

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 was prevalent, and HIV/AIDS and tuberculosis, with no sensitization program ever conducted in the area. Deaths there are ascribed to sorcery.

6 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.

7 The area, rich in wildlife, is an open-access area plundered by bushmeat gangs coming from the Great East Road, poachers whom villagers greatly fear. Based in Nyimba town, the South Luangwa Management Unit (SLAMU) of the Zambia Wildlife Authority operated their own poaching and meat sale operation. The chief was part of this scam.

8 There was one ZAWA game camp, Chisinga, an outpost of the ZAWA/SLAMU criminal poaching syndicate at the time of our safaris operation in 2005-2006. There were three ZAWA/SLAMU camps in Luembe: Chisinga, 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 likely owed money.

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. Ten minutes later my men brought the ZAWA scout in charge of the Kalanshya game camp, Joseph Mbo, to me. He knew who I was, having attended my meetings with the chief.

9 There are a few villages along the Luangwa (Nyambweka) and near Kalanshya further inland. Children must walk eight km daily through dangerous game country 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.

10 Chief Nyalugwe controls the area south of Luembe. *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. During times of drought, food relief is usually supplied, the NGO ARDRA providing cooked wheat and maize.

11 The chiefdom 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.

12 People have since their arrival 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, rats, 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 the government to monitor hunting and fishing licences issued by them and the Fisheries Department to citizen non-residents (who 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.

13 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 land tenure expert, Professor Mvunga, believes that the state as the 'owner' of wildlife being supported on customary land 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.

14 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 community resource board (CRB) had not received any funds – 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 West Petauke GMA.[v] There was no response.

15 In the late nineteenth century, Mwape and the adjoining Luembe chiefdoms were the first in the territory to sell off all of their land (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 subjects land on 99-year renewable leasehold without their subjects 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 Nakeenda Ranch).

16 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 then fenced the property, built up the wildlife stocks, and conducted a few hunting-safaris. In 2005 villagers informed me that a 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 Nawalya'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, President 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 Mwengwe and Chief Shikabeta's brother, Vincent Shikabeta, under what they called the Luano Nature Conservation 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.

17 Immediately to the north of the Nyalugwe Chiefdom, in the Nyimba Open Area of Senior Chief Luembe, Mbizi Ranch was obtained by businessmen 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, again with little benefit to the chiefdom and its people from the purchase. The present owners built a clinic and computer facility.

18 A controversial alienation within Luembe has been that of the M'nyamadzi

and Luangwa rivers, obtained originally on a 14-year provisional lease by Adrian Erickson. Later the property was transferred 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 consultations 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) 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 Luangwa River's west bank - 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 Munyamadzi Game Ranch Company's land.

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 by the chief 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 lease's application to February 2008. A contender to become the new Luembe chief 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.

Some References

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>

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>

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>

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>

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

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>

Conclusion.

My attempt to implement [Landsafe in the Nyalugwe and Luembe](#) customary areas of the Luangwa Valley failed due to the following reasons.

1. The Luembe Conservancy Trust, which took control of an area of customary land for a game ranch owned by the Luembe people, was sold by Senior Chief Luembe to a trading store owner.
2. SLAMU/ZAWA cancelled the Mbeza Safaris hunting concession in 2007 - two years after its purchase for \$360,000 US. Although we were registered investors, all our objections, complaints and legal actions were unsuccessful. This action resulted from my opposition to the poaching operation in the area conducted by the same ZAWA/SLAMU and Chief Luembe, and other whistleblowing.
3. This was all due to the lack of a Citizens' Assembly and a general corruption and my family's deportation in 2008, and the cancellation of our safari-hunting license.

Until 2011, I pursued matters with the Nyalugwe chiefdom. As I wrote at the time:

On 20 December 2008, Chief Nyalugwe made an application to ZAWA's Reclassification and Effective Management of the National Protected Areas System project (REMNPAS) for registration of the Nyalugwe Community Game Ranch. On 27 May 2009, Chief Nyalugwe signed an agreement with the Landsafe facilitator, Japher Mbewe for the future implementation of a Landsafe Chiefdom Conservancy in his chiefdom. The purpose of this agreement was for the Nyalugwe Customary Authority to agree to have Gamefields Limited assist it in implementing a Landsafe conservancy system in Nyalugwe whereby the Nyalugwe Conservation Trust Society would be established, followed by a petition to the Minister of Lands for the creation initially of the Nyalugwe

Conservation Trust and the vesting therein of the Chilinga Reserve, followed by other land considered suitable for development. Once ZAWA had cleared the way for the game ranch, then Gamefields – under an agreed set of conditions, terms and payments – would facilitate the rental of such land under customary law (usufruct) for game ranching or conservancy purposes. And with the Landsafe Foundation, would assist the Trust to enter into co-management agreements with the Nyalugwe CRB over wildlife and the GMA, and with the Departments of Fisheries, Forestry and Water Affairs in respect of the resources under their jurisdiction. Subsequently, on 24 April 2009, the Nyalugwe Conservation Trust received its registration certificate from the Registrar of Societies; and on 25 June 2009, the Minister of Lands signed the certificate incorporating the Trust under the Lands (perpetual succession) Act. In July, ZAWA completed an ‘ecological survey’ of the ranch, as well as a ‘sociological scoping exercise’. It has now notified the Ministry.

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

CONASA & SEED (2001-2011)

CONASA

CONASA (Community Based Natural Resources and Sustainable Agriculture) was the first project of note coinciding with the emergence of ZAWA. USAID funded a project between 2001-2004 in the Bilili/Nkala, Sichifulo and Mulobezi GMAs in Southern Province. This was an \$8.5 million program intended to support rural livelihoods through agricultural production, small business development, policy and advocacy, and tourism-based natural resource management. Implemented by CARE International, the African Wildlife Foundation and the Wildlife Conservation Society of New York (WCS) - ADMADÉ funder, the mid-term review reported that two months after it began operating, CONASA was informed by USAID that USAID informed CONASA had reduced its total budget by \$2 million, the project from five to four years, and with one less GMA. However, the results framework and performance targets were not adjusted. Consequently, what was already an ambitious and possibly unrealistic set of goals for five years was compressed into four. The review also cast doubt on commercial hunting-safaris's ability to generate the revenue levels of the 1990s. Lyons commented that CONASA 'came to an end when its donor decided to take a different rural

development approach. The three NGOs that made up CONASA could not adapt to the new course nor find alternative funding'. He claims the project itself was successful, with no money troused. However, the project came to an end and left the ever-present vacuum of unempowered villagers.[x]

Today there is little to see of CONASA's efforts, other than a human rights problem. In Sichifulo GMA, residents were forcibly moved from the area by ZAWA and then allowed to return, but not with the blessing of Senior Chief Nyawa. The Bilili Springs GMA is now the most heavily populated country due to agricultural settlement schemes, with wildlife severely depleted. And the ADMADE/Lewis program within CONASA departed to Lundazi in Eastern Province under the COMACO banner. Also conceived by CONASA was the Natural Resources Consultative Forum (NRCF), now lapsed into a government-sanctioned consultancy group rather than an advocacy group as was intended – hence my resignation from its management committee and my removal of my *pro bono* assistance.[xi] It may, therefore, be classed as a USAID/ZAWA failure and let-down for GMA residents.

SEED

The Support for Economic Expansion and Diversification (SEED) program (2004-2011) was a \$23 million, World Bank-funded, four-component project covering: tourism, protected areas, agribusiness and gemstones sector development and project management. [\[xiv\]](#)

The protected area sub-component covered biodiversity restoration in Musi-o-Tunya and Kafue national parks and capacity building for ZAWA, a NORAD/World Bank-financed component. From August 2002, the Kafue was financed by Norway through the Emergency Resource Protection Project. Its purpose was to assist ZAWA in regaining the park's management and reversing the high poaching levels. In 2004 Norway and the World Bank agreed to join forces to support ZAWA and the Kafue park through the present

project under SEED. In 2006 the SEED project underwent a 'refocusing', the Musi-o-Tunya project dropped – this when the park was under threat from the ZAWA/Legacy landgrab - the funds focus shifting to the Kafue. The project's goal was to see that critical habitat and species were secured in the park and surrounding GMAs through improved management, infrastructure, and tourism development.

The review of the performance of the 2002–2007 strategic plan concluded that the project did not have a clearly defined leader and was therefore not able to achieve its objectives; the research was of a poor standard; ZAWA's performance unsatisfactory; large sums of money stolen; and the lack of motivation at different levels a major concern. Furthermore, the CBNRM component only addressed two of the three objectives: the objective, 'To develop co-management agreements with traditional fisherfolk in the park and its surrounding GMAs' ignored – the Twa fishermen obviously considered to be of little importance. In all, nine GMAs were dealt with, and the CRBs trained in basic GMA management skills. Also, landuse planning initiated in selected GMAs was later discontinued due to a budget change. The project considered introducing hunting-safaris in the park, but this did not find favour. The consultants, Booth et al., provided a withering assessment.[xv]

In August 2006, I wrote a blog entitled, *Gone to seed*. [xvi]

The World Bank SEED program had in 2001 reported that 'The government is committed to the growth of tourism and is now ready to make the resources necessary for that to happen - funding to underpin a strong approach to tourism would confirm the government's credibility and the private sector appears ready to do its part. The government has identified Livingstone and the Victoria Falls (the Musi-o-Tunya or "the Smoke that Thunders") as a priority for economic expansion and diversification, based on tourism. The Victoria Falls is a World Heritage Site. It is a strong magnet that has long attracted tourists to the falls themselves as well as to its surrounding wildlife and extraordinary cultural heritage'.

In November 2005, with SEED about to collapse and no visible sign of anything accomplished, the steering committee of the Natural Resources Consultative Forum of Zambia – of which I was a committee member at the time, anxious to see that this did not happen, approached the World Bank official responsible for SEED, Marie Sheppard, of the Africa Private Sector Group, suggesting that the NRCF was the forum through which the rescue plan could be brokered. And that is the last that anyone from NRCF heard from the World Bank, until last week that is, when a rather jazzy report on tourism in Livingstone pitched up on e-mail: no consultations, no stakeholder meetings, no NRCF hosted cross-sectoral workshops, no strategic environmental assessments or project documents giving some idea of what the Bank envisaged doing in Musi-o-Tunya, no, only “The key players know the situation”. But something had kick-started ZAWA in 2006, the agency responsible for carrying out the SEED work in Livingstone and Kafue National Park, for suddenly the newspapers carried adverts calling for consultants to train ZAWA teams to look after the Musi-o-Tunya white rhino, to sort out the mangled, in-bred wildlife aberration within the park, the communities outside... although all three expatriate game wardens employed on the SEED program in Mosi and Kafue had packed their katundu (possessions) after being without transport for a year - though rumour has it that one still survives, cycling earnestly around on his njinga (bike).

So, how much responsibility must the World Bank bear for the SEED mess, for allowing a tourism lease for such a proposed massive perturbation of part of the Victoria Falls Transboundary World Heritage Site to be issued, for funding consultancies that do not involve civil society, the National Heritage Commission, the Livingstone Town Council, the NRCF, the indigenous and indigent communities, that all of this endeavour is supposed to benefit. And what of the strategic review of ZAWA that they and NORAD are funding, a four-month consultancy given to a local company, supposed to be in touch with the NRCF and other stakeholders. Not a word from them either. And does Chief Mukuni of Livingstone know - he so very keen to see Legacy install a bit of Florida

on his chiefly midriff, that the World Bank funded consultancy for the Ministry of Lands has recommended that all customary area should in future fall under the said ministry, with chiefs relegated to the role of land administrators? And so is it the intention of the World Bank to ensure that the people of Livingstone gather daily at the electrified curtain cutting off their town from the Zambezi, to watch the Hawaiian-shirted, cigar-chompin' denizens of Legacy swing at little white mabolo (balls) upon their now treeless, jumboless ancestral turf; the chiefly custodian of the smoke that pisses, resting nearby under his talkin' tree, sans kapasu (Chief's Messenger), and with no land to administer?

REMNPAS (2006-2011)

The Reclassification and Effective Management of the National Protected Areas System Project was a \$7.3 million project executed by the Ministry of Tourism through its environmental and natural resource management division, ZAWA. The Global Environmental Fund (EF), United Nations Development Program (UNDP) and the government jointly funded the project. The project had three main areas of intervention: providing the regulatory, legal and institutional framework for public-private partnerships, strengthening the institutions responsible for protected area management, and implementing new protected area categories within these partnerships.

The original UNDP/GEF 'Classification of Protected Areas' project had its origin in 2000 when UNDP and the ministry decided that Zambia's protected areas required reclassification. The justification for this was presented in September 2000 to GEF as a concept proposal for a PDF Block "B" grant, stating that 'Zambia had demonstrated its commitment in conserving and managing the country's biodiversity through various legal instruments and policy frameworks and the establishment of institutions at national and local

levels' - a statement made at a time when such commitment was little in evidence, a quango, ZAWA having replaced the NPWS. The concept note declared that:

Since the 1960s, when the present boundaries of the protected area system were designed and implemented, there has been substantial habitat conversion, encroachment and unsustainable use of resources within the protected areas. These impacts have changed the nature of the protected areas, and in some cases, boundaries no longer coincide with biodiversity hot spots and distribution. Furthermore, there is increasing demand from local communities for access to the resources. It is, therefore, an urgent necessity, as recognized in the NBSAP, to re-inventory, reclassify, and redefine the protected areas system, and at the same time develop incentives for community involvement in the management and conservation of biodiversity, to ensure the long-term sustainability of the new classification and system.

Apart from the date being wrong by between twenty or seventy years, the donors provided no empirical evidence to justify the project depending on the particular protected area. GEF, the WB and the Nordic Development Fund were sent the concept note with a request for £410K to write a full project proposal. This was accepted. The plan recommended nine implementing partners for the project: the Ministry of Tourism, ZAWA, WWF, UNDP, Ministry of Finance and Planning, NRCF, a 'relevant ministries steering committee', a technical advisory group, a project consultation group (consultants) and private sector partners for two demonstration sites. There was no mention of the customary authority and its people.

The government strategy at the onset of REMNPAS was for ZAWA to concentrate on the national parks with high tourism potential so that they could become conservation hub income generators. This would involve the following: a protected area re-classification exercise; the government to pass new legislation supporting the protected area estate; a range of public-private partnerships (PPPs) to be developed; and core systems and institutional level

capacity strengthened; and two new categories of protected area advanced, 1) community conservation areas which would maximize incentives for conservation for communities by giving nearly full control over resources and the revenue derived from these resources while preventing conversion to agriculture or other land uses, and 2) allowing portions of national parks to be zoned as hunting-safari areas, converting them from cost centres to profit centres for ZAWA - requiring a change in their legal status. Although REMNPAS removed the ZAWA hunting-safari scheme from the project, it (given the MMD minister Namugala's pronouncements at the time) as a mercantile quango – confirmed by the PF government instruction that all parastatals list with the Lusaka Stock Exchange.

One forthright Zambian conservationist wrote to me, saying that:

The UNDP reclassification project exhibits all the classic mistakes of an aid program supporting an institution that does not follow its own agenda of partnership building, 1) has made no effort to decentralise or manage its finances - see Auditor-General's report of 2005 on parastatals, and 2) uses foreign consultants (Future Search), who appear to have no experience in rural Africa when there are at least three community ownership projects run by locals, two of them supported by a sister institution, WWF (Mpumba and Mazabuka), and 3) dreams up a big plan without extensive involvement of the local stakeholders and with no reference to relevant past studies or paying heed to existing conventions. Bound to fail at a cost to future generations.

On 17 November 2007, I penned the polemic, [Alien Invasions of Zambia](#):

An invasive force (is) arguably far more threatening to a nation than being colonized by the pre-eminent culture of the time; an invader that reduces a nation's GDP, watches as the average life expectancy decreases over the last 20 years from 57 to 37, removes development incentives, underwrites corruption, parasitizes civil servants time and then poaches

their services, ignores traditional systems – the magma of future life, and forcibly injects a debilitating cocktail of untested foreign ideas, policies and development drugs into the national buttock - in contempt of the law of unintended consequence and the demands of the precautionary principle. Such an invasive force is foreign donor aid – exemplified by its visible battalions, aid programs.

ZAWA, lead by REMNPAS, soon advanced on pilot Community Partnership Parks (CPPs) and chose two demonstration sites to begin with: 1) Chiawa, in the Chiawa GMA adjoining the Lower Zambezi National Park., and 2) The Chikuni and Bangweulu GMAs of southeast Bangweulu. In the 2015 Wildlife Act, CPPs became legal.

Chiawa Community Partnership Park (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 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 - Nsefu being a prime example - 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. They required that a trust be established and given responsibility for the area.

On 11 February 2008, the government established the first board of the Lower Zambezi Conservation Trust dedicated to managing the community

park. 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 (Chiyaba).

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 partnership park's stated beneficiary – 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 (Chiyaba?) 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. 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 undertake an independent audit exercise of all titled landholdings. 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 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.

AFRICAN PARKS ORG.

The Liuwa Plain and Sioma Ngwezi 2003

In 2001 while implementing CITES (Convention on International Trade in Endangered Species) in South Africa, I had been asked by John Ledger to meet with Michael Eustace, a board member and founder of the South African NGO, African Parks, who sought my advice on the Barotseland (Western Province) national parks of Zambia. I had heard of African Parks and their wealthy founder, Paul van Vlissingen, who had persuaded Nelson Mandela in 1998 that the customary villagers resident in and around protected areas would benefit from conservation and protection activities. Van Vlissingen, an economist, businessman, and large landowner in Scotland, beguiled by the Kruger National Park privatization model, unknowingly set about perpetuating the public and customary commons' enclosure hiring as CEO the man in charge of that process in S.A. Parks, Peter Fearnhead.[1]

In 1987 I persuaded the Zambian Game Department to enter into a PPP

with David Lloyd, Peter Moss, and myself to assist the National Parks and Wildlife Service in caring for the Kasanka National Park - one of the three untended parks in my charge - in 1973 when setting up the new Bangweulu Command. My request was agreed to, and Lloyd moved into the park and Moss set about fundraising and research needs, assisted by a local Mkushi farmer, Gary Williams. For a few years in the early 90s, after being refused a work permit extension for my attempt to save the black rhino, I was appointed advisor to the Kasanka Trust UK. My objective was to have Lloyd care for the park in a minimalist fashion. But matters soon got out of hand. As I wrote elsewhere:

The privatization of the public commons is a process headed in the wrong direction, whether driven by the commodification of nature or by philanthropy, as it further removes the public commons from the implicit bio-cultural rights held by its former occupants now living on its borders – or in the case of Liuwa NP, both in and outside its borders.

The Liuwa Plains National Park has long been the Paramount Chief of Barotseland's personal hunting area declared in 1890. Since then, little was done there until the first aerial census of its wildlife in 1975 by Peter Moss and myself. In 2003 when I assisted the parastatal, Zambia Wildlife Authority (ZAWA), in producing guidelines on public-private partnerships (PPPs), it was made clear to me by their Director of Conservation, Lewis Saiwana, that no PPPs would be entered into by ZAWA until national policy on PPPs was provided, and that my application to establish a PPP for the Lavushi Manda and Isangano national parks would have to await this event.[2]

Despite this, in 2003, ZAWA granted African Parks a concession over Sioma Ngwezi and Liuwa Plain national parks.

With Sioma Ngwezi soon dropped in 2004 by African Parks (its elephant now massacred), the Liuwa agreement was cemented by the formation of African Parks (Zambia) Limited, with African Parks holding 70% of the shares, the Barotse Royal Establishment (BRE) 30%, and ZAWA nil.[3] The agreement stipulated that both the BRE and ZAWA could not interfere in the park

management and that African Parks was empowered to have complete rights over the wildlife, rights little different from that of a game ranch owner. However, the Barotse living in the park with their cattle had their customary rights respected. They were allowed to fish in designated ponds, collect vegetative materials, grow crops in agricultural areas, and live in the park. But they were not allowed to hunt, and no mention was made of their traditional use of fire to enhance grazing under the direction of the *Litunga*.

African Parks agreed to spend less than \$2 million over the first five years and not less than \$25 million over the 20-year lease period. Any 'surplus' of income over expenditure, it was stipulated in the agreement, would be divided among the three shareholders: 40%, 30%, and 30% respectively to the African Parks, ZAWA and the 'local community' – this taken to mean the 20,000 customary commoners whose lives are now scrutinized and enclosed by an NGO.

In 2003 the United Party for National Development MP for Livingstone, Sakwiba Sikota, [accused the government of corruption](#), complaining that they had not consulted the people of Liuwa and Barotseland and had sullied their heritage. He called for a parliamentary inquiry, a request ignored: [4]

Government is a Handmaid to Corruption - MP Sakwiba Sikota
Article appearing in The Post of Zambia 05-08-2003

THIS government is a handmaid to corruption, opposition UPND Livingstone Member of Parliament Sakwiba Sikota has charged.

Reacting to African Parks chief executive Paul van Vliissingen's statement that he was a wealthy man, Sikota yesterday said government has betrayed Zambians over the parks.

Sikota said until the last minute, government had denied nothing had happened to the two national parks - Liuwa and Sioma-Ngwezi, in terms of leasing. He said what was more annoying was that only last week, tourism minister Patrick Kalifungwa assured members of parliament

that nothing would happen over the matter and told them not to listen to what was being reported in the press about the two parks.

"The handmaid to corruption is secrecy. We have just seen this government is a handmaid to corruption," charged Sikota. He said people had all the time wanted to be consulted over the parks and to understand exactly what it was Vlissingen wanted from the parks.

Sikota wondered who had received favours from Vlissingen and decided that the people from Western Province did not matter. Sikota said what transpired over the two parks was the crime of the century and that the investor must know he was most unwelcome by the nature of his dealing. "He should have consulted the people and their representatives.

The Zambian people also want the Task Force to go in to see who received what from the investor, all must be interviewed," he said. Sikota said government must explain why it saw it fit that people's heritage should be given away just like that.

Sikota said Vlissingen should be aware that everything he was doing in the two national parks were in bad faith because if they were not, all could have been conducted in a transparent manner.

He said Vlissingen should take his riches elsewhere because the people of Barotseland were more concerned about their heritage and natural resources. "He is even insulting us when he talks about his riches and what he is going to give. He probably got his riches by exploiting Africa's natural resources. This is not a thing to even brag about," Sikota said.

He said this was modern day re-colonisation and exploitation of Zambians and that the project should be resisted by all. "This is a fight I am not going to relent on. It's just the beginning. If it means taking this to the international courts, we will do just that because people have a right to their heritage," he said. Vlissingen on Sunday said he wanted to give part of his wealth back to Africa.

"I have absolutely no grudge against anybody who has raised questions on this project," he said. Vlissingen said he had realised that not all white people have had a good record with investments in Zambia. But Kalifungwa in an interview said government had been straight over

the two parks and that he had not betrayed the members of parliament because consultations were still on-going.

He said he has since written to Senanga UPND member of parliament Albert Situmbeko who is chairman of the parliamentary committee on tourism and natural resources informing him he would meet them on August 8, 2003 to discuss the issue. "I am still consulting the members of parliament from Western Province," he said.

Kalifungwa dismissed Sikota's reaction as wild because he had not consulted him. He said he had instituted a technical committee to carry-out consultations in the national parks but that the initial report they brought was not satisfactory and had to return to them.

"I didn't believe the report was conclusive and I have sent them back to the parks," he said. Kalifungwa said if Vlissingen indicates he was going into the national parks now, then he did not know what he was going there for because consultations have not been concluded.

He said African Parks wanted to launch their project this year but he refused them until consultations were concluded. Sikota said he was wildly mad on behalf of the people because government seemed to have lied. He called for a full parliamentary inquiry into the matter where all parties would be called to give evidence.

In 2004 some Liuwa headmen (*n'dunas*) came to Lusaka to voice their discontent at the 'alienation' of their park to African Parks. They sought a meeting with me at which I advised that they form a Community Resource Board under the Wildlife Act of 1998 to obtain rights to wildlife, followed by trusts along the lines of my preliminary Landsafe framework, and then to seek investors for the appropriate development of the land bordering the park, an area which I suggested should soon have increasing numbers of wildebeest and other species.[5]

For them to discuss the larger political issues, I organized a meeting for them with the upper hierarchy of the Patriotic Front Party, the future president of Zambia Michael Sata, future vice-president Guy Scott and minister Wynter Kabimba – the latter of who happened to be my lawyer,

along with Rolf Shenton, a former MMD MP and son of the former Game Department warden of the Kafue NP, Barry Shenton. At the time, I was woefully ignorant of President Kaunda's abrogation of the Barotse Agreement of 1964, which had effectively nationalized Barotseland - and at the meeting, Sata never mentioned it. It was clear that ZAWA and the Minister of Tourism (Kalifungwa) – supported by the *Litunga* of Barotseland - had alienated the park to a South African NGO, African Parks, without the prior-and-informed consent of the residents and those outside having access rights.

In 2006, the year in which van Vlissingen died, the public accounts committee on the Auditor-Generals' report of 2005 revealed the illegal acceptance by ZAWA of a donation given by an organization called People and Parks to ZAWA.[6] The ZAWA Controlling officer replied that:

It was regretted that there was an omission with regard to ZAWA's seemingly failure to obtain approval for the K207 million donations from an organization called "People and Parks" based in South Africa. Although there were indications that the former Director-General had obtained authority from the Minister, no letter to this effect was traced.

The Officer listed the use of the donation, some \$5,000 for the rehabilitation of the DG's office and the library and procurement office. When I questioned the accounts office at Chilanga, he told me that the DG Saiwana had spent some of the money on himself in the form of firearms and hubs for his car. The donation had been a bribe. At the time, the only 'People and Parks' I could find were based in Australia. I wrote to them but never had a reply. However, the Department of Environmental Affairs in South Africa had a People and Parks program, but no organization had that name.

While Liuwa Plain is still a concession of African Parks, it also forms part of the Liuwa Plains-Mussuma Trans-Frontier Conservation Area (TFCA) orchestrated by the Peace Parks Foundation to conserve the full range of the wildebeest migration in Barotseland and Angola. In 2017 the Barotse Royal Establishment (BRE) brought a case to the High Court charging the paramount chief of the Barotse, the *Litunga*, with having stolen the BRE share

of income from the Liuwa. And in February, four headmen took him to court for neglecting his duties since 2,000, requiring that he step down.

While one must oppose neoliberal privatization, there is little doubt that African Parks has increased the [wildlife stocks of Liuwa](#), Lindsey et al. 2014 reported that:

By contrast, in Liuwa Plains (co-managed by African Parks/ZAWA since 2003), wildlife populations have recovered, and large mammal biomass (excluding hippos and species of bushbuck size and smaller) increased from 966 kg/km² in 2003 to 1,921 kg/km² in 2013. Apart from game ranches, this is not the case elsewhere.[7]

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

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 supposed management reasons, or to supply privatized national parks such as Liuwa Plain. ZAWA intended to capture eland from the Kafue National Park and translocate them to Liuwa, inexcusable, given their greatly reduced numbers. Chief Shakumbila of Mumbwa demanded that DG Saiwana of ZAWA explain why he had allowed the capture of 60 zebra from Blue Lagoon without informing him and his people. He received no reply.[8]

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 impalas from Lower Zambezi NP, 110 wildebeest and 20 tsessebes 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, announcing that Luangwa buffalo were Foot-and-Mouth disease-free. In 2020, African Parks translocated 195 buffalo from the North Luangwa National Park to their Bangweulu concession. [9]

African Parks Grants Kafue \$5m (2017)

ZCBNRM News

22 March 2017

African Parks Director of Conservation Development James Milanzi says the bad road network in Kafue National Park has damaged the realization of that parks dream and flagship status.

In a statement issued by Ministry of Tourism and Arts Public relations Manager Sakabilo Kalembwe, Milanzi, who is also The Nature Conservancy (TNC) Director, said his organization had noted the need for proper road network and had since offered \$5 million grant per annum to revamp the park.

“African Parks (AP) Director of Conservation Development James Milanzi has said the bad road network in the Kafue National Park (KNP) is detrimental to the realization of the dream of the park’s flagship status. Speaking during the familiarisation tour for members of the Zambia Parliamentary Conservation Caucus (ZPCC) yesterday, Mr Milanzi said it is for this reason that his organization and TNC (The Nature Conservancy) are offering to help Government properly manage the park and attract tourists to the Zambia’s largest and oldest national park, the KNP. He said AP and TNC would like to manage the park and improve infrastructure so that the tourist season is not only limited to three months through the provision of all-weather roads,” Kalembwe stated.

Kalembwe also stated that the funds would be used in the management of the ecosystem and to create enabling conditions to secure the park from threats and create conservation outcomes.

The Nature Conservancy (TNC) Country Director Dr. Victor Siamudala said his organization is looking forward to work with the AP and the Zambian Government to manage the KNP and the surrounding Game Management areas through a Public-Private Partnership (PPP). He said together with AP, TNC propose to invest USD 5million per annum in the management of the ecosystem. He said the funds will be used to create the enabling conditions to secure the park from threats and create conservation outcomes and create an enabling environment to would investors in the park and grow the tourism industry in Zambia. Dr. Siamudala said it is hope that will also help to grow the bed capacity in the park from the current 300 to between 600 and 800 beds to allow more visitors including domestic tourists to the park,” stated Kalembwe.

“Meanwhile Bangweulu Constituency Member of Parliament Anthony Kasandwe who led the 10-member delegation to the park said there is need for more investment in the park to improve infrastructure including the road. The Parliamentarian said the time taken on the road is discouraging tourists who would like more time to view the game. He said the group had been to Bangweulu’s Lavushi Manda, the Liuwa and now Kafue following the indication of AP to Government to run the park.”

The President of African Parks

In November 2018, the president of African Parks, Harry Windsor (Prince Harry), visited Zambia for two days:

Britain’s [Prince Harry](#) on Monday offered Zambia support with boosting the country’s dwindling elephant population, as he began a two-day

working visit without his pregnant wife Meghan.

The Duke of Sussex, 34, was received at Lusaka airport by dignitaries and colourfully-dressed traditional dancers, later holding a closed-door meeting with Zambian President Edgar Lungu and his ministers.

As president of animal conservation charity African Parks, Harry offered to bring elephants from neighbouring Botswana.

In September 2019, some Zambians reacted negatively to the news that an agreement with AP over Kafue was imminent:

Comments

Namataa Muyunda

"So... Liuwa National Park needs foreigners to keep it ?? And the locals can't??"

Walliey Christiano Mukena

"Those chinese who are building the bridge which doesn't finish must leave the Park because i suspect they are just there for game meat. The idiots have finished all the animals in the park."

Swima Banda

"Colonialism in the 21st Century.....we don't need this boy with a title to come and recolonize 22000 square kilometers of our land and make it his personal zoo."

Danny Chims

"Is Africa really independent? Prince of Wales being the president of African Parks? How so? Donating animals which are already ours? So these guys have continued controlling us and we are happy...I have never heard the king nor any African son controlling natural resources in Europe..bamakuwa mbaluya!"

Margaret Maswabi

“Do you see how they still colonize us in so many ways then we know..British people.”

Nyambe Musialela Malindi

“Donate??? From where? ? We have a lot of elephants in Sioma Ngwezi National Park that has left my relatives with hunger.”

Ndungumojah Chitebe

“Afrikan Parks controlled by white man.”

Namataa Muyunda

“So... Liuwa National Park needs foreigners to keep it ?? And the locals can't??”

Lewis Nasilele

“Who is Prince Henry?”

Swima Banda

“Colonialism in the 21st Century.....we don't need this boy with a title to come and recolonize 22,000 square kilometers of our land and make it his personal zoo.”

March 2021 MOU in Kafue

This was followed in March 2021 by an MOU agreement to provide \$3 million for a Priority Support Plan for the Kafue. [The Lusaka Times announced:](#)

Parliamentary Caucus Committee Chairperson, Anthony Kasandwe

says the signing of the Memorandum of Understanding (MoU) between government and African Parks (AP) will bring development in Kafue National Park.

Mr Kasandwe said the committee will continue lobbying government to have a long term agreement with AP, an international Non-Governmental Organisation that has been working in Zambia for over 15 years.

Speaking during a meeting between the Caucus and AP held in Kafue National Park, Mr Kasandwe said it should be clear from the onset that Priority Support Plan (PSP) does not mean the State has sold out the park but a partnership that is aimed at improving tourism in Zambia's national protected area.

The Bangweulu Parliamentarian urged African Parks to develop a tourism package in the park so that more tourists are attracted to the area.

And African Parks Country Director, James Milanzi said to develop a good tourism product in the Kafue requires time through a long term Memorandum of Understanding that will allow the organization to come up with infrastructure development to increase the tourism season in the area.

He noted that long term investment strategy would attract serious investors who will put up the necessary lodging facilities thereby making accommodation affordable.

A PR newswire of African Parks wrote that :

[The Government of Zambia and African Parks](#) have signed a Memorandum of Understanding which will see the implementation of a Priority Support Plan for the protection of Kafue National Park. Signed on Thursday 4th February, the Priority Support Plan will increase technical and financial support for Kafue worth US\$3 million over a period of 12 months.

Minister of Tourism and Arts Honourable, Hon. Ronald K. Chitotela,

said the MoU would help Zambia to realize the potential of the Kafue National Park which is Zambia's prime tourist destination and an internationally renowned wildlife sanctuary.

"It is essential that we invest in the protection of our wildlife and enhance the infrastructure for tourism. Having worked together for 18 years, we believe that African Parks is a partner who can help us to actualize the park's potential in contributing to the economy and the wellbeing of our people," the Minister said.

The Priority Support Plan will see the collaboration between Department of National Parks and Wildlife (DNPW) and African Parks implement activities in key priority areas over the ensuing 12 months, while the parties negotiate for a long-term agreement. The primary objectives include improving critical infrastructure, supporting the DNPW's law enforcement efforts and conducting conservation baseline studies.

There was naturally no mention of the original reason in 1950 for declaring the Kafue Game Reserve as a national park: that it should benefit its former residents and the park's encircling chiefdoms. Instead, despite all the tourism development, and the numerous foreign aid schemes, there is now a greatly increased paramilitary force consisting of game scouts, police, and the army. This results from the endless repetition of neo-colonial subjugation and failure.

[1] https://en.wikipedia.org/wiki/African_Parks

[2] https://docs.google.com/document/d/1nTWX5aZc5L3qlCS_BeuAxvEH-g-JlhhMXXBEuTJSns/edit

[3] Nyirenda, Vincent et al. Collaborative governance and benefit sharing in Liuwa Plain National Park, Western Zambia, Parks 2013, Vol 19.1. Web. 30 March 2017

http://parksjournal.com/wp-content/uploads/2013/04/PARKS-19.1-Nyirenda-Nkhata-10.2305IUCN.CH_.2013.PARKS19-1.VRN_.en_.pdf

[4] "Government is a handmaid to corruption - MP Sikota." *The Post, Zambia.*, 5 Aug. 2003. Web. 17 April 2017. <https://docs.google.com/document/d/1wAEF7Wi2OXOmz-U7THer6wd1VXZXxgcxDWFmTr3B4CY/edit?usp=sharing>

[5] Manning, I.P.A. "Landsafe investment partnerships for customary land and protected areas in Zambia." 1 Apr. 2005. Web. 7 Sept. 2020 https://docs.google.com/document/d/1lC83nGl5YGnHDV4_Jag4yqmE_7yeACgUFvSum6kXzUI/edit?usp=sharing

[6] "Public Accounts Report on A-G Parastatal Report on ZAWA for 2005 pp.10-13." National Assembly, 10 Nov. 2006.

[7] 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. Web 17 Jan. 2018. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4029602/>

[8] Manning, I.P.A. "Zambian Chiefs Waking from Their Slumbers..." *Zambian Conservation*. 4 Nov. 2007. Web. 12 April 2017. <http://zambiaconservation.blogspot.ca/2007/11/zambian-chiefs-waking-from-their.html>

[9] 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>

GEF/UNDP (2016-2021)

A \$60m CBNRM Project in Kafue (2011-2015)

Strengthening Management Effectiveness and Generating Multiple Environmental Benefits within and around the Greater Kafue National Park and West Lunga National Park in Zambia (2011-2015)

[Link](#)

Expected Outcomes of ZAWA/UNDP Project

UNDP Strategic Plan Secondary Outcome: see Annex 2 Expected CPAP Outcome(s) CPAP Outcome 1: Government promotes adaptation and provides mitigation measures to protect livelihoods from climate change

CPAP Outcome 2: Government implements policies and legal frameworks for sustainable community based natural resource management
Indicators: % increase in the area brought under effective management of PA system % reduction in annual average deforestation rate.

Brief Description

Brief Description

□ *Problem statement* The 78,1880km² project area, comprising Kafue NP (22,480km²), West Lunga NP (1,684km²) and 13 Game Management Areas (GMAs) (54,021km²) is threatened by wildlife poaching, deforestation and forest degradation, unsustainable land uses, extensive fire, and loss of a large, intact ecosystem that provides multiple benefits including forest protection, water and HEP, and biodiversity. □ *Underlying causes of the problem* The underlying cause of these threats in GMAs is open-access exploitation of land and resources, exacerbated by centralised and uncoordinated resource management policies, poverty, land degradation and climate change. Kafue National Park (KNP) was ineffectively managed whilst and West Lunga National Park (WLNP) was neglected for many years. However both National Parks are in the process of being re-capitalized with new models of PA management, i.e. decentralised business centres and Public Private Partnerships (PPPs) respectively.

□ *Normative situation/solution* The project seeks to address these problems by supporting Zambia's policies of decentralised management, both of Protected Areas, and of communities living in buffer zone protected areas (GMAs). In Kafue National Park, it is a Protected Area (PA)-strengthening project with results including improved management effectiveness and financial viability, halving of fire incidence from the current level of 1.2m hectares annually, reduced poaching, and private sector investment in tourism. In the GMAs, the Project will take a Community Based Natural Resources (CBNRM) approach to sustainable community livelihoods focused on devolved Village-based management units (Village Action Groups) through strengthening property rights and

micro-governance, developing management plans and enhanced capacity for forest protection, developing evidence-based management systems and stakeholder processes, and improving or developing sustainable markets for wildlife, forests, carbon and water (Payment for Ecosystems Services) including through PPPs. These initiatives are innovative, and will be supported by monitoring, research and capacity-building. The Project will develop the economic case for land use based on common pool wild resources (i.e. wildlife and forests) and ecosystem services (water, carbon stocks), as well as the case for inclusive pro-poor governance.

□ Barriers to overcome to achieve desired solution The Project will support and strengthen devolved models for effective governance, management and financing of PAs and community forest and wildlife management. The Project will address de-facto open access resource management in GMAs by strengthening village institutions legally, and with capacity for planning, protection, monitoring and benefit generation and sharing. The Project will address unsustainable forest use through CBNRM and Sustainable Forest Management/Reducing Emissions from Deforestation and Forest Degradation (SFM/REDD+) pilots. The Project will address weakness in system capacity by strengthening systems and training participants in skills that include sustainable natural resource economic and institutional management, PPPs and PES for sustainable pro-poor growth, decentralised governance and management, and adaptive management through evidence-based stakeholder processes.

□ Expected project outcomes/key results The project Objective is: Biodiversity and carbon sinks of Kafue / West Lunga Protected Area Systems in Zambia are better protected from threats and effectively managed by national and local institutions, communities, and economic actors using sustainable forestry and land management practices. Component 1 is: Increased management effectiveness and financial sustainability of Kafue and West Lunga PA system Component 2 is: Sustainable land and forest management by local institutions in GMA buffer areas through selected CBNRM practices This contributes to the following GEF Strategic Objectives and Programs:

- *BD-1: Improve Sustainability of Protected Areas systems*
- *CCM-5: Promote conservation of carbon stocks through sustainable management of land use, land-use change and forestry*
- *LD-3: Integrated Landscapes: Reduce pressures on natural resources from competing land uses in the wider landscape* □ *SFM REDD+1: Reduce pressures on forest resources and generate sustainable flows of forest ecosystem services*
- *Greater” refers to the wider ecological context of the Kafue and West Lunga National Parks and includes the surrounding game management areas (GMAs) as well as the “Open Area” corridor between the Kafue and West Lunga National Parks, including the Chizera GMA.*

*1. Situation analysis 1. Experience in Southern Africa shows that policy reform can reverse the replacement of economies based on domestic resources (cow and plough) with economies based on wild resources (forests, fisheries, ecosystem services, but especially wildlife). The massive economically-driven growth of the bio-experience economy in southern Africa follows institutional reform specifically designed to correct ‘market failures’. At the centre of these reforms are two concepts – the devolution of property rights to ensure direct benefit at household level, and the development of inclusive markets for wild resources (and ecosystem services). The key to recovery of wildlife in southern Africa was not technical or ecological, but carefully designed legal / institutional measures that addressed market failure. **Institutional reform, including devolved property rights and inclusive governance², is critical for building a bio-experience economy.***

IM Comments: Here lies a threat to customary rights and land tenure.

The returns from land with sound institutions (especially property rights) can be tenfold that from ecological identical communal lands

where open-access tenure regimes prevail³ (Annex 4). Indeed, weak property rights and institutions in communal areas (what we might call ‘deinstitutionalization’) are the primary cause of a “dual economy” in which rural communities remain impoverished and marginalised from the economic mainstream⁴. Wild resources, similarly, have been deinstitutionalised, and globally there is increasing recognition that SFM is tightly linked with tenure reform, including community title⁵. Similarly, a comparative analysis of the impact of wildlife policy reform in southern Africa (bold reform) with Kenya (no reform) demonstrates that devolving proprietorship, developing markets, and sensitive regulation and license fees creates economic growth, employment growth and wildlife recovery

2. Policy reform has been particularly successful on private land, but it has also worked on communal land. In Zimbabwe, Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) slowed the rapid decline of wildlife in communal lands under similar conditions of immigration to those in greater KNP¹⁰. However, even this reform was insufficiently bold; large areas of wilderness (e.g. in the Sebungwe and Zambezi Valley¹¹) were converted to (unsustainable) agriculture in a period of less than ten years, which provides a warning of what is likely to happen in the Kafue GMAs without bold and immediate land governance reform. In Namibia, CBNRM benefits to the national economy have risen from almost zero to N\$ 260 million in 2009 after some 15-20 years of investment in capacity-building (Annex 5). Wildlife populations in Namibia’s communal lands have increased more than 10-fold between 1996 and 2009¹². These changes can be traced to simple but fundamental policy reform that began to return rights to resources to rural people. Zambia has experimented with these policies in the past, and they proved especially successful in South Luangwa. Zambia’s new governance is emphasising decentralised natural resource management as a mechanism for poverty reduction, and has initiated policy reform in both sectors.

3. Zambia is a repository of globally significant biodiversity and has

very large tracts of wild areas with low human population densities. With sound management, these could provide important refugia for flora and fauna that are rapidly being extirpated elsewhere in the region. With institutional reform, further, the greater Kafue ecosystem could provide a pioneering example of an integrated bio-experience economy based on the comparative economic advantage of wildlife hunting and tourism, sustainable forest management, SFM/REDD+ carbon payments, and payments for ecosystem services including water. It is highly likely that if the economic potential of project area is unlocked through policy and institutional reform, the combination of wild resources (i.e. wildlife and forests) and ecosystem services (e.g. carbon payments and water PES) will provide a pioneering example of an integrated bio-experience ("green" economy) that exceeds the value of subsistence agriculture, and that the wildlife/tourism economy alone could be in the region of \$50-100m in economic impact annually (Annex 4). The critical feature of the bio-experience economy is that it decouples economic growth from environmental impact, whereas in a commodity economy economic growth is directly linked to environmental impact

4. Zambia lies at the heart of the Miombo Ecoregion which is listed as a WWF Global 200 Ecoregion because of its high species richness. Also referred to as the Zambezian Regional Centre of Endemism, this area covers some 3,770 million km² extending from the Katanga (DRC) to the Vaal River (South Africa). The ecoregion supports important populations of fauna, particularly large mammals, and is also floristically diverse, harbouring some 8,500 plant species, of which approximately 54% are endemic (WWF-SARPO, 2002) (Annex 19). National Parks, Forest Reserves and Game Management Areas cover an exceptionally large area (+40%) of the country. Zambia has approximately 50 million hectares of forest remaining, covering 66% of the proportion of total land area. A map of protected areas in central Africa (sourced from Peace Parks Foundation) suggests the potential importance of the biodiversity as an economic driver in the region, and the importance of developing the greater Kafue ecosystem as a bold models for a sustainable economy

and CBNRM based on the bio-experience economy.

5. However Zambia is among the 6 biggest global emitters of greenhouse gases from deforestation (Boucher, 2008) and according to the OSIRIS Global Reduce Emissions from Deforestation and Forest Degradation (REDD+) and Carbon Stock Enhancement economic model, can contribute 4.3 % of the global REDD+ abatement potential (Bush et al. 2009). The underlying reasons are open-access policy regimes that are leading to unsustainable land use in many 'pristine' lands (including formal protected areas like GMAs and Forest Reserves). Consequently, these areas are being rapidly degraded as slash-and-burn agricultural practices spread into new areas, while resources are over-utilized ecologically and under-sold economically in a tragedy of the commons economy.

Table 2. National Parks of Zambia

	National Park	Size (km ²)	Year Gazetted	Status	Part of TFCA
1	Blue Lagoon	450	1973	Declining	
2	Kafue	22 400	1950	Recovering	KAZA
3	Kasanka	390	1972	Stabilisation	
4	Lavushimanda	1 500	1972	Degraded	
5	Liuwa Plain	3 660	1972	Stable	Liuwa-Mussumma

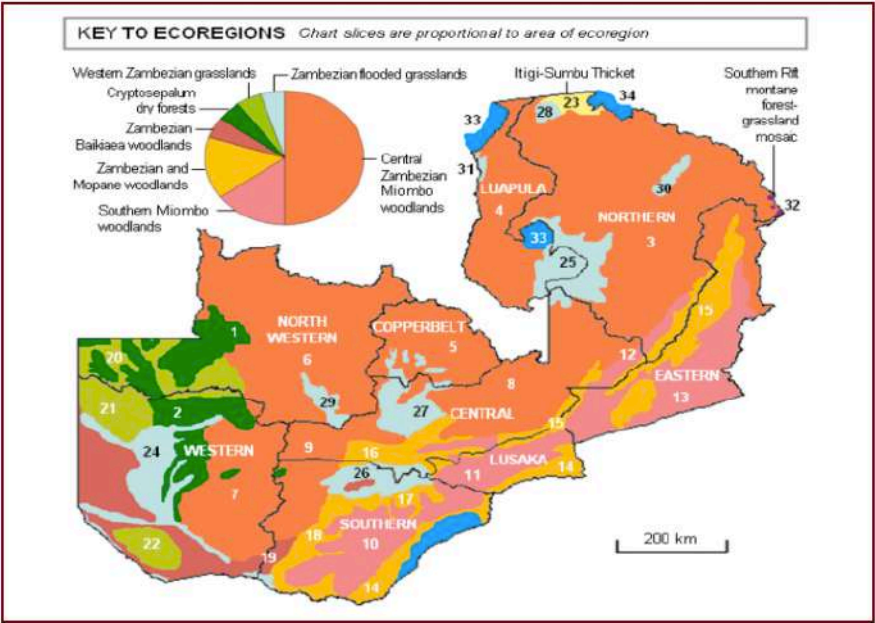
	National Park	Size (km ²)	Year Gazetted	Status	Part of TFCA
6	Lochinvar	410	1972	Stable	
7	Lower Zambezi	4 092	1972	Recovering	Lower Zambezi-Mana Pools
8	Luambe	254	1983	Declining	
9	Lukusuzi	2 720	1938	Degraded	Malawi - Zambia
10	Lusenga Plain	880	1972	Degraded	
11	Mosi-Oa-Tunya	66	1972	Stable	KAZA
12	Mweru-Wantipa	3 134	1972	Degraded	
13	Isangano	840	1972	Degraded	
14	North Luangwa	4 636	1972	Recovering	
15	Nsumbu	2 063	1972	Declining	
16	Nyika	80	1972	Declining	Malawi-Zambia
17	Sioma ngwezi	5 276	1972	Declining	KAZA
18	South Luangwa	9 050	1972	Stable	
19	West Lunga	1 684	1972	Recovering	
20	Lusaka	6	2010		
	TOTAL	63 591			

6. A non updated map of Zambia's PA estate system (NPs and GMAs) is provided in Figure 1. The three main protected area categories in Zambia are: a. National Parks – a non- consumptive model excluding human settlement except for management purposes, b. Game Management Areas – a consumptive use model allowing local community settlement, and c. Forest Reserves – a consumptive use model excluding human settlement.

7. At present in Zambia, only NPs, when properly managed, provide good assurance of biodiversity conservation. In the Game Management Area category, customary land is under control of the traditional authorities, but authority over land is attributed to several authorities (ZAWA, Forest Department, District Councils, and Traditional Leaders), causing duplication of efforts and unclear roles. The outcome is de facto open-access property regimes and weak controls on the conversion to (slash-and-burn) smallholder agriculture even in defined protected zones. The first signs of control are evident through a combination of land use planning and judicial enforcement of these land use plans, but this needs to be significantly reinforced as open-access is a major barrier to effective biodiversity conservation and the emergence of a viable bio-experience

economy.

Figure 5 Ecoregions of Zambia



8. A large percentage of forested land falls in GMAs. GMAs were created as buffer areas to NPs, on the basis that NPs protect nucleus breeding populations of wildlife, and that spill over populations can be utilized in GMAs by local communities for their own use and for trophy hunting to generate income. Wildlife resources in the GMAs are co-managed by the local communities together with the Zambia Wildlife Authority. Revenue is shared with the local communities from proceeds from wildlife hunting, thereby creating an incentive for local communities to conserve the wildlife in their areas. However, the

inefficient generation and retention of wildlife revenues at a central level, coupled with weak and overcentralised local governance regimes under Community Resource Boards, is undermining the effectiveness of the community-based model (Annex 5, 16, 18). Annex 5 discusses the challenge of community governance in some detail. The key points are that (1) the communities require much stronger rights over their resources, with village title being a sound goal; (2) the Village Action Groups need to conform to sound governance principles. These rights will place them in a much stronger position to valorize and manage their natural resources, including through PPPs, while sound micro-governance will ensure participation, benefit sharing and multi-dimensional poverty reduction.

9. There is little enforcement of forest laws. Communities clear forests for cropland within gazetted Forests and GMAs. The management of Forests Reserves have proven to be relatively ineffective in Zambia in terms of ensuring biodiversity conservation (MTENR, 2005) due to outdated policy/legal framework and limited capacity for effective management (Annex 16, 18). It is reported that in gazetted forest areas, only half of the forest remains intact. A map of Zambia's forest management areas is provided in Figure 3.

10. In line with global experience, the absence of local (community) property rights is the core threat to the sustainability and valorization of wild natural resources¹³. It is increasingly understood that strong property rights are the key ingredient in sustainable resource management by collective communal units. Since rights are a prerequisite for developing local managerial capacity, a history of centralisation means that community, local and district administrative bodies generally lack the capacity to regulate land management in a comprehensive manner.

11. The natural resources in the project area are undervalued (figure 3 of Annex 4, MCC Reports). The average income from wildlife in the GMAs surrounding KNP is \$44/km², a tenth of potential as judged by detailed MCC analysis (\$750/ km²), and an order of magnitude lower than similar areas such as Luawata hunting block in eastern Zambia

(\$150/km²) and game ranches in South Africa (\$250- 1,150/km²). This also has major implication for employment. In South Africa, wildlife on private land provides one job for every 25-250 hectares and wages varying from \$11-375/ha. Using even these lower limits, the GMAs around KNP (40,871km²) would yield 16,000 jobs with an annual wage bill of \$47 million. Kruger NP (which continues to be heavily capitalised) supports 7,000 tourism beds (half inside the Park) and more than 15,000 jobs. Sabi Sands, a premier tourism destination in South Africa, provides one tourism bed per 150ha of quality wildlife land, approximately two jobs for each bed, and pays approximately USD60-120/ha/year for game viewing traversing rights. 13 See ITTO (2009). International Conference on F

etc.

Mid-Term Evaluation (2017)

By its own [UNDP Evaluation Centre](#)

Selection

The project objective is to protect biodiversity and carbon sinks of Kafue/West Lunga protected area systems of Zambia from threats and ensure they are effectively managed by national and local institutions, communities and economic actors using sustainable forestry and land management practices. The project is being implemented through two components:

Component 1: Increased management effectiveness and financial sustainability of Greater Kafue and West Lunga Protected Areas systems;

Component 2: Sustainable land and forest management by “Community Conser-

vancies” in GMA buffer areas through selected CBNRM practices”.

The project is focused on the Kafue and West Lunga Ecosystems. It is jointly implemented by the Department of National Parks and Wildlife and the Department of Forestry.

Findings

1 The Project addresses essential national and local needs and has a high potential to achieve the objectives of improved management effectiveness, with local engagement, of the two target ecosystems, as well as to create sustainability of its results. The Project design supports national ownership, and thereby sustainability, through capacity support to the two key sectors, and local ownership, through the local governance structures (CRBs and VAGs).

2 The Project design did not take into account significant institutional risks that emerged during the initiation of its implementation. Implementation initiation was significantly delayed, and implementation is still much slower than planned, however, recent significant progress is very encouraging. While some progress in achieving the project’s objective and expected outcomes was made, it is not yet translated into notable actual on-ground impact. The two target ecosystems, and their natural resources, are still subjected to significant threats. Good progress was made mainly in establishing the local governance structures, awareness efforts, pilot land-use planning, impact-generating pilots (CF), and gender aspects, and in providing support to enforcement and management planning and activities of the EAs, as well as enhancing cooperation between them. Partnerships with key actors promote achieving the joint goals and objectives.

3 The Project has a high potential to create sustainability of its results,

if its implementation would be accelerated through urgent mitigation of the identified management bottlenecks and focused on sustainability-enhancing activities, and its duration extended to enable sufficient progress in achieving the main results.

4 Risks mitigation must be strengthened through further flexibility and innovative adaptive management changes, by Project team and partners. Government attention and efforts to mitigation of existing environmental, institutional and financial risks to sustainability, must be strengthened, through reviewing policies and through a multi-sectorial approach.

5 Focus must be given to sustainability-enhancing activities, including – seeking innovative solutions to establishing financial and socio-economic sustainability; promoting multi-sectorial approach and close cooperation at all levels; and supporting the Government in reviewing policies, legislation and strategies, for enhancing environmental, institutional and financial sustainability. Moreover, a communication, awareness, and visibility strategy should be developed and implemented, in close coordination with the EAs, as an important instrument to strengthen achieving the project objectives and for enhancing sustainability of the results.

6 A wider perspective, beyond the Project area, is required, including the identification and strategic addressing of demand drivers, for generating significant impact on reducing threats in the Project area

Lessons

1 Strengthen significantly cooperation between the wildlife and forest sectors and coordination of both sectors with further relevant sectors, and with local stakeholders

2 Strengthen significantly the forest sector and its management and enforcement capacity

3 Develop and implement a national strategy for a holistic wildlife crime action, based on a multi-sectorial multi-agency approach

4 Give Protected Areas, wetlands, forest, and wildlife appropriate status of “economic asset to the country”

5 Revenue sharing policies from PAs with the Wildlife and Forest sectors and with communities

6 Establish a graded career path with promotion horizon and training milestones for Wildlife and Forest staff (including Village Scouts)

7 Mainstream education for biodiversity conservation and natural resources sustainable management into the national and local formal

8 Revisit the rules of GEF Projects implementation aiming to enable much more flexibility to the Project team in leading the day-to-day Project management and funding processes

9 Define a Project’s preparation phase, before initiating implementation and informal education and communication systems

Recommendations

1 Urgent acceleration of the implementation

2 No-cost extension of the Project by at least 12 months (preferably 18)

3 Revision of the Project organization structure

4 Revision of the Project financial management system and devolution of fiduciary

responsibilities to the Project organization arrangements

5 Include essential upstreaming strategic activities to support the IPs in reducing threats,

in particular wildlife crime, through an integrated multi-sectorial approach

6 Prioritize the implementation of impact-generating/trust-building pilots with

communities and extensive exposure of CRBs and VAGs to a wide variety of income-generation options

7 Elaborate and implement a communication and visibility strategy

8 Enhance cooperation between the two IPs and with other relevant stakeholders and

sectors at all levels.

9 Provide training to key stakeholders on participatory approach and conflict resolution

10 Revision of the indicators

11 Strengthen significantly cooperation between the wildlife and forest sectors and

coordination of both sectors with further relevant sectors, and with local stakeholders

12 Strengthen significantly the forest sector and its management and enforcement

capacity

13 Develop and implement a national strategy for a holistic wildlife crime action, based

on a multi-sectorial multi-agency approach

14 Give Protected Areas, wetlands, forest, and wildlife status of “economic asset to the

country”

15 Review revenue sharing policies from PAs with the Wildlife and Forest sectors and with communitie

16 Establish a graded career path with promotion horizon and training milestones for

Wildlife and Forest staff (including Village Scouts

17 Mainstream education for biodiversity conservation and natural resources sustainable

management into the national and local formal and informal education and

communication system

18 Promote biodiversity conservation and natural assets protection for enabling local

sustainable development, through raising awareness, education and capacity buildin

19 Seek actively sustainable and innovative livelihoods and revenue-generating

activities, and ways to spread them to the household level throughout the are

20 Seek actively sustainable revenue-generating activities and innovative solutions to

enable funding of VAGs and CRB

21 Lobby for the strengthened mandate, authority, capacity and benefit-sharing for

community members' engagement in protection and sustainable management of

natural asset

22 Improve gender balance of leading structure

23 Revisit the rules of GEF Projects implementation aiming to enable much more

flexibility to the Project team in leading the day-to-day Project management and f

unding processes

Management Response

Selection

5. There has been an acknowledged of high wildlife and forestry crimes. Government has set up a Central Joint Operations Committee which comprises representatives from natural resources sector, the defence forces and non-state actors. Further, the defence force (Zambia Army) is now providing law enforcement on forest products key national forests, Kafue and West Lunga National Parks are covered. This has acted as a deterrent to illegal timber production and trafficking as well as poaching. The Committee embarked on developing a strategic plan for curbing crimes in wildlife and forest sector. Thus, no further support is required

from the project.

6. To strengthen CBNRM, landuse plans in thirty six VAGs have been completed. The next

steps are validation and development of income generating activities that will also

include implementation of REDD+. The project will rely on the GCF proposal on

adaptation, the Zambia Honey Council, Zambia Farmers Union and Musika. Further

information will be collected during the tour to Mozambique on REDD+

14. In the Seventh National Development Plan, tourism (nature based) has been identified

as one of the economic growth sectors. In addition, government is conducting Wealth

Accounting and Valuation of Ecosystem Services (WAVES) and Biodiversity Financing

(BioFin) which will put a value to forest, wildlife and fisheries as well as ecosystem

services

17. At the community level, natural resources management is being promoted by non-

State actors such as WWF, TNC, CBNRM Forum. In the project areas, the project is

strengthening community resource based management in all the VAGs

18. Continue training communities in CBNRM to create awareness on biodiversity

conservation and natural assets protection

19. Once landuse plans in thirty six VAGs have been completed, the next

steps are

validation and development of income-generating activities that will also include

implementation of REDD+ Management Response to be addressed through key actions from recommendation

20. This will be implemented as part of the recommendations from the Community Forest

Management (CFM) and REDD+ consultancy

21. Facilitate a Benefit sharing study with the Forestry sector (with inputs from the Benefit

Sharing Study conducted under the Project Preparatory Grant (PPG) of the GEF 5

Project)

My Comments

This mega CBNRM project covered 13 GMAs (78,186 km²) and was divided into the ADMADE derived CRBs and VAGs, which together with the Kafue/West Lunga parks will cost \$60m, the State's contribution said to be \$37m - yet this is a country now [reneging](#) on its debts. Apart from the following - selected from the situation analysis:

21. An important development is that ZAWA, working with Traditional Chiefs, controlled illegal settlement in areas zoned for protection by relocating new settlers to development zones. This was done on the basis of a Writ of Possession issued by the High Court for Zambia (2009/HP/1215) to enforce the legitimacy of zoning arrangements incorporated into Community Resource Board (CRB) General Management

Plans, and provides critical legal precedent. Several interviewees stated that had ZAWA and the chiefs not intervened together to enforce the GMA General Management Plans, it is possible that the forest and wildlife areas (and economically important wildlife resources) in the entire Mumbwa and Namwala GMAs could have been lost, as happened to Bbilili GMA in the decade before.

22. As noted, the GMA General Management Plans and the zoning within them (i.e. Conservation, Special Use Zone, Tourism Development, Buffer and Development Zones) was upheld in a court challenge (Writ of Possession granted in favour of ZAWA and Chiefs, 2009/HP/1215, Namwala GMA) between settlers on the one hand and ZAWA and traditional authorities on the other. Most 'illegal' settlers were removed. One can see many newly cleared but abandoned fields and huts along the roads in Namwala especially, and there is little doubt that this action 'saved' Namwala. However, there are still active agriculture sites within the forest, and the control of random and destructive settlement needs to be intensified because of the low returns from the settlement relative to the high costs imposed on society and the bio-economic potential of the area.

The chiefdoms, chiefs, customary area, headmen, clans, spiritual guardians of fish and wildlife, are not involved, with scant reference to the literature on CBNRM's negative impacts on customary villagers, their social linkages, their subsistence needs for wildlife and fish, their imprisonment for poaching what is now a neo-colonial resource. And the Zambia military has also been imposed on commoners to 'police' customary land! There is no mention of **Free, Prior and Informed Consent** (FPIC), "a specific right that pertains to indigenous peoples being recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)."

Reading the project document and the mid-term evaluation and management responses came as a great shock. This is neo-colonialism at its worst.

The sovereignty of the customary commoners has been invaded by settlers who have had to move due to many years before the mega-impact Kariba dam, by the neocolonialist state, and by its @\$500 dollars-a-day mercenaries. The turmoil this has caused is hard to imagine.

The Contested Kafue Flats Floodplain

Tobias Haller's article of 2013, [*The Contested Floodplain: Institutional Change of the Commons in the Kafue Flats, Zambia*](#), provides the following rivetting abstract:

The Contested Floodplain tells the story of institutional changes in the management of common pool resources (pasture, wildlife, and fisheries) among Ila and Balundwe agro-pastoralists and Batwa fishermen in the Kafue Flats, in southern Zambia. It explains how and why a once rich floodplain area, managed under local common property regimes, becomes a poor man's place and a degraded resource area. Based on social anthropological field research, the book explains how well working institutions in the past, regulating communal access to resources, have turned into state property and open access or privatization. As a basis for analysis, the author uses Elinor Ostrom's design principles for well working institutions and the approach of the New Institutionalism by Jean Ensminger. The latter approach focuses on external factors and change in relative prices. It explains how local actors face changing bargaining power and use different ideologies to legitimize and shape resource use regulations. The study focuses on the historic developments taking place since pre-colonial and colonial times up to today. Haller shows how the commons had been well regulated by local institutions in the past, often embedded in religious belief systems. He then explains the transformation

from common property to state property since colonial times. When the state is unable to provide well functioning institutions due to a lack in financial income, it contributes to de facto open access and degradation of the commons. The Zambian copper-based economy has faced crisis since 1975, and many Zambians have to look for economic alternatives and find ways to profit from the lack of state control (a paradox of the present-absent state). And while the state is absent, external actors use the ideology of citizenship to justify free use of resources during conflicts with local people. Also within Zambian communities, floodplain resources are highly contested, which is illustrated through conflicts over a proposed irrigation scheme in the area. The different actors and interest groups use ideologies such as citizenship vs. being indigenous, ethnic identity vs. class conflict, and modernity vs traditional way of life to legitimize land claims.

Here is recorded the massive deterioration of the customary commons (chiefdoms) and the public commons (protected areas) since their invasion by the state, privatization and uncontrolled invasions. This deterioration began on 28 January 1975, with President Kaunda's declaration of a full state of emergency and the suspension of constitutional guarantees: 684 people detained, 72 for more than two years without going to trial and held in preventative detention under the emergency powers. In 1976, Kaunda's Watershed Speech imposed full Zambianization policies on the country – civil-service ex-pats not allowed to go into private enterprise on leaving GRZ service; and the abolition of freehold tenure. From 1976 to 1978, the budget for the NPWS was reduced by 88%. For ten years, it did little as commercial poaching took over. In 1988 the conversion of the NPWS to the Zambia Wildlife Authority, a parastatal, gave rise to 17-years of corruption, incompetence, the door held ajar for the invasion of the CBNRM industry.

Other Paramilitary-style Projects

Game Ranger International (2013 -)

[An anti-poaching](#) and REDD+ NGO operating in support of the Department of National Parks and Wildlife (DNPW).

RESOURCE PROTECTION

GRI's Resource Protection Programme protects Zambia's wildlife by countering illegal wildlife crime, and currently supports over 100 frontline rangers. The DNPW 'Special Anti-Poaching Unit' (SAPU) is an intelligence led rapid reaction force, which conducts strikes against illegal trafficking networks in and beyond KNP. It is now comprised of 3 full-time teams, SAPU North and SAPU South, both supported by DSWF, and SAPU KAZA supported by Space for Giants. Since it was founded in 2013, SAPU has apprehended 710 poachers, recovered 361 illegal firearms and seized over 22 tonnes of bushmeat.

The Marine APU operates from the Musa Command Post in KNP South and provides a full time presence on and around Lake Itzhi-Tezhi to combat poaching and illegal fishing. It provides law enforcement manpower for the Connected Conservation Initiative, supported by WWF, CISCO systems and FLIR, which has created a 19km virtual fence line of thermal imaging cameras to detect and intercept illegal park entry across the lake.

In 2019 GRI, with support from USAID, established the Community Wildlife Protection Project. The project goal is to support community action for resource protection to decrease poaching and reduce fire, in the Mumbwa and Namwala Game Management Areas (GMAs), in order to improve and sustain benefits from wildlife conservation. CWP supports 34 Community Rangers from an upgraded Mweengwa Patrol Base and has installed a digital radio network.

*The GRI - Rufunsa Conservation Project supports DNPW to secure the Rufunsa Game Management Area (RGMA), an area of 300,000 hectares on the eastern boundary of the Lower Zambezi National Park (LZNP). RGMA's 30 rangers are supported by GRI, Conservation Lower Zambezi and **BioCarbon Partners**. GRI's full-time Workshop and Maintenance Team maintain existing physical assets and support the development of additional park infrastructure, such as upgrades to Chunga Training School.*





2020 OBJECTIVES

1. Re-install a Community Outreach Director and recruit a Conservation Education Centre Manager
2. Secure funding to support weekly conservation education
3. Expand Conservation Conversations into new districts
4. Empower a further 100 women with sustainable livelihoods
5. Break ground in Lusaka National Park
6. Improve and professionalize data collection

COMMUNITY OUTREACH

GRI's Community Outreach Programme supports the Department of National Parks and Wildlife to raise conservation awareness and support sustainable livelihoods in communities contiguous to Zambia's Protected Areas. GRI's Community Outreach Programme has developed a low-cost,

effective and easily-replicable community conservation model, designed to increase conservation awareness and build the capacity of communities to protect and preserve wildlife.

The model introduces “Community Outreach Cells” – geographically focused hubs of education, empowerment and engagement activities. The placement of cells is determined by national hotspots of wildlife crime, as identified by GRI’s Resource Protection and Wildlife Rescue Departments. Each cell is operated by one Conservation Education Ranger and one Community Outreach Ranger – each equipped with a motorcycle and smartphone. The Conservation Education Ranger is responsible for building the capacity of 50 teachers to deliver weekly conservation education to 1,000 children in 25 schools. The Community Outreach Rangers is tasked with establishing 5 women’s groups and empowering each to initiate a sustainable income generation project. A mobile Cell Coordinator travels between each cell, presenting conservation-themed radio programs at selected community stations, mentoring staff and monitoring cell activities. Currently operating 1 complete and 2 partial Community Outreach Cells, the Programme reaches 2,000 school children, 200 women and 75,000 radio listeners each week. In addition to these the core components, the Community Outreach team implements ad-hoc ‘special projects’ in response to individual community needs. These include human-elephant conflict mitigation strategies, the development of schools and clinics, and providing welfare support to vulnerable community members.

Wildlife Crime Prevention Org. (WCP)

WCP is an [organization](#) assisting the DNPW, with numerous partners in Zambia, including African Parks. WCP are active in the national parks and some surrounding countries. They concentrate on anti-poaching and justice.

Two interesting possible supports are the following:

ECF - ELEPHANT CRISIS FUND

Save the Elephants and the Wildlife Conservation Network

info@savetheelephants.org

Conservation organizations and communities, scientists and governments, are all uniting behind a common strategy to stop the killing, the trafficking, and the demand for ivory. The Elephant Crisis Fund - a joint initiative of Save the Elephants and the Wildlife Conservation Network - exists to fuel this coalition, encourage collaboration, and deliver rapid impact on the ground.

LRF - LION RECOVERY FUND

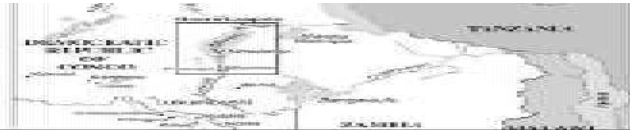
Leonardo DiCaprio Foundation and the Wildlife Conservation Network

The LRF, an initiative launched by the Leonardo DiCaprio Foundation and the Wildlife Conservation Network, aims to catalyze investment in the most effective efforts by conservationists in the field who are working to reverse the decline of lions in the wild. The LRF will assess and deploy funding to the best ideas for lion recovery and habitat restoration. Uniquely, 100% of every dollar raised will go directly to the partners in the field with zero administrative fees or overhead.

VI

BANGWEULU WETLAND

Luapula Chiefdoms



The Luapula River flows from Lake Bangweulu into Lake Mweru. David M. Gordon studied this area, the results published in his book [*Nachituti's Gift, Economy, Society, and Environment in Central Africa*](#). Because it is so close to Bangweulu, it tells us much about the fishery and tenure systems.

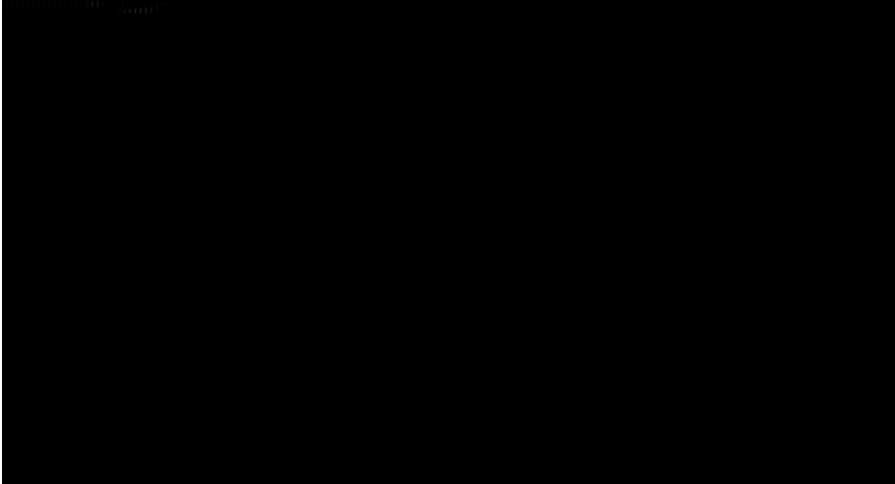
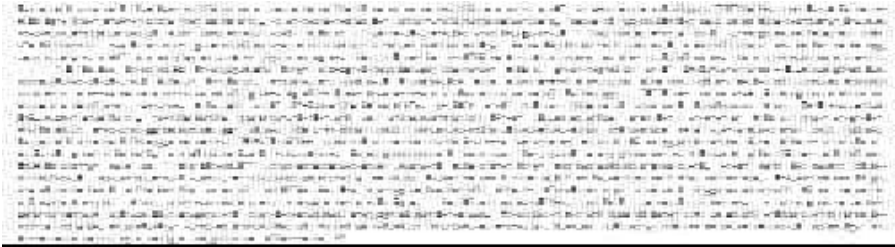
Guardians of the Land - In Bemba - umwine wa mpanga

The Problem of Common Resources

The economic problem and environmental threat of a fishery—what economists term the “fisherman’s problem”—stems from the lack of incentive to limit exploitation of common property resources. Since a



[illegible][illegible]



Bangweulu has a similar history, with the state attempting to allow the fishery to be an open-access commons in an unprofessional fashion. What is required is that the fishery and wildlife are owned by the chiefdom and managed by the Chipupila fish spiritual advisors under the chiefs. Gordon concludes:



Luapula Provincial Administration

Aquaculture and Fishing

Investment in aquaculture will be throughout the province as the entire province has enough surface and underground water. Investing in this area will ease fishing pressure on lakes and rivers and allow for their regrowth.

In terms of fish cage culture in the province, this is a new technology being promoted. The potential in this area is abundant as has been showcased by a few demonstrations that have been done in the province. A number of sites in the Bangweulu and Mweru-Luapula fisheries have undergone environmental impact assessments (EIA) and are earmarked for investment.

The following sites have been approved for cage fishing:-

Lake Bangweulu: Lake Chifunabuli, Chishi Island, Mbabala Island, Mwase, Lake Kamponda, Kasongole and Chinueshiba as suitable sites.

Lake Mweru-Luapula: Kashiba in Mwense, Katotoma in Kawambwa, Nchelenge Central in Nchelenge Districts, Kasonge and Lukwesa in Mwense District, Kashikishi, Ntoto, Kafututuma and Kabuta

in Nchelenge District and Kafulwe, Kalembe and Chiengi Central in Chiengi District

Furthermore, the ambient water temperatures prevailing tend to favour rapid maturity of the farmed fish.

The government is seeking for inventors to venture into fish cage culture and set up fish processing plants at each of the fish farming communities. Fish processing will be in the following ways:

Blast frozen fish/fish steaks mainly for supermarkets as well as for export;

"Iced" fish for supply to the Zambian Market especially to the Copperbelt and Lusaka Provinces;

Sun dried fish including chapatwa;

Supply of fish tailings (i.e. remains from processed fish) for livestock feed production and supply to pig farmers;

The medium to long term should start with canning the fish for export and for sale to the security forces, other government/private institutions such as hospitals, boarding schools and colleges/universities

NOTE

[No impact assessment](#) has been submitted to the Zambia Environmental Management Authority (ZEMA) for these fish-farming schemes.

The pros and cons of the spread of cage aquaculture in Africa

[Rob Fletcher, 2020.](#)

Best practice, in practice?

The researchers' analysis found "partial adherence to best practices" at the cage aquaculture installations they investigated. Some of the key issues uncovered included 138 installations being located within 200m of the shore, contrary to best practice. This included 61 installations on rivers such as the Volta (Ghana), the Nile (Uganda) and small water bodies which do not offer the possibility of the buffer because of their shape or size.

They also found 27 cage aquaculture installations – all in Uganda or Zimbabwe – located entirely within protected areas or <1 km away from the protected areas, which were designated as forest reserves, community wildlife management areas or Ramsar sites.

Cages in eutrophic and hypertrophic waters, shallow water bodies and sites ($\geq 5\text{m}$ average depth) were also noted.

"Depending on the scale, these impacts could devastate the biodiversity attributes of African inland lakes and dependent fisheries resources useful for food security, employment, and revenue generation," they said.

The hazards of allowing the sector to develop without greater regulation were noted by the authors, who looked to examples from outside Africa to illustrate the perils of unregulated growth.

"Ignoring best practices during establishment of cage aquaculture is not only detrimental to the environment but could also disrupt cage aquaculture investments. This possibility should be recognized as an incentive for promoting best practices among fish farmers and prospective farmers. In several instances, farmers have been forced to remove cage aquaculture installations from lakes and rivers for environment reasons such as fish kills. In China, farmers were forced to remove cages from lakes and rivers in response to a new directive for proper zoning. Similar decisions have been experienced in Philippines on Taal lake and River Pansipit and in Indonesia on Jatiluhur Reservoir," they explained.

Although they concede that they uncovered "no reports of adverse or catastrophic impacts of cage aquaculture on African inland water bodies" they note that "it has been associated with loss of nutrients to water on Lake Malawi, low dissolved oxygen, increased ammonia concentration

around cages and eutrophication of Lake Victoria.”

They also point to the escape, from farms in Lake Volta, of non-native strains of tilapia originating from Asia which are now interbreeding with native strains.

Looking ahead

The researchers reflect that the level of cage culture impacts on African waters is still minimal, probably because area under cage aquaculture is still negligible compared to the size of the water bodies. For instance, their results indicated that only 176.9 hectares of Lake Victoria are under cages, which is a mere 0.0026 percent of the lake's total surface area.

In order to ensure this remains the case the authors recommend a series of measures, including the establishment of aquaculture zones which exclude shallow lakes such as Kyoga and George in Uganda.

“Just as there are plans to transfer marine coastal aquaculture to offshore areas, zoning on African waters should consider prohibiting cage aquaculture near the shoreline and exclude water bodies such as rivers, small lakes and reservoirs,” they recommend.

Other best practices they suggest include “encouraging the farming of native fish species, use of appropriate stocking rates, maximizing feeding efficiency, minimizing contamination, disease surveillance, maintaining production information, environmental monitoring and farm decommissioning. The development of the best practices should engage and train farmers not only to promote best practices but also to equip them with skills and knowledge for implementation. Engaging farmers is critical as good farm management can avoid adverse impacts of cage aquaculture.”

“Development of regulatory frameworks and producer organizations should also be strengthened to minimise negative impacts on the environment,” they add.

Summing up his research lead author Laban Musinguzi told The Fish Site: “The need for more nutritious food in Africa makes it inhumane to reject cage aquaculture development on her inland waters for the sake of conservation. However, proponents of the development have to fully

LUAPULA CHIEFDOMS

adhere to best practices to sustain other water uses, particularly capture fisheries production.”

I

Kasanka National Park

As I wrote in *Plunderers of Eden*, Kasanka first came into being as the Kasanka Game Reserve when by government notice 111, the Livingstone Memorial Game Reserve (gazetted in 1931) - lying to the north of it - was abolished and two small reserves created in its place: 1) to the west, the Lavushi Manda Game Reserve and 2) to the south, Kasanka.

In 1972 it was declared a national park. The following year the Deputy-Director of the Game Department, Frank Ansell (d.1996), instructed me to establish the Bangweulu Command, with responsibility for three newly created national parks converted from their former game reserve status, Kasanka, Lavushi Manda and Isangano, and some GMAs in and around the Bangweulu Swamps. In 1991, the Convention on Wetlands (RAMSAR) came into force in Zambia, with Bangweulu designated as one of the sites.^{31 32}

In 1973 I began to manage the guards in the park and build a camp on the Luapula at Mukuku, dealing with Chief Kafinda at his HQ nearby (*Dutchman Machende*) while doing so. At some stage, the Kafinda chiefdom was expunged,

³¹ <<http://www.zambiaconservation.blogspot.com/2007/08/zambia-bangweulu-ramsar-site.html>>.

