Vice-President Guy Scott - who turned their backs on us. But then they were not the only ones, for whistleblowers are detested, sometimes cast in the classical Daniel Ellsberg mould, he of Pentagon Papers fame, an insider who revealed the infamy of the Vietnam War by copying some of the papers and then releasing them to *The*

Times, but only after confronting his superiors 'once he had exhausted all formal remedies'.[xxvi]

In Zambia, the Public Interest Disclosure (Protection of Whistleblowers) Act No. 4 of 2010 is restricted to corporate whistleblowing, but only if the media is not involved. The Act makes no allowance for the receipt of 'disclosures from the media, civil society and investigative wings of government', in short, for the whistleblowing necessary for life outside the company, the corporation, the government ministry and department – let alone the parastatal.[xxvii] But public disclosure of what the former ZAWA, the present Department of National Parks and Wildlife (DNPW), and the rest of the governmental apparatus are up to is not helped by the continued absence of freedom of information legislation, although in 2017 we are informed that it will soon be on the statute books.[xxviii]

Whistleblowers are resented everywhere, particularly in former colonies such as Zambia, where 'keeping mum' is part of the Faustian bargain paleface residents strike with the people who invaded the land of the Bushmen and Pygmy before them. But game theory explains why the actions of whistleblowers are doomed to failure and why most people are moral relativists who avoid any confrontation, being content to ignore the fire on all sides. In the case of corruption, if you are a resident of Zambia – in particular if you are white, or without citizenship, or even if a Christian, you keep quiet. This also governs the situation when 'a social attitude becomes morally unacceptable enough that it is OK to challenge and confront it?' The striking example given by a recent study revealed that 'When the views expressed a disregard for racial equality, the confrontations were approved of. But challenging – even politely – a disregard for climate change was seen as carrying a social cost by the

students taking part in the experiment'. [xxix]

My foray into exposing the corruption and plunder in the conservation field began only once I had confronted the perpetrators of the corruption and criminality. After all, I was a former member of the department responsible for wildlife and national parks – its name changed every few years - and for some years an honorary ranger and an advisor to a Vice-President on the formation of ZAWA. Indeed, being a bit of a masochist, I had come back to Zambia to help once again – having previously been shown the door by ZAWA's predecessor, the National Parks and Wildlife Service (NPWS), when trying to save the black rhino. As with the NPWS, I was rebuffed by ZAWA. They took no action on my initiatives for change or on my reports of numerous and flagrant breaches of the law. I then began writing numerous posts about it all on some 14 or so blog sites, exposing both their failure to act and their guilt. For this, my family and I, non-Zambian investors, were persecuted by the government. But to this day, my work to empower the people of Luembe and to ban mining in the Lower Zambezi and other national parks receives very little encouragement; and continues – in obeisance to game theory - making whistleblower success impossible in a grey, morally relativist society where matters of principle and resolute action are cast aside. Sadly though, for the whistleblower, there is delivered a high and perennial 'social cost'.

[i] Bernard Mwila, private detective, 2007. Web. 19 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_RUFEZ0NRazRPb2M/view?usp=sharing

[ii] Manning, I.P.A. "Chipuna Conservancy Development: MOU for Luembe Customary Authority ceded Landuser rights." 4 Sept. 2003. Web. 14 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_NVZXM1VGREtBRTQ/view?usp=sharing

[iii] Manning, I.P.A. "The First Shot Fired on 28 November 2005..." Zambia Gamefields Investment Journal. 27 July 2007. Web. 9 Mar. 2017. <http://zambiagamefieldsjournal.blogspot.ca/2007/07/first-shot-fired-on-28-november-2005.html>

[iv] Manning, I.P.A. "A brief history of Mbeza Safaris Ltd 2004-2009. Web. 17 April 2017. https://docs.google.com/document/d/1lBRyrdHV06jeJsl83Bnbb44XsD_qeaWVmlqiaOMg4M/edit?usp=sharing

[v] Manning, I.P.A. "A Follow-up on the Nyalaugwe Poaching Syndicate." Zambia Conservation 25 Aug. 2007. Web. 9 Mar. 2017. <https://zambiaeletimes.blogspot.ca/2007/08/follow-up-on-nyalugwe-poaching.html>

[vi] Manning, I.P.A. "The Luncheon Affair." Zambia Gamefields Investment Journal. 27 July 2007. Web. 9 Mar. 2017. <http://zambiagamefieldsjournal.blogspot.ca/2007/07/luncheon-affair.html>

[vii] Manning, I.P.A. "Letter to Principal Private Secretary, State House." 20 Apr. 2006. Web. 14 April 2017. <https://docs.google.com/document/d/1O5M9KF9uFe3F5NvjXWAT3sx22bMvIRoBVRlOOwhoV6Y/edit?usp=sharing>

[viii] "Zambian President Mwanawasa accuses white farmers of plotting / White farmers fingered for Zambia "poll plot" N.p., 22 Apr. 2006. Web. 21 Apr. 2017. <<http://platform.blogs>.

com/passionofthepresent/2006/04/zambian_preside_2.html>

[ix] Gordon Mace. Web. 9 July 2017. <https://docs.google.com/document/d/1NZTSha38amO5GAtmd1AaO2V7f1xUeuns4gp257Y8nSk/edit?usp=sharing>

[x] Fisher, Lisa Heather. "I.P.A. Manning v Ernest Gordon Mace." 1 Oct. 2007. Web. 6 Apr. 2017. <https://docs.google.com/document/d/1qBGhtJgcE-NPjISUVa-SZtOxH9Nfl1PqeaAeOqN6Ofs/edit?usp=sharing>

[xi] Manning, I.P.A. "Safari Maced: The Safari Encyclopaedia." Zambia Hunting-safaris. 20 May 2007. Web. 4 Mar. 2017. <http://zambiasafarihunting.blogspot.ca/2007/05/safari-encyclopaedia.html>

[xii] Web 26 Jan. 2018. http://docs.google.com/Doc?id=ddv4n6pk_116fk4t39

[xiii] 'David Cummings' letter to World Bank, 24 August 2006." Google Docs. 24 Aug. 2006. Web. 14 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_MnBOZUJVVGM1Vm8/view?usp=sharing

[xv] Kilgo, James. "Colors of Africa." University of Georgia Press, 2003. Web. 14 April 2017. https://docs.google.com/document/d/1WxDJRBQhx-2vuYIXVKYYe61AGtkNo5xltJED7M_7b4/edit?usp=sharing

[xvi] A requirement enforced "administratively" under the MMD Government. Societies Act (1994) GOVT. GAZETTE (Acts), at Part II (Zam.).

[xvii] Manning, I.P.A. "Zambia Whistleblower Fall-Out on the Rural Poor...." Zambia Gamefields Investment Journal. 18 Sept. 2007. Web. 3 Mar. 2017. <http://zambiagamefieldsjournal.blogspot.ca/2007/09/zambia-whistleblower-fall-out-on-rural.html>

[xviii] Kabimba, Wynter. "Mbeza Safaris to the Chairman ZAWA." 23 Apr. 2008. Web. 6 Apr. 2017. <https://docs.google.com/document/d/1TksKOxJuUITQCg46EaP4P1kp1StLGR0riYWiI9BAes8/edit?usp=sharing>

[xix] Manning, I.P.A. "Zambia's Wildlife Authority Board Chairman Threatens Investor." *Zambia Gamefields Investment Journal*. I.P.A. Manning, 4 Oct. 2007. Web. 3 Mar. 2017. <http://zambiagamefieldsjournal.blogspot.ca/2007/10/zambias-wildlife-authority-board.html>

[xx] Manning, I.P.A. "IM Memo: Congressional Sportsmen's Foundation." 19 Jan. 2008. Web. 14 April 2017. <https://docs.google.com/document/d/1mILqsrI0ifTZCFH13Ib9Moqf3VS9uiB27ME-fdlwtlg/edit?usp=sharing>

[xxi] Mbeza to Chairman of ZAWA Board, 23 April 2008. Web 22 Feb. 2018. <https://docs.google.com/document/d/1TksKOxJuUITQCg46EaP4P1kp1StLGR0riYWiI9BAes8/edit>

[xxii] Manning, Cathlin. "Cartoon Zambia Immigration .jpg." 2007. Web. 14 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_akdMcHM0d0ZxcM/view?usp=sharing

[xxiii] Manning, I.P.A. "Justice Being Done in Zambia." *Zambia Gamefields Investment Journal*. 30 Oct. 2007. Web. 9 Mar. 2017. <http://zambiagamefieldsjournal.blogspot.ca/2007/10/justice-being-done-in-zambia.html>

[xxiv] Shikapwasha, Minister of Home Affairs. "Minister of Home Affairs Deports Ian Manning 2008." 9 June 2008. Web. 14 April 2017. <https://docs.google.com/document/d/1gdBv-e9DqtaFM2Z6umteCw5BoY0CxOfqto4H2m1LsUY/edit?usp=sharing>

[xxv] Taft, Michael. "Ireland Is No Model for Greece." *The Guardian*, 10 July 2015. Web. 14 April 2017. <https://www.theguardian.com/world/economics-blog/2015/jul/10/ireland-n>

o-model-greece-troika-austerity

[xxvi] Gladwell, Malcolm. Daniel Ellsberg, Edward Snowden, and the modern whistle-blower. *New Yorker*, 19 December 2016. Web. 14 April 2017.

<http://www.newyorker.com/magazine/2016/12/19/daniel-ellsberg-edward-snowden-and-the-modern-whistle-blower>

[xxvii] Kafwimbi, Florence. "An appraisal of the contribution of public interest disclosures in the attainment of governance in Zambia." *Http://dspace.unza.zm:8080/xmlui/bitstream/handle/123456789/2099/kafwimbi0001.PDF?sequence=1*. UNZA, 2012. Web. 9 July 2017.

[xxviii] Ibid

[xxix] Corner, Adam. Is it socially acceptable to challenge climate change? *The Guardian*, 2017. Web. 2 April 2017. <https://www.theguardian.com/environment/2017/mar/31/is-it-now-socially-acceptable-to-challenge-climate-denial>

Goodbye, Bwana!

the battle of Kent House - abduction (June 2008) - imprisonment - forced removal from Zambia - journey to South Africa - Grobler's Brug border post - shushushu sent packing - wife and mother given week to leave - Brendan arrest and deportation (August 2008) - Banda team promise to rectify - sign conservancy agreement with Nyalugwe in Joburg (May 2009) - Kabimba and I discuss PF manifesto in Joburg (February 2010) - Sata requests I raise funds - Khalid Altajir folds tent - we start closing down - PF government elected (September 2011) - Gleason importunes Guy Scott on my behalf - Chief Nyalugwe doing deals - hand back Chilinga to Chief Nyalugwe (2012)

No free man shall be taken or imprisoned or deprived or outlawed or exiled or in any way ruined, nor will we go or send against him, except by the lawful judgment of his peers or by the law of the land.

Magna Carta – 1215 (Clause 39, which remains today on the statute books)

Because Magna Carta attempted to set limits to political power without grounding these limits in the sovereignty of the people, it demonstrated a problem with which philosophers have grappled for even longer than 800 years.

Peter Singer - Magna Carta at 800 [i]

There cannot be much hope for countries that persist in [journeys to nowhere](#).

David Gleason – Business Day 23 June 2008

Hi Ian, the longer I stay here the more I realise that it is a losing battle - conservation I mean! Everyone here is out to get what he can while he can without any concern for anything else. There are some exceptions of course but the battle will not be won. I think that there is only one strategy and that is to pursue your own interest, put on heavy blinkers and don't get mixed up in things that will only cause you aggravation and unhappiness.

Peter Moss - 10 October 2008

* * *



Minister Shikwasha de-Manning Zambia (KISS) 2008

“Ooh hoo hoo hoo hoo hooo... AAAfleekaaa!” warbled the CD player, some demented Rastaman high on weed belting it out, the only CD in the pick-up, and played over and over. In the back, in the shortened double-cab intended for young children, my six-foot-two frame bent into a leg folded praying mantis position that twelve years later still had a complaining right Achilles tendon and cold feet forever. On one side of me sat Boss, on the other the youth, Banda; at the wheel clung my interrogator, Masamba, and beside him his 2/ic, Mchika – all B-movie black leather-jacketed security operatives of the Office of the President, his shuffling *shushushu*, there to do the bidding

of the big man – who happened to be President Mwanawasa, or his *vuvuzela* plastic trumpet – the execrable Minister of Home Affairs, Ronnie Shikapwasha, a notable member of the collective MMD government malignancy, the ultimate party porker, his great sniffer proboscis on the tracks of the wounded. After all, I was the evidence that it only took a little money to have someone deported and robbed – a couple of thousand dollars perhaps.

Throwing back my head while deep into elephant country north of Nata in Botswana, I bellowed out like a ringmaster in Barnum & Bailey circus, “Ooh hoo hoo hoo hoo AAAH-FLEEKAAA...*na enda panshi onse*...ooh hoo hoo hoo Aflikkaa! We are going down!” They looked at each other...out of the window...anywhere except at this *mudala muzungu* (old white man) who appeared to have spent so long in their country - in our country.

It had all started on Friday 13 June 2008. Cathlin and I had gone in as requested at opening time to the Zambia Immigration Headquarters at Kent House in Lusaka to collect the temporary permits for my 91-year old mother and us. We had paid for them a week previously, a familiar routine that had gone on for a year or more, thousands of dollars flowing into the Immigration pot of corruption. We were told to return after lunch.

In room 207, we were kept waiting, being told by a Mr. Banda that my South African passport had been used to enter the country on occasion, although my self-employed permit was issued under my Irish passport. To clarify matters, as I only used my SA passport when going to South Africa, I went home, collected it, returned to Immigration, and handed it over to Banda. After further delays, I was called to another office. Here I found Masamba, the Investigations Officer, the man who had

dealt with my case before and who had falsely claimed to the Minister that Mbeza Safaris – which Khalid had purchased for \$360,000 - was not trading. He ignored the fact that we were bona fide holders of investment certificates and therefore entitled to resident permits and that a High Court judge had declared that we were not a threat to national security. But Immigration, on the orders of Minister Shikapwasha and at the behest of the MMD Muslim Indian cabal supporting the order politician, wanted me out. That was enough.

Holding up a signed letter at a distance, Masamba told me that I had been declared a prohibited immigrant. I held out my hand to receive it. But he drew it back, placed it on the desk and imperiously announced, “You must come with me!” He then escorted me back to Room 207 where I found a confused *muzungu*, a Mr Cumming, having his fingerprints taken.

“What are you here for?” I inquired.

“They’ve just told me that I’ve been deported!”

“What did you do?”

“Nothing! Nothing! I don’t understand...had two Zambian partners...” he mumbled, an officer busy inking the fingers of his right hand.

Masamba told me to prepare to have my fingerprints taken. “No!” I retorted, “not until my lawyer gets here.”

“I will call the security!” threatened Masamba.

“Call them!” I said, shrugging.

He left the room. Cathlin and I sat on a bench against the wall. They were rolling Cumming’s thumb over the ink pad, recording it for posterity. I took out my phone and snapped a picture of this *bona fide* investor in Zambia - like us, a holder of an investment certificate issued by the Zambia Development Agency within the Ministry of Commerce, being treated like

a common criminal. Masamba suddenly appeared and leapt at my phone, shouting, "You are under arrest!" The room was filled with men and women in uniform. They came at me in disorganized fashion – unused as they are to the mechanics of the rugby ruck. I considered handing out a few kicks and blows but thought of Cathlin. I was handcuffed and led down the passage, Cathlin bringing up the rear, protesting. Officials dragged me down the stairs as heads popped out of offices. Cathlin took hold of my arm as a uniformed woman drew near in sandaled feet, "Leave my husband alone!" she warned – this glorious and fearless Christian woman who had never lifted a foot against anyone before – bringing her heel sharply down on an unprotected toe. The woman jumped out of the way. Suddenly my lawyer Kabimba's meek Euriah Heep legal assistant appeared waving a piece of paper – the notice of our appeal to the Supreme Court that had found in our favour. Ignoring him and the Supreme Court, the ejecting emigration army pulled me out of the building and into the parking lot where some surprised Japanese tourists stood transfixed, cod-mouths agape, straining for oxygen. They pushed me into the back of a double-cab. Cathlin attempted to climb in with me, shouting, "We are on the same permit. I want to be with my husband!" Restraining her, they drove me away.

THE REPUBLIC OF ZAMBIA
MINISTRY OF HOME AFFAIRS
DEPARTMENT OF EMMIGRATION



OUT Emigration Department (Cathlin)

Mchika , the driver, headed up the Great North Road. “Where are you taking me?” I demanded. There came no reply. Some ten kilometres later, they pulled into a police station, a once pristine Northern Rhodesia police station, but now filthy and ringed with wrecked cars. Under guard, I waited until collected at sunset by Mchika and three *shushushu* in black leather jackets and then driven down the dirt road leading to Ngwerere, where once I had played cricket for the local farmers’ club. This was the commercial farming district lying just north of Lusaka, an area I knew well. Nearby lay the Lusaka International Airport. We took a dirt track leading into the bush. In the dark, I worked

on the handcuffs, freeing my left hand. In my right, I clasped the free cuff and made ready to lay about me. But the car kept going and joined the road to the airport not far from our rented house on the Great East Road. Ah! I thought these are just diversionary tactics to avoid my lawyer and get me on a plane. But not so, we turned left on the road to Kasisi Mission and the part of the farming block where 41 years before I had tracked lion cattle-killers on my hands and knees through massive thorn thickets – and where my family and I had lived twenty-two years later when making the last despairing attempt to save Zambia's black rhino.

The four *shushushu* made frequent mentions in Chinyanja of my being a threat to national security and causing economic sabotage; the same term used the previous year by the *shushushu* representative in Nyimba had refused the registration of a community co-operative society because I was linked to it.

A few miles on, near the Cooke farm, we drew into Chanyanya Police Station at 7.00 p.m. Here I was handed over to the station commander, a man in mufti by the name of Chellah. I was told to wait there and that they would collect me later. I was allowed to sit on a bench, then at my request, given access to the lavatory. Of Chellah, there was no sign. But a male sergeant in uniform was there, occasionally joined by a female constable who manned the roadblock outside, making occasional appearances in an ever-greater set of dust-encrusted eyebrows. Later Chellah returned, "I have been told to imprison you," he said matter-of-factly. "You must take off your shoes, hat, belt... and empty your pockets."

Lusaka being in the grip of a cold spell, obviously smacked of further ill-treatment. I was shown to a cell, bare of bed, chair or lavatory, measuring some three metres square. The cement

floor was freezing. In the corner squatted a man, staring up at me, in his hand, a cell phone. I offered him a K50,000 (\$13) note I had hidden. He took it, handing over the phone.

"But, ah!...no talk time!" he exclaimed sadly, staring at the phone in my hand.

Standing up and ambling to the bars, he called to the sergeant, murmured something to him, and handed him the note. The sergeant left the police station. An hour later, he returned, opened the cell door and let my fellow prisoner out, both of them going outside and chattering. As time wore on, their voices grew louder and drunker. So much for my money, I thought. An hour later, my fellow prisoner, his eyes rolling about, was led back and allowed to lie down on some cardboard outside the cell door, a blanket thrown over him. My request for a blanket and use of the lavatory was ignored.

A Zambian who worked for Tony Cooke – Ron Kidson's old farming friend and who had heard that there was a *muzungu* in the jail, came to see me. He agreed to pass a message to his boss and a friend of mine, Alistair Gellatly (d.2015), who rented a house on the farm. The man never did visit any of them that night. The sergeant, stupefied with drink, sat before a charcoal fire at the front door. An hour or so later, a woman detective removed the phone ringing in the hand of my comatose fellow prisoner. Then, without warning, the sergeant staggered over to his drinking friend and threw him bodily back into our cell. Immediately I seized the blanket, retreated to the opposite corner and prepared to defend my booty. A little later, Chellah appeared. Seeing the drunken sergeant, he berated him. Then they began to grapple and fall about, the AK47 in the sergeant's grasp ripped away, his head held in a headlock while the key was inserted in the lock, the door flung open, and the hapless

sergeant flung amongst us.

“Ah!... but!...aaaah! eeheh!... ma offeee..saaah!” he wheedled. ” Why you do dis do me!” he moaned, his head held in his hands.

Shortly after midnight, much warmed by the filthy blanket, I was released from the cell, my possessions returned, and made to enter the rear seat of the same double-cab, the one with the ABJ number plates. And there, stuffed in their black leather, were Boss and Banda, and in the front, Masamba and Mchika. From here, we drove through the night to Livingstone, a long and excruciating journey with no room for my legs, arriving a little after sunrise.

In Livingstone, we parked in a ramshackle yard next to a transmitter tower. Under escort, I was allowed to visit the lavatory at a nearby hotel. Then, joined by another car, we drove to the Department of Fisheries rest house, its once bright lawns and flowering trees covered with junked cars. After a short wait, we drove back to the yard. Masamba then went off with a man clutching a screwdriver and spanner. Mchika – who remained with Banda and me, told me that Masamba had gone to have the car’s clutch repaired.

“There is nothing wrong with the clutch,” I said.

At this point, I could have escaped - I even wrote a note to my younger son, Brendan, hoping to pass it to someone for onward transmission, but then, I thought: they were driving me to the country of my birth. Masamba returned a few hours later, the vehicle now fitted with GRZ (government) number plates. At midday, we drove to Kazungula and, accompanied by a Zambian official, crossed the Zambezi River on the pontoon to Botswana. Boss filled in my Irish passport details, then made me sign. Cordial words were exchanged between the Kazungula official and his Botswana counterpart. We were allowed to

proceed. No papers for the vehicle with its false number plates or third-party insurance were presented. We made first for Kasane where the men bought themselves lunch, I declining their offer of food. But for the first time, I was allowed to use a public phone. There was no reply from Brendan's home, but he was at the airport bearing the Supreme Court notice, the evidence that my deportation was illegal. As Masamba had my phone, I could not access other phone numbers, particularly the landline in Cathlin's and my home. However, with Banda accompanying me - and reading what I wrote, I e-mailed Cathlin.[ii]

We then drove to Francistown where I once had rented a house and booked into a motel. Boss insisted that I stay in his room, but I refused, saying, "The only person I share a bedroom with is my wife." He relented, knowing by now that it was pointless for me to escape. After all, in the morning they would deliver me to the South African border.

At daybreak on Sunday morning, while the others slept, the phones being out of order, I went out and sent an e-mail to Cathlin and my lawyer, Wynter Kabimba, he doubtless relaxing on his game ranch. Before breakfast, young Banda asked me to pay for him, as he had no money. I did so, giving him some extra cash for the road home. We then drove to Martin's Drift, arriving there at midday. Again Boss filled in my immigration entry form, which I signed. Leaving the vehicle in the Botswana car park, we walked across the border and into South Africa, entering at Groblersbrug.

Masamba spoke to an immigration officer saying that they were from the Zambian Department of Immigration and that they were escorting a South African prisoner - a prohibited immigrant, back to South Africa. Masamba, Boss and I were

invited into an interview room. A young official began to question Masamba, who objected to being questioned in my presence, saying that he and the official should have a private discussion. I then objected, saying that as a citizen of South Africa, abducted in Zambia, prevented from talking to his lawyer or family, his passport confiscated and barred from inspecting the deportation order, taken across a sovereign country under guard in a car which clearly had false number plates; that it was I who should have a private meeting. The young official then called for the help of his supervisor, Skia Skosana, later assisted by Lazarus Moroka. Skosana told me that he had never experienced such a situation before. The officers were incensed at my treatment. Skosana led Masamba, Boss, and I to a meeting room where I requested that my mobile phone and Irish passport be returned. Masamba denied having the phone, adding that he would deliver the passport to my wife. I objected. Masamba then opened his briefcase and rifled through the contents, saying that he did not have the passport. There appeared to be no phone inside, though Boss said that he thought the phone was there.

“When you went out of the room just now, did you hide Mr. Manning’s passport?” inquired Skosana.

“No!” replied Masamba. Then, peering into his briefcase, he declared, “Here it is!” and handed it to Skosana. The latter then asked me if the Zambian officers had assaulted me at any time.

“No,” I replied, thinking of the journey down and not the arrest at immigration headquarters in Lusaka. I was then shown out of the room, and that was the last I saw of the black leather *shushushu*.

Skosana later gave me a photocopy of the warrant of deportation, which, under the Immigration and Deportation Act

(Section 26), declared that I was, 'By his presence likely to be a danger to peace and good order in Zambia and accordingly is deported under section 26(2) of the Immigration and Deportation Act...to South Africa'. Minister Shikapwasha had signed the warrant on 9 June 2008.

Skosana and his staff then did everything to assist me, offering me food and drink, saying they would get me a lift to Johannesburg. I asked Moroka if he was related to the legendary Chief Moroka of the Rolong nation at Thaba Nchu. He replied that he was. I then told him of my meeting there some years back with the immediate descendants of Dr James Sebe Moroka, in 1949 the founding President of the African National Congress (ANC), a meeting recounted in my book, *A View from the Train*.

Groblersbrug is an isolated post in a sea of bush, ranches and the odd town, a six-hour drive to Johannesburg. Late that afternoon, some Zimbabweans returning from a funeral at Plumtree gave me a seat in their mini-bus – to be paid for on reaching town - and took me to Johannesburg where I was able to contact my friend David Gleason.[iii] The following day, I phoned Skosana to thank him. Later, Moroka phoned me, suggesting I report the matter to the South African High Commission in Lusaka. I wrote to both the Botswana government and the SA High Commission but received no reply from either. And the Irish Embassy in Lusaka said they could do nothing until my case came up in court. So much for the gunboat, I thought.[iv]

* * *

The Case Not Presented...

My lawyer, Messrs. W M Kabimba and Company, made a statement of claim on my behalf to the High Court for Zambia which they never presented. But what the claim reveals is the malign corruption of government officials.

STATEMENT OF CLAIM

1. The Plaintiff was at all material time a director and foreign investor in Mbeza Safaris Limited a limited liability company, incorporated under the Companies' Act, Cap 388 of the Laws of Zambia and having its registered office at Lusaka.
2. The Defendant is sued in his representative capacity pursuant to the provisions of the State Proceedings Act, Cap 71 of the Laws of Zambia.
3. In September 2004, through the consent granted by the Director-General of the Zambia Wildlife Authority, the Plaintiff with his foreign partner purchased Mbeza Safaris Limited as a going-concern through Gamefields Limited at the consideration of US\$365,000 for 100% shares in the company.
4. Following the above share sale Mbeza Safaris Limited was issued with an investment permit by the then Investment Centre.
5. The company was later issued with a tax clearance certificate by the Zambia Revenue Authority and a Tourism Enterprise Licence by the National Tourism Board.

6. The Plaintiff also applied for a self-employment permit to the Immigration Department.
7. On 30th May 2007, the Plaintiff received a letter from the Immigration Department informing him that his application for a self-employment permit had been rejected as the company was not viable.
8. The Plaintiff appealed this decision to the Honourable Minister of Home Affairs and the said appeal was rejected and dismissed accordingly.
9. The Plaintiff applied for judicial review of the decision of the Honourable Minister of Home Affairs to dismiss his appeal to the High Court under cause no. 2007/HP/ 0714.
10. On 30th October 2007, the Immigration Department filed an affidavit in opposition in which one Julie Mpamba deposed that no extension of the self-employment permit will be granted to the Plaintiff on national security grounds.
11. The High Court judgment delivered on 27th May 2008 against the Plaintiff found as a fact that there was no foundation for the national security ground and that to deny the Plaintiff the self-employment permit on the said ground was, therefore, unjustified under the circumstances.
12. In spite of the High Court judgment's finding above the Honourable Minister of Home Affairs on 09th June 2008 signed a Warrant of Deportation against the Plaintiff on the same ground of national security as being a danger to peace and good order in Zambia.
13. The Plaintiff appealed the judgment of the High Court to the Supreme Court on 09th June 2008 after leave to appeal was granted on 04th June 2008 and applied for an order to

stay the judgment pending appeal.

14. When the Plaintiff and his spouse, Cathlin Manning went to the Immigration Department on Friday 13th June 2008 at about 14:30 hours to collect their temporary permits which had already been paid for the Plaintiff was physically manhandled and handcuffed in full view of onlookers and other members of the public and forcibly taken into a motor vehicle by four officers of the State.
15. The Plaintiff's mobile phone was immediately seized and confiscated by Masamba one of the officers in the group who only returned it to his spouse on 03rd July 2008.
16. The Plaintiff was taken by the four officers of the State to Kabangwe Police Post on the Great North Road where he was detained and remained in handcuffs without food or water and was refused access to the toilet.
17. At about 18:30 hours on the same day 13th June 2008, the Plaintiff was relocated to Chanyanya Police Station where he arrived at about 1900 hours and was allowed access to the toilet for the first time and had the handcuffs removed.
18. The Plaintiff while at Chanyanya Police Station was put in a bare cell without any bedding or warm clothing on him at the temperature ranging between 10° - 12°C.
19. At about 01:15 hours on 14th June 2008, the Plaintiff was removed from the Chanyanya Police Cell into a double cab motor vehicle and was driven overnight to Livingstone and arrived at about 07:00 hours in the company of officers of the State which included one Masamba and Muchika.
20. At about 11:30 hours the Plaintiff was driven to Kazungula border post by the same officers into Botswana and arrived at City Lodge in Francistown where they spent the night.
21. On Sunday 15th June 2008, the Plaintiff was driven by the

officers to the South African border post of Grobler's Brug where he was left after being handed his Irish passport.

22. The Plaintiff after the departure of the Zambian officers was given a photocopy of the Warrant of Deportation by a South African officer which was signed by the Honourable Minister of Home Affairs under Section 26(2) of the Immigration and Deportation Act and dated 09th June 2008.
23. As a result of the actions and conduct of the officers of the State against the Plaintiff the Plaintiff was physically harassed, wrongfully deported from Zambia, suffered injury to his reputation as an investor, was wrongfully arrested and falsely imprisoned and his personal goods were interfered with.

* * *

On the 19th of June, the Kalaki's Korner column appeared entitled: DE-MANNING ZAMBIA - illustrated by Kiss.

GOODBYE, BWANA!



Illustration by Kiss of Minister Shikapwasha forcibly deporting me.





On 23 June – but ten days after my imprisonment, David Gleason, in his weekly *Torque* column in the newspaper *Business Day*, fired off a few mortar shells: [v]

Why was Manning's case treated so differently? It seems clear that the intention behind his incarceration and disappearance from public view was to ensure he was denied access to legal representation. Manning now has to

fight the issue from outside the country, both hands as it were tied behind his back. What does this say to potential investors, few as they are? Stay away, preferably. Those already in the country, and with money and assets already committed, need to be very careful and diligent. There cannot be much hope for countries that persist in journeys to nowhere.

On 19 August 2008, President Levy Mwanawasa died while on a junket to France. Presidential elections were set for 30 October, the acting President, Rupiah Banda, a former UNIP Minister, put forward as the MMD presidential candidate. A friend of Gleason's in Johannesburg, Martin Irish, a retired stockbroker, once linked with the Oppenheimer family of mining magnates, phoned me to say that Banda's team had approached him about organizing the finance for Banda's candidature. He replied, "Why should I fund Mr. Banda when the MMD deported my friend, Ian Manning?" They immediately said that they would look into it and phone him right back. Two hours later came the call. "We have made inquiries, and you are right. Manning was deported, and it had to do with some corrupt Indians. However, we will take steps to rectify the matter." On the strength of this, he established a funding mechanism. As Banda had always extracted money when needed from the Muslim Indians of his Eastern Province heartland, obviously no invitation to us to return ever came.

GOODBYE, BWANA!



MMD party logo



President Banda thinking

MMDeing.

However, Irish said he would put me in touch with his associate in Lusaka, Roy Penney, who worked for the chartered accountants Moores Rowland. Penney asked me to send through details. I did so and heard no more; not surprising when it suddenly struck me who Penney was, as I had recorded in 2007:

Lion Encounter (Steve McCormick, Roy Penney, and Andrew Conolly), in association with Xen Vlahakis (Safari par Excellence Company) and the African Lion Research

Trust (David Youldon), had their 'Walking with Lions' project approved by ZAWA, the quango having already issued them with an import permit for 19 lion and a tourism concession in the park - both without an EIA being approved.

I heard no more from Irish. Sadly, in 2016, he was murdered at his home in Johannesburg.

On 25 August 2008, my younger son was arrested, taken to the airport, held there overnight by the police, and then put on a plane for Johannesburg. He had played no part in my whistleblowing activities, a great injustice that Kabimba did nothing to rectify. On the same day, Cathlin and my 91-year old mother were given a week by immigration to pack up the affairs of a \$2.5 million, six-year eco-social investment - supposedly protected under the Investment Act. They too were innocent of any crime or political action.

Rupiah Banda became President of Zambia in November, the first-past-the-post race with him getting 40% of the vote, Sata 38%. Banda sat under the State House pissing tree for the next three years, the vervet monkeys there increasingly emboldened.

On 27 May 2009, I flew Chief Nyalugwe down to Johannesburg, where we agreed with him to establish a Landsafe conservancy in his chieftdom. I had not given up. This would require the establishment of the Nyalugwe Conservation Trust, followed by a petition to the Minister of Lands for the vesting therein of that part of Nyalugwe originally demarcated as the original Chilinga Native Reserve, followed by other land considered suitable for conservation development.[vi] [vii] Once ZAWA had cleared the way for the game ranching option, then Gamefields would lease the land from the trust, and

together with the proposed Landsafe Foundation, assist the trust to enter into wildlife co-management agreements with the Nyalugwe CRB for the benefit of the chiefdom residents. This would be followed by negotiations for co-management agreements between the trust and the Departments of Fisheries, Forestry and Water Affairs. On 25 June 2009, the Minister of Lands signed the certificate incorporating the trust under the Lands (perpetual succession) Act and vested the Chilinga in the Nyalugwe Trust. Chilinga, after some expensive and very amateurish surveys by ZAWA, was supposedly registered by them as a game ranch and leased by the trust to Gamefields. Only later were we to discover that ZAWA had not registered it.

On 23 February 2010, Wynter Kabimba visited Johannesburg where, despite his massive failures on my part, he came to see me. We discussed the Patriotic Front Manifesto – to which I made contributions on a *pro bono* basis. I recommended the establishment of a trust for Zambia along the lines of the Alaska Permanent Fund. Kabimba also asked if I would raise funds for the party. I agreed. On 26 February Michael Sata wrote to me to say, ‘I would like to confirm your appointment and authority on behalf of the Patriotic Front to undertake some fundraising ventures through individuals or corporate organizations in South Africa for our party’.[viii] But, as we had to move to a small town in Natal to care for my mother, I was unable to assist and wrote to Kabimba to tell him. But not before I had bought a piano at his request for his son and sent it to Zambia. When I finally had to request payment, from that time on, he ignored me.

At the end of 2010, my anglicized United-Emirates partner – now living on a large estate in England, having done nothing to

intervene on our behalf with the Muslim cabal in Zambia, even though he had once considered going into business with one of them, without warning or explanation folded his tent in the night and departed, leaving me to bear the debts. In 2011 he and his English financial controller promised to reimburse me for the money I had advanced the company. I heard no more until four years later when the controller contacted me asking me for some details so that she could shut down Gamefields Limited. I reported back at length, but again, silence, and quoth the raven, "Nevermore!" Yet, without Khalid, his trust exemplary, little could have been attempted without him.