³² "The Ramsar African Secretariat Writes to Zambia Wildlife Authority." ZAMBIA CONSERVATION. I.P.A. Manning, 24 Aug. 2007. Web. 30 March 2017. < <http://zambiaconservation.blogspot.ca/2007/09/zambia-ramsar-convention-and-bangweulu.html>

replaced by Chief Chitambo.

In 1974 after I had moved over to run the Black Lechwe Project on the floodplains, the whole Bangweulu Command was taken over by the NPWS Northern Command and languished once again. In the late 1970s, my friends and former District Officers in the Provincial Administration, David Lloyd (d.2011) and Peter Moss (d.April 2017) – the latter once a colleague in the Game Department, visited the park, commenting on its abandonment. Then, and later in 1984, I suggested to Lloyd that he take on its management, to which he showed great interest. I then negotiated a preliminary public-private partnership (PPP) MOU agreement for the park's management between Lloyd and the wildlife department Conservation Director, Lewis Saiwana. At the time, I was unaware that I helped usher in privatization, whereas I saw it more as a mentoring partnership.



Chief Chitambo visiting me in the UK in 1995

Lloyd took up residence in the park in 1984. Moss began applying for funding for Kasanka - obtaining an EU grant, while Gary Williams - a Mkushi farmer - invested considerable time and effort into its operations.

In 1987, I decided to return to the Chimbwe floodplain in southeast Bangweulu to continue with a similar tourism enterprise to Ecosafaris UK

Ltd. Peter Moss, and I had pioneered in 1976. This time it would be with a new entity, Safariland Ltd, its funder being Kerry Curtis – former shareholder of the hunting company, Amalgamated Safaris. The others involved were my friend Ron Kidson, who had started Zambia Safaris, and Eric Balson - former Senior Game Warden of Tanzania and Director of the International Game Park, now known as the Lower Zambezi National Park, and myself. Eric Balson and I went up to my old Game Department headquarters at Chiundaponde where I saw my friend of 1973-1976, Chief Chiundaponde (d.2013), asking and receiving the usufruct rights to Lake Waka Waka lying between Chiundaponde and the Kasanka National Park, as well as an island lying on the edge of the plain next to the Lukulu River, the centre of my old sitatunga and shoebill stork study area. Waka Waka was seen as a transit camp, with Shoebill island, the permanent working camp. There Balson and I built a *chitenje* and a kitchen and storeroom.

At the time, a former colleague, Harry Chabwela, was the Director of the NPWS. I saw him occasionally, communicating my concerns over the state of the black rhino in the country. He was enthused, asking me to head up a project to save the 200 or so left. But I declined due to my tourism commitment but promised to recruit David Lloyd's assistance in translocating some rhino to the Kasanka. Not long after, my funder, Kerry Curtis, withdrew from the tourism venture. I then took up the rhino project and gave the free use of my two usufruct properties to David Lloyd to be used by the Kasanka Trust for a tourism operation and the Safariland Company I had registered for the purpose. Twenty-nine years later, African Parks, who had taken over the [Chikuni Community Partnership Park](#), its core being Cathlin's and my old home Chikuni and the nearby Shoebill Island, notified the Kasanka Trust in April 2016 that their lease of Shoebill and the rights to operate tourism there would cease at the end of July, but that they would honour any bookings already made. In the Chikuni CPP creation, the usufruct rights of villagers had not been affected, though not in my and the Kasanka Trust's case. But the fact that I held the usufruct rights to the properties had been long forgotten, the NPWS cheekily charging the trust tourism fees for the use of the island.

On 18 July 1990, after a protracted period of negotiations by Lloyd, guided

by Moss, and assisted by Tony Mitchley, Ali Hamir, Harry Chabwela, John Wright and Jackie Shisholeka - Deputy Permanent Secretary of the Ministry of Tourism, there took place the signing of the Kasanka Management Agreement between the Kasanka Trust Limited (E.D.M. Lloyd) and the NPWS - witnessed by Moss - the trust agreeing to finance and manage the park in partnership with the NPWS. But Shoebill island received little attention from management for some time, and a causeway constructed to it affected the annual flooding regime on the Chimbwi plain, encouraged immigration into the area by fishermen and a change in vegetation in parts. And one disastrous decision was the release of Kafue zebra onto the floodplains – a foreign strain in conflict with the native species.

Moss between 1985 and 1993 provided the foundation for Kasanka's future. In 1992, with Robert Monro of the British Council and Jimmy Skinner, he prepared an EC funding proposal. This was approved. The council was subsequently retained as the consultant to 'assist the Kasanka Trust and IUCN in preparation of plans for the sustainable development of Kasanka National Park'. In 1993 the trust retained him to prepare a project work plan and other guidelines for future operations. In this, he liaised with Lloyd and David Frost. Moss, with the assistance of a professional fund-raiser, John Wright, identified funding from the Holly Hill Trust. He then coordinated the GIS mapping of the park and buffer zone with Ian Swingland of the University of Kent (Durrell Institute), the mapping carried out by Kent Cassells, assisted with a health survey, prepared and verified asset inventories, and helped prepare annual reports and the development of tourism with Gary Williams and Nick van Gruisen. Moss then negotiated to introduce an Earthwatch Program and Ecology Research Program under Ian Swingland, attending some high-level meetings with Earthwatch in London and developing the Kasanka Development Program Guidelines.[xix] But, as Moss told me, "Jealousy took over, and we got sidelined. And the program failed.

In 1995 minutes of a meeting of the Kasanka Trust (London) on 26 September reported my appointment as honorary scientific advisor to the Trust, and Nick Ashton-Jones as the coordinator of a team with a mandate to produce the Kasanka management plan - with funding from the EU. This

work was carried out in 1995-1996, producing a management plan ‘involving a consideration of environmental impact, community development, land-use planning, (future) participation of local people, and staff training needs; and working closely with the Kasanka steering committee and the training of locally-based consultants in the fields of economics and landuse trends - especially developing management planning skills in the staff of the national parks department’. The plan was never implemented.

From 1995 until 1998, when I left for South Africa to implement the CITES Convention there, I advised Lloyd.

On 28 May 2002, an MOU was signed between the trust and ZAWA and automatically renewed in 2007. The MOU’s substance made it clear that the trust’s park manager should report to the ZAWA Warden and submit quarterly reports. The trust agreed to pay ZAWA and the Kafinda Community Resource Board 10% and 5% respectively of their gross income from tourism within the Kasanka. Funds given to the CRB were to be maintained in a bank account to which two members of the CRB, the park manager and the ZAWA Ranger, were signatories, with the use of the funds following the Zambia Wildlife Act. All accounts were to be made available to ZAWA every quarter. The MOU also laid out the composition of the Kasanka Management Committee consisting of the DG of ZAWA (Chairman), the ZAWA Director of Conservation, the park manager (Secretary), the Area Warden and Ranger, the Serenje District Council Secretary, the Serenje MP, Chief Chitambo, one ward chairman, the CRB Chairman and two Kasanka Trust officials. The Committee was to meet bi-annually and to approve plans and programs for future activities. The Trust was also given the mandate to ‘assist the local communities living within the surrounding Kafinda GMA to embark on community development. In 2005 Kasanka registered as a trust under the Companies Act (limited by guarantee), i.e. a non-profit organization.

Funding for management and other activities had come from the EU, Conservation Foundation (Zambia), Darwin Initiative, Beit Trust, Kasanka Trust (UK), Tusk Trust, Finnish Embassy, Holly Hill Trust, German Development Service (DED), Save the Rhino Trust (SRT) – though there were no rhino there - and from tourism. Moss then withdrew from work with the Trust.

Until early 2009 no working management plan existed. Consultants reported lamentable financial accounting and unprofessional management, and negligent oversight by the Kasanka Trustees in Lusaka (although one consultant reported that the PPP arrangement was working and should continue to receive investment). Lloyd, resident in the park for 26 years but in increasingly poor health, was even less involved with managerial control, conservation management or pursuing programs that offered more than the notional community-based natural resource management (CBNRM) projects.[xx] Ad hoc management decisions were made without accompanying impact assessments, such as the decision to translocate Kafue zebra to the Chikuni area in the south-east Bangweulu to build drainage canals in the Kasanka park. [Serious consideration was given to importing black lechwe](#) until I told him that there was no record of them ever having occurred there.

Lloyd had become concerned about burning; the country set ablaze every year in the late dry season. In Kasanka, he carried on punting the damaging colonial tradition of early burning, writing a letter to the Secretary-General of Zambia's Environmental Council in 2004 requesting that he do something about it. As Peter Moss wrote concerning fire management in the Kafue National Park: 'After many years of research and practical endeavour, the Kafue National Park's objective was set as follows: *To protect as much of the park as possible from fire and to delay fire incursions as long as possible.*

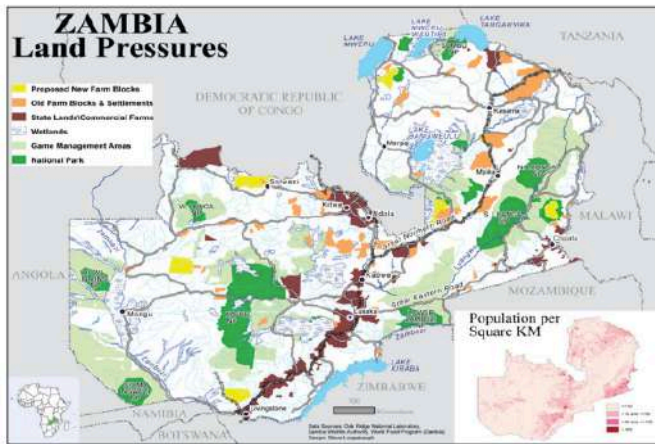
Apart from some limited CBNRM work in the Kafinda Open Area and GMA under Chief Chitambo, the traditional owners remained alienated from the park and relations between the trust and the people – according to J. Kapijimpanga, a former cabinet minister and relative of Paramount Chief Kopa of the Bisa, were deplorable. Chief Chitambo confirmed this when he stayed with me in England in 1997.



David Lloyd 2006

David died on 19 December 2010. Peter, having moved back to England from France with Jill, died on 22 April 2017.

The Plunder Begins



There are now threats to the park from [the Nansanga](#) and Luombwa Block farming schemes and other agri-development landgrabs (Senior Chief Muchinda). The Nansanga is placed upstream of the main river feeding the park, an alienation that should never have been allowed. It was only after the scheme was approved that an environmental impact assessment (EIS) was provided. The Kasanka will suffer impacts to its elephant population, to its bat havens, and the sitatunga wetlands and puku plains will be poisoned.

In January 2011, the government invited investors to prequalify for 100,000 hectares in the Nansanga Block, Serenje. Another eight blocks of 95,000 hectares each were demarcated across the country in chiefdoms. 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 government had taken the land without consultation with the chief or his people. The environmental impacts on local watersheds were glossed over; the actual land allocation process was 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 the alienated customary area.^{33 34}

The Oakland Institute report, *Understand Land Investment Deals in Africa* (2011), clarifies that there was ‘little detailed planning or consultation’ with the villagers in the area.³⁵ 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. In 2006, the Zambia government’s EIA stated:³⁶

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 Kasanka River’s tributaries. 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) an increase in the off-load of agricultural chemicals such as fertilizers, insecticides and herbicides

³³ Ernest Chanda, *Zambia: Nansanga Bloc Farmers Face Homelessness*, THE POST 17 August 2011. Web. 9 April 2017. <http://farmlandgrab.org/post/view/19090>

³⁴ 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](http://farmlandgrab.org/post/view/18458)

³⁵ 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>.

³⁶ 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.

into water bodies, (d) dislocation of upstream local communities, (e) increased water-borne diseases such as malaria, bilharzia 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:³⁷

While cash flow and physical capital have increased in the 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.³⁸ 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.

³⁷ Chilombo, Andrew. *Optimism and populism of large scale land acquisitions: A case study of Nansanga farm block in Zambia*. University of Edinburgh, 2017.

<https://era.ed.ac.uk/handle/1842/36391>

file:///Users/lan/Downloads/StumblingblocksinLargescalelanndacquisitionsinZambia.pdf

³⁸ Nnoko-Mewanu, Juliana. "Forced to Leave": Commercial Farming and Displacement in Zambia. Human Rights Watch, 25 Oct. 2017. <https://www.farmlandgrab.org/post/view/29642>

2. Of six farms studied, only Silverlands had obtained the necessary EIA approval from the 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 to them by the 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 some of the legal residents' homes and property on their small farm (117.8 ha), others still at risk.

This disgraceful plunder of the land held under usufruct by the chief's 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' - although 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 as he did, he should have immediately found other land for his people. 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.

Recently, the trust took on the management of Lavushi Manda National Park, where, in 1973, the park in my charge, I had tried to save the last black rhino and failed. Finally, the Chinese (working on the rail project responsible for their demise) have now banned ivory.

The Fruit Bats Endangered

World's biggest mammal migration under threat

Georgina Smith of Aljazeera

7 Dec 2020

[Experts say near-threatened fruit bats, crucial for restoring forests in Africa, are in danger.](#)

The enormous colony – the largest mammal migration in the world, according to experts at the Max Planck Institute of Animal Behavior – is made up of Africa's second-largest fruit bats.

During the day, the bats roost in the thick swamp along the Musola River, part of Kasanka National Park, which is home to more than 470 bird species and 100 mammals. As sunset comes, they set off to look for wild berries and fruits, covering about 50km (32 miles) and returning back to their swamp roost at dawn.

The spectacle only takes place once a year, between October and December. But experts say the near-threatened bats, crucial for restoring Africa's forests, are in danger.

Straw-coloured fruit bats, dubbed "the gardeners of Africa", are important for the regeneration of woodland forest and Indigenous fruit trees.

They travel thousands of kilometres as a migratory species, but much is still unknown about their migratory routes or why they congregate in

such large numbers at Kasanka.

But as pristine areas and national parks become threatened, their habitats are disappearing.

Protecting the park

James Mwanza, community outreach manager at Kasanka Trust, which manages the park, says commercial agriculture is the main threat to natural resources which the bats and communities surrounding the park depend on.

Already, 10,000 hectares (24,711 acres) of pristine forest inside a 5km (3.2-mile) buffer zone around the park prohibited for development within the Kafinda game management area, has been cleared for commercial farming, according to Mwanza.

“In the game management area, humans and animals co-exist, but we ensure a buffer zone,” he said, where there is supposed to be, “no farms, no settlements, no activity”.

This is to prevent illnesses such as foot and mouth disease from spreading from wild animals and to protect the forest from illegal deforestation or poaching.

“But that’s not the way things are being done,” Mwanza said.

To prevent illegal deforestation and encroachment, Kasanka Trust has been working with the local community to enable them to legally own 60,000 hectares (148,263 acres) of forest surrounding the park.

+++

Chief Chitambo

[Zambia losing its natural heritage to corporate greed \(12 August 2020\)](#)

Makanday Centre for Investigative Journalism - Zambia.

A visit to the park revealed that bulldozers are razing the surrounding forest, prompting activists' fears that this will diminish the animals' food source and destroy their habitat by drying up the park's major river.

Despite the concerns, Tanzania's Lake Agro Industries, with the backing of a local chief, is pushing for a controversial wheat plantation close to the bat sanctuary.

According to company records, Lake Agro is owned by Tanzanian-based energy and transportation conglomerate Lake Petroleum Group, which also owns Gulf Adventures, a private game ranch adjacent to the national park.

Vaibhave Nagori, management adviser at Lake Petroleum, said that "everything we are doing is going to create a lot of jobs ... as the project grows, it will bring economic development and more tax earnings for the government".

"In the past, many people have come to Zambia and have got land. Then they just sit on it, they don't do anything on it – but we are investing," he said.

The local chief for the Kasanka area, Chief Chitambo, allegedly handed 15 000 hectares of land bordering the park to the company, without the knowledge of the Department of National Parks and Wildlife or the local district council.

In an interview, Chitambo confirmed issuing 5 000 hectares to Lake Agro and said a further 5 000 has been offered to the same investor if more is needed. He said no one, including the Department of Wildlife, could stand in his way in developing his area.

"In fact, this is an issue between two chiefdoms, of Chief Muchinda and Chief Chitambo. There are over 200 employees up there [at the development], so there is nobody who can argue that I have displaced people in my area," he said.

"They are all happy ... there is no complaint coming to me from my subjects."

The developers will be drawing water from the Luwombwa River, a situation which experts say might dry up the river between July and

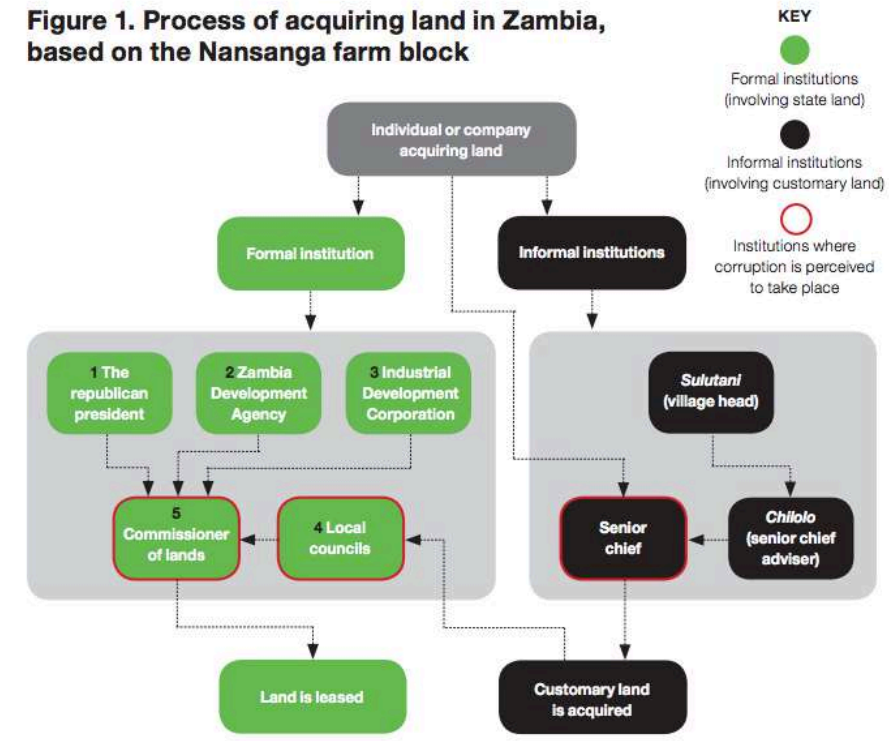
December. The Water Resources Management Authority oversee water management.

The Water Resources Management Authority and the Zambia Environmental Management Agency were asked if they are aware of the project and how they view the alleged threat to the Luwombwa river, but did not respond to the queries.

Stumbling blocks: How can large-scale land acquisitions be carried out in Zambia without disadvantaging local communities?

Andrew Chilombo

Figure 1. Process of acquiring land in Zambia, based on the Nansanga farm block



Bangweulu Floodplains

“I fear that our English folk will boggle at it, or call it Bungyhollow.”

David Livingstone (d. 1973 on Lulimala River, S.E. Bangweulu)

* * *

ZAMBIA

- International boundary
- National capital
- Province capital
- Town, village
- Main road
- Secondary road
- Railroad
- Airport

Map of Zambia showing major cities, roads, and geographical features. The map includes a legend, a compass rose, and a scale bar. A large white arrow points to the capital, Lusaka. The map also shows neighboring countries: Angola to the west, the Democratic Republic of the Congo to the north, Tanzania to the northeast, Mozambique to the east and south, and Zimbabwe to the south. Major rivers like the Zambezi and Save are depicted, along with Lake Bangweulu and Lake Kariba. A small globe in the bottom right corner shows Zambia's location on the African continent.



The Bangweulu is a vast flat basin with a total area of approximately 10,000 square miles. In the northwestern corner of this basin are the open lakes that slowly give way in the east to the permanent swamp and then gradually grow shallower towards the river estuaries and their fringing floodplains. Seventeen rivers flow into the basin, and one river, the Luapula, drains it to the south. Evaporative water loss and this single drainage point are insufficient to maintain or decrease the water level permanently. This has given rise to a seasonal fluctuation to which all animal life is adapted. In the rainy season (November to April), the water floods onto the plains as far as the fringing woodland, driving all life before it. In April, it retreats to the drainage line of the Chambeshi River, which cleaves the centre of the basin from the north-east and eventually becomes the Luapula. In the south-east of this basin lie the principal breeding grounds of the black lechwe. These meadows are allied

with the estuaries of the Luitikila, Lumbatwa, Lukulu and Lulimala rivers.

Until the Great War, the black lechwe numbered in their hundred of thousands. In 1957, Desmond Vesey-Fitzgerald wrote that during a tour of his in 1939, he was: 'Amazed at the number of lechwe seen; all along the boat channel in an almost unbroken line.'

In 1966 the Game Department conducted an aerial survey and could only account for 4,000 lechwe, having missed a large part of the population. As a result of this miscount, the World Conservation Union (IUCN) listed it in its Red Data Book of endangered and vulnerable species. With funding support from a mining group, the Anglo-American Corporation, a project was established to protect and study the lechwe's ecology having the long-term objective for customary people to utilize lechwe on a sustained basis. At the start of the project in 1971, an aerial count by Jeremy Grimsdell and Richard Bell arrived at 17,000 lechwe; another count in 1975 by Peter Moss and myself estimated 29,000. The project ceased on my departure in early 1976. Years later, in 2008, much of the area was privatized with the chiefs' agreement, being handed to the NGO, African Parks.

The highest concentration of large mammals occurs in the south-east estuaries, the most numerous species being the black lechwe. The flooding regime, coupled with these animals' grazing action and a caterpillar that appears seasonally, produces a short leafy mat of grass, high in protein and allowing for seasonal densities of 2,000 lechwe per square mile.

Since our time there, the Bangweulu lion are no more - and certainly, the cheetah -destroyed by poison - probably the leopard as well; the elephant very much reduced, and the black rhino down to a single female and calf by 1973 a little after we arrived there - and extinct in Zambia by 1990 - I failing to save them nationally in the years 1987-1989.

Shortly after I had arrived in Chiundaponde to take charge of the new Bangweulu Command for the Game Department, I had reports of rhino from the northern Lavushi Manda National Park, which I knew were present there

from [Frank Ansell's](#) rhino status paper in 1968.³⁹

[illegible]

Other areas in the Northern Province plateau and north of the present Lethbridge are also very likely to have been occupied by the same people. In the vicinity of Medicine Hat, Rogers (1962) described them from the Lethbridge Plateau, and in the south of the plateau, near the town of Lethbridge, Rogers (1962) also reported that the same people were found. In the south of the plateau, Rogers (1962) also reported that the same people were found. In the south of the plateau, Rogers (1962) also reported that the same people were found.

I immediately sent out a patrol. A day later, the patrol returned with a poacher caught in the act of killing a bull and leaving behind a female and calf. The poacher was an older man. I sent him to Mpika, where the police quickly brought him before the court. He was fined K15 - a labourer's monthly salary, and given back his rifle! As the following quote from Ansell's paper reveals, a rhino poacher did not get off so lightly elsewhere.

³⁹ Ansell, W.F.H. "The Black Rhinoceros in Zambia." *Oryx: The Journal of Fauna & Flora International* 19.3 (1969). pp.176-192, Web. 29 March 2017. https://drive.google.com/file/d/0B0sCBiNNeEh_b3BCOEF6eFl3bGc/view?usp=sharing

Kidnappers are adequately protected in Zambia except for those five or six shown actually on notice to protect citizens in the language of the law. The remainder are not shown on notice and are therefore immune in effect. The remainder that show high cost of a kidnapping permit resulting in heavy sentences, not exceeding 10 to 15 years imprisonment.

On the whole the state is adequate for protecting the Kafue park and natural resources, but not for all the surrounding area. The surrounding area is not protected and is the main area concerned are now planned to be given for the Kafue and surrounding areas. The Kafue park is not protected and the Kafue park is not protected and the Kafue park is not protected.

Life for them all is one long unremitting struggle, even in paradise. All of this demands a rights-based approach to conservation and life itself.

Bangweulu's Community Partnership Park

Chikuni CPP

In September 2007, the REMNPAS UNDP Project engineered matters. The customary residents within the Bangweulu and Chikuni game management areas (GMAs) straddling six chiefdoms agreed to create the Chikuni Community Partnership Park on about half the area GMAs to ensure that the area would be protected. In 2008, the partnership would be between the Zambia Wildlife Authority, the community resource boards of Kopa, Chitambo, Nsamba, Bwalya Mponda, Kabinga and Chiundaponde, and the Bangweulu Wetlands Management Board. On 25 February 2008, African Parks was invited to be the private partner. (1)

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' and the GMA. 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); 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. It was declared that "the board is at liberty to set up an endowment fund for the project and local communities". The agreement was for 40 years, the first 20 years renewable.

BETWEEN

THE ZAMBIA WILDLIFE AUTHORITY (hereinafter referred to as "ZAWA") which (can and) whose the correct titles include its successors in title, administrators and assigns; a statutory body established under the Zambia Wildlife Act No. 12 of 1998 of the first part,

AND

THE COMMUNITY RESOURCES BOARDS (hereinafter referred to as "CRBS") OF KOPA, CHUNDIA PONDE, CHITAMBO, KASINGA, BWALYA, NIPONDA AND NSAMBA CHIEFDOMS, community institutions created under the Zambia Wildlife Act No. 12 of 1998 of the second part,

AND

THE BANGWEULU WETLANDS MANAGEMENT BOARD (hereinafter referred to as "the Board"), a company limited by guarantee incorporated in Zambia and having its registered office at Lusaka of the third part.

Essentially ZAWA and its community resource boards (CRBS) and African Parks controlled the process. The Board reports to ZAWA and the CRBs.

In 2009 ZAWA had produced the Bangweulu GMA General Management Plan for the period 2009-2019. Its lamentably short bibliography made no mention of the classic Bell and Grimsdell study (although they do cull from it). Nor does it mention my research or Black Lechwe Project reports. GEF funded this plan through the Reclassification and Effective Management of the National Protected Areas System (REMNPAS) project. The plan explains that subsequently, a five-year business plan was developed 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.

The strategic investment plan would restock depleted species among a rambling wish list, 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 were a game ranch.

Chikuni, as mentioned, was formerly the field station of the Black Lechwe Research Project.⁴⁰ 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.

Since 2014 hunting-safaris are under the control of African Parks, who provide the quotas, with licenses 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 had 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

⁴⁰ 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. The report is available at NCSR HQ Lusaka.

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 Chikuni CPP became 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 were now part of the public commons, i.e. state-protected land, and the GMAs now considered 'public wildlife estate'. It was 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.

However, in 2014 all mention of the Chikuni CPP disappeared - for which there has never been an explanation - reverting to its former GMA status.

The six chiefdoms had handed over 3,000 km² in Chikuni and 3,000 km² in the Bangweulu GMA. The wildlife department (DNPW) remains the governing authority - something that should not have been allowed - and approves quotas and oversees licences' sale. 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. ZAWA, REMNPAS, UNDP, and African Parks at the outset were not made aware of the project's work or publications, such being the loss of institutional memory and interest by ZAWA.

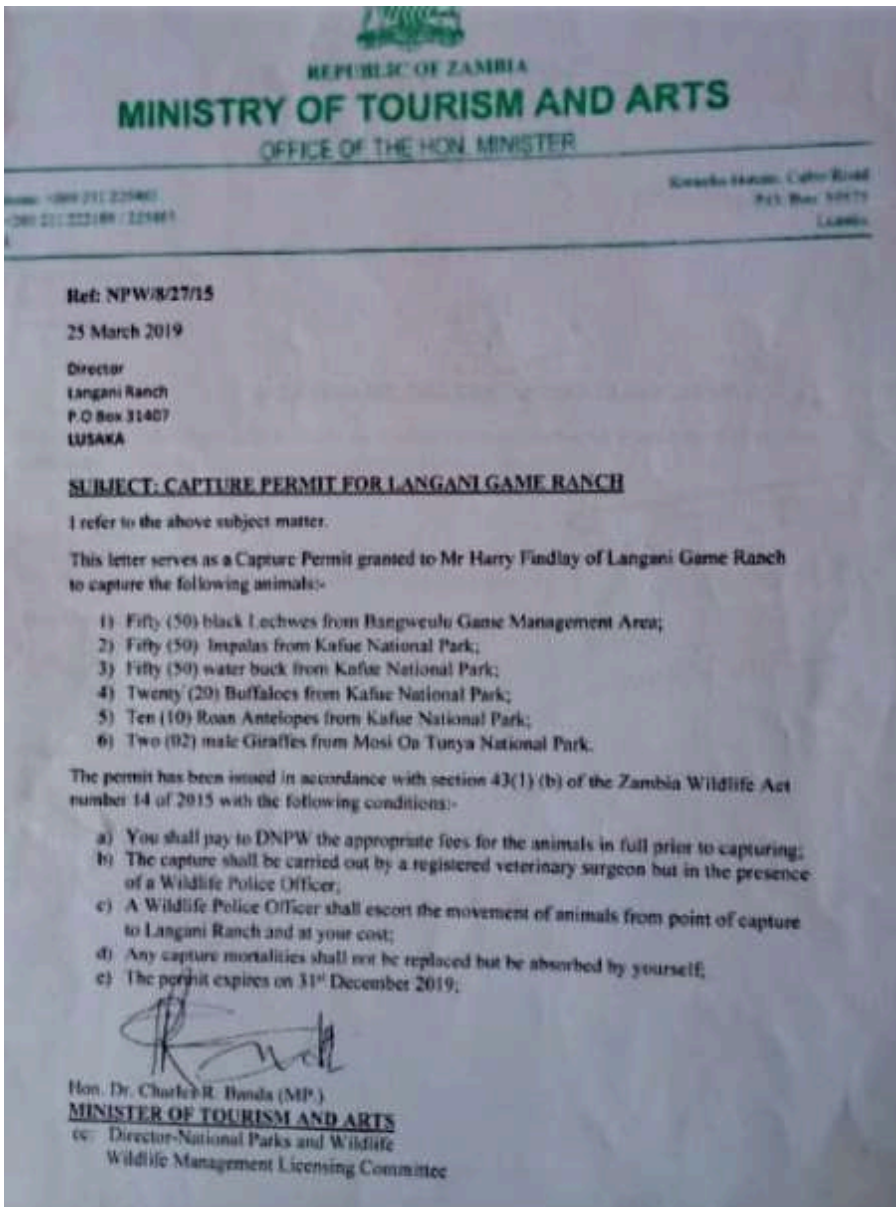
Other imports are planned based on the whim of African Parks, 195 buffalo already translocated there from the Luangwa, despite buffalo in the Luangwa being carriers of major diseases such as Foot and Mouth and Corridors disease.[3]

African Parks is considering issuing residents with an annual offtake of lechwe once they reach 80,000. According to AP, the 75,000 lechwe figure was reached in 2011, yet no attempt was made to set an off-take quota.

The Parliamentary Committee on Lands, appointed in September 2014, assessed this catalogue of dysfunction by studying the A-G report on Wildlife Management. 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 obtained by Iqbal Alloo from the Petauke District Council under highly dubious circumstances, their inputs and expertise are questionable. 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:[4]

To enhance public awareness and enhance collaboration with communities and their Royal Highnesses, 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...

Black Lechwe rent-capture in 2019



50 Lechwe were translocated to a ranch near Lusaka, with all the payments for the animals paid to the Department of National Parks and Wildlife (DNPW). What did the Bangweulu Wetland Management Board have to say about this?

Hunting-Safaris Reality

As revealed in Chapter 12, donor CBNRM projects relying on safari-hunting, game cropping and capture, and tourism for income are, in general, a failure. Very little of the income finds its way to the villager or the funding of essential supports for their existence. But more, it is exceedingly damaging to the people socially and from the military force operating amongst them. It is not the hunting per se which is the problem.

As I have related in *Plunderers of Eden*, my experiences in the Central African Republic, Congo Republic, Zambia, Botswana, Tanzania and elsewhere bear this out. In a blog, a researcher among the Bushmen in Namibia, [Stasja Koot](#), had this to say:

So how serious should we take the argument that 'economic benefits' are being created in Namibia for poor rural populations? This argument is problematic for various reasons; it masks differences within communities that are presented as if they are static, homogeneous entities and it masks power relations between segments of these communities and outsiders (such as NGOs, hunting operators, donors and government officials). I do not deny that economic benefits at times exist, but by focusing only on these as the success of trophy hunting, other dynamics are covered up, especially those in the social and human domain. Moreover, such a neoliberal discourse accounts for the idea that the local people do not yet understand how to do 'proper' conservation ([MacDonald 2005](#)), and therefore need to be taught how things work, strongly resembling colonial structures and power relations, based on paternalistic ideas about moral edification.

In his books, the anthropologist Stuart Marks clearly reveals the negative social impact, the neoliberal track of the money, militarization. In his book

Life as a Hunt, he records a villager's experiences of the Nabwalya chiefdom of Zambia. A man who worked for me as a tracker in Nabwalya in 1969 as I conducted hunting-safaris, assisted by Peter Capstick. This was Hapi Luben, whom I knew as Baraman. His short biography is riveting.

[1] Newsletter of May. REMNPAS: Reclassification and Effective Management of the National Protected Areas System, MTENR, Zambia. 2008.

[2] Manning, I. P. A. (1983). Ecology of the Sitatunga (*Tragelaphus spekei selousi* Rothschild, 1898.) in the Bangweulu swamps, Zambia, Central Africa. <https://scholar.acadiau.ca/islandora/object/theses:2170>

[3] 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.

[4] 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>

[5] "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%20Auditor%20General's%20Report%20%20Management%20of%20Wildlife.pdf

African Parks in Bangweulu

Poaching is a complex topic that myopic, top-down enforcement approaches cannot solve. Crime syndicates may be fuelling the poaching of elephant and rhino but they are not the source of the problem. Rather than treat the symptoms by spending millions on weapons and anti-poaching forces, which experience has repeatedly shown does not stop poaching, there is a need to understand the underlying causes of the poaching problem if it is to be solved.

Across Africa, state-led anti-poaching forces have been unable to curtail the high levels of poaching currently observed no matter how well funded and equipped.

Devolving power and benefits to local communities will enable local communities to acquire full responsibility for anti-poaching operations, which they are much better positioned to do than external agencies who do not have the social networks and local knowledge needed to effectively perform oversight functions in the local area. As witnessed in the Luangwa Valley and Namibian conservancies, there is every likelihood that there will be a significant decline in poaching once community conservation is properly implemented.

Richard Fynn and Oluwatoyin Kolawole - Poaching and the problem with conservation in Africa (Mongabay: 3 March 2020)

* * *

Black lechwe aerial census information

1973

Lechwe - 25,254 (Bell & Grimsdell)

People - 22,000

1975

Lechwe - 29,000 (Manning & Moss)

1983

Lechwe - 41, 401 (Howard, Jefferey & Grimsdell)

2011

Lechwe - 75,000 (African Parks)

People - 50,000

2015

Lechwe - 58,650 (African Parks)

African Parks Annual Bangweulu Reports (2008-2019)

Here are some points made in the Bangweulu African Parks annual reports for the general public, followed by my comments. Reports from the Bangweulu Board were not available for study.

2008 Report

AP points:

1. Black lechwe estimated to be over 80,000
2. Community Partnership Park (CPP) owned by the local community
3. Representatives from the community (3)
4. Agreed with the local community that 54 village scouts and 24 ZAWA scouts be seconded to the project
5. took over hunting-safaris management
6. project area belongs to six communities
7. unregulated fishing
8. reintroduce or complement game species
9. clarity on the future management of Shoebill Island camp

IM: How did AP arrive at the 80,000 estimate? They present no science to back up their estimate. In later reports, they arrive at a population estimate of 50, 000, a count that stays fixed for three to four years? 80,000 is what Bell & Grimsdell recommended as being the point to start cropping.

The Chikuni Community Partnership Park (CPP) and the GMAs are not 'owned' by the 'community'. Ownership is a colonial definition, now adopted by the legal owner - the President of Zambia. It is land held under customary tenure, under a chief and headmen, its big-game owned by a parastatal profit-intent government body that was totally incompetent and massively corrupt, and now by a government department placed in the ministry responsible for tourism, and managed by a colonial privatizer - both concentrating on extracting rentals from hunting-safaris and deploying their military to apprehend 'poachers'.

They go on to say "It has been observed that unregulated fishing practices have had a negative effect on fish populations." The reports

produce no scientific evidence for this. Yet the fishing has never been unregulated: Chipupilas - spiritual fish guardians under the direction of the chiefs- regulate the fishery. Outsiders are allowed to come in and fish but they are regulated as well. The government has for about 40 years failed to clear the canals and channels, greatly affecting the fishery. The report reveals no census of the villager population.

2009

AP points:

1. estimated 100,000 black lechwe
2. representatives from the community
3. aerial survey
4. 82 scouts; 72 poachers arrested, and unsustainable fishing practices record
5. Chiefs escorted to Namibia for an educational trip
6. AP set a reduced hunting quota, which wildlife profiteer ZAWA disagrees with
7. legal status for community partnership park (CPP) obtained
8. planning for the transfer of Shoebill island lease to AP from Kasanka Trust

IM: How do they arrive at 100,000 lechwe? Was this the result of the survey? And not mentioned by AP: 44 lechwe shot for a tuberculosis study??

2010

AP points:

1. lechwe estimate 60,000
2. chiefs hold land in trust for their subjects
3. anti-poaching guards: 86
4. AP partner fishery research with Rhodes University RSA
5. the community owns the land
6. There are 6 chiefdoms, but only 3 contribute to the project
7. Board members with no experience
8. The non-proclamation of the CPP by REMNPAS
9. ZAWA's failure to pay AP the hunting revenue
10. The failure to pay what was owed to the chiefs, etc.
11. Failure to abide by fishing regulations

IM: How do they go from 100,000 lechwe to 60,000 in a year? The project manager of the time is clear about the objectives.

He concludes: "This process will be undertaken with the full participation of the relevant chiefdoms, community resource boards, ZAWA and the UNDP/REMNPAS project that was responsible for its original design."

2011

AP points:

1. partners are six chiefdoms
2. lechwe aerial survey results: 75,000 lechwe
3. 115 poacher arrests; guards reduced to 63
4. fishery research project underway
5. ZAWA did not reimburse the project for hunting revenues
6. Shoebill research and management project advances

IM: Partners? The agreement is between the CRBs and ZAWA, with only three chiefdoms on the Management Board. With a rare aerial survey coming up with 75,000 lechwe, why, at this point, was a lechwe offtake

quota not awarded to the villagers and carried out??

2012

AP points:

1. Project partners are 6 CRBs and ZAWA
2. 144 poachers; 146 animals killed - mainly lechwe - their population 70,000
3. fishery research concluded
4. ZAWA owes hunting revenue to AP
5. ZAWA board say management agreement does not agree with the Wildlife Act

IM: No mention of the chiefs??

BETWEEN

THE ZAMBIA WILDLIFE AUTHORITY (hereinafter referred to as "ZAWA") which from time to time the parties admit include its successors in title, administrators and assigns, a statutory body established under the Zambia Wildlife Act No. 12 of 1998 of the first part,

AND

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AND

THE BANGWELU WETLANDS MANAGEMENT BOARD (hereinafter referred to as "the Board"), a company limited by guarantee incorporated in Zambia and having its registered office at Lusaka of the third part.

The Board consists of 3 Chiefs, 3 African Parks and 1 ZAWA.

2013

In the general AP report, under the heading *The future for Wildlife in Africa*, as their last recommendation, AP state in a lukewarm fashion:

Community Conservation Areas could, in some instances, play an important role in increasing the area under wildlife protection.

Yet, as every wildlifer knows, without ownership rights to wildlife being vested in customary people, they will all but disappear.

One of the African Parks Solutions for wildlife is to 'strive for meaningful engagement with local communities', a top-down effort that cannot bring about the desired result. They reported the following for the year:

AP points:

1. 115 poacher arrests; 232 dogs killed; 77 - mainly black lechwe - killed
2. fishery management committee established
3. puku, impala, zebra and waterbuck introduced (80 total)
4. Community projects put forward by the six chiefdoms received funding
5. national hunting ban reversed, but late, for Bangweulu
6. The new ZAWA Board informed AP that aspects of the Bangweulu Management Agreement did not comply with the Zambia Wildlife Act
7. one meat market shut down

IM: It is likely that at this point the community partnership parks idea was dropped, the Chikuni CPP nullified. No explanation was given, for hunting-safaris are allowed under the Act in a community partnership park (CPP), provided the Minister approves.

The new African Parks agreement is now between ZAWA and the community resource boards (CRBs), not with the headmen and Chiefs, and not the people. The chiefs keep quiet. ZAWA now releases income from the hunting to the project, and the Chikuni CPP now reverts back to its former GMA status.

2014

AP points:

1. Partners are six community resource boards (CRBs) and ZAWA
2. new project agreement signed
3. ZAWA pays hunting revenue to the project
4. fish trading depot established at Muwele (N'gungwa)
5. poachers 121; 72 dogs put down; 21 animals - mainly lechwe - killed
6. a government investigation of abuse of villagers by scouts found to be baseless
7. villagers supported to move from millet growing to maize
8. ZAWA pays 90% of hunting income to AP
9. Lechwe 50,000

IM: CRBs were created under the 1998 Wildlife Act No. 12. They are an instrument of the Wildlife Department's control of the GMA sections of customary land, 22% of Zambia's landmass. CRBs don't 'own the land'. It is 'owned' by the President - that being the colonial legacy of control taken up avidly by the big man in State House, though for hundreds of years it has been the home of a certain tribe. The 2014 report goes on to say that: "Black lechwe have increased from 35,000 to over 50,000 serving as an important source of protein for Bangweulu's vulnerable communities." As it is a criminal offence for a villager on customary

land to kill a lechwe to feed his family and clan members, how can the lechwe possibly serve as an important source of protein? From this point the lechwe appear to have remained static at around the 50,000 mark (though in an actual survey in 2011, the count was 75,000), meaning that the 5,000 or so annual yield per annum is all poached. But in the process, the people suffer an increasing colonial military presence - who themselves feed on lechwe - and are arrested, often with family members, and jailed for anything up to 8 years (if you add the period they await trial to the actual sentence period). And added to this is the violence visited on local people, and the abuse of women, with HIV and other diseases transmitted. Supporting villagers to take up maize cultivation in the place of non-hybrid crops is criminal.

2015

AP points:

1. 61 scouts; 76 poachers arrested
2. lechwe count 50,865; 45% increase since 2013
3. mosquito-net use for fishing a continued problem

IM: A 45% increase in lechwe numbers in two years is not possible. The damage of the donor mossy-net schemes have been immense.

At the time, the Bangweulu Management Board Chairman was a Johannesburg banker, Michael Eustace - one of AP's founders. In February 2015, he was interviewed by Safaritalk.net:

Safaritalk: Approximately how many people live in Bangweulu wetlands, and what is their primary food source? What efforts have been/are being made to introduce sustainable farming practices which lessen the human impact on the environment and wildlife?

There are about 50,000 people living at Bangweulu. Fishing is a major food source but cassava and maize is grown in the drier areas and bartered for fish. The fisheries officer understands the system and has persuaded the fisherman not to fish from December to February and that has improved the catch. The Park Manager has found a type of millet that will yield the same crop without having to cut down trees for fertilizer.

IM: What did the people eat from December to February? Finding that millet meant that the manager had likely read *Eighteen Years on Lake Bangweulu* by J.E. Hughes.

Safaritalk: How do conservation aims conflict with the needs of communities living in Bangweulu? How are the local communities involved in the conservation decision-making process?

Our conservation aims are to protect the needs of the communities in the long term. There may be minor short-term sacrifices but the communities understand the need to conserve for the long term. The communities are closely involved in all the decisions that are made. It is probably the most valuable Community Based Natural Resource Management area in Africa.

IM: Being a customary area - and not a national park - this is understandable. There are many valuable CBNRM areas in Africa - on average, 60% of the land - but they must be independently run.

Safaritalk: Why have predator populations been eliminated from the wetlands and without lion, cheetah, wild dog etc., how are the numbers of traditional prey species controlled? Is it a fair observation that species that have been seen as problematical to communities have been wiped out; therefore those species that remain are those which cause less hardship for the people living there?

Predators do visit from time to time but they are a danger to the locals. The area is vast... 600,000 hectares... so there is no need to control prey species as yet. There are more than 35,000 Black Lechwe but there have been double that number in the past. Lechwe are a potential food source for the people rather than predators.

IM: Predators are part of the system. They should be re-introduced and sustained.

Safaritalk: Tell us about the Shoebill population - what is the estimate of numbers in the wetlands area, and what threats does the population face?

When I first went there I was alarmed at the amount of fishing going on and felt the Shoebills must be under threat because they live on fish. We thought there were only 27 but the researcher now feels there could be as many as 200. We have put guards on some of the nests to protect them from people and from fires and that has been a success. They typically lay 2 eggs but only one chick survives so there is some scope for taking one chick from the nest and raising it separately. We have raised 2 chicks and they have learned to fish and returned of their own accord to the wild so there is optimism around increasing the population. People were taking the eggs and chicks to sell to the international market for wild birds but we have put a stop to that.

IM: It is impossible to protect the shoebill unless its welfare is a matter of cultural action.

Safaritalk: How much of an impact did the loss of trophy hunting revenue have on conservation aims in the Bangweulu Wetlands? And what has been done to balance that loss with alternative funding?

The loss of hunting revenue was significant and had to be replaced with donor funding. Hunting is now being allowed at Bangweulu. It

is important to have a plan to reduce reliance on donor funding and controlled hunting is probably the answer. We have plans to increase the buffalo population.

IM: Bangweulu, the game ranch: The introduction of 195 disease-carrying buffalo in 2019 was done purely to build a hunting industry without any regard to the disease issue.

Safaritalk: If conservation costs cannot be supported by tourism revenue alone, (and one thinks of how well prime wildlife areas are patronized compared to the examples we have discussed in the interview), what are the alternatives? How deep is the donor fund well and will it last forever?

The alternative for Bangweulu is trophy hunting and in Majete it is probably private leases. There is a lot of donor money for conservation, provided it is well spent. If there is a plan to replace the donor funding with income generation then donors can see some end in sight. I would not like to rely on donor funding and want to build financing models that work and can be applied to other parks in Africa.

IM: the financing required is from the local culture and a sustained traditional economy. Hunting is but a small part of it, so it does not require an African Parks privatization operation.

Safaritalk: What is your greatest concern for wildlife in Africa, and why?

The greatest concern is human population increases and increased population pressures on all wildlife areas. Conservation buys no votes in Africa. Parks need to be profitable.

IM: Zambia's population increase is frightening, and parks cannot, therefore, be profitable. The only way forward is to help empower the chiefdoms so that their Guardians of Nature guilds are resuscitated and the wildlife, owned by

the customary clans, conserved.

Safaritalk: In your opinion, what is the future of Africa's wildlife outside of protected areas, parks and reserves?

Outside of parks the future for wildlife is limited. We will lose our parks if there is not more energy applied to making them profitable. Wilderness and profitability can happen together.

IM: So, the wildlife outside of parks is limited. Why, therefore, is AP bound on a militaristic colonial course?

Safaritalk: How can you hope to protect wildlife outside of gazetted areas if the value of land is worth more per hectare without it? If any wildlife is seen as a threat to livelihoods, to livestock and crops, to life and therefore removed?

It is a problem. Land alongside the Kruger National Park is now selling at R80,000 per hectare. Communities could lease small areas around parks to private investors for lodges and parks could fence those lodges into the park which would then provide a buffer zone for the park. That is one idea but there needs to be far more work done on the macro issues of parks in Africa. There are endless degrees awarded for all manner of micro issues but nobody studies the macro issue. If we don't protect the parks there will be no micro issues to study.

IM: Parks should contain people. Although not a park, Bangweulu is the future model - once the building of the chiefdoms' future is underway, something that cannot be done by the AP CBNRM method.

2016

AP points:

1. 63 scouts; 85 arrests for poaching
2. for the first time, aid efforts are expanded into the 6th chiefdom
3. lechwe population more than 50,000
4. Shoenibill island safari camp taken over by African Parks

IM: CRBs are the core of management - no mention of chiefs, etc. Finally, the island that Chief Chiundaponde gave me - within my sitatunga study area - as he would a villager, and on which I built a permanent safari camp in 1987, and then gave Kasanka Trust the use of, has been taken over by AP.

2017

AP points:

1. fish stocks increase
2. 250 head of impala, zebra, hartebeest, bushbuck and roan introduced
3. restoration of the park
4. 64 scouts, 82 arrests, 68 convictions
5. 50,000 people who co-own the park
6. \$30,000 disbursed by CRBs to the chiefdoms

IM: AP mentioned no fishery research reports; no game translocation report was provided; no details of the appointment of Harry Windsor, grandson of the present Queen of England - a relic of an antiquated enclosure system - and now resident in California, as AP's president. His appointment confirms African Parks as a neocolonialist operation; a repeat of Cecil Rhodes's BSA Company given a royal

charter by King Edward VII, who in 1898 then invaded land occupied by Bantu, Pygmy and Bushmen, and immediately started bossing them around: extracting hut taxes, forcing them into labour gangs, restricting their killing of game larger than a hare or an otter, forcing them into amalgamated villages, etc. This was the first major enclosure in what is now Zambia. AP carries on the enclosure act in Bangweulu and Liuwa Plain - both being occupied by customary people.

2018

AP points:

1. 50,000 people retain the rights for sustainable harvesting of fisheries and other protein
2. CRBs that own these wetlands
3. lechwe stable over the last three years
4. 64 scouts; 62 arrests; 42 convictions; 55 more scouts trained

IM: The people's rights to the fisheries is damaged. CRBs don't own the wetlands. If the lechwe population is stable stop putting people in jails unfit for humans.

JONATHAN CHISAKA | PARK MANAGER



ZAMBIA – Bangweulu Wetlands serve as a life source for hundreds of globally significant migratory and resident bird species, the endemic black lechwe, and tens of thousands of people who survive off the rich resources this landscape provides. It is unique in that it is a community-owned, protected wetland where 50,000 people who live here retain the rights for the sustainable harvesting of fisheries and other sources of protein. But the park suffered from years of unsustainable use and lack of management, resulting in high levels of poaching of both bushmeat and fisheries. But the Community Resource Boards (CRBs) that own these wetlands realized that their livelihoods were at stake and their food sources were being depleted. In 2008, African Parks signed a long-term agreement with the Zambian Department of National Parks and Wildlife (DNPW) to work with the CRBs to sustainably manage these wetlands and create a better future for people and wildlife.

In the past 10 years, poaching of game animals has

been contained and black lechwe, a critical source of protein for local communities, have increased from 35,000 to over 50,000 and has remained stable over the past three years. Shoebills are a flagship species here, and people come from all over the world to catch a glimpse of these prehistoric looking animals. While they remain threatened by the illegal live bird trade, local communities are coming together to guard these nests, and ensure that chicks can fledge, recognizing that they are a tourist draw and an economic driver for this landscape. Communities are working with park staff to adhere to seasonal fishing bans to allow stocks to recover, a practice that has shown an increase in next seasons stocks each year. And because game species are being well-managed, and poaching levels have been reduced, sustainable use of tsesebe, sitatunga and black lechwe are poised to serve as a critically needed and main source of financial revenue for the area. Bangweulu means 'where water meets the sky' and the true value of this landscape is now being realized in the active management and shared use of these life-saving resources.

IM: Bangweulu is not unique. All chiefdoms in the country together hold land under customary tenure - 52% of Zambia's land. Customary people have always been allowed to harvest fish but since 1971, not the big game. In Bangweulu, the people no longer have the right to harvest fish under the direction of the Chipupilas, being subject to all sorts of restrictions imposed by the Department of Fisheries - a department roundly excoriated by the Attorney-General's report of 2015.

The AP report states that black lechwe are 'a critical source of protein for local communities'! Why, then, are villagers criminalized when they crop this critical source and then being imprisoned for up to 8 years. Why are they not given a quota of lechwe to harvest from the population that stood at 75,000 in 2011? Given that the annual increase is 11% a year, or 5,500 head, why are customary people being imprisoned for feeding their families? If shared out among the residents, the annual increment amounts to 9 head per person a year. And they are feeding, given that the population is not increasing as it should, but illegally, and then put in jail. This is criminal neglect of the rights of people living on customary tenured land many years before colonialism and its surrogate nationalist two-party rule - a continuation of a system that robbed Indigenous People of their land and survival rights

64 rangers arrested 62 people and obtained 42 convictions - usually a 5-year sentence - for having 1,000 kg of meat and 80 kg of fish. Another 55 rangers were trained and deployed. The colonial military invasion continues.

PARK MANAGEMENT AND INFRASTRUCTURE DEVELOPMENT - Infrastructure development continued in Bangweulu's outlying areas including Nsamba, Kabinga, Bwalya Mponda and Chitambo. New law enforcement accommodation ensures that wildlife officers are present on a permanent basis affording protection to wildlife in critical areas. We began renovating the law enforcement camp at Chitambo and have already completed five staff houses and one

Camp experienced an increase in guests with improved marketing, helping to position Bangweulu as a choice destination for sitatunga and tsessebe trophy hunting. Makanga is supported by donor funds and hunting revenues, and in 2018 hunting generated \$216,000. Plans to revamp the hunting accommodations are underway, including a more pro-active marketing drive to increase revenue which is estimated to grow to more than \$300,000 in 2019.

OBJECTIVES FOR 2019

- Translocate 200 buffalo from North Luangwa
 - Increase visibility of the Shoebill Island Camp
 - Generate \$50,000 in park revenues
 - Bring sustainable hunting revenues to \$300,000
 - Continue implementing fishery management plan & ensure complete adherence to regulations
 - Undertake a park-wide aerial wildlife survey
-

2019

AP points:

1. 50,000 people reside in the project area
2. An aerial survey was conducted
3. 86 'rangers' with 88 arrests
4. Bee-keeping...
5. 6 CRBs that own the land

6. lechwe “serving as an important source of protein for Bangweulu’s vulnerable communities.”
7. 5 years of fish bans and fish stocks able to recover
8. 195 buffalo translocated from north Luangwa by the Department of Wildlife (DNPW)

IM: The human population figure must be far in excess of the 50,000 estimate. The Unga people alone are already in excess of 75,000. No total lechwe count figure supplied. An arrest ratio of 1 scout: 1 poacher. CRBs don’t own the land. Lechwe an important source of protein...?? Evidence for fish recovery?

Confusingly the term rangers is used to describe what are now referred to as Wildlife Police Officers, but through the ages always known as game guards and game scouts. The translocation of a number of species into the Bangweulu is a matter of great concern - especially as they come from the Kafue and the Luangwa. We have more of the foreign variety of zebra being introduced. What is happening reveals poor and irresponsible management. It is not simply a matter of animal health but genetics and disease. Bangweulu is being treated as a game ranch. Buffalo from the Luangwa carry Foot and Mouth and Corridor disease; and on the Kafue Flats cattle have infected game animals. There are sheep and cattle in parts of the Bangweulu.

The full Bangweulu [AP 2019 report states](#) that:

1 AP is funded by Stichting Nature Africa; WWF: The Netherlands and Zambia; U.S Department of State; Rob & Melani Walton Foundation

IM: It is really funded by the daily toil of villagers, who continue to survive there, providing the living capital base for the state and the likes of AP to take control of

their land, lives, and survival resources - as the British South Africa Company did from 1889 to 1924.

2 Bangweulu is a community-owned protected wetland made up of Game Management Areas (GMAs), where local people retain the rights for harvesting fish and other protein.

IM: It is certainly not 'community-owned' - it is customary 'owned' chiefdoms, the area is made up of parts of six chiefdoms i.e. customary land. The only other category of land in Zambia is state land. There is no such thing as community land here. The villagers have usufruct rights to their land for living and growing crops, but it is a communal system governed by headmen and Guardians of Nature guilds still basically in operation through such as Chipupilas - fishery spiritual leaders, who advise the headmen and their chiefs. In 1971 GMAs were demarcated in some customary areas as a despotic ploy by the government to take control of possible revenue streams, in particular through lucrative hunting safaris. The creation of a Community Partnership Park by the state on customary land was a massive landgrab. The chiefs were bought by the slicing of the cake and the award of their percentage of earnings - revealing the need for tribal Guardians' Assemblies to guide the way forward and control the 'native despotism' of some chiefs. Government backtracked on this in 2013? As 'the local people retain the rights for harvesting fish and other protein' why are they then denied the use of protein on four hooves; and then imprisoned when they do grasp it. And they don't retain the right to harvest fish under the guidance of the Chupupilas, for the state has imposed fishing bans and fish quotas, at the same time failing to clear canals, greatly impacting on the fishery and also leading to the flooding of parts of the islands. No attempt has been made here to introduce Citizen Assemblies girded by the necessary protocols.

3 That years of unsustainable human pressure were taking their toll on these

vulnerable but critically important landscapes

IM: The government failed because it had claimed ownership of the large and dramatic wildlife: the lechwe, sitatunga, elephant, buffalo, lion, tsessebe, puku, and leopard but then failed to protect it. Had it been owned by the customary owners they would not have made every effort to kill all the lechwe and export the meat to the mines on the Copperbelt.

4 In 2008, the six Community Resource Boards (CRBs) who own the land entered into a long-term agreement with African Parks and the DNPW with the vision of protecting their natural assets long into the future.

IM: The CRBs do not own the land: they are a mere state proxy set up by ZAWA at the time to protect the wildlife for safari hunting and tourism, and who take a percentage of income, and then still involve themselves in poaching - and in Zambia as a whole have not been paid for two years. The CRBs allow the DNWP to save money on protection and take license and hunting fees. Why have the chiefs been removed as signators of the agreement?

5 Poaching has been curtailed, so much so that black lechwe increased from 35,000 to over 50,000, serving as an important source of protein for Bangweulu's vulnerable communities.

IM: How can they serve "as an important source of protein for Bangweulu's vulnerable people", when, by law, they are prohibited from doing so. So AP recognizes their importance for food, yet do everything possible to stop them poaching and to incarcerate them in sub-human prisons. Something is wrong here! The lechwe are the main food source and trade for customary people in the lechwe range. For the game animals, safaris apart, are protected. The fact that the lechwe

population once stood at least at half a million, shows the failure of the state system. The Black Lechwe Project in 1969-1975 proposed that lechwe should be harvested by customary people on quota once they had reached 80,000. But the people have never stopped killing lechwe; it is time to recognize this and to legalize their ownership rights by giving them a quota issued to each clan.

IM: This is a repetition of slavery. AP is complicit.

6 Schools have been built and supported, and children are getting an education using solar-powered ZeduPads, preloaded tablets with multiple curriculums in over 13 languages.

IM: What is the allure of 13 languages, and what was wrong with the old system of blackboards and teachers?

7 Bangweulu's healthcare programme targeted towards women to assist with family planning is in its third year and in great demand;

IM: This is a very important and laudable project. Why, one must ask, is the state incapable of supplying basic education to the customary areas? Were one a parent in, say, the Luano Valley, where there are no schools, they would say "why should the Bangweulu have schools and they don't?"

8 For the fifth year in a row, fish bans are being strictly adhered to, and fish stocks have been able to recover, producing substantial quotas year-on-year and providing communities with food security and additional revenue.

IM: The state fish bans have interfered with the spiritual role of Chipupulas, who managed the fishery perfectly well in the past. The state has no idea of how to manage fish in a particular area. Only the 'owners' of fishing territory - guided by the Chipupulas, can actually manage and police the fishery. The same goes for the cropping of black lechwe - the

setting of quotas apart. The Auditor-General's report of 2015 confirms this.

9 Bangweulu's buffalo population received a boost with the translocation of 195 animals supplied by the DNPW from North Luangwa National Park. Since their arrival in August 2019, they have settled in well, and numerous calves have been documented

IM: 195 buffalo carrying Foot-and-Mouth and Corridor disease have been translocated from the Luangwa. Clearly, no impact assessment was carried out prior to the translocation. Where is the veterinary certificate? And why have lion and leopard not been brought in? Their poisoning by people back in the late 1970s and 1980s was the result of the failure of the state to give ownership of the lechwe and other wildlife to the customary commoners.

10 A Fisheries Committee has been rolled out in one chiefdom with plans to establish committees in five more next year, following the success of the programme in combatting the impacts of overfishing on local resources.

IM: It is laudable to have Fishery Committees, presided over by the Chipupilas but they must be part of broad-based Citizens' Assemblies responsible for making full inputs to the management of the area and their fellow commoners' livelihoods.

11 The law enforcement team grew with 34 newly trained recruits, allowing us to more effectively patrol and protect these wetlands. Now consisting of 86 Rangers, the team conducted 9,179 patrol man-days. Their dedication over the year led to 88 arrests, the confiscation of 172 illicit wildlife products and the removal of 75 snares

IM: Separated from the people, this reveals despotism. This is a perpetuated colonial system. The chiefs and the Assemblies can deal

with the poaching issue. What happened to the 88 people arrested and their families? For such an arrest would actually affect at least 1,000 people - they being the extended families. We require to know the details of the arrests: men, woman and children who were arrested, and for how long, and where incarcerated? And how long held before they came to trial. Were their wives and children helping steer the canoe also interned? What happened to the families left behind in the swamps? African Parks' reports are glossy post-truth brochures without substance.

12 Two women's centres were established as pilot projects to serve as venues to host reproductive health engagement sessions and other activities aimed at skills development

IM: The point is, has this work - given the fact that the carrying capacity of the area is based on the fishery and the area of land available all year for huts and gardens -arrived at a stable population target that will not stretch the carrying capacity?

13 Seven students in training to be teachers were enrolled in education courses through the Bangweulu Wetlands scholarship scheme. Six beneficiaries have now graduated and are awaiting official deployment to schools in Bangweulu. Four schools were supported throughout the year, reaching 800 students, while focused environmental education was provided through four wildlife clubs.

IM: Laudable. But why should the Bangweulu be singled out for this privilege, while the rest of the chiefdoms in the country have few or no schools. Does this only accompany profit-making schemes?

14 The beekeeping programme showed promising growth, distributing 450 hives to 13 groups in two Chiefdoms. Over six tonnes of honey were produced, leading to a 10% increase in revenue from last year

IM: But with all the honey being bought up by one local business why had this not been dealt with under a local beekeepers' cooperative?

15 Bangweulu rolled out its Umuganda programme under the banner 'Keep Zambia Clean, Green and Healthy', which generated substantial support among the community and local government officials, forming a committee chaired by the park. Inspired by the Umuganda practice in Rwanda, where community members help each other achieve tasks, African Parks initiated this monthly practice in every park in 2019 to support communities.

IM: But so-called Umuganda is an African custom, as it is for Indigenous Peoples across the world. Why should this have been imported when it is already the custom in Zambia's customary areas? We need Citizens' Assemblies.

16 Accommodation completed for law enforcement officers at posts located in all outlying areas. New camps in Chitambo, Kabinga and Kopa enable the permanent presence of law enforcement, bringing improved security to these more remote parts of the landscape.

IM: This should be the responsibility of Citizens' Assemblies. My direct experience is that the CRBs and game guards/scouts merely impose autocratic rule over villagers, they being the mafia of the poaching business.

17 Shoebill Island Camp is Bangweulu's first luxury tourism offering, consisting of four bespoke canvas tents with exclusive views over the fertile waterways. After opening to the public in May 2018, its occupancy climbed by more than 10% over the course of 2019. Nkondo and Nsobe Community Camps continued to cater to a strong self-driving tourism market. Overall, 317 international and local tourists visited Bangweulu, generating US\$77,520 for the park and communities.

IM: I was given Shoebill Island and Lake Wakawaka as a base to mount a tourism business by the late Chief Chiundaponde back in 1986/7. I built a kitchen and store at Shoebill (Mambwe Island). When my partners decided not to go ahead, I gave it and Lake Wakawaka to the Kasanka Trust to operate safaris. AP has now taken it over. Why?

18 Data from the 2019 aerial survey were obtained to determine the correct quotas for the legal hunting of certain species, including black lechwe, sitatunga, buffalo and tsessebe, following sound science and management techniques. Bangweulu Wetlands is a Game Management Area.

IM: Why do we have no access to the survey report let alone the results. The evidence from the past is that sitatunga were overshot in certain areas. Have the translocated and disease-carrying buffalo already filtered down into the small Chulu (anthill) groups of buffalo?

19 Bangweulu's Board is committed to ensuring that legal hunting is done most sustainably, so that game populations continue to increase while delivering necessary benefits for surrounding communities. All funds generated by hunting are invested directly back into the area, where they serve as one of the only revenue streams supporting an extremely impoverished rural community.

IM: What can the board reveal of the actual benefits to villagers? Have they not lost their control of customary land, their ownership of wildlife and fisheries?

50 Lechwe sold?

Tourism and Arts Permanent Secretary [Amos Malupenga disclosed](#) that former Tourism Minister Charles Banda, in March 2019, issued a capture permit for 50 Black Lechwe to Langani Game Ranch in Kazungula and 30 Black Lechwe to Kwisoko Game Farm in Lusaka.

Mr Malupenga notes that the animals were captured and translocated to

the two farms on September 10, 2019, following the authorization.

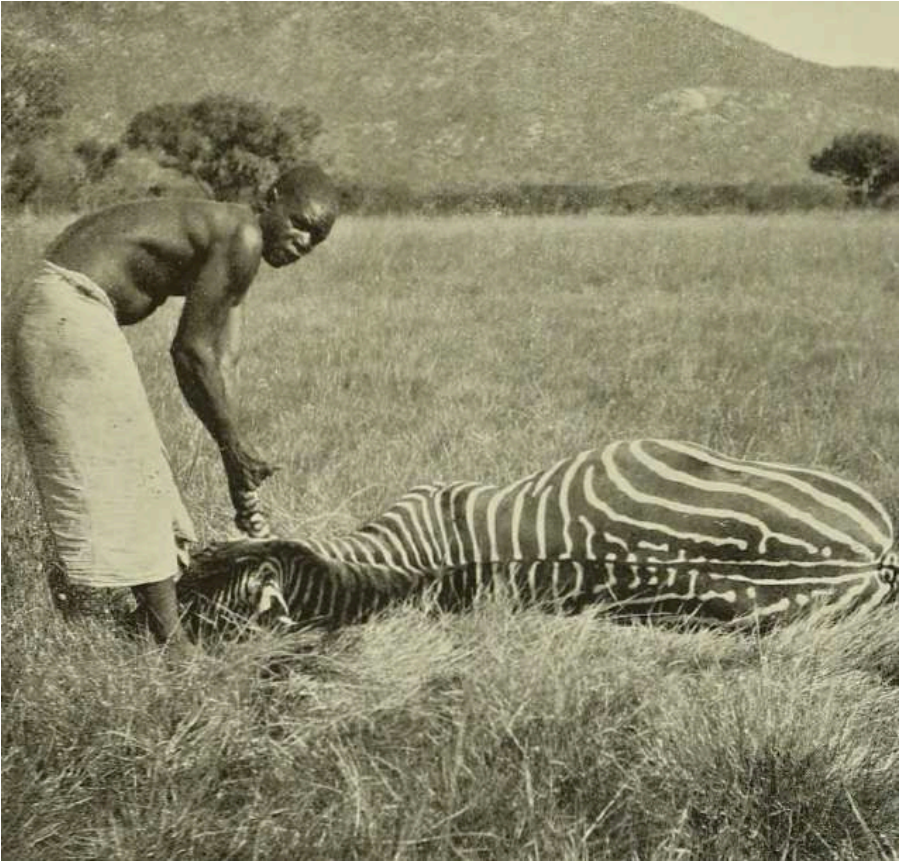
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Summary of 11 years of AP's annual glossy reports

1. The aerial survey of 2011 came up with a black lechwe population of 75,000 in 2011-12, but from 2015 to 2019, it was back to 50,000? Given that the chiefdoms' ownership rights to wildlife are essential, cropping rights not being given when the population reached 75,000 is criminal.
2. Reported 960 villagers arrested in 9 years for poaching (one year none reported), the number of game animals involved only recorded 3 times, killing hunting dogs twice. This would have about 1,056 villagers arrested over 11 years, which directly affected about 10,000 family subsistence family and clan members.
3. 525 head of game introduced (195 buffalo from a Foot-and-Mouth area?), seemingly without any veterinary controls and driven by the need to supply game species for hunting-safaris. Musso Munyeme wrote the paper 'Brucella seroprevalence of the Kafue lechwe (*Kobus leche kafuensis*) and Black lechwe (*Kobus leche smithemani*): Exposure associated with contacting with cattle'. Provided no cattle are brought in, and great care is taken with wildlife translocations, Bangweulu might remain fairly disease-free. But not so in Kafue. In answer to a short comment of mine, he replied: "That is indeed an important message. Hope policymakers can listen and learn something. What is happening in the Kafue flats is sad. Brucellosis is a disease that is harvesting young lechwe antelopes through abortion storms, whilst bovine Tuberculosis is harvesting mature populations. This, in the long term will cause an unprecedented population crash/decline. However, policymakers only

think poaching is the cause.”

4. Before Bangweulu’s takeover by African Parks, the Kasanka Trust was involved in the translocation of Kafue zebra (*Equus quagga burchellii*) to Bangweulu, despite the existing subspecies of zebra (*Equus burchellii zambeziensis*). This was highly irresponsible. AP has continued treating Bangweulu like a game ranch.
5. The partners are 6 CRBs (community resource boards) and the wildlife department (ZAWA/DNPW) - rare mention made of the chiefs who appear now not to be signatories to the project. Three sit on the board.
6. No proper human population estimates are given - the figure 50,000 trotted out year by year, yet there are more than 60,000 people in Lunga alone. Thus there must be anything up to 150,000 people in the project area. And it is the carrying capacity of the human population, which is so critical.
7. The recommendation that people should grow maize instead of indigenous millet is irresponsible.
8. End of project - 2029.



Equus burchellii zambeziensis in Lavushi Manda (pic. J.E. Hughes)

The annual reports of African Parks are brief and repetitive public-relations announcements. They have little clue about what to do in a customary area - national parks being their usual operation place. Their reports contain no in-depth information or links to them. They and the government mount a steadily increasing military operation of game scouts set upon the villagers, a presence impossible to police, arresting and imprisoning 100 or so villagers a year for hunting game on their own customary land, to feed themselves,

their families and clan members - and to sell some meat, something they had done since the beginning of time until 1954 when the Fauna Conservation Ordinance removed the controlled hunting areas (CHAs) that had been created at the request of the Native Authorities (chiefdoms) of Indirect Rule, converting them to first or second class hunting areas under Game Department control. Even then, the second class hunting areas did allow tribesmen easy access to hunting until 1971 when the Wildlife Act No 65 of 1971 confirmed that the powers placed in the Game Department's civil service head, the Director, were now under the sanction of the Minister. Penalties for poaching were increased as the hunting-safari industry expanded as part of the patronage system. The government passed a further eight statutory instruments outlining new regulations governing hunting licences, trophies, protected animals and legal methods of hunting. One of the prescriptions was that controlled hunting areas were converted to 32 game management areas (GMAs), implemented by a statutory instrument on 1 February 1971. This massive and surreptitious landgrab of customary area foisted on the Game Department and customary people by an aggressive politician. From this point, we white expatriate game officers, the monks of the conservation movement, began giving up our life in Zambia and going elsewhere to tilt at windmills, the process speeded up by Kaunda's announcement of the One-Party state in 1972, and finally by the Watershed Speech of 1975 which disallowed expatriate civil servants working outside of government to enter the private sector - ensuring our departure from the country. Zambia has never recovered from this neoliberal and autocratic landgrab, far worse than the colonial landgrab of 1889, which immediately defeated the Middle-East and local slave trade.

* * *

African Parks Objectives for 2020

- *Refurbish Nkondo Camp and complete construction of staff housing at Shoebill*

- *Install a clean water supply at Chitambo and Kabinga outposts*
- *Complete the Integrated Law Enforcement Strategy*
- *Finalise the Shoebill Management Plan, operationalise the chick-rearing programme*

- *Increase occupancy at Shoebill Island Camp by 10%*

- *Increase revenue from the honey project*

IM: There is nothing here to suggest any focus on enabling the chiefdoms to attain full ownership rights and to have their land considered equal to state land.

A notice put out in late December 2020 that Cheetah were introduced

Bangweulu Wetlands Zambia

Cheetahs returned to Bangweulu.

Cheetahs have returned to Bangweulu Wetlands - a unique community-owned, protected wetland in Zambia - after almost a century of their absence. In partnership with the DNPW and six Community Resource Boards (CRBs) and in collaboration with Endangered Wildlife Trust, we have successfully translocated a total of three cheetahs to Bangweulu from South Africa. The cheetahs were fitted with tracking collars to enable their long-term monitoring and were safely released into temporary enclosures designed to support their acclimation to their new environment. With fewer than 7,000 cheetahs remaining in only a fraction of their historic range, safe and secure protected areas, like Bangweulu, are essential to the survival of the species in Africa's wild landscapes. "In many parts of the continent cheetahs face an uncertain future, but today the Zambian Government and Bangweulu's communities are providing a chance for their recovery" said James Milanzi, African Parks' Zambia Director. Their reintroduction not only marks a new ecological milestone for Bangweulu but an exciting new chapter for eco-tourism to this region where nature's return benefits both people and wildlife. This initiative was made possible with support from Ashia Cheetah Conservation, National Geographic, the Ford Wildlife Foundation, PWC, and Paul King and additional multi-year support from Stichting Natura Africae, Wereld Natuur Fonds - WWF and WWF Zambia.



In December 2020, African Parks set out to hire a park manager. In their advert, they describe themselves as:

African Parks is a non-profit conservation organisation that takes on the complete responsibility for the rehabilitation and long-term management of national parks in partnership with governments and local communities. We currently manage 18 national parks and protected areas in 11 countries covering over 14.1 million hectares in: Angola, Benin, Central African Republic, Chad, the Democratic Republic of Congo, Malawi, Mozambique, the Republic of Congo, Rwanda, Zambia and Zimbabwe.

and that they seek a park manager to:

- develop and implement an integrated strategy for the park's sustainable development;
- ensure the effective operational management of the park;
- provide strong leadership to the PMU team;
- represent and promote African Parks with all stakeholders.

Yet Bangweulu is not a national or a community park, it is customary area. It

then goes on to lay out the Key Performance Areas (KPA's):

Develop and execute a park strategy in accordance with the Partnership Agreement (mandate) with the Government and African Parks Network (APN) objectives.

Nowhere is there any realization that their model is unfit for the customary commons.

And James Milanzi, ex-SLAMU/ZAWA, is now in charge of African Parks in Zambia. As I wrote in *Plunderers of Eden*:

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) - 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.

An ex-SLAMU and ZAWA operative will inevitably gerrymander greater state control of the Bangweulu customary area.

Jailed for having game meat

Subsistence poaching: 5-years hard labour

Four Zambian men have been sentenced to five years in jail each, after the local courts found them guilty of possession of illegal bushmeat of various species.

According to the reports, the first three suspects were convicted by the Mpika Subordinate Court. The residents separately held 12 kilogrammes of Hippo meat and 24 kg of Black Lechwe meat. Both animal-based products are protected by section 130 (1) of the Zambia Wildlife Act №14 of 2015, which the perpetrators seriously violated.

The Subordinate Court in Chinsali, in turn, rendered its judgment on another case, in which a citizen stored 15 kg of Sable Antelope meat. Besides that, the man received an additional six months' term for unlawful possession of five shotgun shells.

Mpika Court Jails 5 for Wildlife Offences

[Chris Phiri](#) | July 13, 2019

The Mpika Subordinate Court has sentenced five people to five years imprisonment for committing various wildlife offences.

The Court sentenced Fredrick Chilufya and Ackson Mvula to five years imprisonment with hard labour for unlawful possession of elephant meat weighing 68 kilogrammes and six pieces ivory weighing 28 kilogrammes in the first and second counts respectively.

The court also sentenced Dennis Kabwe to five years imprisonment with hard labour for unlawful possession of two pieces of Ivory weighing eight kilogrammes.

In another case, the court sentenced Elias Sichalwe to five years imprisonment with hard labour for unlawful possession of zebra meat weighing 23 kilogrammes in the first count, and unlawful possession of Waterbuck meat weighing 15 kilogrammes in the second count.

The Mpika Subordinate Court also sentenced Alick Kunda Mwape to five years imprisonment with hard labour for unlawful possession of Black Lechwe meat weighing 46 kilogrammes.

In another case, the court sentenced Elias Sichalwe to five years imprisonment with hard labour for unlawful possession of zebra meat weighing 23 kilogrammes in the first count, and unlawful possession of Waterbuck meat weighing 15 kilogrammes in the second count.

The Mpika Subordinate Court also sentenced Alick Kunda Mwape to five years imprisonment with hard labour for unlawful possession of Black Lechwe meat weighing 46 kilogrammes.

Ministry of Tourism and Arts Public Relations Officer Sakabilo Kalembe stated in a statement issued today that the arrests and convictions were a result of the conservation efforts of the Department of National Parks and Wildlife under its Wildlife Crime Prevention Project.

He added that illegal trafficking and trading in wildlife products deprived the country of much needed resources meant to provide much social services and wildlife-based jobs for local people.

"That is why courts of law are handing stiff punishments to anyone found wanting to secure the country's wildlife resources," stated Kalembe.

<https://zambiareports.com/2019/07/13/mpika-court-jails-5-wildlife-offences/>

4 Men sentenced to 5 years imprisonment for possessing game meat

20 May 2019



A living disgrace.

Four men have been handed five-year jail sentences in Mpika and Chinsali after being convicted of illegal possession of up to 51 kilograms of illegal bush meat of various wildlife species.

Allan Chanda was convicted and sentenced to five years imprisonment with hard labour by the Mpika Subordinate Court for Unlawful Possession of Protected Trophy namely, Hippo meat weighing 12 kilogrammes,

contrary to section 130 (1) of the Zambia Wildlife Act number 14 of 2015.

The Court also convicted and sentenced Sten Kabengele and Mupanga Lwanga to five years imprisonment with hard labour for Unlawful Possession of Protected Trophy, namely Black Lechwe meat weighing 24 kilogrammes, contrary to section 130 (1) of the Zambia Wildlife Act number 14 of 2015.

In Chinsali, the Subordinate Court sentenced Shadrack Katongo to five years imprisonment with hard labour for Unlawful Possession of 15kg of Sable Antelope meat, and another six months' imprisonment for unlawful possession of five shotgun Shells.