At the time, we soldiered on in exile. With no income, we tried in vain to extract something from our rapidly plundered plant and equipment scattered over our field projects in Luembe and from the houses we had rented in Lusaka. I closed our children's school; the children sent back to their indigent parents.[ix]



Mbeza School

I paid off teachers in far-flung parts of our project area – in some places, the only teachers. I had Japher, our Zambian assistant, sell our safari plant and equipment for a pittance, some of it to Meyer of Munyamadzi Game Ranch Limited – an account he failed to honour in full. Our Malone camp on the Luangwa was flooded, then the land on which it stood washed away, our pontoon – supposedly safely moored up a tributary - allowed to float down the river to be picked clean miles downstream in Nyalugwe's country. In vain, I sought new investors. With Judy Carr's help, I struggled to protect trust funds from raiding trustees. I tried to retain our leased land to fight off the further illegal alienation of part of it by Senior Chief Luembe, the chief having the gall to complain about the lack of development in his country.[x] Japher, whom we put through university for

his LLB, did his best for us, but our cases in court languished because of the conveniently incompetent Kabimba.



Japher Mbewe L.L.B. & IM 2007

On 23 September 2011, the PF party was elected into office and began forming a new government.[xi] On 7 October, I sent a text message, followed by a letter, to Kabimba – then still Secretary-General of the PF – and soon to be Minister of Justice as well, laying out the grounds for our return and suggesting that he be paid on contingency and so follow through with our numerous cases. I had no reply.

“Surely,” I joked to Cathlin, “He is simply busy trying to find some red carpet in Government Stores.”

No order to revoke our deportations ever came, let alone restitution made for the plunder of our assets.

David Gleason (d.2014),[xii] wrote to Vice-President Guy Scott whom he and I knew, asking that he put matters right for us – the latter and I once accused by the Mwanawasa regime of plotting to destroy the maize stocks of Zambia.[xiii] [xiv]



Guy Scott & Kalaki top right

On 29 January 2013, Scott replied to Gleason, 'Thank you for reminding me about Ian and his son and for the update on his situation. I will start the wheels turning.' But we heard no more.

In 2011 Chief Nyalugwe and trustees of the Nyalugwe Conservation Trust began to exert pressure on Judy Carr to release trust funds to them, funds she held secure for the building of a maternity wing at the main Nyalugwe medical clinic. Trying desperately to control the money, she found herself accused by the chief of withholding funds earned from their 'own land'. As a result of his rudeness, she understandably withdrew from her *pro bono* role for a while.[xv]



Messenger, Judy Carr, Chief Nyalugwe, ?

In November 2011, a potential investor in the Chilinga Ranch

told me that Chief Nyalugwe had offered him 10,000 hectares of our leased Chilinga land and had also offered a 5,000-hectare share to someone else. On 18 December, I received an SMS from the chief:

Morning doctor yes we hv decided to lease only 4000 hectares cos the reason is no progress from that time to date from Japher and Judy and the money is still in the bank it can be sent back to you cos the people want development and employment but the 12000 hectares will be untouched waiting for you partner who came with japher. we are not doing away with you. NO what pipo want is progress though the OPs (shushushu) are on us since your name as the Founder of Nyalugwe Trust.

In 2012 Chief Nyalugwe sent me another message, 'I real want 2 thank u4 yo good plans 4 the formation of coming up with the trust and we shal still 4io yo inicatives but we are not giving any title Thankx'. And he had, I know, told numerous meetings of his people that he would now no longer alienate land from them. Yet, like Senior Chief Luembe, like Senior Chief Kopa and many other chiefs, though given the opportunity, guidance and finance, but with government lending no support, he had done nothing to advance any empowerment or development scheme for his chieftdom and people.[xvi]

In 2012 after ten years of dogged work, four of them in exile, I decided that I had done all I could and agreed to hand back Chilinga to the chief in exchange, on principle, for the small amount remaining in the trust fund after completion of the hospital building project. While we were owed in the region

of \$75,000 by the Trust, the chief told me there was \$12,000 in the Trust account. By the time I received what was there, it had fallen to \$8,000.

[i] Singer, Peter. "Magna Carta at 800." Project Syndicate, 4 June 2015. Web. 14 April 2017. <https://www.project-syndicate.org/commentary/magna-carta-anniversary-by-peter-singer-2015-06>

[ii] Mukanga, Chola. "Ian Manning." *Zambian Economist*. 17 June 2008. Web. 10 Apr. 2017. <http://www.zambian-economist.com/2008/06/ian-manning.html>

[iii] Manning, I.P.A. "David Gleason on holiday with Manning family, Kafue 2006." *Google Docs*. 2006. Web. 29 June 2017. https://docs.google.com/document/d/1AncTt_ARQst1TVbhByJPtKtUCz-EYTHEoC_PzRVMSpY/edit?usp=sharing

[iv] Manning, I.P.A. "Manning Statement of Abduction." 17 June 2008. Web. 6 Apr. 2017

https://docs.google.com/document/d/1ta9O3auuaQRM0z1tF4e_xW0xPRtgy5NWnbXRGJV2fG8/edit?usp=sharing

[v] Gleason, David. "David Gleason Torque Column, 23 June 2008." 23 June 2008. Web. 14 April 2017. <https://docs.google.com/document/d/1TIBWJETAdlwPk5CtghZoamBM0TbFjMuGRuuqyfNCmmo/edit?usp=sharing>

[vi] "Chilinga Reserve Boundary Coordinates." 2007. Web. 14 April 2017. https://docs.google.com/document/d/1thR8J4qAEGh_cP4Bepq5TQOOsqbHegNceRJP9zKVEu0/edit?usp=s

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[vii] The Nyalugwe Conservation Trust (Lands perpetual succession. Web. 19 April 2017. Act)https://drive.google.com/file/d/0B0sCBiNNeEh_dVhZMWd4cmpaQmxpUTVWelIGdUtIMjlQYmxz/view?usp=sharing

[viii] Sata, Michael. "Sata Fundraising Request." 26 Feb. 2010. Web. 27 June 2017. https://docs.google.com/document/d/1kwGACsBlkHsmeRb7wvF8yfY7Zd4wVGsdTfkBwKZSM_4/edit?usp=sharing

[ix] Manning, I.P.A. "Mbeza Safaris Home School Lusaka: Pastor Blessing and Children." 2006. Web. 14 April 2017. <https://docs.google.com/document/d/1tFsm-lWPP9ifGOVWYLqXgyhQznxsnsathbVVGMI0-rs/edit?usp=sharing>

[x] Mukanga, Chola. "Wising Up?" *House of Chiefs*. 27 Nov. 2010. Web. 10 Apr. 2017. <<http://www.houseofchiefs.com/2010/11/wising-up.html>>.

[xi] Patriotic Front Party, Office of the Sec'y Gen., Manifesto 4 (2011) Web. 13 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_QjVWd0hYZXVuam8/view?usp=sharing

[xii] Hog, Alec. Former miner, stockbroker and Business Day columnist David Gleason has died. BizNews.com. 16 February 2014. Web. 14 February 2017. <http://www.biznews.com/undictated/2014/02/16/former-miner-stockbroker-business-day-columnist-david-gleason-died-73/>

[xiii] Manning, I.P.A. "The luncheon affair..." *Zambia Gamefields Investment Journal*. 27 July 2007. Web. 9 April 2017. <http://zambiagamefieldsjournal.blogspot.ca/2007/07/luncheon-affair.html>

[xiv] "Rumours Grip State House." *Google Docs*. The Post, 22 Apr. 2006. Web. 14 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_ZDZLSVlnczUyMjQ/view?usp=sharing

[xv] “Kapasu, Judy Carr, Chief Nyalugwe, Councillor 2009.” *Google Docs*. 2009. Web. 14 April 2017. <https://docs.google.com/document/d/1QSkFnE36AwOeNYnVMKjOCqE98i5v5bOevH1tBUmcfs/edit?usp=sharing>

[xvi] Mukanga, Chola. “Facing Starvation.” *House of Chiefs*. 26 Mar. 2012. Web. 10 Apr. 2017. <<http://www.houseofchiefs.com/2012/03/facing-starvation.html>>.

The PF Dugout & ZAWA Disgrace

World Bank report on ZAWA and wildlife sector (2012) - hunting concession tenders (Dec 2012) - chiefs not consulted - minister fires DG ZAWA (Dec 2012) - minister bans lion and leopard hunting (Jan 2013) - stops hunting in primary concessions only (2013) - game ranches can hunt if fenced - consequences for wildlife: a repeat of 2001 situation - parliament looks at ZAWA accounts (2014) - Harrington accuses Masebo (2013) - ZAWA board includes Mihta and Kabimba (Jan 2013) - CRBs complain to Masebo - Vlahakis disgrace - SCI embraces Masebo (2013) - the way forward - Chief Yeta of Sesheke - Mihta the unsavoury - ZAWA doing the cartel bidding - CRBs complain of non-payment - Zambia airforce corruption - secondary concessions put out to tender - A-G report on Zambia's parlous wildlife management (2014) Harrington tribunal - Lubinda testifies - Masebo investigated - an academic skewering - parliament assesses A-G report on wildlife (2014) - Muslims and Christians



The principles of advocacy in our legal system have much to teach us about the more general values of reasoned debate which are fundamental to the success, indeed the survival, of a civilized society. Our culture is threatened by the decline of advocacy, that is the reluctance to present a case by means of persuasion, the refusal to listen to the arguments of the other side, the resistance to considering the competing interests dispassionately, and the replacement of these methods of rational and objective debate and analysis by aggression and intolerance at all levels, domestic, national and international.

David Pannick – Advocates (1992)

* * *

World Bank report on Zambia Wildlife sector (2012)

In May 2012, the World Bank-funded report appeared, *Zambia Wildlife Sector: Situation Analysis and Recommendations for a Future Policy*.^[i] In its executive summary, it declared that, 'ZAWA has had limited funding and insufficient capacity to fulfill its mandate over a huge national wildlife estate that occupies 30% of the land area of Zambia'; proven, it concluded, by the fact that, 'Where funding from external donors was provided, or where partnerships were established, the management of national parks improved significantly'. Therefore, the report concluded that the problem was the 'lack of capacity within ZAWA, or to a lack of finance'. As for the GMAs, there were, they thought, 'many flaws...governance, resource tenure, accountability, which require correction through a new policy'. They then identified what they considered were the principal causes of the underlying malaise:

1. ZAWA was not permitted to strengthen itself or to operate in an environment free of political influence
2. ZAWA was required to operate with a budget, including government's input, estimated at 20% of its critical needs
3. The interface between wildlife and people, mainly in GMAs and private wildlife estate, suffered from a policy framework that did not align incentives in the ownership of wildlife resources to expected results.

They then recommended that a new wildlife policy address the

following:

1. Business environment: new wildlife policy to reduce bureaucratic processes
2. Protected area reclassification: establish new categories of protected areas. Create opportunities for 'community and private sector participation in setting up new protected areas in Open Areas to expand the wildlife estate
3. Partnership: to be facilitated for protected area management to cut costs. This to include joint venture, CBNRM and co-management
4. Private wildlife estate: greater support for it
5. Governance of GMAs: strengthen their governance and increase the share of revenues retained for GMA institutions. 'Communities to organize themselves into legal entities under the Companies Act and enter into management agreements with private enterprises in the use of GMA resources, possibly under the guidance of an advisory committee. Such an arrangement should be made following the regulation of ZAWA, and local communities should also engage with other natural resources sub-sectors and stakeholders in GMAs'
6. Local Government to be given powers over wildlife in Open Areas

Their key strategic options for the future hinged on business – with lots of climate-speak, and once again that malodorous word, 'community' - an unhinged, unconnected entity, ignoring customary law and tenure and the whole concept of chiefdoms,

and tribal and clan identity. In 2) it suggested Landsafe's be set up in Open Areas but made no mention of customary area. It is only under strategy 5) that we first hear of customary tenure and 'community' land trusts and 'delegation of resource ownership, trees and wildlife, to the conservancy itself'. Much of this report, a landgrab by any other name, formed the basis three years later of the Wildlife Act of 2015.

On 26 December 2012, ZAWA handed their list of successful bidders for hunting concessions to Minister Masebo. Complaints were also made to her of various irregularities. Chiefs and CRB representatives summoned to Lusaka in December were not consulted. The ZAWA advisory committee (Keith Asherwood, Timothy Mushibwe, Yousuf Zumla, Johnny du Plooy, Richard Bell-Cross, Willie Nsanda) is making its selections. As a friend of Chief Nawalya wrote to me:

Just had word from Chief Nawalya that he spent almost a month in Chilanga at Andrews Motel with other chiefs, waiting to participate in decisions about hunting concessions. None of the chiefs got to make the decisions and were sent home, only told that the Committee had made the decision.

But before they left, 31 chiefs petitioned Sata. They met with the Ministry's Permanent Secretary to discuss the applications by hunting cabals, i.e. the same people tendering for concessions but under different names, an example being the merchant Gulam Patel (father of Zaid Patel of West Mvuvye National Forest and Mufunta GMA notoriety) who had won six concessions through applications made by his family cabal, and awarded

an additional six as a silent partner. The chiefs may have been spurred into action by a statement in parliament on 5 December earlier in the month by MP, M.B. Mwale: “Mr. Speaker is the Hon. Minister aware that hunting-safaris in this country is dominated by a clique of Zambians of Asian origin who have set up multiple companies and are openly boasting that their hunting-safari licences will be renewed because they are the big sponsors of the PF government?”

Masebo also announced that ZAWA DG Edwin Matokwani, the Director of Conservation, Melody Simwanza-Zeko, and three others were fired for corrupt practices in awarding the hunting concessions; one of the charges being that they had failed to consult with the CRBs and the chiefs. Matokwani had a chequered history: in 2009, he was the South Luangwa National Park Warden and chairman of the road project funded by NORAD. He had failed to challenge the National Road Agency when the ZAWA DG Saiwana awarded the contract to ‘his’ company. Saiwana was fired – not for the first time. But Matokwani was let off with a reprimand. He was later made DG in March 2011.

Masebo then made a statement that would have struck at the heart of cabal funding of the PF, and which doubtless had her fired by Sata: [ii]

When you analyze and look at records at PACRA, it is easy for ZAWA to see that the people or companies awarded the tenders are related. You find that it is a son, uncle, in-law kind of arrangement, and as government, we talked about the equal distribution of wealth.

Lion and leopard hunting banned (2013)

On 9 January 2013, Minister Masebo called a meeting of the hunting-safari operators, attended by Vice-President Scott. There she endorsed some policy decisions. One, the hunting of lion and leopard was banned. Two, there would be no hunting-safaris in the aborted 19 GMAs for 2013, only on the second tranche of concessions – some eight in number, and on private game ranches - provided they were fenced, held valid permits to keep animals in captivity and certificates of ownership for game or protected animals, and were members of the Wildlife Producers Association of Zambia. Three, game counts would be conducted in the concessions. Four, the tourism sub-sector would be reviewed. Five, the government would mobilize against poaching. This, the communiqué said, would include partnering with chiefs, CRBs and the private sector. No mention was made of customary area and customary people.

ZAWA had the necessary information on which to make management decisions. The problem was that the managers had been told to wear the straight jacket of quotas that allowed the hunting concession agreement to extract the maximum income for ZAWA, something I had strenuously objected to for over ten years. Lion and leopard populations had diminished, being overhunted and also targeted by the bone trade. His statement that the value of hunting-safaris to the nation ‘is not currently perceived as worthwhile’, is given some substance because ZAWA spends so little of its income in the field; rural residents, the people of the customary commons, receiving

nothing.

Although it is heartening to see a minister actually listen to stakeholders instead of taking the opportunity to talk down to them - as Minister Pande had done in 2007 at the truce meeting between the hunting industry and government, there will be a repetition of the President Chiluba ban on hunting of 2001-2002 when unpaid and disaffected government staff plundered wildlife for bushmeat and ivory, establishing poaching camps across the gamelands – a level of poaching not seen since the 1980s. The impacts of a hunting ban in 19 GMAs, given the relatively small photographic safari industry, would be to expunge much of the income, leaving vast areas vacant as open-access fields of plunder, deprive chiefs and CRBs of any hope of income and encourage them to join the plunder fest, put hunting-safaris companies out of business and set loose staff without work. Masebo's assertion that finance would be found to protect and upgrade GMAs was fatuous, and even if forthcoming donor projects such as ADMADE, LIRDP, CONASA, SEED, REMNPAS, the National Adaptation Plan of Action on Climate Change and other countless donor milking opportunities had signally failed to make any advance on villager empowerment and natural resource degradation, let alone the conservation of wildlife.

Hunting concessions were being plundered, even when safaris were in the field. In the 2012 season, one operator who had stood firm with me in the court action against NAMAC and ZAWA told me that he had found 40 elephant carcasses in his concession. And the minister's promise that ZAWA would carry out a proper game census in the 19 concessions was simply a scientific and practical delusion.

In Masebo's communiqué were details of the criteria neces-

sary for game ranches to conduct hunting-safaris. Here was an admission that the issue of hunting-safari licences and greatly inflated quotas for species such as lion, year after year, to those unfenced game ranches such as the Munyamadzi Game Ranch Limited in Senior Chief Luembe's country, was criminal.

In 2014 a parliamentary committee cast their eye over the Auditor-General report on the ZAWA accounts for 2009-2012:[i] The performance of the Controlling Officer they said, was 'unacceptable': the financial statements of the first two years provided long after the time allowed under the Act, the latter two years still to be audited. There then followed a listing of the inevitable deterministic chaos:

1. A failed business venture and loss of investment funds with ZAIN, now Airtel – the sorry details laid out
2. The CRB funds without proper management; the imprests unretired
3. A massive amount of stores issued to the CRBs unaccounted for
4. Funds owed by Masebe Game Ranch for the purchase of its game animals on 2 October 2008 not collected, and a barter system entered into with 150 sable provided for ZAWA; eighty-seven sable still owing - the committee asking that it be reported to the police
5. A report on Muchinga Wild Game Capture Services (owned by an ex-ZAWA employee who obviously set up the enterprise while still employed in 2012), a report so confused that it was obvious the committee could make no sense of the Controlling Officer's mumbling incoherence
6. ZAWA had purchased blesbok and nyala for release in the

- Lusaka National Park, species not found in Zambia
7. Mumbwa East GMA and the Lower Zambezi National Park invaded by settlers with calls to have them removed, forgetting that Mubwa East is customary area
 8. Tourism operators failing to sign concession agreements, and many of those who had signed, not paying concession fees
 9. ZAWA had borrowed money and failed to pay it back

“Your Committee finds such laxity unacceptable as it puts the integrity of the organization at stake.” What integrity, one may ask? ZAWA management from its formation in 1998 has been a disaster, but little different from its predecessor, the National Parks and Wildlife Service (NPWS), for its last twenty-three years of existence (1975-1998).

In the *Zambian Watchdog* of 14 January 2013, appeared a copy of a letter written to Minister Masebo by a former Minister of Environment and Natural Resources, William Harrington - a grandson of ‘Chiana’ Harrington of the BSA Company.[ii] He called for the tribunal to investigate her on five issues. One that she cancelled the public tender process in breach of the Public Procurement Agency Regulations 2011. Two that she had dismissed ZAWA staff without board approval. Three, that she instructed senior officers to kill game without the issue of special licences. Four, her announcement that foreign aircraft were flying into the country to remove valuable wildlife species. This letter was then sent to the Acting Chief Justice, who requested a private meeting with Harrington, one that he refused. As a result of a lack of further action, he laid a

complaint towards the end of April 2013 with the Judicial Complaints Authority.

Parliamentary report on the A-G report on accounts of ZAWA (2014)

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Below Board ZAWA Appointed (2013)

On 18 January 2013 came the announcement of the new ZAWA board appointed by the minister on the advice of Scott and Kabimba (doubtless approved by the A-Team chairman, Zambia's President Sata) and chaired by Guy Robinson (former President of the National Farmers' Union, and a Mazabuka game rancher). Some of the more noteworthy appointees

were Justice Minister Wynter Kabimba (at the time under investigation by the Anti-Corruption Commission), Chief Mwape (a Nyendwa clan chief from Petauke who was never prosecuted for her part in the illegal alienation of part of the West Mvuvye National Forest), Younis Mihta (along with me, a Wynter Kabimba client from whom my partner (a United-Emirates Muslim) and I had purchased Mbeza Safaris), Timothy Mushibwe, and Senior Chief Inyambo Yeta of Sesheke (formerly in politics with Kaunda). Masebo then announced Scott's wife, Charlotte Harland (UNICEF Lusaka), and Harry Chabwela (a former colleague, he of Project Rhino notoriety). Five committees were appointed: Finance, chaired by Mushibwe; Audit and Investigations by Mihta; Policy, Legal and Administration by Kabimba; Technical and Operations, Yeta; and the core committee of Community and Wildlife Resources under Harland.

Mihta, it was alleged in the online *Tumfweko* in October 2013, in a letter sent in by a group of disaffected ZAWA employees, was part of the Muslim cabal and funders of the PF, who had attempted to obtain 20,000 hectares of Chief Nsefu's country adjoining the South Luangwa National Park.

The interim Director General of ZAWA at the time, Xen Vlahakis, was appointed on 21 January 2013 by Masebo, despite his involvement in illegal land deals in the Musi-o-Tunya National Park and a highly questionable commercial lion breeding program in the same park and the adjoining former Dambwa Local Forest, making him unfit for such a position. In late April 2014, complaints appeared in the press that he left ZAWA and had organized a huge gratuity for himself, despite numerous former senior staff waiting for their terminal benefits. A few days later, he was fired, dying four months later.

After announcing her board and new DG, Masebo travelled in January 2013 to the Safari Club International Convention in Reno, USA, and addressed it, repeating much that was in the communiqué but saying little that could enthuse hunters, other than vague promises, yet receiving a standing ovation – such is the power of politicians and American hunting fraternity’s overweening need to toady up to those who have the power to keep hunting going, no matter the cost. I penned the president of SCI a letter saying, ‘On the scientific front, there is absolutely no justification for counts to be conducted that cannot provide the necessary confidence limits. What has to happen here is that the precautionary principle must apply and use must be made of hunter returns and trophy standards’. No reply was forthcoming.

At the request of the magazine *Africa Geographic*, I was asked to simplify matters by presenting ‘my way forward’ for hunting-safaris in bullet points. I laid out the steps: replace ZAWA with a government department (which Sata had promised me years ago he would do once in power); introduce a Landsafe type policy and re-introduce the Natural Resources Act of 1962; immediately settle on conservative quotas and the successful tenderers, and commence hunting. What I left out was obvious: employ wildlife professionals, no matter their race, creed or nationality.

My immediate reaction to the appointment of the new board in 2013 and recalling the disgraceful part Chief Mwape had played in the sale of a portion of the West Mvuvye National Forest was to question the appointment of Senior Chief Inyambo Yeta of Sesheke. He had been made chief in 1977, a Minister of State for Home Affairs in Kaunda’s government of 1988-1991, and Kaunda’s UNIP Vice-President in 1996.

Here was the grandson of Lewanika and the second son of the late Litunga Yeta IV consorting with the abrogators of the Barotse Agreement. He was on the ZAWA Board, appointed ultimately by Sata, the very man who had broken his promise on the Barotse Agreement 1964.

But, as a conservationist, Yeta's credentials seemed to be in order, for he was a board member of Peace Parks and had created two trusts to safeguard the land lying between the Kafue and Sioma National Parks for the KAZA Transfrontier Area. But little did I know at the time that Sioma Ngwezi would soon have its elephant massacred.

But it was the appointment of Mihta, arranged by Kabimba, which made it clear that the Muslim cabal wielded considerable influence with the PF both before and after the election of September 2011. In 2004, Mihta had told Rolf Shenton that they wished to sell their safari operation, Mbeza Safaris, as they were uncomfortable serving liquor in the camps. This led to our purchase of Mbeza Safaris in 2004, Younis Mihta at pains to tell me that he distanced himself from the aggressive actions of his Muslim-Indian fellows. But this was pure artifice on his part, for later, he and Kabimba ignored the terms of the purchase agreement – negotiated on our behalf with ZAWA by Kabimba himself – terms that indemnified us from Mbeza Safaris debts before we purchased the company. This was made clear after ZAWA stole our trophy deposits to settle the Mbeza/Mihta debt. Mihta angrily refusing to compensate us, and Kabimba refused to facilitate the matter. And, of course, ZAWA would take no action.

This shoddy affair clearly revealed Mihta's arrogant dishonesty and that Kabimba danced to the tune of the cabal. This was made abundantly clear by the latter's failure to make any

progress on the number of cases we had against ZAWA and the government, not the least that as Minister of Justice a few years later, he could easily have had our deportations repealed on forming the new government. Guy Scott also did nothing to help us, despite my minute role in getting the PF elected and despite his promise to the former Chairman of the Wildlife Society, David Gleason, to 'look into it'.

Six Luangwa CRBs complain of ZAWA's failure to pay them (2013)

On 19 March 2013, the Lupande CRB chairman wrote to Minister Masebo reporting on a meeting of the Lupande, Mkhanya, Nsefu, Kakumbi, Malama and Jumbe CRBs further north in the Luangwa, deploring her failure to keep her promise of January to pay CRBs what was owed them from hunting-safaris. The six CRBs who had met to deal with the situation also reported an alarming decline in wildlife from poaching. The irony is that it was in the Lupande GMA that the Lupande Research Project (1979-1984) gave birth to the ADMADE program (1987-1999) centred at the Nyamaluma Institute of CBNRM in the Lupande GMA. Here, fourteen years later, anarchy reigns despite nearly three decades of USAID and NORAD donor funding. Clearly, the Eastern Province division of ZAWA and SLAMU, in terms of the agreement signed in January 1999 by ZAWA for NORAD financial assistance to allow it to retain all revenues from tourism and hunting-safaris

in the South Luangwa National Park and the Lupande GMA, had made it possible for them to steal large sums of money owed to the CRBs. In a letter, published in the *Zambian Watchdog* of 23 March, the chairman (presumably Chief Kakumbi) of this grouping of chiefs wrote:[v]

As a consequence poaching is rising significantly day-by-day and the situation for wildlife is dire. Unless quick action is taken to get the village scouts back on patrol Zambia's wildlife will be depleted at unprecedented rates, which is not only tragic for our natural heritage but for our safari tourism economy also. Without any exaggeration, poaching rates are now so high in the Luangwa Valley that international tourists on game drives will soon find wildlife difficult to view. This situation has huge impact on the future of Zambia's tourism industry and on wildlife conservation moving forwards, as poachers swoop in as it is widely known in the community that the government has not disbursed funds to the CRBs and therefore normal operations of the CRBs are on hold, as are any development projects in the local community. Our animals are now being killed in large numbers as a direct result.

One reader, calling himself ZAWA, commented, 'You are not alone, guys. Even us ZAWA employees have not been paid for two months. We are crying with you because we know you do a lot of work in conservation. It's sad to know that you can now buy a hippo in the valley at 200 kwacha (*a few cents*) from local poachers. Shame on Masebo.' Then someone claiming to be

Edwin Matokwani - the ZAWA DG fired by Masebo at the end of December 2012 - commented in the *Zambian Watchdog* of 2 January 2013:

ZAF (Zambia Airforce) is the biggest culprit In Mfuwe especially in Nsefu chieftdom some villagers have been armed with automatic rifles and have literally wiped out elephants that go foraging for food in the GMA. In Nsefu, elephants are massacred in broad day light, tusks removed and ZAF officers meet up on rendezvous points to collect and later fly the contraband to Lusaka from their Mfuwe base. It is a cabal that involves high profile 'boys'. ZAWA and SLCS (South Luangwa Conservation Society) cannot fight this powerful cabal.

On 13 May 2013, ZAWA Board Chairman Guy Robi son announced that 'as of 1 January those holding valid agreements with ZAWA, two blocks have been repossessed for persistent non-performance and serious breaches of the law. Of the remaining ten blocks which will operate in 2013, quotas have already been set – excluding the big cats and elephants... supported by a statutory instrument'. In the same month, a letter in *Tumfweko* from ZAWA staff appeared, complaining that Mi ta had n t investigated the Indian cabal f r the r involvement in the illegal tenders.[vi]

A-G report of July 2014 on 'Management of Wildlife'

An Auditor-General report of July 2014 brought little solace to those who wish to see the management of biodiversity improved. The report, 'Management of Wildlife', is out of kilter with normal audits, having the rather hazy objective 'to assess whether the ZAWA managed wildlife effectively'. The report is obviously the result of a consultancy awarded a 'targeted citizen', and unprofessional and amateurish, unlike the usually polished products of the Auditor-General. However, it rolled out a litany of dysfunction:[vii]

1. Game surveys were irregular, as ZAWA could not perform them
2. ZAWA had no idea how to assess range carrying capacity and sustained harvesting levels
3. 'Various activities such as mining and settlements within the national parks and GMAs resulted in undesirable activities', causing 'depletion of wildlife and loss of the ecosystem.'
4. Illegal mining was taking place in the Kafue (one mine) and Lukusuzi national parks (seven mines)[i]
5. ZAWA did not require tour operators to provide EIAs for their activities
6. Nine national parks had no management plans, as well as many of the 36 GMAs
7. ZAWA had failed to increase the revenue as it only managed to raise a total of K53.4 billion in 2009 and K51.4

billion in 2010 (\$8.2 m) as compared to the targeted revenue of K40 billion in 2009 and K100 billion by the year 2010 (\$16m) according to the strategic plan for the year 2008 – 2012'(1 USD = kwacha 6,260; in September 2015 – K9,900)

8. In 2010 some 20% of staff positions in ZAWA were vacant
9. 27 CRBs received irregular advance payments against hunting revenue
10. The quota system for hunting-safaris was shambolic
11. Based on the IUCN international recommendation for protected areas of 1 scout per 50 km², ZAWA's areas had anything between 1 scout per 70 km² to 3 per 173 km²; many GMAs had no scouts
12. Out of a total of 30 tour operators in the Kafue National Park, 15 operators with valid concession agreements signed between 2003 and 2008 were not operating and had not honoured their obligation to pay fixed charges (as of 31 December 2013, ZAWA had not taken any action against the operators)
13. ZAWA cannot protect national parks and GMAs as it has insufficient resources, especially appropriate equipment, numbers of personnel, and adequate funding. This has reduced wildlife resources by reducing biodiversity, a decline in the animal population, and revenue loss. The demand for land and settlements threatens the protected area coverage remaining.
14. The lack of development in GMAs is further caused by the absence of district development plans (DDPs) that integrate all of a district's land and resources. Furthermore, politicians sometimes tolerate the unlicensed use of resources by local people, and they influence decision-

making processes, thereby preventing managers from making technically sound decisions.

In February 2014, the tribunal hearings investigating charges made by Harrington against Minister Masebo commenced under Judge Kaoma. The ZAWA Procurement Officer, Taulino Banda, testified that Masebo had instructed him to favour 'black Zambians with round noses' in the tenders rather than Indian Zambians. The former DG Matokwani said that Masebo had instructed him that Willie Nsanda (Chimbwi Safaris) - a member of the PF Central Committee, the ZAWA Advisory Committee, and Chairman of the Road Development Agency, and Dorothy Mulwila (Bimm's Safaris) - who had illegally been awarded the Luembe block of the Mbeza Safaris concession, be awarded hunting blocks even if they did not meet the tender requirements. But James Milanzi of ZAWA, formerly with ZAWA's SLAMU unit in Eastern Province, a unit I had exposed for the operation of a commercial poaching ring, testified that the Zambia Security and Intelligence Division in the Office of the President (the *shushushu*) and the Anti-Corruption Commission overseeing the process, had acted properly. He failed to explain how this was possible when the tripartite partners in any future hunting agreement, the chiefs and CRBs, were left out of the selection process, having been invited to Lusaka in December 2012 to participate, then completely ignored by ZAWA.

Ex-Minister of Tourism Lubinda testified that Scott and Kabimba had requested that he fire DG Matokwani because he was an MMD Party supporter, a charge they denied. Lubinda

told the tribunal that the Attorney General had advised him that such powers of dismissal were the prerogative of the ZAWA board. Later, as Minister Masebo testified, she had removed the upper management of ZAWA on the instructions of President Sata. In March, with the tribunal still in session, Sata fired her. When a copy of the tribunal's report was leaked to the *Zambian Watchdog* on 27 March, it revealed that Masebo was exonerated on all counts of having breached part 2 of the Ministerial and Parliamentary Code of Conduct Act, the deciding issue being the question of whether or not she had received a pecuniary advantage. However, the tribunal found that she had illegally cancelled the tenders (having been influenced by the cabal member, Zumla, of Eastern Safaris – unsuccessful in his original tender), though 'supported by government'; and that she was wrong to have dismissed the senior officers.

In April 2014, the Anti Corruption Commission began an investigation into her instructions to ZAWA to provide transport and accommodation for the witnesses she had called – costs for which she was personally responsible. In the same month, Jean Kapata was appointed Minister, she dissolving the ZAWA Board and declaring that all wildlife policies and legislation would be in place by the end of the year. From this date to the closure of ZAWA on 31 December 2015, no new board was appointed. In August 2014, she announced that, as ZAWA needed the money, hunting-safaris in the 19 closed concessions would resume (in July 2017, Masebo was acquitted of the charge of having abused her powers as Minister by cancelling hunting concessions).

The Parliamentary Committee on Lands, appointed in September 2014, assessed this catalogue of dysfunction by studying the A-G report on wildlife management.[ix] They

took submissions from the appropriate ministries and the CBNRM Forum, Sable Safaris, and African Parks. As Sable Safaris is a hunting camp operating on the Nyakolwe Game Ranch and obtained by Iqbal Alloo from the Petauke District Council under highly dubious circumstances, their inputs and expertise are questionable. And African Parks is a neoliberal privatization outfit (Prince Harry of the British royal family appointed as its president in December 2017). The issue of the 'livelihood of communities in the Game Management Areas' was broached, the committee suggesting that ZAWA mount a public awareness campaign. ZAWA, in its reply, said that:[x]

To enhance public awareness and enhance collaboration with communities and their Royal Highesses, ZAWA had introduced a subcommittee of the Board to specifically deal with matters of community livelihoods in Game Management Areas. Also, Community Liaison Officers had been employed in most management units to spearhead public awareness activities through Community Resource Boards (CRBs) and Village Action Groups (VAGs) for the benefit of...

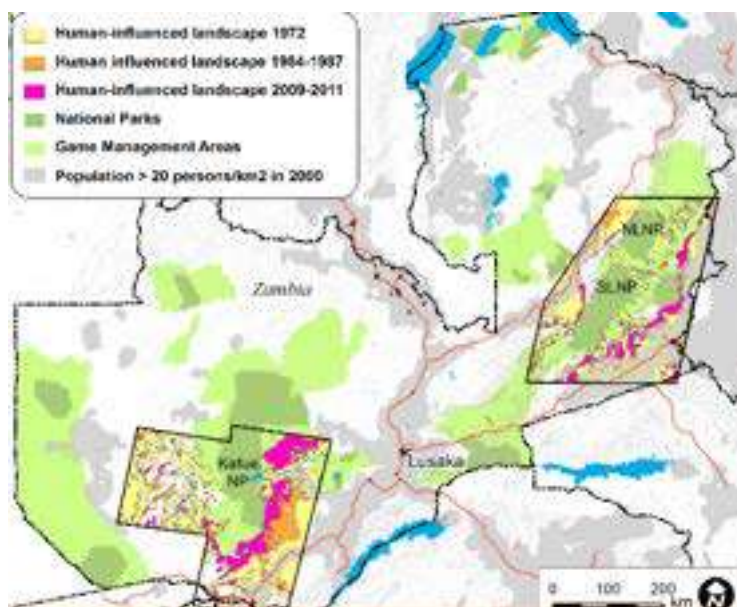
But in Luembe, like the rhino, they have not seen a community liaison officer other than one of their own, Japher Mbewe, who does this work on a pro bono basis for the Luembe Trust. The committee was nonplussed, muttering lamely under their breath at the evidence of such lamentable dysfunction: 'If the Zambia Wildlife Authority as a statutory body is unable to sustain its own operations, then the government should

consider making it into a department of the Ministry of Tourism and Arts'.[xi]

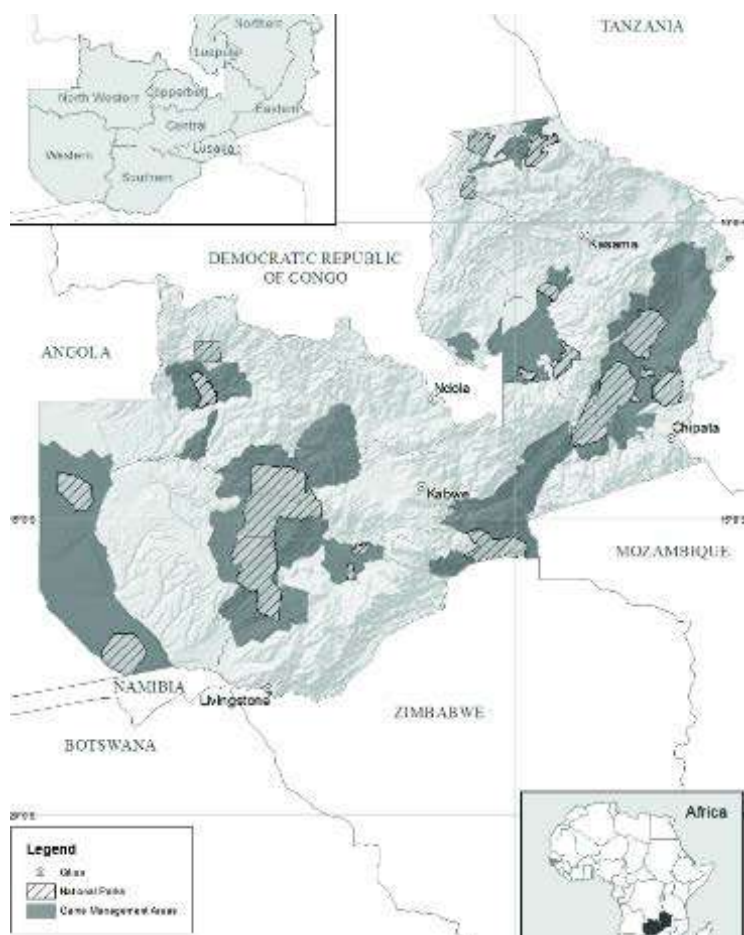
The appalling state of the nation's biodiversity was summed up by the abstract in an article by [Lindsay](#) et al. in 2014:[xii]

Many African protected areas (PAs) are not functioning effectively. We reviewed the performance of Zambia's PA network and provide insights into how their effectiveness might be improved. Zambia's PAs are under-performing in ecological, economic and social terms. Reasons include: a) rapidly expanding human populations, poverty and open-access systems in Game Management Areas (GMAs) resulting in widespread bushmeat poaching and habitat encroachment; b) underfunding of law enforcement; c) reliance of ZAWA on extracting revenues from GMAs to cover operational costs which has prevented proper devolution of user-rights over wildlife to communities; d) on-going marginalization of communities from legal benefits from wildlife; e) under-development of the photo-tourism industry with the effect that earnings are limited to a fraction of the PA network; f) unfavourable terms and corruption which discourage good practice and adequate investment by hunting operators in GMAs; g) blurred responsibilities regarding anti-poaching in GMAs resulting in under-investment by all stakeholders. The combined effect of these challenges has been a major reduction in wildlife densities in most PAs and the loss of habitat in GMAs. Wildlife fares better in areas with investment from the private and/or NGO sector and where human settlement is absent. There is a need for: elevated

government funding for ZAWA; greater international donor investment in protected area management; a shift in the role of ZAWA such that they focus primarily on national parks while facilitating the development of wildlife-based land uses by other stakeholders elsewhere; and new models for the functioning of GMAs based on joint-ventures between communities and the private and/or NGO sector. Such joint-ventures should provide defined communities with ownership of land, user-rights over wildlife and aim to attract long-term private/donor investment. These recommendations are relevant for many of the under-funded PAs occurring in other African countries.



Human-influenced land



National Parks (core areas) & GMAs

In parliament, on 26 November 2014, the UPND candidate for Bweenga excoriated cabinet office for allowing the ongoing

ZAWA debacle: xiii.

When ZAWA was a department, we had better managed national parks. So, because of the weak civil service, we thought the solution was to turn it into a quasi-government institution. Those quasi-government institutions have been draining the blood of this country over the years. Now they have even gone to the bone marrow and the country is just moving as a very thin structure.

In 2016, government decided to do just that, creating the Department of National Parks and Wildlife (DNPW), but placed in the Ministry of Tourism and Arts, later confirmed by an Act of Parliament.[xiv] This was total confirmation of the failure of the government to manage the wildlife estate and to empower customary residents on their land, despite the many millions of aid and cossetting by the Co-operating Partners of Zambia, the scholarships to universities, the endless consultancies, workshops, and hot conference air. Ten years ago, Michael Sata and I had a long conversation about ZAWA. I gave him a précis of the recurrent failure of the system and just how we should go forward. He promised he would deal with it when elected. He did not do so, merely underwriting the mining and the road and hydro plunder, the repetitive Plundercene Epoch failure.

Muslims and Christians

Underlying the continual cancellation of tenders, corruptly awarded tenders, single-species tenders and so on is the fact that whoever is the minister in charge of wildlife has a massive patronage arsenal of favours on call with the use of special licences and with the concessions themselves. Added to this are those political players and cabals that fund politicians and political parties for a future pay-off.

Another continuing problem in Zambia is the clear rift between the two settler communities in the hunting industry, i.e., Indian-Muslim and European-Christian. Since 1970 the Indian-Zambians have been intent on gaining control of the industry and wishing to rid it of its 'white hunter image'. Historically the safari industry has been white-run with few professional hunters drawn from the Indian or Bantu community. In 2014, of the 74 full members of PHAZA, there were only two Indian professionals, six Africans and one coloured. With the dire economic situation of the 1980s, more Indians entered the hunting-safari business to obtain foreign exchange. As there are major religious, social and class differences between the groups, with the Indians notable supporters of the political patronage system, particularly in Eastern Province, there were bound to be serious divisions.

Some researchers consider Europeans in Zambia as openly racist. Manspeizer, after eighteen months residence in the country collecting material for a Ph.D., after reading the autobiographies of two well-known wildlife personalities and former colleagues of mine long involved in hunting-safaris

– both now deceased, Norman Carr and Angus MacLagan, accused them of racism towards Africans. She also made some other wild accusations, without presenting any evidence: that whites had marginalized the Indian professional hunters; that they were responsible for the disappearance of wildlife in times past; and that they had wrongly claimed that the Provincial Administration and the Game Department in colonial times had helped villagers and produced benefits for rural areas. One extraordinary accusation levelled was that white professional hunters were segregationists because they built their camps far from villages. A guide or hunter would place his camp next to a village when there is mile upon mile of pristine, undisturbed river elsewhere is not explained. The accusation against the late Norman Carr, my former employer and co-founder with me of the NGO, the African Wildlife Trust, was that ‘his views on Africans were disturbing’, he having remarked on a visit to a village on an ‘uncontrolled mass of shrieking men and women’ – something very common to any of us who spend time hunting and arrive at a village with a gift of meat.[xv]

Hunting-safari clients tend to be people whose political views are right of centre, but to accuse them of racism shows a lack of understanding of the forces at work. It is quite understandable for clients – mostly drawn from America, and mostly Christian English-speakers, who pay a great deal of money for a first-class safari – to wish to be with people of their culture and language. Being in the constant company over some weeks in a modern safari camp with those African professional hunters without much Western education and a poor command of English, Western catering and hospitality detract from a safari where great friendships between client and hunter are often forged. This is a matter of commerce, culture, class and

language, and has nothing to do with race. However, where dedicated resident hunters make their hunting arrangements year after year, employing their own hunting and camp staff, they establish long and deep relationships with the Zambians of the bush. Here I think of Melland and Chuma, of myself and Macleod with Charlie, Tupu and Mangenje in Rhodesia, and with Nelson Chilangwa and Rice Time in Zambia.[xvi] [xvii]

[i] Sichilongo, Mwape; et al. "Zambia Wildlife Sector Policy: Situation Analysis and recommendations for a Future Policy." *OKR: Open Knowledge Repository*. The World Bank, 1 May 2012. Web. 14 Mar. 2017. <<https://openknowledge.worldbank.org/handle/10986/11917>>.

[ii] The Times of PF. Masebo fires ZAWA bosses saying they are corrupt. 31 December 2014. Web. 14 April 2017. <https://www.zambiawatchdog.com/masebo-fires-zawa-bosses-saying-they-are-corrupt/>

[iii] Report of the Public Accounts Committee on the Auditor-General's report on the accounts of parastatal bodies for the financial year ended 31st December 2012 for the fourth session of the eleventh national assembly appointed by the resolution of the House on Friday, 26th September 2014. pp.90-96. Web. 6 April 2017.

[http://www.parliament.gov.zm/sites/default/files/documents/committee_reports/Report%20AGs%20-%20Parastatal%20Bodies%202012%20\(4th%20Session%202014\)-1.pdf](http://www.parliament.gov.zm/sites/default/files/documents/committee_reports/Report%20AGs%20-%20Parastatal%20Bodies%202012%20(4th%20Session%202014)-1.pdf)

[iv] "Arthur (Chiana) Harrington.jpeg." 1955. Web. 14 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_VU9MUzJGdWxaRUE/view?usp=sharing

[v] Chairman Lupande Community Resource Boards et al. "Unpaid village scouts write a complaint letter to Masebo". Zambia Watchdog. 23 March 2013. Web. 14 April 2017

<http://www.zambianwatchdog.com/unpaid-village-scouts-write-complaint-letter-to-masebo/>

[vi] "We Have Repositioned the New ZAWA-Robinson." *LusakaTimes.com*. 13 May 2013. Web. 4 Apr. 2017. <https://www.lusakatimes.com/2013/05/13/we-have-repositioned-the-new-zawa-robinson/>

[vii] "Report of the Auditor General on the management of wildlife." Office of the Auditor-General, Zambia., July 2014. Web. 9 July 2017. <<http://www.ago.gov.zm/reports/Special/2014/OAG%20Management%20of%20Wildlife%20Jan%202014%20Print.pdf>>.

[viii] "Over 3,000 Squatters Told to Vacate from a National Park." *LusakaTimes.com*. 8 Sept. 2015. Web. 10 Sept. 2015. <<https://www.lusakatimes.com/2015/09/08/over-3000-squatters-told-to-vacate-from-a-national-park/>>.

[ix] "Report of the Committee on Lands, Environment and Tourism on the Auditor General's report on the management of wildlife in Zambia for the fourth session of the eleventh national assembly appointed on 25th September 2014." Chair. R.K. Chitotela. National Assembly of Zambia, Dec. 2014. Web. 26 Apr. 2017. <http://www.parliament.gov.zm/sites/default/files/documents/committee_reports/Report%20-%20Auditor%20General%27s%20Report%20-%20Management%20of%20Wildlife.pdf>.

[x] Ibid. p.6.

[xi] Parliamentary Committee. A-G. Report on Wildlife. The final page, 11.

[xii] Lindsey, Peter A., et al. "Underperformance of African Protected Area Networks and the Case for New Conservation Models: Insights from Zambia." *PLOS ONE*, Public Library of Science, 21 May 2014, doi.org/10.1371/journal.pone.0094109.

Web 7 Jan. 2018

[xiii] Hamududu M.P. "DAILY PARLIAMENTARY DEBATES FOR THE FOURTH SESSION OF THE ELEVENTH ASSEMBLY: Wednesday, 26th Nove." *The Zambian Parliament*. 11 Dec. 2014.

[xiv] "ZAWA Abolished." *LusakaTimes.com*. 13 Mar. 2015. Web. 14 Mar. 2017. <<http://www.lusakatimes.com/2015/03/13/zawa-abolished/>>.

[xv] Manspeizer, Ylissa. *Ph.D. Dissertation: Considering Wildlife Conservation at the Turn of the Millennium*. Binghamton University, New York. 2004. Web. 14 April 2017.

[xvi] OBITUARY: Rice Time C.1920 – 2006 (September)." Zambia Conservation. I.P.A. Manning, 23 Apr. 2007. Web. 14 April 2017. <<http://www.zambiaconservation.blogspot.com/2007/04/obituary-rice-time-c1927-2007.html>>.

[xvii] Rice Time. Web. 17 April 2017. <https://docs.google.com/document/d/14hGhiz1wRcGR9tDdH2sKxEgJPbRPMIDFx32re02oTk/edit?usp=sharing>

The State of Wildlife Management and Safari-Hunting

Second Biodiversity Strategy (2015-2025) - Zambia Wildlife Act, 2015 and Department of National Parks & Wildlife (14 August 2016) - The Urban and Regional Planning Act of 2015 - Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act (2016) - Forestry Act of 2015 - Auditor-General report on ZAWA (2015/2016) - the great elephant census and CITES - Luangwa hippo cropping - Department of National Parks and Wildlife - lion issues - the Cecil factor - SCI report on the economics of safari hunting (Nov 2015) - Humane Society report (Feb 2017) - the baby and the bathwater: trophy hunting, conservation and rural livelihoods (IUCN 2017) - the regional hunting scene - the final word on hunting

* * *

In 2015, the all but forgotten Second Biodiversity Strategy

and Action Plan (2015-2025) was released. The strategic goals include the words, 'indigenous and local communities', 'game management areas and Open Areas', 'participatory management'; 'customary use', but makes no mention whatsoever of customary area that covers about 70% or so of Zambia, state land the rest.[i] In Zambia's report of June 2015 to the Convention on Biodiversity (CBD), GMAs are again counted as part of protected land.[ii] And mention is made of having discussed Target 16 with five out of 10 provinces and that they are enforcing some benefit mechanisms, though these are not specified.[iii]

The Zambia Wildlife Act of 2015

On 14 August 2015, [the Zambia Wildlife Act, No. 14 of 2015](#), replaced the Wildlife Act of 1998. On 1 January 2016, ZAWA became the Department of National Parks and Wildlife (DNPW) within the Ministry of Tourism and Arts. No one questioned its retention in a commercially orientated government ministry dealing with tourism. The act is ominous, the inexorable heavy booted march of commodification, privatization, and the alienating state deafening.[iv]

Customary area, which, along with state land, is described in the Lands Act of 1995, is not mentioned in the Wildlife Act of 2015. But 'game management area and local area', 'the GMA or Open Area' we are so instructed, is occupied by a 'local community', meaning customary residents 'who by virtue of their rights over land, including under customary land tenure, invest in and derive benefits from the sustainable utilization

of the wildlife resources in their area'. And an Open Area 'means an area other than a National Park, bird or wildlife sanctuary, Community Partnership Park or Game Management Area, where wild animals are found'. Well, that is everywhere else.

So we now find imposed the term "public wildlife estate", i.e. 'a National Park, Community Partnership Park, bird or wildlife sanctuary, Game Management Area and any other area designated for wildlife conservation and management by a public body by this Act'.

Customary area has been subsumed. Concession, trophy, and tourism fees, and now land user-rights fees - a term taken from the Luembe Conservancy Trust MOU I put together and negotiated with the Luembe customary authority back in 2003/4 has been appropriated, but not in the right spirit, arguably, an illegal act. Landafe's landuser rights would entail paying fees to the chieftdom and a sharing with all the relevant government bodies, a royalty of sorts, but not paid only to the department which had the concession over all the old protected estate, a newly landgrabbed estate.

And a mining right can be granted in any of them under 'procedures specified by the Environmental Management Act, 2011', though as with the Lower Zambezi National Park, the minister of whoever may simply override it. The term "private wildlife estate" means an area outside public wildlife estate reserved by a person or local community for wildlife conservation and management and includes a game farm, game ranch, reptile farm, aviary, zoo and captive breeding facility'.

To further mark their control of a third of customary area – some 20% of Zambia, the DNPW now has introduced the term "wildlife officer" meaning 'an employee of any rank under

the department, and includes a wildlife police officer and community scout'. And were this not enough to curdle the conservation and customary rights blood, under 19 (2), the minister may decide 'that a wild animal within a National Park or Community Partnership Park should be hunted for the better preservation of other animal life'. And you may obtain title to land in a GMA.

And to add to this, the act now caters to the latest landgrab instrument, the community partnership park (CPP), where under section 12 (1) & (2), a CPP can be excised from a GMA to whit:

The Minister may, on the application of a local community, a person, institution or organization declare, by statutory instrument, an area that has an environmental, ecological or scientific value or significance to be a Community Partnership Park for environmental education and recreation or for conserving, preserving and restoring genes, species or biological diversity and natural amenities and their underlying ecological structure, and may, in like manner, declare that any Community Partnership Park shall cease to be a Community Partnership Park or that the boundaries of a Community Partnership Park shall be altered or extended. A person, local community, institution or organization may apply to the Committee, in the prescribed manner and form, to enter into a partnership agreement with the Department in respect of a Community Partnership Park.

There is no mention of the chief, customary residents, customary area, of the necessity for an EIA, only the dreaded 'local community', unhinged from any customary control or linkage. And this is accomplished by that untrustworthy legal artifice, the statutory instrument.

This iniquitous landgrab has been inherited by the Department of National Parks and Wildlife (DNPW) under the Wildlife Act of 2015, which replaced ZAWA with the DNPW. Under the Act, GMAs, are dealt with under Part IV (28):

1. Here the 'community' is at least 'consulted', though there are no retroactive rights implied: 'The President may, after consultation with the Minister and the local community, by statutory order,...'
2. Alienated land is excluded from the GMA on application
3. A person may obtain leasehold title
4. The minister may grant a concession to someone, who then pays landuser fees, to be shared between the ministry and the 'local community.'
5. Any person living in the GMA must comply with the management plan provided by the government.
6. Miners may carry out their extraction after informing the Director that they are doing so. They must follow the prescriptions of the EIA approved by ZEMA.
7. Any person who hunts there without a licence (elephant and rhino excepted) is subject to a fine or imprisonment of up to five years. Living as they do without government services, in many cases, they can be imprisoned with their family for five years for snaring a duiker.

The implementation of this Act is the responsibility of the

Director of the DNPW (Department of National Parks...); currently, Paul Zyambo (perhaps the son of Geoffrey Zyambo, the first Zambian director in 1975). In 2002 he joined ZAWA as a biologist, becoming Director in 2016. In [March 2018](#), [he published](#) a paper entitled: *What is Limiting Success of Community-Based Approach to Conservation of Natural Resources in Southern Africa?* He identified four challenges limiting the success of CBNRM: the inability to sustain livelihoods, weak land and resource tenure, weak community institutions and poor governance. One of the issues he left out was the very poorly thought-out legislation, such as Zambia's atrocious Wildlife Act of 2015, particularly the seven issues I had brought up. He also made no mention of Landsafe or his employers' part in destroying its implementation in Zambia. Perhaps he should have suggested implementing the ceremony of *Beating the Bounds*.

Customary commoners, i.e. chiefdom residents should now take up the pre-Norman conquest British custom of *Beating the Bounds*, going a-ganging together annually on Ascension Day under their parish priest by walking the parish boundaries and taking note of landgrabbing, praying for its removal, and also ripping out encroachments.



The Urban and Regional Planning Act, 2015.[v]

As in the mother of neoliberalism, the West, laws and statutory instruments come thick and fast like hail, the latest storm producing the Urban and Regional Planning Act of 2015. There are 80 pages and 70 sections of lawyer-speak, which will require an army of civil-servant specialists to decipher. What is disquieting is that a local authority can decide to designate a particular chiefdom an Improvement Area, or ‘facilitate the expansion of a settlement as designated in an integrated development plan’ or in order decide ‘to develop a customary area and facilitate the implementation of ‘ something or other, and ‘Where a Chief or local authority refuses to enter into a planning agreement, the Minister shall, after consultation

with the President, sign the planning agreement if it is in the public interest to do so for purposes of this Act, and the planning agreement shall bind the Chief and local authority concerned'. And then, the Local Authority may issue a licence and a Certificate of Title. Snared in an evil time.

The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act, 2016

However, an enlightened Act has entered the legislative fray unheralded:[vi]

26) Subject to this Act, a traditional community has the following rights over its genetic resources: (a) the exclusive right to regulate access to its genetic resources; (b) an inalienable right to use its genetic resources; (c) the exclusive right to share the benefits arising from the utilization of its genetic resources; and (d) the right to assign and conclude access agreements.

The Forestry Act of 2015

In great contrast to the Wildlife Act 2015 landgrab, the [Forestry Act of 2015](#) follows the Landsafe model prescription.[vii] It allows under section 21 for local forests to be placed under the management of a 'local community', with the permission of the minister. But there is no mention of customary area or the

chief.

It also allows for the creation of community forest management groups for 'communal control, use and management of a forest'.^[viii] Under section 30, a group may apply to the Director of Forestry, with the assent of the chief, for the formation of such a group. Under 32 (2) the group may be given user rights for extraction and harvesting and tourism in any unprotected forest. The minister's approval may assign these rights to any person (no mention is made of consultation with the chief and headmen, nor any mention of a lease/rights period). As much of Zambia is woodland, this means that any part of a customary area, including the ZAWA GMAs, may have a community forest. Here, therefore, is a statutory mechanism for customary residents to have control and a flow of benefits through a co-management agreement.

A similar mechanism is in place for declaring a joint forest management area (JFMA), but in Open Area, i.e. not in the GMA portion of customary area, though this is not mentioned specifically:

36. (1) The Minister may, on the recommendation of the Director, local community or owners or occupiers of an area in a forest, declare by statutory instrument, a Local Forest, botanical reserve, plantation, private forest or Open Area, a joint forest management area.

Here the flow of benefits are dealt with directly:

38. (1) The functions of a joint forest management

committee shall be to manage and develop the joint forest management area and distribute the benefits amongst the local communities in the area.

What is not legislated for is the establishment of a protective customary trust, necessary to provide full protection of customary land. Under 39, the management of finances is dealt with equitably, i.e. a fund to be set up and proceeds shared equitably. And a forest management plan would be provided, in consultation with the chief, the committee and 'the community'. The Forestry Act 2015 is remiss in not mentioning customary area as per the Lands Act of 1995. But the difference between the two acts is marked. Unfortunately, section 18, makes no bones about the fact that customary area is not presently given ultimate protection:

18. The President may compulsorily acquire under the Lands Acquisition Act any land for the purposes of a Local Forest as may be considered necessary or desirable in the public interest

Auditor-General report on ZAWA (2015)

[The A-G's report of the years 2013-2015](#), the actual review carried out in June 2016, is a dismal Zambia Wildlife Authority tale. For its final 20 months under Minister Kapata, it had no board; it prepared no income projections or operating budget; no annual reports; it owed money to a game capture company (Muchinga), yet there was no evidence of services supplied;

it had not paid in tax and pension payments for its staff; as of September 2016 it still owed CRBs money; 416 officers were working without letters of appointment, 'their status was unknown'; it leased its holding pens in the Lusaka National Park to a South African company which had no lease agreement and which had stocked them with a 136 sable, but had only paid for 100; in Mosi oa Tunya National Park it paid Matobo Vet Centre to stock it with 55 animals of different species without putting it out to tender, and with no record of delivery; on 18 October 2015 they contracted Mabwe Adventures Zambia Ltd for 5 years to cull hippo in the mid Luangwa, did not put it out to tender, nor provide written reports on the project indicating the number of hippo killed, nor issued receipts for hippo purchased @US\$250 each (defrauding further the CRBs and villagers); and it failed to collect concession fees from 15 tourism concession operators in the Kafue NP; and it had allowed parts of Blue Lagoon NP to be invaded by village settlements.

The A-G also took exception to ZAWA allowing the GMAs of Mufunta, Mumbwa, Namwala and Sichifulo to be settled. But, like everyone else in government, it failed to understand that GMAs are not state land, and not under ZAWA management, except as rentgrabbers. As for Minister Kapata, the ex-theatre nurse who in May 2015 informed Reuters that ZAWA would once more put lion and leopard on the hunting quota:

We have lifted the hunting ban for leopards starting this 2015/2016 season, which begins in July and we are going to allow lion hunting starting next year. We did an aerial survey and established that we have more than 4,000 lions and leopards are in excess of 8,000.

Her reward for not understanding the tools of her ZAWA nursing function was to be made Minister of Lands, Natural Resources and Environmental Protection – the ministry where the new Department of National Parks and Wildlife (DNPW) should have been housed.

The Great elephant census and CITES

But Zambia is determined to milk what it can. In 2015, before ZAWA's demise, an elephant survey - part of the Great Elephant Census, was carried out.[ix] The total population was found to be in the order of 22,000: 14,000 in the Luangwa, 7,000 in Kafue, 1,000 in Lower Zambezi, and 40 or so in the Sioma Ngwezi killing field. No counts were carried out in Northern Province – not that they would have found many left there. The territory's population is a far cry from the 350,000 there in the final days of our Game Department in the early '70s, 100,000 + in the Luangwa that I and my fellow cropping rangers attempted to reduce in the years 1964-73 - a paltry 1,408 cropped in seven years, a number limited by the capacity of the Kakumbi abattoir.[x] The count for all of Africa is now in the 350,000 range – what Zambia contained a mere 40 years or so ago, savanna elephant reduced to a quarter of what they should be .[xi] - though this suggestion looks overly optimistic, given that in the Luangwa in the 70s, there were 100,000elephantst, now 14,000.

In 2015 CITES made the disgraceful allowance for Zambia to export the tusks of 80 elephant for 'sport hunting'.[xii] Why, despite warning signs of a reduction in trophy bulls' tusk size,

expressed by its own CITES-selected panel, they agreed to double Zambia's export quota from 40 tusks (20 elephants) in [2009-2010](#) to 80 elephant is a mystery. But one pointer is that Zambia's application to CITES to export 24 tonnes of ivory some years before had been turned down, pointing to a quid pro quo arrangement. This stockpile was anyhow exported as the PF government approached its first by-election in 2012 – albeit through a stage-managed theft of the ivory in the ZAWA store at Chilanga HQ.

Luangwa hippo cropping

In 2015 a hippo quota in the mid-Luangwa was awarded to a company established in July by Mfuwe MP Jack Shuma and Flavian Mupemo, the latter a former ZAWA employee.[xiii] The mid-Luangwa is a protected RAMSAR site. No credible scientific justification was provided to support the scheme. As the Auditor-General (A-G) reported in 2015:

On 18th October 2015, ZAWA contracted Mabwe Adventures Zambia Ltd for five (5) years to be culling hippopotamus in Zambia's Lupande Game Management Area of South Luangwa area management unit to keep the hippo population within safe ecological levels to prevent disease and improve on animal health in the Luangwa River. According to the contract, Mabwe Adventures Zambia Ltd was to pay US\$250 for each Hippo shot. It was however observed that the contractor was not competitively procured in that there was no evidence to show that the hippo culling exercise was advertised and

there were no evaluation minutes availed for audit. Also, there was no evidence of authority to single-source the contractor. Contrary to the contract provisions, no reports for the hippo culling exercise indicating the number of hippo culled and amounts raised were prepared. The culling was cancelled.

In 2018 it was announced that 2000 hippo would be cropped over the next four years, with Umlilo Safaris offering 5 hippo per hunt to hunting clients. In 1970 the Game Department (Wildlife & Fisheries) started cropping a population that amounted to 18 hippo per km. For this we were severely criticized, Ian Parker pointing out that Victoria Nile had 336 hippo per km, and they were thriving. The present population in 2018 – if correct, amounts to 36 per km. ‘Show me the money’ comes to mind.

The hunting-safari game

In January 2016, the Department of National Parks and Wildlife (DNPW) commenced operations with no website and a post-truth Facebook page more comical than informative. As is usual, my attempts through our Luembe Trust to obtain details of quotas and payment to the Luembe CRB met with no response. And Director Zyambo supported the decision of the former Minister Kapata to allow leopard hunting in 2015, and lion in 2016, both of them based on a derisory and scientifically bogus aerial count of leopard and lion which signals massive incompetence and irresponsibility. It is still all about the money.

In 2018 lion, leopard and elephant were on licence - including tuskless females.

Lion issues

A 13-year lion research program (1999-2012) in and around Hwange National Park in Zimbabwe in 2016 concluded the following on the effects of management on lion hunting:[xiv]

Adult males were primarily targeted by trophy hunters, but the survival of all age and sex classes were lowest when male lion off-takes were highest. Reduction in hunting quotas over the study period resulted in a 62% increase in the total population and a 200% increase in adult male density. Adult sex ratios were highly skewed towards females when hunting was intense. The intensity of hunting affected male and female home-range size, which declined in periods of low hunting corresponding to increases in adult males and male coalitions. Trophy hunting on the park boundary exerted a measurable edge effect with lower survival for animals of all age and sex classes living on the park boundary compared to those distant from it. This study provides evidence for negative impacts of uncontrolled trophy hunting on lion population and behaviour. However, limited, well-regulated quotas may be compatible with large carnivore conservation.

Sadly, PHAZA, the Professional Hunters Association, doubtless encouraged by Safari Club International (SCI), had celebrated the issue of 24 lion licences for 2016, its chairman Roland

Norton confirming in September 2016 – with the hunting season drawing to a close, that lion hunting was now allowed. The US, he said, required that from December 2015 a hunter wishing to import a lion trophy into the US for any lion hunted from 22 January 2016 must obtain a permit, but first must demonstrate that the hunting of the lion enhances the survival of the species – an impossible task. On the other hand, the European Union welcomed Zambian lion trophies in Europe, despite a report in August 2015 by UNEP revealing the rapid extinction of the species, the total population in Zambia thought by them to be in the order of 500.[xv] [xvi] And CITES also allowed the export of the trophies of 24 lion. And, almost as an aside, CITES allowed for the export of 300 leopard skins, but only 300 crocodile skins, bearing in mind the restrictions this must impose on the croc farming industry – let alone the many thousands of croc eggs extracted from the wild.[xvii] To import them into the USA, they too require the requisite permit.[xviii] [xix]

Commenting on Norton's lion announcement, I wrote at the time:[xx]

In 2009, with a ludicrously inflated lion-hunting quota of 50, the hunting-safari offtake plummeted to 10 lion – most of them undoubtedly sub-adults. In all this time lion continued to be poisoned directly for the bone trade, and indirectly for the vulture-head trade. I would love to see lion hunted, producing trophy lion – the villagers receiving an income according to the hunting agreement (which they never have received and therefore are now part of the ZAWA/DNPW plunder), but all the evidence of

the inflated quotas (which I argued with ZAWA about at the time – given the evidence of the lion, lion and hippo we shot), the poisoning and the negative consequences of the ecological cascade effect on the all-encompassing ecology – with no imposition of the precautionary principle – makes PHAZA’s position irresponsible in the extreme (I was PHAZA member # 12 back in 1970). The same goes for elephant hunting.

In November 2016 the University of Oxford field studies program, (WildCru) which has been researching for some time in Zimbabwe, reported that:[xxi]

Without the income from lion hunting, trophy hunting is estimated to become unviable across 59,538 km² in five sub-Saharan countries alone, and a transition to alternative land-uses is likely. Photographic tourism is an alternative land-use that would allow lion populations to remain but is likely only to be viable in a subset of current trophy hunting areas. The likely outcome for many areas would be conversion to agriculture or livestock grazing, which would seriously threaten the survival of the lion populations in those areas.

Quoting the work of others, they gave the figure for Zambia of 1,200 free-ranging lions concentrated in 135,000 km²; and that Luangwa lion had declined by 28% between 1993 and 2014. They went on to say correctly that ‘Zambia generates very little revenue from trophy hunting,’ and that, ‘Quotas of lions have been excessive, are established arbitrarily and there is a lack of

monitoring of wildlife populations or of trophies’.

Let us be clear. The anti-hunters are revolted by walls covered with stuffed heads, with the deer strapped to the bonnet and the drive about the town in drunken triumph; with the very thought of killing, blood and guts. But there has to be a place for all. The commons – be it customary or public, demands it. Hunting and non-hunting-safaris co-exist because some parts of the commons are not attractive or viable for photo-safari operations alone. And the anti-hunters cannot easily replace the economic and wildlife management inputs that a ban on hunting would bring about. We need respect and tolerance, and above all, collaboration.

The operators and their associations need to enter into business arrangements with the customary residents in equitable partnerships. The professional hunting operators must insist on scientific hunting quotas, must manage their offtakes in a far more assertive and responsible manner, must deal firmly with canned lion hunting, with quota abuse, employ consultants to offer advice guided by the precautionary principle, and provide fair chase standards that are rigorously adhered to. They need to lobby for the direct payment of concession fees to the commons trusts established for the benefit of customary residents, the accounts ring-fenced, as is the case under the Forestry Act, 2015. At the moment, where hunting-safaris operate, very little income accrues to customary area residents.

As for the international corporate hunting organizations such as Safari Club International, they need to wipe their muddied glasses as to the problems of corruption and over-harvesting in Africa, and support the commons more directly, and stop criticizing those fighting for an ethical industry such as the lion *fundi* Craig Packer (Tanzania), or, start opposing civil society –

including professional hunters – when they ask that Zambia’s elephant not to be issued on licence for a good reason, or fail to support whistleblowers and advocates such as myself.

In Zambia, customary area takes up 70% of the territory, 20% of that given out as hunting concessions – though in 2018, with only 8 GMAs in use for hunting, that is now likely to be much reduced. But under the Wildlife Act 2015, with the powers granted over the GMAs, customary area has, in reality, declined drastically, though half of the country is game country at one level or another, continuing to decline because they are open-access areas to all and sundry, government officials complicit in the poaching for bushmeat and ivory, and with international conservation organizations also complicit in the steady extinction. Safari-hunters need to make a stand here, as we did on the re-opening of elephant hunting (2005-2012), though government ignored the advice offered. The few safari operators who did buy elephant licences then should have been banned from hunting by PHAZA.

The Cecil factor

But away from Zambia, an event took place in 2015 that incensed people across the globe. The killing of Cecil, a magnificent male lion in his prime: photogenic, tame and supposedly protected in a Zimbabwe park; and then enticed from the park by a professional hunter and allowed to be shot by his client.

The anti-hunters were rightly angry at the ‘calling-out’ of a

much-admired maned lion from a national park, one iconic and easily recognized, to be shot, stuffed and stood up in the hunter's lounge. But then that is what we PHs have been doing for years by setting up lion and leopard baits on the border of national parks and forests. It seemed fine then, setting baits near rivers often serving to divide protected area from hunting blocks, but that was in times when the game was plentiful and far better managed and where the anarchic forces now prevalent were largely absent. And the lion shot were not film stars like Cecil. During my time I avoided baiting as much as possible.

Safari Club International report on the economics of safari hunting

In November 2015 Safari Club International, which represents most American hunting-safari clients who make up three-quarters of the clients that hunt Africa, published a Commissioned report by Southwick on safari hunting covering eight countries, one of them being Zambia. A two-year study, it set out to fully reveal the economic importance of hunting to conservation in Africa, concluding that, 'For the eight nations examined, \$326.5 million was spent by hunters annually between 2012 and 2014'.^[xxii] But, in contrast, they also quoted from an IUCN study in 2012 which suggested that safari hunting in Africa only brings in about \$34m a year.

Humane Society Report

The anti-hunting organization, Humane Society International (HSI), then employed Australian economic consultants to assess

the report, publishing their report before the SCI annual meeting in the USA in February 2017. The timing and the fact that HIS are anti-hunters of note would suggest that the author, Murray, of Economists at Large, might not be wholly objective, as with Southwick of the SCI report. Murray (EAL) concluded that:[xxiii]

1. Economic benefits have been heavily overstated, with Southwick (2015) claiming that trophy hunting contributes \$426 million; a more realistic estimate is less than \$132 million per year

2. Marginal contribution from trophy hunting to employment is not 53,000 jobs, as claimed by Southwick (2015), but more likely in the range of 7,500 - 15,500 jobs

3. While overall tourism is between 2.8% and 5.1% of GDP in the eight study countries, the total economic contribution of trophy hunters is at most about 0.03% of GDP

4. Foreign trophy hunters make up less than 0.1% of tourists on average

5. The adjusted value of Southwick's economic contribution of trophy hunting (\$132 million or less) amounts to only 0.78% or less of the \$17 billion in overall tourism spending in the studied countries

6. Trophy hunting tourism employment is only 0.76% or less of average direct tourism employment in study countries

He then summed up:

With minor exceptions, the causal link SCI claims simply

does not exist. A well-regulated system is required for trophy hunting to be sustainable. For example, it must be void of corruption, offer accurate and regular monitoring of populations, ensures that hunting quotas are based on science, be properly regulated and enforced, etc. Given the complex political climates of many of the eight study countries – some of which are in fact extremely corrupt, lack accurate population monitoring, base quotas on factors other than science, ignore age restrictions for hunted animals, and allow hunting to disrupt social stability in animal groups - this perfect operating system is unattainable, and therefore sustainability cannot be ensured. This presents clear evidence against SCI's conservation equation view. Southwick's (2015) findings that just an estimated 6 to 9% of economic benefits are potentially available to be directed towards conservation similarly undermines that view.