Illegal bush meat trade is considered to be the biggest threat to wildlife populations in Zambia and the region, even over and above the ivory and rhino horn trade, according to a statement issued by Ministry of Tourism and Arts spokesperson Sakabilo Kalembwe.

7 comments

Maharaji [May 20, 2019 At 1:45 pm](#)

A few men buy fire trucks for \$42million squandering money Zambia does not have and they go scott free!!! A few villagers try to feed their families with game meat and you sentence them to 5 years????? White tourists come and "cull" hundreds of hippos and we are fine with that. A villager kills one hippo and he is sent to prison!!!!!! Am I the only one seeing this injustice? what qualification do our judges have that they can't see sense in sentencing people to community service. Our prisons are overflowing already #humanrightsabuse

snowball [May 20, 2019 At 1:51 pm](#)

Mwalasa. The law only applies to the poor.

Ntulu [May 20, 2019 At 9:50 pm](#)

Illegality is illegality no matter the culprit.

C - General [May 20, 2019 At 3:31 pm](#)

The problem here is paperwork. If you read through the cases they all say illegal possession of game meat. This means one can possess game meat but this must be done legally. I was once in South Luangwa and game guides told me that I could buy an elephant at K40,000 from Zambia wildlife offices and they would give me a certificate and kill the animal for me. Kudus and Impalas were much cheaper but I can't remember the price (may be K300 – K500?). Procedures must be followed because if every Jim and Jack gets a bazooka and starts killing animals indiscriminately then all the game will be depleted in no time.

Kim [May 21, 2019 At 4:41 am](#)

We Africans just like to shupa each other. Kabanshi will get two years suspended sentence.

mwelwa [May 20, 2019 At 4:10 pm](#)

This problem has been there for a long time. People have been arrested but they don't stop. what is the problem? Has anyone carried out some research on this problem? before civilization came, we lived as hunters gathers of fruits. This in our blood. After stopping them from hunting, what alternatives did govt. give these people? Aside from that, do these villagers share in the benefits that come from conserving these wild animals? When giving hunting licenses, are these villagers allocated

some percentage? Otherwise, what we are dealing with are symptoms of the real problem someone somewhere has ignored.

Kim [May 21, 2019 At 4:38 am](#)

You get umunani from your backyard to feed yourself get locked up five years!!!

It's not right. Even during colonial times not that bad... They would give you shambock and tell you to behave. Not this. Elton to magistrate what education and common senseless they are! Africa twalisebana . Review those sentences.

Informed Indigenous Comment

The Secretary of the Lunga Development Association, Kunda Lunda, in September 2020 compared my Landsafe model with the African Parks model used in the Lunga section of the Bangweulu since 2007 and concluded:

The Landsafe model is the best for Lunga, Ncheta in particular:

1. One main difference I noted between this model and AP is the emphasis on benefits to the ordinary citizen of a customary/ local community. This is a down-up model in terms of development. It is self-contained.

2. The safety of land to remain within the customary authority is not anywhere in AP. Unless I missed this from their list of objectives. This is something, in my opinion, that our chiefs might not have thought critically about. The eventual alienation of GMA land to the state is a

grand oversight that needed careful interrogation before signing these deals. From the Landsafe model, there is a possibility to reclaim this land should the entire chieftdom become a conservancy. I might not have understood this fully, but I think this can be done.

3. Another very significant aspect is that of community development planning and implementation. While AP boasts of community projects, Landsafe puts this at the center as its core objective. Being supervised by a Trust whose head is the chief themselves makes it unique in that projects would not be haphazard. There are more possibilities of obtaining community cooperation than projects that are imposed by a “donor.”

4. As a result of the above, more members of the community will receive more benefits. When I carefully looked at AP’s community projects and their benefits, I found out that less than 0.05% of the community benefited from what is reported. For example, AP boasts of giving 300 beehives to communities of Bangweulu in 2018. Over 60,000 people are living in Lunga alone. Even if you divided this by the number of people there, it will mean 200 people per beehive. What can this do? Unfortunately, Lunga wasn’t even a beneficiary. Another example is that of Zedupads for learners in schools which they say impacted 800 pupils. A closer look at this figure revealed that only six pupils out of 540 per school benefited. The list of these paltry benefits is lamentable. No wonder it is still hard to convince people to stop poaching. **There is, in fact, no real benefits for the community. As a result, they take it AP is “stealing” from them. The only way out for the ordinary person is to “share the spoils!”**

5. In Landsafe, I see a model that is designed to train locals to manage their resources. By working with their trust company, seeing money flow into projects they were part of at the planning and implementation stages would invoke the motivation to protect their natural resources. Employing 8 people to guard Shoebill fledglings out of a population of 10,000 cannot be seen as improving the economy of the area. 19,992 individuals will not see any benefit of this. While the move is noble, the impact, unfortunately, would be negligible.

6. I am yet to understand more of these differences, but, from just these

few, it is obvious that Landsafe would have been the best option. With this basic knowledge of the Landsafe model, I can convince my team to think deeply about it so we can make progress.

Terrible Sirpryze

We have been neglected by successive Governments. We have been promised a number of things during elections but once the voting is done no one seems to remember that we exist. We have been promised that they will build us Palaces so that we can have decent Palaces as leaders but we just hear that they are building this side but as for us you can see for yourself, this place is like a crow were you keep cattle.

Senior Chief Kalasa Mukosa (Everisto Chama Pasha 2009- 2019) - 2015

* * *

The news from the Times of Zambia of July 18, 2017. “Kudos to Sirpryze for Samfya resort plans” that a US\$8billion Smart Resort City was planned by Sirpryze Continental Zambia Limited on over 40,000ha in Senior Chief Kalasa Mukoso’s chieftdom in Luapula province is a terrible blow to Kalasa Mukosa villagers and the integrity of chiefs - if true.

Sirpryze is an American corporation based in Florida, operating in Ghana,

Cameroon and Zambia.

The Pipeline Projects

The Company is currently developing three multi-billion-dollar economic smart cities in Zambia as centers of Education, Research, Innovation, Industrial and Economic Development of Southern Africa. Sirpryze Continental Zambia Limited (SCZ), a subsidiary Sirpryze Continental Group, Inc (SCG), is implementing these developments. These economic developments which are ready to take off include:

1 Samfya Industrial Economic Resort Smart City – Project

A modern city with State of the Art Infrastructure, with ultimate resort holiday

destination facilities, a superb liveable city with humane state of art the housing

facilities. The facility includes a Premium Sports infrastructure and Development City in

the region.

2 Muchinga Agricultural Economic Smart City – Project

A state of Art modern city design with a vacation city destination, a gem of unique city

designs, a garden city, economically sufficient, with a hub of financing innovation,

among others.

3 Kasaba-Bay Commercial & Holiday Smart City – Project

Kasaba Bay is a bay, hydrographic in northern province with the region font code of

Africa/Middle East. It is located at an elevation of 764 meters above sea level. The

concept is to develop and establish Kasaba-bay City into a Presidential

and Executive –

VIP resort/holiday and an international executive retirement destination.

Key supporting industries include:

Mansa Cement Plant – Project

Rail network – Project

Intercity High-ways – Project

Electricity Generation Power Plants – Project

Steel Manufacturing Plant -Project

Each planned Economic city is being developed as an economic theme as follows:

The aim of city developers, planners, designers and engineers is to establish:

Modern cities with State of the Art Infrastructure;

Cities with ultimate resort holiday destination facilities;

Superb humane liveable city housing facilities;

Premium Sports infrastructure and Development City in the region;

Beacons of garden city and landscape show pieces

Jewels of mind-boggling infrastructure designs;

Economically sufficient cities;

Examples of a platinum civic services delivery systems;

Ultimate in Excellent Education Systems and Facilities;

Premium State of the Art Health and Medical Care Facilities and Systems;

World-class Aviation Infrastructure and Systems;

The Apex of Hotels Facilities and Service;

Industrial and Innovations development hubs;

Unique intra-city transportation infrastructure and systems;

World-class shopping destinations;

Wonders of Broadcasting facilities Platform;

World examples of platinum grade intra-city security systems;

Our objective of this development

Improve the lives of the local Zambian people by providing education and training, jobs, modern residential facilities, healthcare facilities, modern smart city infrastructure, business enabling infrastructure and facilities among other things

To harness local and neighbouring natural resources, to develop larger manufacturing industrial production lines, so as to produce life supporting products for sale within the cities, within the country and to the international markets

To develop modern infrastructure and systems in Zambia that enhances modern business practices for maximum revenue generation for locals, the government, investors and developers

Create systems that will make it possible to maximise return on investment

To industrialize the national and regional economies by establishing Industrial Manufacturing lines of life supporting products.

The Traditional Chiefdoms in Zambia

The Traditional Chiefs, who are the custodians of the land and their subjects are very eager to see the Economic Smart Cities get established in their chiefdoms.

The mind boggles! These projects are to be placed in chiefdoms?



Ivory Bangle Syrprize and Chief Chewe of Muchinga

Education and Training Plan for the Locals



Locals listen to the presentations

The 'Locals' of Kalasa Mukosa

The villagers, represented here by women and children, presented with a delusion and addressed as 'the locals'.

Sirpryze big man with Smart City plans for Ghana, Cameroon and Zambia.



American Execs & (bottom right) Smart City Zambia' CEO David Pasa.

Not even big man Cecil Rhodes and the royal chartered BSA Company had such outrageous, egregious intentions. This is the *reductio ad absurdum* of the capitalist system - colonialism clothed in madness. How does a chief reject such a neocolonialist invasion? What has the House of Chiefs done about it?

But the [Luapula Provincial Administration](#) in 2018 had this to say about the American Surprise:

US COMPANY TO BUILD MODERN CITY IN SAMFYA

SIRPRYZE Continental Zambia Limited Vice President David Pasa has announced his company will this year begin to build a smart resort city in Samfya's Senior Chief Kalasa Mukoso's Chiefdom.

Dr. Pasa who is also Regional Group Representative, said when he held a meeting with Luapula Province Minister Nickson Chilangwa in Lusaka Tuesday.

Dr. Pasa said the \$8 Billion contract had been awarded to Sulpota Group, a Belgian construction firm.

He said construction works would commence before the end of the year after resettlement of the people on the land allocated for construction.

Dr. Pasa said the smart city would be developed alongside an industrial infrastructure park to support it.

Asked if he was not just dreaming things that would not be real, Dr. Pasa challenged naysayers to wait for the commencement of the project adding nothing started without a dream.

"We are building a smart resort city which is similar to Dubai, this is not a dream but reality. The city will sit on over 40,000 hectares of land and the Chief will have 13 percent shares in the project as compared to projects where Chiefs can only have three percent shares," Dr. Pasa said.

He said the industrial infrastructure park was meant to support the city by creating thousands of jobs to guarantee people's buying power.

And Dr. Pasa has assured Mr. Chilangwa his company would wholeheartedly support the Luapula Expo and Investment Conference.

He said the company would not only partner with the Provincial administration but also exhibit at the first ever investment showpiece.

During the meeting, Dr. Pasa handed over a hard copy of the memorandum of understanding.

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Author Comment

1. The Sulpota Group, a Belgian construction firm - I could find no trace of them
2. \$8 billion for the Samfya Smart City in the middle of Nature and indigenous people's lands - Zambia's debt is \$27 Billion
3. No mention of customary land and tenure rights or chiefdoms (only "locals").
4. Senior Chief Kalasa Mukosa, whose chiefdom includes Samfya, died on 2 January 2019. He had previously signed an MOU with Syrprize to hand over 40,000 ha of land and receive a 13% shareholding in the project.
5. People are being re-settled.
6. ZEMA has no record of any Environmental Impact Assessment (EIA) for the project.

Sirpryze Project Engineers

Worldwide Infrastructural Development (WID)

Engineer [Ricardo Guadarrama](#), CEO

Registered 19 September 2018

Dissolved 25 February 2020

The website has nothing on it.

Ricardo Guadarrama

*Overview **Ricardo Guadarrama** has been associated with eight companies, according to public records. The companies were formed over an eleven-year period with the most recent being incorporated ten years*

ago in April of 2010. Zero of the companies are still active while the remaining eight are now listed as inactive.

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Although the website functions, my query on Sirpryze revealed nothing. I then wrote to them.

EIA: ZEMA

A study of [environmental impact assessments](#) registered by ZEMA between October 2017 and March 2021 contained no EIAs for any Sirpryze projects.

Swampy Tales

I was a very small boy living at Mwalichupa's village in Muwele (across the now dried up Nsanswe lagoon) when you were at Chikuni (I was in Grade three in 1976). Because of my light skin, my friends nicknamed me "Manning" after you! And I used to get mad about it, Lol! I did not know your first name, but my third born son is Ian (fourth -year Civil Engineering student at Copperbelt University). It's such a coincidence!
Kunda Londa (2020)

* * *

By chance, I recently came across the blog site [SWAMPY TALES](#) by Kunda Londa, who, as a young boy, lived near Chikuni Research Station when Cathlin and I lived there. Suddenly a bright and lucid voice spoke to me of Bangweulu, revealing his life, something previously locked away by my foreign culture, by the restrictions of my work and habitation, by my lack of

Bisa/Bemba, by the time spent doing research and writing it up on a small island shared with three men and their families, they hunkered down on the other side of the airstrip in their tin huts - their fellow tribespeople spread out on islands on the edge of the horizon.

His blog of 27 June 2020 is a riveting letter to the aspiring Luapula Constituency MP. In but a few sentences, he summarises the state of his people's lives in the wetland: their customs and rights, their needs, but mostly, his plea that the MP will consult them constantly, be guided by them, so that they may recover their lives from the constant imperial oppression of outsiders, be they slave traders, their own national government, or privatizers. Here is a clear voice telling us that his people are a distinct cooperative culture wedded to their land through religion, customary law and the commands of nature; that their government not only totally neglects their needs but imposes its own rapacious desire for control of customary land; its 'ownership' of whatever it is that makes money - mines or a hefty slice from a hunting-safari industry.

* * *

KALATA KULI BA MP WESU ABALEISA MU NSHIKU 420

June 27, 2020

Dear [Aspiring Luapula Constituency MP](#),

'Umwana bamufunda pa kuya. Pa kubwela alakana'

Our forefathers coined the adage: *"Insala ni ndiminwa, te mpulilwa iyoo."*

This was to encourage us to go out and till the land so we did not become

beggars. If our own household had no food for longer than two days, and you were forced to ask for help from relatives or friends, the head of that household took the blame and apologized as a responsible provider for the family. (Remember those days when our fishermen were allowed to freely excel at their trade?) Yes, we even had floods at times! Those who failed to consistently feed their own families had derogatory nicknames such as *Impumfi*, *abapushi*, etc. So, in terms of development, you will be that head of our communal household of Lunga. I am convinced you realize this and is the reason you want to run for that office.

I know that things are different today. The game has completely changed. Incessant floods, partly due to blocked canals and climate change, unfair fish markets and not-so-convincing fish bans, which are different from traditional and ordinary local chiefs'-controlled suspensions; these and other factors have reduced us to *Abapushi*. The term "RELIEF FOOD" has even become as familiar as a before-meal prayer and so normalized amongst us. We even budget and wait for its arrival, a thing that never ever crossed our minds. **DMMU** has become a de facto *Malaika Uutulinda*.

Some strangers to our way of life jump to extremes of tormenting inhabitants of our God-given swamps by suggesting that they migrate to "better places," as if there's any better place than HOME. We appreciate the tormentors' ignorance as we clearly understand that they know not that wise saying that, "Whenever you feel like criticizing anyone, just remember that all the people in this world haven't had the advantages that you've had." We hear and ignore them, for they know not our rich history, which we implore you to teach them.

Sir/Madam, look at our natural resources management through the natural eye of a common man on the island. Our animals, birds, etc., are managed by foreign companies who benefit more than the locals. You will need to answer some questions soon; such as:

- Who can be the best guardian of our resources, indigenous inhabitants (Mwine Pano/ Mwansanga Pano) or those who came and said they can do it on our behalf? Isn't it said that 'employ a thief to catch a thief' for

positive results? The endemic poaching problem can better be handled by locals getting fully involved in the protection of our animals because they are the poachers or they know them better. Wrong fishing gears or weirs are used by locals. Only locals can stop each other from these vices. Mansukano chasing fishermen by the so-called marines is not necessary and a waste of time and resources. Our people qualify to be marines *mwe bantu!*

- When are we going to be fully in control? Are there any plans, or it's God's case with no prospects of appeal?
- Why should fishermen continue to live in perpetual poverty, a thing we never experienced many years ago when the world was less developed and leaders less educated? What is your vision/ or strategy to end this embarrassment?
- What happened to the idea of a central fish marketing Cooperative at Bwalya Mponda? Why can't the idea be revisited? What about value addition to our rice and other initiatives?

Please Madam/ Sir, look at the issue of *Icibindo* (Fish Ban) critically and see how it affects your constituents. Let our chiefs regulate the ban as it used to be in the good old days. My grandfather, who managed Nsenya fishing camps near Ncheta Island, could successfully order people not to fish in certain breeding areas with authority from the chief, while people were allowed to fish in other places. The best people who can control these vices are *Chipupilas* under the supervision of chiefs. This problem can easily be solved without forcing people to use unorthodox means to survive. *Bushe mukabebako abo cikumine?*

Madam/ Sir, interrogate whatever happened to the continuous canal clearing. This used to provide some permanent employment to some locals and improved the economy of the communities to some extent. Elsewhere, every year, roads are being cleared—urban or peri-urban areas. Local contractors are engaged. Surely, we can also have local contractors to clear our canals like those doing the roads and drainages every day? Think about this and claim what is due to your constituents.

Sir/Madam, I am sure the national cake is big enough to go round. Like when you are at a feast, sometimes those who shout the loudest are given the attention and get what is due to them. We are a people; we have culture, we have natural resources, why can't we have tourists visiting our places and leaving some money to improve our lives? For example, Samfya is now a tourist focus. All because people are talking about it. Bangweulu and its white sand beaches have always been there. It's only when people began talking that it attracted the attention needed. The roads leading to its beaches are busy. The rest, as they say, is history. Would you help re-brand our islands and their swamps?

Madam/ Sir, please work not in isolation. Involve everyone. You are not at war with other contestants. You are all one, trying to serve your fellow tribesmen. Share ideas with others. Do not try to undo the good works of past office bearers for the sake of popularity. Instead, build on their foundation. Better the situation. The fact that you are elected does not make you the wisest. *Amano yafuma na mwi fwesa, yaaya mu chulu.* Listen to the people.

In less than 450 days, you will be inaugurated. Do not just mind your pocket. Remember the man who will be coming from a mosquito-infested fishing camp to come and vote for you. The old woman who will deposit her hopes of a better life in you. That youth thinking of becoming a conservationist will be looking up to you. The heavy load of their troubles will be right upon your shoulders. Will you offload it into that comfy Pajero and forget it was ever received by you? Soon, you will be begging them for votes. A while later, you will want them to apply in writing to see you.

"Ba Kambwili batila, 'Insoni e buntu!

Ifingi nshikwete.

Naleka nine,

Shilunga Fye!"

STOP AND THINK! OUR LAND. OUR STORY. OUR RESPONSIBILITY

26 September 2020

"Ubufumu buucindika abeene," literally meaning customary commoners, must

honour their traditional leaders. So said our wise forefathers. Why is it important to do this? Because the traditional leaders are custodians of all that we are. They symbolize our culture; they mirror our tradition and are an insignia of what we call TRIBE (which means a group of persons having a common character or interest.) They represent not only our history but are the emblem of our struggles, our triumphs, our evolution, our beliefs! And, most important, they hold in trust what belongs to us, our heritage, OUR LAND, AND ALL THAT IT HOLDS. As such, every tribesman must honour what we have.

Yes, we honour and respect our chiefs, headmen, and Guardians' of Nature. Therefore we should not allow anyone or anything to erode this esteem? Is it possible for the state and privatizers to undermine their authority while we look helplessly on? Can we do something? Why should we bother to do so? What is in it for us? The answer to the last question, probably the most important, is simply this: Everything!

For this reason, we should not let anyone degrade our chiefs, headmen, and Chipupilas before our own eyes. It seems this is what most educated people from our land have done for a long time. They have neglected and conspicuously abandoned their traditional leaders: some due to selfishness, others because they are wealthier, some because they are above tradition, others because of sheer indiscipline. And some have turned away from keeping their traditions as they think they have suffered injustices from the very chiefs they are supposed to honour.

Whatever the situation, there is always room to rethink our position, to revisit our history, and make amends. Our chiefs need us more now than ever before. Yes, YOU and ME! From Chiunda Ponde to Nsamba. From Kabinga to Kopa. From Chitambo to Bwalya Mponda.

Take, as an example, one area in which we have seen our chiefs' authority slowly and systematically disintegrate while we watch: Land alienation. OUR

LAND, supposedly secured for us by our chiefs and headmen, our spiritual guardians, gets alienated from us on the pretext that it is going to benefit us. And along with the land and our sacred groves go our natural resources: our soils, forests, and wildlife. Is it not a fallacy that someone can control or manage your property on your behalf for you to gain better benefits without him being a beneficiary? Even a real estate agent takes care of your property for profit! In short, there is simply nothing for nothing. The sugar-coated pitch about benefits commoners - we villagers - will reap from the use of land by someone else without OUR involvement is almost always a delusion. That is the case with the so-called Game Management Areas (GMAs) imposed on us in 1971.

For example, Bangweulu chiefdoms that have surrendered most of their land to the state and their Public-Private Partnerships with outsiders have little to show for it. The privatizers and the government now police the villagers (rightful owners of the land and its natural resources). The poor continue to get poorer while managers get richer! Wouldn't the situation be better if the chiefs and we regained control of the natural resources - as was the case during the Native Authority era? Maybe!

So, how long should we continue with absentee-owner management arrangements without getting fully-involved as indigenous subjects of these chiefdoms? Isn't it about time we started asking those critical questions about our land and its treasures? Is it not about time we interrogated and accounted for the so-called benefits and see to whom they accrue? How many of us are seriously thinking about these issues?

Anyway, dawn is near. The cocks have been crowing since 2016 while we were fast asleep. We can, and safely so, reclaim our traditional leaders' authority, and in turn, OUR RIGHTS, back because the law backs us one hundred per cent! The Protection of Traditional Knowledge, Genetic Resources, and Expressions of Folklore Act, 2016 unambiguously defines our rights. It reads:

“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.”

I am not a lawyer; neither am I trying to play one. But I think the words “traditional community” must have been intended to imply all indigenous subjects of a chieftdom, and not only a few. To reclaim our rights, we need to act together. We do not need a political party to claim what is ours. We can work together as tribesmen. WE can achieve this through a CITIZENS’ ASSEMBLY as we are trying to do by coming up with the Lunga Development Association (LDA) - but more on this later. We have witnessed natural resource management arrangements reduce the majority of indigenous people to mere spectators. Our interests are ill-served. It is time for us to take responsibility for our lives. Does this make sense to you?

Sunkilenipo, ine nakoshafye umulilo!

Lunga Development

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.

*Chola Mukanga - "A Cultural Approach to Zambia's Development...."
Zambian Economist (26 Aug. 2007.)*

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.

12 May 2017, Hilal Ever, the UN Special Rapporteur On the Right to Food

The Commons can be understood from at least four different perspectives:

- 1. Collectively managed resources, both material and immaterial, which 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 logics and processes.*
- 4. A paradigm shift that sees commons and the act of commoning as a worldview.*

Silke Helfrich – [Commons Strategies Group](#)

While direct rule denied rights to subjects on racial grounds, indirect rule incorporated them into a “customary” mode of rule, with state-appointed Native Authorities defining custom. By tapping authoritarian possibilities in culture, and by giving culture an authoritarian bent, indirect rule (decentralized despotism) set the pace for Africa.

Mahmood Mamdani - Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism

For if democracy is to be an activity of meaning to all classes in society, and in particular to the peasantry and working classes, then its form and scope must indeed be meaningfully related to their living conditions. In other words, a discussion of the political form of the state can not be divorced from an analysis of existing production relations or systems of exploitation.

Mahmood Mamdani - Peasants and Democracy in Africa

The chiefs' place today is still conditioned by the deeply entrenched colonial legacy, of which two features are particularly important: 1) the continued role of the chiefs as custodians of land in the particular territories under their administration, and 2) their institutionalized position as the sole representative of their rural subjects. Understanding these is the key to deciphering the chieftaincy's role in present-day Zambia.

That chiefs are considered to not only represent but also stand for the interests of the tribe means that they enjoy certain material benefits that are really meant for the community as a whole.

As Mamdani says, these institutions were created to enable the undemocratic rule of a minority over a vast majority: is this not the case across rural Zambia today? Is not the weakness of civil society there a function, among other things, of the chiefs' hegemony over leadership and the right to be heard? And don't we need different and more direct ways to ensure that the benefits of the mining boom—however limited they may be—reach those that need it the most?

Rohit Negi - 'We are the implementers of development': Chiefs, Capital, and Politics in Zambia. 1 September 2008

* * *

To my surprise, I learned that Lunda Kunda's people had a Lunga Development Association - the district itself created by President Michael Sata in 2011 and still in [dire need of government action](#). Kunda is the Secretary of the Association.

The Constitution of the LDA

CONSTITUTION OF LUNGA DEVELOPMENT ASSOCIATION OF LUNGA DISTRICT

PREAMBLE: The standard of living and socioeconomic challenges faced by communities in Lunga District of Luapula Province in Zambia has reached a stage that calls for support from all Unga people and well-wishers. Funding for development projects, which hitherto rested on the shoulders of the Government is no longer adequate. Now it is incumbent upon us the Unga people to make our contributions and commit ourselves to develop the land that our ancestors left for us and our people. This is where Lunga Development Association - LDA has a key role to play to help our communities that live below the poverty datum line level get out of their current situations and be self-reliant.

It is was during a few group discussions on the social forum that, We, the Unga community residing in different locations, upon realising that we have and share a common past and heritage agreed that by coming together we shall be affording better means of knowing, advocating and helping improve lives of people in the Land of our ancestors. Having a firm belief that such grouping will contribute to the development of our communities in various ways, and in furtherance of the foregoing, do resolve and hereby decided to form the Social media (WhatsApp forum) into an Association.

LUNGA DEVELOPMENT



Aims of the LDA

The aims of the Association shall be:

- 2.1 To bring lunga people (Ungas) together to provide a common forum to Deliberate on developmental matters concerning communities in Lunga District and (hereinafter referred to as '**community projects**') and those of the members
- 2.2 To take up the matters so discussed with appropriate agencies/authorities for the progress of community projects and the mutual benefit of the members of the Association.
- 2.3 To unite the people of Lunga District.
- 2.4 To provide a medium by which interest in assisting less privileged groups in communities will be cultivated, promoted and sustained amongst Lunga people.
- 2.5 To rebuild a selfless love among its members and communities in Lunga.
- 2.6 To engage in income generating activities that will help with the day to day operation of the association

LUNGA DEVELOPMENT

- 2.7 To meet, deliberate and formulate plans and measures deemed suitable and appropriate to advance the betterment and progress of community projects and association members.
- 2.8 To provide the platform for the people in communities in farming and trade projects, out-grower schemes, marketing strategies as well as act as mediators between communities and regulatory boards
- 2.9 Advocate for communication and transportation systems so that our people would be afforded the best possible means of movement and communication
- 2.10 Promote Adult literacy in order to combat the wide spread illiteracy levels in Lunga District
- 2.11 Advocate/lobby support for old people's nursing homes from government including local government and donor community.
- 2.12 Work hand in hand with the government of the day to tackle Environmental, Energy and health issues. We will easily achieve this by strongly advocating and embark upon sensitization programs to protect the ecosystem and natural resources of Lunga District.
- 2.13 Generally to do or cause to be done anything determined by the Executive Committee to be necessary, incidental or conducive to any of The above objectives.

While an admirable step forward, it does not offer the truly democratic structure of an assembly - although it may have a role in addition to an assembly or be coalesced with an assembly.

Lunga Chiefdom Priorities

Some of the problems and priorities for the Unga people of the swamps are [described by Kunda Londa](#), the Lunga Association secretary, where he addresses "The Aspiring Luapula Constituency MP". Here he makes the following crucial points about what is needed for the future:

1. The game has completely changed: incessant floods, partly due to blocked canals and climate change, unfair fish markets and not-so-convincing fish bans, which are different from traditional and ordinary local chiefs' controlled suspensions; these and other factors have reduced

us to *Abapushi*.

2. The term "RELIEF FOOD" has become as familiar as a before-meal prayer and so normalized amongst us.
3. Our animals, birds, etc., are managed by foreign companies who benefit more than the locals.
4. Who can be the best guardian of our resources, indigenous inhabitants (*Mwine Pano/ Mwansanga Pano*) or those who came and said they could do it on our behalf? Isn't it said that 'employ a thief to catch a thief' for positive results? The endemic poaching problem can be better handled by locals getting fully involved in protecting our animals because they are the poachers or know them better.
5. Locals use harmful fishing gear and weirs. Only locals can stop each other from these vices.
6. When are we going to be fully in control? Are there any plans, or is it's God's case with no prospects of appeal?
7. What happened to the idea of a central fish marketing Cooperative at Bwalya Mponda? Why can't the idea be revisited?
8. What about value addition to our rice and other initiatives?
9. Look at the issue of *Icibindo* (fish ban) critically and see how it affects us. Let our chiefs regulate the ban as they used to do in the good old days.
10. The best people who can control these vices are *Chipupilas* under the supervision of chiefs.
11. Whatever happened to the continuous canal clearing. This used to provide some permanent employment to some locals and improved the communities' economy.
12. We are people; we have culture, natural resources. Why can't we have tourists visiting our places and leave some money to improve our lives?
13. We need help re-brand our islands and their swamps.

Were these points of Kunda's addressed, the following would be the result:

- The traditional Guardians' of Nature of the chiefdoms would assume responsibility for fish and wildlife and their protection and utilization.

In essence, they would once more own the fish, the wildlife, the trees and reeds.

- Most enterprises would be locally owned.
- Fish, meat, rice and cassava cooperatives would be established.
- The clearing of canals would be paid for by the state but carried out by the chiefdom villagers.
- The writing of management plans would be obligatory.

In conclusion, the chiefdoms would move towards a semi-autonomous state, essential for ecological and social stability.

Urgent Issues in Bangweulu

1 Proposed hydropower dam on the Luapula.

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 for Watermeyer, Legge, Piésold & Uhlmann with Peter Moss on the two proposed sites – the Mambalima and Mambatuta falls. We warned that impoundment would obliterate the seasonal flood on which the great 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. 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.

2 The government must lift the restriction on fishing in the chiefdoms of Bangweulu. Until such is done, a lechwe quota is required for each chiefdom to help allay hunger originally intended by the Black Lechwe Project.

3 The government must take responsibility for clearing the canals, as my friend James Kangwa used to do from Ng'ungwe to Chafye Island.

4 The other priorities are health, water transport, education and the establishment of game ranches and forest conservation areas under the traditional authority and trusts created for that purpose.

Unavoidable Issues

1 State land and customary land to be on a par

Customary land must - advised by their own Guardians' Assembly - attain the same status as state land. Customary villagers own the natural resources, including wildlife, and control immigration, the fishery and agriculture. In time, the Guardians will put forward candidates to stand as MPs in the current party system or delegates to a national assembly.

In the long term, a revolutionary change to the political system is necessary. The first-past-the-post party electoral system to be abolished, replaced with a unicameral chamber of deputies where customary area deputies are directly elected.

2 The Chiefs

As Mamdani says, "By tapping authoritarian possibilities in culture and giving culture an authoritarian bent, indirect rule (decentralized despotism) set the pace for Africa." And as Negi writes: "Is not the weakness of civil society there a function, among other things, of the chiefs' hegemony over

leadership and the right to be heard? And don't we need different and more direct ways to ensure that the benefits of the mining boom—however limited they —reach those that need it the most?"

The chiefs are, in part, a continuation of colonialism - for they can become decentralized despots. I have experienced this first-hand with several chiefs. This needs to be changed by the chiefdoms' Guardians' Assembly. Chiefs must now revert to a cultural and religious leaders' role, directing the Guardians of Nature and the Chipupilas. Village democracy demands it. And their *masumbas*, their headquarters, must no longer be called Chiefs' palaces, or they, Royal Highness. They must realize that the time of royalty is fading very fast. The chiefs, the guardians, must always be there, but in a different role.

An Indigenous NGO

Executive Director: [Nsama Musonda Kearns](#)

Company Name: World Wide Care for Nature

Dates Employed Oct 2010 – Present

Employment Duration 10 yrs 4 mos

Location Mansa, Luapula Province

I am the founder of World Wide Care for Nature a Community Based Organization working to promote environmental conservation and sustainable development in the local communities of Luapula Province. My work involves raising awareness on the state of the environment and encourage people to take action towards conserving natural resources while making a living out of it.

WHERE ARE THE LECHWES?

As a concerned citizen and environmental conservationist working in the Northern Region of Zambia where the Bangweulu Wetlands are

situated, I'm kindly appealing to the Ministry of Tourism and Arts and the Department of National Parks to help us find closure by availing us with information on the where about and well being of the 80 Black Lechwe that were captured from Chikuni Game management area in Chief Chiunda Pondes area.

We are aware that when the people of Southern and Eastern provinces protested over the live captures of wildlife from the National Parks in the area, the Ministry spokes person Sakabilo Kalebwe explained that the capture of wildlife was meant to facilitate restocking of depleted or understocked National Parks or wildlife areas in line with the Seventh National Development Plan, but we are extremely worried about the survival of the Lechwes because these species are endemic to the Bangweulu Basin and it is the only place in Zambia they have ever existed just like the red lechwe is endemic to the Kafue Basin.

According to research conducted on the species, Black Lechwes are susceptible to any change in the hydrological regime meaning they can easily be harmed by change of habitat. And going by the term "restocking" which means replacing a specie where it once existed but has declined or depleted makes us wonder where else in Zambia apart from the Bangweulu wetlands have the Black Lechwes ever existed? From 1930s when their population was over 250 000 to the 60s when they drastically reduced to less than 16 000 through to the 80s and 90s when conservation efforts saw them increase to 35 000, there has never been a recommendation made to restock the species from regions like Congo which share the same wetland ecosystem because we are talking about a very rare breed of antelope. This is why it has been listed under the International Union for Conservation of Nature as a vulnerable specie that requires special attention and conservation.

We are also aware that the Minister of tourism suspended the movement of wildlife from National Parks into private ranches on 2nd October and same time ordered the Permanent secretary Mr Amos Malupenga to investigate allegations that a director in the ministry signed a wildlife movement certificate when only the minister is permitted to do so,

therefore we appealing that as the PS conducts investigations they also investigate for us where the Black Lechwes have been taken and how they are adapting to the new habitat.

As people living in the area surrounding the Bangweulu Wetlands we have the right to know where our souvenirs have been relocated. It is very important for Zambians to know that the Black Lechwe is listed under the IUCN Red List as a vulnerable specie existing in a unique biodiversity hot spot also listed under the Ramsar Convention as a Wetland of International Importance. We therefore expect that moving such a specie should be done in agreement with both international and national requirements of producing a certified and approved ecological assessment report to ensure that the specie will adapt in the new environment. It is a violation of animal rights to move them from their indigenous home without approval from relevant authorities including community members who are the real custodians of wildlife species that are found within their communities.

God had a reason to place the Black Lechwe in one area of Zambia only therefore we are appealing to all concerned authorities to urgently avail us with information on the where about and status of the 80 Black Lechewe.

Nsama Musonda Kearns

Environmental conservationist

* * *



Care For Nature Zambia

April 3, 2019 · 🌐

...

Luapula Civil Society Organization Environmental hub in collaboration with National office conducted a community engagement meeting this morning at Kasuba Village in Chief Chimeses Chiefdom to discuss community participation in natural resources management, including opportunities and challenges that communities face. The findings and resolutions made during the meeting will be used to engage policy implemented. Currently World Wide Care for Nature is implementing a community action project with support from Action Aid Zambia and today's activity was as a result of findings that resulted from the courtesy call that was made on Chief Chimese.



VII

LEGAL LIBRARY

General Legal Background

Within the pluralistic legal and judicial system characteristic of contemporary Africa, the issue has always been: What is the place of customary law in the national legal system? Because African States are pursuing a policy of legal and judicial unification (under the guise of law reform), the autonomy and the very existence of indigenous law appear dated. The gradual demise of African indigenous law and courts was foreshadowed in the colonial period, when the strategy of legal and judicial assimilation was worked out and put into effect. Nascent African States have continued to subordinate indigenous law and courts in the name of judicial and legal integration. The techniques deployed to achieve the integrationist goal are the assumption of control over customary courts, the whittling down of indigenous law through legislative acts and judicial decisions, and the observance and enforcement of Islamic law as largely identical with customary law. Implicit in the policy of legal and judicial integration is the assumption that the introduced Western law constitutes a superior legal system. This attitude is manifest in the treatment of Western law as the general law of the land, the non-recognition of

village adjudicating bodies, the alternative of opting out of the regime of indigenous law, the rule that the law of Western inspiration must prevail whenever it conflicts with indigenous law, and the abandonment of the teaching of indigenous law in African law faculties and schools.

C. Anyangwe. *The whittling away of the African indigenous legal and judicial system* (1998) [*Zambia Law Journal*](#) pp.46-67

Purpose is to analyse the nature of the common law, especially the doctrine of precedent, in a single jurisdiction - Zambia. The article first discusses some of the different meanings that are possible within the rubric 'common law', their practical consequences and their policy strengths and weaknesses. Following this, the actual practice of the common law in Zambia is analysed in an attempt to determine with some precision the meaning of the term as it is in fact applied here. This application of the common law is then reviewed in the context of some of the important policy demands faced by Zambia's legal system, and based upon this, tentative suggestions are offered for modifications, for adjustments that do not appear dramatic but which would involve potentially far-reaching changes of emphasis for the future. The common law has been reasonably successful as it has been applied to date in Zambia. However, the pressures and strains likely to be put upon the country's legal system in the coming decades will be better met if changes are introduced into the method of the law.

Church, W.L. *The common law and Zambia* (1974). [*Zambia Law Journal*](#) pp. 1-54

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Biblical/African view of land management

Throughout Africa, land is regarded as a public trust that belongs to the community of the past, present, and future generations. The living have access to the land but it is the duty of the living dead to safeguard the interests of future generations. When Africans refer to ancestors as guardians of the land, they are pointing to the role of the “living-dead” in ensuring the rights of future generations to the land.

Kapya John Kaoma – Ubuntu, Jesus and Earth

As the armies of politicians, lawyers and civil servants mill about, it is very important to be reminded of the biblical/African view of land management. E. Mutale published an important article in which he presented a Biblical View of Land Policy, views in close accord with those of Africa. Contained in it are eight land management principles (ECCLESIA):⁴¹

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.

⁴¹ Mutale, E. 'A Biblical View of Land Policy' South African Journal of Surveying and Mapping', Vol. 23, Part 6, Dec. 1996, pp325-332

4. Leasehold - *There is a loose coincidence of thought on the ownership of land between the biblical view and the African view. They both acknowledge that absolute ownership of the land does not vest in the individual. To the one, it vests in God, to the other, in the community. The leasehold principle complements the equity principle by providing potential opportunities for redistribution.*

5. Exclusive use-rights - *The principle of private use-rights is widely practised in Zambia, more so in urban areas. As for rural areas, families and individuals tend to have exclusive use-rights to their fields.*

6. Security of Tenure - *A clear definition of boundaries, state guarantees, a system of registration, and an independent and accessible legal system are essential for securing use-rights*

7. the Intrinsic value of land - *While accepting the classical economic concept of the use and exchange value of the land, land management must be extended to embrace the intrinsic value of land. Land should not be valued only in relation to its use and exchange value, but also for its own sake.*

8. Accessibility to all - *Land should be made available to all. Mechanisms need to be worked out on who qualifies, where they qualify, when they qualify and how they should be enabled to access the land. Ensure that people do not lose their only land through being forcefully dispossessed or distress sales, or if they do, they are enabled to redeem their land.*

Natural Resources Act of 1962

Four years after independence, political power was greatly centralized over wildlife and protected areas in the 1968 wildlife bill presented to parliament. At the time, given the existence of a highly competent Game Department with

a vibrant research division based on a model copied by some other colonies, this was little questioned, and funds were in plentiful supply given the high price of copper. In 1970 the Natural Resources Act of 1962 was repealed and replaced by the Natural Resources Act of 1970. Although it provided for a natural resources advisory board to oversee the management of natural resources, the provision of conservation plans and the appointment of fire authorities through provincial and district natural resources committees, it awarded total control of the various committees and their members to the Minister – a gross centralization of power. In the case of the Natural Resources Act of 1970, most of its provisions were in any case repealed by the Environmental Protection and Pollution Control Act of 1990, which only retained a few sections having to do with the conservation of natural resources and bush fires.[liv]

Two Acts of Parliament of immense importance to customary people and the conservation of natural resources were ignored, but all of their African religion and culture in which the care of the earth and their 'living ancestors' is paramount, a tragedy for the customary commons and the country as a whole.

The Wildlife Act No 65 of 1971 confirmed that the powers placed in the civil service head of the Game Department, the Director, were now under the sanction of the Minister. Penalties for poaching were increased as the hunting-safari industry expanded as part of the patronage system. The government passed a further eight statutory instruments outlining new regulations governing hunting licences, trophies, protected animals and legal methods of hunting. One of the prescriptions was that controlled hunting areas were converted to 32 game management areas (GMAs), implemented by a statutory instrument on 1 February 1971. This was a massive and surreptitious landgrab of customary area.

Hence the two acts were at the total behest of a politician, the declaration of the one-party state in 1972 ensuring that the eco-social provisions of these two Acts would be disregarded and commoner villagers in danger of being reduced to a state of peasanthood.

Rather, it was the failure to implement the Natural Resources Act of

1962 and shore up the customary commons; the removal of the European administrators of a conservation system on the public commons developed by them; and the relentless march of a Zambian autocracy that led to the collapse of conservation governance and the imposition of open-access plunder.

That government (GRZ), superficially at least, was trying to do something about the killing fields is not in doubt. But it embarked on a grandiose and tragically misguided indigenous social engineering plan, perversely doing exactly what the BSA Company had attempted early on - to order village regrouping – not for socio-ecological improvement as the BSA Company had done briefly, but for political control. But crucially, despite the philosophy of humanism that sought to impose collectivization – where it already existed - rather than the egalitarian pre-colonial life of economic reciprocity, GRZ refused to see that it was the empowerment of customary people, joined as they once were under the promising native authorities (NA) and the parish councils, where lay the way forward. The Minister of Local Government in Northern Rhodesia at the time that remarkable piece of legislation, the Natural Resources Act of 1962, had been in force – legislation he ignored and later had repealed. He orchestrated a highly centralized control mode with himself as a dictator, serving his narrow constituency of personally appointed central committee members and cabinet ministers, whereas the reverse was required. But this he had been guided to by his colonial masters, who, having followed the development model of Indirect Rule through the NA, when the time came to withdraw from Empire, looked for a few professional politicians to receive the cudgels of power, ignoring the NA they had created.

Shortly after self-rule GRZ and the Colonial Administration campaigned to destroy Alice Lenshina's Lumpa religious movement; customary villagers to the core who wished to live without chiefs or government but with God and Christ. There was no place for them.

Conservation and Law Enforcement to the Treaty of the Southern African Development Community 2003

It entered into force in 2003 and is binding upon Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Tanzania and Zambia (with Angola and Zimbabwe having signed the Protocol only). According to the Protocol, Parties undertake to, inter alia,

- adopt and enforce legal instruments necessary to ensure the conservation and sustainable use of wildlife resources,
- endeavour to harmonise their legal instruments governing wildlife use and conservation (art. 6),
- integrate management and conservation programmes into national development plans and assess and control activities which may be detrimental to such resources (art. 7).
- Measures for the conservation and sustainable use of wildlife resources are to be effectively enforced (art. 4 and 9), and a regional database on the status and management of wildlife is to be established to facilitate sharing of information (art. 8).
- Transfrontier measures, such as establishing conservation areas, are to be promoted (art. 4).
- Also, a Wildlife Conservation Fund is to be established (art. 11), and the Tribunal of the South African Development Commission is designated to settle disputes arising from the implementation or interpretation of this Protocol (art. 13).
- Other relevant regional treaties include the African Convention on the Conservation of Nature and Natural Resources (Revised Version) of 2003 (to which Lesotho is a party and other countries in the region are signatories) and
- Direct the Lusaka Agreement on Cooperative Enforcement Operations at Illegal Trade in Wild Fauna and Flora of 1994 (to which Lesotho, Tanzania,

Uganda and Zambia are parties, and South Africa is a signatory).

The NGO Act of 2009

The NGO Act of 2009 is [repressive](#) legislation. Marja Hinfelaar and O'Brien Kaaba of the Southern African Institute for Policy & Research in Lusaka reveal the detail in their paper, 'Adjust, Resist, or Disband: How Does Civil Society Respond to Repression in Zambia?'

Zambia has a large and active civil society, consisting of secular non-governmental organizations carrying out rights-based and development activities, in addition to church groups and trade unions. However, in recent years, the Zambian government has closed the political space for civil society actors, reflecting a wider downturn in national respect for political and civil liberties. How is this trend in increased political repression impacting domestic and international civil society organizations (CSOs) operating in the country? This paper investigates the effects of closing civil society space in Zambia, and reveals some of the strategies that CSOs employ to survive.

Brief Points

- Zambia had a welcoming political environment for civil society between 1990 and 2009.
- The adoption of the repressive NGO Act in 2009 marked a negative turn in the relationship between government and civil society organizations (CSOs).
- CSOs have adopted several strategies to ensure their survival in the country's currently repressive environment. This includes adjusting the focus of their activities away from politically sensitive topics, resisting by registering under the Companies Act, and disbanding when it is no longer feasible to operate.

In my experience, this repressive environment was announced at Independence, growing every more repressive - in particular from 1971 against white civil servants and people of the chiefdoms, and in the late eighties against

conservationists opposing the rhino and elephant killings fields, and during the last few years of the MMD government against whistleblowers. The NGO Act of 2009 was the acid cocktail foisted on civil society by the MMD - the government who marched my family and me, registered investors, out of the country in 2008 because of my opposition to government corruption.

The Urban and Regional Planning Act, 2015.

As in the mother of neoliberalism, the West, laws and statutory instruments come thick and fast like hail, the latest storm producing the Urban and Regional Planning Act of 2015. Here are 80 pages and 70 sections of lawyer-speak, which will require an army of civil-servant specialists to decipher. What is disquieting is that a local authority can decide to designate a particular chieftdom an Improvement Area, or 'facilitate the expansion of a settlement as designated in an integrated development plan' or in order decide 'to develop a customary area and facilitate the implementation of 'something or other, and 'Where a Chief or local authority refuses to enter into a planning agreement, the Minister shall, after consultation with the President, sign the planning agreement if it is in the public interest to do so for purposes of this Act, and the planning agreement shall bind the chief and local authority concerned'. And then, the local authority may issue a licence and a Certificate of Title. Snared in an evil time.

The Forestry Act of 2015

In great contrast to the Wildlife Act 2015 landgrab, the [Forestry Act of 2015](#) follows the Landsafe model prescription. Under section 21, it allows local forests to be placed under the management of a 'local community' with the minister's permission. But there is no mention of a customary area or a chief.

It also allows for creating community forest management groups for 'communal control, use and management of a forest'. Under section 30, a group may apply to the Director of Forestry, with the chief's assent, to form such a group. Under 32 (2), the group may be given user rights to extract and harvest and tourism in any unprotected forest. The minister's approval may assign these rights to any person (no mention is made of consultation with the chief and headmen, nor mention a lease/rights period). As much of Zambia is woodland, this means that any part of a customary area, including the ZAWA GMAs, may have a community forest. Therefore, here is a statutory mechanism for customary residents to have control and a flow of benefits through a co-management agreement.

A similar mechanism is in place for declaring a joint forest management area (JFMA), but in Open Area, i.e. not in the GMA portion of customary area, though this is not mentioned specifically:

36. (1) The Minister may, on the recommendation of the Director, local community or owners or occupiers of an area in a forest, declare by statutory instrument, a Local Forest, botanical reserve, plantation, private forest or Open Area, a joint forest management area.

Here the flow of benefits are dealt with directly:

38. (1) The functions of a joint forest management committee shall be to manage and develop the joint forest management area and distribute the benefits amongst the local communities in the area.

What is not legislated for is establishing a protective customary trust, necessary to provide the full protection of customary land. Under 39, the management of finances is dealt with fairly, i.e. a fund to be set up and proceeds shared equitably. And in consultation with the chief, the committee and 'the community' would provide a forest management plan in consultation with the chief, the committee and 'the community'. The Forestry Act 2015 is remiss in not mentioning customary areas as per the Lands Act of 1995. But the difference between the two acts is marked. Unfortunately, section 18 makes no bones about the fact that customary area is not presently given ultimate protection:

18. The President may compulsorily acquire under the Lands Acquisition Act any land for the purposes of a Local Forest as may be considered necessary or desirable in the public interest

Forests (Community Forest Management) Regulations, 2018

[Under these regulations](#), groups may apply to manage and benefit from forests lying within customary area (GMA and Open Area) and Local forests, but can also be considered in national forests: "(2) Despite sub-regulation (1), the Director in consultation with the Minister may consider Community forest management in any other type of forest."

Section (c) specifies that the consent of the chief of the area is required "to recognize the applicants as a community forest management group through the endorsement of the application or map signifying such consent. And:

6. (1) A community forest management group may apply to the Director for recognition in Form I set out in the schedule.

- (2) An application for recognition of a community forest management group shall require—*
 - (a) prior consultations with local users and other right holders of the proposed forest; and*
 - (b) the consent of local traditional leaders.*
- (3) An application for recognition shall be accompanied by—*
 - (a) a sketch map of the proposed location and area to be established as a community forest;*
 - (b) community forest management group constitution including list of the elected representatives of the group;*
 - (c) consent of the Chief of the area to recognise the applicants as a community forest management group through endorsement of the application or map signifying such consent; and*
 - (d) a statement of intent for the proposed area indicating a balance between forest protection and management, development, utilisation and forest enterprise development in Form I set out in the Schedule.*

The A-G Report on Natural Fishery (2015)

The Auditor-General reported that “...the fisheries sub-sector faces challenges such as overfishing, degradation of fish habitats and the use of destructive and unsustainable fishing methods such as the use of poisons, explosives and mosquito nets among others which have contributed to the depletion of fish stocks. It is for this reason that the Auditor General considered conducting a performance audit on sustainable management of fish resources in natural waters. The objective of the audit was to assess whether the Ministry of Agriculture and Livestock (MAL) had implemented effective measures to promote sustainable management of

fish resources.”

Summary:

1. The Department of Fisheries (DoF) did not know the biomass of fish species in natural waters except for *kapenta* and *buka-buka*. Consequently, the DoF could not institute technical measures to control the harvest of fish from the natural waters for demersal or inshore fish species. There was no determination or estimation of the limit of how much fishers could take out and how much was to be left for regeneration.
2. There were no Fisheries Management Plans (FMPs). This hindered DoF's intention of managing fish resources on a co-management basis with the community.
3. Fisheries did not effectively implement control measures in place. Fishers continued to fish without licences and were not adhering to the fishing ban. Reports of illegal fishing methods such as mosquito nets, potato sacks (commonly called *sefa-sefa* or *chikukula*), weirs, explosives and poisons were numerous. These methods disturb breeding sites, migration routes and indiscriminately kill fish.
4. Although breeding sites had been identified and gazetted, a review of documents revealed that fishers had settled in some identified breeding areas and were actually undertaking fishing activities in those areas. The DoF was not regulating landing sites. As a result, fishers landed fish anywhere, making it difficult for the DoF to collect fish catches statistics.
5. Monitoring, Control and Surveillance (MCS) was carried out to check whether fishing activities followed the regulations. However, the DoF was not able to achieve the targets set. Factors attributed to the DoF not achieving the set targets included low staffing levels, inadequate land and water transport, and untimely, inadequate funding.

Conclusion

The Ministry of Agriculture and Livestock (MAL) and the Department of Fisheries (DoF) have not implemented effective measures to promote sustainable management of fish resources.

In the A-Gs recommendations, there is no mention of working with customary area capacity in the form of the *Chipupilas* - the age-old spiritual customary manager of fish resources. So the fishing restrictions are meaningless. Although the A-G did add as an aside, "It is important to get communities involved in the management of fisheries as it creates a sense of ownership of the resources." Communities don't have *Chipupilas* - people of the customary commons do.

The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act, 2016

This Act is of considerable importance to customary area and Zambia as a whole:

The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act No. 16 of 2016 is essential. Under section 27: Subject to this Act, a traditional community has the following rights over its genetic resources:

- 1) the exclusive right to regulate access to its genetic resources; 2) an inalienable right to use its genetic resources;
- 3) the exclusive right to share the benefits arising from the utilization of its genetic resources;
- 4) and the right to assign and conclude access agreements.

Unlike Target 16 of the Aichi Goals that wishes to ensure that 'Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising

from their utilization is in force and operational, consistent with national legislation', the Protection Act is the law and clear on the rights of clans and tribes in the occupation of customary area. But it must cancel out much of what is in the Wildlife Act 2015, i.e., a landgrab of customary people's rights to their land and renewable resources. It is of paramount importance that the members of a chiefdom collectively own the wildlife. The present situation where the state owns the wildlife, profits from it, pays the customary people little, if at all, for the privilege, and then imprisons a man and his family for 5-8 years when he kills something to eat is unconscionable.

The Zambian Parliament's Goals for the Nation 2017

Given the state of customary areas and most of Zambia's people and politics, the 2017 [Parliamentary Goal for Zambia](#) to become a middle-income industrial nation by 2030 is absurd?

At present, the customary villagers struggle on wondering at the harvesting of their income and resources by the 'big man' state, the take-over restrictions on fishing, the failure to provide game quotas to aid subsistence, and the continued prohibition on eating what lives on their traditional land, and the endless litany of 'poachers' likely imprisoned, often with wife and child, in jails defying description.

The goals and targets have not been met. Clearly, the chiefdoms have to take charge of their own destiny.

Zambia Legal Information Institute on Torts

<https://zambialii.org/tags-local/tort>

Trespass to land Civil procedure:

- Distinction between heads of damages and heads of **tort**
- Liability must be established before heads of damages may be considered

Civil procedure

- Whether co-plaintiffs can advance wrongful eviction **claims** under a co-plaintiffs action for trespass

Land civil procedure in the case of the state using chiefdoms to extract rentals must be investigated.

Inheritance law

Inheritance law

Customary land should be included under the Intestate Succession Act, along with recognition of a widow's right to inherit the family house rather than simply have a life interest. The current situation is in effect a gendered bias (which is contrary to international human rights law) and fails to recognise women's contribution to the realisation of such an asset.

The conflicting roles of an administrator under statutory law and customary law need to be harmonised. This should be done while taking cognisance of local tradition, under which quite often the administrator is in the position of a beneficiary as well.

The inheritance procedures should be simplified and made more accessible.

GOD'S COUNTRY - VOL. II: GUARDIANS OF EDEN

Enabling Act	Essence/Purpose /Role	Remarks
Chiefs Act, Cap 287	The Act sets out the recognition of Chiefs as well as their functions	The Act needs to be repealed and replaced so that it conforms to the provisions in the Constitution of Zambia (Amendment) Act No. 2 of 2016. In addition, it is necessary that the institution of chieftaincy is not only safeguarded but also strengthened.
Villages Registration & Development Act, Cap 289	The Act provides for the registration of villages and the inhabitants thereof, the establishment of Village Development Committees as well as Village Productivity Committees.	The Act also requires to be repealed so that the issues covered therein are incorporated in the Traditional Leadership law.
Witchcraft Act, Cap 90	The Act prescribes allegation of use of charms to harm others.	The Act needs to be reviewed to ascertain its validity.
National Heritage Conservation Commission Act, Cap 173	The Act is responsible for the protection and management of cultural and natural heritage in the country.	The NHCC Act needs to be reviewed in order to allow traditional leaders to be involved in the management and protection of heritage.

Environmental Management Act No. 12 of 2011	It is the principal Act on environmental protection and management through enforcement of EIAs and monitoring and control of pollution.	Developmental projects taking place in chiefdoms ought to take issues of environmental protection seriously. Matters of environmental pollution affecting local communities must be adequately checked to avoid harm, now and in future, to local people.
Local Government Act, No. 6 of 2010	Provides for the governance and administration of local authorities.	There is need for effective representation of the local communities in the Council.
House of Chiefs Regulations, Statutory Instrument No. 41 of 1998	The SI sets out the Regulation, Rules and Procedure that guide all proceedings related to the House of Chiefs.	The SI needs to be reviewed so that it takes into account the constitutional requirements.

Protected Area Network

The IUCN World Commission on Protected Areas classifies the national parks of Zambia as Category II protected areas:

Large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.

Category II areas are typically large and conserve a functioning “ecosystem”, although to be able to achieve this, the protected area may need to be complemented by sympathetic management in surrounding areas.

Protected area and surrounding areas – the classification goes on to say, are ‘needing to be complemented by sympathetic management in surrounding areas’, i.e. the game management areas (GMAs), a planning framework within customary area and not a separate category of public land, despite what government thinks. This definition did not consider the issues of bio-cultural rights as laid out in the Biodiversity Convention. The degree of protection

afforded these areas range from the highest to the lowest – in descending order: national park, national forest...

However, in 1994, IUCN introduced protected area management Category 1b (Wilderness Areas). In 2008, the IUCN World Commission on Protected Areas 2008 Guidelines on Protected Area Categories were approved at the World Conservation Congress in Barcelona. In these revised guidelines, both Category 1b and the term wilderness were retained.

The primary management objective of Category 1b is nature conservation: management that will protect the long-term ecological integrity of natural areas that are undisturbed by significant human activity has no modern infrastructure, and are characterized by freely occurring and reasonably intact natural processes. An important aspect of this objective is the emphasis on biological health and intactness.

Where the biological integrity of a wilderness protected area can be secured, and the primary objective of nature conservation is met, the management focus of the wilderness area may include other objectives such as recreation or other human uses, but only if the primary objective is maintained securely. Traditional ways of life and cultural and spiritual uses are commonly considered compatible with wilderness management, and, as noted throughout these Guidelines, rights-based approaches should be fully implemented at all times.

Category 1b exists to enable Indigenous Peoples, Tribes, and local communities to maintain their traditional wilderness-based ways of life and customs, living at low density and using the available resources in ways compatible with conservation objectives... promotes the protection of relevant nonmaterial benefits, such as solitude, respect for sacred sites, and respect for ancestors.

Botswana, Congo DRC, Tanzania, Equatorial Guinea, and Zimbabwe have introduced legislation to recognise Wilderness Areas. Zambia did not agree to introduce the category Wilderness Area suggesting that they wish to retain control of the game management areas, a major income source.

Out of Category 1b, wilderness areas, have come the category of [Indigenous and Community Conserved Areas \(ICCA\)](#).

[Latest on Wilderness Areas](#)

IUCN PROTECTED AREA DEFINITION, MANAGEMENT CATEGORIES AND GOVERNANCE TYPES IUCN defines a protected area as:

A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.

The definition is expanded by six management categories (one with a sub-division), summarized below.

Ia Strict nature reserve: *Strictly protected for biodiversity and also possibly geological/ geomorphological features, where human visitation, use and impacts are controlled and limited to ensure protection of the conservation values*

Ib Wilderness area: *Usually large unmodified or slightly modified areas, retaining their natural character and influence, without permanent or significant human habitation, protected and managed to preserve their natural condition*

II National park: *Large natural or near-natural areas protecting large-scale ecological processes with characteristic species and ecosystems, which also have environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities*

III Natural monument or feature: *Areas set aside to protect a specific natural monument, which can be a landform, sea mount, marine cavern, geological feature such as a cave, or a living feature such as an ancient grove*

IV Habitat/species management area: *Areas to protect particular species or habitats, where management reflects this priority. Many will need regular, active interventions to meet the needs of particular species or habitats, but this is not a requirement of the category*

V Protected landscape or seascape: *Where the interaction of people*

and nature over time has produced a distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values

VI Protected areas with sustainable use of natural resources: *Areas which conserve ecosystems, together with associated cultural values and traditional natural resource management systems. Generally large, mainly in a natural condition, with a proportion under sustainable natural resource management and where low-level non-industrial natural resource use compatible with nature conservation is seen as one of the main aims*

The category should be based around the primary management objective(s), which should apply to at least three-quarters of the protected area – the 75 per cent rule.

The management categories are applied with a typology of governance types – a description of who holds authority and responsibility for the protected area. IUCN defines four governance types.

Type A. Governance by government: *Federal or national ministry/agency in charge; Sub-national ministry or agency in charge (e.g. at regional, provincial, municipal level); Government-delegated management (e.g. to NGO)*

Type B. Shared governance: *Transboundary governance (formal and informal arrangements between two or more countries); Collaborative governance (through various ways in which diverse actors and institutions work together); Joint governance (pluralist board or other multi-party governing body)*

Type C. Private governance: *Conserved areas established and run by individual landowners; non-profit organizations (e.g. NGOs, universities) and for-profit organizations (e.g. corporate landowners)*

Type D. Governance by Indigenous Peoples and local communities: *Indigenous Peoples' conserved areas and territories – established and*

run by Indigenous Peoples; Community conserved areas – established and run by local communities.

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

Convention on Biological Diversity

Zambia Country Profile

Forest reserves are today significantly threatened by encroachment through cultivation and settlement. In the North-Western Province, this process is driven mostly by mining, while Northern Zambia has lost much of its primary cover to shifting cultivation. In the east, central and southern parts of Zambia, the conversion of forest land to permanent crop agriculture is the main driver of loss. Bush fires, overexploitation of timber trees, invasive alien plant species are other contributing factors.

Threats to national parks, game management areas, and mammals include human encroachment and illegal wildlife use, such as large mammals poaching for the bushmeat market. Other threats are habitat degradation caused by conversion for cropping, livestock grazing, charcoal production, among other factors. Furthermore, mining activities conducted for aquamarine, tourmaline, and red garnets in certain protected areas have negatively affected wildlife species and their habitats. Although mining licenses can be granted as long as an EIA is carried out and approved by the Zambia Environmental Management Agency, some small-scale miners carry out activities without licenses. Additional threats are wildfires, diseases and pesticides.

Threats to birds include habitat loss, hunting pressure, bird food shortage, droughts, floods and temperature variation.

Threats to aquatic systems and fish include habitat modification due to river damming, among other causes. They are also threatened by invasive alien species (water hyacinth, Kariba weed, carpetweed) and poor aquaculture practices.

*Threats to invertebrates and their habitats include pollution, overexploitation of edible invertebrates (e.g. caterpillar worm) and uncontrolled fires threatening certain species, the butterfly *Acraea acrita ambigua* whose larvae is destroyed by frequent fires.*

A 2014 report by Lindsey et al. on protected areas stated:

Zambia's PAs are under-performing in ecological, economic and social terms. Reasons include:

a) rapidly expanding human populations, poverty and open-access systems in Game Management Areas (GMAs) resulting in widespread bushmeat poaching and habitat encroachment;

b) underfunding of the Zambia Wildlife Authority (ZAWA) resulting in inadequate law enforcement;

c) reliance of ZAWA on extracting revenues from GMAs to cover operational costs which has prevented proper devolution of user-rights over wildlife to communities;

d) on-going marginalization of communities from legal benefits from wildlife;

e) under-development of the photo-tourism industry with the effect that earnings are limited to a fraction of the PA network;

f) unfavourable terms and corruption which discourage good practice

and adequate investment by hunting operators in GMAs;

g) blurred responsibilities regarding anti-poaching in GMAs resulting in under-investment by all stakeholders.

The combined effect of these challenges has been a major reduction in wildlife densities in most PAs and the loss of habitat in GMAs. Wildlife fares better in areas with investment from the private and/or NGO sector and where human settlement is absent. There is a need for elevated government funding for ZAWA; greater international donor investment in protected area management; a shift in the role of ZAWA such that they focus primarily on national parks while facilitating the development of wildlife-based land uses by other stakeholders elsewhere; and new models for the functioning of GMAs based on joint-ventures between communities and the private and/or NGO sector. Such joint-ventures should provide defined communities with ownership of land, user-rights over wildlife and aim to attract long-term private/donor investment.

These recommendations are relevant for many of the under-funded PAs occurring in other African countries.

The situation since then has further deteriorated. Militarization now being a significant negative force on the kinship and eco-social systems of the customary people.

A Comparison of National Wildlife Strategies in Africa

[Shallyn Pack et al.](#)

1994 Director of Wildlife M.A. Ndolanga:

"Ownership of wildlife is another major issue that must change to encourage community-based conservation. At present the state owns all wildlife and villagers in community-based conservation project areas are issued with a quota by the Department to give them the opportunity to hunt legally. Although this is a considerable step forward, the villagers do not own the wildlife and until they do, they will not feel responsible for it." (Ndolanga 1996)

Tanzania

The privatization of wildlife and land runs counter to the principles of the Public Trust Doctrine.

The Public Trust Doctrine

The doctrine [of Public Trust and United Nations](#)

The Stockholm Declaration of United Nations on Human Environment clearly indicates this determining proposition: "The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural system, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate... "[7]

The Doctrine can also be used to influence policy debates and public scoping sessions and hearings. Through this influence, agencies can be forced to prove that their actions are not harmful to the environment to that extent that they will result in the destruction of a public resource. If the agencies fall short of providing a more environmentally benign alternative, then a Public Trust law suit can be brought up. Such actions

often lead to long and arduous law suits but fortunately many important precedents in this regard have been established.

Articles of Interest

<https://mail.google.com/mail/u/0/#imp/FMfcgxwLtQSPvhzgKxxLpphgGNRQmjNz>

Traditional stewardship and conservation in the Game Management Areas of Nkala and Namwala, Zambia.

Mkanda et al

Abstract

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

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Wildlife Law

A-G Report on Wildlife (2014)

The [Auditor-General's report on wildlife of 2014](#) declared that:

The audit was based on document review, observations, inquiries and physical inspections. In particular, the following were observed:

a. Animal surveys were not regularly done and the authority has no appropriate and adequate equipment and other resources for conducting proper animal surveys.

b. There was no information regarding levels of sustainability and the birth/oultake ratio per species provided for audit scrutiny. As a result, the regional offices could not effectively carry out monitoring activities as they lacked documentation regarding animal and bird quotas.

c. Various activities such as mining and settlements within the national parks and GMAs resulted in undesirable activities such as poaching, illegal farming, pollution, industrial noise, unauthorised bush fires, and

the introduction of exotic plants and domestic animals. These factors cause depletion of wildlife and loss of the eco system.

d. A number of exploration/mining activities are being conducted without proof of them being legal, especially in Kafue and Lukusuzi National Parks. In addition, disused mines were not being rehabilitated resulting in destruction of eco system.

e. ZAWA failed to provide proof of Environmental Impact Assessment having been conducted by tour operators thereby posing a risk of carrying out undesirable activities that may contribute to loss of bio diversity.

f. ZAWA and the CRBs visited did not provided proof of Area Management Plans having been prepared, as a result the activities of the boards such as plans to prevent loss of biodiversity, encroachment and community development activities could not be accessed.

g. ZAWA had failed to increase the revenue as it only managed to raise a total of K53.4 billion in 2009 and K51.4 billion in 2010 as compared to the targeted revenue of K40 billion in 2009 and K100 billion by the year 2010 according to the Strategic Plan for the year 2008 – 2012. From the above summary, it is evident that ZAWA has not done enough to reduce the decline in wildlife, maintenance of the bio-diversity, monitoring and sensitization activities in the GMAs and also to increase its revenue generation. It is therefore imperative that ZAWA should put up various effective mechanisms to address the above shortcomings and be able to be sustainable in its management of wildlife.

Recommendations:

It is being recommended that the Ministry of Tourism and Arts should immediately move towards strengthening the legal, policy and institutional framework of ZAWA.

a. Livelihood of the communities in GMAs

ZAWA should develop and implement a robust public awareness programme for the local people in GMAs and the general public at large.

In addition, the following recommendations are suggested;

b. High Threats and Pressure on Biodiversity and Wildlife

i. An updated wildlife inventory is essential for providing the most

reliable data for setting hunting quota hence ZAWA should update information on wildlife resources, socioeconomy and land-use for planning and sustainable management of the wildlife resources;

ii. ZAWA should take necessary measures to secure its properties so as to prevent allocation of land in the National Parks;

iii. ZAWA should develop a strategy aimed at addressing the problem of illegal activities in protected areas which is holistic to include a wide range of policy, legal, institutional and technical options;

iv. ZAWA should ensure that EIA reports are prepared and approved before operators proceed with developments;

v. ZAWA should develop park management plans in areas where these are not in place in order to strengthen the sustainable management of wildlife.

Auditor-General report on ZAWA (2015)

[The A-G's report of the years 2013-2015](#), the actual review carried out in June 2016, is a dismal Zambia Wildlife Authority (ZAWA) tale. For its final 20 months under Minister Kapata, it had no board; it prepared no income projections or operating budget; no annual reports; it owed money to a game capture company (Muchinga), yet there was no evidence of services supplied; it had not paid in tax and pension payments for its staff; as of September 2016 it still owed CRBs money; 416 officers were working without letters of appointment, 'their status was unknown'; it leased its holding pens in the Lusaka National Park to a South African company which had no lease agreement and which had stocked them with a 136 sable, but had only paid for 100; in Mosi oa Tunya National Park it paid Matobo Vet Centre to stock it with 55 animals of different species without putting it out to tender, and with no record of delivery; on 18 October 2015 they contracted Mabwe

Adventures Zambia Ltd for 5 years to cull hippo in the mid Luangwa, did not put it out to tender, nor provide written reports on the project indicating the number of hippo killed, nor issued receipts for hippo purchased @US\$250 each (defrauding further the CRBs and villagers); and it failed to collect concession fees from 15 tourism concession operators in the Kafue NP; and it had allowed parts of Blue Lagoon NP to be invaded by village settlements.

The A-G also took exception to ZAWA, allowing the GMAs of Mufunta, Mumbwa, Namwala and Sichifulo to be settled. Like everyone else in government, it failed to understand that GMAs are not State Land and are not under ZAWA management, except as colonialist rentgrabbers of the wildlife resources. As for Minister Kapata, the ex-theatre nurse in May 2015 informed Reuters that ZAWA would once more put lion and leopard on the hunting quota. "We have lifted the hunting ban for leopards starting this 2015/2016 season, which begins in July, and we are going to allow lion hunting starting next year. We did an aerial survey and established that we have more than 4,000 lions and leopards are more than 8,000."

Her knowledge of animal surveys is abysmal, for I have yet to see a leopard when doing a survey, and only once, on Liuwa Plain, a lion.

Her reward for not understanding the tools of her ZAWA nursing function was to be made Minister of Lands, Natural Resources and Environmental Protection – the ministry where the new Department of National Parks and Wildlife (DNPW) should have been housed.

The Zambia Wildlife Act of 2015

On 14 August 2015, [the Zambia Wildlife Act, No. 14 of 2015](#), replaced the Wildlife Act of 1998. On 1 January 2016, the failed - and predatory parastatal Zambia Wildlife Authority (ZAWA) became the Department of National Parks and Wildlife (DNPW) within the Ministry of Tourism and Arts. No one questioned its retention in a commercially orientated government ministry dealing with tourism. The act is ominous, the inexorable heavy booted march

of commodification, privatization, and the alienating state deafening.

The customary commons, which, along with state land, is described in the Lands Act of 1995, is not mentioned in the Wildlife Act of 2015. But ‘game management area and local area’ and ‘the GMA or Open Area’ we are so instructed, is occupied by a ‘local community’, meaning customary residents ‘who under their rights over land, including under customary land tenure, invest in and derive benefits from the sustainable utilization of the wildlife resources in their area’. And an Open Area ‘means an area other than a national park, bird or wildlife sanctuary, community partnership park or game management area (GMA), where wild animals are found’. Well, that is everywhere else.

So we now find imposed the term ‘public wildlife estate’, i.e. ‘a National Park, Community Partnership Park, bird or wildlife sanctuary, Game Management Area and any other area designated for wildlife conservation and management by a public body by this Act’.

Land under customary control is increasingly being consumed. Concession, trophy, and tourism fees, and now land user-rights fees - a term taken from the Luembe Conservancy Trust MOU I put together and negotiated with the Luembe customary authority back in 2003/4 - has been appropriated, but not in the right spirit, arguably, an illegal act. Landsafe’s landuser rights would have entailed paying fees to the chiefdom and a sharing with all the relevant government bodies, a royalty of sorts, but not paid only to the department which had the concession over all the old protected estate, a newly land-grabbed estate.

And a mining right can be granted in any customary area following ‘procedures specified by the Environmental Management Act, 2011’, though as with the Lower Zambezi National Park, the minister of whoever may override it. The term “private wildlife estate” means:

An area outside public wildlife estate reserved by a person or local community for wildlife conservation and management, and includes a game farm, game ranch, reptile farm, aviary, zoo and captive breeding

facility.

To further mark their control of a third of customary area – 22% of Zambia, the DNPW now has introduced the term ‘wildlife police officer’, meaning ‘an employee of any rank under the department, and includes a ‘wildlife police officer and community scout’. And were this not enough to curdle the conservation and customary rights blood, under 19 (2), the minister may decide ‘that a wild animal within a National Park or Community Partnership Park should be hunted for the better preservation of other animal life’. Hunting in a national park destroys its status.

And the Act allows one to obtain title to land in a GMA, signalling the destruction of GMAs, and therefore customary area.

Under section 12 (1) & (2), a Community Partnership Park (CPP) can be excised from a GMA:

The Minister may, on the application of a local community, a person, institution or organization declare, by statutory instrument, an area that has an environmental, ecological or scientific value or significance to be a Community Partnership Park for environmental education and recreation or for conserving, preserving and restoring genes, species or biological diversity and natural amenities and their underlying ecological structure, and may, in like manner, declare that any Community Partnership Park shall cease to be a Community Partnership Park or that the boundaries of a Community Partnership Park shall be altered or extended. A person, local community, institution or organization may apply to the Committee, in the prescribed manner and form, to enter into a partnership agreement with the Department in respect of a Community Partnership Park.

There is little mention of the chief, customary residents, customary area,

of the necessity for an EIA, only the dreaded 'local community' unhinged from any customary control or linkage. And this is accomplished by that untrustworthy legal artifice, the statutory instrument.(See Chapter 21)

This iniquitous landgrab has been inherited by the Department of National Parks and Wildlife (DNPW) under the Wildlife Act of 2015, which replaced ZAWA with the DNPW. Under the Act, GMAs, are dealt with under Part IV (28). Here the 'community' is at least 'consulted', though there are no retroactive rights implied:

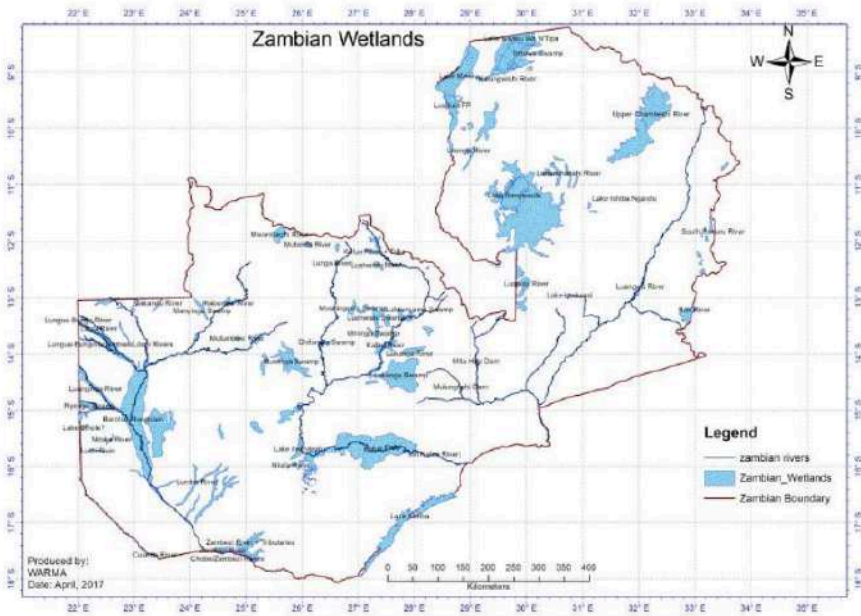
1. 'The President may, after consultation with the Minister and the local community, by statutory order,...'
2. . Alienated land is excluded from the GMA on application.
3. . A person may obtain a leasehold title.
4. The minister may grant a concession to someone who pays land user fees to be shared between the ministry and the 'local community.'
5. Any person living in the GMA must comply with the management plan provided by the CRB.
6. Miners may carry out their extraction after informing the Director that they are doing so. They must follow the prescriptions of the environmental impact assessment (EIA) approved by the Zambia Environmental Management Authority (ZEMA)
7. Any person who hunts there without a licence (elephant and rhino excepted) is subject to a fine or imprisonment for up to five years. Living as they do without government services in many cases, their habit forever of eating wildlife, they can be imprisoned with their family for five years for snaring a duiker - and spend three years waiting in prison to come to trial.

The implementation of this Act is the responsibility of the Director of the DNPW. The first director, Paul Zyambo, 2002 joined ZAWA as a biologist, becoming Director in 2016. In [March 2018, he published](#) a paper entitled:

What is Limiting Success of Community-Based Approach to Conservation of Natural Resources in Southern Africa? He identified four challenges limiting the success of Community-Based Natural Resource Management (CBNRM): the inability to sustain livelihoods, weak land and resource tenure, weak community institutions and poor governance. One of the number of issues he left out was the very poorly thought-out legislation, such as Zambia's atrocious Wildlife Act of 2015, particularly the seven issues I had brought up. He also made no mention of Landsafe or his employers' part in destroying its implementation in Zambia. Perhaps he should have suggested implementing the ceremony of *Beating the Bounds*, the pre-Norman conquest British custom of going a-ganging together annually on Ascension Day under their parish priest by walking the parish boundaries taking note of land-grabbing, praying for its removal, and also ripping out encroachments.

National Policy on Wetlands (2018)

The policy was [produced in September 2018](#).