However Southwick and HSI only deal with the economic benefits of hunting-safaris, the former inflating the issue because it is what SCI so fervently wish to prove, the latter deflating the issue, on the pure basis, I hoped, of measurable economics – let alone the fact that the paymaster is the sworn enemy of hunting. Yes, their masters occupy different camps and points of view, but it is objective economics we are dealing with, or so I thought, until I read HSI's international trade policy specialist, Masha Kalinina's, statement: 'It's time to stop pretending that slaughtering big game and posing for morbid selfies by their slain bodies is anything more than killing for kicks'.[xxiv] In one muddled sentence science and economics is kicked into touch, revealing a player on the HSI team not

abiding by the rules of advocacy. Thus both Southwick and HSI's work achieves nothing constructive. This is a great pity.

Then joining the HSI chorus in July 2017 was the BINGO, the African Wildlife Foundation, their president, Kaddu Sebunya, calling for all consumptive use of wildlife to be banned and for the 'global community' to invest in African conservation. It is hard to think of a more ignorant call to action. AWF it was who in 1986 refused the request of myself and the Chairman of Zambia's Professional Hunters' Association, David Frost, to join the hunting community and business in the conservation of the North Luangwa National Park where some black rhino still existed. AWLF was founded in 1962 by the great American conservationist and big-game hunter, Russell Train.

IUCN: trophy hunting, conservation and rural livelihoods

The World Conservation Union in 2017 now weighed in with an objective view: [xxv]

Although there is a pressing need for the reform of hunting governance and practice in many countries, calls for blanket restrictions on trophy hunting assume that it is uniformly detrimental to conservation; such calls are frequently made based on poor information and inaccurate assumptions. Here we explain how trophy hunting, if well managed, can play a positive role in supporting conservation as well as local community rights and livelihoods, and we provide examples from various

parts of the world. We highlight the likely impact of blanket bans on trophy hunting and argue for a more nuanced approach to much-needed reform.

The article is clear and balanced, making no bones about the negative impacts of a ban on safari-hunting by the removal of conservation incentives. This applies mainly to the private sector investment in game ranches and conservancies. The problem lies in the customary commons where villagers are not empowered and do not reap benefits.

In an article by Pack citing 280 peer-reviewed articles and government reports the wildlife management strategies of North America and Southern Africa (hunting) are compared with India and Kenya (no-hunting) based on whether they sustained or increased wildlife populations, generated high revenue compared to costs, and provided benefits to people living in and around the hunting areas. The hunting countries greatly overshadowed the performance of the non-hunting nations.[xxvi]

The regional hunting scene

In Namibia, anti-hunters have put a stop to the auction of some aged black rhino males set aside for trophy hunters. The \$650,000 earned would have gone towards the conservation of other rhino. Research on income from 50,000 square km of the customary commons reveals that were hunting to close, only 16% of the conservancies would be able to cover their annual recurrent costs.[xxvii] And Namibia is to be congratulated for its

incorporation of the Bushmen as residents in the management of a national park, a crowning glory of conservation. However, the country as a whole is being plundered, the Chinese triads exerting a malign influence.[xxviii]

In Zimbabwe, the rise of the game ranching estate and hunting-safaris is a remarkable story. But the Cecil lion affair has caused immeasurable damage. Despite the political mayhem there, professional hunters need to be more rigorously policed; clients should be made to sign an ethics charter laying out certain standards before they even set foot in Africa. No longer can hunting clients be allowed to follow meekly behind their hired Stewart Granger, head down and shuffling, bumping their head occasionally against his rifle stock.

In South Africa, saving the white rhino from extinction lead to a game ranching revolution on private land once they were sufficient in number to provide a hunting quota. But for years the industry resisted doing anything for villagers on their boundary. That may now be rectified. But the poaching assault on the rhino is now redolent of what happened in Zambia in the late 1980s when I made the last despairing attempt to save them. The lifting of the ban on domestic trade in white rhino – not black - in South Africa is long overdue. Rhino horns need to be traded freely in the world under a tightly regulated system. Prohibition and blanket bans do not work. Sadly, the CITES meeting in South Africa in 2016 did not agree. But the South African government has agreed, but have so complicated the issue, that no such scheme in that country of the big man could work.[xxix]

In Tanzania, some 75% of the country is customary land, hunting-safaris heavily criticized because of lax government controls on quotas and low earnings for customary people. Lion

have been overharvested - the Masai entering the Serengeti for ritual lion killing - [xxx] as well as buffalo – the latter I confirmed in 1997 as being the case in the Selous Game Reserve. As parliament has reported, land management in the country is in a state of crisis with landgrabbing problems in some areas. British, American, Irish and Norwegian Aid, acting in consort with a host of the agro-industrial monster, took over a third of the country under the SAGCOT project. Land alienation is top of their list. In the process, the highly decentralized system of local government resulting from British Indirect Rule from 1926 has been sidelined. As 2015 closed its shutters, Certificates of Customary Occupancy were issued to Barbaig, Masai and Hadzabe clans in Masaailand and around Lake Eyasi.[xxxi]

The anti-hunters must now provide funds for rural people and conservation by investing in photo-tourism. In Namibia they should buy the black rhino licences; [xxxii] in Botswana investigate the lion killing disgrace by the cattle barons; in Zambia take over some concessions where game stocks are depressed; in Tanzania, encourage government to place hunting-safaris on a sound scientific and economic footing for the benefit of rural people. The Masai lion problem is a symptom of the gross violation of Masai rights around the Serengeti and Northern Tanzania area. It is not enough that anti-hunters merely complain. They, and we all, must do something constructive.

But the commons is there for more than just wildlife - for in places there is little of the latter. Landsafe commons trusts must be established to manage ecosystem services in general, but rejecting its commodification, with schemes similar to the Alaska Permanent Fund implemented where mining occurs, an annual dividend paid to villagers, and agro-ecology supported at the expense of the mega, supposedly philanthropic aid to

agriculture, to mosquito nets and so on.

And with villagers already with so much to contend with, the Fall army worm from South America, adding its voracious presence to that of the native species. By January of 2017, it had reached South Africa.[xxxiii]

But the future is now set. We have 12 years to avoid the massive destruction of Mother Earth: [The Intergovernmental Panel on Climate Change report of 6 October 2018](#) makes this clear.

Safari-hunting: The evidence and the conclusions

One need look no further than to study the Child et al. article entitled [The economics and institutional economics of wildlife on private land in Africa.](#)

On the drylands of Africa, increasing in size and drying further, its wildlife provides the only viable landuse option. It supports photo and ecotourism, but mainly hunting-safaris, with trophy hunting providing much of the competitive allure for hunters searching for ever bigger and better trophies. The history is clear: commercial and subsistence crop and cattle farming is not an economically or ecologically viable option in much of Africa. And as the article concludes:

The development of the wildlife sector has been a policy experiment based on the hypothesis that giving wildlife value to the people who live with it will result in positive development and conservation outcomes, requiring considerable tenacity and adaptive learning in navigating

towards this objective in complex economic and political circumstances. The approach has succeeded where laws, regulations, and operational procedures have incorporated the principles of price, proprietorship, subsidiarity, and adaptive management in a theoretically sound and disciplined manner. Indeed, wildlife provides a pioneering example of Payments for Ecosystem Services, which was relatively easy to implement because of the high value of wildlife and the relative simplicity of costs and benefits attribution (at least compared to ecosystem processes). Ecosystem services are facing similar market failures of wildlife. The challenge of our generation may well be to convert these values into incentives for maintaining ecosystem services, perhaps by adapting some of the lessons from the wildlife sector in southern Africa.

In December 2018, The Campaign to Ban Trophy Hunting wrote a letter to The Guardian UK, entitled: ['Ban imports of hunting trophies to the UK 17 December 2018'](#). I replied:

You published this article attacking trophy-hunting, despite the publication on 6 July 2018 of [The Guardian's View](#) in which you rightly said: "But if the ultimate goal of the authorities is the conservation of wildlife, as it should be, then the [case for outlawing trophy hunting is unproven](#)." As Amy Dickman remarked in her article: "I am fearful that impulsive and emotional responses to trophy hunting — no matter how well-meaning — could in fact intensify the decline of species such as lions."

The campaign letter was preceded by an attack on safari-hunting (usually only journalists and those who oppose conducted hunting use the term trophy hunting) by your writer Elle Hunt on 4 November 2018, entitled: [Who would want to kill a lion? Inside the minds of trophy hunters](#). I wrote to her, for it was a muddled and deeply flawed piece, but had no reply. I was concerned, for The Guardian is my paper, and the truth is not negotiable.

But back to the current matter. The campaign letter called for a ban on the import of hunting trophies into the UK because:

Trophy hunting is having a negative impact on wildlife through the loss of significant numbers of healthy individuals that are key to the survival of rapidly declining populations. Unsustainable rates of trophy hunting have caused some populations of Africa's big cats to decline, while hunting and poaching is outpacing the rate of reproduction of elephants. Trophy hunting is cruel, immoral, archaic and unjustifiable, and can act as a cover for illegal poaching.

The statement that 'Trophy hunting is having a negative impact on wildlife through the loss of significant numbers of healthy individuals that are key to the survival of rapidly declining populations' is a generalization based on no evidence. The 'loss of significant numbers of healthy individuals' does not sound like the result of hunting-safaris, which are highly selective for numbers shot, size, age, and sex.

Yes, *unsustainable rates of trophy hunting have caused some populations of Africa's big cats to decline* - and sadly continues

to do so. But this is a management issue where the annual hunting quotas set are inflated, either out of incompetence; or to produce more income for the government. And the powerful organization, Safari Club International, does not help the cause as their brief is to keep their members hunting, no matter the cost. In 2006 when [I and others in the Zambian hunting safari industry opposed the issue of elephant licences](#) for elephant sport hunting, SCI said that the income was needed for local 'communities'. None of the licence money received by the government was ever paid to the customary commoners where elephant were shot.

The statement that '*hunting and poaching are outpacing the rate of reproduction of elephants*' is true for some countries, but not for others. But what is the cause, safari hunting or poaching, or just poaching, habitat depletion, or the closing of hunting - as in Botswana in 2014?

The statement that '*Trophy hunting is cruel, immoral, archaic and unjustifiable, and can act as a cover for illegal poaching*' is merely a blanket opinion; of course, it can, in part, be and do all of those things. But, like all of human endeavour, it is mostly not cruel, immoral, archaic, and unjustifiable. The same charges can be levelled against bird shooting and fishing, against the hunting of game by Aboriginal people, against trapping, and culling badgers and birds of prey. And what about photo-safaris?

This non-consumptive industry has created sedentary pools of habituated wildlife which ensures overgrazing, the destruction of trees, the spread of damaging road networks impacting soils and water retention, and pollution by lodge construction and operation in pristine nature. In his book *Holistic Management*, Savory - for whom I worked in Rhodesia 56 years ago - observed that the Luangwa and Lower Zambezi

valleys in the 1950s were very different to what they are today. The river banks were stable and clothed in dense growth, the people living in small villages well away from the river to avoid mosquitos and flooding, their gardens protected from raiding elephant and other game by their beating of drums and the firing of muzzle-loaders; and they hunted and trapped animals throughout the year. And he notes that with the removal of people from the future Luangwa national parks and Chief Mburuma's people from what is now the Lower Zambezi National Park, 'within a few decades miles of riverbank in both valleys were devoid of reeds, fig thickets, and most other vegetation. With nothing but the change in behaviour of one species, these areas became terribly impoverished and are still deteriorating seriously'.

Much of this has to do with the management - or lack of it - of state land, most of it actually the land of customary commoners, i.e. villagers, having an allegiance to headmen and a chief.

Leasehold land is not part of the problem in South Africa, Namibia and Zambia for they have higher game population rates than protected areas of state land. There, safari-hunting is the main business. In fact, in the dry-land zone of Africa, hunting-safaris have proved to be about the only profitable land use possible. This becomes more evident by the day, those politicians who support a ban on hunting-safaris, do not act with vigour and tenacity when needed, blithely watch the slaughter of 32,000 badger in the UK, failing to penetrate the trumped up reasons for the killings, supposedly to protect dairy cows and the milk we should not be drinking. This is just a repeat of the slaughter of thousands of head of game in the Rhodesias and Bechuanaland years ago in order to protect the cattle from nagana - a disease carried by tsetse fly. In Southern

[Rhodesia](#) between 1933 and 1958 the slaughter was horrendous with between 6-700,000 animals killed - 428 of them black rhino. And between 1960-1988, 44,000 elephant were shot, for 'management reasons', reasons later admitted to be flawed. A bit of a badger!

Those who signed this recent campaign letter include several MPs, notably Caroline Lucas of the Green Party - who should know better; Jeremy Corbyn; Virginia McKenna and son, Will Travers - the latter whom I guided years ago into my old Game Department patch in the Bangweulu swamps of Zambia, explaining to him that we had to allow the people of the swamps, both Bantu and Pygmy, an annual hunting offtake quota of lechwe antelope, failing which other species would suffer. But the government failed to empower the customary commoners, exacting a toll on other species - the lion being poisoned for their bones and the rhino and elephant shot for their trophies. Only a few elephant now survive there, and no rhino.

Jonathan Porritt of Forum for the Future is another signator who should know better. Damian Aspinnall, whose father's zoo project in Brazzaville I supplied with a number of young gorilla rescued from poachers in the EU's Odzala Congo Republic project I ran in the early 1990's (my ex-assistant still works for him in Congo), is confused. By trying to return to the wild habituated gorilla - such as to the Lefini in Congo where there are no people - he simply ensures their demise. I ushered in safari-hunting in Odzala to bolster the Pygmy and the Bant's empowerment and embolden my anti-poaching campaign against elephant gangs coming up the river to kill them on the salines. The two go together: to empower Indigenous people, you have to secure their land tenure, allow them subsistence rights from wildlife, as well as give them an income from the

land and wildlife, for they are the sine qua non for Nature's survival, they being not yet godless, and with a duty to their 'living ancestors'. And any armed response to poachers has to be very well controlled and not over the top American-style, and only implemented when you have united and secured the customary commoners land and life. Perhaps William over at Buck House will take note.

[i] Kokwe, Misael, et al. "ZAMBIA'S SECOND NATIONAL BIODIVERSITY STRATEGY AND ACTION PLAN (NBSAP -2)." Ministry of Lands, Natural Resources and Environmental Protection, Aug. 2015. Web. 14 April 2017. <https://www.cbd.int/doc/world/zm/zm-nbsap-v2-en.pdf>

[ii] United Nations Convention on Biodiversity. Fifth National Report. June 2015. Web. 14 April 2017. <https://www.cbd.int/doc/world/zm/zm-nr-05-en.pdf>

[iii] Kokwe. Zambia' Second NBSAP, p.43. 2015

[iv] The Zambia Wildlife Act of 2015. Web. 14 April 2017. <http://www.parliament.gov.zm/sites/default/files/documents/acts/The%20%20Zambia%20Wildlife%20Act,%202015.pdf>

[v] The Urban and Regional Planning Act, 2015 pp.32-33. Web 19 Jan. 2018

<http://www.parliament.gov.zm/node/4540> [vi]

Protection of Traditional Knowledge, Genetic Resources & Expressions of Folklore Act, 2016. Web. 9 July 2017. <http://www.parliament.gov.zm/node/5214>

[vii] Manning, I.P.A. Wildlife conservation in Zambia and

the Landsafe Customary Commons, PhD thesis, University of Pretoria, South Africa, 2011.

[viii] The Forest Act, 2015. <http://www.parliament.gov.zm/sites/default/files/documents/acts/The%20Forest%20Act%202015.pdf>

[ix] Department of National Parks and Wildlife (DNPW). The 2015 Aerial Survey in Zambia. Population Estimates of African Elephants (*Loxodonta africana*) in Zambia.Vol.1. Chilanga, Zambia. 2016.

[x] Kakumbi Cropping Station 1966. Web. 18 April 2017.

https://docs.google.com/document/d/1ZZUNtSAp3_QMA Y3RhBYivU3OeFjMq-cHw15R8hl9qAE/edit?usp=sharing

[xi] Robson, Ashley S. et al. "Savanna elephant numbers are only a quarter of their expected values." PLoS ONE, 17 Apr. 2017. Web. 28 Apr. 2017. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0175942>

[xii] "CITES Elephant trophy hunting quotas 2017: 1188 African elephants may be legally hunted in 2017." *Conservation Action Trust*. N.p., 20 Apr. 2017. Web. 28 Apr. 2017. <<https://conservationaction.co.za/resources/reports/cites-elephant-trophy-hunting-quotas-2017-1188-african-elephants-may-legally-hunted-2017/>>.

[xiii] Hippo Hunt Zambia, 4 July 2016. Web. 9 July 2017. <https://hippowhistler.blogspot.ca/2016/07/sitting-member-of-zambias-parliament.html>

[xiv] Loveridge, A.J. et al. Conservation of large predator populations: Demographic and spatial responses of African lions to the intensity of trophy hunting. Elsevier. 2016. Web. 15 April 2017. <http://dx.doi.org/10.1016/j.biocon.2016.10.024>

[xv] Zambia will allow sport hunting of lions again after a short moratorium. LionAid 14 April 2016. Web. 15 April 2017.

<http://www.lionaid.org/news/2016/04/zambia-will-allow-sport-hunting-of-lions-again-after-a-short-moratorium.htm>

[xvi] CITES 2016. Web. 15 April 2017. [https://cites.org/eng/resources/quotas/export_quotas?field_party_quotas_tid=&field_full_name_tid=&field_export_quotas_year_value\[value\]=&items_per_page=50&page=19](https://cites.org/eng/resources/quotas/export_quotas?field_party_quotas_tid=&field_full_name_tid=&field_export_quotas_year_value[value]=&items_per_page=50&page=19)

[xvii] CITES, Resolution Conf. 10.14 (Rev. CoP16). Quotas for leopard hunting trophies. Web. 15 April 2017. <https://cites.org/eng/res/10/10-14R16.php>

[xviii] Importing your leopard or African elephant sport-hunting trophy. US Fish & Wildlife Service. August 2016. Web. 15 April 2017. <https://www.fws.gov/international/pdf/factsheet-import-leopard-elephant-sport-hunted-trophy.pdf>

[xix] SCI. "Zambia 2017 Lion Forecast." *Hunt Forever*. Safari Club International, 12 Sept. 2016. Web. 15 April 2017. <https://huntforever.org/2016/09/12/zambia-2017-lion-forecast/>

[xx] SCI. *Hunt Forever*. 2016.

[xxi] MacDonald, David W. "Report on Lion Conservation with Particular Respect to the Issue of Trophy Hunting." P. 44, WildCRU, 28 Nov. 2016. Web. 15 April 2017.

https://www.wildcru.org/wp-content/uploads/2016/12/Report_on_lion_conservation.pdf

[xxii] The Economic Contributions of Hunting-Related Tourism in Eastern and Southern Africa. Southwick Associates, for Safari Club International Foundation. November 2015. Web. 15 April 2017.

http://safariclubfoundation.org/wp-content/uploads/2016/06/Southwick-Associates-2015_FINAL.pdf

[xxiii] Murray, C. K. 2017. The lion's share? On the economic benefits of trophy hunting. A report for the Humane Society

International, prepared by Economists at Large, Melbourne, Australia. Web. 15 April 2017.

https://conservationaction.co.za/wpcontent/uploads/2017/02/Economists_at_Large_Lions_Share_Trophy_Hunting_Report_2017.pdf

[xxiv] Gaworecki, Mike. Trophy hunters overstate contribution of big game hunting to African economies: report. Mongabay. 10 February 2017. Web. 15 April 2017 <https://news.mongabay.com/2017/02/trophy-hunters-overstate-contribution-of-big-game-hunting-to-african-economies-report/>

[xxv] IUCN. (Cooney, R. et al.) "The baby and the bathwater: trophy hunting, conservation and rural livelihoods." *Unasylva* (FAO) Volume 68. N.p., 2017. Web. 22 Apr. 2017. <https://www.iucn.org/sites/dev/files/trophy_hunting_conservation_and_rural_livelihoods.pdf>.

[xxvi] Pack, Shalynn. et al. "Comparison of national wildlife management strategies: what works where, and why?" *Academia.edu*. Heinz Centre for Science, Economics and Environment, n.d. Web. 29 Apr. 2017. <http://www.academia.edu/4059587/Comparison_of_national_wildlife_management_strategies_what_works_where_and_why>.

[xxvii] Naidoo, R., Weaver, C. L., Diggle, R. W., Matongo, G., Stuart-Hill, G., & Thouless, C. Complementary benefits of tourism and hunting to communal conservancies in Namibia. *Conservation Biology*. 2015.

[xxviii] Namibian Chamber of Environment. "Open Letter to the Chinese Ambassador". 21 December 2015. Web. 28 April 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_LWUzeUpkTVdYTGc/view?usp=sharing

[xxix] Pinnock, Don. We can sell rhino horn. Conservation Action Trust. 21 February 2017. Web. 15 April 2017. <https://c>

onservationaction.co.za/media-articles/can-sell-rhino-horn-s
ays-minister-molewa/

[xxx] Packer, Craig. *Lions in the Balance*. Chicago UP, 2015.

[xxxi] Ubwani, Zephania. "Hanang Pastoralists Secure Customary Rights over Land." *The Citizen*, Tanzania. 3 Jan. 2016. Web. 15 Jan. 2017. <http://note.taable.com/post/1F446C/Hanang-pastoralists/2b556070TT44-6-0-1-050T77T44995394>

[xxxii] "Anti-hunting Lobbyists Cost Namibia Dearly – Shifeta." *New Era Newspaper Namibia*. 26 Nov. 2015. Web. 15 April 2017. <<https://www.newera.com.na/2015/11/26/anti-hunting-lobbyists-cost-namibia-dearly-shifeta/>>.

[xxxiii] Kruger, Kerstin. Why it's hard to control the Fall armyworm in Southern Africa. *The Conversation*. 14 February 2017. Web. 15 April 2017. <https://theconversation.com/why-its-hard-to-control-the-fall-armyworm-in-southern-africa-72890>?

REDD+ Herring

forests and woodland history in the territory - lamentable forestry department - the myth of forest destruction and epistemic knowledge producing REDD+ - FAO, ZFD & donors collude in fraud - contradictory data - cancellation of forestry posts (1997) - flawed NAPA plan and receipt of climate change funds (2009) - theoretical opportunities - Kyoto protocol (2006) failings - the fantastical Namugala - UNEP-WCM on safeguards (2012) - energy mismanagement - calls for REDD+ rejection - REDD + policy board - CoP17 call for 'Durban mandate' (2011) - Zambia's report after Rio (2012) - Rights and Resources criticism (2012) - landscape approach contradictory definitions - REDD+ report on projects in Zambia (2013) - Unda Unda chieftdom land alienation to Sable Transport (2001) - CIFOR report on carbon opportunity (2010) - BCP sign up for 30-yr REDD+ contract (2010) - ILDO report on legal preparedness (2011) - BCP receive validation from CCBA (2013) - redddesk.org confusion - CEO Sachadina explains - BCP Partners - Sachadina's appeals and threats - additional easement obtained in conservancy south of South Luangwa park - refusal of Sachadina to supply details - BCP advertise for conservation co-ordinator through USAID programme

- *Sachadina avers* BCP only works on customary area - Accra caucus (2014) - 5th report of IPCC (2013) - the 2°C ceiling - UNFCCC CoP19 don't discuss carbon budget (2013) - CoP20 in Lima wavering - *Natural Justice* concludes (December 2014) - CIFOR report on global study (2015) - UNEP epistemic report on forests in Zambia (2015) - BCP announce Lower Zambezi NP as first carbon neutral park in the world - IIED confirm REDD+ is green grabbing - Ian Swingland - new \$33m carbon trading project in Eastern Province

* * *

It is necessary to reach an alternative development model based on the principles of living in harmony with nature, guided by absolute and ecological sustainability limits, and the capacity of Mother Earth as well; a fair, egalitarian model that constructs sustainable economies that moves us away from energy models based on fossil fuels and hazardous energies, that guarantees and recognizes the respect to Mother Earth, the rights of women, children, adolescents, gender diversity, the impoverished, the vulnerable minority groups and the original indigenous peoples – a fair and egalitarian model that fosters the peaceful coexistence of our peoples. We likewise want a society where the right of Mother Earth prevails over neoliberal policies, economic globalization and patriarchy, because without Mother Earth life does not exist.

[Margarita Declaration on Climate Change](#) (July 2014) [i]

The long walk to climate justice requires mass education

of our populace, as well as our policy makers, on the underpinnings of the climate crisis, the vigorous assertion of our rights and the forging ahead with real alternatives including those of social and political structures and systems. It also demands collective and popular struggles to resist neo-colonialism, new forms of oppression and new manifestations of violence including criminalisation of activists and social movements, and xenophobia. We recognise that as climate change worsens, it will increase the resource crunch and migrations and will lead to more conflicts between people.

Support the Maputo Declaration on Climate Justice
[ii]

Offsetting is worse than doing nothing. It is without scientific legitimacy, is dangerously misleading and almost certainly contributes to a net increase in the absolute rate of global emissions growth.

Prof. Kevin Anderson - Tyndall Centre for Climate Change Research (July 2011)

The strategy of buying and selling “carbon credits” can lead to a new form of speculation which would not help reduce the emission of polluting gases worldwide. This system seems to provide a quick and easy solution under the guise of a certain commitment to the environment, but in no way does it allow for the radical change which present circumstances require. Rather, it may simply become a ploy that permits maintaining the excessive consumption of some countries and sectors.

Pope Francis – Encyclical letter: Care for our Com-

mon Home (18 June 2015)[iii]

By definition, all REDD projects, by lumping together emissions from fossil fuels with biotic emissions, discourage the project of keeping fossil fuels in the ground – the sine qua non of effective climate action.[iv] And ‘all offset credits are necessarily scientifically bogus’, simply adding to the carbon emission offload, and negatively impacting on the working poor.[v]

Larry Lohmann - On time machines, REDD and, California.

REDD+ is framed within an epistemological understanding of forests and lands which supports the domination of nature by humans for economic profit, regardless of financial input, governance and/or participation from communities, and therefore will not be a successful means of climate mitigation or forest protection.

Joanna Cabello and Tamra Gilbertson – A colonial mechanism to enclose lands[vi]

It is time to be angry about the abuses of rural communities, the structural violences that take place in the name of environmental protection, climate adaptation and mitigation, or development.

Jesse Ribot - [Global Forest Governance and Climate Change](#)

REDD-Monitor has pointed out repeatedly that trading the carbon stored in forests would be disastrous for the planet’s climate because at best it does not reduce

greenhouse gas emissions. It just shuffles them from one place to another and helps lock in polluting technology.

Chris Lang - 15 November 2017

An international team of 32 authors from 24 institutions in eight countries has just published a study titled "Greening of the Earth and its Drivers" in the journal Nature Climate Change showing significant greening of a quarter to one-half of the Earth's vegetated lands using data from the NASA-MODIS and NOAA-AVHRR satellite sensors of the past 33 years. The greening represents an increase in leaves on plants and trees. Green leaves produce sugars using energy in the sunlight to mix carbon dioxide (CO₂) drawn in from the air with water and nutrients pumped in from the ground. These sugars are the source of food, fiber and fuel for life on Earth. More sugars are produced when there is more CO₂ in the air, and this is called CO₂ fertilization.

<https://phys.org/news/2016-04-co2-fertilization-greening-earth.html>

* * *

The territory's Forestry Department was once one of the finest in Africa, its roots laid in the soil of an England of 1066 and the Domesday Book of 1086 when about 25 forests had been

established, i.e. royal hunting enclaves – but in reality, areas for the production of venison for the royal households, in 1215 embraced within Magna Carta.

Therefore, the original meaning of forest is protected woodland for the keeping of deer and their hunting, though still containing resident commoners.^[vii] This state of commonage – but not hunting – is found in Zambia's local protected forests, increasingly in national forests (e.g. Mvuvye) and one national park, Liuwa. Therefore, most of what should be properly termed woodland in Zambia is called forest, where the sustainable practice of chitemene (swiddening and coppicing) prevails.

Since Indirect Rule – and through the protectorate period, the forests of the territory were well conserved. In Barotseland, district forest management books were produced to augment the controls exerted by the paramount chief, the *Litunga*. Now Zambia's Forestry Department – despite the NRCF's Forestry Policy Brief,^[viii] is a national disgrace, local and national forests encroached, watersheds pillaged, illegal logging countenanced, complaints to the Director of the Forestry Department, Anne Chileshe Masinja and the Anti-Corruption Commission of the sale of parts of national forest on 99-year leasehold to speculators ignored, village leaders who object fobbed off by Masinje, who has for the last two decades enjoyed a closet mutualistic relationship with such as FAO and UNDP: the FAO needing a country with massive areas of forest being plundered, the Forest Department slaving after money. But the real problem, hidden for over 50 years as the donor reports feed the stream of disinformation, is that the destruction of Zambia's forests for a long period was a myth carefully nurtured by all and sundry, in particular now by the REDD+ scam and its funders

and neoliberal exploiters.

For there is simply no clear idea of just how much woodland and forest is lost annually. In my researches, I learned that the territory has anything between 31.2m to 61.2m ha of woodland cover, with protected forest taking up 7.2m ha (183 national forests of 5m ha and 340 local forests of 2.2m ha). Combined, they make up 9.5% of the country. Much of the protected estate is indeed encroached, and increasingly de-gazetted. The Parliamentary Committee on Lands, which presented their report to parliament in July 2013, was under the impression that only 143 ha of the original protected forestry inventory had been de-gazetted, a massive under-assessment given recent revelations of the 4,000 ha of the Dambwa Joint Forest Management Area de-gazetted and acquired by the Livingstone Town Council. The published national figure of 280,000 ha de-gazetted over the last decade, and some 50% of national forests encroached is something to conjure with. However, it says nothing directly about forest degradation.[ix]

The problem with forestry and environmental issues, in general, is that they are subject to the phenomenon of epistemic knowledge, i.e. failures in the degree of validation of what is taken as science and then becomes reported fact, or post-truth as it is more generally known. There is no validation of the forest degradation and destruction story, such as a 2011 FAO/GRZ report that 2,500–3,000 km² of land is deforested annually.[x] [A seminal assessment by two academics in 2014](#) seeking 'to enhance understanding of environmental science–policy interactions' analyzed how environmental knowledge is applied to REDD+ in Zambia.[xi] They confirmed that 'research over the past 50 years has not resulted in accurate estimates of forest cover and deforestation rates, nor have

major deforestation drivers been convincingly documented. Estimates are difficult to compare due to inconsistent use of key terms, methodological pluralism and differences in social framing'. They go on to conclude:

There is only limited empirical evidence on what constitutes the main causes of deforestation. This, however, has not prevented the establishment of a dominant deforestation discourse that has remained essentially constant since colonial times. This discourse holds that there is rapid deforestation and increasing degradation, caused by population growth and neo-Malthusian pressures that push small-scale farmers to clear forest for agricultural production and meeting energy needs. Based on our analysis of how knowledge of forest cover and deforestation are grounded and how such knowledge is circulated in the REDD+ policy process, we argue that the ZFD, the FAO, and associated professionals constitute an influential epistemic community, which can define, modify, and heavily influence the deforestation discourse and allied policy initiatives, such as the REDD+ policy process. Further, the ZFD and the FAO may also be considered boundary organizations that – through promoting terminology and production of forest statistics, consultancy reports and formal policy documents – are able to circulate deforestation “facts” amongst actors in the policy process and across the boundaries of “science” and “politics”. Along the way, biophysical evidence becomes black boxed and increasingly difficult to separate from politics, e.g. when the origin and units of measure

of deforestation estimates are blurred, or the National Forestry Policy draft specifies causes of deforestation as a matter of fact without referring to sources of evidence. Further, the REDD+ policy process is characterised by largely ignoring biophysical evidence that does not support the deforestation discourse.

As the former Director of the National Parks and Wildlife Service (NPWS) Starr Yamba said at a meeting that Peter Moss and I attended, “to put an egg in a nutshell!” - if there is no proof of major forest degradation in Zambia, and if the validation process of carbon stocks within REDD+ is problematic, are the donors and the Zambian government not guilty of fraud?

The thesis, therefore, put forward in an article entitled, ‘Relative efforts of countries to preserve megafauna’ may be correct in placing Zambia in the top five countries – along with Botswana, Tanzania, Zimbabwe and Kenya in the world for the ecological components necessary to preserve the increasingly ghostly megafauna.[xii] However, it would be helpful if they made a similar analysis for customary area.

In 1997, as part of structural adjustment, the WB/IMF had insisted on government budget cuts, one of these being the cancellation of all forest ranger posts; in a stroke leaving forest unprotected. But then this did not matter, for the forest was being used in the time-honoured fashion - apart from the inevitable plunder here and there. On 20 October 2011, the Parliamentary Committee on Lands reported that government was still reviewing the Forestry Policy of 1998. Once this had been completed, it would be presented to cabinet; and only then would the Forest Act No. 7 of 1999 be amended and implemented.

Forests and supposed climate change are poorly understood in Zambia (a good example of epistemic knowledge), except as a financial harvesting opportunity. In 2009 President Banda announced the National Adaptation Plan of Action for Climate Change and the receipt of \$3.4m in donor funding, plus \$100,000 from UNDP. The Zambia program analyzed agriculture and food security, energy and water, human health, natural resources and wildlife, advancing numerous adaptive measures and projects as necessary; essentially a wish list for development. For wildlife, it made no mention of ownership rights for people of the customary commons. The program listed many adaptations required to combat 'climate change' and the massive constraints mitigating against success, adaptations that would be listed in any central planning wish-list of a country adapted to begging to support patronage as it is in the inadequate national development plans. Wholly absent was an appreciation of the structural and institutional requirement needs, and the massive potential of customary residents as a catalyst and driver of development through secure custodianship. And the prescriptions for wildlife were derisory. However, specific projects within chiefdoms, which could be an adaptation to 'climate change', would receive the favourable attention of the donors. But in the absence of a chiefdom statutory institution, one backed by a landuse plan, this would merely be a waste of time and money.

Zambia takes advantage of the situation where developed nations have bought into the climate/CO₂ thinking and wish to reduce carbon emissions. They have two choices: 1) they can reduce emissions through more efficient operations or 2) they can 'buy' carbon credits to meet reduction deficits. If choosing the latter, carbon credits can be purchased or support

Clean Development Mechanism (CDM) projects that reduce or prevent emissions in developing countries. Early on funding for this was available from official development assistance, implemented through the Global Environment Facility (GEF), and in the non-ODA, private sector, funded through the CDM. However, this was soon dwarfed by, in part, the voluntary carbon market – voluntary as it has not yet been ratified by the United Nations Framework Convention on Climate Change (UNFCCCC) and the UN and World Bank funding, all dependent on a marketing illusion, a carbon credit, unlike say, a bag of cocoa, something tangible. Carbon credits have spawned massive criminality: fake carbon credits and registry websites; overvalued carbon credits; herds of carbon cowboys relieving pensioners of their money; and the seizure of land under traditional tenure and the impoverishment of its residents.