The policy states:

The Environmental Management Act No12 of 2011, section 25 provides for the declaration of a wetland as an ecologically sensitive area imposing limitations on development in or around wetlands. The act further prohibits reclaiming or draining, disturbing a wetland by drilling or tunneling in a manner that has, or is likely to have, an adverse impact on the wetland or adversely affect the ecosystem. It also prohibits introduction of exotic animals or plants. There are at least 33 pieces of legislation, which are directly or indirectly related to the environment in Zambia. However, the Water Resources Management Act No 21 of 2011, section 8 (2b) does mandate Water Resources Management Authority to protect preserve and conserve wetlands, dambos and marshlands. Each sector has its own piece of legislation regarding components of the environment. This therefore implies that wetlands are perceived differently by different stakeholders (i.e., fisheries, agriculture, wildlife, and water) who focus on institutional functions. These issues raise the

need for a more holistic national policy on wetlands.

Guiding Principles for Wetland Management

1. Commonality Principle – Property rights to land do not confer property rights to wetland resources sitting wholly or in part on that piece of land. They are a vital element of the national and global ecosystems and the economy, making them a common asset for Zambians to collectively own, use and sustain.

2. Intergenerational equity – wetland resources and assets will be managed for the benefit of present and future generations. Development and utilization of the Wetland shall not lead to degradation of the wetland resources.

3. Ecosystem approach – The wetlands will be managed in an integrated manner as a part of a catchment or system.

4. Holistic approach – Wetlands will be managed taking into account their social, economic and ecological functions. Both Indigenous and science based knowledge and value systems will inform the management of wetlands

5. Participatory Principle– The management of wetland resources and services will involve broad stakeholders' consultation and involvement including local communities, women, men and the youth (gender);

6. Polluter Pays Principle– a person or institution responsible for pollution of the wetland will bear the cost of restoration and clean-up of the affected area to its natural and acceptable state.

7. Precautionary Principle – lack of scientific evidence should not be used as a reason to postpone measures to prevent wetland degradation.

8. Preventative Principle– measures need to be undertaken to avoid degradation of the wetlands ecosystem instead of focusing on restoration after wetlands are degraded;

9. International best practices – The management of wetlands shall embrace internationally accepted best practices of wetlands management.

10. No net loss principle – 'that conservation/biodiversity losses in

one geographically or otherwise defined area are balanced by a gain elsewhere provided that this principle does not entail any impairment of existing biodiversity as protected by nature legislation’. 11. Payment for Ecosystem Services – ‘That investors have a duty to pay for the management of wetlands which provide ecosystem goods and services which they derive’.

In order to promote stakeholder participation in effective management of wetlands and ensure equitable sharing of benefits, the following measures will be undertaken:

- i. Support traditional leadership and communities to develop local level rules and regulations to facilitate effective management of wetlands.*
- ii. Develop mechanisms for value addition to wetlands resources for both local and foreign investments.*
- iii. Encourage the participation of micro, small and medium enterprises in the sustainable utilisation of wetlands resources.*
- iv. Promote the documentation and incorporation of Indigenous knowledge on wetlands utilisation and management and practices in decision making.*

Legal Framework

The government will ensure an integrated management of wetlands through various enabling Acts. Ministries and Agencies of government will be expected to review their legislation in order to effectively contribute to sustainable management of wetlands. The enabling Acts are as follows:

ENABLING ACT	PURPOSE
Water Resources Management Act No. 21 of 2011	The Act provides for the protection, preservation and conservation of wetlands and headwaters.
Environmental Management Act No. 12 of 2011	The Act provides for declaration of wetlands as ecologically sensitive areas and for their protection.
Fisheries Act No.22 of 2011	The Act provides for sustainable fisheries and aquaculture development and management.
Agriculture Act No. 13 of 1994 Cap 226	The Act provides for sustainable agricultural practices and development, investment and management.
Lands Act Cap 184	The Act provides for the management and administration of land in Zambia on which wetlands are located.
The Forest Act No.4 of 2015	The Act provides for protection and conservation of forests and trees which in turn protects wetlands.
The Wildlife Act No. 15 of 2015	The Act provides for wildlife ecosystem's management.
Agriculture (Fertilizer and Feeds) Act No. 13 of 1994 Cap 226	The Act provides for regulation and control of manufacture, processing, importation and sell of agriculture fertilizers.
Zambia Development Agency Act No. 11 of 2006	The Act provides for trades, investments and industrial developments in Zambia.
National Heritage Conservation Commission Act No 173 of 1989	The Act provides for the conservation of the Cultural and Natural heritage sites in the country

Biosafety Act No. 10 of 2007	The Act provides the regulation research, development, application, import, export, transit, contained use, release or placing on the market of any genetically modified organism.
Public Finance Act No.15 of 2004	The Act provides for the control and management of public finances.
Mines and minerals Act No. 11 of 2015	The Act provides for minerals and mines development.
Local Government Act No.9 of 2004	The Act provides for an integrated three tier local administration system; to define the functions of local authorities; to repeal the Local Administration Act and certain related laws; and to provide for matters connected with or incidental to the foregoing.
The Urban and Regional Planning Act No. 3 of 2015	The Act provides for development, planning and administration principles, standards and requirements for

	urban and regional planning process and systems, provide for framework for administering processes for urban and regional planning for the Republic, establish procedures for an integrated urban and regional planning in a devolved system of governance
Tourism Act No 13 of 2015	The Act provides for the sustainable development of the tourism industry through effective tourism planning, management, promotion and coordination to ensure sustainable tourism.
The National Policy on Climate Change of 2016	The Act provides a framework for coordinated response to Climate Change issues. It gives guidance on how the Zambian economy can grow in a sustainable manner and thereby fostering a smooth implementation of the Revised National Development plans including the achievement of the Vision 2030

Most of the ministries are involved with this policy, but of great importance are the following:

8.1.14 The Ministry responsible for National Parks and Wildlife

The Ministry responsible for National Parks and Wildlife will be responsible for the operationalization of the Ramsar convention on wetlands in the Wildlife Protected Areas. The Ministry through the department of National Parks and Wildlife shall be responsible for:

- a) Ensuring the protection of wildlife resources in the wetland ecosystems that are within the protected area network;
- b) Undertaking research and monitoring and inventory of wetlands resources; and
- c) Conducting restoration of degraded wetland ecosystems within the protected area network.

8.1.15 The Ministry responsible for Chiefs and Traditional Affairs

The Ministry responsible for Chiefs and Traditional Affairs shall ensure traditional leaders and community participation in the formulation of by-laws governing wetlands.

Zambia Vision 2030 and the 7th National Development Plan

President Mwanawasa introduced [Vision 2030 to Zambia](#) in 2006. In its executive summary, it states:

***By 2030, Zambians, aspire to live in a strong and dynamic middle-income industrial nation** that provides opportunities for improving the well being of all, embodying values of socioeconomic justice, underpinned by the principles of: (i) gender responsive sustainable development; (ii) democracy; (iii) respect for human rights; (iv) good traditional and family values; (v) positive attitude towards work; (vi) peaceful coexistence and; (vii) private-public partnerships.*

Zambia is two countries in one: 1) a 'big man' neo-colonial urban and capitalist environment, and 2) an eco-socialist rural customary commonage i.e. the chiefdoms. Vision 2030, by announcing that Zambia aspires to be a 'middle-income industrial nation' only addresses the big man urban part - despite the massive evidence available showing that big man Zambia is a failed state, one ever-deteriorating, and has little prospect of ever attaining that status given its soaring population, and deteriorating political, economic and social structures. The chiefdoms, on the other hand, are intact, though weighed down by a plethora of big man laws and rent-seeking, and with very little development support.

Wildlife Law and the Legal Empowerment of the Poor in sub-Saharan Africa

Maria Teresa Cirelli and Elisa Morgera

[FAO Legal Papers May 2009](#)⁴² See Chapter 19.

11. Zambia Laws

11.1 Overview of the legal framework

The Environmental Protection and Pollution Control Act (1990) is the general environmental law for Zambia. However, the focus of the Act is more on pollution than overall environmental management. The legislation most directly relevant to wild animals is the Wildlife Act (1998). Numerous texts of regulations adopted under the wildlife legislation previously in force have not been expressly repealed and so remain valid to the extent that they are not in conflict with the current Act. The Forest Act (1999), although expressly created for the sustainable management of forest ecosystems, does not address wild animals in any particular way.

11.2 Institutional setup and role of stakeholders

Pursuant to the legislation of Zambia, institutions responsible for environment and wildlife must include representatives of various non-governmental actors. In this respect, the legislation differs from that of other countries of the region, which generally relegate the participation of non-government entities and private sector to bodies which are established

⁴² Legal Papers Online:

FAO: www.fao.org/legal/prs-ol

Environmental Law: www.ecolex.org

Zambia environmental laws: Ecolex Zambia

to advise the institutions, rather than in the institutions themselves.

An Environmental Council, created under the Environmental Protection and Pollution Control Act, must include one representative of an NGO, in addition to representatives of various government sectors (sec. 4). The Council's function is "to protect the environment and control pollution, so as to provide for the health and welfare of persons, animals, plants and the environment" (sec. 6). FAO Legal Papers Online May 2009.

The Wildlife Authority, pursuant to the 2001 amendment of the Wildlife Act, has nine members, two of whom must be patrons (i.e., chiefs) of community resources boards and one of whom must have wide commercial experience in the private sector (Schedule). Functions of the Authority include the management of protected areas and, "in partnership with local communities", game management areas, and to ensure sustainability in wildlife management (sec. 5). The Zambia Forestry Commission is to be established under the Forest Act and its functions include the promotion of sustainability, preservation of ecosystems and biological diversity in National Forests, Local Forests and Open Areas and the implementation of participatory forest management and "equitable gender participation" (sec. 5). Among the Commission's fifteen members, one must have experience in the timber industry, one must represent the farming community and two must be chiefs (First Schedule). The Commission has not yet been established, but is expected to come into existence in 2009.

A local community neighbouring a game management area or an Open Area, or a chiefdom with common interest in the wildlife and natural resources in that area, may apply to the Authority for registration as a community resources board. Every board must include seven to ten elected representatives of the community, one representative of the concerned local authority and one chief representative. A chief must be the "patron" of the board. Such composition is a sufficient requirement for registration

(sec. 6). Some rules are given for the creation and management of a fund by every board (sec. 9). Other provisions applicable to community resources boards are described in the section below on wildlife utilization.

11.3 Wildlife tenure and use rights

Ownership of wild animals is vested in the president on behalf of the people of Zambia (sec. 3). "Hunting game" animals or protected animals in any Open Area without a licence is an offence; exceptions exist where the hunter is the owner of such land or if the hunter has been given the landowner's permission. Thus, provision requires the possession of a valid licence (sec. 67), while also granting a significant privilege to landowners.

Wild animals may be killed for self defence or in defence of other persons. Landowners and owners of crops or livestock on land held under a lease or customary law may kill any "game animal, non-game animal, protected or nonprotected animal which is identified as causing or has caused material damage to land, buildings, crops or livestock". A report to an officer must be made within forty-eight hours. Killing an animal under any such circumstances does not entitle the actor to its ownership. However, ownership of the carcass, trophy or meat of the animal may be given by the administration as compensation for any damage (sec. 78).

11.4 Wildlife management planning

Under the Environmental Protection and Pollution Control Act, the Council must "take stock of the nation's natural resources and their utilisation" in liaison with other relevant agencies and experts dealing with natural resources conservation (sec. 76). The Authority, in consultation with a community natural resources board, must develop management plans for the Game Management Area or Open Area under the jurisdiction of the board (sec. 6).

11.5 Wildlife conservation (protected areas, protected species, impact assessment)

Under the Environmental Protection and Pollution Control Act, the Council must adopt regulations, with the approval of the minister, to protect wildlife (sec. 76). The president may declare national parks after consultation with the Authority and the local community (sec. 10). Land over which any person holds any rights may be compulsorily acquired (sec. 11). Hunting, disturbing or removing wild animals from national parks is an offence. A permit, however, may be issued to hunt specified animals "for the better preservation of other animal life, or for other good and sufficient reason" (sec. 16).

Pursuant to the Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations (1997), projects "located in or near environmental sensitive areas", such as "zones of high biological diversity" require a "project brief" (the first step of a full environmental impact assessment) (First Schedule). Commercial exploitation of fauna and flora requires an environmental impact assessment (Second Schedule). Among the impacts to be considered for inclusion in the terms of reference of an environmental impact assessment are the effects on number, diversity and breeding sites of fauna, on "breeding populations of game" and on rare and endangered species (Third Schedule).

State or private plans or activities which may have an adverse effect on any wildlife species or community in a national park, game management area or Open Area are subject to a wildlife impact assessment, upon request by any person. "Existing or anticipated impacts upon wildlife, including an account of the species, communities and habitats affected and the extent to which they are or may be threatened and endangered species which are or may be affected are to be taken into account. Reference is made to the procedures specified by the Environmental Council under the Environmental Protection and Pollution Control Act

(sec. 32).

11.6 Wildlife utilization (hunting, ecotourism, ranching, trade and other uses)

Hunting of game animals or protected animals requires a permit (sec. 31). The president may, after consultation with the Authority and the local community, declare any area to be a game management area for the sustainable utilisation of wildlife. Land held under a leasehold title cannot be affected, except with the written consent of the occupier, who may apply for inclusion. Hunting protected animals in game management areas is an offence (sec. 26).

The following classes of licences may be issued: (a) non-resident hunting licence (to the client of a licensed "hunting outfitter"), (b) resident hunting licence, (c) bird licence, (d) professional hunter's licence, (e) apprentice professional hunter's licence, (f) professional guide's licence, (g) apprentice professional guide's licence, (h) special licence. The latter type of licences may be issued for scientific or educational purposes, or to hunt in national parks or game management areas, or to capture animals to rear them, or for chiefs or other authorized persons. Resident licences and special licences may authorize the licence holder to appoint other persons to hunt in their place. All licences specify the species and number of animals which may be taken (secs. 33–51).

Under the Tourism Act, persons holding a tourism enterprise licence, may obtain a photographic tour operators licence (sec. 52). Residents who hold a hunting concession over a game management area, may apply for a hunting outfitter's licence (sec. 53). A restricted professional hunter's licence may be issued to carry on business as a professional hunter in respect of "non-dangerous animals" (sec. 54). A commercial photographic licence may also be issued to create paintings or to take films or video for commercial purposes in a National Park (sec. 55).

Applications for any licences may be rejected if the applicant "is not a fit or proper person to hold such a licence" or if "the Director-General is satisfied that in the interest of good game management the licence should not be issued" and reasons for the refusal must be stated in writing (sec. 56). Licences may be revoked in case of failure to comply with conditions (sec. 58) or suspended "in the interests of good game management" (sec. 60). Appeals to the Authority, and subsequently to the High Court, of decisions to reject applications or suspend or revoke licences are possible.

A trophy dealer's permit is required to buy, sell or process or otherwise deal in any trophy, or manufacture any article from any readily recognisable part of it, in the course of trade. The requirement does not apply to the case of sale, processing or manufacturing of animals hunted by the holder of a hunting permit (secs. 86 and 87).

Purchase, sale or possession of game animals, protected animals, or meat from either group of animals is also subject to rules. The Director-General may issue a certificate of ownership to any person who is in lawful possession of any game animal or protected animal or who intends to sell any meat of a game animal or protected animal. The seller must endorse such a certificate and hand it over to the buyer. These rules do not apply to sellers from authorized commercial outlets (secs. 101, 102 and 104). On the advice of the Authority, the minister may, by statutory instrument, regulate or prohibit the trade in live or game animals or protected animals or the trade in carcasses, meat and skins of such animals during specified periods or in certain areas (sec. 103).

The main requirements for import are: (a) for any wild animal or any meat of any wild animal or any trophy, an import permit issued by the Director-General; and (b) for the import of ivory or rhinoceros horn, an import permit issued by the director with the approval of the Authority (sec. 105). For export, requirements are: (a) for any ivory or rhinoceros horn or any protected animal, an export permit issued by the Authority

with the approval of the minister; and (b) for any non-protected animals, an export permit issued by the Director-General with the approval of the Authority (sec. 110). Wounded animals must be killed but not if they enter protected areas. Whenever killing the wounded animal is not possible, a report to the wildlife officer must be made within forty-eight hours (sec. 81). Any person who under any circumstances kills any elephant or rhinoceros must, within forty-eight hours, produce the ivory or rhinoceros horn of the animal to a wildlife officer to weigh and register it (sec. 93). The same must be done by a person who imports ivory or rhinoceros horn. If the officer finds that the ivory or rhinoceros horn has been lawfully obtained, they are returned with a certificate of ownership (sec. 94).

The Zambia Wildlife (Elephant) (Sport Hunting) regulations, 2005, set out specific conditions for sport hunting of elephants, limiting it to a maximum of twenty per year. Subsidiary agreements are to be entered into between the Authority and the concerned concessionaires regarding the hunting of animals, in accordance with basic requirements set out in the regulations (reg. 6). Fifty percent of the quota is allocated to game management areas specified in the schedule. The rest is sold by auction to other concessionaires. Fifty percent of the meat of an elephant killed during sport hunting is to be given to local communities (sec. 6 (4)). Forty-five percent of the proceeds from the sale of licences issued for the hunting of animals must also be paid to local communities at the end of the hunting season “and the Authority’s guidelines to communities on the use of community funds” apply. Another five percent must be paid to the concerned communities’ chiefs (reg. 10 (3)).

The Zambia (Community Resources Boards) Regulations require that fifty percent of licence fee revenues be paid to the Community Resources Boards of the areas where the licences have been issued, and a proportion of the sums due to the Community Boards (five percent according to the schedule) must be paid to the local chief (“patron”) (reg. 3).

Legislation Reviewed

Zambia Environment Protection and Pollution Control Act, 1990 (Act No. 12):

An Act to provide for the protection of the environment and the control of pollution; to establish the Environmental Council and *FAO Legal Papers Online May 2009 Wildlife law and the legal empowerment of the poor in Sub-Saharan Africa to prescribe the functions and powers of the Council; and to provide for matters connected with or incidental to the foregoing. 23 July 1990, as amended by Act No. 12 of 1999 Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations, 1997 (S.I. No. 28 of 1997). 17 February 1997.*

Zambia Wildlife Act (No.12 of 1998):

An Act to establish the Zambia Wildlife Authority and to define its functions; to provide for the establishment, control and management of National Parks and for the conservation and enhancement of Wildlife ecosystems, biodiversity, and of objects of aesthetic pre historic historical geological, archaeological and scientific interest in National parks; and for the promotion of opportunities for the equitable and sustainable use wildlife and effective management of the wildlife habitat in Game Management Areas; to enhance the benefits of Game Management Areas; to provide for the development and implementation of management plans; to provide for the regulation of game ranching; to provide for the licensing, sale, import and export of wild animals and trophies; to provide for the implementation of the convention on International Trade in Endangered Species of Wild Flora and Fauna, the convention on Wetlands of International Importance Especially as Water Fowl Habitat, the convention on Biological Diversity and the Lusaka Agreement on Cooperative Enforcement Operations Directed at illegal Trade in Wild

*Fauna and Flora; to repeal the National Parks and Wildlife Act, 1991;
and to provide for matters connected with or incidental to the foregoing.
24 April 1998*

Zambia Wildlife (Elephant) (Sport Hunting) Regulations, 2005 (S.I. No. 40 of 2005). 6 May 2005

Repealed

Zambia Wildlife (Community Resource Boards Revenue) Regulations, 2004 (S.I. No. 89 of 2004). 6 October 2004

National Parks Regulations. 1993

National Parks and Wildlife (Night Game Drives) Regulations, 1997 (S.I. No. 49 of 1997). 22 April 1997

National Parks and Wildlife (Bird Sanctuaries) Regulations. 1993

National Parks and Wildlife (Camping Sites) Regulations. 1993

National Parks and Wildlife (Elephant and Rhinoceros) Regulations. 1993

Abstract

These Regulations prohibit the hunting of elephant and rhinoceros, with immediate effect, prohibited throughout Zambia and provides for cancellation, with immediate effect, of all outstanding licences to hunt elephant and rhinoceros. They also prohibit the exportation of ivory rhinoceros horn and other than manufactured articles therefrom, provided that the Minister may authorise a department of the Government to export ivory or rhinoceros horn for or on behalf of any other person. Any person,

Comment IM: This is about the year that the black rhino of Zambia became extinct - a classic example of stable-door legislation.

National Parks and Wildlife (Game Animals) Order. 1993

National Parks and Wildlife (Licence and Fees) Regulations. 1993

National Parks and Wildlife (Methods of Hunting) (Restriction) Regulations. 1993

National Parks and Wildlife (Prescribed Trophies) Regulations. 1993

National Parks and Wildlife (Prohibition of Holding Both a District Game Licence and a

National Game Licence) Regulations. 1993

National Parks and Wildlife (Sumbu National Park) (Use of Boats) Regulations. 1993

National Parks and Wildlife (Trophy Dealers) Regulations. 1993

National Parks and Wildlife (Wild Animals in Captivity) Regulations. 1993

Forests Act 1999 (Act No. 7 of 1999):

An Act to establish the Zambia Forestry Commission and to define its functions; to provide for the establishment of National Forests, Local Forests and joint forest management areas; to provide for the participation of local communities, traditional institutions, nongovernmental organisations and other stakeholders in sustainable forest management; to provide for the conservation and use of forests and trees for the sustainable management of forest ecosystems and biological diversity; to provide for the implementation of the Convention on International Trade in Endangered Species of Wild Flora and Fauna; the Convention on wetlands of International Importance Especially as Water Fowl Habitat, the Convention on Biological Diversity and the Convention to Combat

Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa; to repeal the Forests Act, 1973; and to provide for matters connected with or incidental to the foregoing.
4 October 1999

Local Forests (Control and Management) Regulations, 2006 (S.I. No. 47 of 2006). 20 April 2006 F

TORT | Zambia Legal Information Institute

<https://zambialii.org/tags-local/tort>

Trespass to land Civil procedure:

- Distinction between heads of damages and heads of **tort**
- Liability must be established before heads of damages may be considered

Civil procedure

- Whether co-plaintiffs can advance wrongful eviction **claims** under a co-plaintiffs action for trespass

Zambia Legal Institute

SAIPAR manages the [Zambia Legal Information Institute \(ZambiaLII\)](#) website. ZambiaLII provides no-cost access to Zambia's judgments and legislation, with the aim to make law more accessible to the public. More specifically, it collects and uploads Laws, Acts, Statutory Instruments, Court Cases and Law Development Commission Reports. It has since received technical support from the African Legal Information Institute (AfricanLII), a free access to law project operating in South Africa. The AfricanLII and SAFLII websites serves as a platform for engagement with African national and regional law. In 2012, the ZamLII website was set up (www.zambialii.org) and is managed by both AfricanLII and SAIPAR.

Background

The Zambia Legal Information Institute (ZamLII) was set up at University of Zambia (UNZA)'s Law School in 1996, by Prof Peter Martin. In 2012, the Southern African Institute for Policy and Research (SAIPAR) has initiated a revival of ZamLII. It has since received technical support from the African Legal Information Institute (AfricanLII), a free

access to law project operating in South Africa. The AfricanLII website serves as a platform for engagement with African national and regional law. In 2012, the ZamLII website was set up (www.zambialii.org) and is managed by both AfricanLII and SAIPAR.

The free access to digital legal resources movement started at Cornell University, U.S. in 1992. The work was carried out by the so-called Legal Information Institute, whose function is to provide free online access to legal information such as case law, legislation, treaties, law reform proposals and legal scholarship. The founders were Prof Peter Martin and Prof Thomas Bruce. The legal information institutes mushroomed around the world and when they assembled in 2002 in Montreal, they declared that:

- Public legal information from all countries and international institutions is part of the common heritage of humanity. Maximizing access to this information promotes justice and the rule of law;*
- Public legal information is digital common property and should be accessible to all on a non-profit basis and free of charge;*
- Organizations such as legal information institutes have the right to publish public legal information and the government bodies that create or control that information should provide access to it so that it can be published by other parties.*

ZAMBIA: ENVIRONMENTAL LAW CONTEXT REPORT (2019)

<https://africanlii.org/book/zambia-environmental-law-context-report>

Most Important Environmental Laws

1 Constitution of Zambia (Amendment) Act (No. 2 of 2016)

The Constitution covers: Traditional rights/customary rights, Economic/-social/cultural rights, Gender and natural resources, Indigenous peoples, Protection of environment, Sustainable development, Renewable energy, Polluter pays principle, Pollution control, Public participation, Agricultural land, Sustainable use, water right, among others.

www.parliament.gov.zm/.../Constitution%20of%20Zambia%20%20%28A..

2 Environmental Management Act, 2011 (No. 12 of 2011).

The Act covers: Air quality/air pollution, Noise pollution, Radiation, Pollution control, Basic legislation, Institution, Environmental planning, Access-to-information, Biosecurity, Ecosystem preservation, EIA, Environmental audit, Environmental standards, Protected area, Land-use planning, Soil conservation/soil improvement, Soil pollution/quality, Pesticides, Transboundary effects, Waste management, Inland fisheries, Freshwater quality/freshwater pollution, Inland waters, Management/conservation, Biodiversity, Protection of habitats, Wetlands.

www.zema.org.zm > ... > Environmental Management Acts

3 Zambia Wildlife Act 2015(No.14 of 2015).

The Act covers Land tenure, Mining, Basic legislation, Protected area, National parks, Endangered species, Wild flora, Hunting/capture, Hunting gear/hunting methods, Hunting authorization/permit, Hunting authorization/permit fee, Wildlife products, Biodiversity, Dangerous animal/harmful animal, Reptiles, International agreement-implementation, Enforcement/-compliance.

www.parliament.gov.zm/.../acts/The%20%20Zambia%20Wildlife%20Act

4 Zambia Wildlife (International Trade in Endangered Species of Wild

Fauna and Flora) Regulations, 2007 (S.I. No. 61 of 2007).

The Act covers: Plant production, Management/conservation, Endangered species, Institution, Wild fauna, Wild flora, Wildlife products, International trade, Authorization/permit, Certification, Registration, International agreement-implementation, Ranching/captive breeding, Offences/penalties, Cartilaginous fishes, Protection of species

https://www.ecolex.org/details/legislation/zambia-wildlife-international-trade-in-endangered-species-of-wild-fauna-and-flora-regulations-2007-si-no-61-of-2007-lex-faoc133726/?q=land+act+Zambia&xdate_min=&xdate_max=

5 Forests Act, 2015 (Act No. 4 of 2015)

The Act covers: Soil conservation/soil improvement, Gender and natural resources, Governance, Desertification, International agreement-implementation, Traditional knowledge/indigenous knowledge, Climate change, Basic legislation, Forest management/forest conservation, Forestry protection measures, Ecosystem preservation, Timber extraction/logging, Protected area, Protection forest, Afforestation/reforestation, Public forest, Marking/identification, Institution, Special fund, Classification/declassification, Authorization/permit, Community management, Private forest, Enforcement/compliance, Offences/penalties, Basin/catchment/watershed, Sustainable development, Sustainable use, Biodiversity, Protection of species, Wetlands.

<https://www.ecolex.org/details/legislation/forests-act-2015-act-no-4-of-2015-lex-faoc163377/?q=land+act+Zambia&type=legislation&page=2>

6 Lands Act, 1995 (Cap. 184)

The Act covers Land tenure, Traditional rights/customary rights. https://www.ecolex.org/details/legislation/lands-act-1995-cap-184-lex-faoc009900/?q=land+act+Zambia&type=legislation&xdate_min=&xdate_max=

7 Plant Pests and Diseases Act (Cap. 233).

The Act covers: Plant protection, Plant production, Pests/diseases, Planting

material/seeds, Post-harvest treatment, Tobacco.

https://www.ecolex.org/details/legislation/plant-pests-and-diseases-act-cap-233-lex-faoc046759/?q=land+act+Zambia&type=legislation&xdate_min=&xdate_max=

8 Petroleum (Exploration and Production) Act, 2008 (Act No. 10 of 2008).

The Act covers: Mining, Oil, Registration, Institution, Contract/agreement, Environmental planning, Environmental standards, Authorization/permit

<https://zambialii.org/node/8125>

9 Fisheries Act, 2011 (No. 22 of 2011).

The Act covers: Fishery management and conservation, Fishing area, Institution, Aquaculture, Mariculture, EIA, Policy/planning, Special fund, Protected area

www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=94966

10 Energy Regulation Act (No. 16 of 1995).

The Act covers Energy conservation/energy production, Institution, Authorization/permit, Environmental planning.

www.erb.org.zm/downloads/legislation/Energy%20Regulation%20Act.pdf

11 Water Resources Management Act, 2011 (No. 21 of 2011).

The Act covers: Freshwater resources management, Groundwater, Surface water, Freshwater quality/freshwater pollution, Institution, Access-to-information, Aquaculture, Basin/catchment/watershed, Climate change, Disasters, Effluent wastewater/discharge, Enforcement/Compliance, Environmental planning, Flood, Monitoring, Protected area, Recreational water use, River basin institution, Water abstraction, Water conservation zone, Water quality standards, Water rights, Water shortage/drought, Water supply, Water users' associations, Waterworks, Well sinking/boreholes.

nepadwatercoe.org/wp-content/uploads/zam117433.pdf

12 Environment Protection and Pollution Control Act, 1990 (Cap. 204).

The Act covers: Pollution control, Air quality/air pollution, Noise pollution, Radiation, Basic legislation, Institution, Fishing authorization, Waste disposal, Hazardous substances, Pesticides, Effluent wastewater/discharge, Freshwater quality/freshwater pollution, Inland waters, Registration

<https://www.ecolex.org/.../environment-protection-and-pollution-control-a>.

13 Biosafety Act, 2007 (No. 10 of 2007)

The Act covers Biotechnology, Biosafety, Biosecurity, Traditional knowledge/indigenous knowledge, Plant production, Plant protection, Biodiversity, Liability/compensation, EIA

<https://www.ecolex.org/.../legislation/biosafety-act-2007-no-10-of-2007-le...>

14 Mines and Minerals Development Act, 2015 (No. 11 of 2015)as read together with The Mines and Minerals Development (Amendment) Act No. 14 of 2016.

The Act covers EIA, Soil pollution/quality, Soil conservation/soil improvement, Basic legislation, Mining, Exploration, Soil rehabilitation, Freshwater quality/freshwater pollution

www.parliament.gov.zm/.../acts/The%20Mines%20and%20Minerals%20Ac...

15 Agricultural Lands Act (Cap. 187)

The Act covers land and soil.

16 Disaster Management Act, 2010 (No. 13 of 2010).

The Act covers Disasters, Environmental planning, Traditional knowledge/indigenous knowledge.

17 The Tourism and Hospitality Act 2015 (No. 13 of 2015)

This Act covers environmental management and protection and empowerment of local communities; heritage, energy, forestry, fisheries, wildlife and

water resource management.

2 ENVIRONMENTAL LAW TOPICS IN ZAMBIA

A ENERGY, MINERALS AND EXTRACTIVES

The Minerals Development Policy of 2013^[13] acknowledges that exploration and mining activities always have a negative impact on safety, health and environment of communities which in turn affects the potential for long-term sustainable development. The Policy therefore seeks to ensure compliance with environmental regulations, maintenance of the Environmental Protection Fund and the development of environmental assessment processes. Of particular significance is the requirement that mining in protected areas will only be allowed when rehabilitation is guaranteed. Zambia's mining activity is large-scale copper mining while the production, processing and export of other minerals remain underdeveloped. However, mining activities conducted for aquamarine, tourmaline and red garnets in certain protected areas have had negative effects on wildlife species and their habitats. Although mining licenses can be granted as long as an EIA is carried out and approved by the Zambia Environmental Management Agency, some small-scale mines are carrying out activities without licenses.

Under the Seventh National Development Plan (7NDP), the emphasis is on broadening the range of minerals to cover non-traditional mining of gemstones, gold and industrial minerals as well as promotion of value addition to mining products and include energy and material efficiency strategies to increase productivity and reduce environmental pollution. In relation to biodiversity conservation, the Mines and Minerals Development Act does not provide for the mining companies to fund biodiversity conservation. There are no guidelines in the corporate social responsibility stipulating that the mining companies should finance

biodiversity conservation activities. Most of the mining companies involved in biodiversity conservation base their funding on their own company's greening initiatives or to stabilise the surface that has potential to affect the underground mining activities.

The 7NDP indicates that energy plays a key role in facilitating activity in all sectors of the economy. Zambia is endowed with a range of energy resources, particularly woodlands and forests, water, coal and renewable sources, such as geothermal, wind and solar energy and has the potential to generate about 6,000 megawatts (MW). The Plan states that the goal is to ensure universal access to clean, safe, reliable and affordable energy at the lowest cost, consistent with national development aspirations. According to the 7NDP, this strategy aims at promoting the development and use of renewable and alternative energy sources, such as solar, wind, biomass, geothermal and nuclear. In addition, efforts will be made to develop a comprehensive national energy strategy including a master plan for sustainable alternatives to charcoal and other household energy needs. The National Energy Policy of Zambia was adopted in 2008 with the objective to remove barriers to the development of renewable energy capacity in the country.^[14] It is aimed at the diversification of the country's energy mix and creation of conditions that ensure availability of adequate supply of energy from various sources which are dependable at lowest economic, financial, social and environmental costs consistent with national development goals. Currently, the Ministry of Energy and Water Development (MMEWD) with the support of the World Bank and Icelandic International Development Agency (ICEIDA) are engaged in a geothermal development support program for at least 80 hot springs.^[15] Currently, Zambia is also in the process of wind resource and solar mapping.

Ministry of National Development Planning, Seventh National Development Plan (2017 to 2021).^[16]

B COASTAL, MARINE AND FISHERIES

Zambia's National Water Policy aims at increasing access to safe drinking water and sanitation facilities for the rural population of Zambia to achieve the overall national goal of "universal access to safe, adequate and reliable water supply and sanitation services". However, some challenges to achieving this goal include the illegal abstraction of water and unintegrated water catchments management. The Water Resources Management Authority (WARMA) was established with the Water Resources Management Act No. 21 of 2011. Its main purpose is to serve as the regulatory body to manage and develop water resources in the whole country and ensure equal access to water for the various stakeholders. Based on Integrated Water Resources Management^[17], WARMA also takes gender and climate change dimensions into account to perform its functions.^[18] Pollution often has lagged effects on species diversity. However, effluent from the mines discharged into the Kafue river system has been reported to negatively affect the diversity of butterflies, dragonflies and other benthonic invertebrates due to elevated levels of redox, electrical conductivity and turbidity. The highest fish species richness is found in Lake Tanganyika, estimated to have over 200 species, of which over 70% are endemic to the lake. This fishery needs special conservation attention, especially because it is a transboundary water body shared by four riparian countries.^[19]

Zambia has launched the Lake Tanganyika Integrated Management Project to promote sustainable management of the lake and natural resources in the area. Concerning fisheries, some of the main challenges, in general, include lack of incentive for aquaculture development; unsustainable utilisation/illegal offtake during the fish ban period & in fish breeding areas; population increase; climate change and variability; invasive species; pollution and inadequate resources. Other threats to aquatic systems and fish include habitat modification due to rivers' damming, among other causes. They are also threatened by invasive alien species (water hyacinth, Kariba weed, carpweed) and

poor aquaculture practices.^[20] The Fisheries Policy falls within the draft National Agricultural Policy 2001-2010. The policy aims to increase fish production and promote sustainable utilization of fishery resources to contribute to the economy through employment, income, and improved availability of fish. The proposed policy encourages sustainable fisheries management and stakeholder participation (especially the participation of local communities) to capture fishery and aquaculture. In general terms, the policy would therefore seem to support the objectives of a National Policy on Environment.

Zambia's main interest in the implementation of the SADC Protocol on Transboundary Water Resources is managing potential constraints on water-related development, developing hydropower (national and bi-lateral with Zimbabwe, though Mozambique is consulted) and irrigation (national) and supporting regional integration (it has been suggested that the Ministry of Foreign Affairs, overruled the Water Ministry concerning the latter's reluctance to join the Zambezi Commission). In terms of its participation in the SADC water agenda, Zambia actively pursues its interests as the primary riparian in the Zambezi. Zambia is part of the Zambezi Watercourse Commission, whose mandate, in theory, includes collection, evaluation and dissemination of data, promoting, supporting, coordinating and harmonising management and development of the water resources, promoting the harmonisation of national policies. The 7NDP indicates that during the Plan period, management of local and transboundary aquifers with riparian states will be promoted to ensure regional integration and water security in the broader framework of River Basin Water Management, utilising local and international financing initiatives.

Secretariat, The United Nations Convention on Biological Diversity Zambia Country Profile, February 2019.^[21]

C AGRICULTURE, PLANTS AND FORESTRY

Several timber species are locally threatened due to overexploitation that has caused mature trees to become rare. This is despite declaring some of these species as protected or reserved. Currently, seventeen species of trees are reserved under the Forest Law and can therefore only be cut under license, although in practice, this is difficult to enforce. The Integrated Land Use Assessments phase two (ILUA II) estimated that Zambia is losing between 79,000 to 276,000 ha of forests annually with a weighted average of 0.6% of total land per annum. [22] Forest reserves are today significantly threatened by encroachment through cultivation and settlement. In the North-Western Province, this process is driven mostly by mining, while Northern Zambia has lost much of its primary cover to shifting cultivation. In the east, central and southern parts of Zambia, the conversion of forest land to permanent crop agriculture is the main driver of loss. Bush fires, overexploitation of timber trees, invasive alien plant species are other contributing factors. [23] Some of the main challenges to forestry in Zambia include unsustainable consumption of forestry products, agriculture expansion; land-use change; unsustainable utilisation/illegal offtake; mining & infrastructure development; agriculture expansion; encroachment; wildfires; and poor governance.

The 7NDP (2017-2021) aims to contribute to achieving the green growth objectives set out in Vision 2030. Green growth is taken to be “inclusive development that makes sustainable and equitable use of Zambia’s natural resources within ecological limits”. [24] Licensed exploitation of forest products is allowed in production forests, while protection forests are intended to protect water catchments, biodiversity and cultural values. In addition to forest reserves, 59 Botanical Reserves are located either within or outside forest reserves. [25] Under the 7NDP, a programme will be set up, financed through the Environmental Protection Fund and will be invested into productive jobs for environmental restoration, notably reforestation. Forests are subjected to various

disturbances such as fires, drought, diseases, and climatic events that influence the composition, structure and functions. Despite these stress factors, the majority (92.7%) of the trees in forests were found to be in good health. This is a positive indicator of the potential for forests to support sustainable development in the country. This status implies that Zambia's forest ecosystem has the potential to continue supplying forest goods and services for now and should therefore be factored into forestry planning at national and provincial levels, notwithstanding the high rates of deforestation.^[26] Since its first NBSAP in 1999, Zambia has formalised a National Tree Planting Programme and developed a Forest Policy in 2014.

Ministry of Lands, Natural Resources and Environmental Protection, United Nations Convention on Biodiversity Fifth National Report, June 2015.^[27]

D CLIMATE CHANGE, NATURAL DISASTERS AND AIR QUALITY

Rising temperatures are foreseen to negatively affect both crop and livestock productivity and raising the need for careful consideration for agrobiodiversity conservation for drought-resistant genetic resources to withstand the rise in temperatures and associated diseases and pests burdens that are likely to occur as a result. Studies have also shown that Zambia's fish stocks are in danger. Water levels are predicted to decline in rivers and lakes due to increased evaporation induced by rising temperatures and reduced precipitation, consequently affecting fish productivity and the fishing industry. Some fish species, such as the breams and sardines, which are the most vulnerable ones and yet the most sought after, might not survive the environmental change. Some communities also depend on wildlife as a source of nutrition. However, change in rainfall frequencies is projected to alter the migrating behaviours of species such as puku, lechwe and waterbuck, thus impacting negatively on local communities.

The Environmental Management Act does not provide for regulations to ring-fence the money from the Carbon tax. It is difficult to track the money collected for Carbon taxes, currently collected by the Road Transport and Safety Agency as inland tax revenue and by the Zambia Revenue Authority that collects it at importation or entry point. The money goes into the consolidated account, and some of it may be used for non-carbon sequestration activities. It is proposed that fiscal revenue derived from environmental or biodiversity fiscal measures should have a separate account earmarked to fund environmental or biodiversity conservation projects only.^[28]

A cursory review of achievements towards the set targets under the first NBSAP shows feeble direct results. Most of the actions taken could broadly be classified as means rather than ends in meeting the set targets. Under the Southern African Development Community (SADC) policy framework agreement, Zambia has developed a country status report that provides air quality statistics.^[29]

Ministry of Lands, Natural Resources and Environmental Protection, United Nations Convention on Biodiversity Fifth National Report, June 2015.^[30]

E WILDLIFE

The Seventh National Development Plan indicates that its focus will be on restocking of national parks whose wildlife populations have declined to levels where safari and photographic tourism is not viable. Threats to national parks, game management areas and mammals include human encroachment and illegal wildlife use, such as the poaching of large mammals for the bushmeat market. The Government will also strengthen the capacity of the Department of National Parks and partner with the private sector and communities to protect wildlife. Since the Fourth National Report the creation of a new Lusaka National Park brings the total number of national parks to 20. The park is stocked with 827 animals which comprise nine different species.^[31] Further, the number of

Game Management Areas (GMAs) rose from 33 to 36 by 2014. Zambia has Implemented the Kavango-Zambezi Transfrontier Area (KAZA) to protect wildlife migratory corridors and populations in Angola, Botswana, Namibia, Zambia and Zimbabwe.

Ministry of National Development Planning, Seventh National Development Plan (2017 to 2021).[\[32\]](#)

F PROTECTED AREAS

The network of statutory protected areas (PA) in Zambia covers about 40% of the total surface area of the country. It comprises National Forests, Local Forests, National Parks, Game Management Areas, Bird and Wildlife Sanctuaries and Heritage Sites and some private and community game ranches whose coverage is not fully known. These PA categories, which largely conform to the IUCN classification, have a critical role in protecting biodiversity and the physical environment of Zambia. [\[33\]](#) Forests, agro-ecosystems and wetlands are the most important ecosystem to the national economy and rural livelihoods. Biodiversity conservation to date has been undertaken through the management of the existing protected areas system and promotion of sustainable utilization of natural resources in Open Areas. Furthermore, mining activities conducted for aquamarine, tourmaline, and red garnets in certain protected areas have harmed wildlife and their habitats. The Mining Policy currently provides that mining will only be permitted in protected areas where rehabilitation is possible. Although mining licenses can be granted as long as an EIA is carried out and approved by the Zambia Environmental Management Agency, some small-scale miners carry out activities without licenses. Additional threats are wildfires, diseases and pesticides. The Fifth National Report indicates that under the 1999 NBSAP, Zambia undertook reclassification of Zambia's PA system, which identified gaps in species representation in the wildlife protected areas and recommended for additional types of protected areas (e.g. community parks, community protected forest areas). The

establishment of the Simalaha Community Conservancy and the Lusaka National Park have since followed.

Ministry of Lands, Natural Resources and Environmental Protection, United Nations Convention on Biodiversity Fifth National Report, June 2015.[\[34\]](#)

G AFRICAN CUSTOMARY LAW AND RIGHTS OF INDIGENOUS PEOPLES

Zambia's rich biodiversity is scattered in customary or traditionally managed areas, protected areas, in situ conservation areas and agricultural landscapes. Game Management Areas (GMAs) are protected areas in communally owned lands (i.e., customary or traditional lands) that are used primarily for the sustainable utilization of wildlife resources, through regulated hunting and/or non-consumptive tourism concessions, for the benefit of the nation, local communities and the wildlife resource. Zambia's National Biodiversity Strategy and Action Plan (NBSAP-2) derived from the global conservation goals, the Aichi target. The NBSAP-2 identifies the Ministry of Chiefs and Traditional Affairs as the main stakeholder in protecting biodiversity, with its main interests being land administration, sustainable natural resource management and community rights. Zambia is presently embarking on the involvement of rural communities in the conservation of biodiversity. Creating community parks such as Simalaha Community Conservancy[\[35\]](#) in Mwandi District, Western Province, is one such example.

Ministry of Lands, Natural Resources and Environmental Protection, Zambia's National Biodiversity Strategy and Action Plan (NBSAP-2) (2015 -2025).[\[36\]](#)

[1] <https://www.mlnr.gov.zm/>.

[2] <https://www.mota.gov.zm/>.

[3] <https://www.agriculture.gov.zm/>.

- [4] <https://www.mwdsep.gov.zm/>.
- [5] <https://www.mcti.gov.zm/>.
- [6] <https://www.mndp.gov.zm/>.
- [7] <https://www.mof.gov.zm/>.
- [8] <https://www.moe.gov.zm/>.
- [9] <https://www.mfl.gov.zm/>.
- [10] <https://theredddesk.org/.../ministry-chiefs-and-traditional-affairs-zambia>.
- [11] <https://www.mohe.gov.zm/>.
- [12] www.warma.org.zm/.
- [13] Ministry of Mines, Energy and Water Development, Mineral Resources Development Policy, July 2013 available at https://www.mmmd.gov.zm/?wpfb_dl=142.
- [14] Ministry of Mines, Energy and Water Development, The National Energy Policy, May 2008 available at <https://www.moe.gov.zm/download/policies/The-National-Energy-Policy-2008.pdf> accessed on 3 August 2019.
- [15] Lufunda Muzeya, Energy Policy in Zambia 24 July 2015 available at http://www.grips.ac.jp/teacher/oono/hp/course/student_slides/2015/lufunda_energy.pdf accessed on 4 August 2019.
- [16] Available at <http://extwprlegs1.fao.org/docs/pdf/zam170109.pdf> accessed on 2 August 2019.
- [17] Water is a key driver of economic and social development, while it also has a basic function in maintaining the integrity of the natural environment. However, water is only one of several vital natural resources, and water issues mustn't be considered in isolation. Managers, whether in the government or private sectors, have to make difficult decisions on water allocation. More and more, they have to apportion diminishing supplies between ever-increasing demands. Drivers such as demographic and climatic changes further increase the stress on water resources. The traditional fragmented approach is no longer viable, and a more holistic approach to water management is essential. This is the rationale for the Integrated Water Resources Management (IWRM) approach that has now been accepted internationally as the way forward for efficient, equitable and sustainable development and management of

the world's limited water resources and coping with conflicting demands. United Nations Department for Economic and Social Affairs (UNDESA) International Decade for Action 'WATER FOR LIFE' 2005 to 2015 <https://www.un.org/waterforlifedecade/iwrm.shtml> accessed on 4 August 2019.

[18] According to the Water Resources Management Authority, water is a basic human need, and as such domestic and non-commercial needs shall enjoy priority on the allocation of use. The environment is a water user and shall enjoy the second priority of allocation. There shall be equity between all genders in accessing water resources. The Water Resources Management Authority available at <http://www.warma.org.zm/warma-about-us/> accessed on 5 August 2019.

[19] The Secretariat, Convention on Biological Diversity Zambia Country Profile <https://www.cbd.int/countries/profile/default.shtml?country=zm#facts> accessed on 2 August 2019.

[20] Ibid.

[21] Available at <https://www.cbd.int/countries/profile/default.shtml?country=zm%20-%20facts> accessed on 2 August 2019.

[22] Jacob Mwitwa, Roselyne Mwila and Bruno Mweemba, Policy and Institutional Review for biodiversity conservation in Zambia Policy Brief number 1 February 2018, Biodiversity Finance Initiative (BIOFIN)-Zambia available at https://www.biodiversityfinance.net/sites/default/files/content/knowledge_products/BIOFIN%20ZM%20PB%20%231-Policy%20and%20Institutional%20Review%20for%20biodiversity%20conservation%20in%20Zambia%5B1%5D.pdf accessed on 4 August 2019.

[23] The Secretariat, Convention on Biological Diversity Zambia Country Profile <https://www.cbd.int/countries/profile/default.shtml?country=zm#facts> accessed on 4 August 2019.

[24] Banda, T and S. Bass. Inclusive green growth in Zambia. Scoping the needs and potentials. Country Report. February 2014. IIED. London, as cited in the Fifth National Report. June 2015 available at <https://www.cbd.int/doc/world/zm/zm-nr-05-en.pdf> accessed on 4 August 2019.

[25] Ibid.

[26] The Food and Agriculture Organization of the United Nations, the

Forestry Department, Ministry of Lands and Natural Resources, Integrated Land Use Assessment II Report for Zambia (2011 to 2016), December 2016 https://prais.unccd.int/sites/.../ILUA%20II_Final%20Report_Zambia_19062016.pdf accessed on 4 August 2019.

[27] Available at <https://www.cbd.int/doc/world/zm/zm-nr-05-en.pdf> accessed on 4 August 2019.

[28] Jacob Mwitwa, Roselyne Mwila and Bruno Mweemba, Policy and Institutional Review for biodiversity conservation in Zambia, Policy Brief number 1 February 2018 https://www.biodiversityfinance.net/sites/default/files/content/knowledge_products/BIOFIN%20ZM%20PB%20%231-Policy%20and%20Institutional%20Review%20for%20biodiversity%20conservation%20in%20Zambia%5B1%5D.pdf accessed on 4 August 2019.

[29] United Nations Environment Programme, Global Environmental Outlook Report GEO- 6: Regional Assessment for Africa, 2016 available at <https://www.unenvironment.org/resources/assessment-report/geo-6-regional-assessment-africa> accessed on 4 August 2019.

[30] Available at <https://www.cbd.int/doc/world/zm/zm-nr-05-en.pdf> accessed on 4 August 2019.

[31] Ministry of Lands, Natural Resources and Environmental Protection United Nations Convention on Biological Diversity Fifth National Report, June 2015 available at <https://www.cbd.int/doc/world/zm/zm-nr-05-en.pdf> accessed on 4 August 2019.

[32] Available at <http://extwprlegs1.fao.org/docs/pdf/zam170109.pdf> accessed on 2 August 2019.

[33] Ibid.

[34] Available at <https://www.cbd.int/doc/world/zm/zm-nr-05-en.pdf> accessed on 4 August 2019.

[35] Mava Foundation pour la nature, Empowering Zambia's First Community Conservancy, 24 January 2019 available at <http://mava-foundation.org/news-empowering-zambias-first-community-conservancy/> accessed on 5 August 2019.

[36] Available at <https://www.cbd.int/doc/world/zm/zm-nbsap-v2-en.pdf> accessed on 4 August 2019.

FAO Legal Database: Zambia

[FAOLEX Database: Zambia](#)

Policies

[Zambia Climate-Smart Agriculture Investment Plan.](#)

Date of text: 2019

[National Policy on Wetlands.](#)

Date of text: 01 September 2018

[National Wetlands Policy - Implementation Plan.](#)

Date of text: 01 September 2018

[National Health Strategic Plan \(NHSP\) 2017-2021.](#)

Date of text: 2017

[Seventh National Development Plan 2017-2021.](#)

Date of text: 2017

[Zambia National Policy on Climate Change 2016.](#)

Date of text: 01 April 2016

[Second National Agricultural Policy 2016.](#)

Date of text: 01 February 2016

[National Water Supply and Sanitation Council Strategic Plan 2016-2020.](#)

Date of text: 2016

[National Disaster Management Policy 2015.](#)

Date of text: 01 July 2015

[Zambia National Strategy to Reduce Emissions from Deforestation and Forest](#)

[Degradation \(REDD+\).](#)

Date of text: 01 January 2015

[Action Plan for Youth Empowerment and Employment.](#)

Date of text: 2015

[Zambia's Intended Nationally Determined Contribution \(INDC\) to the 2015 Agreement on climate change.](#)

Date of text: 2015

[National Gender Policy 2014.](#)

Date of text: 01 September 2014

[National Social Protection Poverty.](#)

Date of text: 01 June 2014

[Zambia's Second National Biodiversity Strategy and Action Plan \(NBSAP - 2\).](#)

Date of text: 2014

[National Agriculture Investment Plan \(NAIP\) 2014-2018.](#)

Date of text: 01 May 2013

[Revised Sixth National Development Plan 2013-2016](#)

Date of text: 2013

[Zambia National Health Policy.](#)

Date of text: 01 August 2012

[Strategic Plan for Social Development \(2012-2015\).](#)

Date of text: 2012

[National Agriculture Policy 2012 - 2030.](#)

Date of text: 01 August 2011

[Zambia National Agricultural Policy 2012-2030.](#)

Date of text: 01 August 2011

[National Food and Nutrition Strategic Plan for Zambia 2011-2015.](#)

Date of text: 01 July 2011

[Sixth National Development Plan 2011-2015.](#)

Date of text: 01 January 2011

[Zambia National Health Strategic Plan 2011- 2015.](#)

Date of text: 2011

[National Climate Change Response Strategy.](#)

Date of text: 01 December 2010

[National Water Policy.](#)

Date of text: 01 February 2010

[National Forest Policy 2009.](#)

Date of text: 01 October 2009

[National Food and Nutrition Policy.](#)

Date of text: 2008

[National adaptation plan for action - NAPA \(2007\).](#)

Date of text: 01 September 2007

[National Policy on Environment.](#)

Date of text: 2007

[Fifth National Development Plan 2006-2010.](#)

Date of text: 2006

[Zambia Vision 2030](#)

Date of text: 2006

[National Agricultural Policy 2004 – 2015.](#)

Date of text: 01 October 2004

[Strategic Plan for Agriculture and Rural Statistics for Zambia \(SPARS-ZAM 2019-2023\).](#)

Date of text: 01 June 2018

[Second National Rice Development Strategy 2016 - 2020.](#)

Date of text: 01 July 2016

[National Urban and Peri-Urban Sanitation Strategy \(2015-2030\).](#)

Date of text: 01 November 2015

[National Action Plan for the 2015 Youth Policy.](#)

Date of text: 01 August 2015

[National Youth Policy \(2015\).](#)

Date of text: 01 August 2015

[National Policy on Child Labour](#)

Date of text: 01 February 2009

Zambia - agricultural and rural development

[Agricultural Institute of Zambia Act, 2017 \(No. 2 of 2017\).](#)

Date of text: 12 April 2017

[Agricultural Credits Act, 2010 \(No. 35 of 2010\).](#)

Date of text: 14 November 2010

[Rural Electrification Act.](#)

Date of text: 12 December 2003

[National Agricultural Marketing Act \(No. 19 of 1989\).](#)

Date of text: 18 August 1989

[Zambia Agricultural Development Bank Act \(No. 18 of 1979\).](#)

Date of text: 12 April 1979

[Agricultural Products Levy Act \(Cap. 232\).](#)

Date of original text: 01 October 1957 (2006)

[Control of Goods Act \(Cap. 421\).](#)

Date of original text: 26 March 1954 (2004)

[Agricultural Statistics Act \(Cap. 229\).](#)

Date of original text: 13 March 1919 (2006)

[Agricultural Institute of Zambia \(General\) Regulations, 2018 \(S.I. No. 54 of 2018\).](#)

Date of text: 05 July 2018

[Agricultural Credits \(Appointment of Authorised Agency\) Order, 2014 \(S.I. No. 59 of 2014\).](#)

Date of text: 04 November 2014

[Agricultural Credits \(Registration\) Regulations \(Cap. 224\).](#)

Date of original text: 1996 (2006)

[Lands \(Land Development Fund\) Regulations \(Cap. 184\).](#)

Date of original text: 1996 (2006)

[Control of Goods \(Import and Export\) \(Commerce\) Regulations \(Cap. 421\).](#)

Date of original text: 1965 (1994)

[Town and Country Planning \(Appeals\) Regulations \(Cap. 283\).](#)

Date of original text: 1963 (2006)

[Control of Goods \(Agricultural Products Prices\) Regulations \(Cap. 421\).](#)

Date of original text: 1958 (1994)

[Agricultural Statistics Regulations \(Cap. 229\).](#)

Date of original text: 1953 (2006)

[Local Government \(Amendment\) Act, 2010 \(No. 6 of 2010\).](#)

Date of text: 12 April 2010

Disaster risk management

[Disaster Management Act, 2010 \(No. 13 of 2010\).](#)

Date of text: 13 April 2010

[Emergency Powers Act, \(Cap 108\).](#)

Date of text: 1964

[Disaster Management \(Qualifications of National Co-ordinator\) Regulations, 2019 \(S.I. No. 6 of 2019\).](#)

Date of text: 22 January 2019

[Disaster Management \(National Disaster Management Council\) Regulations, 2012 \(S.I. No. 39 of 2012\).](#)

Date of text: 05 June 2012

Environment

[Environmental Management Act, 2011 \(No. 12 of 2011\).](#)

Date of text: 12 April 2011

[Solid Waste Regulation and Management Act, 2018 \(No. 20 of 2018\).](#)

Date of text: 23 December 2018

[Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons Act, 2007 \(No. 2 of 2007\).](#)

Date of text: 12 April 2007

[Ionising Radiation Protection Act, 2005 \(No. 16 of 2005\).](#)

Date of text: 07 October 2005

[Local Government \(Street Vending and Nuisances\) \(No. 2\) Regulations \(Cap. 281\).](#)

Date of original text: 1992 (2006)

[Disaster Management \(Qualifications of National Co-ordinator\) Regulations, 2019 \(S.I. No. 6 of 2019\).](#)

Date of text: 22 January 2019

[Environmental Management \(Licensing\) Regulations \(S.I. No 112 of 2013\).](#)

Date of text: 01 November 2013

[Disaster Management \(National Disaster Management Council\) Regulations, 2012 \(S.I. No. 39 of 2012\).](#)

Date of text: 05 June 2012

[Environmental Protection and Pollution Control Act \(Ozone Depleting Substances\) Regulations, 2000 \(S.I. No. 27 of 2000\).](#)

Date of text: 2000

[Environmental Protection and Pollution Control \(Environmental Impact Assessment\) Regulations \(Cap. 204\).](#)

Date of original text: 17 February 1997 (2006)

[Air Pollution Control \(Licensing and Emission Standards\) Regulations \(Cap. 204\).](#)

Date of original text: 1996 (2006)

Katete District Council (Village Cleanliness) By-laws (Cap. 281).

Date of original text: 1994 (2006)

Katete District Council (Establishment of Waste Disposal Sites) By-laws (Cap. 281).

Date of original text: 1994 (2006)

Ionising Radiations Regulations.

Date of original text: 1992 (31 March 1997)

Local Government (Solid Waste Management) Regulations, 2011 (G.N. No. 100 of 2011).

Date of text: 20 July 2011

Lusaka City Council (Municipal Solid Waste Management) By-laws (S.I. No. 91 of 2004).

Date of text: 18 October 2004

Local Government (Street Vending and Nuisances) (Application) Order (Cap. 281).

Date of original text: 1992 (2006)

Environmental Management (Amendment) Act, 2013 [No. 10 of 2013].

Date of text: 19 December 2013

Ionising Radiation Protection (Amendment) Act, 2011 (No. 19 of 2011).

Date of text: 12 April 2011

Local Government (Street Vending and Nuisances) (Amendment) Regulations (S.I. No. 10 of 2018).

Date of text: 01 February 2018

Environmental Protection and Pollution Control (Environmental Impact Assessment) (Amendment) Regulations, 2009 (S.I. No. 87 of 2009).

Date of text: 23 October 2009

Fisheries

Fisheries Act, 2011 (No. 22 of 2011).

Date of text: 18 April 2011

[Fisheries Regulations, 2012 \(S.I. No. 24 of 2012\).](#)

Date of text: 19 March 2012

[Fisheries \(Fishing Licence Fees\) Regulations, 2008 \(S.I. No. 59 of 2008\).](#)

Date of text: 06 May 2008

[Shangombo District Council \(Fish Levy\) By-laws, 1999 \(S.I. No. 47 of 1999\).](#)

Date of text: 20 July 1999

[Fisheries \(Fishing Licence Fees\) Regulations, 1997 \(S.I. No. 21 of 1997\).](#)

Date of original text: 07 February 1997 (31 March 1997)

[Fisheries \(Prescribed Areas\) \(Declaration\) Order, 1986 \(Cap. 200\).](#)

Date of original text: 04 February 1986 (2006)

[Fisheries \(Amendment\) Regulations, 2017 \(S.I. No. 76 of 2017\).](#)

Date of text: 29 November 2017

[Fisheries \(Amendment\) Regulations, 1989 \(S.I. No. 16 of 1989\).](#)

Date of text: 01 February 1989

[Fisheries \(Amendment\) Regulations, 1986 \(S.I. No. 188 of 1986\).](#)

Date of text: 27 November 1986

Forestry

[Forests Act, 2015 \(Act No. 4 of 2015\).](#)

Date of text: 14 August 2015

[Forests \(Community Forest Management\) Regulations, 2018 \(S.I. No. 11 of 2018\).](#)

Date of text: 14 February 2018

[Control of Goods \(Import and Export\) \(Forest Produce\) Regulations, 2017 \(S.I. No. 27 of 2017\).](#)

Date of text: 24 March 2017

[Forest \(Concession Licence\) Regulations, 2016 \(S.I. No. 50 of 2016\).](#)

Date of text: 17 November 2016

[Forests \(Export of Timber\) Regulations, 2015 \(S.I. No.94 of 2015\).](#)

Date of text: 01 December 2015

Nyimba District Council (Timber Levy) By-laws, 2010 (S.I. No. 18 of 2010).

Date of text: 18 February 2010

Local Forests (Control and Management) Regulations, 2006 (S.I. No. 47 of 2006).

Date of text: 20 April 2006

Forests (Timber Cutting, Conversion Processing and Conveyancing) (Prohibition) Regulations, 2003 (S.I. No. 102 of 2003).

Date of text: 11 September 2003

Gwembe District Council (Timber Levy) By-laws, 2000 (S.I. No. 113 of 2000).

Date of text: 2000

Charcoal (Prohibition of Exportation) Order, 1999. (S.I. No. 99 of 1999).

Date of text: 28 August 1999

Forests Regulations, 1976 (Cap. 199).

Date of original text: 1976 (2006)

Local Forest No. P324: Mukunkuki (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

National Forest No. P322: Likonge (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

Local Forest No. P326: Sisheta and Lushi (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

Local Forest No. P341: Chinsali Plantation (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

Local Forest No. P340: Shili Plantation (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

National Forest No. P336: Chinakila (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

Local Forest No. P333: Suwe (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

Local Forest No. P332: Namianji (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

Local Forest No. P331: Nalikena (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

National Forest No. P316: Lunzua Extension (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

Local Forest No. P318: Milima-Mulobola (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

Local Forest No. P305: Chitimukulu (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

Local Forest No. P303: Nakonde (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

Local Forest No. P330: Kambowa (Declaration) Order (Cap. 199).

Date of original text: 1973 (2006)

Notice of the President on powers of a forest officer (Cap. 199).

Date of original text: 1960 (2006)

Government Notice on National Forest No. F6 Mwekera-Mwekera Fish Farm (Cap. 199).

Date of original text: 1959 (2006)

Declaration by the Minister on Local Forest No. P52 Chibombo (Cap. 199).

Date of original text: 1955 (2006)

Declaration by the Minister on Local Forest No. P41 Mpika (Cap. 199).

Date of original text: 1954 (2006)

Declaration by the Minister on National and Local Forests Nos. 42, 43, 97-100, 114-118,

120-142 and 144-148 (Cap. 199).

Date of original text: 1954 (2006)

Declaration by the Minister on Local Forest No. P37 Martin (Cap. 199).

Date of original text: 1953 (2006)

Declaration by the Minister on Local Forest No. P30 Katombora Extension (Cap. 199).

Date of original text: 1953 (2006)

Declaration by the Minister on Local Forest No. P19 Bovu (Cap. 199).

Date of original text: 1952 (2006)

Declaration by the Minister on Local Forest No. P20 Malanda (Cap. 199).

Date of original text: 1952 (2006)

Declaration by the Minister on National and Local Forest (Cap. 199).

Date of original text: 1952 (2006)

Declaration by the Minister on Local Forest Nos. P10 and P13 (Cap. 199).

Date of original text: 1952 (2006)

Declaration by the Minister on Local Forest No. P9 Mukalizi (Cap. 199).

Date of original text: 1951 (2006)

Declaration by the Minister on National Forest No. P3 Hippo Pool (Cap. 199).

Date of original text: 1947 (2006)

Declaration by the Minister on Local Forest No. P2 Machili (Cap. 199).

Date of original text: 1945 (2006)

Declaration by the Minister on National Forest No. P4 Monkey Fountain and Quarry Hill (Cap. 199).

Date of original text: 1944 (2006)

Declaration by the Minister on National and Local Forests Nos. 1 and 6 (Cap. 199).

Date of original text: 1943 (2006)

National Forests (Declaration) Order, 1975 (S.I. No. 158 of 1975).

Date of text: 23 September 1975

Protected Forest Area No. 236: Kapalala (S.I. No. 218 of 1970).

Date of text: 31 July 1970

Control of Goods (Import and Export) (Forest Produce) (Prohibition of Importation)

Order, 2017 (S.I. No. 31 of 2017).

Date of text: 03 April 2017

Forest (Amendment) Regulations 2013 (S.I. No. 52 of 2013).

Date of text: 18 June 2013

[Forests \(Amendment\) Regulations, 2003 \(S.I. No. 12 of 2003\).](#)

Date of text: 18 October 2003

[Forests \(Timber Export\) \(Amendment\) Regulations, 1997 \(S.I. No. 9 of 1997\).](#)

Date of text: 30 January 1997

[Forest \(Amendment\) Regulations 1988 \(S.I. No. 58 of 1988\).](#)

Date of text: 22 March 1988

Land and soil

[Urban and Regional Planning Act, 2015 \(No. 3 of 2015\).](#)

Date of text: 14 August 2015

[Lands Act, 1995 \(Cap. 184\).](#)

Date of original text: 13 September 1995 (2006)

[Lands Tribunal Act, 2010 \(No. 39 of 2010\).](#)

Date of text: 14 November 2010

[Rating Act, 1997 \(Cap. 192\).](#)

Date of original text: 18 April 1997 (2006)

[Common Leasehold Schemes Act \(Cap. 208\).](#)

Date of original text: 31 December 1994 (2006)

[Intestate Succession Act \(Cap. 59\).](#)

Date of original text: 19 May 1989 (2006)

[Wills and Administration of Testate Estates Act. \(Cap. 60\).](#)

Date of original text: 1989 (1994)

[Property Transfer Tax Act \(Cap. 340\).](#)

Date of original text: 30 March 1984 (2005)

[Valuation Surveyors Act \(Cap. 207\).](#)

Date of original text: 01 August 1979 (2006)

[Landlord and Tenant \(Business Premises\) Act \(Cap. 193\).](#)

Date of original text: 01 January 1972 (2006)

[Trusts Restriction Act \(Cap. 63\).](#)

Date of original text: 24 December 1970 (2006)

[Lands Acquisition Act \(Cap. 189\).](#)

Date of original text: 1970 (2006)

[Deeds of Arrangement Act \(Cap 84\).](#)

Date of original text: 1968 (1994)

[Occupiers' Liability Act \(Cap. 70\).](#)

Date of original text: 16 August 1963 (2006)

[Bills of Sale \(Registration\) Act.](#)

Date of original text: 1961 (31 March 1997)

[Agricultural Lands Act \(Cap. 187\).](#)

Date of original text: 23 December 1960 (2006)

[Land Survey Act \(Cap. 188\).](#)

Date of original text: 1960 (2006)

[Administration of Estates \(Trust Corporations\) Act \(Cap. 62\).](#)

Date of original text: 17 August 1956 (2006)

[Fencing Act \(Cap. 190\).](#)

Date of original text: 01 October 1949 (2006)

[Subordinate Courts Act \(Cap. 28\).](#)

Date of original text: 1933 (1995)

[Land \(Perpetual Succession\) Act \(Cap. 186\).](#)

Date of original text: 31 December 1926 (2006)

[Administrator-General's Act \(Cap. 59\).](#)

Date of original text: 13 June 1925 (2006)

[Lands and Deeds Registry Act \(Cap. 185\).](#)

Date of original text: 1914 (2006)

[Mines and Minerals \(Environmental\) Regulations, 1997 \(Cap. 213\).](#)

Date of original text: 20 February 1997 (2006)

[Town and Country Planning \(Appointment of Planning Authority and Delegation of](#)

[Functions\) Notice, 2014 \(S.I. No. 41 of 2014\).](#)

Date of text: 15 May 2014

[Town and Country Planning \(Application\) Order, 2013 \(S.I. No. 104 of 2013\).](#)

Date of text: 01 November 2013

[Lands Tribunal \(Fees\) Regulations, 2013 \(No. 7 of 2013\).](#)

Date of text: 15 January 2013

[Lands \(Ground Rent, Fees and Charges\) Regulations, 2009 \(S.I. No. 110 of 2009\).](#)

Date of text: 27 November 2009

[Lands \(Land Development Fund\) Regulations \(Cap. 184\).](#)

Date of original text: 1996 (2006)

[Lands Tribunal Rules \(Cap. 184\).](#)

Date of original text: 1996 (2006)

[Lands \(Customary Tenure\) \(Conversion\) Regulations \(Cap. 184\).](#)

Date of original text: 1996 (2006)

[Town and Country Planning \(Application\) Order \(Cap. 283\).](#)

Date of original text: 1993 (2006)

[Town and Country Planning \(Delegation of Functions\) Order \(Cap. 283\).](#)

Date of original text: 1993 (2006)

[District Councils \(Rateable Property\) \(Exemption\) Order \(Cap. 192\).](#)

Date of original text: 1982 (2006)

[Valuation Surveyors Rules \(Cap. 207\).](#)

Date of original text: 1979 (2006)

[Landlord and Tenant \(Business Premises\) Rules.](#)

Date of original text: 1973 (2006)

[Land Survey Regulations.](#)

Date of original text: 1971 (2006)

[Landlord and Tenant \(Business Premises\) Regulations \(Cap. 193\).](#)

Date of original text: 1971 (2006)

[Lands Acquisition \(Prescribed Forms\) Regulations\(Cap. 189\).](#)

Date of original text: 1970 (2006)

[Town and Country Planning \(Appointment of Planning Authorities\) Regulations \(Cap. 283\).](#)

Date of original text: 1963 (2006)

[Town and Country Planning \(Planning Authority Procedure\) Regulations.](#)

Date of original text: 1963 (2006)

Town and Country Planning (Development Plans) Regulations (Cap. 283).

Date of original text: 1962 (2006)

Town and Country Planning (Claim for Compensation) Regulations (Cap. 283).

Date of original text: 1962 (2006)

Town and Country Planning (Use Groups) Regulations (Cap. 283).

Date of original text: 1962 (2006)

Town and Country Planning Subdivision Order (Cap. 283).

Date of original text: 1962 (2006)

Town and Country Planning (Enforcement Notices) Regulations (Cap. 283).

Date of original text: 1962 (2006)

Town and Country Planning Development Order (Cap. 283).

Date of original text: 1962 (2006)

Delegation of Powers to City and Municipal Councils Notice (Cap. 283).

Date of original text: 1962 (2006)

Town and Country Planning (Application for Planning Permission) Regulations (Cap. 283).

Date of original text: 1962 (2006)

Agricultural Holdings (Rent) Rules (Chapter 187).

Date of original text: 1961 (2006)

Extermination of Mosquitoes Rules (Cap. 312).

Date of original text: 1946 (2006)

Lands and Deeds Registry Regulations.

Date of original text: 1940 (2006)

Urban and Regional Planning (Planning Appeals Tribunal) Regulations, 2018 (S.I. No. 77 of 2018).

Date of text: 0000

Arbitration (Recognition of Arbitral Institutions) Regulations, 2001 (S.I. No. 73 of 2001).

Date of text: 2001

Non-Cadastral Survey and Mapping Fees and Charges Notice (SI No. 65 of 1996).

Date of text: 1996

District Councils (Rateable Property) (Exemption) Order.

Date of original text: 1982 (31 March 1997)

Subordinate Courts (Amendment) Act (No. 4 of 2018).

Date of text: 09 April 2018

Property Transfer Tax (Amendment) Act, 2017 (No. 11 of 2017).

Date of text: 19 December 2017

Property Transfer Tax (Amendment) Act, 2015 (No. 16 of 2015).

Date of text: 17 December 2015

Property Transfer Tax (Amendment) Act, 2014 (No. 9 of 2014).

Date of text: 23 December 2014

Property Transfer Tax (Amendment) Act, 2013 (No. 14 of 2013).

Date of text: 20 December 2013

Property Transfer Tax (Amendment) Act, 2012 (No. 13 of 2012).

Date of text: 21 December 2012

Property Transfer Tax (Amendment) Act, 2009 (No. 4 of 2009).

Date of text: 31 March 2009

Lands (Amendment) Act, 1996 (No. 20 of 1996).

Date of text: 28 June 1996

Lands (Ground Rent, Fees and Charges (Amendment) Regulations, 2016 (S.I. No. 106 of 2016).

Date of text: 30 December 2016

Lands (Customary Tenure) (Conversion) (Amendment) Regulations, 2015 (S.I. No. 74 of 2015).

Date of text: 08 October 2015

Land Survey (Amendment) Regulations, 2013 (S.I. No. 54 of 2013).

Date of text: 18 June 2013

Lands and Deeds Registry (Amendment) Regulations, 2013 (S.I. No. 53 of

2013).

Date of text: 18 June 2013

Non-Cadastral Survey and Mapping (Fees and Charges) (Amendment)

Notice, 2013 (S.I.

No. 4 of 2013).

Date of text: 05 January 2013

Lands and Deeds Registry (Amendment) Regulations, 2005 (S.I. No. 24 of 2005).

Date of text: 24 February 2005

Lands and Deeds Registry (Amendment) Regulations 2004 (S.I. No. 21 of 2004).

Date of text: 09 February 2004

Land Survey (Amendment) Regulations (S.I. No. 103 of 1998).

Date of text: 13 August 1998

Lands and Deeds Registry (Amendment) Regulations (S.I. No. 12 of 1997).

Date of text: 30 January 1997

Lands and Deeds Registry (Amendment) Regulations 1996 (S.I. No. 67 of 1996).

Date of text: 01 January 1970

Livestock

Animal Health Act, 2010 (No. 27 of 2010).

Date of text: 16 August 2010

Agriculture (Fertilisers and Feed) Act (Cap. 226).

Date of original text: 01 January 1970 (2006)

Prevention of Cruelty to Animals Act (Cap. 245).

Date of original text: 01 January 1921 (2006)

Medicines and Allied Substances Act, 2013 (No. 3 of 2013).

Date of text: 21 March 2013

Veterinary and Veterinary Para-Professions Act, 2010 (No. 45 of 2010).

Date of text: 24 November 2010

[Dairy Industry Development Act, 2010 \(No. 22 of 2010\).](#)

Date of text: 13 April 2010

[Cattle Slaughter \(Control\) Act, 2010.](#)

Date of text: 2010

[Cattle Cleansing \(Repeal\) Act, 2010.](#)

Date of text: 2010

[Pig Industry Act \(Cap. 251\).](#)

Date of original text: 01 February 1960 (2006)

[Extermination of Mosquitoes Act \(Cap. 312\).](#)

Date of original text: 1944 (2006)

[Tsetse Control Act \(Cap. 249\).](#)

Date of original text: 30 December 1941 (2006)

[Pharmacy and Poisons Act \(Cap. 299\).](#)

Date of original text: 1941 (1965)

[Control of Dogs Act \(Cap. 247\).](#)

Date of original text: 15 March 1929 (2006)

[Export of Pigs Act \(Cap. 246\).](#)

Date of original text: 06 June 1925 (2006)

[Public Pounds and Trespass Act \(Cap. 253\).](#)

Date of original text: 28 April 1920 (2006)

[Brands Act \(Cap. 244\).](#)

Date of original text: 01 November 1913 (2006)

[Medicines and Allied Substances \(Agro-Veterinary Shops\) Regulations,
2016 \(S.I. No. 10
of 2016\).](#)

Date of text: 27 January 2016

[Animal Health \(Veterinary Services Fees\) Regulations, 2018 \(S.I. No. 22 of
2018\).](#)

Date of text: 07 March 2018

[Medicines and Allied Substances \(Importation and Exportation\) Regulations,
2017 \(S.I.
No. 57 of 2017\).](#)

Date of text: 14 July 2017

[Medicines and Allied Substances \(Certificate of Registration\) Regulations, 2017 \(S.I. No. 58 of 2017\).](#)

Date of text: 14 July 2017

[Citizens Economic Empowerment \(Reservation Scheme\) Regulations, 2017 \(S.I. No. 1 of 2017\).](#)

Date of text: 04 January 2017

[Animal Health \(Control and Prevention of Animal Disease\) Order, 2014 \(S.I. No. 24 of 2014\).](#)

Date of text: 13 January 2014

[Animal Health \(Livestock Cleansing\) Order, 2014 \(S.I. No. 16 of 2014\).](#)

Date of text: 13 January 2014

[Cattle Slaughter \(Control\) Act \(Application\) Order \(Cap. 250\).](#)

Date of original text: 1981 (2006)

[Food and Drugs \(Warranty\) Regulations \(Cap. 303\).](#)

Date of original text: 1972 (2006)

[Agriculture \(Farm Feed\) Regulations \(Cap. 226\).](#)

Date of original text: 1970 (2006)

[Tsetse Control Picket Regulations \(Cap. 249\).](#)

Date of original text: 1963 (2006)

[Trypanosomiasis Regulations \(Cap. 252\).](#)

Date of original text: 1963 (2006)

[East Coast Fever Regulations \(Cap. 252\).](#)

Date of original text: 1963 (2006)

[Foot and Mouth Disease Regulations \(Cap. 252\).](#)

Date of original text: 1963 (2006)

[Stock Diseases Regulations \(Cap. 252\).](#)

Date of original text: 1963 (2006)

[Pig Industry \(Grading\) Regulations \(Cap. 251\).](#)

Date of original text: 1960 (2006)

[Pig Industry \(Definition of Areas\) Notice \(Cap. 251\).](#)

Date of original text: 1960 (2006)

Pig Industry (Powers of Inspectors) Regulations (Cap. 251).

Date of original text: 1960 (2006)

Tsetse Control (Mumbwa-Namwala (North) Tsetse Fly Area) Regulations (Cap. 249).

Date of original text: 1955 (2006)

Tsetse Control (Eastern Lunga and Luswishi Catchment Tsetse Fly Area) Regulations (Cap. 249).

Date of original text: 1955 (2006)

Control of Dogs (Inoculation) Regulations (Cap. 247).

Date of original text: 1953 (2006)

Extermination of Mosquitoes Rules (Cap. 312).

Date of original text: 1946 (2006)

Public Health (Livingstone Abattoir) (Slaughter of Western Province Cattle) Regulations (Cap. 295).

Date of original text: 1939 (1994)

Control of Dogs Regulations (Cap. 247).

Date of original text: 1933 (2006)

Public Health (Infectious Disease) Regulations (Cap. 295).

Date of original text: 1931 (2006)

Brands Regulations (Cap. 244).

Date of original text: 1931 (2006)

Control of Goods (Import and Export)(Agriculture)(Prohibition of Exportation of Hides and Skins) (Revocation) Order, 2018 (S.I. No. 78 of 2018).