Although Zambia ratified the Kyoto Protocol on 7 July 2006, it failed to domesticate it. The Protocol encouraged the establishment of temporary plantations to earn carbon credits by increasing the ecological debt of the developed countries. As world leaders in 2009 debated climate change and the course of action they would follow, in December of that year, Minister of Tourism Namugala called for industrial nations to cut their greenhouse emissions by 40% and be bound legally. In June 2009 Japan committed itself to reducing its greenhouse gas levels by 8% by 2020. As Lomborg has pointed out, this would require that Japan build nine new nuclear power plants and increase their use by a third, build more than a million new wind turbines and install solar panels on nearly three million homes.[xiii]

As the UNEP-World Conservation Monitoring Centre said in reply to a question on safeguards at the Biological Diversity

Convention in October 2012: 'There are many ways to increase carbon that would have absolutely disastrous consequences ecologically, including plantations of exotic species, including plantations of trees in non-forest ecosystems. The biodiversity consequences of those sorts of actions would be potentially catastrophic'.

It also requires that government manage their electricity grid efficiently, for any major increase in tariffs will increase charcoal production and forest depletion. The regular announcements by the Energy Regulation Board (ERB) of an increase in tariffs of 35% between 2009 and 2010 and a further 26% between 2010 and 2011 were alarming, particularly given the massive theft of money unearthed the Kabimba Commission from the ERB. In April 2013 the ERB announced a 21% price increase for petrol and 2% for diesel.

The Indigenous Environmental Network at the UN's Framework Convention on Climate Change talks in Bangkok in October 2009, had called for the rejection of the program 'Reducing Emissions from Deforestation and Degradation (REDD) in Climate Treaty' and predicted dire consequences for indigenous peoples, biodiversity and the climate alike if the new post-2012 climate treaty debated there allowed tradeable carbon credits to be produced from projects such as the REDD and the CDM. Moreover, at the same talks, Rising Tide North America, Carbon Trade Watch and the Mobilization for Climate Justice exhorted people to join global climate action to spread the word about carbon trading.

In Zambia the REDD Policy Board approved the budget allocation of \$4.49 million for the national program, and, with the support of UNDP, FAO and UNEP, and the Ministry of Tourism, produced a national document for the new UN-REDD

program that would prepare Zambia to combat climate change through financial initiatives to protect forest areas.

In November and December 2011 developed countries called at CoP17 of the UN Convention on Climate Change for a 'Durban mandate' to launch new negotiations for a future climate framework. The Civil Society Committee for CoP17 declared that:

While many developed countries seek to end the Kyoto Protocol, they simultaneously attempt to retain and expand their favoured elements of the Kyoto Protocol, like the CDM (Clean Development Mechanism), in a new agreement and shift their responsibilities onto developing countries. Without legally binding emission reductions under the Kyoto Protocol, developed countries must not be allowed to have access to the carbon markets. Further, with the price of carbon crashing, paltry emissions reductions pledges from developed countries, there is no rationale for the continuation of the CDM or the creation of new market mechanisms.

To REDD, i.e. Reducing Emissions from Deforestation and Forest Degradation, sustainable forest management, conservation of forests, and the enhancement of carbon sinks are now known as REDD+. [xiv] [xv] With the REDD+ program all the rage, a seminal report by the Rights and Resources Initiative of May 2012 on a detailed survey of 27 countries found that: [xvi]

Clear and secure tenure rights are vital for reducing green-

house gas emissions from deforestation and degradation and for the programs attempting to implement REDD + strategies. 90% of the REDD+ readiness preparation proposals prepared by developing country Governments highlight insecure or unclear tenure as an obstacle to REDD+.

Should secure tenure rights not be in place it is more likely that it will not be implemented with the necessary ecological safeguards. Following the UN Conference on Sustainable Development in June 2012 (Rio+20), a report summarizing the findings of the Zambia Stocktaking Report on the conference and a subsequent consultative meeting, Zambia claimed it had ‘made notable progress towards the implementation of sustainable development (SD)’ and that it had made ‘community driven poverty reduction interventions’, particularly about ‘community-based conservation of wildlife and forests’. Here it gave an example of what it had accomplished – but supposedly carried out by COMACO in Chama and Lundazi districts: ‘1,700 poachers surrendering their guns and 60,000 wire-snares and now engaged in productive activities such as conservation agriculture’. This same program does not address one of the problems that the report had stressed, ownership and responsibilities for natural resources on customary area.

The Rights and Resources Initiative report accurately revealed Zambia’s problem:[xvii]

There has been an absence of sound legal framework for community control, ownership and active involvement in natural resource management, for instance, concerning

Joint Forest Management, and the limited decentralization and empowerment of communities to manage and benefit from local resources. NGOs have largely been excluded in resource management such as the CRBs under the Zambia Wildlife Authority (ZAWA).

The report also criticized the Zambia Environmental Management Agency (ZEMA) for not engaging at a strategic level, requiring that government's revamp strategic environmental impact assessment because of its more broad-based nature'. The report's key recommendations were: 1) to promote policies and legislation that promote community participation in forest and natural resources management; 2) implementation of the National Policy on Climate Change Response Strategy; 3) reduce unemployment; 4) obtain financing for a green economy; 5) enhance institutional arrangements; 6) provide a mechanism to integrate SD issues in social, economic and environment; and 7), implement an effective reporting system.

In effect, these are sensible recommendations for a first world country running on political systems developed over centuries, not one where the system is a very recent result of political engineering requiring constant sustenance from donor aid. After all, Zambia is a patrimonial kleptocracy created by the West.

In a report of 25 June 2013 on sustainable forest management initiatives of relevance to REDD+ in Zambia, 30 forest management initiatives had been identified 'with a potential to fulfil the triple criteria of sustainable forest management, good practices and REDD+ compliance'. A selection of projects included national parks under public-private partnership - i.e. privatized, joint forest management areas, carbon-offset

projects, NGO-driven conservation and agro-forestry projects. The authors concluded that ‘undefined and conflicting tenure rights are major constraints to the broad participation of Zambian communities’.[xviii] This suggests that the constitution is inadequate in addressing the true ownership of customary area. Also, the rights over natural resources contained in customary area need to be addressed. No mention in the report was made that GMAs are customary, yet another track on the post-truth trail.

On 20 November 2013, REDD-Monitor recorded:

At CoP19 in Warsaw, Norway, the UK, and the USA launched yet another initiative to protect forests and reduce greenhouse gas emissions. Called the “BioCarbon Fund Initiative for Sustainable Forest Landscapes”, this will be a public-private partnership housed in the World Bank’... the UK giving \$120m Norway \$135m, and the USA \$25m. But none of this is new money. Instead, it is recycled from existing climate aid budgets.

In the REDD-Monitor blog dealing with this announcement, a significant comment was made on the increasing use of the woolly term ‘Landscape Approach’ by such as CIFOR, the World Bank and others:[xix]

The definition of landscape as above differs in a significant and dangerous way from that of the European Landscape Convention (ratified by the UK). Using landscape as a term to merely integrate only those stakeholders with

financial stake risks destroying 'landscape' as the correct term in fully involving people and communities in site-specific planning. Missing this vital element twists the word to an extent where it becomes a malfeasant term and further disenfranchises those that any particular landscape belongs to and to whom the landscape belongs.

Under the Biocarbon Fund, Initiative for Sustainable Forest Landscapes (ISFL), programs are being established in Ethiopia and Zambia. The latter's program will concentrate on the Luangwa Valley:[xx]

The Zambia Integrated Forest Landscape Program will focus on Zambia's Luangwa Valley, specifically in the overlapping regions of the Eastern and Muchinga provinces. The goal of the program is to promote reduced greenhouse gas emissions from the land sector in Zambia's Luangwa Valley, while simultaneously improving rural livelihoods and wildlife conservation. It aims to operate for ten years (2015-2024).

The Forest Carbon Partnership Facility was recently described as the most cost-inefficient tree-saving scheme ever.[xxi]

In 2001 Iqbal Alloo, in the name of Sable Transport Limited, obtained some 10,000 ha of land – this expanded to 39,000 ha - on leasehold from Chief Unda Unda on the borders of the Lower Zambezi National Park and the Chiawa GMA. Therefore, this massive enclosure was permanently alienated from the Unda Unda customary commons, all villager rights to the use of the land and its resources sundered. On his website,

under 'land conservation' Alloo states unctuously:[xxii]

Preserving, protecting maintaining, and improving Zambia's natural resources and environment is critical for Zambia's infrastructure and development, particularly with respect to land preservation. Conservation values of Zambia's lands need to be protected, maintained, and improved by restricting the use of land to allow only activities that promote national goals to include conservation, tourism, game ranching, community development and education. The direct benefits to the farming industry are also tremendous as yields increase when applying land conservation measures.

In January 2010 consultants prepared a report for CIFOR on *Climate Change in Zambia: Opportunities for Adaptation and Mitigation through Africa Bio-Carbon Initiative*. [xxiii] At about that time, Sable signed a 30-year conservation easement agreement with BioCarbon Partners Ltd (BCP), providing them with the right to manage, implement and benefit from a REDD+ project in what is called the Rufunsa Conservancy. [xxiv]

In November 2011 the International Development Law Organization (ILDO) researched the *Legal Preparedness for REDD+ in Zambia* and wrote:[xxv]

Without further direction from the UNFCCC, the acquisition of lands by investors is not yet a requirement of REDD+ and rights to carbon credits could be divorced from land title. Therefore, those who hold land tenure may

not by extension own carbon credits for the international market. Dependent on how carbon tenure is defined in law, the GRZ, investors or even those who undertake forest management could hold tenure separately or according to a distributive allocation, for instance through the payment of royalties. In Zambia, this could also be aided by the recognition of the distinction of the ownership of trees and forest produce from that of the land under the Forest Act and the Lands Act. Nevertheless, even should investors only have rights to carbon without the clear attribution of parcels of land under forest management in Zambia, results-based benefit sharing distribution systems may be established with difficulty, and conflicts of inter- and intra-community entitlements may arise.

On 8 March 2013, BCP submitted a project design document to the Climate, Community and Conservation Alliance to conform to their Climate, Community and Biodiversity Standard (CCBS, Second Edition) and the Verified Carbon Standard (VCS, Version 3.3). In June 2013 BCP received validation from CCBA, an organization founded in 2003 by some BINGOs: CARE, Conservation International, The Nature Conservancy, Rainforest Alliance and the Wildlife Conservation Society (US), and three advising institutions: Centro Agronomico Tropical de Investigacion y Ensanansa, (CAIE), The World Agroforestry Centre (ICRAF) and the Centre for International Forestry Research (CIFOR). Its mission, they declare, is 'to stimulate and promote land management activities that credibly mitigate global climate change, improve the well-being and reduce the poverty of local communities, and conserve biodiversity',

something manifestly not true in the case of Conservation International's part in the ejection - and maltreatment, of the Bushmen from the Central Kalahari Game Reserve in Botswana.

However, the Verified Carbon Standard (VCS) has been severely questioned about its integrity when conducted by private interests.[xxvi] [Lohmann makes an essential contribution](#) to the whole issue of setting baselines, and of REDD+ itself: [xxvii]

There's a distinction between saying that REDD is a fraud and saying that any particular baseline is a fraud. I agree with you that REDD is a fraud, or totally bogus across the board. But I don't agree with the claim made by vast numbers of academic and policy authors that the fraudulence or bogusness of particular REDD projects is due to their non-additionality, i.e. to fraudulent or badly-calculated baselines. This is not only wrong but tends to encourage the further proliferation of REDD. One way of saying this is to say that REDD is bogus, or a fraud, because it is premised on the existence of something that does not exist, namely additionality. Since no intelligible distinction could ever be made out between additionality and non-additionality, that means there is no such thing as non-additionality, either.

In January 2014 Minister of Lands Harry Kalaba was forced to intervene in a '15-year old land dispute between hundreds of Rufunsa district villagers' (Chief Unda Unda's people) and Iqbal

Alloo, following complaints from the Rufunsa MP Kenneth Chipungu and three headmen that Sable Transport was threatening to displace their subjects – having already taken their land in 2001. Villagers complained that BCP workers threatened them with eviction from their land, supposedly representing the BCP Trust involved there in ‘good works’. ‘Mr Chipungu said he was aware that former president Levy Mwanawasa cancelled Sable Transport Limited’s title deed and also wondered why the company’s 10,000 to 15,000 hectares of land it acquired 15 years ago had continuously expanded’. Alloo said he had challenged the cancellation in court and had won it back, adding that he acquired the land with consent from 12 headmen (sic) who signed a sketch produced in March 2001.[xxviii] Later Alloo settled the 15-year dispute with some villagers by giving them 1,500 ha.[xxix] This land has to be leasehold land, creating a further problem for Unda Unda.

There was some confusing information on the Rufunsa project by redddesk.org, to which I responded in the comment section of REDD-Monitor.[xxx] I later also made some comments on my Lower Zambezi mining petition site that in fact it was President Mwanawasa who in 2001 had permitted the Rufunsa alienation to Sable Transport, but that I stood by my earlier comment (despite what may sound like excessive denigration), that the removal of customary area from its legal usufructuaries (villagers resident in the customary area) is a crime against humanity. I ended by saying that ‘to make matters worse, should the owner of the land on which this REDD+ project is mounted go bankrupt, his land reverts not to customary area, but state land’.[xxxi]

On 31 January 2014, I had written an article in the Lusaka Times critical of the proposed mining in the Lower Zambezi

and the alienation of the Unda Unda land, declaring: ‘To this may be added the alienation of 36,000 ha of Chief Unda Unda’s land on the border of the park to Iqbal Alloo for highly dubious REDD+ projects in cahoots with donors who wish to convert customary land to leasehold’.[xxxiii]

I finally received clarification from BCP’s MD, Hassan Sachadina, on their confusing use of the terms ‘project zone’ and ‘project area’ – the latter referring to the customary area. Their work, they wrote, on forest and carbon monitoring takes place in the conservancy, where ‘performance-based payments will be based on achieved emission reductions’, while their ‘community’ work is conducted in part of the adjoining Unda Unda customary area:

Community-based deforestation mitigation activities are being implemented: effective fire management strategies, tree-planting projects, and conservation farming training programs that introduce improved agriculture techniques and increase yields, the establishment of community enterprises and the production of sustainable charcoal.

It was assumed that the former residents of the land had no title to or rights to the carbon. As to the issue of the carbon trading business as a whole, Sachadina wrote to me in January 2015 explaining that:

I hear your concern about REDD+ being a licence to pollute. The companies we are engaging with typically

seek credits for 'unavoidable' emissions, so they pair REDD+ credits with internal emissions reductions efforts. We feel this is a great start towards a lower carbon economy as it's very difficult for an airline, tourism camp, or domestic gas company to become 100% carbon neutral overnight. They still need to burn some fuel. Our partners typically try to reduce their emissions internally through renewables etc. and then turn to us to offset what are residual unavoidable emissions to become 100% neutral. We believe this pairing is a good initial step towards a lower carbon economy, in a way that supports tropical deforestation mitigation and poverty reduction. These companies/individuals are not required to do this by law (avoided deforestation credits are not accepted in compliance markets), so we need the support of committed conservationists to encourage this behavior.

Sachadina, after some prevarication, finally made clear which organizations and government departments BCP works with: 1) it funds and supports ZAWA activities in the adjoining customary area; 2) the Forestry Department supports the villagers living in the customary area part of the project by providing seedlings, overseeing enrichment planting in areas affected by sustainable charcoal, overseeing a sustainable charcoal project on customary forest, and providing bee-keeping training (BCP support the FD by providing motorbike support, fuel and airtime); 3) the Zambia Environmental Management Agency (ZEMA) exempted BCP from submitting an EIA as they are not cutting woodland – an extraordinary decision; 4) MUSIKA donate small grants to the BCP Trust (a non-profit) to implement villager livelihood projects and are not

USAID-funded; 5) UNDP/AMSCO did provide training grants for BCP staff, customary area commoners, and government staffers - a grant that has ended; 6) Engineers without Borders assisted BCP with two volunteers who supported the villager development projects - that agreement having ended; 7) DFID funded a local project, which in turn funded two studies on the illegal charcoal trade; 8) CIFOR are not involved with the project, (other than advising the Climate, Community and Conservation Alliance); 9) USAID provided support grants for project villagers;[xxxiii] 10) Water 282 is a Trust partner of BCP's, drilling three boreholes; and 11) BCP depend on credit sales revenue to fund the conservation and carbon accounting work (patrols, conservation management, and biodiversity monitoring).

But comments and corrections I had made on the internet were not to the liking of the BCP MD, he engaging with me in an increasingly threatening manner and copying the correspondence to one of my sons, as well as to a mutual family friend. Finally, I sat down, with my wife as referee, to make an objective assessment of the Rufunsa scheme and Sachadina's and my correspondence. While doing this, I inspected BCP's website. I discovered that they had in fact entered into another 30-year easement agreement with an unnamed conservancy – obviously another patch of alienated land in the area where we had been working and investing for ten years, and where I had created two customary resident land trusts. Also, as the owner of the alienated land, Sable Transport had assumed control of land once part of the Mwape Chiefdom but obtained under dubious circumstances by the Petauke District Council. I was, therefore, understandably keen to find out with whom the agreement had been signed. This information Sachadina

refused to supply, once more adopting a threatening tone. Inevitably, by the end of the year, his website carried details of phase 1 of his expansion plans. As expected, this takes in the West Petauke GMA within the Luembe customary area. However, the Luembe Conservancy Trust I formed in 2003 holds the landuser rights to the area for 60 years.

In April 2015 there appeared an advert placed on Ecosystems Marketplace for a Conservation Coordinator for BCP: 'BCP has launched Zambia's first pilot REDD+ project, and now seeks a talented Program Manager to scale up jurisdictional level REDD+ through the exciting 5-year, USAID-funded Community Forests Program in the Luangwa Valley'. BCP's connection with the USAID project where USAID has recommended alienations of customary area is unfortunate, given that the Rufunsa Conservancy where BCP works is alienated customary area, Chief Unda Unda's people now disbarred from their former common access and usufruct rights, supposedly rights protected under the Biodiversity Convention (Aichi targets) and the new Zambian Act on the ownership of genetic resources.

In late May 2015, I received another email from Sachadina, stating that he 'wanted to reaffirm that we are only focused on customary areas and GMA areas. Our focus is not on private land in Eastern Province'. As the Rufunsa Conservancy is private leasehold land, and given that customary area and GMA are the same, he is confused about Zambian land tenure.

The Fifth Report (2013) of the IPCC declared that there had been no increase in global temperatures for the previous fifteen years, that storms and droughts had not increased, and that the ice caps were not disintegrating. In 2015 this thesis was negated.[xxxiv] Lomborg explained that the IPCC has always said that only half of the temperature rise is due to humans

and that the European Union would for the rest of this century pay in the order of \$20 trillion to achieve its climate policies, with temperatures reduced by 0.05°C; and donors and NGOs continuing with questionable carbon trading mechanisms such as REDD.[xxxv]

The Fifth IPCC report in 2013 declared in denser tones that:

Limiting the warming caused by anthropogenic CO₂ emissions alone with a probability of >33%, >50%, and >66% to less than 2°C ... will require cumulative CO₂ emissions from all anthropogenic sources to stay [below] 1,560 GtC, 1,210 GtC, and 1,000 GtC [respectively]. An amount of 531 GtC was already emitted by 2011.

The UNFCCC at its CoP19 meeting in Warsaw in November 2013 was not prepared to discuss carbon budgets, engaging instead with carbon trading mechanisms such as REDD, which will have little effect on Carbon Dioxide levels in the future and which concentrate on forest issues as compared to a holistic standard such as Landsafe, which secures customary area tenure and the conservation of natural resources, in general, for the benefit of customary residents.[xxxvi] To date, agriculture and biodiversity issues are not even considered in climate negotiations.

As 2014 drew to a close, the 20th Session of the Conference of Parties of the UNFCCC firmly embarked on their epistemic course, resulted in the Lima Call for Climate Action. A central part of this agreement was the country's climate pledges involving developing countries for the first time. But, as

Natural Justice concluded on 17 December 2014:[xxxvii]

Within mitigation, negotiations on REDD+ failed to agree on what guidance, if any, the UNFCCC should provide to countries developing their systems for providing information on how the REDD+ safeguards are being addressed and respected. Many developing countries rejected the need for further clarity, and thus there is no obligation for REDD+ countries to report on how indigenous peoples and local communities rights are being respected, and biodiversity and natural forests being conserved, during the design and implementation of REDD+. This omission increases the potential risks of REDD+.

In April 2015, CIFOR reported a Global Comparative Study on 23 REDD initiatives in six countries (Brazil, Peru, Cameroon, Tanzania and Indonesia and Vietnam). Crucially, they suggested the urgent need for ‘policies targeted at the tenure and security problem’.[xxxviii] At the end of April, there appeared a UNEP report entitled: *Benefits of forest ecosystems in Zambia and the role of REDD+ in a green economy transformation*. [xxxix] The report concluded – without presenting any evidence - that Zambia has the second-highest deforestation rate in Africa and the fifth-highest in the world, due it says, to charcoal production, illegal timber use and agricultural and human settlement expansion, but saying nothing of the failure to respect tenure rights under customary law. It then stated that forests contribute the equivalent of 4.7%, rising to 6.3%, of GDP, with multiplier effects on the economy. Quite how

this contributes to a green economy when customary area is acknowledged as open-access area, with customary rights ignored, is not explained. But, as mentioned before, this epistemic failure suggests fraud. If a project is established on unvalidated data, it is essentially couched in massive ignorance or fraudulent.

On 7 January 2016, Biocarbon Partners (BCP) announced ‘the world’s first carbon-neutral park’, the Lower Zambezi National Park.[xl] Although the lodges have entered the scheme with the admirable objective they believe of adopting a carbon-free footprint for their tourism operations, they have been persuaded by BCP to buy Verified Carbon Units (VCUs), just as the Global North does to allow it to pollute, to ‘offset their unavoidable emissions’ (the BCP MD, Sachadina, in now a member of the board of Conservation Lower Zambezi). This is clearly a form of privatization, and the assumption that carbon rights are held by government and can be sold to whomsoever they wish, contradicting the rights to genetic resources of Mburuma’s people under the Biodiversity Convention and the new Zambian law of 2016 on genetic resources, as well as violating their reverence for their sacred shrines in the park. As a review of a recent book by researchers at the International Institute for Environment and Development in London wrote:[xli]

The authors assert that carbon projects in Africa are a form of “green grabbing”, using climate change mitigation as a conduit, while profit-making is the overarching aim. The market for carbon credits is not yet robust or stable enough to secure adequate demand to absorb the existing

supply, let alone the levels should all countries take up the challenge.

And another article plaintively asks:[xlii]

The international climate change agenda, driven by neoliberal and corporate-friendly ideas, is dominated by approaches that emphasize trading carbon-‘equivalent’ emissions as a means of solving the climate crises. How did the international negotiations, instead of finding ways of reducing emissions at source, end up focusing on ways of measuring, owning, governing, and compensating for the liabilities of carbon commodities?

On 15 November 2017, Charles Lang of REDD-MONITOR in an article entitled *Prince Charles’ offshore investment in Sustainable Forestry Management Ltd: A cautionary tale featuring conflicts of interest, a web of offshore companies, carbon credits, transfer pricing, and tax avoidance galore*, revealed that Prince Charles, a Cambridge friend and others had in February 2007, through his private estate the Duchy of Cornwall, secretly bought shares worth US\$113,500 in Sustainable Forest Management (SFM). The article provides a list of the shareholders of SFM, one of them being Ian Swingland, for a short time a biologist in the Zambian Game Department in 1966 - and a friend of David Lloyd and Peter Moss. In February 2019, Swingland was given a two-year sentence, suspended for eighteen months:

Two fraudsters, who attempted to steal more than £60 million through a fraudulent tax avoidance scheme claiming to invest in HIV research and conservation, have been jailed for a total of 14 and a half years.

Ethical Trading and Marketing Ltd company director Antony Blakey, 68, and finance director, John Banyard, 70, enticed wealthy people to invest in the scheme with the promise of avoiding tax by supporting tree planting in the Amazon and research into a HIV cure.

The pair were aided by world renowned conservation scientist Professor Ian Swingland, 72, who joined the fraud to help create the fake documents and add credibility to the scheme.

Back in Zambia, in March 2018, came news of the launch of a \$33 million project ‘to improve sustainable rural livelihoods and forest protection’ in Eastern Province:[xlirii]

Funds for Zambia’s Integrated Forest Landscape project include \$17 million from the International Development Association, \$8 million from the Global Environment Facility, and \$8 million from the World Bank’s BioCarbon Fund Initiative for Sustainable Forest Landscapes (ISFL). Zambia’s program with the BioCarbon Fund was the impetus for the country’s new, larger-scale program launched last week in Chipata. It provides the foundation for activities that can generate results-based payments for verified emission reductions across the Eastern Province from the BioCarbon Fund ISFL in the future.

And finally, [a letter from the Guardians of Nature.](#)

OPEN LETTER FROM THE INDIGENOUS PEOPLES OF THE WORLD

OPEN LETTER FROM THE INDIGENOUS PEOPLES OF THE WORLD TO THE GOVERNOR OF CALIFORNIA AND THE GOVERNOR'S CLIMATE AND FORESTS TASK FORCE

September 10, 2018

Sanjay Patel and Governor's Climate Territory/San Francisco, CA

Original peoples and Indigenous nations of the world gathered on the Ramona Land and the greater Owens territory in California supported by UN Convention 109 on Indigenous and Tribal Peoples (ILO 109) and the United Nations Declaration on the Rights of Indigenous Peoples (2007) to protest the Global Climate Action Summit (GCAS) hosted by Governor Jerry Brown and the Governor's Climate and Forests Task Force (GCTF). The GCAS and GCTF must not place a market value on the carbon sequestration capacity of our forests in the Global South and North.

We cannot commodify the forest — we reject those market based climate change solutions and projects such as the Reducing Emissions from Deforestation and Forest Degradation program (REDD+), because they are false solutions that further dispossess our rights, our ability to live in our forests and our sovereignty and self-determination. False solutions to climate change and climate disruption destroy both our material and spiritual relationship to the earth. The GCTF does not represent us and has no authority over our peoples and territories.

[i] “The Margarita Declaration on Climate Change: *REDD Monitor*. 1 July 2014. Web. 5 April 2017. <http://www.redd-monitor.org/2014/08/08/the-margarita-declaration-on-climate-change-we-reject-the-implementation-of-false-solutions-to-climate-change-such-as-carbon-markets-and-other-forms-of-privatization-and-commodification-of-life/>

[ii] Yes to life No to mining, The Maputo Declaration on Climate Change. 2015. Web. 5 April 2017. <http://www.yestoli fenotomining.org/support-maputo-declaration-climate-justice/>

[iii] Francis, Pope. "Encyclical letter: Care for Our Common Home." The Vatican, 18 June 2015. Web. 5 April 2017. Paragraph 171. http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html

[iv] Kill, Jutta. "REDD in Brazil - Two Case Studies on Early Forest Carbon Offset Projects | Heinrich Böll Foundation." *Heinrich Böll Foundation*. N.p., 8 Jan. 2015. Web. 16 April 2017.

<https://www.boell.de/en/2015/01/08/redd-brazil-two-case-studies-early-forest-carbon-offset-projects>

[v] Lang, Chris. "Larry Lohmann on Time Machines, REDD, and California." *REDDMonitor*. N.p., 18 Nov. 2015. Web. 16 April 2017.

<http://www.redd-monitor.org/2015/11/18/larry-lohmann-on-time-machines-redd-and-california/>

[vi] Web. 28 August 2017. <http://www.ephemerajournal.org/contribution/colonial-mechanism-enclose-lands-critical-review-two-redd-focused-special-issues>

[vii] Quinion, Michael. "No Trees in the Forest?" *World Wide Words*. 9 Oct. 1996. Web. 5 Apr. 2017. <<http://www.worldwidewords.org/articles/forest.htm>>.

[viii] NRCF, Zambian. "Natural Resources Consultative Forum Policy Advisory Note on Joint Forestry Management." I.P.A. Manning, 20 June 2005. Web. 6 April 2017. <https://docs.google.com/document/d/1qvEQloWbI0vmm2-tV4kB-ZGomw4AGjMSa-mSkB9D2Vw/edit?usp=sharing>

[ix] Michels-Kokwe, Gun et al. "Sustainable Forest Management Initiatives of Relevance to REDD in Zambia." 25 June 2013. Web. 6 April 2017. p. 29

<http://theredddesk.org/resources/forest-management-prac>

tices-potential-redd-zambia

[x] Vinya R, Syampungani S, Kasumu EC, Monde C, Kasubika R (2011) Preliminary study on the drivers of deforestation and potential for REDD+ in Zambia. Lusaka, Zambia: FAO/Zambian Ministry of Lands and Natural Resources.

[xi] Kamelarczyk, Kewin Bach Friis, and Carsten Smith-Hall. "REDD herring: Epistemic community control of the production, circulation and application of deforestation knowledge in Zambia." *Forest Policy and Economics*. Elsevier, 12 June 2014. Web. 22 Apr. 2017.

[xii] Lindsey, Peter A. et al. "Relative efforts of countries to conserve world's megafauna." *Global Ecology and Conservation* Volume 10, Elsevier. pp. 243–252, Apr. 2017. Web. 7 May 2017. <<https://doi.org/10.1016/j.gecco.2017.03.003>>.

[xiii] Lomborg, Bjorn. "Man-made Global Warming Is Real. The Solutions Being Touted Are Not." *The Spectator Magazine*, 2 Dec. 2009. Web. 6 April 2017. <http://staging.spectator.co.uk/2009/12/manmade-global-warming-is-real-the-solutions-being-touted-are-not/>

[xiv] "REDD: Conservation Is Not the Deal at All!" *Forest Sector Advisory Services*, 2012. Web. 6 April 2017. <<http://forestindustries.eu/content/redd-conservation-not-deal-all>>.

[xv] Lang, Chris. "REDD: An Introduction." *REDDMonitor*. 1 Feb. 2011. Web. 6 April 2017. <http://www.redd-monitor.org/redd-an-introduction/>

[xvi] "What Rights?" *Rightsandresources.org*. Rights and Resources Initiative, 1 May 2012. Web. 6 April 2017. http://www.rightsandresources.org/wp-content/uploads/doc_6587.pdf

[xvii] "What Rights?: A Comparative Analysis of Developing Countries' National Legislation on Community and Indigenous Peoples' Forest Tenure Rights." *Rights and Resources Initiative*,

1 May 2012. Web. 6 April 2017. < <http://rightsandresources.org/en/wp-content/exported-pdf/whatrights-november13final.pdf%3E.#sthash.WYx1Xtsq.dpbs>

[xviii] Michels-Kokwe, Gun et al. "Sustainable Forest Management Initiatives of Relevance to REDD in Zambia." 25 June 2013. Web. 6 April 2017. p. 29

<http://theredddesk.org/resources/forest-management-practices-potential-redd-zambia>

[xix] Lang, Chris. "Introducing Another World Bank Forest Boondoggle: Initiative for Sustainable Forest Landscapes." *REDDMonitor*. 21 Nov. 2013. Web. 6 April 2017. <http://www.redd-monitor.org/2013/11/21/introducing-another-world-bank-forest-boondoggle-initiative-for-sustainable-forest-landscapes/>

[xx] "Zambia Integrated Forest Landscape Program." BioCarbon Fund, 2013. Web. 6 April 2017. <http://www.biocarbonfund-isfl.org/zambia-program>

[xxi] Lang, Chris. "The most cost-inefficient tree-saving scheme ever: The Forest Carbon Partnership Facility." *REDDMonitor*. N.p., 29 Mar. 2017. Web. 07 July 2017. <<http://www.redd-monitor.org/2017/03/29/the-most-cost-inefficient-tree-saving-scheme-ever-the-forest-carbon-partnership-facility/#more-26433>>.

[xxii] "Land Conservation." Sable Transport (Iqbal Alloo). Web. 6 April 2017. <http://www.sabletransport.com/land-conservation.html>

[xxiii] Bwalya, Samuel Mulenga. "Climate Change in Zambia: Opportunities for Adaptation and Mitigation through Africa Bio-Carbon Initiative." Centre for International Forest Research Southern Africa Regional Office Lusaka, Zambia, 1 Jan. 2010. Web. 6 April 2017. <http://programs.comesa.int/attachm>

ents/article/105/Zambia%20Climate%20change%20National%20report.pdf

[xxiv] Web. 6 April 2017. <http://biocarbonpartners.com>

[xxv] "Legal Preparedness for REDD in Zambia: Country Study." UN-REDD Program, 1 Nov. 2011. Web. 6 April 2017. <http://theredddesk.org/resources/legal-preparedness-redd-zambia-country-study>

[xxvi] Seyller C. et al. "The 'virtual economy' of REDD projects: does private certification of REDD projects ensure their environmental integrity?" in *The International Forestry Review*. *Chaire Economie du Climat*. N.p., 08 June 2016. Web. 24 Apr. 2017. <<http://www.chaireeconomieduclimat.org/en/publications-en/peer-reviewed-article/the-virtual-economy-of-redd-projects-does-private-certification-of-redd-projects-ensure-their-environmental-integrity/>>.

[xxvii] Lang, Chris. "Larry Lohmann: 'The problem is not 'bad baselines' but the concept of counterfactual baselines itself'". *REDDMonitor*. N.p., 18 Oct. 2016. Web. 24 Apr. 2017. <<http://www.redd-monitor.org/2016/10/18/larry-lohmann-the-problem-is-not-bad-baselines-but-the-concept-of-counterfactual-baselines-itself/>>.

[xxviii] Sichone, Chusa. "Kalaba Puts 15-year Land Dispute to Bed." *Times of Zambia*. 11 Jan. 2014. Web. 6 April 2017. <http://www.times.co.zm/?p=3670>

[xxix] Sichone, Chusa. Sable villagers' land row solved. *Times of Zambia* 19 April 2014. Web. 6 April 2017. <http://www.times.co.zm/?p=19674>

[xxx] Lang, Chris. "How Can REDD Reduce Deforestation without Addressing the Causes of Deforestation?" *REDDMonitor*. Chris Lang, 6 Nov. 2013. Web. 6 April 2017. <http://www.redd-monitor.org/2013/11/06/how-can-redd-reduce-defores>

tation-without-addressing-the-causes-of-deforestation/

[xxxix] Manning, I.P.A. "The Green Party of Zambia and the Lower Zambezi National Park." 2015. Web. 6 April 2017. <https://www.change.org/p/director-general-zambia-wildlife-authority-prohibit-mining-in-the-lower-zambezi-national-park/u/9025956>

[xxxix] Manning, I.P.A. "More Condemn PF government for Allowing Mining in the Lower Zambezi National Park." LusakaTimes.com. 31 Jan. 2014. Web. 6 April 2017. <http://www.lusakatimes.com/2014/01/31/condemn-pf-government-allowing-mining-lower-zambezi-national-park/>

[xxxix] "BioCarbon Partners Trust in Various Incentive-based Grant Opportunities and Rewards (VIGOR): In USAID/ZAMBIA: Economic Growth Projects Supporting Low Emission Development, P.3." USAID. Web. 6 April 2017. <http://wbcarbonfinance.org/docs/biocf-Economic-Growth-Projects-for-LEDS-in-Luangwa-Valley-WB-workshop.pdf>

[xxxix] Karl, Thomas R. et al. "Possible Artifacts of Data Biases in the Recent Global Surface Warming Hiatus." *Science*, 26 June 2015. Web. 6 April 2017. <http://www.sciencemag.org/content/348/6242/1469.abstract>

[xxxix] Lomborg, Bjorn. "Global Warming's Upside-Down Narrative." *Sustainability & Environment*. Project-Syndicate, 17 Apr. 2014. Web. 6 April 2017. <https://www.project-syndicate.org/commentary/bj-rn-lomborg-says-that-the-un-climate-panel-s-latest-report-tells-a-story-that-politicians-would-prefer-to-ignore?barrier=accessreg>

[xxxix] Adams, William M., et al. "Biodiversity conservation and the eradication of poverty." *Science* 306.5699 (2004): 1146-1149.

[xxxix] "Lima Call for Climate Action." *Natural Justice*. 17

Dec. 2014. Web. 6 April 2017. <http://natural-justice.blogspot.ca/2014/12/lima-call-for-climate-action.html>

[xxxviii] Lang, Chris. "Everybody Knows How Not to Cut down Trees, so Why Is REDD so Difficult to Implement?" *REDDMonitor*. 16 Apr. 2015. Web. 6 April 2017. <http://www.redd-monitor.org/2015/04/16/everybody-knows-how-not-to-cut-down-trees-so-why-is-redd-so-difficult-to-implement/>

[xxxix] Turpie, Jane et al. "Benefits of Forest Ecosystems in Zambia and the Role of REDD in a Green Economy Transformation." Press Releases April 2015 - UNEP, 1 Apr. 2015. Web. 6 April 2017. <http://ebasouth.org/news/zambias-forest-ecosystems-contribute-13-billion-national-economy-higher-previously-thought>

[xl] BioCarbon Partners Announces World's First Carbon Neutral National Park. 2016. Web. 6 April 2017

<http://www.businesswire.com/news/home/20160106005854/en/BioCarbon-Partners-Announces-World's-Carbon-Neutral-National>

[xli] Inhamtumbo, Isilda. "REDD: missionaries, conservation fortresses and the politics of carbon landscapes in Africa." *International Institute for Environment and Development*. N.p., 03 Feb. 2016. Web. 08 July 2017. <<https://www.ied.org/redd-missionaries-conservation-fortresses-politics-carbon-landscapes-africa>>.

[xlii] Cabello, Joanna, and Tamra Gilbertson. *A colonial mechanism to enclose lands: A critical review of two REDD - focused special issues*. Vol.12 (1/2): 162-180. Ephemera, 2012. Web. 25 Apr. 2017. <<http://www.ephemerajournal.org/contribution/colonial-mechanism-enclose-lands-critical-review-two-redd-focused-special-issues>>.

[xliii] Web. 8 March 2018. <https://reliefweb.int/report/zam>

VII

NEOLIBERAL-CAPITALIST END TIMES

*The culmination for the world of colonialism, plunder
neoliberal-capitalism and ecocide*

The Imperialists

the Bandung club - 90% of population on 5% of the land - the one-percent - 50% of large land holdings not registered - Common Agricultural Policy scandal - urban to rural subsidy flow - the commons - Scotland abolish feudal tenure - discrimination through education - PPE smoothies - the tilted playing field - conservative party arrogance (2017) - a third of the population without a living wage - 40,000 pensioners die annually of cold - collapse of Christianity - overseas development aid - DFID £10.4 billion - DFID's poor performance - the clearances and enclosures - registered commons - enclosure of the ocean commons - crown land - DFID has no clothes - seed colonialism - SAGCOT and the Alliance - ARIPO - DFID and its allies - plant protection protocol - Ethiopia and DFID - War On Want recommendations to DFID - Zambia and DFID - carbon and DFID - Adam Smith Institute - DFID's LEGEND programme - a new Thatcher disaster looms at DFID - America and its corporate plunder - TTIP - US corruption - legalizing Watergate mechanisms - community land trusts - the mandate of heaven (vox populi vox Dei) - UN report on US - UK corruption

Take notice, That England is not a Free People till the Poor that have no land have a free allowance to dig and labor the Commons, and so live as comfortably as the Land Lords that live in their Inclosures. For the people have not laid out their monies and shed their blood that their Land Lords, the Norman Power, should still have its liberty and freedom to rule in tyranny, but that the Oppressed might be set free, prison doors opened, and the Poor People's heart comforted by an universal consent of making the Earth a Common Treasury, that they may live together united by brotherly love into one spirit, and having a comfortable livelihood in the Community of one Earth their Mother.

Gerrard Winstanley - The True Levellers Standard Advanced (1649)[i]

*The time shall come when wrong shall end
When peasant to peer no more shall bend
When the lordly Few shall lose their sway
And the Many no more their frown obey
Toil, brothers, toil, till the work is done
Till the struggle is o'er, and the Charter won!*

Thomas Cooper (1805-92)

A nation may either, following the example of Denmark or Switzerland, put brains into agriculture, develop a finely varied system of public education, general and technical, apply the ripest science to its special manufacturing industries, and so support in progressive comfort and character a considerable population upon a strictly limited area; or it may, like Great Britain, neglect its

agriculture, allowing its lands to go out of cultivation and its population to grow up in towns, fall behind other nations in its methods of education and in the capacity of adapting to its uses the latest scientific knowledge, in order that it may squander its pecuniary and military resources in forcing bad markets and finding speculative fields of investment in distant corners of the earth, adding millions of square miles and of unassimilable population to the area of the Empire.

J.A. Hobson – Imperialism: A study (1902)

Britain is wealthier than it was in the 1970s, but much of today's wealth is extracted from an underclass whose penurious existence is characterized by an almost total subservience to the whims of their employers. Trade unions have little power in this world. "Like Maggie Thatcher said when we were on strike – when I finish, she said, I want ten men chasing one job."

James Bloodworth – Less than zero: six months working in low-wage Britain (2018)[ii]

* * *

With the assumption of power by members of the Bandung club of 1955, followed by the irresponsible handover of political control to the new order politician a decade later in Africa, nothing much has changed in the feudal United Kingdom, the

'Old Country' of our history and institutions, our common law, our Christian morals and beliefs, and the fading splendour of past deeds.

In 2015, 90% of the population was garrisoned on 5% of the land; its grassy bits increasingly cemented over, its children confined to the smallest houses in Europe, many without gardens, their school playgrounds yet another historical enclosure.[iii] Most of its current population cannot afford a mortgage, destined forever it seems to live in accommodation with the highest rents in the EC controlled by the rent-on-everything market – a market it struggles to stay part of while adrift on SS Brexit. On the 95% of this green and verdant land live the gentry, country people and commoners, the landed gentry supported largely by the taxes paid by the urbanites. A terrible indictment of the society - expressing the centuries-old need for land reform, is the stark reality that '69% of British acreage is owned by less than 1% of the population, or 158,000 families (the so-called 'cousinhood')'.[iv]

Some 50% of the land owned by large landholders for hundreds of years under the feudal system is not recorded in the land register; it only reflecting tenancies of 65% of the land in England and Wales, 85% in Scotland and 50% in Northern Ireland. Yet, perversely, the urbanites pay in the order of £35 billion in annual land-based taxes, the landholders receiving annual subsidies under the Common Agricultural Policy (CAP) amounting to £83 an acre, a total of £3.5 to £5 billion, suggesting that Tory and some Labour politicians, most of whom are linked with big business, have little interest in rectifying matters. Between 2000 and 2009, the largest 50 estates received £168 million. In 2010, 47 estates received more than £1 million each. And since 2005, none of the estates are required to be in

agricultural production to receive the subsidy. And with rural land worth £15,000 an acre (the size of a rugby field), it can be sold for development once planning permission is obtained for many times that amount.[v] And the income of commoners and landowners will be increased by a host of new basic payment opportunities made available by government, provided that they show evidence of good stewardship.[vi] About 4% of land in England and Wales is commons, though it is unclear how much of that is pure commons, i.e. land without a leaseholder.[vii] Since Thatcher came on the scene in 1979, about 2 million hectares of Crown land have been privatized.[viii]

From 2012 to 2014, the Minister of Environment, Owen Paterson, provided further funds for the holders of large crown tenancies by doubling the subsidy for grouse moors – already unpopular for their fire policies and the war on birds of prey; and by approving the grey squirrel control program at the cost of £40 an acre – avoiding the simple and cheap remedy of introducing the squirrel predator, the pine marten. He later championed ‘biodiversity offsetting’, to allow old woodland to be removed for development if replaced by a new plantation elsewhere. In 2018, [32,000 badgers were culled](#) to protect dairy cows from disease, though the science proving this was not presented.

Scotland is the only country in the UK where feudal land tenure has been abolished (2000), they also freeing estates that had once been entailed, i.e. ‘limiting the passage of a landed estate to a specified line of heirs’, part of the reason being that the entail was introduced to ensure that illegitimate children did not inherit the land; which may be the reason one of my Scots great-grandfathers escaped Scotland to serve in the Crimean War, followed by a spell in Canada (shipwrecked and saving

the only other survivor, a woman) to go farming in the Orange River Colony. The other Scots great-grandfather was a son of a prominent farmer in the 1850s in Sutherland, the boom years of agriculture in Britain, his father being forced to entail his estate when one son got into debt in the Caribbean. But Scotland has now begun to free itself from its feudal past and the iron grip of the 'Normans' of Westminster, but not so the rest of the UK.

The situation in the urban areas presents a bleak picture for both young and old. Those without the money to become members of the public school elite are served by a woeful school system. In 1970 Cathlin and I taught for a term in Kent at a primary school and then at a secondary comprehensive. Little effort was made by the staff to teach or discipline the children, the headmaster cautioning me to, "Just keep them occupied." It was enough that the children of the working poor were there, placed in straight lines, occupied, but with little learning imparted (I converted them from football to rugby and to coughing loudly as they walked past the school incinerator). This is confirmed by the recent results for GCSE, where one-third of children in comprehensives obtained five passes, as opposed to two-thirds in public and grammar schools. Among those receiving free school meals, only 35% of the white working poor attain 5 Cs.[ix] The state has also created many sub-standard tertiary institutions that hand out degrees for which there are few jobs. With little thought over the years to the advice of Hobson to consider more technical and practical education. And 'just 7% of the population go to private schools, and yet they take 44% of the places at Oxford and 38% at Cambridge':[x]

But Oxbridge is the springboard into public life. It's the means by which a privately educated elite consolidates its stranglehold on power, wealth, the City and the professions – and pretty much everything else: 82% of barristers went to Oxford or Cambridge, as did 78% of judges, 53% of top solicitors, and 45% of leading journalists.

But it has been ever thus, as Andre Maurois wrote in *Ariel*:^[xi]

In the year 1809 George III appointed as Headmaster of Eton, Dr Keate, a terrible little man who considered the flogging-block a necessary station on the road to perfection, and who ended a sermon on the Sixth Beatitude by saying, "Now boys, be pure in heart! For if not, I'll flog you until you are!" The country gentlemen and merchant princes who put their sons under his care were not displeased by such a specimen of pious ferocity, nor could they think lightly of the man who had birched half the ministers, bishops, generals, and dukes in the kingdom. In those days the severest discipline found favour with the best people. The recent French Revolution had proved the dangers of liberalism when it affects the governing classes. Official England, which was the soul of the Holy Alliance, believed that in combating Napoleon she was combating liberalism in the purple. She required from her public schools a generation of smooth-tongued hypocrites.



1937

These PPE-ist ‘smoothies’ are annually delivered to the thriving 1 percenter market comprised of the landed gentry ‘Normans’, the merchant princes, and the British Crown. But differences in education are not the key to understanding why there is such class and income disparity in the United Kingdom:[xii]

...the typical country with ten years of schooling had a per capita income of \$30,000 in 2010, per capita income in Albania, Armenia, and Sri Lanka, which have achieved that level of schooling, was less than \$5,000. Whatever is preventing these countries from becoming richer, it is not

lack of education.

The fact that the upper-middle-class 20% of privately-schooled Oxbridge graduates who own the land, property and the financial suit and bowler hat, in 2015 filled 50% of the ministerships, 28% of the MPs – must be the real difference. Certainly, the African commons support this view. The Oxford degree PPE (politics, philosophy and economics) provides a rigorous skimming of the subjects necessary for skating across the political and financial pond.[xiii] The former Prime Minister David Cameron (PPE Brasenose), after a stint inevitably in glib public relations, won the Whitney Oxfordshire Conservative seat in 2001. Within a few years, without any real experience of the world, he was made Prime Minister (2010-2016). He and his Mr. Criminal Austerity, George Osborne, initiated an ignorant and brutal austerity and privatization purge of horrific proportions – carrying on the horrible legacy of Margaret Thatcher. [Between 2010 and 2014](#), there were an ‘estimated 45 368 (95% CI 34 530 to 56 206) higher than expected number of deaths than pre-2010 trends. Deaths in those aged ≥ 60 and in care homes accounted for the majority’.

Yet, in May 2017, a dramatic change occurred at the general election: the Conservatives were unable to form a majority government, their large majority squandered by Prime Minister May’s decision to call an election to destroy labour and conduct BREXIT negotiations in an imperious manner; but the news that half of the incoming MPs had attended a comprehensive school is a massive breath of fresh air.

In 2012, it was revealed that ‘an astonishing 38% of the population did not receive a ‘living wage’[xiv], the ‘working poor’ imprisoned without much hope of being released, given

that they do not own anything of significance. Arriving in England with my family in 1990, having been shown the door by Zambia over the black rhino debacle, I had soon to find work. Without wealthy connections or the internet, this was no easy task for an ecologist. I was therefore forced to work in a variety of jobs: as a night watchman guarding a large country house – my tracking skills assisting police in locating some burglars; working with my wife as an all-night book-packer; as a care worker to a high churchman - tasked with changing his colostomy bag; and as a solvent cleaner of machinery in a factory in Witney, Oxfordshire, where I tended a bath of solvent in which newly tooled machine parts were placed for cleaning. I was given no protective equipment, no instruction. Within days my face ballooned, and years later, I discovered my lungs had been scarred. The firm gave me two weeks off to recover, unpaid, of course. Such is the lot of the working poor, tired, dispirited, and able to do the basics. Any thought of trying to sue the firm was not only daunting but also comparable to asking a man on crutches to help push the bus out of the mud. And the Tories proposed to cut \$18.6 billion from the welfare bill. The UK is now clearly no place for most young people unless they propel Labour blinking into the ring.

One of the greatest of all sins of the supposedly 'civilized' is the criminal neglect of the elderly. In Britain, the pensioner population swells by the day as the baby-boomer recruits arrive, beset by loneliness and despair, cold and hunger. Some 40,000 pensioners die annually of the cold, for they cannot afford to pay for both food and heating.[xv] Perhaps explaining this is the collapse of Christianity, where once, 'the missionary impulse that had sent thousands of young men and women around the world preaching Christianity and the gospel of cleanliness,

that too dwindled, along with public attendance at church. Christianity is stronger in many of her former colonies than in Britain today'.[xvi]

Meanwhile, spirited away from these rightful beneficiaries of taxation is the £11.4 billion or so spent annually by Britain's Department for International Aid (DFID) on overseas 'development' assistance to corrupt patrimonial regimes increasingly, to foster the British global agribusiness. The British 'Norman' elite, having taken ownership of the land, the public (private) schools, Oxbridge, many seats in the House of Commons due to voter apathy, and the House of Lords, now use DFID as a forward command instrument for big UK business and the spread of neoliberalism and free-market fundamentalism. However, its chief role is to usher in corporate agribusiness into Africa and elsewhere in the Third World. They the advance army of the destruction of the customary commons through land alienation, forcing others to use genetically modified. Hybrid seeds – accompanied by tankers of cancer-inducing chemicals, a once free people steadily 'enclosed', converted into landless paupers. In a report in May 2015 by the UK government's aid watchdog, the Independent Commission for Aid Impact - entitled 'Business in Development', out of four categories listing DFID's performance, it was placed in the second-worst category, Amber-Red, described as 'The program performs relatively poorly overall against ICAI's criteria for effectiveness and value for money. Significant improvements should be made'. [xvii]

The report concluded that DFID: 1) does not have strategic oversight of its business engagement activities; 2) there is little robust evidence to show the impact of business in development on the poor; 3) some initiatives have clearly had an important

impact even though their direct impact on the poor is hard to quantify – in the case of the New Alliance the ‘focus on aggregated results is unhelpful for a platform which can claim very little’; 4) evidence is mixed as to whether business in development engagements are catalyzing investment. The Commission’s main recommendation was that ‘DFID should translate its high-level strategies for business engagement into detailed operational plans that provide specific guidance on business engagement focusing on the poor’.

This is a repeat of Britain’s history. Between the 12th century and World War I, there took place the clearances and enclosures of the land, the confiscation of a massive part of the commons brought about by a series of Enclosure Acts issued by parliament – in particular during the Industrial Revolution. In Scotland, this took the form of the Highland Clearances of the eighteenth and nineteenth centuries, where small farmers and stock-keepers were forced off the land and into the towns by the landed gentry, most opting for assisted immigration to the new world of America, Australia, Canada, New Zealand and South Africa. Since 1066 in Britain, all land was created Crown land, those holding land rights doing so only under leasehold and freehold, a form of tenancy, though the British sovereign does not extract payment or alienate land itself. Not so in Zambia, where all land is vested in the president, exercising his rights of alienation when he chooses, increasingly under pressure from the Co-operating Partners (donor group) and their development aid departments who unleash the shock troops of mega-agribusiness upon customary area and the chiefdoms, they already set upon by the rent-seeking government.

Yet, there are still some 7,000 registered commons in England

alone, presided over by elected Commons Councils, registered in 1965 under the Commons Registration Act; and the Commons Act 2006, which seeks to regulate further matters (for England and Wales together, there are 8,675 registered units of common land, 550,000 hectares in extent. [xviii]):[xix]

But in the UK, another massive enclosure has taken place, this time in the ocean. Fishing communities, which make up 80% of the Welsh and English fishing fleet, are under severe threat from industrial fishing vessels. ‘One trawler alone – the Dutch-controlled Cornelis Vrolijk – receives 23% of England’s quota: almost four times that of England’s entire small-scale fishing fleet’.[xx]

In Zambia and the rest of the Third World, the land is grabbed with little attention paid to the customary commons. As laid out in waronwant.org’s paper, ‘*The Hunger Games*’, DFID is exposed as the ruthless comprador for agribusiness, a massive corrupter of the use of UK Aid. In partnership with Monsanto, Syngenta, Unilever and numerous others, it mounts an insidious assault on the African commons through the shock troops of GMO seeds, insecticides and the restriction on villagers of their God-given right to own and use their crop seed.[xxi] It is nothing other than feudalism reimposed by robber barons with the blessings of neoliberal politicians having little experience of a world outside, of the manipulation of the UK public and the corrupt administrations of Africa, and, of the Old Country. The Hunger Games revealed that:[xxii]

DFID’s website lists 72 bilateral agricultural aid projects worth around £180 million in 2012 and £270 million in 2011. Also, some of DFID’s support to multilateral

organizations such as the EU, World Bank and the UN is spent on agricultural projects...and much of DFID's support for agribusiness is channeled through public-private partnerships such as the Alliance for a Green Revolution in Africa (AGRA), the Southern Agricultural Growth Corridor of Tanzania (SAGCOT), Grow Africa and the New Vision for Agriculture. This includes support for genetically modified (GM) food through DFID's funding of initiatives such as the African Agricultural Technology Foundation (AATF) and HarvestPlus. Just four seed companies now control over half the world's commercial seed market.

SAGCOT reveals the shock troops of the agro-industrial complex at work along with its country representatives: Unilever, Yara International, the Alliance for a Green Revolution in Africa, the Confederation of Tanzanian Industries, the Tanzania Sugarcane Growers Association, USAID, the Irish Embassy in Tanzania - all members of the Kilimo Kwanza Growth Corridors Executive Committee. Also involved are Syngenta, DuPont, Cargill, SAB Miller, Diageo, Norfund, the Norwegian Embassy in Tanzania, FAO, Yara International (Norwegian fertilizer firm), and AgDevCo, a 'not-for-profit with close links to DFID. Tanzanian farmers are up in arms.[xxiii]

In the Alliance for Food Sovereignty in Africa (AFSA) and GRAIN's January 2015 report, all is made clear on the landgrab and the scam of the century – the seed war.[xxiv] America is at the forefront of the move to privatize customary area, first to have countries accept land certificates as now being introduced into Zambia by USAID – a stepping stone to formal land titles – and create a seed and chemical monopoly, in cahoots with its

cousin in all things war and conquest, Britain, along with its allies of the G8 (France, Germany, Italy, Japan, the United States, Canada, and Russia), with the help of USAID, the Millenium Challenge Corporation (MCC), DFID, DANIDA and the World Bank.

The African Regional Intellectual Property Organization (ARIPO) is the UN's World Intellectual Property Organization (WIPO) counterpart for Anglophone Africa. In November 2009, ARIPO's Council of Ministers approved a proposal to develop a policy and legal framework that would form the basis for developing the ARIPO Protocol on the Protection of New Varieties of Plants (the PVP Protocol). Adopted in November 2013, the legal framework was formulated into a Draft PVP Protocol in 2014 during a diplomatic conference. The Draft PVP Protocol establishes unified procedures and obligations for protecting plant breeder's rights in all ARIPO member states, rights granted by a single authority established by ARIPO to administer the whole system on behalf of its member states. It establishes legal monopolies ('protection') on new plant varieties for 20-25 years, depending on the crop. Farmers will not save and reuse seed from these varieties on their farms except for specifically designated crops, within reasonable limits, and upon annual payment of royalties. Under no circumstances will they be able to exchange or sell seeds harvested from such varieties. Zambia, Botswana, Zimbabwe, Tanzania are some notable members.

The SADC draft PVP Protocol will allow farmers to 'save and re-use seeds only on their own farms, and only by paying royalties. The economic implications for farmers regarding their right to save and re-use seeds depending on either outcome will be quite serious'. In addition to this, the un-

accountable EU, through its notoriously corrupt European Commission, 'is also negotiating comprehensive Economic Partnership Agreements (EPAs) with most of sub-Saharan Africa as well as Deep and Comprehensive FTAs with the southern Mediterranean countries that are expected further to expand intellectual property rights for corporations over seeds'. Both in SADC and in the Common Market for Eastern and Southern Africa (COMESA) – of which Zambia is a member – seed trade harmonization regulations are the order of the day, 'The standards promote only one type of plant breeding, namely industrial seeds involving the use of advanced breeding technologies'. The COMESA seed regulations do not allow seeds to cross national boundaries. Only agribusiness varieties have smooth sailing; age-old varieties that require no nitrogenous fertilizer or chemicals are essentially banned. The Zambian government is fully complicit in this evil set upon its customary people. And within SADC, traditional seeds of local varieties will be in jeopardy. However, for the moment SADC does not allow the release of GM seeds. But that time is not far off.

DFID, along with the founding partners of the AGRA Alliance – the Gates Foundation and the Rockefeller Foundation – ensure that through its agro-dealer networks, support is given to the New Alliance and such as Monsanto can market its deadly herbicide, Roundup.[xxv] DFID also partners with Unilever in the G8's AFSA (New Alliance for Food Security and Nutrition), funded by the World Bank, the initiative involving six countries (though not Zambia), 45 multinational corporations, investing \$3 billion in Africa. Some of the corporates involved are ADM, BASF, Bayer, Bunge, Cargill, Coca-Cola, Diageo, DuPont, Louis Dreyfus Commodities, Maersk, Nestlé, PepsiCo, SABMiller,

Syngenta, Mosaic, Vodafone, Wal-Mart and Yara.

The Investment Climate Facility for Africa (ICF) was established in 2006 and ceased in 2016: ‘The supporters of ICF are African Governments and development partners that included some public sector contributors including AfDB, DFID, IFC, Ireland, KfW, Norway, the Netherlands, and South Africa, as well as development partners that included private sector “Corporate” Contributors, active in Africa, namely Celtel/Zain, Coca Cola, Royal Dutch Shell, SABMiller (SAM), Sasol, Standard Bank, Anglo American and Unilever’. Neville Isdell (Chairman of Coca-Cola at the time), an old Northern Rhodesian, was its Co-Chairman, former Zambian Minister Dipak Patel, a trustee.

Its purpose was to clear the way for private investment in Africa and blend Overseas Development Assistance (ODA) with private funding. By 2012 DFID paid out £17.9 million funding the ICF. In 2013 an independent review concluded that one project in Zambia: ‘The Zambia Judiciary Modernisation Project, has seen an improvement in the perception of the transparency and efficiency of the judicial system’. In its summary, given the 2017 abject collusion in Zambia between the judiciary and the executive, this conclusion is fanciful, even though the record-keeping may now be better. Other comments made by the consultant were not encouraging: 1) Government Commitment category – left blank; 2) Project Impacts – ‘Not evident’. They concluded by saying that, ‘In the Zambia judiciary project, there were overruns in both phases (22% and 44%) that the client funded. It should be noted that these changes/expansions in scope do not appear to agree in writing with ICF’.[xxvi]

As for the G8 countries, they simply browbeat ten hapless

African governments:[xxvii]

Ten countries made more than 200 policy commitments, including changes to laws and regulations after giant agribusinesses were granted unprecedented access to decision-makers over the past two years. The pledges will make it easier for companies to do business in [Africa](#) through the easing of export controls and tax laws and through governments ring-fencing huge chunks of land for investment.

In July 2015, 19 nations met in Arusha, Tanzania, ‘to finalize a ‘plant protection’ protocol that would open up the continent’s seeds to corporate interests, taking away farmer’ rights to grow, improve, sell and exchange their traditional seeds, while allowing commercial breeders to make free use of the biodiversity in traditional seeds and sell them back to farmers in ‘improved’ form.[xxviii] The protocol was adopted.

In Ethiopia, DFID’s total aid budget is £368,424,853, 3.61% of its overall budget.[xxix] There, the survival of ancient tribal peoples is under direct threat from the filling of the Gibe III Dam and the associated commercial plantations. Many people have been forcibly removed to live in areas with no ecosystem or religious supports. The Kwegu, dependent on the river for fish and crop growing, now faces starvation, their hallowed place now appropriated by robber barons and the state. In 2013 the Oakland Institute report revealed that 375,000 hectares of the region are being converted to industrial plantations, 260,000 people from 17 ethnic groups being grossly affected. An investigation by a joint USAID/DFID team in 2012 ‘did not

find evidence to support this claim (of human rights violations) during visits'. But Will Hurd, the only European to speak Bodi, accompanied the investigatory team and concluded that 'egregious human rights violations have taken place'.[xxx]

The list goes on, ad nauseam. War On Want concludes its report with the recommendation that:

1. DFID should stop supporting land grabbing by multinational corporations and agricultural extension activities involving the sale of corporate seeds and chemical inputs to small-scale farmers. In their place, DFID should respond to the call from Olivier De Schutter, UN Special Rapporteur on the Right to Food, who has urged all states to promote the model of agroecology in their plans to reduce poverty and climate change.

2. DFID should suspend its funding for research into GM crops. Instead, DFID should support agricultural research focused on sustainable, low-input and traditional breeding programs developed by small-scale farmers around the world.

3. DFID should take immediate action to ensure that UK aid funds are not routed through Mauritius or any other tax havens or secrecy jurisdictions. DFID should make a comprehensive public declaration detailing the full extent of all initiatives and investment funds connected with the UK aid budget, and where each is registered, irrespective of sector.

DFID is wedded to the Foreign and Commonwealth Office (FCO), an instrument of ruthless power. They also exert

massive powers of patronage on the House of Lords of 850 peers, exerting lordly 'Norman' feudal influence on others to satisfy their own business needs and the funding requirements of the Tories. This is the *reductio ad absurdum* nightmare of democracy, with its first-past-the-post election process.[xxxix]

In Zambia, the DFID website trots out the weary oft-repeated refrain of poverty in rural areas; that 'Rural areas are expensive to reach and years of neglect will take time to fix'; that 'Zambia can deliver real poverty reduction and achieve its vision to become a 'prosperous middle-income country by 2030'. They have so little knowledge of true poverty, content to spew out endless bromides to cover up their massive corporate predation on the socio-ecology of Africa.

A recent report on the Forest Carbon Partnership Facility (FCPF) and the Carbon Fund REDD+ scam reveals that the UK is a major funder. On the Facility's 10th anniversary, an anonymous whistleblower sent an article in March 2017 to REDD-Monitor entitled, 'The most cost-inefficient tree-saving scheme ever: The Forest Carbon Partnership Facility (FCPF).[xxxix] The FCPF comprises 1) the Readiness Fund - to assist countries in preparing a REDD+ strategy and helping them participate in large-scale REDD+ projects, and 2) the Carbon Fund - to purchase emissions reductions from large implemented REDD+ projects in tropical countries. The report acerbically remarks that 'Because of the fundamental impossibility to show that their interventions will work - and won't just shift deforestation elsewhere, for example - proposers (assisted by the FCPF) have resorted to technically complex and, they hope, near-undetectable 'fiddles'. Germany, Norway and the UK are the main funders of the FCPF and the Carbon Fund. But as DFID now follows the stricture of

‘value for money’, the Department of Business, Energy and Industrial Strategy (BEIS) manages the UK’s contribution to FCPE, obviously not required to offer ‘value for money’.

DFID is very proud that, ‘In 2013 the UK became the first G7 country (member of this informal group) to meet the United Nations target of spending 7% of gross national income on international development’. After ten centuries of feudalism and imperialism, Britain is a failed business and socio-political model requiring a constitutional convention and massive land reform - and much else to rectify. To understand all this, we are not required to break the Enigma Code.

In Nigeria, DFID is funding the Nigerian Infrastructure Advisory Facility to the tune of £100 million, with Adam Smith International (ASI) ‘s consultancy division of the neoliberal Adam Smith Institute.[xxxiii] In August 2016, ASI was selected to head up an EU-funded (4.7m Euros) project to help Zambia improve governance of its mining sector.[xxxiv] But in February 2017, Global Justice Now, after a determined campaign against ASI, revealed, ‘This week the Department for International Development (DFID) announced that it had frozen any new contracts with the discredited consultancy company Adam Smith International (ASI)’.[xxxv]

But toxic privatization has already been unleashed across the board:[xxxvi]

DFID is increasingly using the UK"s development/aid budget to promote the commodification of healthcare. Rather than contributing to the eradication of poverty, it channels scarce public resources in poorer countries to the private sector, including multinational health companies.

A startling departure from DFID's normal *modus operandi* is their Land: Enhancing Governance for Economic Development (LEGEND) program, reviewed in January 2017, the objectives being to:[xxxvii]

1. Roll out land registration at a fast pace, and ensure both the participation of women and the registration of land in their names

2. Improve land governance and recognize community rights in forests as a means to reduce deforestation and land-use change

3. By 2030, ensure that all men and women, particularly the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership, and control over land and other forms of property, inheritance, natural resources, appropriate new technology, and financial services including microfinance

4. Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources, in accordance with national laws

This appears to be what Landsafe proposed in registering the usufruct title of men and women but under the headmen's control. However, in the LEGEND program, 'access to ownership' is mentioned, and it is unclear whether the title can then be sold. If so, this would effectively destroy the clans and tribal structures of the customary commons. Given the fact that the UK International Development Secretary since 2016, Priti

Patel, for a time held the torch for BREXIT, intent on making Britain a major development finance hub, with CDC - DFID's investment arm, being awarded six billion sterling for investing abroad, the future looks ominous. We see here a misguided act of desperation by a right-wing conservative. Her experience gleaned from a career in public relations as a lobbyist for the tobacco and alcohol industries. A Thatcherite, she had followed Cameron's track, like him without experience, ideologically myopic and disdainful of the working class. In November 2017, she was fired for having flown to Israel on her own account, where she had held some unsanctioned meetings with politicians and businessmen. She is now the Home Secretary.

In June 2019, the final year supposedly of the LEGEND project, an executive summary of the project, ominously entitled *Securing Land Rights at Scale: Lessons and guiding principles from DFID land tenure regularisation and land sector support programmes*, was produced.

There is growing interest in land programmes that aim to secure land and property rights at scale, widely referred to as land tenure regularisation (LTR), which aim to identify, delineate and describe land and property rights clearly on the ground, within law and for the full range of land users.

The report goes on to say that it 'has included significant and sustained large-scale investment to support LTR in other countries, including Rwanda, Nigeria, Ethiopia, Tanzania and Mozambique, through programmes costing between £5 and £62 million' and 'DFID's programmes have enabled the issuing of over 20 million individual or joint titles or certificates across

Rwanda, Nigeria, Ethiopia and Tanzania, and 1,400 community titles in Mozambique'. Here one pauses to take in the figures: 20 million individual or joint titles or certificates! Can they now be sold and so be removed from the customary commons? The 1,400 community titles sound more secure, but are they simply there for the big man investor to get his hands on it for a BigAg project? KPMG, the Big Money project managers say:

The most common stated rationale for LTR is to secure land rights at scale, facilitating productive investment, credit access and land markets to stimulate macroeconomic growth, raise incomes and ultimately contribute to poverty reduction. Either implicitly or explicitly, LTR programmes have also aimed to: • prevent and minimise disputes and conflicts over land rights, so that these do not contribute to wider social and civil unrest • create a basis for government to clarify land ownership and to use that information for local and national planning, targeting land service provision and generation of revenue.

Another landgrab for another world about to disappear? They rather give the game away when they state:

Official land registration and titling may be useful under certain contexts, such as when:

- land markets are evolving rapidly, with significant pressure on land involving many people from outside the local community*
- farmers require evidence of secure land rights to obtain credit and to protect their interests where urban encroachment, infrastructure development and private*

investment threaten land users.

In June 2020, the PM, Boris Johnson, announced the Foreign Office was [taking over DfID](#).

America

After all, we Americans have never been good at managing the internal business of other countries. We're lousy imperialists. We're too chaotic and distracted — too democratic. We don't have the knowledge, the staying power, the public support, the class of elites with the desire and ability to run an empire. And we rarely have the moral standing we imagine.

George Packer

* * *

America, with its two-party system and deeply entrenched lobbying corps for big-business, while driving the collaborative commons of the internet, will never deal with the predatory excesses on Africa of USAID, the MCC, the BINGOs, Monsanto and their ilk; the secret negotiations between the EU and the US to impose the Transatlantic Trade and Investment Partnership (TTIP) was for a time ominous in the extreme:[xxxviii]

This is clear in moves by the EU and the US, which will allow their corporations to exploit each other's markets, smoothing out "obstacles" in the process. The NHS would be targeted by US health-care companies and trade union rights threatened. Negotiations to bring in TTIP have been taking place in secret. There is no voting involved, no pretence at democracy, and little proper coverage by the media. The main parties are broadly supportive. With TTIP comes the Investor-State Dispute Settlement (ISDS) system, whereby corporates may take governments to court if its profits are infringed upon. This is mind-blowing stuff, but our politicians say nothing.

In 2017 it appeared that President Trump had turned his back on TTIP. However, a visit from Canadian Prime Minister Justin Trudeau, an increasingly discredited leader who champions CETA, makes this unlikely.[xxxix]

America is one of the few places in the old British Empire where land ownership is truly private ownership, and not Crown leased land, where the Founding Fathers had set up a democratic society free of the elite corruption of Europe, but which is now controlled by an insidious government of lobbyists and client corporates who are deeply corrupt, deeply undemocratic:[xl]

Four qualities have distinguished republican government from ancient Athens forward: the sovereignty of the people; a sense of the common good; government dedicated to the commonwealth; and resistance to corruption. Measured against the standards established for republics

from ancient times, the American Republic is massively corrupt.

There has been a sea change in America, [but not for the better](#). The Supreme Court of the United States recently made legal practices which 40 years ago had financed Watergate. As Senator Hart writes, ‘The advent of legalized corruption launched by the Supreme Court empowers the super-rich to fund their own presidential and congressional campaigns as pet projects, foster pet policies, and represent pet political enclaves’. Is it no wonder that USAID is intent – through the issue of land certificates and other stratagems, to foster the alienation of the customary commons in Africa, to control its seeds, its land on behalf of its Monsanto, its Gates Foundations, its agrochemical alliances, they who are now empowered by the decision of the five Supreme Court justices, ‘that a legal entity called a corporation has First Amendment rights of free speech’. And in a land of so much wealth, billions are spent abroad while 1.5 million people live on \$2 per day;^[xli] and where five million manufacturing jobs have been lost since the turn of the century.^[xlii] But behind the capitalist neoliberal curtain is an increasingly assertive [co-operative movement](#), a revolution truly democratic and equitable in its share of the harvest for all concerned. Over 130 million Americans are involved in some form of co-operative ownership:^[xliii]

Community land trusts – cooperatively owned by communities or by nonprofits set up with the help of municipal and state governments – have been perhaps the most effective tool for resisting gentrification and making

affordable housing available. Most community land trusts own the land on which affordable housing is built. They lease the land to residents who own the homes, and by sharing equity in the homes, the trust can monopolize rents and to make housing available to new members at below-market prices.