Date of text: 02 October 2018

Agro-Veterinary Shop Permit Guidelines - Guidance on Procedures for Applying for

Permit and Operating an Agro-Veterinary Shop, 2017

Date of text: 20 December 2017

Guideline on Application for Registration of Unregistered Veterinary Medicines Already

on the Zambian Market

Date of text: 14 August 2014

Guidelines on Application for Registration of a Veterinary Medicine

Date of text: 14 August 2014

Guidelines on Applications for Registration of Vaccines and Other
Biological Products for

Human and Veterinary Use

Date of text: 2008

East Coast Fever (Amendment) Regulations (S.I. No. 90 of 2008).

Date of text: 08 September 2008

Control of Goods (Import and Export) (Agriculture) (Amendment) Order,
2003 (S.I. No.
19 of 2003).

Date of text: 23 January 2003

Water

Water Resources Management Act, 2011 (No. 21 of 2011).

Date of text: 15 April 2011

Water Supply and Sanitation Act, 1997 (No. 28 of 1997).

Date of text: 14 November 1997

Millennium Challenge Compact Act, 2013 (No. 6 of 2013).

Date of text: 22 March 2013

Zambezi River Authority Act, 1987 (Cap. 467).

Date of original text: 25 September 1987 (2006)

Inland Waters Shipping Act.

Date of original text: 03 November 1961 (31 March 1997)

Mines and Minerals (Environmental) Regulations, 1997 (Cap. 213).

Date of original text: 20 February 1997 (2006)

Water Resources Management (Groundwater and Boreholes) Regulations,
2018 (S.I. No.

20 of 2018).

Date of text: 07 March 2018

Water Resources Management (Licensing of Drillers and Constructors) Regulations,

2018 (S.I. No. 19 of 2018).

Date of text: 28 February 2018

Water Resources Management (Charges and Fees) Regulations, 2018 (S.I. No. 18 of 2018).

Date of text: 28 February 2018

Water Supply and Sanitation (Transfer of Property) Order, 2017 (No. 8 of 2017).

Date of text: 11 January 2017

Zambezi River Authority (Water Tariffs) By-laws, 1999 (S.I. No. 109).

Date of text: 06 October 1999

Water Board (Water Measurement) Regulations (Cap. 198).

Date of original text: 1994 (2006)

Water Board (Works) Regulations (Cap. 198).

Date of original text: 1993 (2006)

Water Pollution Control (Effluent and Waste Water) Regulations (Cap. 204).

Date of original text: 1993 (2006)

Water Board (Charges and Fees) Regulations (Cap. 198).

Date of original text: 1990 (2006)

Local Administration (Trade Effluent) Regulations (Cap. 281).

Date of original text: 1985 (1994)

Inland Waters Shipping (Section 24(3) Harbours) Regulations.

Date of original text: 1961 (31 March 1997)

Inland Waters Shipping (Navigation) Regulations.

Date of original text: 1961 (31 March 1997)

Order on Prescribed Form for purposes of the Water Act (Chapter 198).

Date of original text: 1953 (2006)

Water Rights (Procedure on Application) Rules (Chapter 198).

Date of original text: 1950 (2006)

Water Rights (Registration) Regulations (Cap. 198).

Date of original text: 1950 (2006)

Public Health (Drainage and Latrine) Regulations (Cap. 295).

Date of original text: 1932 (2006)

Zambezi River Authority (Amendment) Act, 2001 (No. 12 of 2001).

Date of text: 09 November 2001

Wild species and ecosystems

Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act,

2016 (No. 16 of 2016).

Date of text: 06 June 2016

Zambia Wildlife Act, 2015 (No. 14 of 2015).

Date of text: 14 August 2015

Forests Act, 2015 (Act No. 4 of 2015).

Date of text: 14 August 2015

National Heritage Conservation Commission Act, 1989 (Cap. 173).

Date of original text: 29 December 1989 (2006)

Zambia Wildlife (Protected Animals) Order, 2016 (S.I. No. 42 of 2016).

Date of text: 12 May 2016

Zambia Wildlife (Zambia Wildlife Police Uniforms and Badges) Regulations, 2016 (S.I.

No. 40 of 2016).

Date of text: 12 May 2016

Zambia Wildlife (Export Prohibition) Order 2016 (S.I. No. 43 of 2016).

Date of text: 12 May 2016

National Parks and Wildlife (Game Animals) Order, 2016 (S.I. No. 41 of 2016).

Date of text: 12 May 2016

Zambia Wildlife (Elephant Sport Hunting) Regulations, 2010 (S.I. No. 107

of 2010).

Date of text: 09 December 2010

Zambia Wildlife (International Trade in Endangered Species of Wild Fauna and Flora)

Regulations, 2007 (S.I. No. 61 of 2007).

Date of text: 03 August 2007

Zambia Wildlife (Community Resource Boards Revenue) Regulations, 2004 (S.I. No. 89

of 2004).

Date of text: 06 October 2004

National Parks and Wildlife (Night Game Drives) Regulations, 1997 (S.I. No. 49 of 1997).

Date of text: 22 April 1997

National Parks and Wildlife (Wild Animals in Captivity) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Prohibition of Holding Both a District Game Licence and a

National Game Licence) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Prescribed Trophies) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Monuments (Entry Fees) Regulations Cap. 173).

Date of original text: 1993 (2006)

National Parks and Wildlife (Trophy Dealers) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Methods of Hunting) (Restriction) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Licence and Fees) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Elephant and Rhinoceros) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Sumbu National Park) (Use of Boats) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Camping Sites) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks and Wildlife (Bird Sanctuaries) Regulations (Cap. 201).

Date of original text: 1993 (2006)

National Parks Regulations.

Date of original text: 1993 (2006)

National Parks and Wildlife (Payment of Fees to Livingstone Municipal Council) Regulations.

Date of original text: 1978 (31 March 1997)

Hippo Pool, Chingola, By-laws (Cap. 173).

Date of original text: 1957 (2006)

Natural and Historical Monuments and Relics By-laws (Cap. 173).

Date of original text: 1954 (2006)

Ancient Monuments Rules (Cap. 173).

Date of original text: 1948 (2006)

National Parks and Wildlife (Licence and Fees) (Amendment) Regulations, 1997 (S.I. 53 of 1997).

Date of text: 22 April 1997

International agreements

Presidential Decree No. 104/20 approving the Cooperation Protocol between the Ministry of Agriculture and Forestry of the Republic of Angola and the Ministry of Agriculture of the Republic of Zambia in the field of Agriculture.

Date of text: 20 April 2020

Cooperation Agreement between the Government of the Republic of Turkey and the Government of the Republic of Zambia in the field of forestry.

Date of text: 28 July 2018

Agreement between the Government of the Russian Federation and the Government of the Republic of Zambia on cooperation in the field of the use of atomic energy for peaceful purposes.

Date of text: 31 May 2016

Agreement between the government of the Federal Republic of Germany and the government of the Republic of Zambia on technical cooperation 2006.

Date of text: 19 July 2007

Pacte sur la sécurité, la stabilité et le développement dans la Région des Grands Lacs.

Date of text: 15 December 2006

Agreement on the Establishment of the Zambezi Watercourse Commission.

Date of text: 13 July 2004

African Convention on the Conservation of Nature and Natural Resources (Revised version).

Date of text: 11 July 2003

Convention on the Sustainable Management of Lake Tanganyika.

Date of text: 12 June 2003

Protocol on Fisheries of the Southern African Development Community (SADC).

Date of text: 14 August 2001

Revised Protocol on Shared Watercourse Systems in the Southern African Development Community (SADC).

Date of text: 07 August 2000

Protocol on Wildlife Conservation and Law Enforcement in the Southern African Development Community (SADC) Region.

Date of text: 18 August 1999

Agreement between the Republic of Zimbabwe and the Republic of

Zambia concerning the utilization of the Zambezi river.

Date of text: 28 July 1987

Agreement on the action plan for the environmentally sound management
of the Common Zambezi River System.

Date of text: 28 May 1987

Digital Rights

Zambia Digital Rights Landscape Report

Sam Phiri & Zorro

1. Introduction

This report offers an overview of the digital rights situation in Zambia. The purpose is to scope the rights landscape in Zambia; and to document the political, civic, and technological areas. The report is dependent on desk reviews of existing documents about what is taking place in the country. The overall objectives of this study are to: promote an understanding of the civic and digital rights situation in the country; identify local Zambian capabilities and existing gaps; reflect upon the digital technologies used by government and civil society; and, finally, to recommend areas for further research, civic activism, and policy change. Generally, it is observed that Zambia's civic space has, over the years, narrowed through a combination of factors. These factors include government political and legal actions on one side, and the rather weak civil society base on the other. Ultimately, though, in promoting a

better understanding of the digital rights situation in Zambia, this report seeks to ensure that citizens continue advocating for the expansion of local civic spaces. At the same time, scholars are expected to back up this 'pushback movement' with the requisite empirical research into this critical area of social practice. By so doing, civil society, scholars, and policymakers, jointly or separately, will hopefully build new platforms and bases, to promote policy change and new policy directions. For our purposes, we define civic space as 'the set of conditions that determine the extent to which all members of society, both as individuals and in informal or organised groups, are able to freely, effectively and without discrimination exercise their basic civil rights' (Malena 2015: 14) and delimit the notion of digital rights to human rights during the era of the internet. These are basically civil rights that relate to the right of online privacy, freedom of expression and freedom of online association (Hutt 2020). Thus, the report takes a bird's eye view of the political situation over the past 20 years, closely examines the status of Zambian civic space and scrutinises the technologies used. It concludes that the fortunes of the country's digital rights situation could depend on: the emergence of more vibrant civic activism; the building of a culture of respect for human rights; creation of more open civic spaces; and ensuring greater civic participation in policy formulation and implementation.

2. Political landscape

Zambia, with a population of 18 million people, has been an independent state since October 1964. In a period of 56 years, it has undergone three major political phases. These are the eras of multiparty democracy, oneparty rule and then a return to multiparty democracy in 1990. Since then, Zambia has enjoyed a relatively free and peaceful political environment, albeit with a lot of economic and other social problems. However, throughout these periods, what has remained constant is the powerful position occupied by the executive wing of government over all other sectors such as parliament, the judiciary, the media, and civil society formations. What Zambia has had since 1964 has been an

authoritative patrimonial and almost imperial presidency that is ably reinforced by a governing party and looms large across all sections of society. This is despite Zambia having had three different constitutions and two additional major constitutional amendments in 1964, 1969, 1973, 1991 and 1996, respectively (ZIS 1991; Chinyere and Hamauswa 2016). However, the basics of the winner-takes-all one-party rule paradigm have remained unchanged. This static situation has generally impacted upon Zambia's human rights ethos and resulted in a weak participative culture in civic activities by its citizens. Besides, from the initial years of Zambia's independence, its first president, Kenneth Kaunda, established an oppressive and ubiquitous eavesdropping state security apparatus, which spied on citizens and bugged communication lines, such as telephones (Sardanis 2014: 89). This 'System' as it is colloquially called, was supported by an entrenched pyramidal political party structure. This was the supreme governing body of the country that since independence in 1964 had continued to vest itself with more and more powers (ibid.: 89). This entrenched a tradition of social control that has largely continued and is now impacting on human rights and digital citizenship. However, after the changes of 1990–91, when the country returned to multiparty democracy, there were promising signs that the socio-political dominance of governing political parties as described above was to take a back seat and that spaces for media and civil society would open up. This hope did not last long. By 2011, such positive political reforms had dwindled. Systemically and then, quickly, they were reversed when new President Michael Sata came into office. Sata, who cut his political teeth during the one-party era, was sent to the Soviet Union by the Kaunda government to study as a 'commissar' in political party organisation (Scott 2019: 54). After becoming president, he subsequently reasserted the supremacy of his governing political party, the Patriotic Front (PF), placed the PF's chief executive officer on the government payroll, and ensured that government ministers genuflected to the PF. Social policy, too, was generated from the corridors of the party offices, as was the case before 1991. Whereas in the immediate

*aftermath of the 1991 changes, the governing party was distanced from the government, Sata reasserted the supremacy of the PF as the overlord 'ruling' party, thereby placing state functionaries into submissive roles to those of PF party officials (Zambia Reports 2012a). The reversal was almost complete. Further, Sata ensured that the Public Order Act (POA) – an old, repressive colonial law, enacted in 1955, and, originally meant to subdue anti-colonial protests – was used to the maximum, to reduce dissent, paralyse civil society activism and mollify opposition elements. In fact, within six months of being in office, Sata said that the POA, which when in opposition he had considered reprehensible, was in fact a good law for maintaining social order (Zambia Reports 2012b; *Zambian Watchdog* 2012). These reversals were strongly opposed by civil society organisations (CSOs) including the Zambia Episcopal Conference (ZEC), representing the Catholic Church; the Law Association of Zambia (LAZ) for the legal fraternity; and the Council of Churches in Zambia, on behalf of Protestant Christians. Summing up the feelings of the times, ZEC said: 'looking at what is happening... it would seem to us that the ideals of a politically plural society have not been fully understood and appreciated by those who aspire for political leadership in our successive governments'. The ZEC called on political leaders to 'prudently exercise the power that the Zambian people have entrusted in them' (Zambia Reports 2013). Since then, there has been a closing-in of political spaces for actors with alternative views such as the CSOs. Old laws have been harshly enforced. New ones have been put in place. Hopes for a more open society have been largely dashed. Among the laws and regulations in Zambia that now specifically oversee digital citizenship, or govern digital rights are those listed below.*

2.1 Information and Technologies Act of 2009

A unique feature of this law is that it takes 'supremacy' where there is inconsistency between it and any other law with regard to the regulation of information and communication technologies (ICTs). Also, it empowers the regulatory authority, the Zambia Information and Communications

Technologies Authority (ZICTA), which it created, to be responsible for radio frequency transmissions. This has a direct effect on the broadcasting sector in Zambia. For instance, in August 2020 the Independent Broadcasting Authority (IBA), the broadcasting regulatory authority that works in tandem with ZICTA, claimed that all online broadcasting should be licensed because according to the IBA, the law states that: Any person wishing to operate or provide broadcasting service in Zambia, regardless of whether the broadcasting service is conveyed through radio frequency spectrum or any electronic communication networks such as the Internet, is required to obtain a broadcasting license from the IBA. Operating without a broadcasting license amounts to an offence. (News Diggers 2020) The IBA was responding to a Zambia-based online television station, Spring TV, which had incorrectly reported the suicide of a fired government minister. General Education Minister David Mabumba had been dropped from the cabinet for producing and distributing pornography on the internet, but he was alive (The Mast 2020; The Zambian Observer 2020).

2.2 Electronic Communication and Transaction Act of 2009

This law allows for the 'lawful' interception of communications; for service providers to install interception devices/software in their infrastructure; for the minister to instruct service providers to disclose 'alleged illegal activities' of suspects, and for the establishment of a government-controlled Central Monitoring and Coordination Centre, which, on behalf of the state, aggregates all communications interceptions. Further, there is an absence of data protection and privacy laws to safeguard the interests of digital citizens in Zambia. Whereas, in brief, this law ostensibly forbids service providers from monitoring user activities, nonetheless the minister can order that they install devices for realtime monitoring of suspects and disclose suspects' activities to the authorities. Moreover, there are no safeguards for data collected by telecoms companies, traffic police, insurance companies, and even hospitals since the emergence of diseases such as HIV/AIDS and the

coronavirus disease (Covid-19).

2.3 Statutory Instrument No. 65 of 2011

This sub-legislation provides for the registration of all SIM cards used in Zambia. Owners are expected to give personal details regarding their residences and particulars of national registration cards (NRCs). All Zambians are compelled to be registered and are expected to carry their NRC with them at all times from the age of 16 years.

2.4 Non-Governmental Organisations Act No. 16 of 2009

This law requires that all non-governmental organisations (NGOs), including those engaged in digital rights work, whether local or international, be registered with the Registrar of Societies. It is also a requirement that NGOs should on an annual basis submit their activity reports to the government department responsible for NGOs, the Ministry of Social Welfare. The inflows and outflows of the finances of NGOs are also closely monitored by the government. This means that any organisation that is working in the civic sphere, whether on aspects of human or digital rights or not, is closely monitored by the government. Such oversight has been considered 'highly restrictive' (CIVICUS 2017) by some observers. Moreover, the mere presence of the demand that all CSOs should be registered by a government agency presupposes the absence of privacy for civic activists. The good thing, though, is that this act is under revision, with some limited consultation with the NGO sector.

2.5 Preservation of Public Security Act (PPSA) of 1960

*This law has been used to control public gatherings; ban publications considered to be 'prejudicial to public security'; and regulate assemblies, including those of political parties and CSOs. The law also authorises the president to do anything 'as appear[s] to him to be strictly required by the exigencies of the situation in Zambia'. This law was used in 1996 to ban the online issue of *The Post* newspaper, including its hard-copy edition. On many occasions, it has been used to stop unauthorised public*

gatherings, arrest protesters, and violently disperse public gatherings, including those of NGOs and opposition political parties, actions which in some instances have led to deaths (ibid.). Clearly, Zambia has witnessed the government exercising greater control over its people. Also, the country has observed that the state was getting as much information as possible about people's private lives and activities (MTN 2020). Then, too, the domestic civic space has been substantially narrowed especially for human rights activists, lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people, bloggers, academic researchers and all others who are on the margins of, or outside, government thinking. The next section focuses on how this political and legal context has shaped the civic space in Zambia.

Table 3.1 Civic space timeline

Year	Shift	Implication
1999	CSOs create voluntary code of conduct	Strengthens CSOs' capacity to work independently and to negotiate with government
2000–present	Increased inter-party violence during elections	Narrowing of space for political activity as citizens are generally fearful of partaking in political activities, including elections
2004	Government publishes contentious NGO Bill	Plans to give government control over CSOs financing, registration and other activities
2009	NGO Act becomes law	Reduced operational freedom and effectiveness of NGOs
2011–present	Abuse of Public Order Act	Obstruction of public policy debate, freedom of expression and freedom of association
2011	Forced registration of SIM cards	Makes it easier for government to check and follow citizens' communication
2013	Secret service ordered to tap phone conversations and emails of all people in Zambia	Fear among the public of talking openly and freely
2013	Online websites forcibly shut down	Free flow of information and free exchange of views curtailed
2016	<i>The Post</i> newspaper closed by government	Civic space narrowed
2018–present	Introduction of well-funded social media accounts by state functionaries	Promotion of fake news, disinformation, misinformation and the drowning out of alternative voices
2018	Introduction of tariffs on internet phone calls	High cost of communication reduces the amount of communication taking place in society

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2019	Independent television station Prime TV closed	Media freedom curtailed
2019	Government introduces tax on online streaming platform Netflix with the purpose of sharing profits	High costs bar entry and access into this new form of social communication
2019	Cabinet approves Access to Information Bill, which has been on ice since 2002	Hopes for a more open government raised – but as of 25 January 2021 the Bill had not gone before parliament, once again dashing hope and optimism
2019	Introduction of constitutional amendments to strengthen the presidency and weaken the judiciary and parliament	Public debate around this constitutional amendment (Bill No.10 of 2019) splits the country as a substantial number of CSOs and the public are against the intended changes
2020	Arrests of social media 'bloggers'	Public disengagement from free expression on matters of public policy; increased levels of fear generally among the public

VIII

LIBRARY: GENERAL

Original Landsafe Investment Plan (2003)

**GAMEFIELDS LANDSAFE INVESTMENT IN THE LUEMBE AND
NYALUGWE CHIEFDOMS OF LUANGWA VALLEY, ZAMBIA. (2003 -
2010)**

I. P. A. Manning

CRB Community Resource Board
CTA Concession Tourism Agreement
D-G Director-General
GMA Game Management Area

GPS Global Positioning System

GRZ Government of Zambia

HCA Hunting Concession Agreement

HQ Headquarters

JFMA Joint Forestry Management Area

MMD Movement for Multi-Party Democracy

MOU Memorandum of Understanding

NC Norman Carr Foundation

NGO Non-Governmental Organisation

REMNPAS Reclassification and Effective Management of the National Protected Areas

System

TFCA Transfrontier Conservation Area

VAG Village Action Group

ZAWA Zambia Wildlife Authority

1. INTRODUCTION

[Implementing the Landsafe chiefdom model](#) is motivated by the belief that Zambia's destiny is directly related to the healthy socio-ecological state of the customary commons and the protected areas with which they are associated. The particular objectives are:

1. To safeguard customary land and its associated protected area
2. To strengthen the traditional authority and encourage the democratic structures
3. To conserve the wildlife and natural resources for the benefit of the chiefdom
4. To provide a land and business management plan for the appropriate

development of chiefdoms, one that fully respects the ecology and the traditional, cultural and religious norms

5. To facilitate chiefdom institutions that may enter into co-management agreements with the Government over land and renewable natural resources, in conformity with the prescriptions of the Fisheries Act Chapter 200 of the Laws of Zambia of 1974 and the Fisheries (Amended) Act of 2007, The Forestry Act No. 39 of 1973, Forestry Policy of 1998, the Forestry Act No. 7 of 1999, the Local Forests (Control and Management) Regulations, Statutory Instrument No. 47 of 2006, the Lands Act Chapter 184 of the Laws of Zambia of 1995, the Water Act Chapter 198 of the Laws of Zambia of 1948 and the Zambia Wildlife Act No. 12 of 1998
6. To provide the necessary incentives for both investors and the chiefdom to enter into mutually beneficial partnerships and investments.
7. To identify, propose and facilitate small businesses able to harvest natural resources.
8. To establish a development trust fund and the implementation of development projects required by the customary community.
9. To foster education in the chiefdom's history, culture and religion, and in its ecology.
10. To foster conservation agriculture, health and education.

In the two chiefdoms of Luembe and Nyalugwe in the lower Luangwa Valley lay the ideal chiefdoms to establish Landsafes. Here are small populations of subsistence villagers living wholly traditional lives within a large wilderness area with fairly abundant wildlife stocks, yet its southern margins readily accessible from the Great East Road and a short distance from Lusaka. Between 2002 and 2009, Luembe was the focus of development efforts, Nyalugwe coming onstream from 2008.

2 THE EXPECTED GENERAL OUTCOMES

1. The creation of community Trusts in which land may be vested and safeguarded
2. The production of a community landuse plan
3. The conversion of part of the unutilized Open Areas into community game ranches and assigned under the law of contract to investors
4. The conversion of these same ranches into a single game conservancy, taking up much of the two chiefdoms Open Area and the West Mvuvye National Forest – the latter under a joint forest management agreement with the Forestry Department.
5. The GMA's vesting into these Trusts and their assignment to a limited liability company made up of the Trusts and investors is an exclusive wildlands tourism area.
6. The creation of a transfrontier conservancy linking Nyalugwe with Mozambique, and then by linking with Luembe and the other chiefdoms, joining with the Luangwa National Parks, allowing for the development of a Central African Transfrontier Conservation Area
7. The creation of a critical mass of appropriate development projects for the socio-ecological well-being of the two chiefdoms
8. An investment trust fund account for the sustained investment in the chiefdoms established with a sound system of fiduciary management in place
9. The establishment of co-management agreements between the Trusts and Government departments and ministries responsible for fisheries, forestry, wildlife and water, and as a result, these resources conserved for the benefit of the people.
10. The two chiefdoms customary commons established and sustained over time.

3 ONGOING AND ACHIEVED GENERAL OUTPUTS

Activity 1: Registration of the Norman Carr Foundation (NC) and pro bono support to ZAWA

Activity 2: Registration of a branch of Gamefields Limited (Gibraltar) in Zambia to carry out Landsafe

Activity 3: The development of the Landsafe model (formerly known as Chipuna) for chiefdoms and adjoining protected areas

Activity 4: Signing of Memorandum of Understanding (MOU) and landuser agreement for 60 years for the Luembe Chiefdom - and for the Kazumba area within it, with the Luembe Customary Authority, the Nyimba District Council and the Luembe Resource Board

Activity 5: Formation of the Luembe Conservancy Trust and the transfer of the landuser agreements to it – containing a proviso to assign a fixed time period lease to Gamefields

Activity 6: Pro bono inputs by Gamefields to the Natural Resources Consultative Forum of Zambia (the author was a Steering Committee member)

Activity 7: HQ projects in Lusaka concerning community upliftment through a community brick-making project and a home for HIV/AIDS-affected children

Activity 8: Distribution and adoption of the Chipuna/Landsafe Chiefs' manual by the House of Chiefs

Activity 9: Pro bono support to other potential chiefdom Landsafe initiatives in Zambia

Activity 10: Training of an accountant, mechanic, paralegal, and liaison officers for the two chiefdoms in conservation farming

Activity 11: Purchase of the company holding the West Petauke hunting concession, Mbeza Safaris, and obtaining investment certificates for three of the shareholders, including the author

Activity 12: Operation of hunting safaris in 2005 and 2006

Activity 13: Negotiations with the Forestry Department for a Joint Forestry Management Area (JFMA) in the West Mvuvye National Forest

Activity 14: Blocking the alienation of further land in both chiefdoms and the West Mvuvye National Forest

Activity 15: Continued development of the formalization procedures required to establish statutory community structures and the Landsafe

development manual

Activity 16: Writing of the preliminary Luembe and Nyalugwe landuse plan

Activity 17: Registration of the Nyalugwe Conservation Society made up of the community and endorsed by them

Activity 18: Petition to the Minister of Lands by the Society and the registration of the Nyalugwe Conservation Trust and the vesting of the Chilinga Reserve in that Trust for game ranching, both endorsed by the Minister

Activity 19: Receiving the approval of ZAWA

Activity 20: The Trust reassigning the lease to an investor.

4 PROPOSED LANDSAFE OUTPUTS REQUIRED FOR THE CHIEFDOMS

OUTPUT 1: Formalizations

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

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

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

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

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

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

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

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

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

OUTPUT 2: The Community Game Ranches

Activity 1: Conducting a rapid rural appraisal and sensitization exercise

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

Activity 3: Recording of boundary coordinates and mapping

Activity 4: Compilation of baseline data on wildlife and forestry

Activity 5: Survey of the riverine stretch as to suitable lodge and campsites

Activity 6: Assessment of current poaching activities

Activity 7: Assessment of adjoining private game ranch fencing

Activity 8: Costing of various options

OUTPUT 3: West Petauke GMA

Activity 1: Using village scout reports and other intelligence, assess the current state of wildlife, including threats and utilization

Activity 2: Provide a wilderness use and protection plan

Activity 3: In addition to the Njinga reports provided by the assistant school teachers, carry out a rapid rural appraisal

OUTPUT 4: TRANSFRONTIER CONSERVANCY

Activity 1: Initiate contacts with the Mozambique government for the creation of a TFCA linking Nyalugwe with Luangwa District, Tete Province

Activity 2: A Mozambique facilitator to approach the AWF Zambezi

Heartlands Project to join with the Landsafe development and so expand into Zambia according to the Central African Transfrontier Conservation Area planning framework

Activity 3: The vesting of the Nyalugwe land between the Great East Road and the Mozambique border in the Nyalugwe Trust for specific inclusion in the TFCA

Activity 4: Development of the TFCA

OUTPUT 5: Socio-ecological development

Activity 1: Provision of a participatory landuse plan for the Trusts

Activity 2: Capacity support to the Trust: the opening of Trust Funds and appointment of executive officer

Activity 3: Capacity support to the CRBs on animal depredation reports (Appendix 2), wildlife protection, quota production and monitoring, accounts management, development project

Activity 4: Implementation of villager landuse registration with the use of GPS and opening of land registration books

Activity 5: Further support to education by bolstering of teacher-assistants cum natural resource officers based in the Village Action Groups (VAGs)

Activity 6: Support for health clinics

Activity 7: Implementation of conservation farming

Activity 8: Implementation of honey production and aquaculture, and establishment of furniture co-operative

Activity 9: Establishment of village-based tourism businesses

Activity 10: Implementation of micro-credit scheme, particularly one serving women

Activity 11: Wildlife crop-raiding programme: assessment and recording (Appendix 2); crop protection...

OUTPUT 6: Business plans and marketing

Activity 1: Production of the business proposal to the respective Trusts for

the game ranches and conservancies, the GMA and the TFCA
Activity 2: Production of project proposals and business plans

5 DEVELOPMENT GUIDELINES

5.1 Customary community land registration

To offset the potentially deleterious effects of ‘free-rider immigration into the area and assist in establishing secure usufruct, a chiefdom land registration book will be opened and all residents and their agricultural landholdings registered with the use of a GPS. These will then be suitably mapped. The success of conservation agriculture to offset *Chitemene* and random movement then becomes essential.

5.2 Community projects and business development

Project proposal templates have been designed and will be used by the Trust in identifying and proposing community projects for consideration by the development of fund trustees. An important part of this process is small business development and the implementation of micro-credit facilities.

5.3 Natural resource protection

Future protection of the conservancy would follow a simple minimalist approach to conservancy protection and management, based on the verities of ownership:

1. Protection and natural resources officers will be drawn from local communities. They will be well-trained, motivated and mobile and will conform to the ‘least possible number’ concerning their leadership.
2. Training will be constant.

3. Remuneration will conform, and not exceed local norms
4. Operational manuals will be simple and explicit
5. Management manuals will be simple and easily followed, with particular attention paid to fire management to improve carrying capacity.
6. Although participatory in nature, the plans and manuals will be drawn up by the Trusts with the Landsafe Foundation's help and by the appropriate government departments and local planning officers.
7. The local community will fully participate in protection and development through the Trusts.
8. NGOs and donors with experience in community development will be invited and encouraged to work to improve livelihoods in the area, but working within the landuse plan and from a 'bottom-up' perspective.
9. *Not under any circumstances, other than through traditional legal systems which seek equitable solutions to transgressions of the natural and customary law, to arrest or imprison villagers of the customary commons who are involved in subsistence poaching*

In the process of building a semi-devolved customary commons in which its residents act as true custodians of the natural resources, it will require an absolute minimum of \$50 per km² to provide a basic protective shield for wildlife, fisheries and forestry. This would require \$200,000 per annum for the 4,140 km² West Petauke GMA, mostly Luembe customary land. This targeted income would be used in the manner currently being adopted for eleven school teacher/natural resource officers, i.e. paying several family heads in villages at the rate of \$1 a day for various community activities. These funds would employ 550 villagers, employment directly linked to the building of the customary commons.

Hunting safaris might achieve gross earnings of \$250K, but its recurrent and capital replacement costs on the safari operations alone make it a break-even operation. This projection is based on 2006 quotas, quotas now in decline, as had been predicted by Mbeza in 2005 meetings with ZAWA.

The CRB office bearers are unpaid. In the case of the Nyalugwe CRB, their Village Scouts have not been paid by ZAWA for 20 months, though in 2005, Mbeza expended in the order of \$21K on funding scout patrols rations and pay for Village Scouts – most of it being misappropriated. Of course, nothing like these maximum earnings were achieved in 2005/2006, and minimal since removing Mbeza's concession.

In Gamefields' case, when considering all of the GMA and the chiefs' Open Areas, some \$500 km² has been spent since 2002 in Zambia in arriving at the present situation where very little has been achieved. What is now required is to develop a critical mass of schemes that will provide the necessary base income, but without negatively affecting the people's sense of community, culture and religion.

5.4 Agriculture

5.4.1 Introduction

A high priority is the adoption of conservation agriculture techniques that stress self-sufficiency and some cash cropping.

The GMA section is a subsistence area of low agricultural potential (with the notable exception of the alluvial zone), which needs specific measures to meet community food security. It will require that village fields be rationalized and protected in some areas from animal depredations by solar-powered fencing and other means. As food security is also a function of income, serious consideration would be given to establishing an organic honey out-grower scheme and other business ventures that would not negatively impact the GMA and would totally protect it as relatively pristine wildlands.

The Open Area is of moderate to high agricultural potential and ideal for establishing more small outgrower (organic cotton and tobacco) schemes. As Nyimba now has power, some potential exists for irrigated commercial crops

lying close to Nyimba town.

5.4.2 Livestock programme

The use of cattle to increase the range's carrying capacity is well known, though it requires high management and control standards if it is not to have the opposite effect. As the proposed game ranches and future conservancy might be game fenced - and in the absence of many large herbivores (buffalo) - consideration will be given to running a herd of indigenous cattle under reasonable rotational time management adhering to strict holistic management criteria (Savory & Butterfield 1999). This is required to improve range carrying capacity and as an income earner and ready source of protein. As cattle cannot survive in a tsetse area, they would have to be treated. A ready market for meat waits at Nyimba and on the Great East Road.

5.5 Forestry and fisheries

As a result of the development of co-management agreements with the Forestry Department and the Department of Fisheries, suitable projects will be initiated.

PART I: Luembe Chiefdom

Plate 5: The Luembe Chiefdom

6 IMPLEMENTING PARTNERS

Gamefields Limited (Gibraltar and Zambia); the Luembe Conservancy Trust, the Luembe Chiefdom and, forthcoming, the Landsafe Foundation.

7 Proposed project duration

4 September 2003 – 4 September 2063 (60 years)

8 Background

On 12 June 2003, at a meeting attended by Senior Chief Luembe of the Luembe Chiefdom within Nyimba District, the Luembe CRB and 153 of his headmen and a Norman Carr Foundation representative, the following was agreed: to establish a joint venture company involving the community and the Foundation, Gamefields International and ProjectsAfrica to conserve the natural resources in Luembe and to uplift the livings standards of the customary community; to establish a private wildlife estate in the Open Area - the community to hold shares – and with the Luembe CRB instructed to deal with any project start-up problems.

On 31 July 2003, Senior Chief Luembe and his headmen conferred 60-year landuser rights for the Luembe chiefdom on the author for a period of six months. On 9 September 2003, these landuser rights for 60 years were signed over by the author to the future Luembe Trust with the Nyimba District Council representative and the Luembe CRB agreement. On 30 September 2003, Senior Chief Luembe wrote to the Director-General (D-G) of ZAWA requesting that his chiefdom's GMA portion be placed under the Trust's management. No reply was received. On 3 November 2003, the chief wrote to the District Council to endorse a proposed MOU between the Trust and the Forestry Department for the West Mvuvye National Forest's joint management. The Council decided that both Luembe and Chieftainess Mwape should agree to share in any joint forest management agreement. Subsequently, Chieftainess Mwape sold much of her traditional section under a 99-year leasehold, and Luembe attempted to do the same with the Luembe section.

On 4 June 2004, the Luembe Trust Certificate of Incorporation (limited by

guarantee) was issued. In September of 2004, the Trust decided that the concessionaire for the West Petauke GMA should be invited to join the Trust, failing which they were to be bought out by Gamefields. On their refusal, they were then made an offer for their company, Mbeza Safaris, which held the hunting concessionary rights until 2012. They accepted the offer, and Gamefields bought the company. On 5 March 2005, an application was to the Zambia Investment Centre by the author and his family to issue investment certificates in Mbeza safaris's name. These were later granted.

Hunting safaris were conducted in 2005 and 2006 but did not resume in 2007 and 2008 due to the following: the removal by the Department of Immigration of the resident shareholders' self-employed permits - because the company was 'not viable'; state security agents having set up a phone tapping and email hacking operation and a 24-hour watch of the HQ operation and contrived to send agents to institute a Mace operation against Mbeza (Manning 2007a); the same agents to warn-off hunting agents from sending clients to Mbeza (Manning 2007b); contrived accusations against Mbeza of hunting leopard at night reported to the US Fish & Wildlife Service and Government itself; the D-G ZAWA warning the US hunting market against Mbeza. All ZAWA concession fees continued to be paid as per the Hunting Concession Agreement (HCA). In 2008, ZAWA removed the Luembe CRB committee members who had refused to sign a notice of the Mbeza HCA's termination and then, in violation of the terms of the Hunting Concession Agreement, removed the hunting concession because pledges had not been honoured. It then awarded it to two other operators before notifying Mbeza of the fact. Mbeza have since July 2008 awaited a default judgement in their favour by the High Court. In June of 2008, the author was abducted by Immigration at its HQ, imprisoned in jail at a secret location, and then driven by state security agents through Zambia and Botswana to the South African border, one of the other shareholders being deported two months later by Government, the remaining and sole executive shareholder left, having been given seven days to leave. The Mbeza shareholders appeal against this action is pending in the Supreme Court. Gamefields/Mbeza have, in the

meantime, continued with basic development work in Luembe but delayed from full Landsafe implementation by the opposition of the sitting Senior Chief Luembe.

As the President of Zambia, Rupiah Banda has cancelled the Government Gazette removing the current chief Francis Kalunga Njovu from office and has re-installed him.

At some stage, the Luembe development will proceed, first with the Kazumba community game ranch, followed by establishing the wilderness development scheme in the Luembe section of the West Petauke GMA. Kazumba will then push for creating a large conservancy joining them with Mbizi, Nakeenda and Chilinga game ranches and other soon to be established community ranches in Nyalugwe. As part of this greater conserved area, the Katchalola Local Forest – still unsettled – would be an important feature. And subject to future events in Nyamadzi, the West Mvuvye National Forest and Mwape's country to the north, the core of a significant chiefdom conservancy could be established in partnership with the private sector.

This conservancy's future vision is to become part of a proposed Central African Transfrontier Conservation Area (CATCA), which would join Congo, Bangweulu, Luangwa, Malawi Zimbabwe and Mozambique (see Part IV).

9 Respective responsibilities of partners

1. The Luembe Conservancy Trust is the custodian of the land vested in it and is responsible for developing co-management agreements with the Government over natural resources and the GMA section.
2. Gamefields is responsible for investment support, management and implementation.
3. Mbeza safaris is the rightful hunting safari concessionaire who should continue operating, though on a very much reduced quota.

4. The Landsafe Foundation is responsible for guiding the Trust, Gamefields, Mbeza, and the Luembe Chiefdom on Landsafe Chiefdom Conservancy Development.

10 Stakeholders involved in the project

10.1 Primary stakeholders

1. The Customary Authority: Senior Chief Luembe and his headmen
2. The customary community
3. The Luembe Conservancy Trust

10.2 Secondary stakeholders

1. Ministry of Lands
2. Ministry of Agricultural and Cooperatives
3. Ministry of Livestock and Fisheries
4. Ministry of Tourism, Environment and Natural Resources, including the Zambia Wildlife Authority (ZAWA) and the Department of Forestry
5. Ministry of Local Government
6. Ministry of Water and Energy Development

10.3 Key stakeholders

1. Luembe Community Resource Board (CRB)
2. The Nyimba District Council
3. The Landsafe Foundation

4. Gamefields Limited
5. Mbeza Safaris

11 Background to land issues

The agreement signed in 2003 for the development of a community game ranch has been stalled by Senior Chief Luembe, who sold part of the land set aside for the Luembe Trust to an Indian businessman, Ridwaan Munshi, of Petauke. Also, Luembe supported the actions of his sister, Chieftainess Mwape, who sold a portion of the West Mvuvye National Forest under leasehold tenure to a Mr Z. Patel. This was later cancelled as a result of a campaign waged by the author, with the support of a brother and sister of both Chief Luembe and Chieftainess Mwape. Concurrently, Luembe had agreed to sell that part of the forest that had once been part of the Luembe chiefdom to a T. Younger and A. Baldry in the name of the Royal Luembe Trust, despite him having been party to an application for a Joint Forest Management Agreement with the Luembe Conservancy Trust. The chief, in collusion with Messrs. Younger and Baldry, then attempted to take-over the area set aside by the headmen as a community game ranch. This, too, failed on the threat of legal action. For a short period, Luembe was removed from office but then re-instated – illegally according to customary law - by the Minister of Development, allegedly under the influence of Chieftainess Mwape and her business partners. For a period in 2009, the current Senior Chief Luembe, Francis Kalunga Njovu, agreed to work again with the Trust. While receiving funds from Gamefields, sold the land, with the Nyimba District Council's sanction, which had been given a vehicle and bicycles. A Writ of Summons was served on Chief Luembe on 20 July 2009, warning the chief to cancel the MOU signed with Munshi. Subsequently, as the result of a mass SMS campaign of the villagers of Luembe by the author, the Chairman of the ruling MMD party, Whiteson Njobvu, has been swayed by events to intercede by organizing a Roman Catholic relief, development and social service organisations (CARITAS) Task Force to call a meeting of the headmen

who did not sign for the illegal sale of the land and to gain their support for an objection, following it with an extraordinary general meeting of the Nyimba District Council - which represents Luembe, Nyalugwe and Mwape - to address their illegal and corrupt sanctioning of the sale. Out of a meeting of 135 headmen, 115 signed a petition to the Minister of Lands calling for the land's sale to be cancelled. At a meeting of the Nyimba District Council, which followed, it was pointed out to them that a number of them had taken gifts from Munshi and that they had not even visited the land in question. Also, the MMD District Chairman has journeyed to Lusaka to intercede with the Minister of Local Government to follow through with the new Senior Chief Luembe, without delay, now overtaken by President Banda's actions.

12 PRESENT OUTPUTS

Activity 1: Employment of eight teachers/natural resource officers, a liaison manager and the compilation of Njinga rural appraisal reports

Activity 2: Maintenance of basic safari camp in the GMA, and employment of care-and-maintenance staff

Activity 3: Payment of Trust allowances to liaison officers and Chief Luembe (recently terminated)

Activity 4: Financial support for travel and meetings of community and District Council

Activity 5: Liaison with Government offices

Activity 6: Writing of landuse plan

13 PROJECTED INVESTMENT OUTPUTS

OUTPUT 1: Formalization

Activity 1: Formation of joint-venture company owned by the Trust and an investor for the lease of the community game ranch

Activity 2: Registration of Kazumba Community Game Ranch with ZAWA following community meetings and a land survey

Activity 3: Signing of either a co-management agreement with the Luembe CRB/ZAWA or the creation of the Luembe Community Game Reserve taking up the whole GMA

PART II: Nyalugwe Chiefdom

Plate 6: The Nyalugwe Chiefdom

14 BACKGROUND

On 20 December 2008, Chief Nyalugwe applied to ZAWA's Reclassification and Effective Management of the National Protected Areas System project (REMNPAS) for registration of the Nyalugwe Community Game Ranch. On 27 May 2009, Chief Nyalugwe signed an agreement with the Landsafe facilitator, Japher Mbewe, to implement a Landsafe Chiefdom Conservancy in his chiefdom. The purpose of this agreement was for the Nyalugwe Customary Authority to agree to have Gamefields assist it in implementing a Landsafe conservancy system in Nyalugwe whereby the Nyalugwe Conservation Trust Society would be established, followed by a petition to the Minister of Lands for the creation initially of the Nyalugwe Conservation Trust and the vesting therein of the Chilinga Reserve, followed by other land considered suitable for development. Once ZAWA had cleared the way for the game ranch, Gamefields would rent such land for game ranching purposes under an agreed set of conditions, terms and payments. And with the Landsafe Foundation would assist the Trust to enter into co-management agreements with the Nyalugwe CRB over wildlife and the GMA and with the Departments of Fisheries, Forestry and Water Affairs. Subsequently, on 24 April 2009, the Nyalugwe Conservation Trust received its registration certificate from the Registrar of Societies; and on 25 June 2009, the Minister of Lands signed the

certificate incorporating the Trust under the Lands (perpetual succession) Act.

In July, ZAWA completed an 'ecological survey' of the ranch and a 'sociological scoping exercise'. It has now notified the Ministry of Tourism that they consider the game ranch as part of the national inventory of game ranches.

15 PARTNERS INVOLVED IN THE PROJECT AND THEIR RESPECTIVE RESPONSIBILITIES

15.1 The Nyalugwe Conservation Trust is the custodian of land vested in it and is responsible for co-management agreements with the Government on behalf of the Nyalugwe chiefdom

15.2 Gamefields Limited is responsible for investment support and management

15.3 The Landsafe Foundation is responsible for guiding both the Trust and Gamefields and the Nyalugwe Customary Authority on matters of Landsafe Chiefdom Conservancy Development

16 STAKEHOLDERS INVOLVED IN PROJECT

16.1 Primary stakeholders

1. The customary Authority: Chief Nyalugwe and his headmen
2. The customary community
3. The Nyalugwe Conservation Trust

16.2 Secondary stakeholders

1. Ministry of Lands
2. Ministry of Agricultural and Cooperatives
3. Ministry of Livestock and Fisheries
4. Ministry of Tourism, Environment and Natural Resources, including the Zambia Wildlife Authority and the Department of Forestry
5. Ministry of Local Government
6. Ministry of Water and Energy Development

16.3 Key stakeholders

1. Nyalugwe Community Resource Board
2. The Nyimba District Council
3. The Landsafe Foundation
4. Gamefields Limited

17 EXPECTED OUTCOMES

These conform to the projected Outcomes for Luembe.

18 PLANNED OUTPUTS AND ACTIVITIES TO ACHIEVE OUTCOMES

OUTPUT 1: Formalizations

Activity 1:Petition to Minister of Lands for registration under Lands (perpetual succession) Act of the Nyalugwe Conservation Trust, with the Chilinga community game ranch land vested in the Trust. Deposit certificate of incorporation and details of vested land with the Registrar of Deeds and Lands.

Activity 2:Registration with ZAWA of the Chilinga community ranch

Activity 3:Signing of the contract with an investor for the use of the Chilinga

Community game ranch land

Activity 4: Vesting of unutilized land in the Trust

Activity 6: Registration of other ranches in the Nyalugwe Open Area

Activity 7: Signing by the Trust of co-management agreements with Government over fisheries, forestry, water and wildlife

Activity 8: Conversion of Nyalugwe section of West Petauke GMA into a co-managed wildlife area

OUTPUT 2: Nyalugwe development

Activity 1: Preparation by the partners of a Nyalugwe landuse plan

Activity 2: Preparation of investment project plans and proposals

Activity 3: A basic needs assessment of education, health, agriculture and environment

PART III: Towards Investor/Chieftdom Trusts equitable financial solutions

19 INTRODUCTION

With customary land vested in customary area Trusts, and with co-management agreements entered into with the Government regarding forestry, the fishery, wildlife, tourism - both consumptive and non-consumptive – the basis for a degree of semi-autonomy and the provision of development incentives will be in place. Therefore, according to a landuse plan, which remains the community's intellectual property, environmental goods and services may be leased out to suitable business partners. The income from these leases, placed within a secure Trust Fund, will then be drawn upon development. However, without capacity support from investors and other interested parties, both within and outside the customary community area, development funds' theft would be inevitable. Thus, while there will be an income, this has also to be balanced against the costs of

delivering the Landsafe scheme for equitable socio-ecological development.

20 FUNDING SOURCES

20.1 Hunting safaris

ZAWA leases out the GMA parts of customary areas as hunting concessions, charging concession fees based on their classification as Prime, Secondary or Understocked. West Petauke is a Prime Concession, although it is clearly Secondary and moving downwards to the Understocked category. As a Prime concession, able to utilize an annual quota which should provide for the requisite number of four Classical and eight Mini safaris – something not possible in West Petauke because of the low buffalo numbers and the overshooting of adult bulls – an annual fee for the 4,140 km² area of \$34,500 is charged (based on \$5,000 for five Classical hunts and \$1,000 each for seven Mini hunts), 50% of this being retained and 45% theoretically to be paid to the CRBs, and 5% to the chiefs. Also, the trophy fee income is split according to the same ratio.

The West Petauke hunting block of 4,140 km², which takes up all of the GMA, has maximum earnings in the range of \$84K - \$59K. This would provide income in the range of \$20 km² to \$14 km², but, as the two chiefdoms amount to some 6,100 km², this would mean the range of income is \$13 km² to 10 km². However, due to ZAWA's poor performance in paying the Village Scouts and the uncontrolled poaching for the bushmeat and ivory trade, this income is not achievable. See Appendix 1 for an analysis of the Nyalugwe section of the West Petauke hunting block.

20.2 Land rentals

Some of the variables needed to be taken into consideration when assessing land rentals are the size of the land; the game stocks; the carrying capacity and habitat; accessibility, villager populations, habitat and wildlife impacts;

Open Area or GMA; the length and security of lease; fenced or unfenced; the distance from tar roads and centres; and the agricultural capability. Rental and lease payments, once agreed upon, would be paid into the Trust Fund – with a percentage to the chief to support his crucial role - and used according to the customary community's development plan.

Commonly, prime agricultural and livestock land may obtain a rental of 5% of the land's value per annum, with land considered to increase at least 3% per annum. In the case of land in the Three-rifts, which is non-agricultural and unsuitable for domestic stock, a rental amount of 1.5% would be reasonable, escalating annually as the land adds 3% of its value. Opt-Out-Clauses' question remains problematic, it favouring only the community who might, on a whim, wish to chase off an investor.

It is important to make direct and regular payments to adult villagers so that the connection between wildlife and natural resource conservation is indelibly imprinted and enforced. Ideally, a subsistence amount of a dollar a day would produce results in return for the villagers working for the maintenance of their land's integrity. At present, a start has been made in Nyalugwe by employing a few teacher-assistants cum natural resource officers to make Njinga reports on the area (Appendix 2).

Financial management and security are second only to the protection of the land from alienation. An investment system that will protect the principle but allow for careful investment returns could be important. This system may not be suitable for Trusts established under the Lands (perpetual succession) Act because they only exist at the minister's discretion, perhaps being better suited to Trusts established under the Companies Act (limited by guarantee). However, it is important to explore the efficacy of all the statutory instruments available.

20.2.1 Landuse and the Companies Act

Land may either be leased from the Trust or a joint-venture initiated with the Trust for its development. In taking the first option, once a reasonable lease amount is arrived at for a given piece of land – and subject to a landuse plan - this amount, projected for the period of the lease, would then be discounted and paid by the investor into an investment trust fund, the interest then being paid to the Trust for its projects. This would have the dual effect of safeguarding the capital and ensuring investor security by way of an investment paid for the lease's full tenure.

Phase I: unfenced situation.

For a unit of virgin land of a reasonable size leased out to investors, a lease amount of 1.5% of the land's value would be appropriate, escalating according to increasing land values.

Phase II: fenced ranch

This phase could consider a full 50-year customary lease discounted by 50%, requiring an annual payment of 10% interest of the principal. For example: placing a value on an average unit of virgin land for game ranching at \$300,000 would provide an annual income for the Trust of \$30,000, paid monthly in the amount of \$2,500. Additional to this would be purchasing existing game stocks from the Trust (who would have received them free and gratis from ZAWA) and local employment benefits and contributions to the Trust's development. Should four of these units be established, there is more than adequate unpopulated land available, then real and sustainable income will come on stream. And the GMA could then be leased out as a wilderness area to remain unfenced and bringing in further income. All of this would far surpass the present dismal state of affairs where no development occurs; the CRB remains unpaid and dysfunctional, poaching is rampant, agriculture relies on age-old techniques, the clinics ill-serve the people, schooling is rudimentary and so on.

The Luembe development is under a Trust registered under the Companies Act, a mixture of shareholder partnerships and straight land rental.

20.2.2 Landuse and the Lands (perpetual succession) Act

The first development in Nyalugwe is under a Trust registered with the Ministry of Lands.

21 LAND RENTAL ARRANGEMENTS IN ZAMBIA

21.1 Government concession

21.1.1 Hunting Concession Agreements (HCAs)

Safari hunting brings a wholly theoretical \$14 km² to \$20 km², the concession fee being \$34,500 with a declining safari license base. There is no non-consumptive tourism.

21.1.2 Concession Tourism Agreements (CTAs)

ZAWA is asking for huge sums of money for its new Luangwa and Kafue leases which bear little relationship to investment returns (G Shaw 2008, pers. comm.). Smaller operators, having signed leases at reasonable levels, suddenly find their lease amounts doubling.

In Namibia, the Government has grasped the opportunities and wildlife conservancies have burgeoned as a result. At the Torra Conservancy, the investor pays a nominal lease fee and a 10% share of the game lodge turnover and benefits from employment.

21.2 Private sector leases of agricultural land

An example of the leasing costs for an operating irrigation farm in the Choma district is 12% of annual turnover.

PART IV: Conservancy expansion: the Central African Transfrontier Conservation Area (CATCA)

22 BACKGROUND

Transboundary conservation and development initiatives are essential to developing a critical mass of integrated conservation and development projects, as recognized at the World Summit on Sustainable Development. As isolated development and tourism projects are prone to failure, linking them within a geographic and planning framework will increase progress. Given the need to build critical conservation and development mass, a proposed CATCA area that takes in part of the Congo Pedicle, the Bangweulu estuaries and National Parks, joined with the Luangwa, was mooted in the Landsafe process. The proposed Zambian portion of the CATCA has one major tourist node at Mfuwe, isolated development projects and few linkages of any sort. This area covers one of Africa's major wetlands, the upland source of the Congo and Luangwa rivers and the southern part of Africa's rift valley, an area of major historical and biodiversity importance. Attempts to bring development to local communities have been attempted in isolation and have not led to sustainable development. It is therefore proposed to create the CATCA as a planning framework, requiring the following:

- Engage with all relevant stakeholders to secure the needed partnerships and linkages
- Create a CATCA Association
- Create and formalize the necessary community institutions on which development may be based
- Identify projects for presentation to investors and donors
- Alleviate poverty through investment in integrated conservation and development programmes and projects which provide clear time frames for delivery
- Promote public-private partnerships, investment and management

- Provide support to institutional capacity
- Engender political will and support
- Provide accurate, analytical and unbiased information

23 EXPECTED OUTCOMES

The establishment of a Central Africa TFCA taking in the north-eastern portion of the Zairean pedicle lying between Kapalala on the Luapula, and south along the Muniengashi River, thence due east through Kimaki to the border (alternatively, the original proposal of the Serenje District Commissioner, J.S. Moffat in 1937 that efforts be made to persuade the Belgians to declare the area between the Luombwa and Luapula rivers a reserve, to join up with the Kasanka reserve), could be followed as a minimum conservation area requirement, given the use made of the areas by elephant; the Mansa and Kalasa Mukosa GMAs, Kasanka, Lavusi Manda and Isangano National Parks, attendant GMAs and communal areas; the plateau area lying east of the Great North Road bordering the North and South Luangwa National Parks and the Munyamadzi Corridor; the Luangwa Rift down to the Zambezi and Mozambique, including the Chisomo, Sandwe, West Petauke, Luano and Rufunsa GMAs, and the chiefdom Open Areas. The AWF Zambezi Heartlands Project has already obtained Zambia, Mozambique and Zimbabwe for a TFCA. However, it only extends as far as the Rufunsa GMA and Mozambique lying opposite the Nyalugwe Chiefdom. It is proposed that Nyalugwe is essential as the bridge to a future CATCA.

The development of the customary areas by way of the Landsafe formalization path and the increasing participation of customary communities in the management and benefit flows from the GMAs and the National Parks system would produce a mosaic of investor-customary community partnerships based on sound co-management agreements, rather than the present approach of the privatization of massive parts of the wildlife estate, or simply the avoidance of any kind of development and investment support

at all.

24 REFERENCES

SAVORY, A. & BUTTERFIELD, J., 1999. Holistic management: a new framework for decision making, Island Press

Internet

Manning, I. P. A. 2007a. [SAFARI MACED](http://zambiasafarihunting.blogspot.com/2007/05/safari-encyclopaedia.html): THE SAFARI ENCYCLOPAEDIA. Zambia Safari Hunting. 2010-01-12. URL:<http://zambiasafarihunting.blogspot.com/2007/05/safari-encyclopaedia.html>. Accessed: 2010-01-12. (Archived by WebCite® at <http://www.webcitation.org/5miqFHFjH>)

Manning, I. P. A. 2007b. [The current state of litigation](http://www.webcitation.org/5miqtrcmi) – pending and otherwise, in the Zambian hunting safari industry in 2007. Zambia safari hunting. 2010-01-12. Accessed: 2010-01-12. (Archived by WebCite® at <http://www.webcitation.org/5miqtrcmi>)

25 APPENDICES

Appendix 1: Nyalugwe hunting block quotas, fees and potential earnings

Appendix 2: Landsafe Njinga reports

ORIGINAL LANDSAFE INVESTMENT PLAN (2003)

Appendix 2: Nyalugwe hunting block quotas, fees and potential earnings

	2004	2005	2006	2007	2008	2009	SAFARI LICENSE FEE S	MAXIMUM POSSIBLE EARNINGS FROM QUOTA	NYALUGWE POSSIBLE EARNINGS FROM QUOTA 2009	NYALUGWE PROJECTED EARNINGS BASED ON 40% UTILIZATION OF QUOTA in 2009	ACTUAL EARNINGS IN 2008
Baboon	6	6	6	6		6	60	360	180		90
Buffalo	4	6	6	6		5	1600	8000	4000		
Bushbuck	4	4	4	4		2	380	760	380		380
Bushpig	4	2	3	2		1	320	320	160		
Crocodile	4	5	5	5		2	1600	3200	1600		800
Duiker C.	2	2	2			2	350	700	350		
Grysbok	2	2	2	2		2	250	500	250		
Hartebeest	2	2	2	2		1	780	780	390		
Hippo	4	6	4	6		4	1600	6400	3200		800
Hyena	3	2	4	4		1	250	250	125		
Impala	5	6	8	10		10	120	1200	600		120
Klipsp.	3	2	2	2		1	680	680	340		
Kudu	4	2	3	4		3	1600	4800	2400		1600
Leopard	2	2	2	2		3	2650	7950	3975		1325
Lion	2	2	1	2		2	4200	8400	4200		
Puku ⁴											210
Roan	4	2	2	1		1	4000	4000	2000		
Warthog	4	3	6	6		5	360	1800	900		
Waterbuck C	4	3	3	3		3	840	2520	1260		
Zebra	3	2	4	4		2	720	1440	720		
TOTAL US\$								54060	27030	10812	6425

Landsafe Publications

I think the main problem with your model is that land is merely leased to the individual. The individual gets it for free and keeps it for a specified length. He or she cannot pass it onto someone else or sell it. This basically eliminates the possibility of land acting as collateral. I also have some concerns on how the interests of individuals and businesses would be reconciled. Just how would these land use plans emerge? How would they be reviewed? Would they add to greater immobility of assets. Land by nature is immobile, but with relaxed planning laws one is able to use land for multiple purposes. Creating land use plans could eliminate that flexibility.

Chola Mukanga - 2007

* * *

Wildlife Conservation in Zambia and the Landsafe Customary Commons

URI: <http://hdl.handle.net/2263/25570>

Date: 2011-06-23

Abstract

This dissertation both proposes and records the ongoing implementation of a 'Landsafe' integrated conservation and development model for the customary commons of Zambia. In Volume I, a geographical, historical perspective of the country is presented, which concentrates on wildlife conservation and rural people. The changes wrought successively on indigenous peoples by invading native Africans of the Bantu linguistic group, then in turn on them by Europeans in the form of Charter Companies and later by Imperial Protectorate rule, and finally, by self-rule, is explored. The country's evolution from Western colonialism and embedded liberalism to exploitative neoliberalism and the concurrent emergence of the traditional patrimonial system - one modernised by its meeting with European capitalism, is the backdrop and basis for the construction of Landsafe and its current implementation in two chiefdoms. Volume II presents the Landsafe ICDP model. This is based on the formation of chiefdom statutory trusts, with trustees elected by villagers of the customary commons, and the signing of co-management agreements with government departments in respect of wildlife, Game Management Areas, and protected forest land, forests, fisheries and water. The local District Councils would be a signatory to such agreements, and the chiefs and their headmen would vest selected customary land in these trusts. These vested lands are then protected, allowing for controlled exploitation by investors - such that they do not impinge unnecessarily on traditional rights or on the re-establishment of traditional guardians

of nature. Land may not, under any circumstances, be alienated from customary control. A log frame programme analysis procedure is adopted, and a suggested formalisation methodology and procedures for implementing Landsafe included. Finally, the socio-ecology of the first project area in the Luangwa Valley is detailed, followed by a description of the implementation of the Landsafe programme, including a critical analysis comparing Landsafe theory to practice.

The Landsafe Socioecological Development Model

Url: <https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=1088&context=nrj>

2012

ABSTRACT

Zambia is either customary land (94%) under some measure of control by chiefs and headmen or state land (6%), comprising protected areas and land held under a 99-year leasehold. Protected areas and their resources are prone to alienation by the state for mining, forestry, fisheries and wildlife exploitation. Customary land comprises villages and their surrounding agricultural land, the remainder being the customary commons that is harvested and plundered for its natural resources by residents, non-residents and criminals. It is also subject to alienation to leasehold by chiefs and government officials, and appropriated by the state for agriculture and agribusiness, forestry, fisheries, mining,

tourism, wildlife conservation and game harvesting. Customary area residents with significant wildlife populations are 30% poorer than those living elsewhere. Customary residents have no ownership or harvesting rights to game animals. To counteract the open-access harvesting and plunder of customary land and the protected land associated with it, it is proposed that statutory trusts be established by customary communities, that customary land be vested in them, and that they enter into co-management custodial and harvesting agreements with the state in respect to fisheries, forestry, water and wildlife. Between 2003 and 2011, the author attempted to implement his model, called Landsafe, in two adjoining chiefdoms in the Luangwa Valley. This article proposes that the successful implementation of Landsafe would assure customary residents secure access to land and lasting benefits from renewable natural resources, essential to biodiversity conservation and to the socioecological and cultural integrity of Zambia.

I. INTRODUCTION

Statist governance in Zambia has failed to decentralize powers and responsibilities over land and renewable natural resources. Indigenous cultural and religious systems, when allied with the 94%⁴³ of land under the de jure control of chiefs, i.e., customary land, require institutionalized protection and management support. This article adheres to the Landsafe model, which suggests that a rediscovery of a peoples' evolutionary and adaptive success offers hope to failing patrimonial states such as Zambia.

September 23, 2011, marked the accession to power of a political party with an avowedly Christian ethical framework that encompasses stewardship of nature and a determination to reduce the size of government and decentralize.[1] A national network of customary areas provides fertile ground for an alternative cultural and socioeconomic development model to

⁴³ Now recognized as 52%

that of purely acquisitive capitalism and chronic donor dependency.

However, the state has demarcated parts of many of the customary areas as protected Game Management Areas (GMA) now under the control of its parastatal organization, the Zambia Wildlife Authority (ZAWA).[2] There are 36 GMAs, all located within chiefdoms that have significant wildlife populations, most of which border protected areas. The Wildlife Act allows the minister, in consultation with the local community and ZAWA, to declare a GMA for the sustainable utilization of wildlife and for the “economic and social well-being of the local community.”[3] The Act also allows for the co-management of GMAs between ZAWA and their proxies, Community Resources Boards (CRB), to whom ZAWA may devolve authority for wildlife and natural resource management.[4] In customary areas containing GMAs, land falling outside that classification is designated as an Open Area.[5]

The Wildlife Act impinges upon the rights of customary residents in GMAs and Open Areas by requiring that they conform to the provisions of a management plan developed by “an appropriate board.”[6] It also empowers ZAWA in GMAs to extract tourism concession and landuser rights fees to harvest game animals. Yet, biodiversity is unprotected, and villagers do not have the resources to protect themselves from animal depredations. Communities do not earn their share of income from these rentals and have few essential services. The state conservation agents criminalize and often abuse, imprison, and occasionally kill villagers seeking a subsistence living from renewable resources on their customary land.[7]

Given the control exerted by the state over natural resources and customary communities, the misconception that GMAs are state land is understandably widespread.[8] Adding to this misconception is the state’s addition of another protected area category within customary areas called Community Partnership Parks (CPP), where safari hunting is allowed.[9]

Indicative of the dangers of customary land alienation to state control was a proposed intensive development by ZAWA’s Community Resource Boards in nine GMAs surrounding the Kafue National Park.[10] In December 2008, Zambia became eligible to receive funding from the Millenium Challenge Corporation (MCC), initiating the Greater Kafue National Park Economic

Development Project (GKNP Project) and overtaking plans to develop a number of Joint Management Concessions (JMC) with multiple investors in the National Park.[11] In September 2011, the Movement for Multi-Party Democracy (MMD) government cancelled the JMC block-system proposal, for which ZAWA had recruited the services of a brokerage company funded by the World Bank and handed it to the MCC, a bilateral U.S. foreign aid agency established in 2004. The Kafue Project of the MCC had the following broad aims:

To promote sustainable economic growth and poverty reduction in the greater KNP area through increased nature-based tourism, improved park and wildlife management capacity, and greater participation in tourism and diversified livelihood activities by the rural communities in the surrounding Game Management Areas (GMAs).[12]

The consultants recommended that the alienation of land to leasehold be allowed in the GMAs so that they would be able to maximize consumptive and non-consumptive tourism, citing the fact that private sector companies had already done so.[13] Instead of an independent and decentralized customary community statutory structure, they recommended that the CRB be registered as a trust and that they carry out the development with a single nongovernmental organization (NGO) partner.[14] These recommendations to the MCC raised considerable concerns about the possibility of yet another appropriation of customary land by ZAWA, acting in consort with a single outside agency. The recommendation for the strengthening of CRBs and conversion to trust status so as to deliver Community Based Natural Resource Management (CBNRM) was a reversion to a notable CBNRM failure in Zambia, the Administrative Management Design for GMAs program (ADMAD).[15] Fortunately, the MCC cancelled the proposed project.

The Landsafe model is proposed to empower people of the customary commons [16] through the formation of statutory trusts in which they may

vest and secure customary land. Trusts would be empowered to negotiate and sign Co-Management Agreements (CMA) with the government in respect of wildlife, protected areas, forests, fisheries, and water resources. This model would protect forests, water resources, and vested lands in chiefdoms with significant wildlife. Furthermore, it would allow for controlled low-impact use by investors, such that they would not impinge unnecessarily on traditional rights or on the reestablishment of traditional guardians of nature. It would also give customary communities greater powers of protection from the alienation of their land to 99-year leaseholds, uncontrolled usufruct handouts by chiefs, or state appropriation.

The customary commons of Zambia are increasingly plundered for their natural resources. Burgeoning urban populations provide a market for the customary commons' bushmeat, charcoal, and fish stocks. Investors in industrial agriculture, in consort with the political elite, take over their customary land and force out the commons' traditional owners, destroying forests and water resources in the process.[17] Mining companies dislocate villagers, imperil their health and pollute their ecosystems.[18]

Part I of this article describes the current condition of the customary commons. Part II describes the evolution of Landsafe. Part III outlines the procedural requirements to formalize and implement the Landsafe model.

II. THE CUSTOMARY COMMONS

De facto customary control of Zambia covers 52% of the territory,[19] while de jure control is total in both the cultural and moral sense. In Zambia, the land is either state (leasehold and protected land) or customary land. The prevalent system on customary land allows resident villagers to obtain usufruct[20] land rights, i.e., the rights to its use, for cultivation from a headman, in consultation with a chief.[21] Once acquired, the community protects the land. Should the individual leave the land, it reverts once more to the control of the headmen and their chief. A chief usually does not extract taxes or food from individuals or headmen, the society being generally egalitarian. Less common are instances where lineages control land rights:

where people able to trace their heritage from a common ancestry reserve have the exclusive right to use and access agricultural land. In some areas, heirs of a matrilineage or patrilineage may sell land to people outside of their common ancestry.[22] However, both systems allow for land not under usufruct in a chiefdom to be accessible to all residents for the subsistence harvesting of renewable resources such as those fisheries, forests, and wildlife that are not under the direct control of the state.

With the agreement of chiefs—and of ZAWA in GMAs—local District Councils may award a provisional certificate of title of 14 years.[23] This provisional title automatically expands to a 99-year renewable leasehold period after the completion of cadastral surveys and other requirements unless the chief lodges a caveat. The chief can agree to alienate land, but the Commissioner of Lands, as lessor, controls the lease and extracts ground rents.[24] The amount of these ground rents is at the mercy of arbitrary decisions taken by the Ministry of Lands and issued in the form of statutory instruments.[25]

Chiefs are now once more in the ascendant, despite their marginalization under the United National Independence Party (UNIP) and the subsequent removal of their administrative and business development roles. Chiefs were elevated, and in many cases, created, by the colonial provincial administration under the policy of Indirect Rule.[26] At a workshop in June 1997, the 50 attending chiefs recommended instituting the House of Chiefs as an upper legislative chamber.[27] The MMD government appointed the Clerk to the House of Chiefs, and the House merely served the bidding of the President, as revealed by the recent volte-face over the removal and reappointment of Senior Chief Luembe of the Ambo people, despite the recommendations of the House.

To some, “this continuation of the chieftaincy’s rule is an instance of undemocratic despotism.”[28] To others, Zambia needs to conjure up its own idea of development:

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.[29]

A. Avoiding the Tragedy of the Commons

The alienation of customary land and untrammelled open-access to customary areas threatens the customary tenure system. The state and some chiefs alienate parts of customary land for mining, agribusiness, and game ranching.[30] Residents of the customary commons must also contend with outside plunderers in search of charcoal, fish, bushmeat, timber, and ivory, a state of affairs often described as the “tragedy of the commons.”[31] Fears of this anarchical state are often used to justify interventions by external forces or greater centralized government control.[32]

One reviewer defined three variants to state ownership and control of natural resources in Zambia as being either controlled open-access, regulated common-property regimes or private property regimes. This same reviewer complained of the government's failure to provide secure property rights to local communities.[33] However, while regulated common-property regimes exist under usufruct, all customary land outside of that is de facto open-access.

There is a view within institutional economics literature that common-property resources evolve towards private property once land becomes scarce.[34] This may suggest that land should be privatized if the “tragedy of the commons” is to be avoided. While the lack of ownership rights over renewable natural resources does encourage resident “free-riders” to join in irresponsible harvesting, this should not encourage conversion of customary areas to private property, i.e., alienation to leasehold.

Open-access regimes greatly foster the natural human proclivity of time preference; people prefer to consume now rather than later.[35] Residents of the present customary commons are essentially subsistence and peasant forage-farmers with the typically high time-preference rates evident in pre-

industrial societies. Encouraged by the absence of ownership rights, it is extremely common to find instances of behavior that show scant regard for future benefits: fruit trees being cut down for a handful of fruit and the use of mosquito nets, as well as poison to kill all age classes of fish. Clearly, this is in part a function of the destruction of traditional systems intended to manage natural resources. It is also a result of the removal of the authority of the chief over wildlife and the near-total decline of the traditional guardians of nature, such as hunting guilds (aChiwinda). In short, it is a weakening of the authority, incentives, and controls necessary for maintaining the customary commons.

Since attaining independence, the state has used the customary commons and protected areas as sources of income from hunting concessions and photo tourism leases—such that they all but resemble leasehold alienations. This is well-documented in other parts of the world for forests that were once communal forests and for inshore fisheries when national agencies presumed that they had exclusive jurisdiction over all coastal waters.[36]

The current theory is that coercion or some other special device is required to make rational self-interested individuals act to achieve their common or group interest.[37] Chiefdoms largely disprove this theory. Traditional authority does curb some “free-rider” activity. However, it has yet to overcome state eco-imperialism, capitalist raiders, crime syndicates, and, in some cases, venal chiefs operating within an open-access regime.

B. Uncertainty and the Growing Alienation of Customary Land

In 1985, the Ministry of Lands set out the procedure to alienate customary land to a private person or body.[38] This was later incorporated in the Lands Act. The Lands Act leant this substance.[39] However, if the land is alienated and bankruptcy subsequently declared by the owners, the land reverts to the state and not back to customary ownership.

All land is vested to the President, who cannot, according to the Lands Act, alienate customary land unless it is with the consent of the chief and local authority, and then only after consulting affected bodies—in the case of

GMA, ZAWA.[40] The Zambian Constitution forbids the compulsory seizure of state land (which includes leasehold land) or of acquiring it in the absence of authority under the law. The Lands (Compulsory Acquisition) Act allows the President to acquire any property, i.e., leasehold land, supposedly in the public interest.[41] However, if it is for agricultural development, the Constitution allows the President to take or acquire state or customary land from its owner or occupier.[42] The state also has the right to carry out petroleum production.[43] Although all petroleum is vested in the President,[44] for petroleum operations in GMAs, national parks and protected forests, it requires the consent of ZAWA, the Department of Forestry and the chiefdoms in which the GMAs and forests are contained.[45] The Minister may also declare an Environmentally Sensitive Area through statutory regulations allowing local authorities to so declare any area environmentally sensitive.[46] The powers of the President appear excessive. As Professor Hansungule in his report to the Zambian Land Alliance observed:

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 higher hierarchy than the individual or even group of people as in customary areas.[47]

In theory, customary law does not give chiefs the same powers; the chief can only request a landholder to return the land to customary authority.

Land may also be alienated to foreign investors (subject to the normal processes and procedures) who obtain an investment certificate from the Zambia Development Agency within the Ministry of Commerce.[48] With suitable investment pledges in an application, the Ministry may issue an

investment certificate to a noncitizen.[49] However, the pledges that make possible the alienation are rarely enforced.

The Fifth National Development Plan (FNDP), which commenced in 2006 and concluded in 2011, was a medium-term planning instrument intended to focus on government policy. Where land was concerned, it concentrated on the issue of attaining land, saying little about customary land and the culturally grounded rights of its people.[50] The plan also failed to respond to the House of Chiefs' statement to the FNDP workshop that: "We should be allowed to retain absolute title to our land while giving investors and non-subjects renewable lease rights under various chiefdom trusts." Hansungule commented:

And then where is the value system? A Plan that is tailored to work in Zambia should articulate Zambia's values. The title deed, which the Plan advocates proposes to fast-track land delivery, is good but it is still not the main value system to the majority of people in Zambia. Most people still share land and therefore de-emphasis individuality which is why there is relative security in the country. Even as they develop and adopt new ideas and systems, a Plan should plan for people based on their civilization. You can't impose alien ideas on people and expect to succeed. There is serious need to contextualize the Plan so that it can reflect the society it is going to operate. It must not only aim to attract money as the sole motive for the land reform. More than that, to create, recreate and deepened the value system in land as in society generally as the primary objective.[51]

The Land Alliance, a civil society organization, made up of a number of NGOs, weighed in with the following:

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.[52]

There have been many delays in the lands policy, in part because the Ministry of Lands was waiting for the finalization of the ongoing constitution review process before proceeding to adopt the draft land policy.[53] Fortunately, the proposed Constitution of Zambia (Amendment) Bill 2010 did not receive the mandatory two-thirds majority in the National Assembly in March 2011, as it would have greatly compromised the security of customary land. However, it did delay the issue of the Lands Policy, now awaiting action by the Patriotic Front government.

C. Problems Arising from Game Management Areas (GMA)

The Wildlife Act makes certain legal assumptions about the control of GMAs and customary land.[54] These assumptions contradict customary law, the Lands Act of 1995, and such traditional practices under common law as contracts of agistment,[55] whereby owners of livestock are obliged to rent grazing rights. Few management plans of any substance have been forthcoming for GMAs and national parks under ZAWA's management.

ZAWA, as the "owner" of wildlife, pays no agistment or rental for its game animals that feed on customary land, though it extracts concession rentals and game trophy fees from the same animal stocks. Originally, ZAWA paid half of all hunting concession and trophy fees to CRBs, but an ad hoc ZAWA committee later reduced concession fees to 20 percent—in both cases, 5 percent going to the chief. At a meeting in late 2006, CRBs and ZAWA agreed to share income equally. ZAWA has not honoured this agreement.[56]

The state of biodiversity in GMAs has seriously deteriorated under

ZAWA, and the MMD government with increasing brittleness of rangelands, deterioration in carrying capacity, and greatly diminished wildlife and forests.[57] Critically, the people of GMAs are denied ownership or proper access to the benefits of the natural resources on their customary land and are criminalized in their subsistence hunting.

A report on GMAs summarized its findings as follows:

This report paints and alarming picture of Zambia's GMAs in terms of economical, sociological and ecological benefits. Chapter 2 reveals that the commercial flow to GMAs is probably decreasing. Chapter 3 illustrates that natural habitats and wildlife are decreasing at an alarming rate in most GMAs. Chapter 4 shows that GMA communities are 30 percent poorer than the average Zambian rural communities. Chapter 5 shows that 31 out of 36 GMAs fail to meet the requirements for minimum management effectiveness.[58]

Whilst mandated to protect a very large protected area estate, ZAWA had since 2001 spent a mere 7–18 percent of its total expenditure on operations, i.e., biodiversity research and protection.[59] Another consultant recorded that “over the three years 2003 to 2005 the HQ budget increased by 46%, while the global, regional office and AMU budgets (where the real work is done) decreased by 4% and 19%, respectively.”[60]

Furthermore, the rural elite capture—by way of travel allowances, accommodation, and meeting stipends—most of the money received by CRBs from ZAWA.[61] In the midst of this corruption, most CRBs remain unpaid. In May 2009, for example, the Nyalugwe and Luembe CRBs, with 41 Village Scouts, were owed 14 months' salary on average.[62] Some of them had waited more than three years to be paid. Therefore, ZAWA and CRBs are significant factors in this poverty differential.

Of concern in Zambia is the plight of women in general and widows in particular, with 28 percent of GMA households being female-headed

compared to 22 percent in non-GMAs. Female-headed households living near national parks on average enjoy 19 percent less per capita consumption than male-headed households.[63] In addition, land grabbing is a pernicious custom, whereby on the death of her husband, a woman is descended upon by her husband's family and other parasites and divested of land and chattels. A revolutionary socioecological change in GMAs is necessary in order for the customary community to see any improvement in its life prospects. Conservation of wildlife and other natural resources must be part of a sustainable solution.

D. Strategies for Customary Community Resource Ownership

Given the threat to the customary commons, it is essential that customary communities court cabinet offices and make inputs into parliamentary subcommittees to regain natural resource ownership on their lands.[64] However, customary communities are presently incapable of taking on this role. To do so would require a large funded program with considerable political and legal force. The secretary-general of the Patriotic Front Party suggested that the author assists in the formation of a foundation dedicated to rural development, one having the mission of reviving and protecting the Zambian cultural heritage in areas of land, participatory community development, and sustained natural resource management.[65]

Such a mechanism may assist Zambia in avoiding such eventualities as the 1994 Zapatista movement in Mexico that fought the alienation of the peasant commons (the ejido) and the awarding of land to agribusiness. The legacy of the Zapatista movement revealed two irrefutable facts: 1) power should not be concentrated at the government level, merely changing hands between political elites at election time; and 2) it is foolish to expect the government to hand down power of its own accord.[66]

III. THE EVOLUTION OF LANDSAFE

The Landsafe model developed from an earlier model, developed by the

author, called the Chipuna. This was a simple investment mechanism model symbolized by the traditional African stool (*Chipuna* in Bemba) with three legs representing the chief, the community, and the investor. The Landsafe model subsequently emerged. The principal objectives of Landsafe are to safeguard customary land and its associated protected areas, as well as to conserve wildlife and natural resources for the benefit of the chiefdom. To achieve this, it is first necessary to create chiefdom institutions into which to vest land. These institutions may also enter into contracts with the government over land and renewable natural resources in conformity with a number of laws.[67] All other objectives concern the incremental raising of living standards while respecting national culture and traditions. A critical aspect of the Landsafe model is to safeguard and utilize trust funds under a common agreement

A. Categorization of Stakeholders in Landsafe Chiefdom Development

Following a community's preparation and provision of a land-use plan, the community may draw up and make available specific and appropriate development options for investors. In addition, donor assistance on specific needs requirements is invited, but at the micro-level and working through the statutory community structure. In order for Landsafe to advance, it is important to describe clearly the hierarchy of stakeholders involved in the process. The most important are primary stakeholders—the chief, the headmen, and the customary community itself. They are then followed by a secondary stakeholder group comprising the appropriate government ministries and departments.[68] These two categories are then complemented by the key stakeholders, who have direct responsibility for developing and implementing an area development plan.[69] This group might also describe formally established institutions formed amongst the local population, which have as their main interest conservation and development of their area.