And what of the old men and women of Europe, now shaken by the Syriza affair in Greece? Will the European Commission, monumentally corrupt, incompetent and complacent, reform itself? It seems unlikely. But something has happened in Britain where the class, politician, still exists in much the same form it has for hundreds of years:[xliv]

Modern politicians, having been given the mandate of heaven (vox populi vox Dei), do not accept limitations of their authority or their moral competence, even if, in practice, only a third or even a quarter of the eligible voters have voted for them. Procedural correctness is all that is necessary for such a man to feel justified in pursuing his moral enthusiasms at other people's expense.

And, as a report in December 2017 by United Nations Special Rapporteur on extreme poverty and human rights, Professor Philip Alston, [America too is in dire straights](#):[xliv] [xlv]

1. *In 2013 US infant mortality rates were the highest in the developed world*
2. *On average Americans live shorter and sicker lives*

than in other developed countries

3. Tropical diseases are increasingly common, and 12 million Americans live with a neglected parasitic infection

4. The US is at No.1 in obesity

5. On access to water and sanitation, it ranks 36th in the world

6. It has the highest – by far – incarceration rate in the world

7. The highest youth poverty rate in the developed world

8. It ranks 36 out of 37 for poverty and inequality

9. It has the highest GINI coefficient of all Western countries – the UK second.

10. In 2016, 38.3% of households with incomes below the Federal poverty line were food insecure

11. In the OECD, the U.S. placed 28th in voter turnout, compared with an OECD average of 75%

12. American life expectancy at birth declined for the second consecutive year in 2016, fueled by a staggering 21% rise in the death rate from drug overdoses

13. The US has the lowest rate in the OECD of social mobility

UK Corruption

That the UK is corrupt is undeniable – though very different to the corruption in Zambia, for it is sophisticated. Consider the banking scandals, the endowment mortgage fraud, the payment protection insurance scam, insider trading, the HSBC and Stan-

dard Chartered money laundering operations of long duration, the Barclays criminal manipulation of Libor – and along with the Royal Bank of Scotland and others, it's rigging of the foreign exchange markets. No prominent PPE pinstriped pilferer has been held legally accountable; no bank put out of business. The City of London, 'operating with the help of British overseas territories and Crown dependencies, is the world's leading tax haven, controlling 24% of all offshore financial services'. The Private Finance Initiative allows governments to move public money to corporate accounts without the necessary disclosure. The list of corruption is endless: surveillance by the state on the public, a police force found to be corrupt, the buying of political parties by the rich, the revolving door between government and big business never jammed. As one seasoned observer commented, 'When the system already belongs to the elite, bribes are superfluous'.[xlvi]

But neoliberalism consumes itself. In the UK, the Green Party has put forward a framework of governance that Zambians should study closely - as summarized by Monbiot:[xlvii]

There would be no prime minister of the kind we have today, no secretaries of state. Instead, parliament would elect policy committees, which in turn appoint conveners. It would also elect a first minister, to chair the conveners' committee. Parliament, in other words, would be sovereign rather than subject to the royal prerogative prime ministers abuse, leaders would be elected by the whole body, and its various parties would be obliged to work together, rather than engage in perennial willy-waving. Local authorities would set the taxes they chose. Local currencies, which

have proved elsewhere to have transformative effects in depressed areas (see Bernard Lietaer's book The Future of Money), would become legal tender. Private banks would no longer be permitted to create money (at the moment they issue 97% of our money supply, in the form of debt). Workers in limited companies would have the legal right, following a successful ballot, to buy them out and create cooperatives, with funding from a national investment bank. The hideously unfair council tax system would be replaced by land value taxation, through which everyone would benefit from the speculative gains now monopolized by a few. All citizens would receive, unconditionally, a basic income, putting an end to insecurity and fear and to the punitive conditions attached to benefits, which have reduced recipients almost to the status of slaves.

In Zambia, alas, there is no sign of a change; the deadly triad of the politician, foreign plunderer and comprador see to that. President Lungu summarily arrested the opposition leader, accusing him of treason but without a shred of evidence.[xliv] But look back to the UK's Independence Bill of 1964 for the cause of it all, followed by their failure to stand up for the people against dictatorship. The UK simply sloughed off their 'white man's burden', opting instead for all-out business in the guise of foreign aid. America went on to endless war, totally under the control of the corporates. Canada went a-digging for minerals on its indigenous lands and everywhere else in the world, besmirching its good name with a heavy tarred hand on the occupiers of the land.

On 16 November 2018, the dire situation in the UK for the poor grows increasingly bleak. [Philip Alston, the United](#)

[Nations Special Rapporteur](#)'s report on extreme poverty and human rights, pulls no punches on the present state of government plunder of the commoners' purse:

The results? 14 million people, a fifth of the population, live in poverty. Four million of these are more than 50% below the poverty line, and 1.5 million are destitute, unable to afford basic essentials. The widely respected Institute for Fiscal Studies predicts a 7% rise in child poverty between 2015 and 2022, and various sources predict child poverty rates of as high as 40%. For almost one in every two children to be poor in twenty-first century Britain is not just a disgrace, but a social calamity and an economic disaster, all rolled into one.

The poor have been robbed by the likes of Osborne and the witless Whitney MP, Cameron. Of course, Thatcher destroyed the unions, so there has never been much opposition to the impoverishment of the working class. Osborne and his former boss should be punished in the courts. Perhaps being forced to live for 10 years on the income of those now living below the poverty line.

The UK also has the UK Export Finance (UKEF) at work, quietly investing billions in Bahrain and Oman's oil businesses. In December 2018, we became aware that the House of Commons' Environmental Audit Committee (EAC), chaired by Labour MP Mary Creagh, was investigating UKEF activities because they contradicted the government's Clean Growth Strategy and its climate commitments.

Just two days after scientists warned that immediate and drastic action was needed to curb emissions to prevent global warming of more than 1.5 degrees, UKEF announced its support for a multi-billion pound oil refinery in Bahrain. And earlier this year, UKEF announced plans to support a “high risk” multi-billion pound oil refinery in Oman.

A joint investigation by Greenpeace’s investigation unit Unearthed and Private Eye found that UKEF had provided fossil fuel companies with £4.8 billion in financial support between 2010 and 2017.

[i] Berens, Lewis H. “The Digger Movement in the Days of the Commonwealth As Revealed in the Writings of Gerrard Winstanley, the Digger, Mystic and Rationalist, Communist and Social Reformer.” Simpkin, Marshall, Hamilton, Kent, & Co. Ltd., 1906. Web. 13 June 2015. p. 90

[ii] <https://www.newstatesman.com/2018/03/less-zero-six-months-working-low-wage-britain>

[iii] “Green Spaces Improve Schoolchildren’s Mental Development, Study Finds.” Press Association, 15 June 2015. Web. 16 April 2017. <<http://www.theguardian.com/environment/2015/jun/15/green-spaces-improve-school-childrens-mental-development-study-finds>>.

[iv] Cowley, Jason, and George Eaton. "How We Pay for Our Richest Landowners." *The New Statesman*, 19 Sept. 2012. Web. 16 April 2017. <http://www.newstatesman.com/politics/politics/2012/09/how-we-pay-our-richest-landowners>

[v] Cahill, Kevin. *Who Owns the World: The Hidden Facts behind Land Ownership*. Edinburgh: Mainstream, 2006.

[vi] "Thousands Get Ready to Claim Basic Payment Scheme 2015." *Gov. UK*. Rural Payments Agency and Dept. of Environment, Food & Rural Affairs, 21 Jan. 2015. Web. 16 April 2017. <<https://www.gov.uk/government/news/thousands-get-ready-to-claim-basic-payment-scheme-2015>>.

[vii] "Common Land: Management, Protection and Registering to Use." *Gov. UK*, 27 Mar. 2015. Web. 16 April 2017. <https://www.gov.uk/government/collections/common-land-guidance-for-commons-registration-authorities-and-applicants>

[viii] <https://www.theguardian.com/commentisfree/2018/feb/08/biggest-privatisation-land-margaret-thatcher-britain-housing-crisis>

[ix] Wigmore, Tim. "Why Do White Working-class Kids Do so Badly?" *The New Statesman*, 20 Aug. 2015. Web. 16 April 2017. <http://www.newstatesman.com/politics/education/2015/08/why-do-white-working-class-kids-do-so-badly>

[x] Cadwalladr, Carole. "Whatever the Party, Our Political Elite is an Oxbridge Club." *The Guardian*, 24 Aug. 2015. Web. 16 April 2017. <https://www.theguardian.com/commentisfree/2015/aug/24/our-political-elite-oxbridge-club>

[xi] Maurois, Andre. "Chapter 1: Keate's Way." *Ariel*. Penguin, 1935. p.11.

[xii] Hausmann, Ricardo. "The Education Myth." *Project Syndicate*, 31 May 2015. Web. 16 April 2017. <https://www.pr>

object-syndicate.org/commentary/education-economic-growth-by-ricardo-hausmann-2015-05

[xiii] Cohen, Nick. "How an Oxford degree – PPE – created a robotic governing class." *The Spectator*. 26 Sept. 2014. Web. 16 Apr. 2017. <<https://www.spectator.co.uk/2014/09/the-politics-of-ppe/>>.

[xiv] Skidelsky, Robert. "Minimum Wage or Living Income?" Project Syndicate, 16 July 2015. Web. 16 Apr. 2017. <<http://www.project-syndicate.org/commentary/basic-income-tax-subsidies-minimum-wage-by-robert-skidelsky-2015-07>>.

[xv] "Our Enemy Is Not Global Warming. In Britain, People Are Dying of the Cold." *The Spectator*. 30 Nov. 2013. Web. 16 April 2017. <<http://www.spectator.co.uk/the-week/leading-article/9088931/winter-fuel/>>.

[xvi] Hardt, Michael, & Antonio Negri. *Empire*. Cambridge, Mass.: Harvard UP, 2000. p. 365

[xvii] Independent Commission for Aid Impact, "Business in Development." 21 May 2015. Web. 16 April 2017. <http://icai.independent.gov.uk/report/business-in-development/>

[xviii] Short, Christopher. "The Traditional Commons of England and Wales in the Twenty-first Century: Meeting New and Old Challenges." Jul 2, 2008 - *International Journal of the Commons*. Vol. 2, No 2 July, 1 July 2008. Web. 16 April 2017. <http://www.andyweightman.com/docs/short_2008.pdf>.

[xix] "Common Land." Wikipedia. Wikimedia Foundation, 1 Feb. 2015. Web. 10 June 2017. https://en.wikipedia.org/wiki/Common_land

[xx] Cardwell, Emma. "Selling off the Sea: How Our Fish Lost Their Freedom to Market Forces Over the Last Two Decades." *The New Statesman*, 21 July 2015. Web. 16 April

2015. <<http://www.newstatesman.com/politics/2015/07/selling-sea-how-our-fish-lost-their-freedom-market-forces>>.

[xxi] Latham, Jonathan. "Growing Doubt: A Scientist's Experience of GMOs." *Truthout*. Independent Science News, 5 Sept. 2015. Web. 16 April 2017. <<http://www.truth-out.org/opinion/item/32608-growing-doubt-a-scientist-s-experience-of-gmos>>.

[xxii] "The Hunger Games." *War On Want*. 1 Jan. 2014. Web. 9 Mar. 2017. <<http://www.waronwant.org/about-us/extra/extra/inform/17755-the-hunger-games>>.

[xxiii] Dodwell, Aisha. "G7's "New Alliance" Deal Is Failing Farmers in Africa." *Truthout*. 29 Dec. 2015. Web. 16 April 2017. <<http://www.truth-out.org/news/item/34205-g7-s-new-alliance-deal-is-failing-farmers-in-africa>>.

[xxiv] "Land and Seed Laws under Attack: Who Is Pushing Changes in Africa?" *GRAIN*. 21 Jan. 2015. Web. 2 Apr. 2017. <<http://www.grain.org/article/entries/5121-land-and-seed-laws-under-attack-who-is-pushing-changes-in-africa>>.

[xxv] Bienkowski, Brian. "More Evidence of Roundup's Link to Kidney, Liver Damage." *Truthout*. 1 Sept. 2015. Web. 16 April 2017. <<http://www.truth-out.org/news/item/32585-more-evidence-of-roundup-s-link-to-kidney-liver-damage>>.

[xxvi] Web. 27 Sept. 2017. file:///Users/lan/Downloads/independent-review-of-the-investment-climate-facility-for-africa.pdf

[xxvii] Provost, Claire, et al. "G8 New Alliance Condemned as New Wave of Colonialism in Africa." *The Guardian*, 18 Feb. 2014. Web. 16 April 2017. <http://www.theguardian.com/global-development/2014/feb/18/g8-new-alliance-condemned-new-colonialism>

[xxviii] Jehu-Appiah, Ali-Masmadi. "A Last Chance to Thwart the Great African Seed Grab." *Pambazuka*. 2 July 2015. Web. 16

April 2017. <<http://www.pambazuka.net/en/category.php/features/95066>>.

[xxix] “Ethiopia.” *Development Tracker*. 1 Jan. 2015. Web. 2 Apr. 2017. <<http://devtracker.dfid.gov.uk/countries/ET/index.html>>.

[xxx] “Understanding land investment deals in Africa: ignoring abuse in Ethiopia; DFID and USAID in the lower Omo Valley.” The Oakland Institute, 1 July 2013. Web. 9 July 2017. <http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_Brief_Ignoring_Abuse_Ethiopia_0.pdf>.

[xxxi] Jenkins, Simon. “Pigs to peerages: Lord Ashcroft’s act of revenge shows British politics at its venal worst | Simon Jenkins.” *The Guardian*. Guardian News and Media, 22 Sept. 2015. Web. 16 Apr. 2017. <<http://www.theguardian.com/commentisfree/2015/sep/22/pigs-peerages-ashcroft-cameron-sell-lords-donors>>.

[xxxii] Lang, Chris. “The most cost-inefficient tree-saving scheme ever: The Forest Carbon Partnership Facility.” *RED-DMonitor*. N.p., 29 Mar. 2017. Web. 16 Apr. 2017. <<http://www.redd-monitor.org/2017/03/29/the-most-cost-inefficient-tree-saving-scheme-ever-the-forest-carbon-partnership-facility/#more-26433>>.

[xxxiii] “Free-market aid contractors Adam Smith International tried to deceive MPs.” *Global Justice Now*. N.p., 11 Feb. 2017. Web. 16 Apr. 2017. <<http://www.globaljustice.org.uk/news/2017/feb/12/free-market-aid-contractors-adam-smith-international-tried-deceive-mps>>.

[xxxiv] “EU-funded project to help Zambia improve governance of mining sector.” *Lusaka Voice*. N.p., 03 Aug. 2016. Web. 16 Apr. 2017. <<http://lusakavoice.com/2016/08/03/eu-funded-project-to-help-zambia-improve-governance-of-mining-se>>.

ctor/>.

[xxxv] “Free-market aid contractors Adam Smith International tried to deceive MPs.” *Global Justice Now*. N.p., 11 Feb. 2017. Web. 16 Apr. 2017. <<http://www.globaljustice.org.uk/news/2017/feb/12/free-market-aid-contractors-adam-smith-international-tried-deceive-mps>>.

[xxxvi] Lethbridge, Jane. *Unhealthy development: The UK Department for International Development and the promotion of healthcare privatization*. Public Services International Research Unit, June 2016.

[xxxvii] Henley, Giles et al. “2016 DFID land portfolio overview.” *LEGEND Land: Enhancing Governance for Economic Development*, Jan. 2017. Web. 16 Apr. 2017. <<file:///Users/lan/Downloads/2016LegendLandPortfolioOverview.pdf>>.

[xxxviii] King, John. “John King: The Left-Wing Case for Leaving the EU.” *The New Statesman*, 11 June 2015. Web. 16 Apr. 2017. <http://www.newstatesman.com/politics/2015/06/john-king-left-wing-case-leaving-eu>

[xxxix] “‘Toxic’ trade deal CETA passed by European parliament despite widespread public opposition.” *Global Justice Now*. N.p., 15 Feb. 2017. Web. 16 Apr. 2017. <<http://www.globaljustice.org.uk/news/2017/feb/15/toxic-trade-deal-ceta-passed-european-parliament-despite-widespread-public>>.

[xl] Hart, Gary. “America’s Principles Are in Danger of Corruption.” *Time*, 26 June 2015. Web. 16 Apr. 2017. <<http://time.com/3937860/gary-hart-america-corruption/>>.

[xli] Green, Marcus Harrison. “These Authors Spent Years Finding Out Why 1.5 Million US Families Live on \$2 a Day.” *Truthout*, 27 Sept. 2015. Web. 9 July 2017. <<http://www.truth-out.org/news/item/32979-more-than-1-5-million-us-families>>.

s-live-on-2-a-day-these-authors-spent-years-finding-out-why>.

[xlii] Scott, Robert E. "Manufacturing Job Loss: Trade, Not Productivity, Is the Culprit." Economic Policy Institute, 11 Aug. 2015. Web. 16 Apr. 2017. <<http://www.epi.org/publication/manufacturing-job-loss-trade-not-productivity-is-the-culprit/>>.

[xliii] Gilbert, Geoff. "Building a Democratic Economy: Local Tools in the Struggle Against Neoliberalism." Truthout, 11 Nov. 2015. Web. 16 Apr. 2017. <<http://www.truth-out.org/opinion/item/33605-building-a-democratic-economy-local-tools-in-the-struggle-against-neoliberalism>>.

[xliv] Dalrymple, Theodore. "The Suffrage of the Insufferable." *Taki's Magazine*. 16 Nov. 2014. Web. 22 Mar. 2017. http://takimag.com/article/the_suffrage_of_the_insufferable_theodore_dalrymple/print#axzz4eP51G1rm

[xlv] <https://www.counterpunch.org/2018/02/08/poverty-american-style/>

[xlvi] <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533&LangID=E>

[xlvii] Monbiot, George. "Hard Graft." *The Guardian UK*, 18 Mar. 2015. Web. 22 Mar. 2017. <<http://www.monbiot.com/2015/03/18/hard-graft/>>.

[xlviii] Monbiot, George. "The Lamps Are Coming On All Over Europe." *The Guardian. UK*, 28 Jan. 2015. Web. 22 Mar. 2017. <<http://www.monbiot.com/2015/01/28/the-lamps-are-coming-on-all-over-europe/>>.

[xlix] https://www.dailymaverick.co.za/article/2017-04-12-op-ed-now-or-never-for-the-international-community-in-zambia/#.WRSO_hPyvwe

Earth ecological overshoot

*Turning and turning in the widening gyre
 The falcon cannot hear the falconer;
 Things fall apart; the centre cannot hold;
 Mere anarchy is loosed upon the world,
 The blood-dimmed tide is loosed, and everywhere
 The ceremony of innocence is drowned;
 The best lack all conviction, while the worst
 Are full of passionate intensity.*

*Surely some revelation is at hand;
 Surely the Second Coming is at hand.
 The Second Coming! Hardly are those words out
 When a vast image out of Spiritus Mundi
 Troubles my sight: somewhere in sands of the desert
 A shape with lion body and the head of a man,
 A gaze blank and pitiless as the sun,*

*Is moving its slow thighs, while all about it
Reel shadows of the indignant desert birds.
The darkness drops again; but now I know
That twenty centuries of stony sleep
Were vexed to nightmare by a rocking cradle,
And what rough beast, its hour come round at last,
Slouches towards Bethlehem to be born?*

William Butler Yeats - The Second Coming

The growth of the neoliberal state amid productivity crisis and the move to a more financialized, rent-based global economy has been accompanied by sweeping legal innovations relating to property, trade, investment, rent and criminality as well as an expansion in the mass of written law and in the gaming of legislation. Part and parcel of these shifts have been newly-marketized regimes of environmental regulation associated with novel types of nature (ecosystem services), whose structural differences from natures with longer histories, such as commons and resources, must also be grasped.

Larry Lohmann – Neoliberalism, Law and Nature [1]

Without rapid changes now humanity will slowly perish either in anarchy or with degrading and lost ecosystems failing to produce the energy required to keep humanity alive, or by a combination of both. My hope is that you will begin a change – even among your neighbours and friends beside you now and learn of others everywhere so that respect and love for them will follow. And you must also understand that science does “know” what is happening to this earth and that a better understanding of lands and seas might awaken you and direct you to help save a world and its people, even beginning with the forests, streams, aquifers and soils here – in our own neighbourhood.

Donald Dodds – A Goodbye Hope (2007)

A people's religion, their faith, creates their culture, and their culture creates their civilization. And when faith dies, the culture dies; the civilization dies, and the people begin to die.

Patrick J. Buchanan - If God is dead. [2]

When a government wilfully abrogates its responsibility to protect its citizens from harm and to secure the future for generations to come, it has failed in its most essential duty of stewardship. The 'social contract' has been broken, and it is therefore not only our right, but our moral duty to bypass the government's inaction and flagrant dereliction of duty, and to rebel to defend life itself.

Former Archbishop of Canterbury, Rowan Williams.

Coming to age now is a generation that snottily dismisses God (and all those who believe in him) as a construct. A generation that believes in nothing besides the nihilism of the world as embodied by late-stage capitalism. The truth is that throughout human history, life has been challenging, miserable, unjust, and primarily hopeless.

Nick Pemberton - [Humanity is Killing the World's Wildlife Populations, Not](#) [3]

One of the penalties of an ecological education is to live alone in a world of wounds.

[Aldo Leopold](#) - A Sand County Almanac

[Political Betrayal, Mobilizing Action](#) - Dec 2018 [4]

Noam Chomsky

This long historical shift away from free markets and toward corporate power has left such a clear trail of evidence it's a wonder it's not self evident. How else can we interpret the [corporatization of](#)

war and the military and the billions in direct and indirect subsidies to corporations? Government shelters banks, guaranteeing loans and mortgages while bailing out stupid investors. Wealth is redistributed to the top though massive tax breaks and cuts to social programs. Legally enforced starvation wages push workers to public assistance ultimately subsidizing their bosses. Tax codes encourage the rich to shelter trillions in tax havens while the unrepresented masses make up the difference. Federal programs like “quantitative easing” pumps free money into the financial system. The risk and losses from environmental destruction are for us to reckon with while the rule of law has been suspended for corporate criminals of all kinds. Major economic decisions have largely migrated from national governments to even more dictatorial global bodies. The IMF, WTO and World Bank do the bidding of the largest corporations that are the foundation of the US imperial alliance.

Richard Moser - Neoliberalism: Free Market Fundamentalism or Corporate Power?

Today the world is faced with an epochal crisis with two interconnected features. On the one hand, this is a crisis of the over-accumulation of capital, leading to economic stagnation, and the financialization of all aspects of life, manifested in the pervasiveness of debt. This is tied to imperialism and to the widening of human oppression in all its forms—including oppressions of gender, race, and the general devaluation of almost all individuals in today’s global capitalist culture. On the other hand, there is the Anthropocene crisis marked by the continuing acceleration of human impacts on the environment and the crossing of numerous planetary boundaries—the best known of which

is climate change, but also including the decline in genetic diversity, ocean acidification, the rifts in the nitrogen and phosphorus cycles, loss of freshwater resources, changes in land use, chemical pollution, and other ecological rifts.

John Bellamy Foster's Preface: Fred Magdoff and Chris Williams. "Creating an Ecological Society: Toward a Revolutionary Transformation.

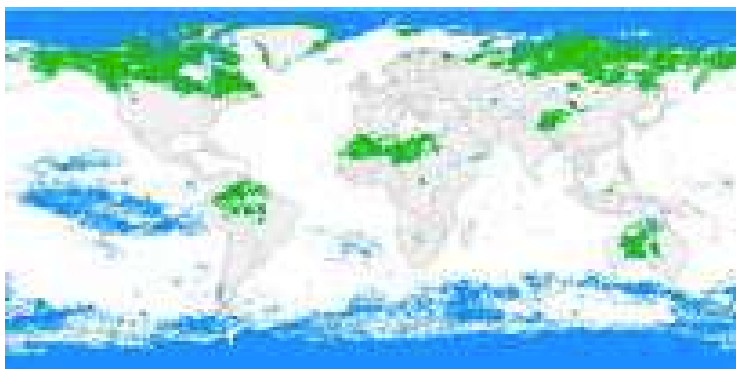
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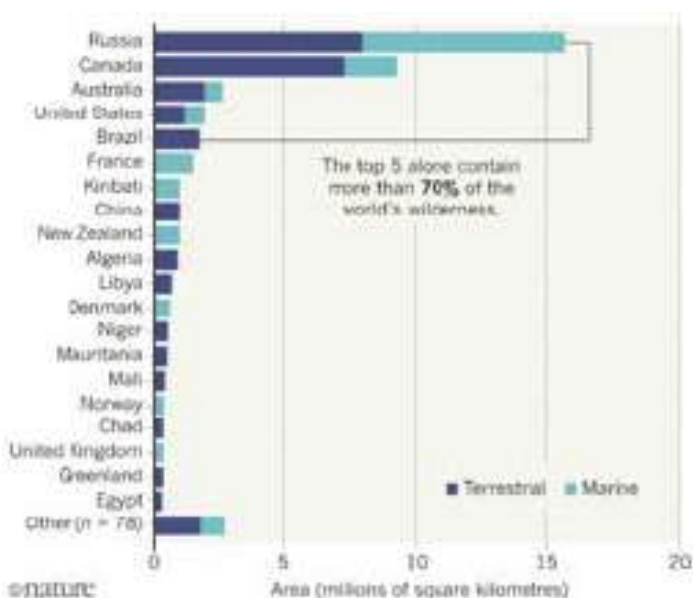
Biosphere Ecological Overshoot

Since the 1970s – with the West leading the way, the world is operated on by Mammonite surgeons armed with new and devilish instruments, all the while chanting in unison, “GDP!... GDP!...GDP!”

GDP is the war cry that omits mention of all environmental and social costs in its calculation. The higher it rises, the more the unpaid costs of resource extraction are taken from the common pool. Scurrying army-ants of lawyers, accountants, ‘fixers’, and putty politicians create ever-larger catacombs filled with laws and regulations of a legal and alegal nature, and business plans of an ever-increasing cryptic complexity such that in the age of the very apparent capitalist plunder from 1977, a ‘fifteen-fold explosion of goods and services and a ‘doubling of exports share in GDP globally’ has occurred. Translated, this means that the global 1% - the plutonomy - are stealing from

northern workers and grabbing the land and ecosystem services of southern commoners, and then through the investor-state dispute settlement (ISDS), supported by the World Bank and its pals, leeching the national treasury of Zambia's of this world. 'The horror! the horror!'





We have moved from the Holocene to the [Anthropocene](#) epoch, supposedly beginning in 1955 - but better named the Plundercene.[19] But the oil industry mammonites political power is considerable, much of this the result of the post-WWII Marshall Plan to make sure that the main beneficiaries in Europe were the US oil companies. In January 2018, the mayor of New York City announced that he would be withdrawing \$5bn of their investment in fossil fuels and would be suing five oil companies.

The White House, with George Bush to the fore, did all possible to smother the talk and research, acts far more serious than his and Blair's 'weapons of mass destruction' infamy. And Obama ensured that the oil-gas industry received massive

subsidies, throwing a 45 billion sterling life raft to Bank of America, a kleptocratic organization that had committed countless acts of financial harm [27]. He explained away, promoted and covered up the drone tyranny in Afghanistan and, indeed, in the rest of the world. Not only that, but he leant vigour to a US paramilitary operation known as Joint Special Operations Command (JSOC), urging it on to run amok in Yemen and other countries across the globe. And, barely noticed, his 'administration proved unwilling to mobilize millions of campaign volunteers in support of the Affordable Care Act and other political priorities'.[28]

America simply continues its record of [abject and mediocre leadership](#). [29] Even Franklin Roosevelt gave way to pressure exerted by [The New Deal](#):[30]

The New Deal, forced on the FDR regime from below by a coalition of unionists (CIO) and the political left (two socialist parties and one communist party), reversed the traditional direction (to greater inequality) of income and wealth distributions in the US. They shifted toward greater equality.

But he also [interned over 100,000 Japanese-Americans](#) during World War II.

As [Loewenstein explained](#), the few became very rich, the rest considerably poorer, and wars spread like wildfire:[31]

The share of wealth in the US owned by its richest 0.01 percent has quadrupled since the eve of the Reagan Revolution. The top 1 percent of the world's population owns 46 percent of all global assets. US cuts in food stamps

have left the nation's largest food bank, in New York, struggling to cope with demand. Around 16.5 percent of the state's population requires emergency food assistance. In 2013, roughly 14 percent of the country's population "lacked access to enough food for an active, healthy life for all household members," according to the US Department of Agriculture - a 30 percent increase since 2007.

















So the Smithian 'no limits' puppet masters of growth control the energy engine for impossible growth.[32] They also work to free themselves from democratic control through international trade agreements such as the North-American Free Trade Agreement (NAFTA), the Transatlantic Trade and Investment [Partnership](#) (TTIP), [the Trade in Services Agreement](#), and Canada's [Comprehensive Economic and Trade Agreement](#) (CETA) which perversely endangers 'buy local' policies and programs.[33] [34] But more seriously, they allow corporations to challenge the laws and regulations of sovereign governments through the Investor-State Dispute Settlement (ISDS) process.

The Sixth Extinction

The 50%: Eco-regions

Recent research by Resolve, assessing what is needed to ensure that species extinction is avoided, postulates that 50% of the earth's terrestrial area requires protection – not the 17% Aichi

Target No. 11, that target not at all science-based. [Their analysis](#) of the 846 eco-regions of the earth reveals that 98 eco-regions (12%) exceed 50%; 313 eco-regions (37%) fall short but have sufficient unaltered habitat remaining to reach the target; and 207 eco-regions (24%) are in peril, where an average of only 4% of natural habitat remains. And [what they propose](#) supports the massive importance of the customary commons in achieving this: ‘We propose a Global Deal for Nature—a companion to the Paris Climate Deal—to promote increased habitat protection and restoration, national and ecoregion-scale conservation strategies, and the empowerment of indigenous peoples to protect their sovereign lands’.[54] [55] Zambia falls within the zone of ‘could recover’.

	South Arabian fog woodlands, shrublands, and dune
	Southern Acacia-Commiphora bushlands and thickets
	Southern Congolian forest-savanna
	Southwest Arabian montane woodlands and grasslands
	St. Helena scrub and woodlands
	Tera-Ouar savanna and grasslands
	Trans Fly savanna and grasslands
	Uruguayan savanna
	Victoria Basin forest-savanna
	Victoria Plains tropical savanna
	West Sudanian savanna
	Western Congolian forest-savanna
	Western Gulf coastal grasslands
	Zambezian-Limpopo mixed woodlands
	Zambezian Baikiaea woodlands
	Zambezian mopane woodlands



Status of the world's species

Convention on Biological Diversity

The conclusion of the Convention on Biological Diversity's Outlook 3 (BDO-3) in 2010 was that the Earth had lost [59% of](#)

wild vertebrates in the tropics, and that:

- Farmland bird populations in Europe have declined by on average 50% since 1980.
- Bird populations in North American grasslands declined by nearly 40% between 1968 and 2003, showing a slight recovery over the past five years; those in North American drylands have declined by nearly 30% since the late 1960s.
- Of the 1,200 waterbird populations with known trends, 44% are in decline.
- 42% of all amphibian species and 40% of bird species are declining in population
- warm-water reef-building corals show the most rapid deterioration in status, probably due in large part to the widespread bleaching of tropical reef systems in 1998, a year of exceptionally high sea temperatures. On average, Amphibians are most threatened with extinction due to a combination of habitat modification, changes in climate, and fungal disease chytridiomycosis.

Here was the first mention made of 'Changes in climate', the first hint of the global catastrophe many believe is gathering in the wings. I had shrugged off any mention of climate change, remembering, while teaching in 1970 for two months in England, that a looming ice-age was being written about.

BDO-3 had added that major pressures on biodiversity included, 'Climate change and acidification of the oceans, associated with the build-up of greenhouse gases in the atmosphere, but at GDO-4's forward in 2011 by Ban Ki-moon, Secretary-General of the United Nations, and Achim Steiner, Under-Secretary-General and UNEP Executive Director, made no

mention whatsoever of climate change, Steiner [exhorting us to](#),

‘recommit ourselves to bringing ecosystems back from dangerous thresholds of degradation and exploitation. This necessitates a dismantling of the drivers of biodiversity loss, which are often embedded deep within our systems of policymaking, financial accounting, and patterns of production and consumption’.

However, Braulio Ferreira de Souza Dias, Executive Secretary, Convention on Biological Diversity, did mention in his introduction that: ‘Additional pressures will be placed on the life-support systems of our planet by a greater population, by climate change, and land degradation’.

The Aichi Biodiversity Targets: Strategic Plan for Biodiversity (2011-2020) are an abject failure.

IUCN Report of 2016

The actual status of the world’s 82,845 species on the IUCN Red List of Threatened Species was revealed by an [analysis of 8,688 species in depth](#) in 2016, and the ‘Big Killers’ named – 80% of the species threatened by more than one sub-class threat:[56]

1. Over-exploitation – 6,241 species
 - logging 4,049
 - hunting 1,680
 - fishing 1,118

plant gathering 557

2. Agriculture – 5,407 species

crop farming 4,692

livestock farming 2,267

timber plantations 730

aquaculture 112

3. Urban development – 3,014 species

housing 2,616

tourism and recreation 950

industrial 907

4. Invasion and disease – 2,298 species

invasive species 2,084

problem native species 264

introduced genetic material 12

5. Pollution – 1,901 species

agriculture 1,523

domestic waste 879

industrial 807

airborne 454

6. System modification – 1,865 species

fire 1,269

dams 562

other 167

7. Climate change – 1,688 species

storms and flooding 716

habitat modification 685

extreme temperature 578

drought 347

8. Human disturbance – 1,223 species

recreation 949

work 236

war 121

9. Transport – 1,219 species

roads and railways 681

shipping lanes 492

service lines and infrastructure 95

10. Energy production – 913 species

mining 833

oil and gas 56

renewable energy 56

Overexploitation and agriculture are the main biodiversity killers (11,648 species), dwarfing ‘climate change’ (1,688 species), 6.9 times as much - although this assessment is based on the acceptance of climate change. But tourism accounts for nearly half of the damage.

UN Global Assessment Report on Biodiversity and Ecosystem Services (UNIPBES)

On Monday, 6 May 2019, was revealed the [most comprehensive report](#) ever produced on the state of biodiversity by the UN's Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). Their Global Assessment Report warns that more than a million plant and animal species are in danger of extinction as a result of - in descending order: (1) changes in land and sea use; (2) direct exploitation of organisms; (3) climate change; (4) pollution and (5) invasive alien species. The conclusion of this is that the Sustainable Development Goals cannot be met - 'an environmental issue and a developmental, economic, security, social and moral issue'. 'Climate Change' (the term global warming difficult to prove) obviously colours the report.

Notable findings:

Three-quarters of the land-based environment and about 66% of the marine environment have been significantly altered by human actions. On average these trends have been less severe or avoided in areas held or managed by Indigenous Peoples and Local Communities.

More than a third of the world's land surface and nearly 75% of freshwater resources are now devoted to crop or livestock production.

The value of agricultural crop production has increased by about 300% since 1970, raw timber harvest has risen by 45% and approximately 60 billion tons of renewable

and nonrenewable resources are now extracted globally every year – having nearly doubled since 1980.