B. Statutory Institutions Supporting Primary Stakeholders

To both protect the land from alienation and to ensure responsible use of natural resources on customary land, it is necessary to form statutory community institutions for collective action. The establishment of a cooperative is an entry-level legal mechanism for binding a small or large group of people having a similar intent and interest, one not necessarily bound up with the sale and purchase of goods.[70] However, a community should ideally form a society under the Societies Act, Chapter 119. A society must be drawn from the customary community itself, with its elected representatives sitting as members. Registration of a society in a rural area requires a written endorsement for the society application from the Chief, the District Community Development Officer, the District Secretary, the Zambia Police, and the security division of the Office of the President.[71] The society may then be converted to a statutory trust. There are two options available to a customary authority. The first option is to create a trust under the Lands Act. Under this option, the Minister of Lands formalizes the trust once a society petitions the minister for the incorporation of a society as a trust. The second option is to register a trust company limited by guarantee, where formalization is by registration under the Companies Act. Such a trust should have a suitable constitution, which draws up to ten trustees from the chieftdom community, creates a trust fund, and appoints auditors.

IV. THE FORMALIZATION AND IMPLEMENTATION OF LANDSAFE

Results of a recent survey provide support for the Landsafe approach.[72] This survey argued for the recognition of a community structure as the holder of devolved rights.[73] 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.[74] It made clear that: "This does not imply alienation of customary land but formalizing such an allocation of land through a legal document." [75]

Persuading chiefs and their people of the merits of a particular approach to development, offering greater control of their resources, as well as some

protection for investors, is a slow and arduous process. The culmination of this process is the signing of contracts of agreement. The first contract is the signing of a memorandum of understanding (MOU) between the customary authority, the District Council, and a facilitator for the implementation of a Landsafe development. The second is the establishment of a chiefdom or community society, followed by that of a trust. The third is the signing of a CMA between the trust and government ministries responsible for water, fisheries, forestry, and wildlife.

A. Land Vestment and User Rights

A society under Zambian law has no legal capacity to hold land. Therefore, when a community wishes to vest land, it must, following the registration of a society by the Registrar of Societies, establish a trust and have the certificate of incorporation registered in the Registry of Deeds and upon registration then “vest in such body corporate all land or any interest therein, of what nature and tenure soever, belonging to or held by any person or persons in trust for such community, body or association of persons.” Before a Trust is registered with the Registrar of Lands and Deeds, it requires a prior exemption from registration by the Registrar of Societies.[76]

In the case of the Nyalugwe Conservation Society, the minister was petitioned to vest customary land in the Nyalugwe Conservation Trust under the Lands (perpetual succession) Act. The minister first studied the details of the land and the purpose for which it was required and then approved it and allowed it to be registered with the Registrar of Lands and Deeds.[77] The Nyalugwe land was not alienated to a 99-year leasehold but placed under the trust in perpetuity. This trust is now able to assign land-user rights.

Should investors wish to make use of the land and natural resources of the chiefdom under their management and development plans, they may enter into a land-user rights re-assignment agreement with the community trust. The land-user rights process requires that the trust—as the holder of land and rights to co-manage renewable natural resources—provide the overall land use and business plans for the chiefdom. The trust may then enter into leases

and business concessions with investors. To develop a business, investors are required to tender a business proposal to the trust, which will lead to the compilation of a full business plan. If the intention of a chief or a trust is simply to assign land-user rights to investors, then ZAWA is not involved at all in Open Areas, only in GMAs.

B. Co-Management Agreements

1. Wildlife

For trusts to sign CMAs with the state over wildlife, they need to first elect and register a CRB for that chiefdom. The Wildlife Act provides the statutory process for registration of a CRB.[78] On application to conduct game ranching on vested land, ZAWA will carry out its own ecological and social surveys. The latter is a sample of the views of the population in order to assure ZAWA that enough headmen and villagers are in favour of the scheme. In addition, this will require the CRB/trust to provide a game management plan based on the ZAWA template. If safari hunting is an option, then a trust can apply for a quota.[79]

2. Game Management Areas

To formalize a CMA in a GMA, a trust may take several approaches. It could either:

- Sign a CMA with CRB/ZAWA for the management of a GMA's wildlife in the chiefdom and the retention of full tourism use; or
- Vest the GMA in a chiefdom trust and follow the procedure required for a community game ranch; or
- Follow the procedure for a Community Partnership Park by applying to ZAWA (not recommended as this is much the same procedure as followed by chiefdoms in colonial times when trust land was converted to a game reserve and national park).

One of these approaches is essential if the community is to maintain the

socioecological integrity of customary land whilst allowing the state, for a bridging period only, to derive income.

3. National Parks

Where the chiefdom adjoins a protected area, that chiefdom, through its community structures, should persuade the state to agree to a flow of benefits to the chiefdom. Chiefs originally agreed to this during the process of converting trust land into a game reserve and national park.[80] Formalization, therefore, requires a CMA between the trust and ZAWA.

4. Local Forests and Unprotected Forest on Customary Land

Statutory Instrument No. 47 of 2006 lays out regulations for a CMA known under forestry as Joint Forest Management Areas (JFMA). These regulations require the creation of forest trusts for proposed JFMAs. Each forest trust requires a forest committee, which comprises representatives of the chief, the local forest office, the District Council, and one representative of each village committee—the latter comprising the headman, a representative of the user group and a forestry officer. The regulations require the village committee to 1) advise the forestry officer on the issue of licenses, 2) appoint honorary forest rangers, and 3) elect members to the forest management committee. The statutory instrument defines no such committee. Though the Forest Act defines the term, it is still subject to a commencement order from the minister.[81] JFMAs are bound to the Forestry Department and the trust through a CMA, which allows for management of forestry, licensing, and income under its control. The trust may also make an application to the Forest Stewardship Council for certification.

5. National Forests

In national forests, the trust must sign a CMA with the Forestry Department in the form of a Joint Forest Management Agreement, though this requires the issuance of a commencement order by the minister in order for the new Forests Act to be enacted.[82] An interim cooperative arrangement should be possible in light of the prescriptions of Statutory Instrument No.47 of 2006,

which lays out regulations for Joint Forest Management Areas.

6. Fisheries

The community trust applies to the Fisheries Department for a fisheries management area CMA, the declaration of a fisheries management area, and recognition of an elected fisheries management committee.[83] The minister ratifies these subject to consultation with the trust or/ riparian communities involved. The committee is responsible for the production of the management plan and the creation of a fund to pay all license money beneficial to the economic and social well-being of the riparian community. The committee must prepare an annual report and submit audited accounts to the minister. Members of the committee comprise six villagers, one chief's representative, one district council representative, one from an NGO operating in the area, one each from the fishing industry and aquaculture industry, and two other persons vetted by the minister. The minister also appoints the chairman and vice-chairman. In consultation with the director, the fisheries management committee may enter into CMAs with industrial fishing companies or with NGOs. Aquaculture ventures must be licensed and operate only under certain conditions. To formalize a fishery, the trust must apply to the Forestry Department for a Fisheries Management Area CMA in the form of an MOU.

7. Water

A trust may enter into a CMA with the Department of Water Affairs or the catchment council when established so that the chiefdom may best manage its water resources. Currently, Water Affairs plans to create catchment and sub-catchment councils.[84] The trust may sign a CMA with the Department of Water Affairs to provide basic water management plans. Any water project applications submitted to the Water Board should be guided by the plan. C. Appointment of Chiefdom Advisory Committees As the Landsafe model evolves under field conditions, it is important to test its assumptions. Trusts formed under perpetual succession require an advisory committee, as the trust itself is a wholly community organization set up under the Ministry of Lands. Where trusts fall under the Companies Act, they already partially

mirror the proposed advisory committee due to representation on the trust by the District Council as well as the CRB. The Customary authority and the District Council should appoint advisory committee members from all stakeholders. They should comprise national and district members.

V. CONCLUSION

The expected outcomes of the Landsafe model are fivefold. 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 the usufruct rights of both men and women. Third, it will support collective land-use agreements over common-access rights. Fourth, it will allow for the exploitation of renewable natural resources and mineral mining only under CMA land vested by the customary. Finally, it will place investors, foreign aid, and NGOs under the control of a land-use plan and a properly institutionalized customary commons.

[1] PATRIOTIC FRONT PARTY, OFFICE OF THE SEC'Y GEN., MANIFESTO 4 (2011), available at <http://www.scribd.com/doc/52257938/Patriotic-Front-2011-16-Manifesto>.

[2] Zambia Wildlife Act No. 12 (1998) GOVT. GAZETTE (Acts), at Part V.26.1.

[3] *Id.* at Part III.9.1.

[4] *Id.* at Part III.

[5] *Id.* at Part I.2 (“‘Open Area’ means an area other than a National Park, Game Management Area, bird sanctuary or wildlife sanctuary where wild animals are found.”)

[6] Zambia Wildlife Act No. 12 (1998) GOVT. GAZETTE (Acts), at Part

V.28. See also *id* at Part III.6.2.

[7] Christopher Miti, Police Nab Nyimba Villagers for Burning ZAWA Camp, *THE POST NEWSPAPERS* (Zambia), Sept. 26, 2009; STUART A. MARKS, *ON THE GROUND AND IN THE VILLAGES: A CACOPHONY OF VOICES ASSESSING A "COMMUNITY-BASED" WILDLIFE PROGRAM AFTER 18 YEARS* (Mipashi Associates 2005); Phone Interview with Anonymous Community Leader (Oct. 2009) (A Chinambi villager, Peter Siyani, was killed on September 20, 2009— the fourth villager, in the same area, in the previous nine years.).

[8] See, e.g., MARTIN MBEWE, *THE ROLES OF TRADITIONAL LEADERSHIP AND COMMUNITIES IN COMMUNITY-BASED NATURAL RESOURCE MANAGEMENT IN ZAMBIA* 19-21 (2007), available at http://www.remnpas.org.zm/index2.php?option=com_docman&task=doc_view&gid=16 &Itemid=57.

[9] ZAWA Draft Act (2008) GOVT. GAZETTE (Acts), Part IV.10 (amending Zambia Wildlife Act No. 12 (1998)). "[T]o provide for the establishment, control and co-management of Community Partnership Parks for the conserving and restoring the native elements of biodiversity and their underlying ecological structure for non-consumptive forms of recreation and environmental education." *Id.* at 2.

[10] CHEMONICS INTERNATIONAL, *SITUATIONAL AND LIVELIHOODS ANALYSIS STUDY IN NINE GAME MANAGEMENT AREAS, SURROUNDING KAFUE NATIONAL PARK, ZAMBIA: PHASE 3: DRAFT LIVELIHOOD ANALYSIS REPORT FOR SELECTED GMAS AND PRELIMINARY RECOMMENDATIONS FOR MCC INVESTMENT IN GMAS* (DELIVERABLE NO. 3) (2011).

[11] PETER DE VERE MOSS, *THE FEASIBILITY OF ESTABLISHING BLOCK TOURISM CONCESSIONS (NON-CONSUMPTIVE) IN KAFUE NATIONAL PARK*, ZAMBIA WILDLIFE AUTHORITY, FTC: ZAWA/C/12/08 (2007).

[12] CHEMONICS INTERNATIONAL, *supra* note 10, at 1. R

[13] *Id.* at 125.

[14] *Id.* at 136.

[15] I.P.A. Manning, *Wildlife Conservation in Zambia and the Landsafe Customary Commons* 61–65 (2011) (unpublished Ph. D. dissertation, University of Pretoria, South Africa) <http://upetd.up.ac.za/thesis/available/etd-06162011-151649/> (last visited July 10, 2012).

[16] Customary Commons – all customary land, but in particular those natural resource elements outside of villages and village agricultural land – forests, atmosphere, rivers and lagoons, fisheries and wildlife that are shared, used and enjoyed by all the people residing on customary land under the authority of a chief; Commons – the elements of the environment enjoyed and shared by all.

[17] Ernest Chanda, *Zambia: Nansanga Bloc Farmers Face Homelessness*, THE POST (Aug. 17, 2011), <http://farmlandgrab.org/post/view/19090>; I.P.A. Manning, *The Kazangulu Land Clearance in Zambia*, FOOD CRISIS AND THE GLOBAL LAND GRAB (Apr. 17, 2011), <http://farmlandgrab.org/post/view/18458>.

[18] COUNCIL OF CHURCHES IN ZAMBIA, *PROSPERITY UNTO DEATH: IS ZAMBIA READY FOR URANIUM MINING?* 13 (2010), available at <http://www.scribd.com/doc/38650866/Prosperity-Unto-Death-Is-Zambia-Ready-for-Uranium-Mining>.

[19] MARTIN ADAMS, *LAND TENURE POLICY AND PRACTICE IN ZAMBIA: ISSUES RELATING TO THE DEVELOPMENT OF THE AGRICULTURAL SECTOR* 5 (2003), available at <http://www.aec.msu.edu/fs2/zambia/resources/Land1.pdf>.

[20] AN INTRODUCTION TO LEGAL SYSTEMS: AFRICAN LAW (J Duncan M Derret ed., 1968) (Usufruct is “[t]he principle of customary tenure whereby anyone can have access to and the use of a piece of land but cannot claim any form of ownership of it.” The latter implies in English jurisprudence—from which Zambia’s laws are derived—title to the lands and full rights of management, including the rights of alienation (ownership at law) but not necessarily possession or enjoyment of benefits which may belong to the owner at equity.); HUMAN PROBLEMS IN BRITISH CENTRAL AFRICA 1–3 (Max Gluckman & J.M. Winterbottom eds., The Rhodes-Livingstone Institute, 1945)

[21] See generally Chiefs Act (1965) GOVT. GAZETTE (Acts) (Zam.).

[22] Charles Matthew Newton White, A Preliminary Survey of Luvala Rural Economy, in RHODES-LIVINGSTON 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), available at <http://codesria.org/IMG/pdf/Kajoba.pdf>.

[23] Bastiaan van Loenen, Land Tenure in Zambia (1999) (unpublished manuscript) (on file with the University of Maine Department of Spatial Information Engineering) 5, available at <http://www.spatial.maine.edu/~onsrud/Landtenure/CountryReport/Zambia.pdf>. 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.

[24] Lands Act No. 20 (1996) GOVT. GAZETTE (Acts), Part II.11 (Zam.).

[25] Jervis Zimba, Press Statement on the Recent Increase of Ground Rent by the Ministry of Lands, ZAMBIA NAT'L FARMERS UNION, http://www.znfu.org.zm/index.php?option=com_content&view=article&id=201:press-statement-on-the-recent-increase-of-ground-rent-bythe-ministry-of-lands&catid=46:press-statements&Itemid=67 (last visited Nov. 25, 2011).

[26] FRANK MELLAND & CULLEN YOUNG, AFRICAN DILEMMA 39 (London, United Soc'y for Christian Literature eds., 1937).

[27] LIISA LAAKSO, MULTI-PARTY ELECTIONS IN AFRICA 320 (Michael Cowan & Liisa Laakso eds., 2002).

[28] Rohit Negi, "We Are the Implementers of Development": Chiefs, Capital, and Politics in Zambia 1 (2008) (unpublished manuscript), available at <http://www.scribd.com/doc/9377824/We-are-the-implementers-of-development-Chiefs-Capital-and-Politics-in-Zambia>.

[29] A Cultural Approach to Zambia's Development. . . , ZAMBIAN ECON. (Aug. 26, 2007), <http://www.zambian-economist.com/2007/08/cultural-approch-to-zambias-development.html>.

[30] I.P.A. Manning, Corrupt Use of Provisionally Alienated Customary Land. . . , ZAMBIA LANDSAFE INVESTMENT (August 14, 2007), <http://zambialandsafe.blogspot.com/2007/08/corrupt-use-of-provisionally-alienated.html>. (Archived by WebCite at <http://www.web>

citation.org/5m9kBg7RT, search date 2009-12-20).

[31] See generally Garrett Hardin, *The Tragedy of the Commons*, 162 SCI. 1243 (1968).

[32] ELINOR OSTROM, *GOVERNING THE COMMONS: THE EVOLUTION OF INSTITUTIONS FOR COLLECTIVE ACTION*, 182 (1990).

[33] SAMUEL MULENGA BWALYA, *CRITICAL ANALYSIS OF COMMUNITY-BASED WILDLIFE RESOURCE MANAGEMENT IN SOUTHERN AFRICA: CASE STUDY FROM ZAMBIA* 3–4, http://www.cbnrm.net/pdf/bwalya_sm_001_zambiabcwm.pdf (last visited Nov. 25, 2011).

[34] E.g., 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).

[35] GREGORY CLARK, *FAREWELL TO ALMS* 171 (2007) (describing the time preference rate, which measures the strength of this preference as the percentage by which the amount of consumption of a good next year must be higher than consumption this year for people to be indifferent between consuming now rather or later).

[36] OSTROM, *supra* note 32, at 23 & 144.

[37] OSTROM, *supra* note 32, at 6 (citing MANCUR OLSON, *THE LOGIC OF COLLECTIVE ACTION* 2 (1971)).

[38] Administrative Circular No. 1, *Procedure on Alienation: Introduction* (1985), reprinted in MARTIN ADAMS, *LAND TENURE POLICY AND PRACTICE IN ZAMBIA: ISSUES RELATING TO THE DEVELOPMENT OF THE AGRICULTURAL SECTOR* 63 (Jan. 13, 2003), available at <http://www.aec.msu.edu/fs2/zambia/resources/Land1.pdf> (Zam.).

[39] Lands Act No. 20 (1996) GOVT. GAZETTE (Acts), at Part II.8.1 (Zam.).

[40] *Id.* at Part II.4.

[41] Lands Acquisition Act No. 13 (1994) GOVT. GAZETTE (Acts), at Part II.3 (Zam.).

[42] *Id.* at Part IV.17.1.

[43] Lands Acquisition Act No. 13 (1994) GOVT. GAZETTE (Acts) (Zam.).

[44] Petroleum (Exploration and Production) Act No. 10 (2008) GOVT.

GAZETTE (Acts), at Part I.3.1 (Zam.)

[45] Mines and Minerals Act No. 7 (2008) GOVT. GAZETTE (Acts), at Part III.26.1 (Zam.).

[46] Environmental Management Act No. 12 (2011) GOVT. GAZETTE (Acts), at Part III.24.3 (Zam.).

[47] MICHELO HANSUNGULE, ANALYSIS OF ZAMBIA'S FIFTH NATIONAL DEVELOPMENT PLAN: REPORT TO THE ZAMBIA LAND ALLIANCE 8 (2007).

[48] Zambia Development Agency Act No. 11 (2006) GOVT. GAZETTE (Acts), at Part IX.64.1.

[49] *Id.* at Part X.69.

[50] REPUBLIC OF ZAMBIA, FIFTH NATIONAL DEVELOPMENT PLAN (2006), available at <http://www.imf.org/external/pubs/ft/scr/2007/cr07276.pdf>.

[51] HANSUNGULE, *supra* note 47 at 18. R

[52] CIVIL SOCIETY LAND POLICY REVIEW COMMITTEE, ZAMBIA LAND ALLIANCE, INITIAL POSITION PAPER ON THE DRAFT LAND POLICY §3 (2003).

[53] E-mail from Henry Machina, Executive Director, Zambia Land Alliance, to the author (May 18, 2009, 16:15) (on file with author).

[54] Zambia Wildlife Act No. 12, *supra* note 2.

[55] AN INTRODUCTION TO LEGAL SYSTEMS, *supra* note 20. R

[56] I.P.A. Manning, Chief Kasempa Complains of the Lack of Benefits from Tourism in His Area, ZAMBIA CONSERVATION (Feb. 4, 2007), <http://zambiaconservation.blogspot.com/2007/02/chief-kasempa-complains-of-lack-of.html>. (Archived by WebCite at <http://www.webcitation.org/68pLtapuA>, search date 2012-07-01).

[57] ALLAN SAVORY & JODY BUTTERFIELD, HOLISTIC MANAGEMENT: A NEW FRAMEWORK FOR DECISION MAKING 21 (1999).

[58] PHYLLIS SIMASIKU ET AL., THE IMPACT OF WILDLIFE MANAGEMENT POLICIES ON COMMUNITIES AND CONSERVATION IN GAME MANAGEMENT AREAS IN ZAMBIA vii (2008), available at http://www.aec.msu.edu/fs2/zambia/Impact_of_Willdife_Mgt_Policies_on_Communi_ties_and_Conservation.pdf.

[59] CHANGA MGMT. SERVS., DRAFT TECHNICAL REPORT: ASSESSING THE CURRENT STATUS OF ZAMBIA WILDLIFE AUTHORITY STRATEGIC PLAN IMPLEMENTATION 49–51 (2006). The percentage allocated to operations greatly increased in the final Changa report, though there is no explanation for this change. I.P.A. MANNING, A BRIEF COMMENT OF THE FINAL CHANGA REVIEW OF THE ZAWA STRATEGIC PLAN (PHASE 1) 63 (Nov. 3, 2006).

[60] ADAM POPE, A PRELIMINARY EXAMINATION OF PUBLIC-PRIVATE PARTNERSHIPS IN NATIONAL PARK MANAGEMENT IN ZAMBIA 15 (2006), available at http://www.aec.msu.edu/fs2/zambia/resources/Adam%20Pope%20PPP%20evaluation%20rev%2027%207%2006%20final%20report_.pdf.

[61] SIMASIKU ET AL., *supra* note 58, at 17–19. R

[62] Letter from Nkhoma Goods Andrew of ZAWA/SLAMU Nyimba CBNRM Unit to The ZAWA/SLAMU Unit Leader (May 26, 2009) (discussing salary arrears in respect of Luembe and Nyalugwe CRBs) (on file with author).

[63] SIMASIKU ET AL., *supra* note 58, at 20. R

[64] CMTY-BASED NATURAL RES. MGMT. & SUSTAINABLE AGRIC. (CONASA), POLICY AND LEGISLATION REVIEW OF THE FISHERIES, FORESTRY, WILDLIFE AND WATER SECTORS VIS-A' -VISCOMMUNITY BASED NATURAL RESOURCE MANAGEMENT 20–21 (2002), available at www.rm.portal.net/library/content/n-ric/3478.pdf/at_download/file. 65. Interview with Wynter Kabimba, Secretary-General of the Patriotic Front Party of Zambia (Feb. 23, 2010).

[65] Interview with Wynter Kabimba, Secretary-General of the Patriotic Front Party of Zambia (Feb. 23, 2010).

[66] PAUL KINGSNORTH, ONE NO, MANY YESES: A JOURNEY TO THE HEART OF THE GLOBAL RESISTANCE MOVEMENT 20 (2004)

[67] 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 (Poly.) (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).

[68] Zacharia J.U. Malley et al., *Environmental Change and Vulnerability in the Usangu Plain, Southwestern Tanzania: Implications for Sustainable Development*, 14 INT'L J. SUSTAINABLE DEV. & WORLD ECOL. 145, 157–58 (2007) (discussing processes of policy formation and development attitudes).

[69] Id.

[70] See generally, *The Co-Operative Societies Act* (1998) GOVT. GAZETTE (Acts) (Zam.). 71. A requirement enforced “administratively” under the MMD government. *Societies Act* (1994) GOVT. GAZETTE (Acts), at Part II (Zam.).

[71] A requirement enforced “administratively” under the MMD government. *Societies Act* (1994) GOVT. GAZETTE (Acts), at Part II (Zam.).

[72] See DEV. SERVS. AND INITIATIVES, *REVIEW AND SYNTHESIS OF LESSONS LEARNED CONCERNING OPTIMUM FORMS OF COMMUNITY MANAGEMENT STRUCTURES FOR MULTIPLE RESOURCE MANAGEMENT IN ZAMBIA AND SOUTHERN AND EASTERN AFRICA* 38 (2008), available at http://www.remnpas.org.zm/index2.php?option=com_docman&task=doc_view&gid=17 &Itemid=57.

[73] Id. at 17.

[74] Id. at 19.

[75] Id.

[76] CHIEF MPUMBA, *MPUMBA COMMUNITY CONSERVANCY, MPUMBA NATURAL RESOURCES CONSERVATION SOCIETY* (2002) (on file with author).

[77] *Land (Perpetual Succession) Act* (1964) GOVT. GAZETTE (Acts), at Part III.1 (Zam.).

[78] *Zambia Wildlife Act No. 12*, supra note 2, at Part III.6.3 & Part III.9.1.

[79] Id.

[80] FRANK FRASER DARLING, *Wild Life in an African Territory: A Study Made for the Game and Tsetse Control Department of Northern Rhodesia*

128 (1960).

[81] Forests Act (1999) GOVT. GAZETTE (Acts), at Part V.26 (Zam.).

[82] Id. at Part V.35.

[83] See Fisheries Bill (2011) GOVT. GAZETTE (Acts) (Zam.).

[84] Water Resources Management Act (2011) GOVT. GAZETTE (Acts), at Part III.17 (Zam.).

Author's Advocacy Blogs 2006-2011

www.zambiasafarihunting.blogspot.com

Archived by WebCite® at <http://www.webcitation.org/6CeId9gYi>

www.zambiaforests.blogspot.com

Archived by WebCite® at <http://www.webcitation.org/6CeIgwA3u>

www.zambialandsafe.blogspot.com

Archived by WebCite® at <http://www.webcitation.org/6CeIkDBvS>

www.zambiaeletimes.blogspot.com

Archived by WebCite® at <http://www.webcitation.org/6CeInKT3X>

www.victoriafallsheritage.blogspot.com

Archived by WebCite® at <http://www.webcitation.org/6CeIq0CaG>

www.lionscam.blogspot.com

Archived by WebCite® at <http://www.webcitation.org/6CeIt4nZp>

www.zambiagamefieldsjournal.blogspot.com

Archived by WebCite® at <http://www.webcitation.org/6CeIwUrCF>

www.luembeconservancytrust.blogspot.com

Archived by WebCite® at <http://www.webcitation.org/6CeJ0xJyI>

www.zambiawatch.wordpress.com

Archived by WebCite® at <http://www.webcitation.org/6CeJ71euP>

www.zambeziheritage.wordpress.com

Archived by WebCite® at <http://www.webcitation.org/6CeJAjTpk>

www.lionscam2.wordpress.com

Archived by WebCite® at <http://www.webcitation.org/6CeJEeTeJ>

<http://www.zambiaconservation.blogspot.com>

Archived by WebCite® at <http://www.webcitation.org/6wPXGZ523>

Petition on Lower Zambezi Proposed Mining

<https://www.change.org/p/president-lungu-prohibit-mining-in-the-lower-zambezi-national-park>

Zambian Economist: Chola Mukanga

Chola Mukanga, [The Zambian Economist](#), writes on 21 September 2007:

I P A Manning is calling for a change in the way [Zambia manages its wildlife and protected areas](#) starting with some reforms for the seemingly hapless ZAWA. The problems highlighted are prevalent in many of Zambia's institutions, and the solutions could well be the same:

The Zambia Wildlife Authority (ZAWA), with one man at the helm with any experience and the qualifications to back it up, Dr Lewis Saiwana, is beyond repair, beyond reconstruction. That it has not even made the necessary pension contributions for its own staff is proof that it is time to call it a day. At HQ, ZAWA is a shambles, unable to pay consultants as promised, unable to administer the hunting industry and the quota system, unable to pay all the Community Resource Boards who are responsible for hiring village scouts, unable to answer a simple letter.

It is time for Government to accept that the management of protected areas and its wildlife, and the wildlife of customary areas, can no longer be run by a highly centralized statutory body with a weak supervisory board. It is time to put all National Parks and Forests out to public private partnerships, and in customary areas, to place the ownership of wildlife in the hands of development trusts which incorporate customary leaders, local councils, the villagers and NGOs.

3 comments:

Mr K.

At HQ, ZAWA is a shambles, unable to pay consultants as promised, unable to administer the hunting industry and the quota system, unable to pay all the Community Resource Boards who are responsible for hiring village scouts, unable to answer a simple letter.

Although we shouldn't confuse the issue of centralisation with underfunding...

It is time to put all National Parks and Forests out to public-private partnerships, and in customary areas, to place the ownership of wildlife in the hands of development trusts which incorporate customary leaders, local councils, the villagers and NGOs.

I like the call for decentralization, although I don't know the writer's real intent.

I also think that too much of the country has been designated as wildlife areas.

However, here is an interesting website from South Africa's Independent Development Trust.

<http://www.idt.org.za/index.php>

I'm not yet familiar with their pros and cons, so stay tuned.

From their page:

There must be a greater focus on redistribution and building a sustainable life for all people. We need to listen to what people want rather than supply communities with what we think they need. This is the IDT's strength"

The IDT is positioning itself through its work and successes as a leading developmental player on the South African development landscape....

If we don't follow their example to the letter, at least lessons can be learned from them.

Mr K

His is a very interesting file with a wealth of data on rural development from the same website: http://www.idt.org.za/resources/strategy_document2.pdf

THE INTEGRATED SUSTAINABLE RURAL DEVELOPMENT STRATEGY (ISRDS)

1c) Decentralisation

12. Growing evidence suggests that appropriately empowered and trained rural local governments can make an important contribution to rural development. In this

context, it is important that centrally designed systems of inter-governmental fiscal

transfers provide appropriate incentives for local governments. These incentives can

be supported by ensuring that budgetary flows are transparent, predictable and autonomous.

This document is really rich in information - read it.

I have another idea.

Years ago, there was a computer game called SimCity. Maybe a program can be developed that would help visualize development and costs, so it would be accessible to people other than architects and council people.

<http://simcity.ea.com/screenshots.php>

Chola Mukanga

MrK, Thanks for the links! Looks like a very useful document....I'll have a read...

On the SimCity idea. I am sure similar models exist..but I am not sure the extent to which Zambian local authorities use them in urban planning...

Draft Land Policy, revised....and now rejected: FRIDAY, 5 OCTOBER 2007

The [Draft Land Policy](#) has been out for a while now. Actually, it was drafted in December 2006, but only became accessible once the Ministry of Land uploaded it on their new website in middle of the year. The Post (04/10/2007) reports that [Zambia Land Alliance](#) appears to have got round to dissecting, and have rejected it. I must say the reasons put forward by ZLA are well founded and it is most encouraging to see an organisation like ZLA 'think tanking' through the complex set of issues. The only downside is that having identified the flaws of the current framework and Government's proposed remedy, ZLA have yet to provide an alternative model on the way forward. Aside from that, their assessment is extremely sound. Here are couple of quotes from Henry Machina (Director, Zambia Land Alliance):

"First and foremost, civil society commends government in working toward providing Zambia with a long awaited and critically needed Land Policy. However, after due consideration and debate, civil society unanimously rejects the draft Land Policy as it now stands... The rejection of the second draft Land Policy is thus the mutual position of concerned citizens, who want to see a Land Policy which addresses the needs of all Zambians...."

"To this end, civil society is in agreement that the Land Policy must be authoritative and well-founded, providing clear guidance for land administration and a basis for developing legislation; a policy which is pro-poor and gender sensitive, and which provides for security of land tenure for all, including investors, and addresses areas of potential conflict....This is evident as the second draft Land Policy does not provide for the needs of the citizens within the dual land tenure system in rural and urban areas....The significant role of chiefs and councils in land administration is not addressed

nor are there provisions for a democratically constituted and decentralised land boards.....”

“The draft policy focuses on strengthening the role of the state in administration of land, ostensibly to reduce corruption and improve administration.....However, increasing the role of the state and reducing the role of citizens does not necessarily lead to improvements in land delivery and administration or reduction in corruption.Civil society would rather promote a policy, which strengthens the democratic right of citizens to participate in the governance of land and to monitor land adjudication processes.”

Update (7th October 2007) : The Post (07/10/2007) is reporting more backlash . This time from the Chiefs:

“Chiefs were expecting that government would call for a land conference with chiefs so that they express their opinions on the matter. But that did not happen. So, since you ignored our proposals, we are going to reject your land policy. We believe that government has some hidden agenda they want to include in the policy. ..We know that government is interested in money and your government seems too capitalistic. You have failed to take our opinions on board, so chiefs say no land conference, no land policy”

Chief Ntambu of Mwinilunga

“As you have already said, honourable Machila [Lands Minister], that a lot of investors have approached your ministry asking to buy pieces of land for their investments in Zambia. We are afraid about that. Already many indigenous Zambians have been displaced by the so called investors and it is clear from your statement that in the near future your government will sell all the land in our chiefdoms.. It is immoral to sell land and leave indigenous people suffering just for the love of money.”

Chief Imwiko of Lukulu

The Government position as stated by the Lands Minister:

“Currently, the government is using the 1958 map that is authentic. But we are still working on the issue to ensure that investors who come into the country for development do not displace citizens. Also, government does not have the legislation that authorises chiefs be given title deeds, But now that you have raised that issues, government will take into consideration to address the matter”.

Update (11th October): I P A Manning’s Zambia Landsafe Investment blog carries an interesting ZLA publication on this important issue. You can access it [here](#).

THEMES : [land](#)

14 comments:

[MrK6 October 2007 at 16:50](#)

However, increasing the role of the state and reducing the role of citizens does not necessarily lead to improvements in land delivery and administration or reduction in corruption.

In the end, although land can be more efficiently allocated on a local level, it doesn’t much matter to corruption whether it is done locally or centrally. There has to be a willingness to fight corruption, which means *there has to be a willingness not to benefit from corruption.*

[Chola Mukanga6 October 2007 at 18:38](#)

Isn’t the point that increasing the role of the citizen ensures that the citizens can closely monitor what’s going on. This is why local land boards are important. If these boards are more participatory and respond to the people’s needs, they are a much better way than centrally distributed systems. Land is very much a local issue and should be decided at the local level.

MrK7 October 2007 at 21:33

I think there can be (and is) local corruption, as well as central government corruption. What is essential, is the willingness to put in place procedures that are transparent and democratically accountable. As long as that is done, land should be allocated locally. *Land is very much a local issue and should be decided at the local level.* Would you have independent land boards, or have it done as a part of the council's duties?

Chola Mukanga7 October 2007 at 23:33

We just need land boards. I am unsure about the nature of 'independence' in this case. What we need are boards that reflect local circumstances. So in rural areas, the Chief must be part of the land board alongside local elected members. The Botswana model works okay.

I.P.A. Manning8 October 2007 at 05:47

We need a holistic approach to the custodianship of land and natural resources in general. Apart from needing to revisit the Natural Resources Act of 1962, now buried and partly repealed and forgotten, some essential principles should guide us:

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

any need to advance to leasehold and total alienation.

In essence, this is the Landsafe Investment Trust model for customary and protected land, which is able to deal with all development issues at a local level. But Government must allow this to happen in a rapid and orderly manner if we are not to suffer further the rampant depletion of our natural resources and the shameful deepening of villager poverty.

[MrK8 October 2007 at 14:56](#)

I.P.A. MANNING,

Interesting and thought-provoking points. However, how do they address the central issue of the debate, which is the insecurity of tenure?

I completely agree that land should really be owned by Zambians, and that it should be in use for its assigned purpose (whether that would be agriculture, settlement, industry, etc. - no to land speculation). This is the essence of the problem - if the land is not outright owned by the person who uses it, how can that person trust that it will not be taken away from him or her, as soon as they make improvements on it, or invest their capital in it? How can they be sure that the chief will be an honorable individual and not take the land for himself - citing whatever legitimate reason? And for the chief, fill in the state, or presently, the president, who after all is the highest elected official in the land?

I think that is at the basis of land tenure insecurity right now. As long as land is held for the user/owner by someone else, that someone else will be able to take that land away.

How about outright ownership that is conditional? Conditional on use, environmental regulation, etc?

Also, at one time, there will have to be a massive increase in roads, and even expansion of settlements. If all the land is individually owned, and the state cannot alienate small pieces of land, this process of development may never get off the ground.

So any argument is going to be between the need of the land's owner/user to

be secure in their investments, and the state's need for land for development.

Anonymous [8 October 2007 at 18:25](#)

Cho, I would be interested to know whether you have any thoughts about the links between Land and Poverty (if there is any at all!) Some developmental economists have advanced this theory and located Africa's poverty problems to the land issue (poor land laws, no respect for title etc, etc) What is your take? particularly in regard to Zambia.

Chola Mukanga [10 October 2007 at 22:23](#)

I.P.A

I think the main problem with your model is that land is merely leased to the individual. The individual gets it for free and keeps it for a specified length. He or she cannot pass it onto someone else or sell it. This basically eliminates the possibility of land acting as collateral. I also have some concerns on how the interests of individuals and businesses would be reconciled. Just how would these land use plans emerge? How would they be reviewed? Would they add to greater immobility of assets. Land by nature is immobile, but with relaxed planning laws one is able to use land for multiple purposes. Creating land use plans could eliminate that flexibility.

Chola Mukanga [10 October 2007 at 22:50](#)

Pandwe,

Thanks for your question! It is very broad though... The short answer is there are many links between land and poverty. But here are some quick links:

For example, some studies have found a link between land equality (or equal access to land) and strong development of the financial system. The idea is that if everyone had access to land they could use that as collateral for credit. This in turn helps the financial system to grow. Greater development of the

banking system has been known to be good thing for economic development e.g. credit is cheaper etc. See the blog [here](#) that makes the same point. But sometimes land inequality is not necessarily a bad thing. Some empirical work suggests that large and powerful landowners can act as bulwark against corrupt and opportunistic regimes. They keep these corrupt leaders in check and that in turn benefits everyone else. My favourite example was Zimbabwe with white farmers. See the blog [here](#)

that makes the same point. The most obvious link to poverty of course is through lack housing. Lack of access to land for ordinary folks puts pressure on the housing system and this affects the poor more than the rich(shelter is crucial for tackling poverty). That in turn creates lots of problem like rural urban migration, urban slums and so forth. See the blog [here](#) that discusses Zambia's current housing problems. We need to get land reform right because it is an important jigsaw piece for solving many of our problems. Access to land improves credit, develops the financial system, brings certainty to investors and crucially solves the current housing problems.

[13 October 2007 at 19:38](#)

Cho, Thank you for the links... there are very helpful and informative. Certainly broadened my perspective on Land and porverty issues. Thanks.

[Chola Mukanga](#) [14 October 2007 at 19:56](#)

Pandwe, You are welcome!

[Kafue001](#) [17 July 2009 at 21:58](#)

Article: "In India, Old Land Records Go Digital"

<http://www.washingtonpost.com/wpdyn/content/article/2009/07/16/AR2009071604175.html?hpid=sec-world>

[Chola Mukanga](#) [18 July 2009 at 19:36](#)

Kafue, Very interesting piece. This is similar to Mozambique's initiative. In Zambia such a move would actually reduce land disputes among chieftdoms.

I think the litigation argument for titling is fascinating. Certainly it reduces the costs to the justice system. However, I am skeptical on the extent to which titling actually significantly brings a windfall to the poor. We have debated this a couple of times.

Kafue001[30 January 2010 at 15:03](#)

African land reform: <http://www.csmonitor.com/World/Africa/2010/0130/Africa-s-continental-divide-land-disputes>

A cultural approach to Zambia's development: SUNDAY, 26 AUGUST 2007

[I have been asked](#) several times regarding my strong emphasis on culture in defining development. I thought it deserves a quick blog. The question is *'how do we link culture and development, and crucially, how do we connect chiefs chiefs to the national dialogue, and on what issues, etc?'* Here is my quick take on this difficult but important question. Its one I think the nation cannot afford to ignore and the [Mungomba Draft Constitution](#) did a bad job by ignoring it.

The traditional approach to economic growth is to see democracy as a necessary condition to development. Indeed most of the discussions we have had on this blog emphasise that open institutions are much more suited for high quality growth. We therefore try and see that any cultural or social function must fit within that model. I would agree with that there is merit in that approach at the national or macro level, but I would like to see a more sophisticated approach on the local level.

The notion of “development” at the local level requires a more explicit ‘Zambian’ definition. To put it another way, the national institutional approach to development presupposes the meaning of “development” for everyone and realigns national institutions accordingly to deliver such high quality growth. It is quite feasible that an alternative definition of local development may command different requirements on the type of local institutions that delivers that development. In fact the reason why people are not experiencing the benefits of national growth at the moment is not just that the “trickle” down effect is minimal (I think it is there) but that local people have a different idea of what development means to them.

Now to some extent things like [participatory budgeting](#) helps, but I think more fundamental approaches are needed. This is why I have argued that at the local level our nation needs to go through two steps:

1. Each locality in Zambia needs to define what local development it wants to see and what it means by development.
2. Each locality in Zambia then needs to ask itself, *“What local institutions does it want to put in place to help deliver that development?”*

Now it might be the case that for area X “development” to them may mean a greater emphasis on cultural norms (less democratic openness) than economic growth. For area Y it could be the other way round (more democratic openness and growth, but erosion of culture e.g. the Swiss model of referendums) or area Z it could be both (e.g. the Japanese model). We should then allow X, Y and Z to define their “local institutions” accordingly to deliver their goals.

What Government should not do is super impose its view of the world or its definition of development on local people. Local people must define what development means for them. In some cases, they will reject democratic openness and in some others they’ll embrace it. Of course then a challenge

emerges : how do you align the “macro” picture of open institutions that delivers high quality growth, to the “micro” picture of intrinsic definitions of development – with culture and development interlinked and traded-off according to the preferences of each individual locality?

I think that is where the recognitions of culture at the macro level become important. The reinforcing of the House of Chiefs as a credible second chamber links local preferences on culture to national ideals on high quality growth. By accepting that locally, development also has a cultural perspective, our quest for national growth would not come at the expense of weakening our cultural institutions that some regard as part of the very notion of development. Rather development would come through a greater affirmation of our traditions and bringing them to the centre. If this logical premise is accepted then, Chiefs who are the very heart of our traditions must be recognised as having a primary role to play in our quest for higher national growth, and in defining that national growth.

A very important question we would have to consider with this approach relates to the practicalities . **Yakima** expressed it best in one of my discussions with him: *“is it possible to generate a reasonably complete breakdown of the traditional functions which are or should be performed by chiefs and/or tribal councils?”*.

My view is that at the local level, the role of chiefs would be dictated by how localities define development and the level of emphasis they would place on using existing cultural institutions to deliver that development (or keep it as some would see it). So the role of chiefs could even be an improved version of the role they played during colonialism as “native authorities” working hand in hand with local Government administrators and members of parliament. The problem at the moment is that Chiefs looks after the people but they have no budget. Everyone in the village runs to the chief for land and food. One of the great travesties of colonialism is that it reduced these institutions that served the people so well to an irrelevant spectator.

The current framework of local governance has continued that approach and no wonder we find delivering local development (of whatever shape) such a challenge – we are constantly working with two systems (Government imposed system and traditional functions). A way must be found where Chiefs can become meaningful. We would need to deal with the issue of literacy for Chiefs, but it can be done.

At the national level – the key is a much stronger House of Chiefs. This will provide checks and balances to what Parliament does – similar to the House of Lords in England. But unlike the House of Lords, these chiefs will be having direct links to the grass roots since they would operate within local “native structures” of some sort.

If I may indulge a little bit: I think the beauty of my vision is that it neatly fuses modern principles of governance while holding onto the beauty of our heritage. 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.

[MrK26 August 2007 at 17:08](#)

Cho, This is just a first reaction to one of the crucial debates - how traditional structures of power and culture are incorporated in government, to give government a much greater connection to the people. New idea: incorporate chiefs into local government, by giving them a oversight function with limited actual governing power. I was thinking, my idea of councillors as very powerful implementors of national policy and regulations, could be complemented by subjecting them to a consultative role by the chief. Councillors could act like Indunas to the chief, combining high levels of education with the empowerment of \$1.5 million from national revenues. The chief would have mainly a consultative role, the way a constitutional monarch has, while being entitled to 1% or so of the shares of all businesses that do

business in his area. So instead of: chief -> induna you would have chief -> councillors. Districts would be chieftainships, and (considering each district has about 250,000 people), so they would have about 8 councils. (There is quite a lot of flexibility in this concept.)

Now is that grassroots or what? :)

Anonymous[26 August 2007 at 19:17](#)

I agree that local empowerment is the key for local development. The local people are in a better position to advise on local issues. However, in the current state there is a downside to that...given that the indunas or local elders are most of the time at the mess of the local barons who are elected on monetary prowess and shabby reputations rather than good leadership and decision-making abilities..lets that face it if not handled properly this could be the shortest of the short cuts to the proverbial political and economic frying pan. In a world where corporation are more powerful than actual leaders there is a risk that the whole idea of culture based development and empowerment could lead to another empowerment mirage...some sort of unholy triple alliance between chronic bad leadership, corruption and lack of vision.

MrK[26 August 2007 at 19:56](#)

I was re-reading "Grass Roots Governance - Chiefs in Africa and the Caribbean", which is a collection of essays and some things come back again and again.

1) Against:

- Chiefs as a tool of the government.

Their institution was abused, and they were too often used as tax collectors and labour deliverers to the colonial state. They were paid a small amount of money by the state. They also depended on a government stipend for their income.

Solution: give chiefs their own source of income. This should make them financially independent from the government, and should make them a little less influencable by politicians. If they received some of the trade that

occurred in their area, it would also give them an (extra) incentive to be pro-economic growth.

2) For:

- Pre-existing systems of local government
- Trust and innate authority flowing from the people to the chief, instead of merely imposed authority
- a strong and deep culture of consultation, instead of dictation

3) Neutral:

- popular basis of authority, versus geographic basis of authority

How this can be resolved across international boundaries is another question. However, if chiefs had limited authority where policy is concerned, there should be as little as possible conflict between their roles and administration.

One more note. KK was scared because of the Lumpa uprising, and he was always careful to balance 'tribe' on a national level. The fear of tribalism is one of the factors that drove him to draw more and more power to the center. Considering Zambia's relative lack of tribal conflict, it would be hard to argue that he was not successful.

My question would be that if chiefs had real administrative powers, what would happen to the rights of the citizens who do not belong to that particular tribe or chief? Would this lead to an increase in tribalism and eventual secession? Also, permanent inclusion in the state should prevent tribalism from becoming nationalism.

Also, there is the issue of nearly all tribes existing across national boundaries. Regional integration could resolve that issue. And another thing. I think Indonesia presents an interesting example. I don't know how much their chiefs, sultans, and other traditional and religious leaders have contributed to development, but they certainly helped foster a very strong cultural identity. Of course Indonesia is an island chain, which in itself bakes independence and local autonomy into the political and economic realities.

I think in the presence of a councillors system that truly takes governance away from the center and grounds it locally both with technical abilities and budgets, it would have had a much bigger impact on actual economic development.

Anonymous [28 August 2007 at 00:27](#)

Cho- Great job on this piece! You draw valid attention to the different understanding of development among different communities. Central Govt's prescription of uniform development projects across diverse communities has contributed to the failure of most projects especially in the agriculture sector. I specifically agree with your proposal for local communities to decide what institutions they need to bring about whatever development they need in their locality.

To illustrate my position, I will discuss the Barotse royal establishment. In my view how the Barotse royal establishment operates in the absence specific definition of the extent and role of this traditional system in a democratic system of governance presents the highest possibility of conflict between the two systems.

In the pre-colonial era, subjects under the royal establishment looked to the establishment for;

- Leadership and guidance on social norms
- Maintenance of order and protection from external threats
- Regulation of local economy and trade
- Adjudication of local disputes

With the introduction of a constitutional government at independence, the traditional system found itself subordinate to the state government in these matters. To mitigate this in-balance customary law was invoked and thus began the nightmare that chokes development in rural Zambia. To this day, there are as many diverse customary laws still in practice in rural areas, as there are as many diverse social and cultural groups. Because many customary laws, have largely remained unchanged and in some extent unchallenged, practices that are counterproductive to national development such as;

- Early marriages.
- Emphasis of traditional roles over education of boys and girls
- Inhuman penalties for violating social norms,
- Practice of unsafe medical procedures,
- Destruction methods of agriculture etc.

Still persists unchecked. As far as impact on human development. Consider this when the national economy was liberalized, a South African retail business Shoprite set up shops in provincial centers, in most cases they took over building that were once owned by ZCBC. When Shoprite went to Mongu, in an attempt to protect traditional business, the royal establishment allocated Shoprite a piece of land next to an abattoir garbage dump, several miles away from the local population. Further local people are not permitted to speak a word within a half mile radius of the official residence of the Litunga (local traditional king) by custom. The traditional court system (Kuta) still uses public flogging as a penalty for breach of any traditional social norms.

Culture is a peoples' way life and traditions - I have always struggled with these eternal questions- To what extent should one culture adopt that of another? More specifically to what extent should Zambians adopt western culture? Can we enhance our way of life everywhere, while hanging on to all of our culture and traditions?

I believe in order to determine a meaning role for traditional leaders in local development, especially such as in the Model Mrk has proposed, we must first address these basic conflicts that exist between some of our customs/traditions and national governance.

The content and nature of debate in parliament on 21st August, 2007 perhaps best illustrates my ambivalence towards the idea of direct traditional leadership participation at national level. This was the first item for debate that day-

"COMPLAINT LODGED BY THE HON. MEMBER FOR NAMWALA CONSTITUENCY, MAJOR ROBBY CHIZHYUKA AGAINST THE HON. MEMBER FOR NKANA CONSTITUENCY, MR MUSENGE MWENYA

Mr. Speaker: I wish to inform the House that, on 25th January, 2007, the Member of Parliament for Namwala Parliamentary Constituency, Major Robby Chizhyuka, MP, lodged a complaint against the Member of Parliament for Nkana Parliamentary Constituency, Mr M. Mwenya, MP.

In his letter of complaint, Major R. Chizhyuka, MP, alleged that Mr M. Mwenya, MP, threatened him with violence and assaulted him by pouring beer on him at the National Assembly Member's Motel on 18th January, 2007.

Major Chizhyuka's letter of complaint states as follows: Quote.

"I write to complain that Hon. Musenge, MP for Nkana Constituency threatened me with violence and poured beer on my body at the Parliament Motel. He alleged that I had insulted the PF President by calling him a dog..." (http://www.parliament.gov.zm/index.php?option=com_content&task=view&id=593&Itemid=86)

Without generalizing the scope of my fears, most members of parliament are noble men and women with formal education, however that such discourse forms part of our national archive of legislative history perhaps is indicative at least in some degree, of the long term effects of a rushed adoption of system of governance whose MO we are yet to completely master.

MrK29 August 2007 at 15:23

Now to some extent things like participatory budgeting helps, but I think more fundamental approaches are needed. This is why I have argued that at the local level our nation needs to go through two steps:

- 1. Each locality in Zambia needs to define what local development it wants to see and what it means by development.*
- 2. Each locality in Zambia then needs to ask itself, "What local institutions does it want to put in place to help deliver that development?"*

Now it might be the case that for area X "development" to them may mean a greater emphasis on cultural norms (less democratic openness) than economic growth. For area Y it could be the other way round (more democratic openness and growth, but erosion of culture e.g. the Swiss model of referendums) or area Z it could be both (e.g. the Japanese model). We should then allow X, Y and Z to define their "local institutions" accordingly to deliver their goals.

What Government should not do is super impose its view of the world or its definition of development on local people. Local people must define what development means for them. In some cases, they will reject democratic openness and in some others they'll embrace it.

I agree with that. We are both on the same page with regards to getting away from a ministry based system of governance, to a localized system of governance.

A question to ask would be - what would it be like to live in such a system? Would such a diversified system still endorse *universal* adherence to freedom of speech, freedom of association, civil and human rights, non-discrimination, etc, that every citizen has a right to expect?

This is the thing - as soon as people outside of the present administration have the money to put their theories into practice, you also buy into all the downsides that come with those. Right now, a lot of conflict doesn't exist because people don't have the money to actually enforce their opinions. They don't have the money to buy guns, private armies, etc.

This is the biggest obstacle I could see about a system based on chiefs. Once they have enough money, what is there to stop them from settling their differences using force of arms? In precolonial days, there were certainly conflicts between chiefs.

And without a priori land redistribution, isn't there going to be a conflict over land?

A fundamental question would be - how do you assure that everyone has equal access to the services provided, without discrimination based on tribe, gender, etc? How do local differences in levels of cultural input effect every citizen's right to have full citizens' rights, women's rights, etc? Would local cultural factors exempt them from adhering to a national bill of rights that would apply to every citizen?

More relevant on a theoretical level, can anyone be a citizen (of the state) and a subject (of the chief) at the same time?

Of course then a challenge emerges : how do you align the "macro" picture of open institutions that delivers high quality growth, to the "micro" picture of intrinsic definitions of development – with culture and development interlinked and traded-off according to the preferences of each individual locality?

I think that is where the recognitions of culture at the macro level become important. The reinforcing of the House of Chiefs as a credible second chamber links local preferences on culture to national ideals on high quality growth. By accepting that locally, development also has a cultural perspective, our quest for national growth would not come at the expense of weakening our cultural institutions that some regard as part of the very notion of development. Rather development would

come through a greater affirmation of our traditions and bringing them to the centre. If this logical premise is accepted then, Chiefs who are the very heart of our traditions must be recognised as having a primary role to play in our quest for higher national growth, and in defining that national growth.

A very important question we would have to consider with this approach relates to the practicalities. Yakima expressed it best in one of my discussions with him: "is it possible to generate a reasonably complete breakdown of the traditional functions which are or should be performed by chiefs and/or tribal councils?"

My view is that the local, the role of chiefs would be dictated by how localities define development and the level of emphasis they would place on using existing cultural institutions to deliver that development (or keep it as some would see it). So the role of chiefs could even be an improved version of the role they played during colonialism as "native authorities" working hand in hand with Government local administrators and members of parliament.

I can follow that. :)

The problem at the moment is that Chiefs look after the people but they have no budget. Everyone in the village runs to the chief for land and food. One of the great travesties of colonialism is that it reduced these institutions that served the people so well to an irrelevant spectator.

The current framework of local governance has continued that approach and no wonder we find delivering local development (of whatever shape) such a challenge – we are constantly working with two systems (Government imposed and traditional functions). A way needs to be found where chiefs can become meaningful. We would need to deal with the issue of literacy for chiefs, but it can be done.

A question would be - would it be ethical to educate chiefs before we educate the people as a whole? Just from an egalitarian point of view.

Also, just throwing up a few models for chiefs to work in:

1. President -> ministers -> chiefs -> administrators (councillors)

In this model, the president would still have provincial ministers, the chiefs would act as district council leaders, and councillors would lead actual councils.

2. (Local government) chiefs -> councillors

In this model, chiefs would have a ceremonial role, while the councillors

would do the actual job of governance. A bit like the Continental European constitutional monarchies, except on a local level. They would get to ratify a newly elected council, and maybe consult with them on a voluntary basis.

3. district heads (chiefs) -> municipal councillors

In this model, the chiefs would head the present districts, which would have about 8 councils to them each.

4. chiefs (customary law, land use) -> councillors (healthcare, education, policing public amenities, administration

In this model, their roles are divided by function, chiefs would have a say so in for instance planning of land use, and their word would outweigh the councillor's. So another question would be - to what extent would their setup be lateral or hierarchical?

At the national level – the key is a much stronger House of Chiefs. This will provide checks and balances to what Parliament does – similar to the House of Lords in England. But unlike the House of Lords, these chiefs will be having direct links to the grass roots since they would operate within local “native structures” of some sort. Once you get past the idea of an unelected body, that idea would be attractive. Also, could these chiefs be elected? For instance, if they are truly representative of their people, the people should have the opportunity to endorse their entry into a senate. I think in most cases, people would return their own chiefs, however, if the person is senile or losing it, or completely out of touch with the people in his area, there should be a way of not endorsing his or her entry into a policy making or policy ratifying body. Right?

If I may indulge a little bit: I think the beauty of my vision is that it neatly fuses modern principles of governance while holding onto the beauty of our heritage. 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.

But I think mainly because money is not made available locally, to prioritize money toward local issues. I think a well funded local government system could do just that.

However, there is a real psychological benefit from honouring tradition, and it would also increase social cohesiveness if correctly handled.

The way I see it, technical issues should be performed by people with real expertise, while chiefs could have a role more like constitutional monarchs.

Interesting link: check out Lesotho's Ministry of Local Government and Chieftainship

http://www.localgovt.gov.ls/TheMinistry_Departments_Chieftain.php

http://www.localgovt.gov.ls/LocalGov_Structure_councilComp.php

Chola Mukanga30 August 2007 at 20:58

"However, in the current state there is a downside to that...given that the indunas or local elders are most of the time at the mess of the local barons who are elected on monetary prowess and shady reputations rather than good leadership and decision-making abilities" - Jay

This is a valid point.

However, my view is two fold. First, this is already the case. Local barons are always likely to yield a lot of influence to local councillors and MPs. The question is whether we have reason to believe this would be exacerbated under a more decentralised model anchored to traditional structures. I can't immediately think why that would be case.

Secondly, the model outlined above would sit well with participatory budgeting where local leaders and the people get together and decide the spending priorities. The participatory budgeting framework operating within a broader cultural framework as outlined above would alleviate the concerns you have raised.

Chola Mukanga30 August 2007 at 21:16

"Can we enhance our way of life everywhere, while hanging on to all of our culture and traditions?" - David

My view is that it is not a matter of "hanging on", it is a question of what we mean by development. The idea that development is about economic growth, consumerism and more choice is just one view of the world. The other view is that development is about the freedom to live your way of life to its full

potential. Government policy should focus on increasing these ‘freedoms’. Culture and traditions define who we are as people and therefore shape the importance we place on certain “freedoms”. This is why development needs to be a local concept, because different local societies value different freedoms.

To illustrate: If you asked me, which is better - a society full of high economic growth, but with no moral basis or do a highly moralised society with mediocre growth? My answer to that question will depend on what “freedoms” I value most. Is it freedom to live in a society where everyone can be trusted and chats to their neighbour, or a society in which I can drive any car I want? These are the questions that are intrinsically personal, but they demonstrate why a more local view of development is vital to meeting people’s aspiration compared to a national approach.

Chola Mukanga 31 August 2007 at 21:58

MrK,

Thanks for your in-depth assessment of the issues. This is certainly an area that gets me very excited and I am keen to write something up in due course. So the more questions the better! And sources are good too!! A few thoughts on your thoughts. *"I was re-reading "Grass Roots Governance - Chiefs in Africa and the Caribbean", which is a collection of essays and some things come back again and again."*

I was not aware of this, but I have immediately chased it up. Hopefully Amazon will deliver it quickly. If you know any other books touching on this subject, I would greatly appreciate!

"KK was scared because of the Lumpina uprising, and he was always careful to balance 'tribe' on a national level. The fear of tribalism is one of the factors that drove him to draw more and more power to the center. Considering Zambia's relative lack of tribal conflict, it would be hard to argue that he was not successful. "

I have a different view here. Zambia is peaceful not because of centralization of power, but rather due to the fact that it is multilingual. My untested theory is that there's a U-shaped relationship between ethnic diversity and stability/peace. Nations are either peaceful with single ethnicity or with multiple ethnicity. Anything in between can become problematic especially

duo ethnicity.

"My question would be that if chiefs had real administrative powers, what would happen to the rights of the citizens who do not belong to that particular tribe or chief? Would this lead to an increase in tribalism and eventual secession? Also, permanent inclusion in the state should prevent tribalism from becoming nationalism."

The model I propose handles this issue in two ways. First Chiefs are connected to the centre through a much stronger second chamber so they help shape the national state and understand its aims and objectives like rule of law, rights of citizens and so forth. Secondly at the local level as I pointed out to **Jay** Participatory Budgeting gives a voice people to engage with the Chiefs who provide the non-partisan leadership. The two go hand in hand.

"I think in the presence of a councillors system that truly takes governance away from the center and grounds it locally both with technical abilities and budgets, it would have had a much bigger impact on actual economic development."

I think other models do deliver 'development', but what defines what is being proposed is the nature of that 'development' and crucially how it defines and anchored to the people. Its non-political and its totally owned by the people and anchored in their culture.

"A question to ask would be - what would it be like to live in such a system? Would such a diversified system still endorse universal adherence to freedom of speech, freedom of association, civil and human rights, non-discrimination, etc, that every citizen has a right to expect? "

Yes, because Chiefs are being brought to the centre through a greater Second Chamber and crucially through working with the Participatory Budgeting system.

Incidentally the lure of having greater powers through the Second Chamber would allow them to give lots of leeway in other areas. It would enhance democracy rather than weaken. But of course at the local level, the Chiefs working hand in hand with the people is the essence of the system. No preconceived notions of what development means.

"This is the biggest obstacle I could see about a system based on chiefs. Once they have enough money, what is there to stop them from settling their differences using force of arms? In precolonial days, there were certainly conflicts between chiefs. "

In precolonial days Chiefs where not connected to the centre. It was 'purely' devolution without any connection to the nation state. We offering something fundamentally different. A system that devolves power but links it back to the centre through a stronger second chamber. And a privilege for taking part in such a system, Chiefs would need to agree to engage the locals through the Participatory Budgeting framework.

"And without a priori land redistribution, isn't there going to be a conflict over land? "

Under the model being proposed, land restritution and reform of customary law would be a walk in the park. With the Chiefs connected to the centre and with real administrative power, they would not feel 'threatened'. On the contrary through greater involvement of the people through a non-partisan process, the Chiefs would help formulate clear solutions on how to deal with the issue of customary land and so forth.

"A fundamental question would be - how do you assure that everyone has equal access to the services provided, without discrimination based on tribe, gender, etc? "

Participatory Budgeting!

"How do local differences in levels of cultural input effect every citizen's right to have full citizens' rights, women's rights, etc? " No.

"Would local cultural factors exempt them from adhering to a national bill of rights that would apply to every citizen? " They would help shape the 'bill of rights' or whatever national legislation through their influence in the Chamber. This is a progressive model built with the bricks and mortar of our tradition.

"More relevant on a theoretical level, can anyone be a citizen (of the state) and a subject (of the chief) at the same time? "

It's the wrong question because it is not a choice between the two. The question really is can we have a viable nation state without a national consciousness? And where do you get that 'national consciousness'? Its from our culture and traditions. Its not the question of choosing between belong to the state or being subject to the Chief, it's the question of whether our central Government institutions are properly aligned with our local cultural institutions. And that is what we should strive for. We have Government and cultural institutions at the local level existing side by side. These are in

constant conflict with each other, not because these are diametrically opposed but because the Government has not adequate to reconcile them.

"A question would be - would it be ethical to educate chiefs before we educate the people as a whole? "

You are equipping leaders, and through them you are benefiting society as a whole. Very ethical I would say.

"In this model, the president would still have provincial ministers, the chiefs would act as district council leaders, and councillors would lead actual councils."

Whichever model one adopts we must surely get away from the expensive waste of Provincial Ministers. They serve no purpose at all because they have no real power. In the model I propose Provincial Ministers are irrelevant. MPs and local councilors working with the Chiefs is the way forward.

"I think in most cases, people would return their own chiefs, however, if the person is senile or losing it, or completely out of touch with the people in his area, there should be a way of not endorsing his or her entry into a policy making or policy ratifying body. "

In the Colonial era with Native Structures, the Chiefs who were illiterate or could not perform their functions always had an educated nephew or someone who stands in their place wielding the same power. I see no reason why that can't apply today.

But I am not in favour of electing Chiefs as a principle. We need to work with the institutions not change them. Participatory Budgeting and other mechanisms can be introduced to ensure that people have a say in the day to day running of affairs. With the Chief at the helm you are guaranteed non-partisanship. [electoral reform incidentally is something worth looking at as well – the idea of Presidents courting traditional leaders would need to come to an end, but its not necessary crucial to the model].

"But I think mainly because money is not made available locally, to prioritize money toward local issues. I think a well funded local government system could do just that. "

No. Well funded local Governments could provide 'development'. But here we are envisaging something special. A development defined by the people and articulated nationally through a second chamber. Culture and

development become one. We cannot mention one without the other. We recognize that development is freedom to be the best that you want to be. We let people locally define those freedoms as their culture and traditions allow. Its more than a psychological benefit. It is a fundamentally different view of the world.

"Interesting link: check out Lesotho's Ministry of Local Government and Chieftainship

http://www.localgovt.gov.ls/TheMinistry_Departments_Chieftain.php

http://www.localgovt.gov.ls/LocalGov_Structure_councilComp.php"

Thanks, I am off to look into these :)

MrK1 September 2007 at 20:57

Great overview on the [decentralisation process from dr. Royson Mukwena.](#)

This is an issue which has been playing for over 40 years.. On the Constituency Development Funds:

In 1995 the National Assembly introduced a "new innovation" to the financing of local development known as Constituency Development Fund (CDF). Under this initiative, the government allocates development funds on an annual basis to all constituencies under the control of the local MP.

In theory, the CDF was supposed to enhance local development. But in practice, it appears that its introduction was driven more by political concerns than economic considerations. Indeed, since its introduction many MPs have sought to divert the funds to projects that further their political careers to the detriment of other, more useful projects.

If central government were concerned with genuinely decentralising local development funding, it would have been desirable if the constituency funds were channelled through local councils.

This could have boosted the finances of local councils and enhanced their role in local development.

On District administrators:

introduction of the position of District Administrator in 1999 is one major reform measure that undoubtedly was driven by political considerations than

the desire to improve the administrative efficiency and effectiveness of local administration. Prior to the appointment of district administrators towards the end of 1999, there was no one at the district level that could be referred to as a political appointee representing central government.

The district administrators have supposedly been appointed to coordinate activities at the district level as the most senior civil servants at that level. They have, among other duties, taken over the District Development Coordinating Committees from the Council Secretaries or Town Clerks.

So far, all the appointments to the position of District Administrator have been made from the ranks of the party cadres of the ruling MMD. The activities of these political appointees coupled with the lack of specified minimum educational and professional qualifications for the position has lent credence to the view that the district administrators are merely the ruling party's watchdogs strategically placed to increase the party's chances of winning the 2001 presidential, parliamentary and local government elections.

Several district administrators, for example, joined the recent failed calls for the Zambian Constitution to be amended to allow President Chiluba go for a third term of office during the 2001 elections; this action by district administrators was viewed by many people to be partisan. Further, during parliamentary and local government by-elections many district administrators have been involved in campaigns, an activity that is not expected of a senior 'civil' servant. In fact, the Zambian Civil Service Regulations forbid civil servants from active party political participation.

Yet no district administrator has been disciplined for active involvement in party politics. This goes to show that district administrators were indeed appointed for political purposes and not administrative **concerns**.

[Unknown7 February 2009 at 15:00](#)

Were not finding the younger royals inform press of their roles. When do they take concern, not for their elders authority but their own influence for development?

* * *

Mukanga, Chola. "Ian Manning." *Zambian Economist*. 17 June 2008. Web. 10 Apr. 2017. <http://www.zambian-economist.com/2008/06/ian-manning.html>

Ian Manning: TUESDAY, 17 JUNE 2008

Sad developments in the case of [Ian Manning](#), who maintains several [Zambian blogs](#) and has contributed several times in discussions on this blog (e.g. [here](#) , [here](#) and [here](#)). Not sure whether the issue surrounding the deportation and the apparent whisking away from Zambia, is related to [this case](#). No doubt as and when Ian is able to blog, we shall hear more on this.

Update (17th June):

Many thanks to the anonymous reader who provided the following update on Ian and giving us further information on the Ian's continued struggle for conservation and against the corruption of ZAWA et al.

Ian called in from Joburg in the early hrs of Monday, dazed and exhausted and having been put out unceremoniously by the Zambian officials at the border at Martins drift, broke, cell phone confiscated, he eventually found a seat on a minibus full of Zimbabwean refugees back from a funeral in Plumtree.

He's ok and now that he knows about the granting of his injunction on Friday night(making his risky and traumatic journey pointless), he is itching to get back and fight for his business, Landsafe project and his dignity.

My sister, has just smsed to say permission has been granted for the lion

breeding scheme in Livingstone something Ian has led the battle against, only recently relieved by growing public support from the residents of Livingstone. I wonder if this caused the thug element hiding under Levy Mwanawasa's good name, to rush a decision on Ian when the immigration game has been going on for almost two years and has cost Mbeza a fortune for temp permits (at \$1500/month) not to mention the collapse of the hunting company through all the damaging publicity.

Or perhaps the guys who have just been awarded his confiscated hunting area are worried he will follow them all the way to the supreme court, or then again the bunch of non-cowboys whom Ian exposed illegally privatizing a the Mwape forest reserve or indeed the Legacy gang annoyed about their two Ha in Livingstone instead of the 200 they had bribed ZAWA \$9 mil for.

The list of crookedness Ian has tried to straighten out would make John Wayne look like the tea boy, a good record of his engagement can and should be found on his blogs starting with [victoriafallsheritage](#).

I am ashamed of how little I have helped him in his relentless quest for justice and fair-play for voiceless people, wildlife, habitat and the law, so I only hope other colleagues who distanced themselves from Ian feel a lot worse and make some sort of united moral stand and straighten up the tourism industry before Zambia loses everything of value to the greedy thieves. There are as Ian has pointed out many times enough laws to protect it, just a matter of if we insist on upholding these laws.

Comment by Chola Mukanga

Many thanks for this important update, which I have reflected in the main blog.

Please do provide us any further information on Ian when you get it.

1. [Chola Mukanga](#) 18 June 2008 at 19:11

* * *

Mukanga, Chola. "Securing Empowerment Through GMAs." *Zambian Economist*. 16 December 2009. Web. 13 January 2021

<http://www.zambian-economist.com/2009/12/securing-empowerment-through-gmas.html#comment-form>

Securing empowerment through GMAs: WEDNESDAY, 16 DECEMBER 2009

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

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

The paper does not explain how such "even distribution of gains" may be attained. It seems obvious that two things must at least be part of the solution. First, tackling corruption in Zambia Wildlife Authority (ZAWA) - see previous discussions [here](#), [here](#) , [here](#) and [here](#). Secondly, the revenue sharing mechanism could be reviewed with greater focus on infrastructure spend

which would have a wider benefit to residents. In that sense, infrastructure would provide a minimum floor of benefits for the people. This of course is easier said than done within the current corrupt operational framework of ZAWA. An added complication is that such an approach may also require pooling of resources across Community Resource Boards - not an easy task and likely to face opposition.

THEMES : [poverty](#), [rural](#), [tourism](#)

1 comment:

[FRIENDS OF LOWER ZAMBEZI \(Ian Manning\)](#) [17 December 2009 at 11:52](#)

Well, on the matter of just how well off or poor are the residents of GMAs – in

comparison to the poor of other rural areas, Messrs. Sushenjit Bandyopadhyay and Gelson Tembo in their May 2009 World Bank paper trail named, 'Household welfare and natural resource management [around National Parks](#) in Zambia' have gone over their former tracks as fellow authors of the 2007 paper by Hamilton et al (including the duo as co-authors) entitled "The real economic input of nature tourism in Zambia (NRCF), and as well for the June 2008 paper (Simasiku et al, also under the NRCF) and containing the names of the duo as co-authors of ' The impact of wildlife management policies on communities and conservation in Game Management Areas of Zambia'. Strangely, the duo does not have in their references the 2007 or 2008 papers, though they acknowledge the help of some of the authors. The 2008 study stated that the 2007 study confirmed that households were on the average better off in GMAs but that this was captured by the elite residents and the CRB/VAG members. The same 2008 study concluded that GMA residents were 30% poorer than the national average. But let us get back to the May 2009 paper by the duo.

They define GMAs as buffer zones around National Parks (not entirely true of course); and that they are areas where subsistence hunting is allowed (not

true). They refer to landuse in GMAs as having to submit to the provisions of management plans (what plans we ask?). They then refer to the 'Wildlife Conservation Revolving Fund as being in action (last heard of thumping to the ground with the rhino in the late 80s); and to the wide latitude of CRBs spending their funds (here the duo are right but for the wrong reasons: there is no official allowable latitude, it being laid down the percentage which has to be spent on community development and so on; however, the funds are trousered or not paid).

They found that the average household earnings in the 50:50 sampling of GMA and non-GMA residents, that the average income was K846,000 (about 50 cents a day). They also concluded that the Bangweulu and Luangwa GMAs were appreciably better off than the Zambezi and Kafue GMAs. Why this should be so when places like Isangano and Lavusi Manda NPs have been long denuded of their wildlife and with no safari hunting taking place is obviously a mystery. They did find that GMAs and their institutions (CRBs/VAGs) do not benefit the poor in the slightest and that there were substantial gains associated with GMAs and participation in the CRB/VAGS, allowing the 40% 'actively to take part in natural resource management' they say.

They do say the gains are unevenly distributed but make no suggestion of what to do about it. Has the World Bank got nothing better to say?

House of Chiefs I: Chola Mukanga

by Chola Mukanga

Chiefs and Politics - The Historic Lenses: 9 Feb 2009

The historic relationship between chiefs and politics has been fairly ambiguous. As previously noted in [this series](#) (January 2009), the legal position of chiefs has evolved considerably since independence. Prior to independence chiefs were critical components of the political and governance system. They were particularly instrumental to the pre-independence indirect rule structure, with Native Treasuries inadvertently providing a financial base that underpinned the struggle for independence. We have discussed these issues at length [here](#), and I do not wish to duplicate, except in so far as to note that in contrast to British colonial rule where the chieftaincy had a predefined role, successive Zambian governments' attitudes to chiefs appeared to have oscillated without a clear rationale or vision for the chieftaincy, in many instances struggling to balance between what's good for ruling party in

order to ensure it remains in power and the needs of traditional authorities and society at large. Depending on the issue at hand, the government has randomly moved between viewing the chieftaincy as rivals and treating them as potential instruments for their immediate objectives.

In the early period of the Kaundanian era, the relationship between chiefs and politics was largely negotiated through the House of Chiefs. This was the body that was formed immediately after independence as an advisory arm of government and served as a quid pro quo to chiefs for the powers they lost at independence – see [*Chiefs and the law in independent Zambia*](#) for further discussions. These changes were largely forced on chiefs and therefore it was no surprise that from their perspective, the House of Chiefs was regarded as unimportant and with little value.

We see evidence of this in three ways. First, the House of Chiefs was significantly stable with little or no competition among chiefs to preside over it. For example between 1968 and 1981, the institution was presided by Chief Undi. Contrast this with other positions of authority later in the KK era where Chiefs literally “competed” to assume power e.g. parliamentary office or local governorship. Secondly, the more prominent chiefs appeared to have shunned the institution prior to 1982. Among the paramount chiefs with pre-colonial regal and splendour, Undi was the only one ever to have been a member of the House of Chiefs. Thirdly and finally, the assent of Chief Nalubamba, a competent but lower ranking chief, to the chair reinforced the belief of many that the institution was toothless. It also signalled that government was more interested in what it defined as “progressive thinking” rather than meet chiefs as equals.

The UNIP government’s response to this apparent frustration by traditional leaders was to incorporate the Litunga and Chitimukulu, two of the nation’s most prestigious chiefs, into a much more powerful national political body, the UNIP Central Committee. This had the instant impact of reducing any value attached to the House of Chiefs. UNIP supporters argued through the

mouth piece of the Times editorial that this was a “*significant step to bring the chiefs in the main political stream, to turn them into nationalists rather than traditionalists*”. Veiled within that quote is the deeper distrust that many UNIP politicians felt towards the traditional leaders of the day. Clearly memories of chiefs’ pre-colonial rule as Native Authorities were still imprinted on their consciousness. We have touched on this issue under [*Chiefs and the law in independent Zambia*](#) .

However for many ordinary rural dwellers, the government’s supposed attempt to bring chiefs more to “the centre” smacked of a blatant drive to silence the last vestige of independent voices in Zambia. Many tribesmen viewed the co-option with significant resentment and it might even be said to have damaged the status of these leaders who not too long ago had refused to even sit in the House of Chiefs. Nearly two decades later another President was going to cause similar damage to the institution of chieftaincy by attempting to buy their support in exchange for political support to lengthen his stay in office. The truth probably lies in between. UNIP was certainly suspicious of traditional authorities, but they also saw them as a potential instrument of the state in quelling opposition to one party rule. In many ways UNIP’s ideological approach to chiefs was similar to the British colonial rule, except in execution. Whereas the British instituted local indirect rule UNIP preferred to use national structures to coerce the local populace. The other contrast of course is that whilst the British had a clear defined view of the chieftaincy, albeit an unfavourable one, the UNIP government appeared to oscillate without a clear rationale or vision for the chieftaincy.

The UNIP echelon was well attuned to the fact that with political opposition largely silenced, trade unions and the chieftaincy presented the most likely threats to the dominance of the One Party state. The KK motto appeared to have been one which sought to limit the number of opponents. They hoped to turn the chiefs into the eyes and ears of the one party state. In taking this forward, UNIP supplemented the MCC reforms with additional measures. For example, they expanded the scope for chiefs to become more

involved in political activities. The primary route for many chiefs was through becoming parliamentarians and governors. [Senior Chief Kapaula](#) has helpfully catalogued in his article the extent to which chiefs have proved “capable” in political positions, *“It may, however, be rightly pointed out that the late Mwinelubemba Chitimukulu Mutale Chitapankwa II accepted the appointment to UNIP’s Central Committee and that the late Senior Chief Nkula Chisanga was Chinsali District Governor. And also that the late Chief Mumpolokoso Mufimbana Bantu contested and won a parliamentary seat in that area”*.

Another UNIP initiative was to quickly move to institute the idea of “chiefs’ subsidies”. Chiefs were effectively put on a salary at the cost of the tax payer as another way to ensure they that they were part of government and at the beckon call of the state machinery. Again the parallels to the British system are not amiss. The chiefs effectively became employees of the state rather than self standing local institutions capable of determining their own destiny. It appears that from the “traditional perspective”, British colonialism had now been replaced with an hidden form of “state colonialism”.

There are many other areas, where UNIP extended its hold of traditional leadership, not least the beginning of government support and politicisation of traditional ceremonies. Chiefs were now becoming actively engaged in the political process , albeit without a clear defined role for them beyond serving the needs of the party in government. This momentum continued until the last days of the UNIP government.

The ascent of plural politics in the early 90s and in particular the institutional reforms of the MMD, diametrically altered the role of chiefs in politics. FTJ made two important initiatives. First, he suspended the House of Chiefs. The body was largely irrelevant when FTJ took over the reins of power, with the “winds of change” behind him and the growing emphasis on the role of marks, the Chiluba administration moved swiftly to ignore the chamber, with no clear explanation given. Secondly, the MMD government amended the existing constitution in 1996 and forbade the engagement of the chiefs in

politics. Following the Government White Paper on the constitution, the FTJ moved quickly to forbid chiefs from engaging in politics, a calculated move that was largely meant to prevent support by chiefs for KK who at that time was contemplating a come back and appeared to be gaining some support in rural areas.

In hindsight the decision by FTJ to bar chiefs from the political processes effectively energised traditional leaders as a “political force” to be reckoned with. It legitimised them into having political opinions rather than staying on the peripheral of national discourse and attending to the social needs of their areas. Evidence of this renewal is clearly seen when four years later in 2000, the chiefs reminded FTJ that they had not forgotten and now took a strong stand against FTJ’s bid for the third term. Indeed, it was during that period of 2000 that much of the “local bidding” for chiefs that have now come to characterise politicians’ approach to traditional leaders came to prominence. FTJ effectively went around bearing gifts and asking for endorsement for the third term. It is alleged that after [quiet meeting with Mpezeni](#), President Chiluba declared. *“I’m determined to fight on and win the battle against those [chiefs] opposed to my third term...”*. For the chiefs on his side, FTJ promised to furnish them with new motor vehicles provided they remained faithful supporters of his third term bid. Mpezeni is alleged to have agreed to mobilise other chiefs so that they could come back to Lusaka and surrender their loyalty on behalf of their subjects to his leadership. What is particularly interesting to note from this episode is that this was the first time that the idea of “vehicles for chiefs” was proposed. Not as a tool for development but as a mechanism of political corruption.

The FTJ bid was defeated by a coalition of civil society and traditional authorities and with it was much reduced support for MMD in the 2001 elections. Perhaps it’s the chiefs’ significant campaign against the third term and their general stand against the MMD in 2001 that led President Mwanawasa to adopt a more conciliatory attitude towards chiefs.

When LPM came to power, he quickly moved to re-open the House of Chiefs which had largely been dormant under Chiluba, in what many chiefs saw as an effort to rebuild the trust between traditional leaders and the MMD. In practice of course the House of Chiefs remained with little power to change things and many chiefs have bemoaned the lack of input. Recently, Chief Chiwala remarked that the House of Chiefs was *“a constitutional office and discusses national issues. We want to know why there is no response to our resolutions otherwise what is our contribution to national issues?”*. Another chief, Senior Chief Nzamane weighed in arguing that the House of Chiefs *“...should have been autonomous long before. We belong to all ministries in government. We must press that this House becomes autonomous but there must be a regulatory board to see the operation of the institution...”*. It is also worth noting that unlike during the early years of the KK era when chiefs shunned the House of Chiefs, increased coverage of House of Chiefs proceedings has given it some prestige and some chiefs have been very vocal. We shall return to this issue in later posts.

LPM was also adept at including chiefs in the national constitutional making process. When the Constitution Review Commission (CRC) process was set-up, a slot for chiefs' participation was reserved, which was roundly welcomed by the chiefs. Following on from that, government undertook to include Chiefs in the National Constitutional Conference. Eighteen chiefs are sitting on the National Constitutional Conference as representatives of the House of Chiefs. The merit of the NCC aside, it is notable that whilst the NCC is fairly unrepresentative of the people, by being largely dominated by politicians, chiefs were included in its composition by more than the provincial number. It is however apparent that the number of eighteen does not adequately replicate representation from all tribes and dialects. Perhaps more worrying is that coverage of the NCC thus far has revealed very little on the extent to which are effectively assert themselves on the proceedings.

As important as these initiatives were, arguably the most profound feature of the Mwanawasa era in relation to chiefs was the significant increase in

expenditure on chiefs without a clearly stated national policy on chiefs. Four key initiatives are particularly noteworthy.

First, the government embarked on significant electrification of chiefs' palaces, a process that still continues under President Banda. Under the Mwanawasa administration many chiefs' palaces were electrified either through the national grid, kinetic energy or solar power. It goes without saying that such measures did not extend to their subjects.

Secondly, the Government initiated the purchase of motor vehicles for chiefs in the country under the loan scheme, with the money recouped from. Mwanawasa was now taking the Chiluba idea of "vehicles for chiefs" and selling it to the public as a critical ingredient that would empower chiefs. For the record the chiefs have been calling for such measures, most notably Chief Nalubamba. The program itself appears to have ballooned. Initially the target was to procure 150 motor vehicles, but this has now been increased to cover 136 additional chiefs in the country. The motivations for these expenditures are unclear, perhaps even more unclear was the extent to which LPM was driving the agenda or merely responding to the pressure from chiefs. There are certainly signs that of significant lobbying from chiefs perhaps as their *quid pro quo* for supporting government. For example it is interesting that many chiefs directly associated the purchase of vehicles to President Mwanawasa as opposed to evolution in well thought out government policy. For example Chief Mumena is on record as having said the purchase of motor vehicles for chiefs would not have materialised had President Mwanawasa not authorised the exercise: "Initially, it was planned that only 36 motor vehicles would be purchased, but we asked the President and that is how Government increased from the initial 36 to 150 motor vehicles...". It remains a matter for debate, but it was obvious that the significant expenses appear to have presented both the Mwanawasa / Banda administrations and chiefs in a win-win position. Questions of course remain on whether this represents effective governance that benefits the rural populace.

Thirdly, the Government widened the role of chiefs in mining by taking some deliberate measures to allow chiefs who were interested in mining to get mining licenses so that they could engage into mining activities. Chief Chizela was among the earliest to take advantage of this when he entered a lucrative deal with Mayfair Mining & Minerals. Other chiefs who have not been directly involved in mining generally received greater support from the Mwanawasa administration in terms getting royalties from investors who have invested in their respective chiefdoms. We shall discuss more of these issues in later posts on “Chiefs and Economic Development”.

Finally, the Mwanawasa period also saw significant increases in subsidies to chiefs. At the time the House of Chiefs was re-opened, the lowest subsidy chiefs are said to have been getting is K200,000 which has since been increased to K1 million, representing a five fold increase. In practice of course, many chiefs have bemoaned that they are rarely paid these subsidies on time

For their part, the grumble of some chiefs is not only restricted to late payments of subsidies. Many chiefs especially in Luapula and Northern province never saw eye to eye with LPM, largely due to how LPM pursued FTJ in the plunder cases. Other chiefs were equally disappointed with what they saw as the government extreme response to land wrangles. In response to the many disputes the then Local Government Minister Silvia Masebo continually threatened to “de-register” chiefs at logger heads with each other over land. Under the Chiefs Act (1965) the President possesses the power to withdraw the recognition of a chief, senior chief (etc), and with that the associated subsidies. The continuous threats to de-register chiefs was met with wide disapproval and appeared to be inconsistent with the Mwanawasa government earlier advice against playing politics with chiefs.

Some chiefs were also equally dissatisfied with the failure of the government to deliver what it had initially promised from inception - a new chiefs draft policy. It appeared the lure of having chiefs at your beckon call overtook the needs for a coherent framework that lead to long term relationship between

chiefs and politics. The new government of Rupiah Banda has not articulated a policy on chiefs and in the recent elections appears to sideline the issues while the opposition promised a deeper role for chiefs. It is unlikely that the situation will continue, for the momentum that chiefs gained in the Mwanawasa era appears unabated. Chiefs have become vocal, as political and economic, economic and social forces converge. In return the public have started to debate role of chiefs in political life, as far as it relates to contentious issues that affects everyone, not least whether it is correct that tax payers money should be spent on refurbishing their palaces and buying luxury cars.

In the next blog, we shall examine the extent of the chiefdom resurgence, the reasons for its rise and what if any, it tells us on what the role of chiefs might be in the future. A full list of the topics which are being covered in this series can be found [here](#).

Post a Comment On: House of Chiefs

[“Chiefs and Politics - The Historic Lenses”](#)

10 Comments - Show Original PostCollapse comments

9 Feb 2009

[Unknown](#) said...

Cho, In my quest for rural welfare over the years I have sat with over 60 chiefs around the country in discussion of various developments and consider some true friends. It is certainly more rewarding than sitting around with bunch of back-stabbing politicians so naturally I am often puzzled, sometimes shocked at the attitude of many urbanized Zambians towards their Chiefs. Perhaps they remind us of a past we have been conditioned to forget by his master's voice. Anyway, with the exception of some old rogues and a few frustrated younger drunks, I believe our Chiefs offer the greatest hope to weld the two Zambia's together and I really appreciate your efforts to give them a voice. We are all following your drift. Well done sir.

10 February 2009 at 10:57

Rolfshenton said.

Thanks!

Like you, I have thought long and hard about our predicament and I have concluded that there's no effective solution to our problems unless we find ways of dealing with the question relating to chiefs. It is the unanswered question from colonialism and perhaps its at the root of much of Africa's failure to develop. In my view, the choice is either to dismantle the structures or find some way of realigning them within the development process, in a way that cuts out the current inefficiencies.

Ultimately this requires a debate that encompasses not just ordinary Zambians or politicians but chiefs themselves. How do chiefs actually see themselves? How do they want to be integrated in development? Its my hope that these are sorts of questions we can track through this blog.

10 February 2009 at 22:36

[Unknown](#) said...

Cho

Chieftdoms are the missing link. No country has ever been built from the top. As you say, the creation of the state of Zambia by colonial intervention circumvented the evolution of central government from the bottom up and I believe created fertile ground for a predatory patrimonial elite class now disconnected from the majority. Donor aid has in its haste and intensity to help and by virtue of its inherently and (hopefully) inadvertently racist approach (confirmed by the persistent adverts of the poor kids needing help all over the west), merely complimented the cycle by reducing the need for the national leadership to be accountable to the citizenry. Governments do not need taxes from the electorate and can therefore afford to ignore demands for services. We have two Zambias!

On the ground, the African consensus democracy, as evolved through millennia, continues by necessity and it is no surprise that chiefs (in-council as his honour the brilliant Senior Chief Mwamba Kapalaula II so ably describes) are very much in the front line in dealing with the every-day affairs of rural people, from school PTA conflicts to marriage and divorce, settlement and land administration, resource management and foreign investment, planning and development, culture and integrity etc....duties humbly performed without the necessary capacity, skills, support or reward and thus understandably below par with modern expectations. This forces farmers and resource managers to drift to urban centres to survive the crumbs that fall off the big man's table, undermining everything sensible- enter the poverty cycle.

Its never too late to fix, this customary consensus structure is clearly the system that people are used to, understand and trust (above the state model which only offers one opportunity of expression every five years) so it is surely logical to build from it an effective local government base from which the rest can evolve. For me it is obvious where the chiefs should be- right where they are now with their "subjects" (a poor translation?!), sending accountable well-chosen leadership up the ladder to serve.

Devolution need not be too complicated, sudden or expensive and does not in any way need to replace or threaten the State structure but merely inject the genius of consensus at the bottom where it is needed. The genius will follow upwards to the central government as it does in all good democracies.

I assumed this inclusive integration process is what we were embarking on in 1991 and quickly engaged my energies into practical implementation but unfortunately the MMD vision was quickly hijacked. Landsafe is a desperate attempt to slow the rot but an even more holistic approach would be preferable.

True patriots might see this as Zambia's only salvation from the current wholesale submission to foreign domination which I suspect is what is making

the nation so convulsively sick. HIV/ AIDs....huh!... of the cultural soul perhaps.

Comments

Muchinchi Mukwai

11 February 2009 at 11:30

rolfshenton said

I think you hit at the main points!

I have always found it instructive to contrast Botswana and Zambia in these matters.

One thing that is certainly striking about Botswana is that historically it appears to have benefited significantly from having indigenous political institutions that put restraint on Tswana chiefs and POLITICAL ELITES and in the 19th C the Tswana chiefs engaged in a quite successful process of defensive modernisation which strengthened these institutions. Significantly, these institutions were not undone by the impact of colonialism. So around independence time Botswana basically emerged with political institutions that already had checks and balances on POLITICAL ELITES. This was important for security of property rights and governance. As a result the economic institutions were good.

Zambia on the other hand, not only was the colonialism more “extractive” than in Botswana, but the multiplicity of tribal actors made it difficult for traditional figures to emerge as post independence rulers who would engage in gradual modernisation and harmonisation with central structures. The “new masters” led by KK saw the tribal leaders as a “threat” to national wellbeing.

I am intrigued by your suggestion that *“Devolution need not be too complicated,*

sudden or expensive and does not in any way need to replace or threaten the State structure but merely inject the genius of consensus at the bottom where it is needed". Just how would this minimal injection occur? I note you have already suggested the Landsface model is perhaps inadequate.

12 February 2009 at 00:54

[Unknown](#) said...

Yes, culture is referred to as the "integrated system of socially acquired values, beliefs, and rules of conduct which delimit the range of accepted behaviours in any given society" and must therefore be in an ever evolving state. The value of the chiefdoms as custodians of culture will keep being tested as their members adopt modern values and aspirations and if they fail to move with the times they will become history. Botswana's integration is certainly impressive though perhaps not catering for all minority groups. Zambia can do better!

So far government has allowed chiefdoms to retain custodianship of land but only by a thread- Chiluba was very keen to remove this "privilege" in 1995 and won't be the last to want to "democratize" all land for state development. The World Bank pressure is always there. In high density settlements, government will have to enter land for municipal planning as is happening in the Mfuwe area where a massive influx of opportunity seekers has created an informal, unplanned town and overrun the customary authority. All over the country land has been demanded for development of farm blocks, conservancies and infrastructure. Will existing customary tenure always be secure under the present vague arrangement? Surely not with a central administration which has proved so predatory? I believe the challenge for Chiefs and their councils is to initiate a process to secure it.

The details of land holdings under customary tenure are mostly kept in the memories of headmen and councillors and although this seems to have worked fine for time immemorial, the increased burdens of administration placed on the customary authorities coupled with the exploding growth in population, increased migration and higher incidences of premature deaths surely make oral record keeping vulnerable.

I believe it would be prudent therefore for Chiefs to initiate a process of mapping and recording the details of existing tenure with a view to maintaining a Chiefs register similar to the parish registers introduced in Britain under similar circumstance. For this first inventory phase Chiefs could engage the help of surveyors (government or private) and use GPS or cadastral technology which is cheap, easy to use and adequately accurate if complimented by the same physical descriptions used in oral records. I have no doubt that the relatively modest budgets required could be raised, though sponsors might require some form of NGO to administrate the funds.

Once this basic inventory is done the great opportunity lies in the discussion of what to do with un-settled land. If this debate is opened up to all the subjects of the chiefdom perhaps including those who are no longer resident in their villages the exercise will take on the form of a holistic land use plan. Questions will naturally arise over how much land is needed for future generations, rural re-settlement, common usage, conservation of other species and habitat, outside investment and for schools, clinics, recreation, roads, power-lines and dams and how will all this be managed. Consensus will slowly but surely emerge and, if facilitated well, should help develop a cohesive vision for the future.

I think it is at this stage that Landsafe or similar models may be critical in focusing all the split resource authorities into one stable local government at chiefdom level. More on that later perhaps.

Sorry to take so long to respond, takes time to boil down and de-congest 20 years of working on this!

13 February 2009 at 10:04

rolfshenton said

A “doomsday book” style compilation would be a good start. As you have explained the digital led inventory would allow chiefs to be more aware of their land and how much has been left unallocated. Of course we remember that William the Conqueror was interested in how much taxes he could levy and so forth...so chiefs face slightly narrower incentives.

Such an exercise would also serve to eliminate some of the boundary disputes that we have seen. I have remained puzzled why the 1950 boundary maps have not been digitalised by local government and made widely accessible to people.

There's much to be gained from the chiefs knowing how much resources they have at their disposal....not only in terms of the land but that which sits underneath...

But I fear that the problem we have at the moment is one of weak incentives. I do not think it is interests of GRZ to initiate such a comprehensive process that provides further information chiefs. The issue therefore is how such a feat can be accomplished? In theory chiefs should be able to sit down and do this inventory....the question is why chiefs don't do this already..I suspect its the "narrower incentives" I have suggested above...chiefs either are ignorant of the benefits of such an undertaking or the benefits are not immediately discernible..paradoxically, the rise of mineral and oil prospecting is now pushing them to care more about the land....perhaps now they would immediately jump to the idea.How that then gets translated to an effective local government system...would be the next challenge...

14 February 2009 at 20:00

[Yakima](#) said...

Rolfshenton,

You make some excellent points as to the shortcomings of the current institutional framework as well as a practical outline for moving forward. I am curious as to whether the current proposal by the Gates Foundation to fund soil testing of every hectare of African farmland over the next four years might be leveraged into also producing more accurate mapping of at least the portion of customary land currently under cultivation. After all, how can they promise to test every agricultural hectare if they do not first determine where every hectare is (and which ones are "agricultural")? Presumably they

also intend to communicate the results of the testing to the leaseholder of the land in question, in which case they will have to establish somehow who that is, or else publish the data in map form in such a way that leaseholders can identify the relevant results for themselves. Either way mapping gets done and leaseholding clarified at least somewhat.

17 February 2009 at 00:45

[Unknown](#) said...

Cho, I think in chiefdoms where initiatives have been implemented predominantly wildlife areas so far, the incentives for structuring are proving good. Chief Mpumba in Mpika gave the Mpumba Conservation Trust 8000 ha which was finally titled last year with caveats; they can't sell or mortgage, the land use is for conservation activities only and if the Trust dissolves the land reverts back to the Chief's custody. This process was ground-breaking and took over seven years to get through Ministry of Lands causing the project loose steam, but never-the-less WWF set-up funding provided the community with opportunities for a series of workshops to develop a vision for the future and now they are able to attract interest and investment from a variety of sources including most importantly investment partners. Much more civic development can be hung on such a project compared to what trickles down through government. Wildlife Conservation Society have used agriculture co-operatives to achieve a similar capacity building in Lundazi and African Wildlife Foundation is helping set up several Trusts in southern province. Chieftainess Chiawa has integrated her Trust with all sorts of investors in her area and provided her people with powerful protection against predation. Basically all we're saying in Landsafe is that alienation is not necessary. By the way, I perceive an increasing need for good independent Trustees for these Trusts and see a big role for folk in the diaspora to play here. Also reciprocal Trusts overseas would be useful in policy guidance and fund-raising apart from the benefiting of connecting with one's home village.

Once a stable ownership structure that can issue usufruct rights is in place the door opens wide- farming, game ranching, tourism, forestry and fisheries and I have never understood why locals claim no cut from mineral royalties (it's the norm for communities to take 50% of wildlife incomes).

Recently, in considering how to build a new high-speed railway line to ensure Zambia/ DRC copper reaches the coast efficiently, it occurred to us that if all the chiefdoms on the way had their land secured in registered Trusts they could lease out the land for such a venture to the developers in return for a shareholding, thus providing a permanent direct source of funding for development.

Yakima, I agree the Gates crowd definitely worth a go but the initiative would have to come from the Chiefs and customary land owners themselves. Either way, I am confident that funding could be found for this project from a variety of sources including direct subscription from well-wishers overseas.

Cheers

Rolf

18 February 2009 at 13:25

[Unknown](#) said...

correction: WCS is using marketing companies, not co-operatives in E.Prov, focusing on alternative incomes hanging various civic projects on that.

18 February 2009 at 13:50

[Chola Mukanga](#) said...

Rolf,

Very interesting!

I have now uploaded Ian Manning guidance on Landsafe. It would be good to get more up to date "case studies" of success, along the lines you have presented.

I hope this blog can keep track of these.

I very much agree that the scope for the diaspora in these trusts is immense. Certainly funding such initiatives shouldn't be too expensive.

22 February 2009 at 19:34

Traditions Vs Human Rights, 2nd Edition 22 May 2009

[The Human Rights Commission](#) have resumed their charge that 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.

21 June 2009

Chiefs and Elections Fever (Muchinka)

A more complicated intervention from Chief Muchinka this time round than was reported earlier in the week (Ref) . Excerpt from [this Post article](#):

Chief Muchinka of the Lala people of Central Province has said the MMD will not bribe their way to victory in the Chitambo parliamentary by-election due to be held in August. In an interview at his palace in Chitambo constituency, chief Muchinka (left) said desperate last-minute developmental efforts in the area would not help the MMD because people were now clever.

"They started working on Chansa Road when they heard that the Vice-President would be coming. We chiefs and subjects complain. The vehicles never used to move freely on that road because it was full of stones. But they started working on it when they heard

that the Vice President [George Kunda] would be coming,” Chief Muchinka said. “That won’t help them because people are clever that they have done this because of elections. Why didn’t they do this before the votes?”

Chief Muchinka bemoaned the poverty in his area, saying people lived as though they were forgotten. “People themselves know that they [MMD government] are doing this because of votes. Immediately they are voted for, they run away,” he said.

On the adoption of candidates to contest the seat, chief Muchinka said he would only support candidates who stayed in the area. He said the people would not vote for a foreigner. “Here we are behind, there is no development,” chief Muchinka said.

It does appear that Chief Muchinka is not fully sold to the support of MMD contrary to the reports from the Government owned ZANIS as [blogged here](#). The Chief has raised three key points other chiefs have raised. First, the lack of a coherent land policy that recognises the need to ensure chiefs are central to such allocation. It appears there’s also an issue over the status of the land, with Chief clearly of the view that customary land is being taken without consultation or permission. Secondly, the toothless nature of the House of Chiefs. This continues to be an important issue and one we are tackling with in the [blog specials on chiefs and development](#). Thirdly, the traditional perspective on an “ideal candidate”. Chiefs are now emphasizing more the need to have a greater choice over who represents them, rather than support candidates imposed by parties from outside. I wonder the extent to which their ability to leverage more pointed influence in this area is stronger during a bye-election than a national one. Its clearly the case that during national elections, more coordination among chiefs is necessary to push their agenda e.g. more adoption of candidates loyal to the local areas. Of course the solution would be to change the electoral system and allow local open primaries for choosing candidates across parties - then chiefs would really have an influence. More on this in the future as part of our series on Chiefs

and development.

Fighting deforestation: 1 June 2009

Chief Kalunga of the Luchazi people of Kabompo district is concerned about the the high levels of deforestation taking place in his chiefdom attributed to practice of shifting cultivation. The chief would like government to take action and *“stop the bad practice of shifting cultivation before the entire natural forest is destroyed”*. According to the Chief shifting cultivation impacts not only only on forestry management but also on wildlife, citing baboons which he said would become extinct if nothing was done to prevent the destruction of trees. More detail [via Times of Zambia](#).

Chief Inyambo has previously touched on this issue - see [On Infrastructure, Tourism and Deforestation](#). Additional commentary on the *Zambian Economist* - see [Tackling Rural Deforestation](#) and [Where Rivers Run Dry](#).

Knowledgeable Chiefs: 29 APRIL 2009

[Chief Macha](#) has urged government to train Traditional leaders and their retainers (messengers) to become knowledgeable on legal instruments on traditional leadership. According to the Chief most chiefs are ignorant about various pieces of legislation that they were supposed to administer with unpleasant consequences :

"I have fear that one day, our subjects will drag a chief to court because we make serious decisions whether right or wrong which hinge on peoples' rights. We need to be oriented to the chiefs' Act, Messengers Act and several others that we administer," he told the Minister.

He said the need for chiefs to be acquainted with basic law and other legal instruments is to save them from embarrassment because they preside over serious matters in their chiefdoms for which some of the aggrieved subjects could drag them to the courts of law.

"I must confess that some of the decisions we make are illegal because we do them out of ignorance. There is danger that some subjects can sue and a chief will be dragged to court because he is not above the law," he said.

There's an interesting question on why Government has not done this already. More knowledgeable and literate chiefs would undoubtedly be useful for development and can contribute significantly to the nation in many other areas e.g. fighting HIV, rural protection, etc. Unfortunately, they would also pose a direct challenge to government in the way it manages the nation. Its probably not accidental that the Government does not offer free educational courses to chiefs, its probably out of fear!

"Knowledgeable Chiefs..."

1 Comment - Show Original Post

1 – 1 of 1

[FRIENDS OF LOWER ZAMBEZI](#) (Ian Manning) said...

How right Chief Macha is: for a Chief to be seen to be embarrassed by his subjects results in a loss of face for the chiefdom as a whole, a very serious issue. But it goes far beyond mere risks of statutory transgression with messengers or with subjects concerning traditional duties. There is the matter – as Cho

points out - of the Government batteries firing legislative shells into the outer customary darkness, masumbas lit by the shrapnel of statutory instruments without end. It is bewildering, frightening, and hampering rural development and weakening the role of chiefdoms as the repository of culture and religious life. And the land, seemingly the fortress of traditional life, of customary law, and defended as it is by the Lands Act of 1995, is contradicted by sections of the Wildlife Act of 1998 in respect of the Game Management Areas which were placed in 1971 on customary land, supposedly for the people's benefit. And the Lands Policy sits becalmed. And the renewable natural resources which fatten on the customary land remain as the King's deer, ever out of reach of the people, true guardians of the chiefdom commons. And should they wish to receive some benefit from such wealth of resources - instead of the plundering of their crops, the criminalization of their livelihoods - chiefdoms would need to have the fire support of a battalion of pro bono lawyers to see how their land could provide for them. For this requires a knowledge of the prescriptions of the Fisheries Act Chapter 200 of the Laws of Zambia of 1974 and the Fisheries (Amended) Act of 2007, The Forestry Act No. 39 of 1973, Forestry Policy of 1998, the Forestry Act No. 7 of 1999, the Local Forests (Control and Management) Regulations, Statutory Instrument No. 47 of 2006, the Lands Act Chapter 184 of the Laws of Zambia of 1995, the Water Act Chapter 198 of the Laws of Zambia of 1948, the Zambia Wildlife Act No. 12 of 1998, and many other bills and statutory instruments still lying in the armoury. And much perseverance is required to knit them together in some sort of organic and holistic whole where, supported by statutory institutions, they may truly serve the chiefdoms.

Traditions Vs Human Rights?: 17 APRIL 2009

A row broke last week between some Chiefs and the Human Rights Commission (HRC). The HRC had earlier released a statement that traditional leaders were violating human rights of their subjects, which sparked a quick response from the Chiefs who claimed that the subjects that had complained of mistreatment were themselves indisciplined and often evaded their “responsibilities” in the name of “human rights”. At the surface this appears to be the classic case of the subjects knowing their rights but not their responsibilities :

Chiefs angered by Human Rights Commission, Salome Matantilo, The Monitor & Digest, News Report :

Some Chiefs have protested against the statement by the Human Rights Commission (HRC) that traditional leaders are violating human rights of their subjects. Speaking in separate interviews, the Chiefs claimed that the subjects that had complained of mistreatment were themselves indisciplined.

Senior Chief Mwamba of the Bemba people of Kasama district in Northern Province has since challenged the HRC to educate people in rural areas on human rights issues to avoid subjects claiming that they are being abused by traditional leaders. Chief Mwamba said people that were complaining that Chiefs were mistreating them were indisciplined.

Last week, the HRC expressed concern over the increased number of cases reported on Chiefs abusing their subjects. But Chief Mwamba said it had become common for people in chiefdoms to refuse to perform certain duties claiming that they knew their rights. “Those people are indisciplined. The problem is that the Human Rights Commission does not explain what human rights mean,” he said.

He explained that Chiefs were at times forced to act because some

of their subjects refused to do even simple tasks claiming that they knew their rights. “At times you tell them lets make bricks for the construction of a clinic but they will tell you they know their rights and they will refuse to work,” he said.

Chief Mwamba said people should realise that apart from respecting human rights, subjects have certain responsibilities and obligations to meet within their communities.

The Chief said gone are the days when people relied on government for everything because people had to take responsibility for their communities. “The Human Rights Commission should come and explain things properly. Are human rights there to stop people from contributing to community work?” he asked.

And Chief Jumbe of the Kunda people of Mambwe district in Eastern Province said in a separate interview that in some cases subjects mistook community service for abuse of their rights. He said according to tradition, subjects are required to perform certain tasks such as cleaning the palace of a chief. “In some cases it’s just the issue of old traditions. For example, when the palace is dirty and you ask people to clean it, is that inhuman treatment?” he wondered.

He said the HRC needed to educate people on human rights because they seemed to lack information on the subject. “Information has not trickled down to the people and I have been appealing to the Human Rights Commission to educate people on human rights. Some of these people shun developmental projects and they even refuse to help in the building of a school. Are those also human rights?” he asked.

But Chief Mwanachingwala of Choma district in Southern Province

said in some cases old traditions conflicted with human rights. He could however not explain further, saying he does not know the specifics of the issue that the HRC had raised.

“In which way are they being abused? If it is true then it is just the issue of some traditional leaders still practising old traditions,” he said.

Last week, the HRC said cases of subjects complaining of unjust treatment by traditional rulers who include chiefs, their indunas, headmen and in some cases chief’s retainers were becoming prevalent. While acknowledging the important role that the traditional leaders play in the governance of the nation, the HRC warned that no one was above the law.

“Traditions Vs Human Rights?”

2 Comments - Show Original PostCollapse comments

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FRIENDS OF LOWER ZAMBEZI (Ian Manning) said...

The Human Rights Commission, even with someone with the wide knowledge of Palan Mulonda at the helm, has a difficult job in charting the waters of customary law and tribal custom. The HRC delivers the message from foreign, and perhaps universal, notions of human rights; the customary authority on the other hand is there to knit its subjects into a society where the primary concern is equilibrium, the continuing necessity of the quid pro quo. Failing ‘give and take’, discontent is inevitable, something which African culture avoids. The notion of universal human rights, thoughtlessly implemented through statutory law, threatens this tribal and clan unity, an extremely serious issue. But then some chiefs have, and continue to, grossly violate human rights, the Government turning a blind eye to it. In the recent case of Senior Chief Luembe of the Ambo – now agreed to be removed by the House of Chiefs and the President - allegedly criminal human rights

violations led in part to the removal of his stamp a few years back, but later given back to him over the heads of custom. Here the Luembe Ambo were not protected by the state from a chief clearly not fit to rule, although he will be remembered for his initial support for the Landsafe Chiefdom model.

The HRC would be advised to work closely with the House of Chiefs in this matter (sadly, they are merely an advisory body it seems, and not an Upper Chamber, something long called for), for tribal groups have differing notions of duty and economic and social reciprocity to that of the West. It is what ensured their survival.

18 April 2009 at 10:55

[Chola Mukanga](#) said...

Interesting observations.

I am wondering whether the Bill of Rights is the appropriate vehicle because within it it guarantees both the cultural and human rights.

As I hinted, it strikes me that at the heart of the debate, the problem is how one ensures that people are aware of both their responsibilities and their rights.

21 April 2009 at 23:50

Our Land, Our People: 15 MAY 2009

The House of Chiefs moved this week to push Government to review the Land Act 1995. Among the measures chiefs are interested in returning unutilised titled land to customary tenure, put in place measures to stop land speculation and provide legal force to land certificates issued by chiefs (titling) :

Chiefs want idle land returned, Yande Kapeya, Daily Mail, News Report :

The House of Chiefs has unanimously adopted a motion to urge Government to return unutilised titled land to customary tenure and put in place measures to stop land speculation. The house, which is chaired by Chief Mumena of Solwezi agreed on the motion after it resumed sitting yesterday.

Chief Shaibila of Mkushi moved the motion while Chief Hamusonde of Monze seconded it. Chief Shaibila said land is a sensitive issue which should not be sold but rather vested in traditional authorities. He said it is saddening that some investors and individuals who own huge pieces of titled land have not fully utilised it adding that others usually use it for speculative purposes.

Chief Shaibila said a law should be passed to review the Land Act and policy adding that it should be made clear that land is not for sale but rather for all Zambians. "Land is a very important issue which should not perpetually be invested in individuals or the Ministry of Lands but rather traditional leaders as they are able to preserve land for future leaders. Government should in future make it clear that land is not for sale but rather for people to develop. People who have huge portions of land should not use it for speculative purposes, where they sub-divide and sell part of it," he said.

Chief Nsamba of Samfya said it is only logical for Government to repossess titled land which is idle and hand it over to traditional leaders. "There is no need for us as a country to give people land when they can not develop it. The same way Government repossess land which some individuals fail to develop, it should apply in our various chiefdoms where land is lying idle, it should be given back

to the chiefs,” he said.

Chief Nkweto of Chinsali said land is a contentious issue, which should be preserved for posterity. “If we are not careful as a country, in a few years to come, we shall have farms covering the whole country and chiefs will squat from there,” he said.

Chieftainess Nyakuleng’a of Zambezi said untitled land must be reverted to customary and allow traditional leaders to take over as they are able to look after it in a dignified manner. “Traditional rulers are usually careful when giving out land as they have the concerns of the people at heart,” she said.

And the traditional leaders have appealed to Government to recognise certificates of ownership issued by chiefs on traditional land. In a motion moved by Chief Shaibila, the chiefs unanimously agreed that letters or certificates of ownership of land issued to subjects by chiefs should be recognised by Government.

Chief Shaibila said it was of grave concern that some people in rural areas have been moved from their land on the basis that they do not have legal documentation. mHe said people in rural areas should be given security of tenure to own land adding that Government should honour the certificates issued by traditional leaders.

“At the moment, people in villages do not have security of tenure of land and usually they are at risk of being removed by outsiders who obtain title deeds from Government. The same way Government recognises the letters we issue to certain investors, they should do like wise to our subjects so that they can be secure where land is concerned,” Chief Shaibila said.

Chief Anananga Imwiko of Lukulu said majority of people in the

country live on traditional land and that no one should be allowed to move them out.

Chief Nzamane of Chipata said the certificates which traditional leaders issue to their subjects should be accepted by Banks as collateral to enable them borrow money. "It's a known fact that most people in rural areas are too poor to develop land and so Banks should allow them to borrow money as they can use the same papers as collateral, the same way titled deeds are accepted. The certificates by traditional leaders are accepted in Ghana and South Africa and so I see no reason why this cannot be done in this country," he said.

And Chief Kashiba of Mwense said recognising the certificates issued by traditional leaders will give them the honour and power to control customary land.

[The Zambia Land Alliance](#) echoed these calls earlier in the week calling on the the National Constitution Conference (NCC) to adopt a clause in the Constitution that will adequately address issues of customary land in the country :

In an interview, Machina said it was important that customary land rights and administration system were strengthened and protected by law. "It is important to protect and equalise the rights of Zambian citizens especially poor weak women in the country,"Machina said.

He said the NCC members should adopt clauses on land matters because the Constitution must encompass democratic avenues in the provision of land. "At national level, they should be a board that should democratically allocate land to the citizens equally,"Machina said. "Not the current situation where an individual has been assigned to give land, these are laws that the NCC are supposed to

amend in the Constitution as they will help achieve transparency in allocation of land in the country.”

He said the proposals made by the ZLA were important because the Constitution was a supreme law of the land and therefore it needed to protect the running of land systems in the country. “At present, the chiefs enjoy legal recognition in their capacity as traditional leaders, but do not have legal rights as an institution to administer land,” Machina said. “This means that customary land under their custodianship is weakly protected.”

He said if the NCC adopted a clause on the administration of customary land, it would give traditional institutions legal powers to allocate land. “This National Constitution Conference should adopt this clause in recognition of the need to tackle poverty in rural areas, the traditional institutions should be given legal powers to administer land through transparent, accountable and well-structured arrangement accessible at all local level,” said Machina.

More discussion on land related issues can be found at the [Zambian Economist](#) including a recent post on [land tenure, titling and access to credit](#).

Plundering or harvesting the chiefdoms of Zambia? (Guest Blog)

3 MAY 2009

Today, 3 May 2009, The Post carries [a message from the ZAWA D-G](#) that the ZAMBIA Wildlife Authority's hunters will next month start killing game animals on that part of customary land designated Game Management Area, to supply butcheries. This decision follows hard on the speech to Parliament on 17 March 2009 by the Minister of Tourism, Environment and Natural Resources that *'ZAWA will this year start implementing a number of additional programmes aimed at increasing its revenue base. These programmes include a live sale auctioning of game; participation in the capture of animals for local and international game ranching; venison business by curling of abundant species to supply game meat in butcheries so that members of the public can have access to game meat'*

ZAWA, a parastatal responsible for our wildlife and national parks, is now clearly in the game business. But is this not in conflict with its mandate under the Wildlife Act of 1998 to enhance *'the economic and social well-being of local communities in GMAs'* and *'in partnership with local communities, to share the responsibilities of management in GMAs.'* For the wholesale revenue from this cropping programme will accrue to ZAWA alone. If they were to be concerned about the customary landowners they could just issue harvesting quotas to the villagers and their Community Resource Boards as is allowed under Part 3: (7) 2b of the Wildlife Act of 1998. The issue of whether GMAs - most of them sorely depleted by the illegal bushmeat trade - can stand additional offtakes, is debatable. And the cropping of animals in GMAs will negatively impact on the already beleaguered safari hunting business, let alone on the villagers who live off the land.

The Minister needs to be made aware by her newly appointed ZAWA Board that Zambia is a signatory to the CITES Convention, which at its 11th meeting of the Conference of the Parties (Decision 11.166), established the CITES Bushmeat Working Group which recognizes that *‘illicit trade in bushmeat increases poverty and the food deficit among rural communities which use bushmeat as their main source of animal protein.’*; and that *‘The Conference of the Parties to the Convention advised all relevant Parties, amongst a list of important requirements to clarify or establish property rights regarding CITES-listed species harvested, traded and consumed as bushmeat and to involve local communities in the monitoring of harvest, trade and consumption; and identify alternative sources of protein and take other measures to reduce the demand for bushmeat ... ’*

Of course many of the animals proposed to be harvested will not be CITES – listed, though 20 elephant a year have been issued for hunting by ZAWA for a number of years, despite the protestations of civil society. But the impact on rural areas of unsupervised hunters with a license to kill at will and with a legal butchery outlet where ‘legal’ and illegal meat can be laundered is a sad step backwards both for wildlife conservation and for the customary commons.

Chiefs need to be made aware that a community Society registered with the Registrar of Societies, a wholly community-owned institution, may enter into co-management agreements with Government over GMAs, wildlife, fisheries, water and forestry, in conformity with the prescriptions of the Fisheries Act Chapter 200 of the Laws of Zambia of 1974 and the Fisheries (Amended) Act of 2007, The Forestry Act No. 39 of 1973, Forestry Policy of 1998, the Forestry Act No. 7 of 1999, the Local Forests (Control and Management) Regulations, Statutory Instrument No. 47 of 2006, the Lands Act Chapter 184 of the Laws of Zambia of 1995, the Water Act Chapter 198 of the Laws of Zambia of 1948 and the Zambia Wildlife Act No. 12 of 1998.

Chosang’anga (Ian Manning)

(Guest Blogger), Zambia

[“Plundering or harvesting the chiefdoms of Zambia? \(Guest Blog\)”](#)

2 Comments - Show Original PostCollapse comments

1 – 2 of 2

[MrK](#) said...

ZAWA, a parastatal responsible for our wildlife and national parks, is now clearly in the game business. Just a note, but the Zambia Wildlife Agency is a state agency, not a parastatal company. ZCCM was a parastatal, as is SAUDI-ARAMCO in Saudi Arabia. The US FDA is a state agency.

There has been a corporate generated movement to disparage anything done by the government, but there are many successful parastatals, and Zambia's way forward is to refine its parastatal legislation and create a framework that protects the parastatals from political influence. Parastatals can be very effective and profitable, as long as appointments are made on the basis of merit. Most Chinese and Taiwanese companies are parastatals.

3 May 2009 at 15:10

[FRIENDS OF LOWER ZAMBEZI](#) (Ian Manning) said...

ZAWA is of course a statutory body, having been enacted by statute, confirmed by the Wildlife Act No. 12 of 1998 PART II: 4. (1) 'There is hereby established the Zambia Wildlife Authority which shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, and with powers, subject to the other provisions of this Act, to do all such acts and things as a body corporate may by law do or perform and as are necessary for, or incidental to, the carrying out of its functions under this Act.' And as an organization having some political authority and serving the state indirectly, it may – particularly in Africa – be said to be a parastatal. This is confirmed by the A-G report on ZAWA – included under its report on parastatal reports 2005 - and of the 'Report of the Public Accounts Committee on the report of the Auditor-General for 2005 on the accounts of parastatal bodies for the first session of the Tenth National

Assembly appointed by the resolution of the House on 10th November 2006' (<http://zambian-economist.blogspot.com/2008/04/committe-report-worth-reading.html>.)

I am afraid that the A-G reports speak for themselves, be they skewering Ministries, Departments or parastatals. And the way the body politic is here constructed, parastatals will never be free of the direct control of the Minister, the Permanent Secretary – as originally the Mandarin who ran things – long having joined that list on which sits the black rhino. Ask the D-G of ZAWA. The demise of the National Parks and Wildlife Service at the behest of the EU and the Washington Consensus has now lead to the corporatization of nature and the continuing disenfranchisement of the customary communities. Have a close look at South Africa and weep.

4 May 2009 at 07:48

House of Chiefs II: Chola Mukanga

A Mwinilunga deal on land: January 2009

[Senior Chief Kanongesha](#) has finally “nodded” the Chinese mining investment to go ahead in Mwinilunga. The Lunda Cultural Association had [previously complained](#) that *“the issue of investment was hurriedly done and chiefs feel that the officials were not fair for making them sign a document they did not understand”*. Under the deal the land given to [Zhongui Mining Industries](#) has been reduced from 14,000 to 8,000 square kilometres. The [Daily Mail](#) also carry the story.

[“A Mwinilunga deal on land...”](#)

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[FRIENDS OF LOWER ZAMBEZI](#) said...(Ian Mannning)

The Kanongesha customary authority has ‘given’ land to the Chinese! Does this mean it has alienated customary land to leasehold, or that it has issued it under a customary lease, as now the recognized procedure by the House of Chiefs?

9 February 2009 at 07:54

[Chola Mukanga](#) said...

Good question!

I think this is on leasehold. I don’t think “customary lease” has a robust legal standing. I understood the House of Chiefs “recognition” was more advisory on how chiefs should try to keep their supply of land.

Poverty, A Deliberate Policy

Senior Chief Mwamba Kapalaula II has written an interesting article that discusses the impact of the Chiluba administration policies on the rural areas.

[Poverty, A Deliberate Policy, Senior Chief Mwaba Kapalaula II, Commentary :](#)

It is in the event of the current world financial crisis that one hears

intellectuals "who become clever after events" rush to the press and "wisely" advise the government "to do more and allocate huge amounts of money to the agriculture sector."

And at face value that seems to be "good and sound advice," but it is said that the world is three days i.e., yesterday, today and tomorrow. And if you don't know yesterday, you won't know what day today is all about and certainly tomorrow will take you by surprise.

The consequences of the imitation of the British aristocratic education system has been that agriculture is deeply despised by the educated. Education is the essential foundation of development, but in Zambia it is greatly curtailed by the social "milieu" on which the education system is grafted, because school represents above all, a means of entering the elite class. The system makes young people end up in shanty compounds and become social parasites. Their days are spent writing applications for non-existent white-collar jobs.

It is unfortunate that we do not know the dignity of labour and the average educated Zambian is contemptuous of people hoeing the ground. A grade XII school leaver will not do anything below office work, because he thinks that all other labour is below his dignity. As a result our young people have become resourceless.

It certainly requires minimum commonsense to guess that many years must pass before an industry installed at a great cost can achieve full employment. While, agriculture, almost anywhere is capable of putting the total available labour force at work at anytime. For example, according to the South Korean ambassador, Mr. Jong-soon Park, whose country rates as the 10th powerful economy in the world, started from agriculture by empowering the people at the grass-root, then light industry and later heavy industry. He said, "Zambia and Zimbabwe were far much better economically than our country about forty years ago."

Mr. John Hatch wrote: "...since 1966, the mantle of socio-economic leadership has been assumed by Tanzania and Zambia.Kaunda has kept steadily to his determination that social justice shall be established. This has led him directly to try and concentrate on rural renaissance to raise the living standards of the mass of his people. The fact that in 1968 Zambia became self-sufficient in protein-giving eggs is one small, but significant evidence of success in this endeavour." (*False Start in Africa* by Rene Dumont)

In 1991 Zambians saw the emergence of the supposed young intellectuals into the MMD government and this was viewed with considerable optimism. The political change that took place was considered positive and promising; the problems of development were felt to be serious but solvable. The assumption was unquestionable that, because the MMD was over-flooded with geniuses of various disciplines, it consequently had the capacity to cushion certain economic problems. However, it wasn't long that the situation began to reveal frightening depths and complexities of enlightened egocentric interest among our supposed best brains.

Mr. Trywell Kalusopa wrote: "I believe that political and economic brains that do not liberate their own people from oozing poverty when they have the instruments to do so are worthless. Brains that recite a pseudo capitalist agenda for self-aggrandisement are a curse to the nation. Brains that cannot break an exploitative system for the good of the Zambian people are dead brains. They are not worth of the brains! They are sterile! These are the sort of brains that believe that the absolute drive towards foreign investment is a panacea to national development." (*Sunday Post 19th August 2007*).

In fact we were done for, when Chiluba and his visionless and corrupt technocrats surrendered Zambia's sovereignty to the capitalist-exploiters. The University of Zambia Development Studies lecturer, Mr. Frederick Mutesa wrote: "The cold war African leaders that succeeded

the founding fathers surrendered sovereignty in national policy-making to the Bretton Woods Institutions.....whereas the Nyereres, Kaundas and the Machels resisted the repurtious encroachment of foreign forces on the nations' sovereignty, the Chilubas that replaced them chose to kiss neo-liberal policies in the morning, afternoon and at night." (*The Post* 24th April 2004).

Dr. Chiluba's rule was summarized by an international organization, the National Citizens' Coalition in Social Watch Report 2002: "When former President Chiluba took office from President Kaunda in 1991, the poverty rate was 56 percent. When he left government, poverty had risen upwards to 80 percent. Large scale corruption had diverted resources meant for the people, while they watched in sorrow and desperation as their country headed towards becoming the poorest in the world. A characteristic feature of Zambia's poverty is that the government and the international institutions bred it: Zambia's poverty did not just happen, it was deliberately caused."

But why and who were targeted in this demonic scheme? It was first aimed at driving away the rural peasants from their land in favour of the whites because of President Mugabe's land reforms. The process was to deliberately neglect the agriculture sector in order to achieve the second important goal _____ to create intensive poverty among the rural peasants and hence make people docile because it is the nature of tragedy to divide the human personality against itself.

The World Bank report in part reads: "The potential of Zambia's agriculture is often cited as the greatest untapped natural resource... ..The potential of Zambia's agriculture growth to contribute to incomes and welfare is unequivocal; agriculture is the largest sector employer, being the primary occupation of over a half of the rural population (or 26 percent of the Zambia's population),

and contributing three-fourths of the incomes to the average rural households..... The arrival of the MMD in 1991 brought to an end a 65-year-old command economy, but failed to invigorate the agriculture sector, particularly for small-scale farmers.” (*World Bank Technical Report No. 375*).

Mr. Michael Sata, then the third powerful man in the MMD government admitted: “Yes, agriculture is one industry that as a government we have not done much, but MMD has good policies for development for this vital sector, but efforts are being hampered by irresponsible people somewhere within the system.” (Monitor 15th September 2000).

It is important at this juncture to examine the events that contributed to bring the Chiluba regime in power. According to intelligence reports at that time, the regime change was initiated by the Americans and the British who did not want the future ANC government in South Africa to be influenced by UNIP and Dr. Kaunda. Dr. Chiluba and his colleagues were given US\$ 600 million which was deposited at some embassy in Pretoria, from which they drew their campaign funds. In this case the MMD was obligated to its source of existence and power. The English say, “who pays the piper calls for the tune.”

And since the capitalist-exploiter is a great strategist, he had to put right people in right positions, remember Mr. Sata’s comment that efforts for this vital sector were being hampered by irresponsible people somewhere within the system. President Chiluba appointed Mr. Guy Scott, their kith and kin as Minister of Agriculture.

But instead of attending to issues of agriculture, Guy Scott himself wrote about what he kept on busy doing: “For the sake of exposition, I would divide the early wave of South African immigration (or exploration with a view to immigration) into two groups. The first was a rag-tag

collection of criminals, conmen, chancers, romantics and genuine adventurers (who came simply because they could), with a few serious-minded genuine investors. The immigration Department was totally unprepared to serve as any kind of filter, being still oriented towards tracking down tourists who had fallen in love with Zambia and were overstaying their visa periods, mixed in with the ubiquitous supposed South African spies.... I met various 'immigrants' from South Africa while I was Minister responsible for agriculture and associated matters." (*Business Post* 22nd August 2006).

Guy Scott is the only one in the political history of Zambia to have held the portfolios of Agriculture and Associated Matters. And according to his own job description the "associated matters" assignment empowered him to screen and approve potential immigrants independent of the Ministry of Home Affairs!

In the meanwhile the plight of the peasant farmer was summarized by Mr. V. Seshamani: "While the peasant farmer waited for his produce to be collected (information regarding policy change not having seeped to him), it was not collected. Since there had been guaranteed prompt state collection earlier, he had not set up any storage facilities. The desperation was aggravated by his enhanced cash requirements, since with the introduction of user charges on health and education, he had to make allocations to health and school fees which he never did before. Also, the removal of subsidies on fertilizer warranted higher cash requirements to purchase his inputs. He had to go to the market centres to sell his produce which was not easy in view of the lack of transport to reach markets. And when he did reach the market, he found them to be buyers' markets where the prices were not in his favour. His desperation for cash forced him to sell at the low prices, which consequently brought him lower incomes than before. The lower incomes vis-à-vis higher expenditures caused by liberation made him plant lower

acreages in the following season leading still to lower incomes, thereby releasing a chain of growing poverty.” (*The Impact of Market Liberation on Food Security in Zambia: Food policy* 23(6)539-551).

And it can clearly be seen that while Guy Scott amused himself in the “screening” of his kith and kin, the two strategies were right on course i.e., growing poverty and the creation of land space for the whites and here are the statistics: In 1993/1994 season, an estimated 2,637,230 bags of fertilizer were used by small-scale farmers nationally. This figure dropped to 449,283 bags during 1997/1998 season _____ over an 80 percent decrease from 49 percent of cropped area in 1993/1994 to only 12 percent in 1997/1998 (SOURCE;SGS 1999).

It is difficult to understand why Chiluba and his colleagues decided to bring such great miseries upon the lives of his fellow human beings. In this respect, the former French ambassador, His Majesty Jean Paul Monchau had this to say: “Poverty of the Zambian people is mostly unexplained if one considers the country’s riches and without going into details, I do not understand why emphasis was not put on agriculture, the basis for any development strategy. And, of course, I wonder why cooperating partners who had their own experience of development, have not encouraged or even oriented Zambia’s agricultural development.” (Sunday Post 10th April 2005).

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The Politics in Chief (Senior Chief Kapalaula II)

An important article from Senior Chief Kapalaula II on reforming the relationship between chiefs and politics, within the context of the Draft Constitution currently being debated at the NCC.

The politics in Chiefs, Senior Chief Mwamba Kapalaula II, The Post, Commentary

This article is part of my submissions to the National Constitution Commission. And since the Bemba Ilamfya Traditional Supreme Council has not met for the past two years, I wish to state that the contents herein are personal and do not in anyway reflect the views of the Bemba Royal Establishment.

In order to clearly understand this issue, I'll state that the role of traditional councils have not generally been understood by the general public at large. The maintenance of royal rituals and a major share in control over the distribution of chiefly authority is vested in a group of hereditary councillors. These men are not in many cases members of the royal clan and are in fact ineligible for any chieftainship.

But, however, they determine chiefly successions and they compel in case of Bemba chieftainship, the attention of Mwinelubemba Chitimukulu and other chiefs because they are the source of chiefly legitimacy. To this extent, they can be said to represent both the principle of chieftainship and the community against the failings of any chief.

In fact, these groups of stakeholders or tribal counter-balancing institutions, such as Inchenje Council of the Bemba are found in many African polities. For example, the Olusenje Council in Mbailundu (Angola);

the Ayilolu Council of the Ndembu; the “Bena Mulenda” Council of the Lamba; the Bantungwa or Bamushika Council of the Bisa; the Amalongwe Council of the Namwanga; the Ataambikwa Council of the Nyika or the Imbozi Council of the Ngoni.

In the previous constitutions as well as the current draft constitution, the articles in this respect override the role and importance of these tribal balancing-institutions which serve as sanctions on the abuse of chiefly authority and control successions.

This has been a violation of cultural rights contrary to the United Nations treaty signed in 1966 to which Zambia is a signatory and it is also in violation of regional treaties of the African Charter on human and people’s rights of 1981. This was, of course a deliberate calculation that has given politicians liberty to interfere in chiefly successions with impunity.

The point is that in cultural norms, intellect or reason is not sufficient to explain strong elements of ritual nature. This is because ritual deals with objective realities and definite contents and demands. In chieftainship, we have what is called “ritual fitness.” In this respect, Andrew Roberts, a social anthropologist in A History of the Bemba wrote:

“As guardians of chieftainship and final arbiters of a man’s personal and ritual fitness to rule, the bakabilo (hereditary councilors) can be said to represent the Bemba as a people, not indeed against the Bena Ng’andu (the royal clan), but certainly against individual chiefs who appear unworthy of their office..” And “ritual fitness” involves some cultural sticking points which are kept in secret within the inner royal circles.

For example, in patrilineal successions, the tribal elders might be aware that the chief did not actually ‘father’ the ‘son’ who externally might

appear and claim to be the right 'heir' to the throne and there are many other ritual reasons for a person's unfitness.

On the other hand, the Bank of Justice has recognised the implications and importance of traditional councils. Mr Justice Gregory Phiri said, 'In matters of successions under the African customary law, it is cardinal that proper procedures, rituals and practices are followed to ensure both continuity and in the interest of peace, order and good governance in affected areas.' (Zambia Daily Mail 19th January 2003).

The Supreme Court has finally ruled in favour of Chitimukulu-in-Council as the only legal body that appoints Bemba chiefs, and thereby throwing out an earlier High Court ruling by Judge Nyangulu.

Article 261 (5) in the draft constitution reads:

"In any chiefdom where the issue of a chief has not been resolved, the issue shall be resolved by the community concerned using a method prescribed by an Act of Parliament.' This should then read: "In any chiefdom where the issue of a chief has not been resolved, the issue shall be resolved by a traditional council in accordance with their customary procedures."

In the draft constitution article 263 states :

- (1) A chief may-*
 - (a) seek and hold a public office; or*
 - (b) participate in national political activities by standing for any elective public office.*

The sensitive question of whether a chief should actively participate in partisan politics cannot just be taken in such a careless blanket form because it can easily devastate some chiefdoms. And in fact, it hinges first on what Reverend James Earl Massey wrote about: '

“There is something to be said for human groupings. There are strengths in common tradition and a common culture, which makes a people one culture. Each group as ‘intelligible actions’ which grow out of its own tradition and those meanings have an inner significance from which strength for life can be derived. Each human grouping has had distinctives not available elsewhere in just the same way. All human groupings have distinctives that they preserve, distinctives which give meaning to the group as its members review their ‘story’ in the drama of life.” (*Concerning Christian unity*).

Second, it hinges on each tribe’s relationships between a chief and the people. In case of the Bemba, Andrew Roberts wrote: “..The most important social institution among the Bemba, other than the family is chieftainship and it continues to command and stimulate local pride, because it is above all this institution which generates and perpetuates the sense of history. Besides, no other chiefly clan in the region has gained such power for its tribe as the Bena Ng’andu”

And he went on, “Two further aspects of the Bemba polity which invite comparison are the relationships between royals and subjects. On the face of it, these are likely

to be important factors in the stability and cohesion of any polity. In the Bemba case, they are closely linked and must be conveniently discussed together. In all cases, the stakeholders are a group of hereditary subject priest-councillors (Bakabilo) or at least those ineligible for the kingship....For when the stakeholders are subjects the integrity of the kingdom is promoted. This thus predicates a basic antithesis between an all-powerful ‘ruling class’ and a ‘dominated subject class’ which may even reject the ideology of the rulers.”

And therefore in this very unusual and rare Bemba democratic scenario,

the subject does not imagine himself to be wholly restrained, but draws the sharpest distinction between the restraint which is merely subjection to another man's arbitrary will and that which recognises in his traditional custom a rule which has a right to be respected and hence he is in this sense self-imposed.

In the Bemba scenario, it is impossible to imagine a situation where the chief begins to trade insults with his subject in a parliamentary election campaign since politics is fraught with slander, snobbery and discourtesies. In this respect Andrew Roberts wrote:

"Subordination is deeply ingrained in Bemba society, and it is not too much to say that umucinshi (respect, deference, propriety) is one of those essentially key words which characterise the whole society."

On the other hand, a chief should, ideally, be an impartial leader of the people in his or her chiefdom regardless of their political affiliations. However, his or her active participation in politics can inevitably place him or her in an adversarial position against those subjects who may have different political alignments.

It may, however, be rightly pointed out that the late Mwinelubemba Chitimukulu Mutale Chitapankwa II accepted the appointment to UNIP's Central Committee and that the late Senior Chief Nkula Chisanga was Chinsali District Governor.

And also that the late Chief Mumpolokoso Mufimbana Bantu contested and won a parliamentary seat in that area. The key point is that in the one party participatory democracy, the climate of opinions and the ethical apparatus by which politics was evaluated varies widely from any that now prevails.

For example, when the members of the House of Chiefs asked the government for car loans for chiefs and NOT for personal-to-holder vehicles, a Zambia Daily Mail reporter, Nigel Mulenga retorted, "...a man who can barely write, let alone sing the national anthem to drive a posh car..."

And he went on with such unprintable derogatory language which is so far the worst type in the history of traditional rulership in this country.

*Admittedly, chiefs were and can be criticized even today, but the criticisms must still leave much room for respect. Dr Max Gluckman makes this point clear in his book *Rituals of Rebellion*: "The licensed ritual of protest is permitted so long as there is no querying of the order within which the ritual of protest is set. In this way, the tribal society is self-limiting in order to accord respect for their chiefs. This is very easy in societies where the boundary between the inner world of the self and the outer world of the community mark their line of fusion rather than of separation."*

I must make it abundantly clear to all megalomaniacs who have become swollen-headed as challenged heroes of sarcasm i.e., the fake sophisticates who look down upon

chiefs as yokels with little intelligence that from now on anyone who dares to shoot unjustified foul language at the Institution of Chief, we shall also fire back with the same kind of ammunition in order to make it clear that we too are very much capable of defending ourselves and our institution at all costs. After all, as a new breed of traditional leaders, we are just as educated, intelligent and politically enlightened as anybody else.

It is of course, of paramount importance that the Constitution should protect the Institution of Chief from those chiefs who would like to use it as a political ladder, but nevertheless, the Constitution must draw

balanced lines of demarcations between those royal establishments that favour participation in partisan politics and those which do not. And then between individual chiefs who have political ambitions, but are within the royal establishments that oppose active participation in politics.

And in this case article 263 may probably read as follows:

(1) A Chief who intends to stand for elections to the National Assembly shall produce a certificate of clearance from the Traditional Council before lodging his nomination.'

(2) A Chief who intends to stand for elections to the National Assembly, but who does not produce a certificate of clearance from the Traditional Council, shall abdicate his chieftainship before lodging his nomination.'

[“The Politics in Chief \(Senior Chief Kapalaula II\)”](#)

4 Comments - Show Original PostCollapse comments

[Yakima](#) said...

Let me first congratulate and commend you, Cho, on the launching of this blog! While I have long appreciated the attention you have given to traditional governance issues on your *Zambian Economist* blog, I look forward to discourse more focused solely on the issue herein.

Allow me also to applaud the robust and articulate analysis and proposals by the Senior Chief. While I can claim no personal attachment to the traditional authority of the Bemba Royal Establishment, and while I recognize that his statements in regard to the progress of the NCC are solely his own and personal, still I must say that more admirable an approach or more persuasive a spokesperson on behalf of Tribal governance would be hard to find. Indeed, if this is the calibre of leadership produced by way of “*ritual fitness*” according to Bemba traditional practice, then it would indeed be difficult to compare such to other worldwide forms of selecting for qualified leadership and still

find it to be lacking in any way.

I feel that I must however question whether or not all Tribal authorities within Zambia have such reliable “checks and balances” built in to their customary practices in generations long past, which are still as reliably and smoothly functioning as those herein described? After all, the constitutional provisions on which the Senior Chief makes counter-proposals to the current draft must guarantee to the subjects of all Tribes in the country that they have recourse to the central government in the event that their trust in traditional authorities has been abused in such a fashion as to be irreparable by internal process. It is simply unreasonable to expect the Republic as a whole to tolerate the breakdown of Tribal process to the point of violence or unwilling subjugation.

I have no objection to the proposed institutionalization of Traditional Council’s as an Oligarchical check on the Dictatorial powers conveyed upon Chiefs; provided that is, that there can be both some guarantee that all persons thus Constitutionally subjugated to Chiefs do in fact have recourse to a functioning Council, and that such Councils are themselves constituted in such a way as to be compared to a uniform standard of practice in oversight. In other words, proving that traditional governance can come with its own traditional oversight authority only extends rather than answers the question of who watches the watchers.

As I often do in such circumstances, I highly recommend the foundational work of Jane Mansbridge’s, *Beyond Adversary Democracy*, where she quite ably lays out much of the vocabulary required to justify traditional governance within the equally traditional model of Western adversarial democracy as based on Hobbes (and many others, but he gets most of the credit/blame for the supremacy of 50+%). In spite of their widespread implementation, such adversarial decision-making paradigms completely fail to explain why, on an aircraft containing pilot, co-pilot, three flight attendants and ninety five passengers, we do not ask for a vote of 51 people to determine who will handle the controls. We likewise do not question the pilot’s authority to

order everyone to fasten their seatbelts, in fact we do not hesitate to armor cockpit doors or place armed “air marshalls” on board to guarantee the pilot’s dictatorship.

It is not such a stretch to argue that the role of Chief is equally specialized, requiring equivalent training, and resulting in an equivalently “unitarian democratic” view of the concentration of “granted” or “proxied” power. Therefore if the model of “ritual fitness” as described by the estimably Senior Chief can be somehow translated into the same type of “standardized trust” universally placed in pilots by air travelers for each and every Tribal Chief and Traditional Council in Zambia, then I can see no reason why the new Constitution could not reliably recognize and empower such authorities within the overall construct of national governance.

27 January 2009 at 10:00

[Chola Mukanga](#) said...

Yakima,

Thanks for this.

It struck me that the reality of our governance system is that it is parallel. Government operates at the national and local government levels. But for many of our rural dwellers the family and village remains the key units for support. Often the scrutiny provides to the village local setting is limited, and their governance structures have hardly been debated, except by extreme opposing forces. My hope is that a blog focused on traditional authorities would help foster debate on this important institution. Also I hope in the words of a friend who emailed me, in the long term it

“could potentially become a Zambia digital archive on modern day “traditionalware” especially for the youth that are increasingly distanced and ignorant of happenings from their places of origin”

“I feel that I must however question whether or not all Tribal authorities within

Zambia have such reliable “checks and balances” built in to their customary practices in generations long past, which are still as reliably and smoothly functioning as those herein described?”

The counter-balancing institutions exist. The issue I suppose is their effectiveness. I suppose the fundamental point of the Senior Chief is not necessarily that such institutions always provide counter balances, but that the failure to recognise that they do exist reinforces the powers of the chief over the people. It is a sort of “second best” argument. Of course one could plausibly argue that reinforcing an elite of council elders could even be worse than the chief. The counter argument from the Senior Chief and one I know from my traditions is that the composition of the council elders is pretty representative of the community and outside the line of direct succession. But this may differ across tribes.

“After all, the constitutional provisions on which the Senior Chief makes counter-proposals to the current draft must guarantee to the subjects of all Tribes in the country that they have recourse to the central government in the event that their trust in traditional authorities has been abused in such a fashion as to be irreparable by internal process. It is simply unreasonable to expect the Republic as a whole to tolerate the breakdown of Tribal process to the point of violence or unwilling subjugation.”

The other point of course is the Draft Constitution is likely to include cultural, social and economic rights, as part of a broader bill of rights. These could provide the sort of insurance you are seeking.

28 January 2009 at 19:04

[Yakima](#) said...

Cho,

Your friend’s “digital archive” idea is excellent! It also occurs to me that if provision of detailed resources to Zambian youth on traditional knowledge and practices is valuable, so too would be the outreach potential in areas

like academia and tourism in the rest of the world. For example, while it is unlikely that anyone will ever be able to compete with Papua New Guinea as the mecca for anthropologists due to the sheer profusion of different tribes and languages (Fully half of all currently spoken languages are on that island!), if undergraduate students were to use Zambian tribes as their standard African model (rather than Masai) due to the large, comprehensive amount of freely accessible online data available from projects like this, then there is a whole subtle shift in the foundation of the subject that channels people through Lusaka International.

Since sites like Youtube are more than willing to host the high bandwidth files, once a framework for connecting them is in place, it is a matter of collecting content on the Tribes themselves. I would love to see a project that puts cameras in the hands of young people as they learn about their heritage. Have them interview their elders (and perhaps practice their skills at translation for a wider audience). Get footage of the best dancers from each tribe up there, and the schools studying traditional dance around the world will begin to add Zambia to their vocabulary (*btw if you have not seen the film *War Dance* out of Uganda, it is remarkable. It does not shy away from the realities of the LRA conflict, but concentrates on the Acholi children's learning and expressing of their Tribal culture in music and dance. Brilliant.). Also, if the Zambian students know that what they are learning and documenting is something that the whole World is waiting to know, they may place higher value on it and be more motivated and proud.

A secondary school "Audio/Visual Club" as they are known here, where students can access equipment for their own productions on an extra-curricular basis, can do a lot, but trying to cover all Tribes could be daunting. Full on video is more engaging for students and audiences, however as embedded cellphone cameras become increasingly ubiquitous it becomes easier to imagine a pilot programme involving slide shows and newspaper-style interview transcripts/descriptions. *By Kids, For Kids* content can also be highly effective, and dual purpose from an academic context, since adults

will want to study how the children think and express themselves as well as the content they are presenting.

I think I'll post this, and then address the constitutional questions separately.

29 January 2009 at 04:12

[Chola Mukanga](#) said...

Yakima,

Yes the linkage to academia and tourism is good. I wonder the extent to which "tourism courses" in Zambia are combining that sort of aviation you have outline. Very little, I suspect.

I have not seen War Dance. I'll look it up.

There's a South African Channel I am picking up on satellite television in the UK called Southern Africa Direct. Its very adept at showcasing the tradition side of tourism.

<http://www.southernafricadirect.com/>

You'll see some interesting clips there.

Perhaps its no coincidence that on my way to work as I pass through the South Africa consular at Trafalgar Square, I see long lines of people waiting to get visas. Contrast that with my trips to the Zambian High Commission... the waiting time has nothing to do with the queue of people....but their desire to get a coffee 30 minutes after a full breakfast!

Chiefs and the law in independent Zambia

The [last post](#) in this [series on traditional authorities](#) discussed how chiefs adapted to new found responsibilities, carefully balancing the requirements

of the Colonial State with the expectations of the rural populace. In the process, it was argued that beyond these requirements, Chiefs also leveraged their influence, assisted by the vast wealth of native treasuries, to support the political struggle and development of rural entrepreneurship. With the advent of independence, the political spectrum was soon to be shattered. This post explores the processes that led to that change, and; how the authority of chiefs was altered. In particular, it focuses on the key institutional changes that have emerged since independence, and the extent to which they have shaped the role of chieftaincy in modern Zambia.

The emergency of Zambia in 1964 marked a momentous occasion of political emancipation from both Britain and the white supremacies. Zambia was now an independent political state able to determine its place in the world. However, as many have noted, in many respects this was only the beginning of the struggle for true self determination. The real struggle that lay ahead for her government was how to turn the achieved political independence into true internal cohesion and viable economic independence in the long term. Zambia of course is not unique in this respect. All new nations strive to be economically independent and ensure that they manage any external pressures that threaten internal cohesion. But in Zambia this problem was particularly acute, for two reasons:

- First, *the country's economy was quite exceptionally dependent on copper*, which placed Zambia's economy at the mercy of unpredictable world demand for copper. Moreover, under colonial rule the country had had little stake in, let alone control over the mining industry – mining was essentially a foreign business (and many would argue that it still is). But what made the situation even worse was the fact that at independence, Zambia had to rely on Rhodesia, South Africa or Mozambique for nearly all communication with the outside world, for much of its trade, for skilled manpower and for employment of its citizens. This dependence on the white supremacies presented a significant challenge to Zambia's political independence.

- Secondly, *at independence the nation emerged with deep regional divisions*, often reflected in different political bases for the competing parties of UNIP and ANC. In addition to this cultural diversity, the Zambian government inherited a very unequal society, with the copperbelt dwellers more well off than their rural counterparts. This aggravated the regional rivalries or “tribalism” during and after independence. There was thus considerable scope for hostile foreign powers to exploit internal disaffection for their own ends.

Thus, at the time of independence national unity seemed essential, not only to confront the tasks of economic development but counter internal subversion and external attacks. Chiefs and Native Authorities (NAs) were an embodiment of these twin threats. As noted in the [last post](#), NAs and their treasuries had become quite powerful prior to independence, spawning the emergence of a new “boma class” that was principally seen by many rural dwellers as beneficiaries of colonial rule. And whilst it is correct to observe that the “boma class” and NAs, were broadly supportive of the independence struggle their continuous allegiance to the colonial state generated deep suspicions, which were probably justified. In the eyes of many Zambian politicians the role played by the NAs was typically one which restrained the nationalist movement. They saw the local administration a function of the colonial state and the chieftaincy as an anachronistic vestige of the old Northern Rhodesia that had no place in the new Zambia political landscape. Simply put, NAs’ powers had to be curtailed because the loyalty of chiefs to the UNIP government was questionable.

The economic arguments for reform appeared strong. Zambia had inherited an inefficient and fragmented administrative structure: a diffuse collection of government departments enjoying a large measure of autonomy and only loosely controlled by any central, coordinating body, whether bureaucratic or political. The immediate task for the government was how to transform the inherited structure of provincial administration - the focal point of the colonial system of government - into an instrument of economic development.

The challenge for the government was how to design a system that achieved their stated economic objectives, but also allowed the party to reassert its authority and minimise future imbalances of political power.

The government's preferred method was to abolish the old system of provincial and district government, and replace it with a new, more limited structure. From government's perspective this reformed provincial and district government arrangement was intended to coordinate and implement government policies and provide a link between government and the new structure of party power, in the process wresting power from the Chiefs to the ruling party. The aim was to take forward Zambianisation of the new institutions without without indigenisation. To that effect, the NAs and local administration were stripped of most of its predecessor's functions, which were distributed among central government ministries and their agencies, as follows:

- The Local Courts Department of the Ministry of Justice took over the reorganization and running of the old Native Authority courts.
- Responsibility for law and order was devolved on the police, although local authorities retained a small force of constables to assist in the enforcement of council bye-laws.
- The Ministry of Local Government became responsible for supervising the rural local authorities through its own cadre of local government officers.
- The other important functions of NAs such as responsibility for agriculture, conservation and primary education, were passed onto to Central Government.

In short, the reforms streamlined the local system, but also led to the centralisation of responsibility. That in itself is not unusual, but it is interesting that central government assumed responsibility for certain functions that appear could have been performed locally e.g. conservation. There's also the wider question of whether by eliminating Chiefs from administrative responsibility they ended up removing the people's ownership

of the development process. It might be argued that at that time many people associated themselves on tribal lines, and a coherent approach to development probably required significant involvement of chiefs in the day to day administration of affairs, with gradual reduction of their influence over time. Clearly for the government of the day, this was not a concern, probably because they had already concluded that the interests of the people and chiefs were not always aligned, or a mechanism could not easily be developed that created positive incentives for chiefs to act in peoples' interests.

The new changes to local administration caused some disquiet among chiefs. In the successive years, partly due to pressure from chiefs and partly due to political imperatives, some attempts were made to placate traditional leaders. Four areas can be readily identified as significant in shaping the relationship between traditional authorities and the State.

First, ***chiefs are formally recognised in Zambian law*** through two separate legislation:

- The Chiefs Act (1965) defines a chief as a person who is recognised by the President under the provisions of the Act as the Litunga of Western Province, a Paramount Chief, Senior Chief, Chief or Sub-Chief or a person who is appointed as Deputy Chief. The Chiefs Act also empowers the President with the ability to withdraw recognition of Chiefs. In practice this does not mean someone stops being a chief (see [Masebo's clarification in 1995](#)), but it does mean that the said chief would not enjoy certain privileges. These include withdraw of "subsidies" set out under the Chiefs Act, as well as other entitlements such as subsidised vehicle loans. For their part, chiefs have a responsibility to maintain public order in their area of influence. It requires them *"to preserve the public peace in his area and to take reasonable measures to quell any riot, affray or similar disorder which may occur in that area"*.
- The Zambian Constitution, since 1965 has always contained provision for chieftaincy. The current constitution, amended in 1996, specifically

defines the institution of chief as “*a corporation sole with perpetual succession and with capacity to sue and be sued and to hold assets or properties in trust for itself and the peoples concerned*”, it also makes references to the Chiefs Act (1965) in terms of defining who might be recognised as chief.

Secondly, ***the loss of administrative power following the abolition of NAs continues to be partially been offset at the local level by countervailing legislation.*** As the political imperatives changed towards “single party participatory democracy”, further political reforms were undertaken. At the local level, the Development of Villages and Registration Act (1971) was aimed at getting chiefs more involved in the economic development of areas through formal registration of villages and its inhabitants; the establishment of Village Productivity Committees, and; establishment of Ward Councils and Ward Development Committees. Chiefs also may, at any time, within their area attend a meeting of the Productivity Committee, the Ward Council or the Ward Development Committee and address the respective members on any subject conducive to the well-being of the villagers in the area. The Act is still in force, with some minor amendments in 1994.

These provisions are reinforced by the Local Government Act (1995), which provides for representation of chiefs at the council level. Under Act, the composition of local council shall include, “two representatives of the Chiefs, appointed by all the Chiefs in the district”. However, chiefs are forbidden to hold Mayoral offices, perhaps to ensure that they remain non-partisan in their activities. More on this issue in later blog on chiefs as agents of political change.

Taken together the Local Government Act (1995) and the Development and Registration of Villages Act (1971) provides the main institutional framework on how chiefs are supposed to be integrated in development at the local level. Many including President Mwanawasa have note the “impracticability” of the current framework, especially the Development and Registration of Villages Act which was clearly developed in accordance with the One Party State

ethos.

Perhaps a fundamental point to emphasise is that previous legislation has missed a fairly basic point. The incentives for chiefs to get involved in development also appears weak. Its clearly one thing to give chiefs a *right* to get involved in local discussions and planning, its quite another thing to ensure that their participation is meaningful and generate positive social returns. If the current government wants to involve chiefs in development, it clearly needs to focus on how it can shape their incentives much more strongly than previous governments have done, and as we shall see as we go through this series, that's no easy task, but that is where policy thinking needs to begin.

Thirdly, *chiefs continue to retain significant de-facto power over land*. Zambia inherited four categories of land in 1964: State Land (formerly Crown Land); Freehold Land; Reserves and Trust Land. But this changed after independence, when chiefs were relieved of their *de jure* responsibilities for land allocation. The Land (Conversion of Titles) Act (1975), vested all land in Zambia in the hands of the President, to be held by him in perpetuity on behalf of the people of Zambia. Freehold land held by commercial farmers was converted into leaseholds for 100 years and unutilised tracts of land were taken over by the state. Freehold titles in residential areas were similarly treated. All sales of land *per se* (excepting the developments on the land such as buildings, farm infrastructure, etc.) were prohibited.

However, in spite of these legislative changes, chiefs' *de facto* position remained broadly unchanged as they were not replaced by effective structures. Indeed, in 1985, partly to gain favour with the chiefs and partly in recognition of their custodianship of customary law and rights, government decided that the chiefs ought to be formally consulted when customary land was being granted for leasehold purposes. These powers are confirmed by the Lands Act (1995), which continues to be the substantive land law in place. A significant concession considering customary land accounts for 94% of the land, giving chiefs significant amount of influence. This power is often leveraged through

the way chiefs allocate land.

Historically, chiefs did not allot the land directly to their subjects who used it. Rather, land was allocated to sub-chiefs who in turn allotted shares to village headmen. The headman then allotted land to heads of subsections or heads of families and they distributed the land to their dependants. Each of the persons granted land in this way was therefore sort of secure in his rights and could not be expropriated without fault. He could transmit his rights to heirs, but could not transfer them to anyone else without the permission of his seniors. If rights are vacated they rest in the next senior in the hierarchy. In many parts of Zambia, this practice continues but increasingly, with the lure of cash from “foreign investors”, have led chiefs to more direct allotment. The lure of men in brief cases has clearly turned out to be too hard for the existing system to resist. Why let the headman take the bait when you can do it yourself?

Another by product of the increasing lucrative nature of land has increased the attractive of chieftainship and the desire for some [chiefs to go beyond their existing boundaries](#). Significant succession disputes have developed, with anyone with a hint of royal connection seeking to be a chief. We'll examine these issues in later post on chiefs as agents of change. It suffices to say here that the current power struggles among chiefs reflect the *de-facto* power that the Land Act (1995) confers, and the lack of clear territorial boundaries among chiefdoms.

The government of course would argue that it's precisely for this reason why the Lands Act (1995) still vests all land in the President who is required to give consent to a person who wishes to sell, transfer or assign any land. These powers which are delegated to the Commissioner of Lands are meant to act as a natural break on irrational behaviour from chiefs.

In addition, to deal with the problem of investors, the Land Act permits the President to alienate land to a non-Zambian who is a permanent resident and to those non-Zambians who are investors within the meaning of the Investment Act 1993. Through this mechanism it is hoped that chiefs would be more shielded from “foreign investors” by making it easy for foreign

investors to approach the government directly. The practice of course is different, and many foreign investors continue to go through chiefs to get land (interesting to contrast this with mineral exploration rights which are granted through the Ministry of Mines, with chiefs only knowing about it when a would be prospector knocks on the doors of the palace with a [prospecting licence for the whole area](#) - the incentives to the mining industry to get government permission first rather than the chiefs' is clearly strong with mining issues!).

Successive Zambian governments have always struggled over the role of the chiefs in land administration and a great deal of ambiguity surrounds their current status. For their part chiefs (and many of their supporters) argue that far from leveraging *de-facto* power, chiefs are the victims. Many argue that chiefs are not well informed about the law and there are many widespread reported incidents of 'land grabbing' by government officials. To complicate matters, it appears if customary land is leased and for some reason is repossessed, it no longer falls under the jurisdiction of the chief. Thus it would seem that once land is granted in leasehold, all customary rights to that land are extinguished and so is the authority of the chief over that land.