Land degradation has reduced the productivity of 23% of the global land surface, up to US\$577 billion in annual global crops are at risk from pollinator loss and 100-300 million people are at increased risk of floods and hurricanes because of loss of coastal habitats and protection.

In 2015, 33% of marine fish stocks were being harvested at unsustainable levels; 60% were maximally sustainably fished, with just 7% harvested at levels lower than what can be sustainably fished.

Urban areas have more than doubled since 1992.

Plastic pollution has increased tenfold since 1980, 300-400 million tons of heavy metals, solvents, toxic sludge and other wastes from industrial facilities are dumped annually into the world's waters, and fertilizers entering coastal ecosystems have produced more than 400 ocean 'dead zones', totalling more than 245,000 km² (591-595) – a combined area greater than that of the United Kingdom.

Negative trends in nature will continue to 2050 and beyond in all of the policy scenarios explored in the Report, except those that include transformative change – due to the projected impacts of increasing land-use change, exploitation of organisms and climate change, although with significant differences between regions.

Scale of Loss of Nature

Gains from societal and policy responses, while important, have not stopped massive losses.

Since 1970, trends in agricultural production, fish harvest, bioenergy production and harvest of materials have increased, in response to population growth, rising demand and technological development, this has come at a steep price, which has been unequally distributed within and across countries. Many other key indicators of nature's contributions to people however, such as soil organic carbon and pollinator diversity, have declined, indicating that gains in material contributions are often not sustainable .

The pace of agricultural expansion into intact ecosystems has varied from country to country. Losses of intact ecosystems have occurred primarily in the tropics, home to the highest levels of biodiversity on the planet. For example, 100 million hectares of tropical forest were lost from 1980 to 2000, resulting mainly from cattle ranching in Latin America (about 42 million hectares) and plantations in South-East Asia (about 7.5 million hectares, of which 80% is for palm oil, used mostly in food, cosmetics, cleaning products and fuel) among others.

Since 1970 the global human population has more than doubled (from 3.7 to 7.6 billion), rising unevenly across countries and regions; and per capita gross domestic product is four times higher – with ever-more distant consumers shifting the environmental burden of consumption and production across regions.

The average abundance of native species in most major land-based habitats has fallen by at least 20%, mostly since 1900.

The numbers of invasive alien species per country have risen by about 70% since 1970, across the 21 countries

with detailed records.

The distributions of almost half (47%) of land-based flightless mammals, for example, and almost a quarter of threatened birds, may already have been negatively affected by climate change.

Indigenous Peoples, Local Communities and Nature

At least a quarter of the global land area is traditionally owned, managed, used or occupied by Indigenous Peoples. These areas include approximately 35% of the area that is formally protected, and approximately 35% of all remaining terrestrial areas with very low human intervention.

Nature managed by Indigenous Peoples and Local Communities is under increasing pressure but is generally declining less rapidly than in other lands – although 72% of local indicators developed and used by Indigenous Peoples and Local Communities show the deterioration of nature that underpins local livelihoods.

The areas of the world projected to experience significant negative effects from global changes in climate, biodiversity, ecosystem functions and nature's contributions to people are also areas in which large concentrations of Indigenous Peoples and many of the world's poorest communities reside.

Regional and global scenarios currently lack and would benefit from an explicit consideration of the views, perspectives and rights of Indigenous Peoples and Local Communities, their knowledge and understanding of large regions and ecosystems, and their desired future

development pathways. Recognition of the knowledge, innovations and practices, institutions and values of Indigenous Peoples and Local Communities and their inclusion and participation in environmental governance often enhances their quality of life, as well as nature conservation, restoration and sustainable use. Their positive contributions to sustainability can be facilitated through national recognition of land tenure, access and resource rights in accordance with national legislation, the application of free, prior and informed consent, and improved collaboration, fair and equitable sharing of benefits arising from the use, and co-management arrangements with local communities.

Global Targets and Policy Scenarios

Past and ongoing rapid declines in biodiversity, ecosystem functions and many of nature's contributions to people mean that most international societal and environmental goals, such as those embodied in the Aichi Biodiversity Targets and the 2030 Agenda for Sustainable Development will not be achieved based on current trajectories.

The authors of the Report examined six policy scenarios – very different 'baskets' of clustered policy options and approaches, including 'Regional Competition', 'Business as Usual' and 'Global Sustainability' – projecting the likely impacts on biodiversity and nature's contributions to people of these pathways by 2050. They concluded that, except in scenarios that include transformative change, the negative trends in nature, ecosystem functions and in many of nature's contributions to people will continue to

2050 and beyond due to the projected impacts of increasing land and sea use change, exploitation of organisms and climate change.

Policy Tools, Options and Exemplary Practices

Policy actions and societal initiatives are helping to raise awareness about the impact of consumption on nature, protecting local environments, promoting sustainable local economies and restoring degraded areas. Together with initiatives at various levels these have contributed to expanding and strengthening the current network of ecologically representative and well-connected protected area networks and other effective area-based conservation measures, the protection of watersheds and incentives and sanctions to reduce pollution .

The Report presents an illustrative list of possible actions and pathways for achieving them across locations, systems and scales, which will be most likely to support sustainability. Taking an integrated approach:

*In **agriculture**, the Report emphasizes, among others: promoting good agricultural and agroecological practices; multifunctional landscape planning (which simultaneously provides food security, livelihood opportunities, maintenance of species and ecological functions) and cross-sectoral integrated management. It also points to the importance of deeper engagement of all actors throughout the food system (including producers, the public sector, civil society and consumers) and more integrated landscape and watershed management; conservation of the diversity of genes, varieties, cultivars, breeds, landraces and species; as*

well as approaches that empower consumers and producers through market transparency, improved distribution and localization (that revitalizes local economies), reformed supply chains and reduced food waste.

*In **marine systems**, the Report highlights, among others: ecosystem-based approaches to fisheries management; spatial planning; effective quotas; marine protected areas; protecting and managing key marine biodiversity areas; reducing run-off pollution into oceans and working closely with producers and consumers.*

*In **freshwater systems**, policy options and actions include, among others: more inclusive water governance for collaborative water management and greater equity; better integration of water resource management and landscape planning across scales; promoting practices to reduce soil erosion, sedimentation and pollution run-off; increasing water storage; promoting investment in water projects with clear sustainability criteria; as well as addressing the fragmentation of many freshwater policies.*

*In **urban areas**, the Report highlights, among others: promotion of nature-based solutions; increasing access to urban services and a healthy urban environment for low-income communities; improving access to green spaces; sustainable production and consumption and ecological connectivity within urban spaces, particularly with native species.*

Across all examples, the Report recognizes the importance of including different value systems and diverse interests and worldviews in formulating policies and actions. This includes the full and effective participation of Indigenous Peoples and Local Communities in governance,

the reform and development of incentive structures and ensuring that biodiversity considerations are prioritized across all key sector planning.

The IPBES Global Assessment Report offers the best available expert evidence to help inform these decisions, policies and actions – and provides the scientific basis for the biodiversity framework and new decadal targets for biodiversity, to be decided in late 2020 in China, under the auspices of the UN Convention on Biological Diversity.”

Antibiotic resistance

To humanity’s burden may now be added the [antibiotic resistance crisis](#), for its use is unregulated, abused massively to grow meat for human consumption, and for hygienic and cleaning purposes.[59] The herbicide chemicals Roundup and Kamba increase, by 100,000 times, [the resistance of antibiotics](#).[60] And Big Pharma has simply abandoned the field, with tuberculosis, typhoid fever, meningitis, pneumonia, and septicemias now yet another galloping threat to humanity.

In 2002, a group of doctors recognized the urgent need for the practice of [Ecological Medicine](#) in order to combat the serious decline in the mental and physical health of humans.[61]

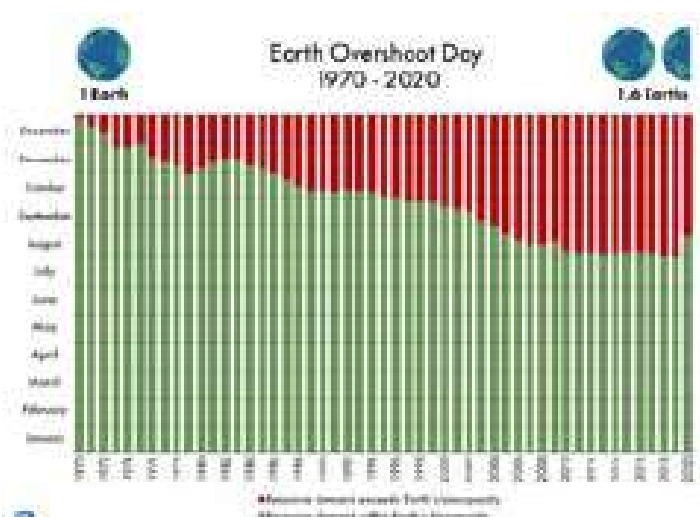
And, on another note, in the UK, very different from the *Ubuntu* life of African villagers, as The Guardian of 4 February 2018 reports:[62]

Half a million people over the age of 60 usually spend each day in complete solitude, and nearly half a million

more tend not to see or speak to anyone for at least five days in any given week. Half of all people aged 75 or over live alone, 70% of them women. Loneliness and isolation, needless to say, increase people's risk of developing many of the conditions we now see as synonymous with old age, and which might require residential care.

Earth overshoot day

Research now reveals that 'the Earth Overshoot Day – which marks the point at which consumption exceeds the capacity of nature to regenerate – now lands beyond 22 July 2020'.^[63] . From 1970 we began consuming more than what nature produces. We now consume what 1.6 Earth's produce.

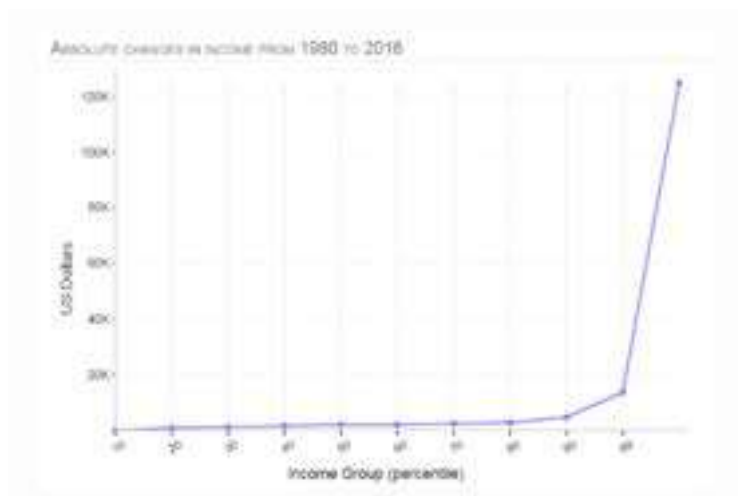


The Poor

The destruction of the earth and the horrendous impoverishment of the poor under neoliberal capitalism is a disaster. As Hickel observes, the global income situation since 1980 is [lamentable](#):

For the poorest 60% of humanity, the average person saw their annual income increase by only about \$1,200... over 36 years. Meanwhile, those in the 70-80th percentile, the “losers” according to the elephant graph, are revealed to have gained more than twice that amount. Those in the 80-90th percentile (also represented as losers in the elephant

graph) gained four times more. And the richest 1% got one hundred times more. As for the top incomes... well, they have grown by what can only be described as an obscene amount, with millionaires doubling or tripling their annual incomes, gaining some 14,000 times more than the average person in the poorest 60% of the world's population.



The main cause of the Earth Ecocide, and the main obstacle in bringing it back to health, is the USA, Canada (despite having the second greatest amount of wilderness in the world), Europe, China and India. However, we have two permanent saviours, Indigenous Peoples - staunch believers in the Creator, Mother Earth and Nature. They anchor the future – along with the

working class.

The white man – hoist with his own petard.

It is no coincidence that since the 1970s, Christianity in the rich north – in particular the mainline Protestant Church that had delivered Western capitalist civilization on the backs of enclosures, [slaves and plunder](#), is in serious decline. Daily it falls away, Western man's moral compass spinning hither and thither as he avoids his share of the sacred duty of safeguarding Mother Earth, and, as well, by the opposition of the rightwing white remnants in the evangelical Christian Church headed by the complicit Fortune 500 directors - 87% of them being white-who in the U.S. form the right-wing Republican Party, a party solidly dispensationalist who embrace literal interpretations of the Bible. The prime example here lies in Genesis 1:28 and the use of the words 'subdue' and 'dominion':

And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.

Dispensationalists take God's instructions to 'subdue' and 'have [dominion](#)' literally. Although an investigation of the Ancient Hebrew meaning of the words offers up a benign view.

Declining white population

White people, mainly of North America, Europe, New Zealand, Australia, and South Africa, now consist of Christian oldies, the Christian right-wing evangelicals, and atheist millennials. And as their white population decreases massively in the USA (now 63% - a minority in 2040), Canada (now 70% - 50% in 2037), South Africa (now 8.7%) and Zambia (now .2% of the population - at Independence 2%), now no longer bear just an external burden, but one now terminally internal.

An analysis by the University of Haifa of 7,518 articles concluded that between 1973 and 2011 – showing no signs of decreasing, the white man's sperm count – the little beasties which fertilize the eggs of our Glories of Creation – has declined by 50-60% - though not affecting the men of Africa, South America, and Asia. By 2050, the living white man's sperm will be all but gone, killed off by the endocrine-disrupting chemicals and pesticides we produce, by heat, diet, stress, smoking, an inflated Body Mass Index, car exhaust, probably constricting underwear, and all the other effects of the white man's modern lifestyle. [Recent studies have shown that poor sperm count is associated with overall morbidity and mortality](#). To add to this, the use of antihistamines has now been linked to [male fertility problems](#).

This is now the true white man's burden, a horrible irony, as Hamlet declared, of the engineer of it all:

There's letters sealed, and my two schoolfellows,
Whom I will trust as I will adders fanged,

They bear the mandate. They must sweep my way
And marshal me to knavery. Let it work,
For 'tis the sport to have the engineer
Hoist with his own petard.

[1] Lohmann, Larry. "Neoliberalism, Law and Nature." The Corner House, 5 July 2017. Web. 19 Sept. 2017. www.thecornerhouse.org.uk/resource/neoliberalism-law-and-nature.

[2] Buchanan, Patrick J. "[If God Is Dead...](#)" *Taki's Magazine*. N.p., 26 Apr. 2016. Web. 16 Apr. 2017.

[3] <https://www.counterpunch.org/2018/11/30/humanity-is-killing-the-worlds-wildlife-populations-not-capitalism/>

[4] <https://www.youtube.com/watch?v=dOgHGqJY-ZM>

[19] Carrington, Damian. "The Anthropocene Epoch: Scientists Declare Dawn of Human-influenced Age." *The Guardian*. Guardian News and Media, 29 Aug. 2016. Web. 16 Apr. 2017. <https://www.theguardian.com/environment/2016/aug/29/declare-anthropocene-epoch-experts-urge-geological-congress-human-impact-earth>

[26] Darby, Megan. "Trump administration sued over climate

change ‘censorship’” Climate Home, 24 May 2017. Web. 26 May 2017. <<http://www.climatechangenews.com/2017/05/24/trump-administration-sued-climate-change-censorship/>>.

[27] Makhijani, Shakuntala. “Cashing in on All of the Above: U.S. Fossil Fuel Production Subsidies under Obama.” *Earth Track*. N.p., July 2014. Web. 30 July 2016.

<https://earthtrack.net/documents/cashing-all-above-us-fossil-fuel-production-subsidies-under-obama>

[28] Web 30 March 2018. <http://www.truth-out.org/opinion/item/43845-the-lure-of-elections-from-political-power-to-popular-power>

[29] <https://truthout.org/articles/the-terrible-trump-portrait-that-explains-everything/>

[30] <https://www.counterpunch.org/2018/02/23/capitalism-as-obstacle-to-equality-and-democracy-the-us-story/>

[31] Lowenstein, Antony. ““It Is Profitable to Let the World Go to Hell”: Will Capitalism Doom the Planet?” *Truthout*. N.p., 27 Apr. 2017. Web. 27 Apr. 2017. <<http://www.truth-out.org/opinion/item/40376-it-is-profitable-to-let-the-world-go-to-hell-will-capitalism-doom-the-planet>>.

[32] Smith, Richard. “How Individualist Economics Are Causing Planetary Eco-Collapse.” *Truthout*, 21 July 2016. Web. 16 Apr. 2017.

<http://www.truth-out.org/news/item/36916-how-individualist-economics-are-causing-planetary-eco-collapse>

[33] “Six Points About CETA.” *National Farmers Union*. N.p., Sept. 2014. Web. 16 Apr. 2017. <http://www.nfu.ca/issue/six-points-about-ceta>

[54] Dinerstein, Eric, et al. “An Ecoregion-Based Approach to Protecting Half the Terrestrial Realm.” *BioScience*. Oxford

University Press, 14 Apr. 2017. Web. 21 Apr. 2017. <https://academic.oup.com/bioscience/article/doi/10.1093/biosci/bix014/3102935/An-Ecoregion-Based-Approach-to-Protecting-Half-the-supplementary-data>

[55] <http://ecoregions2017.appspot.com/>

[56] Maxwell, Sean et al. "Biodiversity: The ravages of guns, nets and bulldozers." Vol. 536, issue 7615. *Nature* 10 August 2016, Web 12 Jan. 2019

<https://www.nature.com/news/biodiversity-the-ravages-of-guns-nets-and-bulldozers-1.20381>

[59] Ventola, C. Lee. "The Antibiotic Resistance Crisis: Part 1: Causes and Threats." *Pharmacy and Therapeutics* 40.4 (2015): 277–283.

[60] <https://peerj.com/articles/5801/>

[61] <https://climateandcapitalism.com/2019/01/03/a-call-for-ecological-medicine/>

[62] <https://www.theguardian.com/commentisfree/2018/feb/04/ageing-nhs-loneliness-co-housing>

Global Warming

Radiant energy reaching the Earth from the Sun is the only source of heat to maintain or vary global climate. Solar radiation varies according to the spectral wavelengths emitted, the number of sunspots, the extent of the sunspot activity on the side of the Sun facing the Earth and the proximity of the Earth to the Sun in the normal course of its elliptical orbit. The maximum intensity of radiation due to distance is at perigee.

IPCC reports are not based on scientific method. Instead, they use computer algorithms to assess selected data in large numbers of papers by 'climatologists' that support the conclusions they want policymakers to believe. Natural climate change cycles before 1765 (the industrial revolution) occurred without industrial CO₂ in the atmosphere.

Richard Elliston - AM, FAusIMM(CP), Order of Australia.

Global warming is now called Climate Change. It is massively controversial, scientists arraigned on either side of the argument. In Zambia it has delivered all sorts of corruption and more landgrabbing of customary areas - REDD+ being central to this.

Perhaps the most compelling and level-headed explanation of the issue appears in a blogsite by a former climate professor where she received 443 comments:

The toxic rhetoric of climate change

Posted on [December 14, 2019](#) by [curryja](#) | [443 Comments](#)
by Judith Curry

We have been hearing increasingly shrill rhetoric from Extinction Rebellion and other activists about the 'existential threat' of the 'climate crisis', 'runaway climate chaos', etc. In a recent op-ed, Greta Thunberg stated: "Around 2030 we will be in a position to set off an irreversible chain reaction beyond human control that will lead to the end of our civilization as we know it." From the Extinction Rebellion: "It is understood that we are facing an unprecedented global emergency. We are in a life or death situation of our own making."

It is more difficult to tune out similar statements from responsible individuals representing the United Nations. In his opening remarks for the UN Climate Change Conference this week in Madrid (COP25), UN Secretary

General Antonio Guterres said that “the point of no-return is no longer over the horizon.” Hoesung Lee, the Chair for the Intergovernmental Panel on Climate Change (IPCC), said “if we stay on our current path, [we] threaten our existence on this planet.”

So . . . exactly what should we be worried about? Consider the following statistics:

§ Over the past century, there has been a 99% decline in the death toll from natural disasters, during the same period that the global population quadrupled.

§ While global economic losses from weather and climate disasters have been increasing, this is caused by increasing population and property in vulnerable locations. Global weather losses as a percent of global GDP have declined about 30% since 1990.

§ While the IPCC has estimated that sea level could rise by 0.6 meters by 2100, recall that the Netherlands adapted to living below sea level 400 years ago.

§ Crop yields continue to increase globally, surpassing what is needed to feed the world. Agricultural technology matters more than climate.

§ The proportion of world population living in extreme poverty declined from 36% in 1990 to 10% in 2015.

While many people may be unaware of this good news, they do react to each weather or climate disaster in the news. Activist scientists and the media quickly seize upon each extreme weather event as having the fingerprints of manmade climate change — ignoring the analyses of more sober scientists showing periods of even more extreme weather in the first half of the 20th century, when fossil fuel emissions were much smaller.

So . . . why are we so worried about climate change? The concern over climate change is not so much about the warming that has occurred over the past century. Rather, the concern is about what might happen in the 21st century as a result of increasing fossil fuel emissions. Emphasis on 'might.'

Alarming press releases are issued about each new climate model projection that predicts future catastrophes from famine, mass migrations, catastrophic fires, etc. However these alarming scenarios of the 21st century climate change require that, like the White Queen in Alice and Wonderland, we believe 'six impossible things before breakfast'.

The most alarming scenarios of 21st century climate change are associated with the RCP8.5 greenhouse gas concentration scenario. Often erroneously described as a 'business as usual' scenario, RCP8.5 assumes unrealistic long-term trends for population and a slowing of technological innovation. Even more unlikely is the assumption that the world will largely be powered by coal.

In spite of the implausibility of this scenario, RCP8.5 is the favored scenario for publications based on climate model simulations. In short, RCP8.5 is a very useful recipe for cooking up scenarios of alarming impacts from manmade climate change. Which are of course highlighted and then exaggerated by press releases and media reports.

Apart from the issue of how much greenhouse gases might increase, there is a great deal of uncertainty about how much the planet will warm in response to a doubling of atmospheric carbon dioxide – referred to as 'equilibrium climate sensitivity' (ECS). The IPCC 5th Assessment

Report (2013) provided a range between 1 and 6°C, with a 'likely' range between 1.5 and 4.5°C.

In the years since the 5th Assessment Report, the uncertainty has grown. The latest climate model results – prepared for the forthcoming IPCC 6th Assessment Report – shows that a majority of the climate models are producing values of ECS exceeding 5°C. The addition of poorly understood additional processes into the models has increased confusion and uncertainty. At the same time, refined efforts to determine values of the equilibrium climate sensitivity from the historical data record obtain values of ECS about 1.6°C, with a range from 1.05 to 2.7°C.

With this massive range of uncertainty in the values of equilibrium climate sensitivity, the lowest value among the climate models is 2.3°C, with few models having values below 3°C. Hence the lower end of the range of ECS is not covered by the climate models, resulting in temperature projections for the 21st century that are biased high, with a smaller range relative to the range of uncertainty in ECS.

With regards to sea level rise, recent U.S. national assessment reports have included a worst-case sea level rise scenario for the 21st century of 2.5 m. Extreme estimates of sea level rise rely on RCP8.5 and climate model simulations that are on average running too hot relative to the uncertainty range of ECS. The most extreme scenarios of 21st century sea level rise are based on speculative and poorly understood physical processes that are hypothesized to accelerate the collapse of the West Antarctic Ice Sheet. However, recent research indicates that these processes are very unlikely to influence sea level

rise in the 21st century. To date, in most of the locations that are most vulnerable to sea level rise, local sinking from geological processes and land use has dominated over sea level rise from global warming.

To further complicate climate model projections for the 21st century, the climate models focus only on manmade climate change – they make no attempt to predict natural climate variations from the sun’s output, volcanic eruptions and long-term variations in ocean circulation patterns. We have no idea how natural climate variability will play out in the 21st century, and whether or not natural variability will dominate over manmade warming.

We still don’t have a realistic assessment of how a warmer climate will impact us and whether it is ‘dangerous.’ We don’t have a good understanding of how warming will influence future extreme weather events. Land use and exploitation by humans is a far bigger issue than climate change for species extinction and ecosystem health.

We have been told that the science of climate change is ‘settled.’ However, in climate science there has been a tension between the drive towards a scientific ‘consensus’ to support policy making, versus exploratory research that pushes forward the knowledge frontier. Climate science is characterized by a rapidly evolving knowledge base and disagreement among experts. Predictions of 21st century climate change are characterized by deep uncertainty.

As noted in a recent paper co-authored by Dr. Tim Palmer of Oxford University, <https://www.pnas.org/content/pnas/early/2019/11/26/1906691116.full.pdf>, there is “deep dissatisfaction with the ability of our models to inform society about the pace of warming, how this

warming plays out regionally, and what it implies for the likelihood of surprises.” “Unfortunately, [climate scientists] circling the wagons leads to false impressions about the source of our confidence and about our ability to meet the scientific challenges posed by a world that we know is warming globally.”

We have not only oversimplified the problem of climate change, but we have also oversimplified its ‘solution.’ Even if you accept the climate model projections and that warming is dangerous, there is disagreement among experts regarding whether a rapid acceleration away from fossil fuels is the appropriate policy response. In any event, rapidly reducing emissions from fossil fuels to ameliorate the adverse impacts of extreme weather events in the near term increasingly looks like magical thinking.

Climate change – both manmade and natural – is a chronic problem that will require continued management over the coming centuries.

We have been told that climate change is an ‘existential crisis.’ However, based upon our current assessment of the science, the climate threat is not an existential one, even in its most alarming hypothetical incarnations. However, the perception of manmade climate change as a near-term apocalypse has narrowed the policy options that we’re willing to consider. The perceived ‘urgency’ of drastically reducing fossil fuel emissions is forcing us to make near term decisions that may be suboptimal for the longer term. Further, the monomaniacal focus on elimination of fossil fuel emissions distracts our attention from the primary causes of many of our problems that we might have more success in addressing in the near term.

Common sense strategies to reduce vulnerability to extreme weather events, improve environmental quality, develop better energy technologies and increase access to grid electricity, improve agricultural and land use practices, and better manage water resources can pave the way for a more prosperous and secure future. Each of these solutions is 'no regrets' – supporting climate change mitigation while improving human well being. These strategies avoid the political gridlock surrounding the current policies and avoid costly policies that will have minimal near-term impacts on the climate. And finally, these strategies don't require agreement about the risks of uncontrolled greenhouse gas emissions.

We don't know how the climate of the 21st century will evolve, and we will undoubtedly be surprised. Given this uncertainty, precise emissions targets and deadlines are scientifically meaningless. We can avoid much of the political gridlock by implementing common sense, no-regrets strategies that improve energy technologies, lift people out of poverty and make them more resilient to extreme weather events.

The extreme rhetoric of the Extinction Rebellion and other activists is making political agreement on climate change policies more difficult. Exaggerating the dangers beyond credibility makes it difficult to take climate change seriously. On the other hand, the extremely alarmist rhetoric has frightened the bejesus out of children and young adults.

JC message to children and young adults: Don't believe the hype that you are hearing from Extinction Rebellion and the like. Rather than going on strike or just worrying,

take the time to learn something about the science of climate change. The IPCC reports are a good place to start; for a critical perspective on the IPCC, Climate Etc. is a good resource.

Climate change — manmade and/or natural — along with extreme weather events, provide reasons for concern. However, the rhetoric and politics of climate change have become absolutely toxic and nonsensical.

In the mean time, live your best life. Trying where you can to lessen your impact on the planet is a worthwhile thing to do. Societal prosperity is the best insurance policy that we have for reducing our vulnerability to the vagaries of weather and climate.

JC message to Extinction Rebellion and other doomsters: Not only do you know nothing about climate change, you also appear to know nothing of history. You are your own worst enemy — you are triggering a global backlash against doing anything sensible about protecting our environment or reducing our vulnerability to extreme weather. You are making young people miserable, who haven't yet experienced enough of life to place this nonsense in context.

Recently a [review of two books](#) revealed the need for the people of Africa to step back from what is a developed world neurosis. One of the book's is by [Bjorn Lomborg](#):

In poor countries, higher energy costs harm efforts to increase prosperity. A solar panel, for instance, can provide electricity for a light at night and a cell phone charge, but it cannot deliver sufficient power for cleaner

cooking to avoid indoor air pollution, a refrigerator to keep food fresh, or the machinery needed for agriculture and industry to lift people out of poverty. Countries in the developing world need cheap and reliable energy, for now mostly from fossil fuels, to promote industry and growth. Not surprisingly, a recent study of the consequences of implementing the Paris Agreement showed that it will actually increase poverty.

We need to be aware that when we insist, as part of foreign aid packages, that the developing world align with our climate priorities, we are enacting a kind of imperialism. We are not listening to what the citizens of these countries want. We are jeopardizing their opportunity to lift their populations out of poverty for the sake of our own concerns. This isn't just bad policy. It's grossly unethical.

VIII

Zambia's future

Taking Stock

eurocentric views - nineteenth-century Judeo-Christian ethic - modernism - Einstein's theory of relativity - a constitution without safeguards - class politician - neoliberalism - Harvey's call for remedial social action - Davidson's autochthonous model - Zambia for the Zambian - big man - patrimonialism - 164 out of 187 - measure of development - guardians of nature - Judeo-Christian ethical thinking - the three principles - Patriotic Front party - the A-team - the plunder - dog eat dog - fall in wild vertebrates - Aichi biodiversity targets - financialized capitalism - 80% of elephant destroyed - black rhino extinct - implanted Westminster multi-party system - government formed within a non-party democracy - Landsafes - world of self realization in service to others - middle-income country dream - the revolution of the internet world of the collaborative commons - web culture - ichima workgroups - Ford Edsel model - report on serious retreat on the rights of indigenous peoples (2017)

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Until the mid-1970s, I had still held patently Eurocentric views regarding Zambia: it was a Western-style state within a civilized club of nations requiring assistance and effort to safeguard its institutions and further its modernization. In such a country, wildlife is conserved, the non-consumers enfranchised and safeguarded, democratic freedoms assured, and the land and natural resources of the people of the customary commons made secure.

But I had failed to understand that at the end of World War I, modernism i.e. neoliberal capitalism, had swept the world and that no longer would we be assured of the existence of a secure Christian or Indigenous Peoples moral framework. Einstein's Theory of Relativity, in which he discovered that space and time are relative rather than absolute forms of measurement, astounded the world but was then re-interpreted by journalists who confused relativity with relativism. Here occurred the first and greatest example of flat-earth journalism. All of this coincided with the departure of the BSA Company and British Indirect Rule through the chiefs and their councils, replaced, after British protectorate rule until 1964 by a directly governed state with an American-style constitution provided by Britain, one lacking safeguards against excessive executive powers and placed under the control of politicians, previously an unknown order in the territory of 'no-name.' And, as in Britain, the first-past-the-post electoral system was implemented. The world had indeed changed; morality was now relative. And unbeknownst to me some 50 years or so later - for I naively assumed that most Europeans were raised as Christians bound by the [Moral Law](#).

It was only later, after yet another Quixotic tilt at the windmill, that I finally gained an insight into the neoliberal effects of

restructuring, of foreign aid and the control exerted by the West over the political, social and economic realms, and of their impact on the elite, the urban paupers, and on customary people. These were, after all the same forces that had destroyed the embedded liberalism of the post-war years in the West and a vibrant Northern Rhodesia as well, replacing it with the cult of the individual and the takeover of the state by big man politicians. Harvey has analyzed the forces at work within capitalism, noting how prone it is to a crisis, calling for remedial social action by setting out 'some loosely agreed-upon common objectives'. These objectives resonate with traditional African communal culture - certainly with the Zambia I once knew and Landsafe. As Harvey wrote in 2010:[i]

These might include respect for nature, radical egalitarianism in social relations, institutional arrangements based in some sense of common interests, democratic administrative procedures (as opposed to the monetised shams that now exist), labour processes organized by the direct producers, daily life as the free exploration of new kinds of social revelations and living arrangements, mental conceptions that focus on self-realization in service to others and technological and organizational innovations orientated to the pursuit of the common good rather than to supporting militarised power and corporate greed. These could be the co-revolutionary points around which social action could converge and rotate.

Almost 100 years ago in 1922, an old Africa hand, Basil Davidson, had called for something similar: for an autochthonous

model for Africa's development:[ii]

It would be found, rather, in devolving executive power to a multiplicity of locally representative bodies. It would be found in re-establishing 'vital inner links' within the fabric of society. Democratic participation would have to be 'mass participation' And 'mass participation,' patiently evolved and applied, would be able to produce its version of a strong state: the kind of state, in other words, that would be able to promote and protect civil society.

My experience gained since before and after self-rule in 1964 – in particular, since 2003 while trying to implement my Landsafe customary framework in chiefdoms - revealed to me that Zambia is not a Western state in waiting or a state able to grab resources and modernize. Now that it no longer had Europeans in any significant number – a natural result of the racist clamour of 'Zambia for the Zambians', it is in fact a country of many clan 'nations' run by big man and his network of clients, a country occupied by people who - perhaps because they did not experience the Industrial or Mesopotamian revolutions - have been blindly following those that did through an unsustainable process of politico-social engineering. What motivates Zambians is social wealth – and for the elite, the material and ultimately corrupt wealth to assure that status's continuance. While the institutions and the administrative capacity to run a modern state appear to be in place, the reality is that they barely function, except as kleptocratic harvesting centres – a fact confirmed by the Auditor-General's reports.

As Chabal & Daloz pointed out in 1999 for Africa as a whole:[iii]

What all African States share is a generalised system of patrimonialism and an acute degree of apparent disorder, as evidenced by a high level of governmental and administrative inefficiency, a lack of institutionalisation, a general disregard for the rules of the formal political and economic sectors, and a universal resort to personal(ised) and vertical solutions to societal problems.

There are negative forces at work within African society that makes impossible European reductionist conceptions of development. Clark in *A Farewell to Alms* makes the point that it was only long-settled societies that could have produced the Mesopotamian and Industrial revolutions.[iv] Also, many of us who were part of the colonial process cannot understand why the people we colonized dissolved so quickly after self-rule into chaos – not realizing that inter-tribal warfare, slavery and the elephant and rhino holocaust, the drawing off of villagers as *tenga tenga* (carriers) during World War I, as labour for the mines, as carriers for trading stores, the erasure of the Guardians of Nature guilds such as the *a Chiwindia*, injured African religion, culture and customary law, and that now, being out of Zambia, we have no direct influence over the country, except through self-serving and ultimately debilitating foreign aid and plunder capitalism.

Comin et al. concluded that by 1000 AD, persisting and widening by 1500 AD, the measure of development (presence or absence of written language, the wheel, agriculture rather than hunter-gathering, iron tools, etc.) found in the predecessors of

today's nation-states is a statistically significant predictor of the pattern of per capita incomes and technology adoption across nations today.[v] But does this mean that Landsafe, aided by what is now called bio-cultural community protocols, will not deliver any improvement to villagers' livelihoods or the safeguarding of Nature, let alone impact positively on development? On reflection, my efforts, and of the many who try to do something for the common Zambian and African good, go well beyond an attempt to recover some of the African genius for an existence lying outside the capitalist accretion way of life, as in the shoring-up of African religion and melding it with Christianity, essential to safeguarding Mother Zambia. Our actions were - and for increasingly fewer people it seems, simply a function of our cultural imperative, one based on Judeo-Christian ethical thinking, as C. Northcote Parkinson explains:[vi]

With its insistence upon a high moral standard in honesty, kindness, abstinence and self-sacrifice, might mean that a Christian State (were one established) would have a moral purpose going far beyond the functions of any previous State... and justify resistance to heresy; to doctrines, that is to say, which would imperil the souls of those induced to believe in them.

Just such a Christian State was attempted by the Lumpa Church in the Northern Province before independence in October 1964, but its members were attacked, many massacred, large numbers fleeing to the Congo; the church banned.

Yet this twentieth-century promise has been subsumed by