As it turns out, things might soon get worse for chiefs with [the new plans to repossess land to explore for oil](#). A proposed petroleum exploration and production bill presented to parliament this week for adoption says government will as a first step grant exploration licences to investors in areas where analysis of soil samples suggest the presence of oil. The government will then proceed to grant the investors petroleum development and production licenses :

"The entire property (oil blocks)... and control over petroleum and accompanying substances, in whatever physical state, located in any land in Zambia is hereby vested exclusively in the president on behalf of the state. .where the president considers that any land is required to secure the development or utilization of the petroleum

resources of Zambia, the president may compulsorily acquire such land.”

These powers appear more extensive than those granted under the Lands Act (1995), as they do not specifically require prior agreement from chiefs.

Finally, ***chiefs retain some advisory role at the national level in the House of Chiefs***. The House of Chiefs has the remit as an advisory body to the Government on traditional, customary and any other matters referred to it by the President. In all appearances very similar to House of Lords in UK, but in substance no more powerful a smaller part of a weak government ministry. The House of Chiefs consists of 27 members over a three-year-term rotating membership. It has no legislative function: it may consider bills but not block their passage. Perhaps not surprising considering that the house of chiefs sits within the Department of Local Government and Housing, something that has been questioned even by chiefs themselves. And just in case you wondering, as “perfect civil servants” according to a recent change in the constitution chiefs supposed to remain non partisan. “A person shall not, while remaining a Chief, join or participate in partisan politics”, says the 1996 amendment, primarily designed to bar influential chiefs who had political aspirations at the time.

So rather than independent body to provide advice, the representatives in the House of Chiefs are more like civil servants directly under the control of a government Ministry. They are there to give legitimacy to the argument that “government consults traditional leaders”. It’s much worse than this of course, because the House of Chiefs comes with significant spend from tax payers’ money. Chiefs get paid for sitting on the House of Chiefs in the same way that MPs do, which has led many people, including chiefs to question its value for money. It’s fair to say, that in its current role, the House of Chiefs is a gross waste of tax payers’ money, whose only sole purpose appears to be a tool for any incumbent government to capture chiefs in the country for especially at election time and placating them for lost powers of pre 1964.

The general picture therefore is one in which the role of chiefs in

independent Zambia have been an outcome of political expedience rather than design. The Zambian political system has not figured out where chiefs could be usefully employed. But this failure is not just of politicians but also of the Zambian intellectual community, which has so often to consider the appropriate relationship of chiefs and traditional development.

In light of the above discussion, what lessons can we learn from this as we take forward independent assessment of traditional authorities and development? Three things come mind:

- First, ***the political struggle has left inefficient systems in place that does enough to placate both sides but generate costs directly and indirect to society***. At the national level, chiefs continue to occupy a poor value for money position in the House of Chiefs. At the local level, the Development and Registration of Villages Act continues to provide an ineffective mechanism for integrating chiefs in development. Understanding the constraints both mechanisms currently impose on national development is critical in the path towards successful reform.
- Secondly, ***the incentives for political systems to reform how chiefs are integrated in development appear weak***. Whilst it is true that successive governments have struggled to reform, that struggle is partly a combination of difficulty of reform and the lack of incentives. Chiefs currently do just fine in an inefficient position that remains wholly subservient to the government at the nation level. Any type of reform, whether reducing their powers or increasing their influence would have to come from pressure from outside. Zambian intellectuals have a significant role to play in illustrating the trade-offs associated with those position, and civil society can do much to push for that change.
- Finally, ***land reform cannot be ignored***. Until Zambia reaches a position where its land policy has been whole figured out, we'll always struggle with balancing the competing needs in the nation. In an era of increasing foreign direct investment, it becomes critical to ensure that a framework is put in place that guarantees land security for many inhabitants of our villages while ensuring that people benefit from additional local

investment. A new social contract on land between the people and government is necessary is long overdue.

In the next three posts, we'll turn our attention to explore three ways - political, social and economic - in which the chieftaincy has been positive or negative agents of change in Zambia and any lessons we can draw from that. To allow a more fertile discussion of the issues raised in each post, I am allowing atleast some time between the parts. A full list of the topics which are being covered in this series can be found [here](#).

Chiefs in colonial Zambia

It's now widely acknowledged that one of the key reasons for the failure of many economic reforms is poor understanding of the historical and cultural context to which they applied. The context helps us understand the various "seats of power" in society, the distribution of resources and the extent to which many other unobservables may influence policy outcomes.

In that sense our quest to understand how Zambia should develop, must include a full understanding of the various elements of its culture or traditions. In many respect our culture or traditions are best captured in our traditional authorities which embody the memories of the past.

In this first of a series of blogs on traditional leadership, I want to briefly cast our eyes on where we are coming from, beginning with the colonial era. The discussion in this brief post cannot do full justice to the richness of this topic, but I hope it can spark discussion on what lessons can be learned from the pre-independence era as we move forward. This is particularly pertinent as we consider the capacity of chiefs to be agents of social and economic change within the current democratic system.

The Zambian colonial experience, like many other countries in the region, is one of British indirect rule. The colonial state, through the local administrative centres or local “bomas” worked through traditional authorities (native authorities) to govern the populace. That is to say these native authorities were go-betweens between the colonial state and the people, a system which was immediately modified after Zambia gained independence in 1964, as shall discuss in the next blog in the series.

Native Authorities came into existence in colonial Zambia in 1929, through the enactment of the Native Authorities Ordinance (NAO). Over time the Native Authorities were amalgamated into bigger and supposedly more efficient structures. Indeed, by the end of colonial rule in 1964, there were about 60 large Native Authorities, with 233 senior and junior chiefs.

In the early years of their formation, a typical Native Authority comprised of a chief, court clerk, assessor and a number of ba Kapasu (Native Authority policemen), with responsibility for collecting tax and maintaining law and order. With the increased emphasis on rural development, during the post war period, the Native Authorities quickly developed into super structures with responsibility whose functions included education, health, and delivery of public works. In fact by the time of independence, these activities had expanded to such an extent that a typical Native Authority employed around 20 staff, with larger ones having as many as 50 staff. In addition, all Native Authorities were supported by numerous village headmen.

The general picture therefore is one in which local chiefs were presiding over significant and influential authorities, in their capacity as go betweens between the colonial state and the populace. This view is broadly shared by many Zambian historians. Much of historical discussion therefore focuses on how chiefs used this new found responsibility. This is particularly important as it gives us some insight on how traditional authorities have tended to use administrative power, and the extent to which that depends on the incentives they were facing. Indeed, some might even argue that the extent to which

ordinary Zambians place social value on the role of chiefs within a modern setting, is partly shaped by the extent to which many believe the “colonial experience” with chiefs was largely positive or negative, given the wider circumstances they were facing.

There are essentially two views on the nature of this “go-between” role. The conventional view, largely perpetuated by European historians, is that Native Authorities in British Africa were largely captured in their positions only to serve colonial governments, with little regard to the interests of the people they served. In this distinctly European narrative, the chief is portrayed as a self centred ruler who did little to advance the interests of his / her people, stereotypes which still pervades modern Zambian thinking. In particular, this scholarly approach shaped people’s social and political attitudes towards traditional authorities. It has led to the natural tendency to view any proposal that increases role of chiefs in governance with suspicion. The view of a self centred chief is deeply ingrained in our thinking.

However, the empirical evidence for exploitative colonial chiefs now been largely questioned by African historians. In Zambia, at least, the work of Samuel Chipungu and others paint a very different picture. Far from being weak instruments of the state, increasing evidence shows that chiefs attempted to balance their official duties as agents of the colonial state with expectations of rural Zambians. This fine balance and traditional flexibility is readily seen in two areas.

First, chiefs exercised great care in matters of *revenue collection*. Native Treasuries were a key part of the Zambian colonial state from 1937, when they were created in Native Authorities and through the first and second world wars proved critical in providing salaries, financing public works, offer loans and advances to staff and other deserving local individuals. By the 1950s Native Authorities were building primary schools, clinics, dams and even purchasing equipment for showing films.

The revenue came principally from three sources - “native tax”, “court revenue” and “licences and permits” (e.g. dog licences). Although significant attempts were made by Native Treasuries to collect the revenue from the populace, after all the wages of the staff came from the collected revenue, chiefs tried hard to distance themselves from the more unpopular sources of revenue and mechanisms designed by the colonial state to collect revenue. This was especially the case for the dog and gun licences, and fish and livestock levies. Among many chiefs who spoke bitterly against such licences include Chiefs Bunda Bunda and Mukobela.

Secondly, in matters of *law and order*, chiefs were generally reluctant to prosecute cases that were likely to make them widely unpopular, contrary to colonial state expectations. This was especially when such cases related to matters of revenue collections like dog and gun licences and abuse of NAOs (a careful balance had to be struck here, because revenue collection was also a private source of funds as I discuss later on). NAOs were particularly notorious for the populace as they included requirement of regular attendance for school children, payment of various levies, and maintenance of footpaths, restrictions of specified areas and even cleanliness of villages. For many chiefs such measures provided an ideal opportunity for them to create a populist stance among the rural dwellers. The challenge for chiefs was always to maintain relative autonomy for fear of alienating themselves from the rural populace, in order to further legitimise their authority. Hence, they rarely pursued application of colonial laws to their fullest extent, but just enough to meet the legal requirements of the colonial government.

As great as these achievements were, I believe their unheralded achievements were even greater. In many respects, the greatest contribution of the traditional authorities during this period was in the way they leveraged their new power to the advancement of economic and political change. In particular, their ability to use state revenue to the development of rural entrepreneurship and political activism that eventually led to independence.

Its well documented that local chiefs and their officers in the Native Authorities used Native Treasuries to enrich themselves. The revenue from the treasuries became sources of capital which they invested in productive ventures (and presumably non-productive as well, though this aspect is not well documented in Zambia). The investment patterns generally tended to follow regional specialisation. A couple of examples:

- In Southern Province, chiefs and their Native Authority staff tended to investment in agriculture and related ventures due to the pre-eminence of peasant agriculture there.
- In Luapula Province, chiefs tended to invest in fishing through the purchase of fishing nets and boats. As the demand for fish on the copperbelt increased, owners of boats and fishing-nets stepped up their catches by employing the services of a number of fishermen
- Where Native Authorities covered areas teeming with game, local chiefs and their officers tended to invest in hunting gear, particularly in guns. Game meat could even be sold, even in cattle-keeping areas, as the slaughter of cattle was often reserved for important occasions. But of course, the most important product was always ivory, which was still in demand by urban based exporters. In Kabwe, for instance, Chief Chipepo was renowned for elephant poaching in the 1940s, and this was partly while he was removed from Native Authority office in 1948.
- In areas where Native Authorities were along major roads and railways, or close to urban centres, chiefs and their officials operated light delivery trucks, stores and groceries, and ran hawker businesses. Chief Sandwe in Petauke District, for example, combined his official duties as head of a Native Authority, member of the African Provincial Council, and Provincial Education Authority with running a family store business at Sinda.

Local chiefs were able to engage in these activities because they depended less on their wages for day to day sustenance. As chiefs they did not have to pay rent or other expenses as these were given to them as tribute from the people,

in line with existing traditions. When we combine this with the higher wages they were getting from the colonial government, it basically allowed them to convert their Native Authority salaries into significant investment capital.

In addition, besides the Native Authority salaries there were other sources of income available to them e.g. loans and other surplus funds from Native Authority projects. We can't also forget their prime source – embezzlement of public funds. Many used Native Authority funds to enrich themselves. Poor controls within the Authorities led to significant misappropriation of funds, especially with court revenue. Many of them also introduced levies and fines outside the legal framework and collected money for their benefit. Here we find a startling problem they faced. On the one hand the incentive was strong for them to keep revenue collection to a minimum in order to preserve their relevance, on the other hand weak controls provided an opportunity to extort money from the populace. It was therefore always a balancing act.

Not all revenues went into private businesses, some of it was channelled to the nationalist cause. The rise of nationalism in the post WWII, posed significant challenges for local chiefs, with ANC and UNIP spearheading the fight for independence. The colonial government was uncomfortable with nationalism and worked hard to suppress those that championed nationalist cause. Native authorities were expected by the State to arrest, fine or imprison party functionaries.

However, it is widely acknowledged that the colonial government's effort to use Native Authorities in its struggle against nationalism largely failed. Native Authorities generally tended to adopt the attitude of non-cooperation with the central government against agents of nationalism, some even going as far funding these agents or taking a dual position as both agents of the state and the nationalist cause.

For example, many local chiefs only tended to arrest local politicians only in the presence of central government officials who directed the exercise, even though central government preferred arrests to be frequent. Examples of this include Chief Katuta, Chief Mapanza and many other chiefs in the Tonga

Plateau.

Indeed it was the realisation that Chiefs were less than helpful as allies in the struggle against nationalism that led to the increasing reliance of the colonial government on the Mobile Police Unit, a law enforcement organ designed specifically to deal with riots. The unit was famously put to work in 1961 against the *Cha Cha Cha* militarism in rural areas, particularly in Luapula Province where there was significant destruction of schools, bridges and other symbols of government presence.

So what drove chiefs to this apparent acceptance of nationalism and its exponents? Three reasons have been suggested in Zambian literature:

- First, *nationalism produced local leaders lacking rigid connection to either ANC or UNIP, who headquarters were in urban areas*. Therefore the rulers did not confine themselves to defined party lines, which led them to develop political agendas replete with rural -based grievances which chiefs wished to champion.
- Secondly, *many chiefs feared alienation from local populace that had embraced nationalism* and therefore did not want to weaken their traditional authority further. Support of nationalist cause was therefore a way of preserving their authority.
- Thirdly, *the growing influence of education*. Where chiefs were educated, as was the case in Southern Province by the 1950s, they argued for tolerance of the politicians, as they understood their role as that of balancing the forces of progress and those of tradition. Where chiefs were illiterate it was the educated Native Authority employees who tended to champion the course for official caution towards local politicians and nationalism. Senior Chief Mushota in Luapula, for example, appears to have been influenced by the more politically conscious Silas Chama, his Chief Councillor.

To sum, the general picture of chiefs in colonial Zambia can be viewed in

two ways. First, the “middle man” role required them to provide a balancing act between the needs of the state and the local populace. Something that they generally accomplished very well. Secondly, chiefs were quiet, but active players in the emergence of an economic and political independent Zambia. They used their Native Treasury positions to spearhead entrepreneurial spirit and most importantly used their influence to support the nationalist cause.

I believe that that a careful and thorough study of this period provide three distinct lessons for those seeking to understanding how best to incorporate traditional leadership in Zambian development:

- Traditional authorities are a broader part of our historical, political and economic heritage. Many of the benefits we enjoy in terms of entrepreneurship, and some which were immediately crushed under one party state, can be attributed to them.
- Rightly viewed, traditional authorities have always adapted and changed with the times. Our traditional authorities were not static institutions, but rather institutions that saw opportunities and always looked at how best to create a win-win situation between the people and the government of the day.
- Incentives matter even for traditional authorities. We have seen that chiefs reacted to both good and bad incentives. Where controls were weak, chiefs moved to exploit those controls and amassed wealth for themselves, albeit with positive spillovers for the oppressed populace and future Zambian generations. Where cultural incentives were strong, chiefs put the maintenance of culture and local traditions before obligations to the state. This was particularly the case in matters of revenue collection and maintenance of law and order.

In the next post in this series, we'll turn our attention to discuss how the role of Chiefs was substantially modified after independence, consigning them to the peripheral of economic and political life, and the reasons for the reversal. A full list of the seven topics which are being covered in this series can be found [here](#).

(I hope that future posts would be much shorter! In putting this piece together I have excluded references because there are so many, but it should be obvious that I am deeply indebted to the work of Chipasha Luchembe, Mwelwa Musambachine, Samuel Chipungu and many other Zambians historians who continue to shed new light on pre-independence experiences.)

Early marriages: can chiefs make a difference?

Pauline Banda has written an interesting piece in the Daily Mail, arguing for a stronger role of chiefs in preventing early marriages.

Early marriages: Chiefs can make a difference, Pauline Banda, Daily Mail, Commentary

Chief Chisunka of Luapula province is a breath of fresh air in an environment heavily polluted by cultural malpractice.

The Mansa based chief has just dissolved the “auction” of six young girls to older men, under the guise of marriage. He was so incensed by the early marriages that he personally annulled them and got the girls back into school.

Obviously this is a very unpopular action in a community which sees nothing wrong with pulling girls out of school and making them wives and mothers, long before they are ready for these daunting tasks.

Motherhood is the most difficult job under the sun and I do not see why a 14 year old girl can just be robbed of her childhood in such a brutal

manner.

Teenagers have no business becoming mothers overnight. Chief Chisunka has literally saved the lives of these six girls and instead of being ostracised, he must be given a pat on the back.

This is a proactive move he has taken and if all chiefs and headmen across the country could rescue as many girls as they can from the “jaws” of early marriage, life would be much more bearable for young girls.

Part of the answer to the vexing social cancer of early marriages is getting traditional rulers to comprehend the folly of early marriages and the negative impact they have on the lives of girls. I personally do not see what there is to gain from marrying off a child. If anything, there is just too much to lose.

The failure rate of early marriages is so high for the simple reason that children are simply not ready for matrimony and the changes it imposes on their fragile lives.

Naturally, young girls cannot be expected to grow up just because they are married. The fact is that they remain children until they are old enough to understand marriage.

It is unfair to abuse children who have no idea what marriage is all about. Chief Chisunka did a commendable job and posterity will judge him kindly for his good work.

Traditional leaders may not necessarily have the monopoly of wisdom but opposing early marriages is one of the wisest things a chief can ever do.

Some traditional rulers usually turn a blind eye to early marriages. Others even perpetuate the vice by participating in it and giving it some

form of legitimacy.

It is good that some traditional rulers are coming out in the open and opposing what is wrong. There is no doubt that early marriage is wrong and every traditional leader in his right frame of mind should be on the side of young girls—that is the correct side of the debate.

I personally do not care how bitter the parents of the six girls might be. We hear they are so upset and are accusing the chief of interfering in their affairs as if he was the father of the girls.

The chief does not have to be the biological father of the girls. He has customary jurisdiction to stop abuse in his area. He knows the difference between right and wrong and getting six teenagers out of senseless marriages and putting them back in school is undoubtedly the right thing to do.

These petty arguments about the chief being high handed are unfounded. If something is wrong, there is no way to make it right.

There are certain things which can never be right and trying to launder early marriage just succeeds in compounding a wrong.

We know that the majority of Zambians are short of cash and they could do with some disposable income but selling young girls is not the answer to financial woes.

Marrying off children has its string of problems for both the parents and girls.

The danger is real. A young girl might lose her life in labour or she might be infected with HIV/AIDS when she is supposed to be in school, pursuing her dreams.

Marriage is disruptive to the lives of girls. Early marriage is one of the worst forms of abuse that can befall a child.

Because it is semi-legitimate for lack of a better term, early marriage leaves its victims with little or no room for redress.

People gather and celebrate as if they are doing a good thing when the truth is that they are consenting to the abuse of a young girl.

Poverty should not make us do things we might live to regret in the nearest future. It is better for girls to get an education and marry when they are ready and willing.

Early marriages are usually hastily arranged by selfish parents or guardians without any regard for the feelings of the girl.

Culturally, she is not supposed to have feelings or to say anything about her life. Somebody older, who is assumed to be wise, sees it fit to think for the girl or young woman because it is “inconceivable” that she can actually have a mind of her own and make decisions. The bride price (lobola) some parents yearn for is just a source of trouble for some women. Some men feel that if they pay bride price (and it is becoming increasingly commercial), they have bought the women and they can treat them as they please.

I do not blame some parents who are turning down bride price because it has really diminished the value of women.

In my view, no amount of money can buy a human being. A woman is priceless, so demanding bride price gives the impression that it is actually possible to buy her. This reminds me of a female pastor who has made it her business to pump some self esteem into women.

She is worried that some women are so short of confidence and self esteem that they may end up with absolutely no control over their own lives.

The pastor says if God was the one to determine how much bride price men should pay (since communities insist they must pay), all men would be single and lonely today because they would never afford it, however hard they worked.

That is how much value a woman has. I get upset to see a well meaning tradition of a "token" of appreciation for the bride has been terribly exploited and commercialised.

In the process, bride price is partly responsible for the gagging of women in marriage.

Some wives are subjected to inhuman treatment because their husbands paid millions of kwacha for them.

Early marriages have jeopardised the future of thousands of girls across the world, or across Africa, to be precise. Other continents (with the exception of Asia perhaps) are not so tolerant of the abuse of women and girls.

Some communities have felt the impact of early marriages. A 59 year old headman in Katete, who has enrolled in tenth grade, says he has seen first hand how early marriages have retarded development in the district.

Headman Kalizamimba, whose real name is Patson Mbewe, says Katete has high levels of illiteracy, mainly due to early marriages.

He feels parents and guardians who force children into early marriage should face punitive action, by law. This move is long overdue because some parents have ruined the lives of promising young women and girls.

At the rate we are going, we should not be surprised to see a whole generation of illiterates 20 years from now. The impact of early marriages is usually long term but when it finally comes, it hits really hard.

We are all supposed to contribute in our own way to the development of our nation but if the potential of some people is being so savagely thwarted because they are supposed to marry someone old enough to be their father, we may well be doomed.

We do not know the potential of these young women and girls being forced into marriage. Perhaps they would have changed the world.

We can never tell what the future would have been with the contribution of the hundreds of girls who dropped out of school just to get married.

Early marriages are not worth the trouble. The earlier we stop them, the better.

Fighting for health access: February 2009

Chief Chitimbwa of the Lungu people of Mpulungu is not happy with the the shortage of qualified medical staff at Chitimbwa rural health centre and poor roads in the area.

Chitimbwa clinic run by unqualified personnel, Lusaka Times (26/02/2009) : Chief Chitimbwa of the Lungu people of Mpulungu has bemoaned the shortage of medical staff at Chitimbwa rural health centre in his area. In a message sent

through his retainer, Sam Chipeta, chief Chitimbwa lamented that people's lives are being lost in his chiefdom due to lack of qualified health personnel at the clinic. He said the problem has been compounded after the only trained medical officer at the centre was sent for further training by the Ministry of Health, leaving the centre to be run by unqualified people.

Chief Chitimbwa revealed that recently, a pregnant woman in her 20s, died on the way to nearby Vyamba rural health centre for medical attention, saying she would have been attended to at Chitimbwa if there was a trained officer. He said people in his area are finding difficulties in accessing health services, even the ambulance at the district cannot respond to emergencies from his chiefdom because the road leading to Chitimbwa area is impassable.

Chief Chitimbwa said he has made several appeals to district health officials to send medical officers but he has been told that Mpulungu district is currently experiencing a critical shortage of medical staff. Chief Chitimbwa appealed to the Ministry of Health to urgently look into the matter by sending medics to the district before more lives are lost.

Meanwhile chief Chitimbwa has commended government for allocating billions of kwacha in this year's budget for the rehabilitation of the Mbala/Kasaba bay road, which passes through his chiefdom. He said the road, once completed, will not only help unlock the tourism potential in Kasaba bay and Nsumbu national park area, but also improve the agricultural potential in Chitimbwa farming bloc and ease transport towards accessing health care for the local people.

Chiefs vs MPs?

The southern chiefs came out swinging against the politicians this week on the issue of the Sichifulo Game Management Area:

[Chiefs support Namugala \(ZNBC News - 17/02/2009\)](#) : Three chiefs from Southern Province have condemned calls from some UPND Members of Parliament MPs suggesting that squatters be allowed to go back and resettle in the Sichifulo Game Management Area in the Kafue National Park.

The Traditional Rulers are Chief Mukuni of Kazungula District and Chiefs Nyawa and Siachitema of Kalomo District. The Chiefs' remarks come in the wake of a decision taken by some UPND MPs to walk out of Parliament last Wednesday.

This was after Tourism Minister Catherine Namugala delivered a ministerial statement on the removal of the squatters from the GMA, which stretches from Kazungula to Kalomo.

Chief Nyawa described as a lie sentiments suggesting that the former squatters are complaining over their displacement from Sichifulo Game Management Area. And Chief Siachitema vowed not to allow anyone to go back and resettle in the Sichifulo Game Management Area.

The three chiefs have been central to Minister Namugala approach to this as [referenced in her statement last week](#).

Update : More on this from [the Post](#). It appears at the heart of the dispute is whether the Chiefs were coerced into supporting government or not. Kalomo MP Request Muntanga reckons that they were : *"Chief 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...*

”.

Update : Chief Siachitema has [now fired back](#) claiming he was not coerced by Daniel Mukombwe, with the veiled warning that this situation may “*further deteriote working relations between civic leaders and chiefs*”.

Update (26th February) : The [Government is now appealing](#) for investors in the GMA, saying it has now managed to “evict [all] illegal squatters” in the GMA.

Update (28th February) : The [MPs are not about to give up](#). Over 40 MPs have asked President Rupiah Banda to order tourism minister Catherine Namugala to “*halt all manner of brutality*” against the residents of Sichifulo in Kalomo and Kazungula.

The politics of succession (Kalindawalo)

[The House of Chiefs](#) have weighed in on recent succession wrangles in Petauke and Nyimba. A recent report obtained by the Post newspaper blames “*some government officials of fanning succession wrangles in the Kalindawalo chieftaincy of the Nsenga people of Eastern Province*”. Particularly damning is the suggestion that politicians literally used the succession dispute to influence electoral outcomes in the 2006 elections:

“There were also strong assertions that during the general election campaigns of 2006, some politicians promised the de-gazzetted chief that if he could rally his supporters to vote for them, they in turn would revert the Kalindawalo chieftainship to him. Apparently, the degazzetted chief had more people on his side than the incumbent. As a consequence of such promises, the same politicians were inciting people to rebel against the incumbent chief so that an atmosphere of instability was created to force the powers-that-be

to revert the chieftdom to the Nsangu family.”

2 comments:

“The politics of succession (Kalindawalo)”

2 Comments - Show Original PostCollapse comments

1 – 2 of 2

FRIENDS OF LOWER ZAMBEZI (IPAM) said...

Ditto Luembe

1 March 2009 at 11:58

Chola Mukanga said...

Good point!

Fighting against corruption.

“If the Auditor General has evidence, why not give it directly to the prosecutors so that action is taken there and then?...I would love a situation in which the Auditor General submits his evidence straight to the prosecution wings of government so that culprits are dealt with there and then.”

Chief Macha challenging Zambians to move away from “mere rhetoric” to action by reporting public officers alleged to have misapplied funds to relevant investigative wings of government. The 2007 Auditor General’ report contains, in line with previous reports, significant financial abuses, but very little has been done prosecute those involved. It is unclear what the purpose of AG report is, as nothing is done to bring people to justice.

Landsafe Investment Trust Model

The Landsafe Investment Trust model has come up in various discussion as part of what [Ian Manning](#) has termed an *“holistic approach to the custodianship of land and natural resources in general”*. [Rolf Shenton’s useful contributions](#) to the discussions on this blog reminded me of the need to put together a reference blog on the Landsafe Investment Trust Model, which can be modified and adapted as knowledge builds. We are fortunate that Ian Manning has already done the hardwork on both the overarching framework(drawn from the [Zambian Economist](#)) and the detail of the specific chiefdom trust models (drawn from [Zambia Landsafe](#)).

The Overarching Framework

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

1. Zambia’s customary land is sacrosanct and should not be sold to anyone, not foreigner, not Zambian.
2. Chiefdom Development Trusts should be established in all chiefdoms so as to be the custodian of the land and natural resources, and to incorporate the villagers needs and aspirations, to be married with a simple landuse plan and the identification of investment projects. The Chief, CBOs, local councils and significant investors and NGOs would sit as trustees, being responsible for the management of a trust fund.
3. Trusts, having identified investment projects, put them on the table for investor scrutiny as usufruct leases only. These leases to be registered with the Commissioner of Lands.

4. Local villagers' agricultural lands to be recorded in a land registry book maintained by the chief. A form of title is therefore recognized, without any need to advance to leasehold and total alienation.

The Detailed Landsafe Framework

The long version was put together by Ian Manning in 2005, as a preliminary guide for customary leaders, government and community resource boards.

Land Investment Trusts for Customary Land and Protected Areas in Zambia, I PA Manning, Zambia Landsafe :

What is a Landsafe Investment Partnership ?

A Landsafe investment partnership is made up of the local community and government, investors, and local and international NGOs. It is a sustainable business partnership of equals who share a common goal of integrating community development with that of biodiversity and land conservation. It is investment driven; and it does not take away customary land.

A Landsafe partnership may be registered as a trust company under the Companies Act CAP 388 of the Zambian Laws (limited by guarantee) or under the Land (Perpetual Succession) Act (Cap. 186 of the Laws of Zambia) - non-profit, having as its trustees the chief (chairman of the headmen), the investor, a representatives of the main partner NGO, the Community Resource Board (dealing with wildlife interests) and the District Council (or a governmental organization in the case of protected areas such as ZAWA and the Forestry Department) in which the programme is being conducted, and other key stakeholders.

Why do chiefdoms need landsafe development?

The chiefdoms cover more than 94% of the land in Zambia and contain

a wealth of natural resources. Development has not come to these areas, and the opportunities for attaining food security and the raising of living standards are few in places where villages are scattered, lie far from Government services and from markets, and where crops are preyed upon by wildlife. The Government does not have the money or the capacity to deliver full development, and donor support merely ensures continued dependency on aid. The way forward is to encourage investment, but investment which comes in as a partner of communities, that supports the traditional structures and that does not take away the land.

How can a Landsafe Investment Partnership assist development?

Chiefs are empowered under the Lands Act No. 29 of 1995 to dispose of land for up to 99 years on leasehold tenure – provided Government agree. Driven by a need to generate income, chiefs are selling off land, removing it forever from the community. The Landsafe model ensures that land remains in the villagers's control – except, in exceptional cases, perhaps for small areas needed for high-cost buildings. Chiefdoms also do not own the wildlife of their areas, this resource being held by Government and given out as yearly hunting quotas. In support of Government's policy of de-centralization and devolution, the Wildlife Act of 1998 offers an opportunity for the community to obtain more powers over its own wildlife resources – one of its main opportunities for raising living standards and for wealth creation, giving as one of its main objectives 'to facilitate the active participation of local communities in the management of the wildlife estate'. This Act, also allows for the recognition of Community Resource Boards (CRBs), which, representing the Zambia Wildlife Authority (ZAWA), may obtain and make use of game quotas and are responsible for the protection of wildlife and people (from wildlife – the original function of ZAWA's predecessor organizations). However, CRBs are only empowered under the Wildlife Act, making the formation of Trusts – with responsibility for all natural resources, essential. Landsafe makes use of these two Acts – as well as the proposed Forest Act of 1999 and the National Biodiversity Strategy and Action Plan (NBSAP)

– and the recent National Policy on Environment (May 2006), to lay the groundwork for the future development of customary land so as to conserve the biodiversity and, at the same time, to stimulate much needed rural development.

What is the role of landsafe partners?

The Customary Authority

The Authority i.e. the chiefs and their headmen, is, along with the investor, the co-director of the Trust responsible for the development of the area, lending to it his traditional powers and those enshrined under the Lands Act, ensuring that secure access to and use of the land is possible, and that the community benefits.

The Community Resource Board

The CRB, being only empowered under the Wildlife Act, is there to assist in the sustained use of the wildlife resources for the benefit of the community – in particular in taking ownership of game quotas and for deploying and managing village

scouts, protectors of the very resource which should be sustainably utilized. It is also the vehicle to serve the community by making applications, where feasible, for wildlife harvesting rights, as allowed under Part 3(3) of the Wildlife Act – a rarely invoked right.

The Investor/manager

The role of the investor/manager is to provide the seed money to start the project, to

recruit other investors, and perhaps to manage the development. For this to happen there has to be an incentive to do so, as well as the necessary protection and security of tenure for the investors. The manager will also have the crucial role of managing a conservation area (a conservancy), one containing scattered communities, and possibly endangered species and protected areas. This is an holistic development requiring experience in wildlife management, biodiversity protection, tourism development, artisanal and commercial agriculture, forest exploitation, community development and small business development.

The NGOs

The NGOs act as umpires between managers and investors, the customary authority, the community based organizations (CBOs) and Government. They assist the scheme to grow, and lay the groundwork for long-term sustainability. Crucially, they are empowered to carry out community development, identifying projects through participatory rapid rural appraisal, developing project proposals, drawing on money built up in a trust fund, as well as accessing donor funds for micro-level development.

What will landsafe investment do in Zambia?

- It will create a business partnership between the community, Government and investors, expressed in the form of a trust company in which the chiefdom, the investor/manager, NGOs, CBOs and the District Councils are subscribers.
- It will allow 'use and occupancy' (usufruct) of land – from which it will derive rentals – managed by the trust in a trust fund, to benefit the community and the biodiversity on which it depends
- It will help to empower the CBOs so that they are better able to conserve the natural resources of the chiefdom for the benefit of all concerned
- It will provide for sustainable agricultural and natural resource development
- It will improve livelihoods and, in comparative terms, create wealth
- It will provide food security
- It will provide a framework for sustainable donor involvement
- It will provide a model and framework for the delivery of true rural development, particularly in resource rich areas
- It will not alienate the land

What do these words mean?

Biodiversity : Biological diversity (biodiversity): the variations in biological organisms at ecosystem, species and gene level.

Chiefdom : Authority over land held under customary tenureLand-

safe.

Investment Model : An integrated conservation and development model (symbolized by the traditional African chair) established within areas of customary tenure and associated protected areas, and carried out by a partnership between investors, customary authorities and government, and non-government organizations.

Conservancy : A conserved area (not, necessarily, a game ranch)

Customary Area : Land held under customary tenure i.e. Open Areas and Game Management Areas

Customary Authority : The custodian of land held under customary tenure (chiefs and headmen)

Customary Tenure : Land held, through long tradition, by village headmen under the chairmanship of a chief (Appendix 4 of the Laws of Zambia)

De-centralization : The allocation of responsibilities for decision-making and operations to lower levels of government, community organizations, private sector, and NGOs

Devolution : The transfer of power from a central to a subordinate level of organization, particularly from a central government to regional or local governments

Ecosystem : A dynamic complex of plants, animal and micro-organism communities and their non-living environment interacting as a functional unit

Game : Commonly hunted animal species specified under the Wildlife Act

Holism : The principle which makes for the origin and progress of wholes in the universe. It is not only creative but self-creative, and its

final structures are far more holistic than its initial structures

Holistic Management : *The management of the whole*

Hunting Concession : *An area where authority to hunt within a specified hunting block has been given by ZAWA and the local community, to a company for a specified period of time*

Land Alienation : *The conversion of land from customary tenure to leasehold tenure: provisionary – 14 years; full title – 99 years (renewable)*

Land tenure : *The rights of individuals or groups over arable, grazing and residential land, how such rights are acquired, what they consist of, how they operate in the holding, transfer and inheritance of land and how they may be extinguished.*

Local Community : *The resident 'owners' of customary land - including Game Management Areas (GMAs), other than owners of tourist and camp lodges or hunting concessions – who by virtue of their rights over land, invest in and should derive benefits from the sustainable utilization of the natural resources in their area; or as defined by ZAWA in the 2003 Safari Lease Agreement as "The total number of villages, their residents and traditional rulers within a Game Management Area.*

Natural Resources : *Land and its biological resources - the soils, vegetation and the fauna*

Open Areas : *Customary land not included in GMAs*

Partner : *One who shares risks, losses and profits*

Private game ranches : *Fenced privately owned property (leasehold) (ZAWA: Draft Policy on Private Wildlife Estates)*

State Land : *Land which is not situated in a customary area (Lands Act 1995)*

Strategy : *A set of chosen actions to support the achievement of a specified development goal*

Sustainable Use : *Use of an organism, ecosystem or other renewable resource at a rate within its capacity for renewal*

Tenure System : *Legal and institutional framework which determines the ways in which rights to natural resources (property rights) are defined and enforced*

Usufruct : *The principle of customary tenure whereby anyone can have access to and the use of a piece of land but cannot claim any form of ownership of it. The latter implies in English jurisprudence – from which Zambia’s laws are derived, title to the lands and full rights of management including the rights of alienation (ownership at law) but not necessarily possession or enjoyment of benefits which may belong to the owner at equity.*

Chiefs and Politics: The Rise of Political Chiefs?

The [last post](#) in this series catalogued the historic relationship between chiefs and politics. In particular we noted how this relationship has evolved ambiguously over time, with successive governments oscillating between treating chiefs as rivals and as unfettered instruments of the state, all underpinned by an absence of a clearly defined framework. We noted that in recent years chiefs appear to have become more prominent in public debates,

especially under the Mwanawasa era, mainly through formal interactions with the House of Chiefs but also through their local engagement with the media. What is driving this change? To what extent is it transitory or fixed? More importantly if it does represent a change in the status quo, what does it tell us about the likely future of chiefs in a modern political Zambia? These are some of the questions we attempt to explore in this post.

There are essentially two possible ways we can gauge the extent to which chiefs have experienced something of a resurgence. First, through the assessment of how their attitudes have changed. In particular, the extent to which the chiefs' own "self testimony" has evolved especially in relation to how they now perceive themselves compared to the past. Secondly, by gauging the public reaction to this interaction, especially on issues pertaining to chiefs i.e. how high the public "uproar factor" has become. We'll briefly address these two dimensions in turn.

In recent years a number of fundamental issues have arisen in relation to chiefs which have ignited significant debates in the media and Parliament on the nature of the chieftaincy especially with respect to their role in politics. These issues have aroused passions and often led either to the affirmation of the special place the chieftaincy currently occupies or indicated the vulnerability of their customary positions vis-à-vis their subjects.

A particularly current controversial issue is the provision of heavily subsidised loans for expensive cars, which has raised some fundamental questions on whether chiefs are "public servants" that should continue to be funded at the expenses of tax payers or simply accomplices in government led corruption in exchange for public support. This criticism has not only come from members of the opposition but also from ordinary Zambians. The opportunity cost of this expenditure has particularly been apparent to many people. Some have asked, why with so many local areas experiencing 80% plus poverty has government opted for discretionary spending of billions of Kwacha to procure vehicles as opposed to direct support that would uplift local communities?

A perfectly valid question and one which was partly inspired by none other than President Mwanawasa when he suggested that he was disappointed that many chiefs who had received these loans opted to purchase luxury vehicles (4x4), which go some way to ease the their accessibility to remote parts, but does nothing in terms of providing food for rural areas. I suppose one could go even further and ask why the President had not foreseen and rather provided the money as cheap loans for them to use for more productive activities? Incidentally, the behaviour of chiefs with respect to motor vehicles probably lends credibility to those who argue that chiefs fundamentally seek to maximise their personal welfare rather than their subjects. In designing structure or policies that seeks to reach local people, governments need to consider the possibility of opportunistic behaviour from chiefs. Seeking to empower chiefs had some merit, but the choice of their vehicles probably revealed their current limited scope in envisioning productive opportunities.

The general charge of government using vehicles as an instrument of corruption, particularly gained some currency in recent elections when several chiefs pointed to the provision of vehicles as the rationale for their endorsement of the MMD presidential candidate Rupiah Banda. When [Senior Chief Kopa and all the Bisa traditional leaders](#) lined up behind RB's candidacy they were particularly strident in their praise of *"the Government for providing traditional leaders with car loans which eased their transport blues and for reintroducing the House of Chiefs"*.

The recent elections in particular appear to have been the time when the worst in chiefs has come to the forefront, at least based on the media and public reactions. Those elections more than any other have found chiefs accused of tribalism, electoral corruption and general greed. The attacks have come not just from ordinary citizens and opposition parties, but also from within their ranks.

When Mpezeni endorsed Rupiah Banda with the words :

“You children of Mpezeni, children of Zwangendawa let’s agree on one thing, we need to vote for that one (Rupiah Banda). I was in the Bemba land and Chitimukulu said they are behind us; they want to push us [easterners]. I was in Zambezi same, same. I was at chief Ndungu’s place, he is also saying the same. Even the Tongas, I don’t know whether it can be a lie but they are also saying the same thing but because we look at the majority between Southern and Eastern, you are leading here in terms of population”.

The media reaction was staggering, partly fuelled by the swift reaction from the [PF presidential candidate Michael Sata](#) who responded linking Mpezeni to what he characterised as ‘Bandanian tribalism’, with the parallel charge that Mpezeni was corrupt :

“We know the Paramount chief is not sincere and he should not use tribalism.....We don’t want umozi ku mawa, we want umozi ku Zambia....Mpezeni has endorsed the language of Rupiah Banda in Katete because Rupiah Banda must have met Mpezeni first and it is Mpezeni who told him to say what he said...If he[Mpezeni] doesn’t [tread carefully], he’s just going to invite unwarranted attacks on himself. That is not saying we have no respect for the chiefs, but Mpezeni himself has invited us....And we know Mpezeni as he is, he is saying that with some inducement.”

The fights among chiefs on who to endorse particularly attracted significant media coverage. One of the memorable exchanges involved [Chief Mwajabantu](#) who was more direct in his public attacks on other chiefs saying, “*only corrupt chiefs in Eastern Province could support Vice-President Banda*”, along the way aiming some fire at Minister Peter Daka whom he characterised as a “mindless child”.

Money was certainly part of the equation and most chiefs were open about it. When Chief Mwene Kahare of the Nkoya people was rounded up with other

chiefs, and found himself in a not so expensive lodge, he was quick to express utter disappointment at the then MMD presidential aspirant Rupiah Banda:

“Those who are always flying, the MMD, had to dump us in those lodges in Kaoma and we were even starving....In the morning, it was just an order from the District Commissioner’s office that ‘you take them back’. I feel that was very disappointing.”

It appears the price of political support was not cheap. How many of these demands were fuelled by natural greedy and how many were simply the case of a powerful Executive taking advantage of poverty of traditional leaders is hard to say. What is clear is that the legal position as laid out in the Republican Constitution is clear that chiefs should be *apolitical*. While chiefs may be forgiven in their interpretation of the law, the same cannot be said for the Banda administration who took no serious steps to clarify what chiefs were or were not expected to do during elections. It appears the short term political gains outweighed long term institutional clarity.

Regardless, many Zambians raised pointed questions on whether it was correct that chiefs, whether through ignorance of the law or rational opportunism, should be found on campaign roads. If chiefs were so active in politics, it begged the question on why chiefs continue to sit in the House of Chiefs at the expense of tax payers money, and receive priority grants.

If the issues of loans and electoral malpractice concern largely appear relevant but distant, the ever present and growing issue of land has continued to shape and dominate public perception of chiefs, and particularly forced chiefs to use the media to rally to their cause. When Chief Shakumbila and Chieftainess Nkomeshya clashed over boundary disputes, the latter quickly went to the media to make her case, which forced the then Local Government Minister to intervene as the case appeared to be getting out of hand. Calm only returned after the media fuelled public apology of Chief Shakumbila for having used “derogatory language” towards Chieftainess Nkomeshya.

What is interesting of course is that rather than high profile issues forcing traditional leaders turning inwards to shun the media, traditional leaders have continued steadily in publicly defining their role, intelligently using the media as a tool to further their interests and their subjects. The [Zambian Economist](#) has tracked many comments from chiefs on a wide range of issues. These comments often contain deep insights on how they perceive themselves and what they feel they are able to contribute to the nation in terms of political development.

Among the leading lights of this “new generation” of politically aware and media friendly chiefs is [Chief Nalubamba](#) who has been a leading critique of the way government operates in relations to chiefs, often calling for government to take “*radical steps, through workshops and seminars designed to sharpen chieftain structures as instruments for good governance and development in rural societies*”. Others have focused on the need for institutional reform. Chief Puta last year remarked that the lack of government attention to their resolutions “*were reducing the council of chiefs to mere white elephants because their decisions were not [being] taken seriously...*”. A view shared by Chief Chiwala that “*this [is a] constitutional office and discusses national issues. We want to know why there is no response to our resolutions otherwise what is our contribution to national issues ?*”

But there have also been strong emphasis on bread and butter issues. [Chieftainess Mwasephangwe](#) recently spoke out on the need to curb maize smuggling and enhance transport infrastructure in her chieftain in order to remove constraints to smallholder farmers. Others have spoken out against corruption, as Chief Chisunka did recently when he revealed that the level of corruption by local court clerks is damaging the quest for justice in Luapula. We recently heard Chief Macha voice out on the the poor implementation of the fertiliser distribution. We have had chiefs comment on issues related to land seizures, encroachment of investors and many other areas. The range of issues covered by traditional leaders is extensive and perhaps more diverse than the sort of issues we read daily in the media raised by parliamentarians.

Perhaps the most fundamental sign of their desire to be in the political process has been the direct statements they have made on their desire to be more involved. A key proponent in this area is Chief Kapaula who has written many intelligent articles questioning the status quo. Recently during the NCC process we have also seen other chiefs express desire to be more actively involved. But this view is by no means unanimous. Some chiefs have spoken strongly for neutrality of chiefs. Recently as the NCC debate has unfolded, [Chieftainess Lesa](#) has argued that *“chiefs should not be allowed to be take part in politics because this will create confusions in chieftdoms as traditional leaders would be perceived to have lost their netrality and integrity.”* The robustness of the argument aside, it is interesting that many of these chiefs of course are arguing against a position that they themselves have adopted. By making arguments on whether chiefs should or shouldn’t engage in politics, they are straying into political debate. It strikes me that at the root of this confusion is their narrow interpretation of “political activism”. What Chieftainess Lesa really means to say is that chiefs should not stand for political office, which is different from saying chiefs should be apolitical.

Whether one agrees with the calls of chiefs (on both sides of the debate), it is inescapable that the nation has seen a dramatic shift in recent years in the way that chiefs engage in national issues. So, why this resurgence in political interest? I suppose this renewed engagement of traditional authorities in national dialogue might be attributed to a number of reasons.

First, *increased electoral competition* has given chiefs unparalleled opportunities to emerge as “kingmakers”. Since the dawn of multi-party politics, chiefs have emerged as critical players in a way they had not been during the first and second republic. The politicians have clearly learnt how chiefs were instrument in rejecting Chiluba’s third term bid and subsequently reducing the MMD share of the vote in 2001. Securing support from chiefs was particularly instrumental in building momentum and showing that that the nation was united for a particular candidate. In this respect the MMD performed very well and built up some inevitability around their candidate.

However, the extent to which chiefs support translated in effective “king making” is questionable. For example, Rupiah Banda secured significant backing from chiefs in urban areas but performed poorly. Similar, HH was not heavily endorsed by southern chiefs who moved early to back RB. When the votes were tallied the electoral map did not change and HH emerged victorious. In this respect it appeared that people were more aligned to voting based on tribal royalty than the position of their chiefs.

Secondly, *the market and constitutional reforms of the Chiluba era*, in particular the land reforms of 1995 and the constitutional amendment in 1996 which defines the chieftaincy as “*a corporation sole with perpetual succession and with capacity to sue and be sued and to hold assets or properties in trust for itself and the peoples concerned*”, effectively gave chiefs a new lease of life. The land chiefs possess is of immense value, and some have used this intelligently to amass wealth for themselves, which in turn puts them in good stead to influence political outcomes at the local level.

Thirdly, *traditional leaders are becoming more educated*. We now have a number of well educated chiefs like Chief Bright Nalubamba, Chief Kapalaula, Chief Shabaila and many others who are able to speak intelligently on many issues. Chief Kapalaula recently expressed the mood of this new educated generation best when he noted:

“I must make it abundantly clear to all megalomaniacs who have become swollen-headed as challenged heroes of sarcasm i.e., the fake sophiscates who look down upon chiefs as yokels with little intelligence that from now on anyone who dares to shoot unjustified foul language at the Institution of Chief, we shall also fire back with the same kind of ammunition in order to make it clear that we too are very much capable of defending ourselves and our institution at all costs. After all, as a new breed of traditional leaders, we are just as educated, intelligent and politically enlightened as anybody else”.

Fourthly, *increased poverty levels especially with the SAP reforms have forced chiefs to become more vocal for their rural dwellers.* The breakdown in social cohesion continue to pose significant threat to the authority of the chieftaincy. Chiefs now realise that the cultural, political and economic objectives are inter-twinned. Unlike under One Party State where the government operated a command and control economy. In the new liberalized economy, the people are largely left to fend for themselves and define their voices to compete for investment and political support. The skills of the chiefs to impose himself on the national scene becomes critical. In that vein, the rise of “educated chiefs” could be viewed partly as the natural process of increased pool of educated rural dwellers, but also has evidence of increased demand by rural dwellers to have more articulate representative or local traditional leaders who can drum up support for their cause. Educated chiefs can help attract investment, secure political support and bring new ideas to support local cohesion whilst simultaneously enriching existing traditions.

Finally, *the rise of new and more accessible mediums of communication.* There’s no doubt that the plethora of new forms of local radio stations to the internet, has provided chiefs with enormous opportunities to educate themselves on issues and has presented a new opportunity to get their message out. Many of the reports received last year of food shortages across the country were brought to our attention by local chiefs .

So what lessons can we draw from the discussions above the historical assessment in the [last post](#), as we seek to understand the relationship between chiefs and politics? Three things come to mind :

- *Chiefs are fundamentally operating in a different political environment than existed under the first and second republics.* While chiefs are trying to adapt to these conditions, the institutions themselves appear not to have woken to the new generation of chiefs. Resolving the political institutional realignment is critical to create political and social stability.
- *Chiefs have many opportunities to effect political change, even within the*

existing sets of constraints, however many suffer from collectivism problem and sometimes are unaware of these opportunities. We have seen that historically, they have been able mobilise themselves, and effect change as they did with Chiluba and the third term. If chiefs could mobilise and create new solutions they can be a social, economic and political force to be reckoned with.

- *New opportunities also brings significant vulnerabilities.* Chiefs have often found themselves as victims of electoral competition and often participants in electoral corruption. This has led to reduced respect for some leaders and can contribute to further weakening of the chieftaincy. Managing this risk is critical in their ability to leverage the power of their institution to the benefit of themselves and their subjects.

In the next post we'll turn our attention to the examine the upsides and downsides associated with this resurgence. Should this rise be welcomed? Are chiefs doing more harm than good? Should they remain outside the political process? A full tentative list of topics which are being covered in this series can be found [here](#).

And another thing..

[Chieftainess Lesa](#) has also voiced some opinions on the issue of chiefs and the constitution, with her own brand of reasoning : *“chiefs should not be allowed to be take part in politics because this will create confusions in chiefdoms as traditional leaders would be perceived to have lost their netrality and integrity.”* The question I suppose is the “counterfactual”. The argument would carry significant weight if chiefs were already regarded as neutral and full of integrity. Unfortunately some of our chiefs have gone some way to demean the very institutions they claim to hold dear. It is unlikely that allowing them to take part in politics

would diminish it further. As [we have previously noted](#) it is not exactly new for chiefs to engage in the political process. The question is how they engage.

Chiefs and Politics - The Historic Lenses

The historic relationship between chiefs and politics has been fairly ambiguous. As previously noted in [this series](#), the legal position of chiefs has evolved considerably since independence. Prior to independence chiefs were critical components of the political and governance system. They were particularly instrumental to the pre-independence indirect rule structure, with Native Treasuries inadvertently providing a financial base that underpinned the struggle for independence. We have discussed these issues at length [here](#), and I do not wish to duplicate, except in so far as to note that in contrast to British colonial rule where the chieftaincy had a predefined role, successive Zambian governments' attitudes to chiefs appeared to have oscillated without a clear rationale or vision for the chieftaincy, in many instances struggling to balance between what's good for ruling party in order to ensure it remains in power and the needs of traditional authorities and society at large. Depending on the issue at hand, the government has randomly moved between viewing the chieftaincy as rivals and treating them as potential instruments for their immediate objectives.

In the early period of the Kaundanian era, the relationship between chiefs and politics was largely negotiated through the House of Chiefs. This was the body that was formed immediately after independence as an advisory arm of government and served as a quid pro quo to chiefs for the powers they lost at independence – see [Chiefs and the law in independent Zambia](#) for further discussions. These changes were largely forced on chiefs and therefore it was

no surprise that from their perspective, the House of Chiefs was regarded as unimportant and with little value.

We see evidence of this in three ways. First, the House of Chiefs was significantly stable with little or no competition among chiefs to preside over it. For example between 1968 and 1981, the institution was presided by Chief Undi. Contrast this with other positions of authority later in the KK era where Chiefs literally “competed” to assume power e.g. parliamentary office or local governance. Secondly, the more prominent chiefs appeared to have shunned the institution prior to 1982. Among the paramount chiefs with pre- colonial regal and splendour, Undi was the only one ever to have been member of the House of Chiefs. Thirdly and finally, the assent of Chief Nalubamba, a competent but lower ranking chief, to the chair reinforced the belief of many that the institution was toothless. It also signalled that government was more interested in what it defined as “progressive thinking” rather than meet chiefs as equals.

The UNIP government’s response to this apparent frustration by traditional leaders was to incorporate the Litunga and Chitimukulu, two of the nation’s most prestigious chiefs, into a much more powerful national political body, the UNIP Central Committee. This had the instant impact of reducing any value attached to the House of Chiefs. UNIP supporters argued through the mouth piece of the Times editorial that this was a *“significant step to bring the chiefs in the main political stream, to turn them into nationalists rather than traditionalists”*. Veiled within that quote is the deeper distrust that many UNIP politicians felt towards the traditional leaders of the day. Clearly memories of chiefs’ pre-colonial rule as Native Authorities were still imprinted on their consciousness. We have touched on this issue under [*Chiefs and the law in independent Zambia*](#) .

However for many ordinary rural dwellers, the government’s supposed attempt to bring chiefs more to “the centre” smacked of a blatant drive to silence the last vestige of independent voices in Zambia. Many tribesmen

viewed the co-option with significant resentment and it might even be said to have damaged the status of these leaders who not too long ago had refused to even sit in the House of Chiefs. Nearly two decades later another President was going to cause similar damage to the institution of chieftaincy by attempting to buy their support in exchange for political support to lengthen his stay in office. The truth probably lies in between. UNIP was certainly suspicious of traditional authorities, but they also saw them as a potential instrument of the state in quelling opposition to one party rule. In many ways UNIP's ideological approach to chiefs was similar to the British colonial rule, except in execution. Whereas the British instituted local indirect rule UNIP preferred to use national structures to coerce the local populace. The other contrast of course is that whilst the British had a clear defined view of the chieftaincy, albeit an unfavourable one, the UNIP government appeared to oscillate without a clear rationale or vision for the chieftaincy.

The UNIP echelon was well attuned to the fact that with political opposition largely silenced, trade unions and the chieftaincy presented the most likely threats to the dominance of the One Party state. The KK motto appeared to have been one which sought to limit the number of opponents. They hoped to turn the chiefs into the eyes and ears of the one party state. In taking this forward, UNIP supplemented the MCC reforms with additional measures. For example, they expanded the scope for chiefs to become more involved in political activities. The primary route for many chiefs was through becoming parliamentarians and governors. [Senior Chief Kapaula](#) has helpfully catalogued in his article the extent to which chiefs have proved "capable" in political positions, *"It may, however, be rightly pointed out that the late Mwinelubemba Chitimukulu Mutale Chitapankwa II accepted the appointment to UNIP's Central Committee and that the late Senior Chief Nkula Chisanga was Chinsali District Governor. And also that the late Chief Mumpolokoso Mufimbana Bantu contested and won a parliamentary seat in that area"*.

Another UNIP initiative was to quickly move to institute the idea of "chiefs' subsidies". Chiefs were effectively put on a salary at the cost of the tax payer

as another way to ensure they that they were part of government and at the beckon call of the state machinery. Again the parallels to the British system are not amiss. The chiefs effectively became employees of the state rather than self standing local institutions capable of determining their own destiny. It appears that from the “traditional perspective”, British colonialism had now been replaced with an hidden form of “state colonialism”.

There are many other areas, where UNIP extended its hold of traditional leadership, not least the beginning of government support and politicisation of traditional ceremonies. Chiefs were now becoming actively engaged in the political process , albeit without a clear defined role for them beyond serving the needs of the party in government. This momentum continued until the last days of the UNIP government.

The ascent of plural politics in the early 90s and in particular the institutional reforms of the MMD, diametrically altered the role of chiefs in politics. FTJ made two important initiatives. First, he suspended the House of Chiefs. The body was largely irrelevant when FTJ took over the reins of power, with the “winds of change” behind him and the growing emphasis on the role of marks, the Chiluba administration moved swiftly to ignore the chamber, with no clear explanation given. Secondly, the MMD government amended the existing constitution in 1996 and forbade the engagement of the chiefs in politics. Following the Government White Paper on the constitution, the FTJ moved quickly to forbid chiefs from engaging in politics, a calculated move that was largely meant to prevent support by chiefs for KK who at that time was contemplating a come back and appeared to be gaining some support in rural areas.

In hindsight the decision by FTJ to bar chiefs from the political processes effectively energised traditional leaders as a “political force” to be reckoned with. It legitimised them into having political opinions rather than staying on the peripheral of national discourse and attending to the social needs of their areas. Evidence of this renewal is clearly seen when four yeas later in

2000, the chiefs reminded FTJ that they had not forgotten and now took a strong stand against FTJ's bid for the third term. Indeed, it was during that period of 2000 that much of the "local bidding" for chiefs that have now come to characterise politicians approach to traditional leaders came to prominence. FTJ effectively went around bearing gifts and asking for endorsement for the third term. It is alleged that after [quiet meeting with Mpezeni](#), President Chiluba declared. *"I'm determined to fight on and win the battle against those [chiefs] opposed to my third term..."*. For the chiefs on his side, FTJ promised to furnish them with new motor vehicles provided they remained faithful supporters of his third term bid. Mpezeni is alleged to have agreed to mobilise other chiefs so that they could come back to Lusaka and surrender their loyalty on behalf of their subjects to his leadership. What is particularly interesting to note from this episode is that this was the first time that the idea of "vehicles for chiefs" was proposed. Not as a tool for development but as a mechanism of political corruption.

The FTJ bid was defeated by a coalition of civil society and traditional authorities and with it was much reduced support for MMD in the 2001 elections. Perhaps it's the chiefs significant campaign against the third term and their general stand against the MMD in 2001 that led President Mwanawasa to adopt a more conciliatory attitude towards chiefs.

When LPM came to power, he quickly moved to re-open the House of Chiefs which had largely been dormant under Chiluba, in what many chiefs saw as an effort to rebuild the trust between traditional leaders and the MMD. In practice of course the House of Chiefs remained with little power to change things and many chiefs have bemoaned the lack of input. Recently, Chief Chiwala remarked that the House of Chiefs was *"a constitutional office and discusses national issues. We want to know why there is no response to our resolutions otherwise what is our contribution to national issues?"*. Another chief, Senior Chief Nzamane weighed in arguing that the House of Chiefs *"...should have been autonomous long before. We belong to all ministries in government. We must press that this House becomes autonomous but there must be a regulatory*

board to see the operation of the institution...". It is also worth noting that unlike during the early years of the KK era when chiefs shunned the House of Chiefs, increased coverage of House of Chiefs proceedings has given it some prestige and some chiefs have been very vocal. We shall return to this issue in later posts.

LPM was also adept at including chiefs in the national constitutional making process. When the Constitution Review Commission (CRC) process was set-up, a slot for chiefs' participation was reserved, which was roundly welcomed by the chiefs. Following on from that, government undertook to include Chiefs in the National Constitutional Conference. Eighteen chiefs are sitting on the National Constitutional Conference as representatives of the House of Chiefs. The merit of the NCC aside, it is notable that whilst the NCC is fairly unrepresentative of the people, by being largely dominated by politicians, chiefs were included in its composition by more than the provincial number. It is however apparent that the number of eighteen does not adequately replicate representation from all tribes and dialects. Perhaps more worrying is that coverage of the NCC thus far has revealed very little on the extent to which are effectively assert themselves on the proceedings.

As important as these initiatives were, arguably the most profound feature of the Mwanawasa era in relation to chiefs was the significant increase in expenditure on chiefs without a clearly stated national policy on chiefs. Four key initiatives are particularly noteworthy.

First, the government embarked on significant electrification of chiefs' palaces, a process that still continues under President Banda. Under the Mwanawasa administration many chiefs' palaces were electrified either through the national grid, kinetic energy or solar power. It goes without saying that such measures did not extend to their subjects.

Secondly, the Government initiated the purchase of motor vehicles for chiefs in the country under the loan scheme, with the money recouped from.

Mwanawasa was now taking the Chiluba idea of “vehicles for chiefs” and selling it to the public as a critical ingredient that would empower chiefs. For the record the chiefs have been calling for such measures, most notably Chief Nalubamba. The program itself appears to have ballooned. Initially the target was to procure 150 motor vehicles, but this has now been increased to cover 136 additional chiefs in the country. The motivations for these expenditures are unclear, perhaps even more unclear was the extent to which LPM was driving the agenda or merely responding to the pressure from chiefs. There are certainly signs that of significant lobbying from chiefs perhaps as their quid pro quo for supporting government. For example it is interesting that many chiefs directly associated the purchase of vehicles to President Mwanawasa as opposed to evolution in well thought out government policy. For example Chief Mumena is on record as having said the purchase of motor vehicles for chiefs would not have materialised had President Mwanawasa not authorised the exercise: “Initially, it was planned that only 36 motor vehicles would be purchased, but we asked the President and that is how Government increased from the initial 36 to 150 motor vehicles...”. It remains a matter for debate, but it was obvious that the significant expenses appear to have presented both the Mwanawasa / Banda administrations and chiefs in a win-win position. Questions of course remain on whether this represents effective governance that benefits the rural populace.

Thirdly, the Government widened the role of chiefs in mining by taking some deliberate measures to allow chiefs who were interested in mining to get mining licenses so that they could engage into mining activities. Chief Chizela was among the earliest to take advantage of this when he entered a lucrative deal with Mayfair Mining & Minerals. Other chiefs who have not been directly involved in mining generally received greater support from the Mwanawasa administration in terms getting royalties from investors who have invested in their respective chiefdoms. We shall discuss more of these issues in later posts on “Chiefs and Economic Development”.

Finally, the Mwanawasa period also saw significant increases in subsidies to

chiefs. At the time the House of Chiefs was re-opened, the lowest subsidy chiefs are said to have been getting is K200,000 which has since been increased to K1 million, representing a five fold increase. In practice of course, many chiefs have bemoaned that they are rarely paid these subsidies on time

For their part, the grumble of some chiefs is not only restricted to late payments of subsidies. Many chiefs especially in Luapula and Northern province never saw eye to eye with LPM, largely due to how LPM pursued FTJ in the plunder cases. Other chiefs were equally disappointed with what they saw as the government extreme response to land wrangles. In response to the many disputes the then Local Government Minister Silvia Masebo continually threatened to “de-register” chiefs at logger heads with each other over land. Under the Chiefs Act (1965) the President possesses the power to withdraw the recognition of a chief, senior chief (etc), and with that the associated subsidies. The continuous threats to de-register chiefs was met with wide disapproval and appeared to be inconsistent with the Mwanawasa government earlier advice against playing politics with chiefs.

Some chiefs were also equally dissatisfied with the failure of the government to deliver what it had initially promised from inception - a new chiefs draft policy. It appeared the lure of having chiefs at your beckon call overtook the needs for a coherent framework that lead to long term relationship between chiefs and politics. The new government of Rupiah Banda has not articulated a policy on chiefs and in the recent elections appears to sideline the issues while the opposition promised a deeper role for chiefs. It is unlikely that the situation will continue, for the momentum that chiefs gained in the Mwanawasa era appears unabated. Chiefs have become vocal, as political and economic, economic and social forces converge. In return the public have started to debate role of chiefs in political life, as far as it relates to contentious issues that affects everyone, not least whether it is correct that tax payers money should be spent on refurbishing their palaces and buying luxury cars.

In the next blog, we shall examine the extent of the chieftdom resurgence, the

reasons for its rise and what if any, it tells us on what the role of chiefs might be in the future. A full list of the topics which are being covered in this series can be found [here](#).

Pushing for better sanitation...

[The Post reports](#) that Chief Macha of the Tonga people of Choma has ordered the immediate closure of Choma State Prison due to poor sanitation and that detention cells at Choma main police station be similarly closed as the poor sanitation has become a threat to human life. The Chief issued the directives in Choma on Friday in his capacity as chairperson for the District Joint Monitoring Team on Sanitation. It is unclear whether he has the necessary authority to force the closure, as the grounds on which he is calling for the closure appears to lie with the Ministry of Health.

Update (10 February 2009) : [The Post](#) are carrying comments from Choma Prisons Commissioner Gibbie Nawa who has said *“no individual has a right to order the closure of a prison apart from the Ministry of Health”*.

Update (11 February 2009) : [Lusaka Times](#) are reporting that the Ministry of Health has recommended an immediate closure of Choma State Prison due to the poor sanitary conditions at the prison. If true this represents a mini victory for Chief Macha.

Update (1 March 2009) : [A small victory](#) for Chief Macha’s team as the Government closes the Choma School of Nursing and its director arrested for violating public health.

Pursuing safety.

Chief Kalasamukoso is worried about crime in his chiefdom :

Chief requests for police officers, ZNBC News : Senior chief Kalasamukoso of Samfya in Luapula province has called on government to build a police post to help

combat crime in his area. The chief made the appeal when Luapula Permanent Secretary, Jazzman Chikwakwa, called on him at his palace. He told Mr. Chikwakwa that the crime rate in his chiefdom has risen. He said in February this year, two people were killed and had their bodies thrown in the bush. The traditional ruler said the police post, which was at Kalasamukoso, was closed after police officers were withdrawn from the area. And Mr. Chikwakwa asked the chief and the community to provide accomodation to the police officers who will be deloyed in the area.

Foreign investors are our friends..

Chieftainess Chiawa of the Goba people in Kafue district has defended her issuance of land to investors saying the move is aimed at fostering development in her chiefdom. Its unclear from the reports on whether this land has been “given away” (i.e. alienated customary land to leasehold) or whether it has issued it under a customary lease, as now the recognized procedure by the House of Chiefs. However the Chieftainess does refer to

the Lands Act 1995 and not the House of Chiefs guidelines :

Chieftainess Chiawa defends foreign investors, ZANIS, News Report :

Lusaka, March 19 - Chieftainess Chiawa of the Goba people in Kafue district has defended her issuance of land to investors saying the move is aimed at fostering development in her chiefdom.

Chieftainess Chiawa says she does not understand why some people are criticizing her for giving land to investors when she is doing so in order to improve the welfare of her subjects many of whom are now employed by the investors and leading better lives.

The traditional ruler was speaking when Lusaka province permanent secretary Stephen Bwalya paid a courtesy call on her in Lusaka today.

Chieftainess Chiawa said she is proud of what the investors are doing for her people by giving them employment and good salaries and cited Zambeef as one such investor. The traditional ruler said she is giving out land specifically to create employment for her people and not for personal gain.

Chieftainess Chiawa explained that she gives land in accordance with the Lands Act in which her consent is required before any land is issued to an investor. She said that it would be retrogressive to keep vast tracts of land without utilizing them for the development of the chiefdom.

And Chieftainess Chiawa has appealed to the government to rehabilitate the road and build a bridge across the Kafue river to enhance the movement of people, goods and services to and

from her chieftdom. Chieftainess Chiawa told Lusaka province permanent secretary Stephen Bwalya when he paid a courtesy call on her in Lusaka today that the two issues needed urgent attention if meaningful development is to be achieved in her chieftdom. She said the pontoon currently being used across the river is inadequate to handle the huge load of people, goods and services.

In reply, Mr Bwalya who was accompanied by Deputy Conrad Tembo and acting provincial information officer officer Betniko Kayaya, thanked the chieftainess for working closely with government in taking development to her chieftdom. The permanent secretary said government appreciates the traditional ruler's wise counsel and contribution to national affairs such as the ongoing constitution making process meant to make Zambia a better place to live. Mr Bwalya said his office will mobilize equipment and other logistics to work on the road infrastructure in the province, including Chiawa, as soon as the rainy season is over.

Fighting for CRB funding.

The hapless Zambia Wildlife Authority (ZAWA) came underfire this week again, this time from Mambwe chiefs for failing to remit monthly funds to the Community Resource Boards (CRBs). CRBs are established under the Wildlife Act to assist in the sustained use of the wildlife resources for the benefit of local communities – in particular in taking ownership of game quotas and for deploying and managing villagescouts, protectors of the very resource which should be sustainably utilized:

ZAWA's delay to remit CRBs funds worries Mambwe chiefs,

Christopher Miti, The Post (subscription) :

Chiefs in Mambwe district are seeking government's intervention in the delays by the Zambia Wildlife Authority (ZAWA) to remit monthly funds to the Community Resource Boards CRBs.

Chief Jumbe said the chiefs were worried over ZAWA's delay to remit the CRBs funds since January. "We want government to intervene in this matter because ZAWA is supposed to remit funds every month but we are concerned that even January funds have not yet been remitted up to now," he said.

He said some development projects that were being conducted using CRB funds had stalled in the district. "We are not paying community workers in these resource boards for the past four months because of ZAWA's delay to pay us. I think government should come in and intervene. ZAWA is not giving us any reason why it is holding on to our money," said chief Jumbe.

Chief Mnkhangya said the delayed payment of CRB's funds was a general complaint among the chiefs. "If one chief complains just know that, that is a general complaint among us. I totally agree with what he (chief Jumbe) told you about the resource board funding," said chief Mnkhangya.

But area member of parliament Maxwell Mwale who is also mines minister said he had not been informed about the matter. "It is strange to me that I am getting it from you and not from the right channel like the district commissioner's office. Last

time when the village scouts had gone without salaries in Msoro area, I intervened and they were given the money. So on this one, I will contact the office of the DC," said Mwale.

Luembe wrangles

The Luembe chiefdom succession dispute is between Francis Kalunga Njovu and Develias Besa Phiri.

The House of Chiefs stated that the late chief Luembe, White Chibuye had appointed Phiri to takeover from him as senior chief Luembe upon his death as he requested Phiri, a teacher, to be transferred to a nearby school so that he could groom and that the Ministry of Education responded to the request by transferring him to a school near the palace so that he could understudy the responsibilities of chieftaincy.

Phiri's family appeared before the committee on May 29, and submitted that the Luembe and Mwape chiefdoms were created by Chimukoko, who decided that the junior chieftainship of Mwape would be held by females from the junior family and that the senior chieftainship of Luembe would be held by males from the senior family.

The family further submitted that all traditional items were handed to Phiri and no one in the family contested the arrangement.

The family told the committee that when senior chief Luembe died, chieftainess Mwape, without prior consultations with the family, imposed her son Francis on the throne.

They informed the committee that the succession dispute has been taken to court and were waiting for ruling. But when asked whether they wanted the matter to continue in court or the House of Chiefs should handle it, they indicated that they had no objection to it being dealt by the chiefs.

Njovu's family submitted that chieftainess Mwape demarcated her land and created the Luembe chieftaincy. They told the committee that according to the Ambo-Nsenga tradition, the Nyendwa clan royal family appoints one male member to succeed to the Luembe throne when a vacancy arises and that the appointed person is presented to chieftainess Mwape for approval. The family further submitted that during the colonial period, Mwape was appointed senior chief but as a sign of respect for male relatives, she refused to assume the title and asked that her uncle Luembe be designated as senior chief but that her traditional authority of appointing a person to succeed to the Luembe throne continued.

The House of Chiefs recommended that the original arrangement where the lineage of the senior sister succeeded to the Luembe throne and the junior sister's lineage succeeded to the Mwape throne should continue.

The House of Chiefs further recommended that Phiri's family, which is from the senior sister, should select a person to succeed to the Luembe throne and that chieftainess Mwape should only play an advisory role in matters concerning succession to the Luembe throne.

At Mkaika, Paramount chief Kalonga Gawa Undi, who submitted through his Induna Chikuta Mbewe, told the committee that the first Kalonga Gawa Undi founded Mbala area of senior chief Kalindawalo during his search for a place where to settle.

Chief Undi told the committee that Kalindawalo was given land of Mbala by his ancestors for being a trusted person and was named Kalindabwalo and that senior chief Kalindawalo has been giving respect and recognises the institution of Gawa Undi since then.

He further told the committee that whenever the Nsenga royal families of Petauke district select a chief, senior chief Kalindawalo has to be informed of the selection and endorses before submitting the name to the Paramount chief.

Chief Undi submitted that he has a role to play in Petauke as the founder of Mbala area.

He accused the House of Chiefs of creating Mumbi chiefdom when chief Mumbi has been a councillor all along.

Chief Undi singled out politicians as persons who have fuelled the problem in Petauke because they were going to Michael Nsangu Tembo telling him that if his people voted for them they would work for his re-installation as senior chief Kalindawalo.

The House of Chiefs dismissed chief Undi's accusation on chief Mumbi's recognition arguing that the decision to elevate Mumbi from a chief councillor to chief had his blessings.

Traditions vs Human Rights?

A row broke last week between some Chiefs and the Human Rights Commission (HRC). The HRC had earlier released a statement that traditional leaders were violating human rights of their subjects, which sparked a quick response from the Chiefs who claimed that the subjects that had complained of mistreatment were themselves indisciplined and often evaded their "responsibilities" in the name of "human rights". At the surface this appears to be the classic case of the subjects knowing their rights but not

their responsibilities :

Chiefs angered by Human Rights Commission, Salome Matantilo, The Monitor & Digest, News Report :

Some Chiefs have protested against the statement by the Human Rights Commission (HRC) that traditional leaders are violating human rights of their subjects. Speaking in separate interviews, the Chiefs claimed that the subjects that had complained of mistreatment were themselves indiscipline.

Senior Chief Mwamba of the Bemba people of Kasama district in Northern Province has since challenged the HRC to educate people in rural areas on human rights issues to avoid subjects claiming that they are being abused by traditional leaders. Chief Mwamba said people that were complaining that Chiefs were mistreating them were indisciplined.

Last week, the HRC expressed concern over the increased number of cases reported on Chiefs abusing their subjects. But Chief Mwamba said it had become common for people in chiefdoms to refuse to perform certain duties claiming that they knew their rights. "Those people are indisciplined. The problem is that the Human Rights Commission does not explain what human rights mean," he said.

He explained that Chiefs were at times forced to act because some of their subjects refused to do even simple tasks claiming that they knew their rights. "At times you tell them lets make bricks for the construction of a clinic but they will tell you they know their rights and they will refuse to work," he said.

Chief Mwamba said people should realise that apart from respecting human rights, subjects have certain responsibilities and obligations

to meet within their communities.

The Chief said gone are the days when people relied on government for everything because people had to take responsibility for their communities. "The Human Rights Commission should come and explain things properly. Are human rights there to stop people from contributing to community work?" he asked.

And Chief Jumbe of the Kunda people of Mambwe district in Eastern Province said in a separate interview that in some cases subjects mistook community service for abuse of their rights. He said according to tradition, subjects are required to perform certain tasks such as cleaning the palace of a chief. "In some cases it's just the issue of old traditions. For example, when the palace is dirty and you ask people to clean it, is that inhuman treatment?" he wondered.

He said the HRC needed to educate people on human rights because they seemed to lack information on the subject. "Information has not trickled down to the people and I have been appealing to the Human Rights Commission to educate people on human rights. Some of these people shun developmental projects and they even refuse to help in the building of a school. Are those also human rights?" he asked.

But Chief Mwanachingwala of Choma district in Southern Province said in some cases old traditions conflicted with human rights. He could however not explain further, saying he does not know the specifics of the issue that the HRC had raised.

"In which way are they being abused? If it is true then it is just the issue of some traditional leaders still practising old traditions," he said.

Last week, the HRC said cases of subjects complaining of unjust treatment by traditional rulers who include chiefs, their indunas, headmen and in some cases chief's retainers were becoming prevalent. While acknowledging the important role that the traditional leaders play in the governance of the nation, the HRC warned that no one was above the law.

2 comments:

"Traditions Vs Human Rights?"

2 Comments - Show Original PostCollapse comments

1 – 2 of 2

FRIENDS OF LOWER ZAMBEZI (IPAM) said...

The Human Rights Commission, even with someone with the wide knowledge of Palan Mulonda at the helm, has a difficult job in charting the waters of customary law and tribal custom. The HRC delivers the message from foreign, and perhaps universal, notions of human rights; the customary authority on the other hand is there to knit its subjects into a society where the primary concern is equilibrium, the continuing necessity of the quid pro quo. Failing 'give and take', discontent is inevitable, something which African culture avoids. The notion of universal human rights, thoughtlessly implemented through statutory law, threatens this tribal and clan unity, an extremely serious issue. But then some chiefs have, and continue to, grossly violate human rights, the Government turning a blind eye to it. In the recent case of Senior Chief Luembe of the Ambo – now agreed to be removed by the House of Chiefs and the President - allegedly criminal human rights violations led in part to the removal of his stamp a few years back, but later given back to him over the heads of custom. Here the Luembe Ambo were not protected by the state from a chief clearly not fit to rule, although he will be remembered for his initial support for the Landsafe Chiefdom model.

The HRC would be advised to work closely with the House of Chiefs in this matter (sadly, they are merely an advisory body it seems, and not an Upper

Chamber, something long called for), for tribal groups have differing notions of duty and economic and social reciprocity to that of the West. It is what ensured their survival.

18 April 2009 at 10:55

[Chola Mukanga](#) said...

Interesting observations.

I am wondering whether the Bill of Rights is the appropriate vehicle because within it it guarantees both the cultural and human rights.

As I hinted, it strikes me that at the heart of the debate, the problem is how one ensures that people are aware of both their responsibilities and their rights.

Standing against corruption

[Chief Nsamba of the Bangweulu Swamps in Samfya](#) weighed in on the alleged theft of K10 billion by officers at the Ministry of Health calling it “a sad development”. The Chief noted that *“the K10 billion which the officers put in their pockets to serve their personal interests would have been prudently spent for the procurement of medicines to save lives, especially at the time when the country is grappling with the AIDS pandemic”*. Is this playing politics or just speaking for the community? To the subjects that question is almost irrelevant. All they want is someone who can speak for them on important issues such as these. The separation between politics and social issues therefore becomes inseparable.

Our Land, Our People

The House of Chiefs moved this week to push Government to review the Land Act 1995. Among the measures chiefs are interested in returning unutilised titled land to customary tenure, put in place measures to stop land speculation and provide legal force to land certificates issued by chiefs (titling) :

Chiefs want idle land returned, Yande Kapeya, Daily Mail, News Report :

The House of Chiefs has unanimously adopted a motion to urge Government to return unutilised titled land to customary tenure and put in place measures to stop land speculation. The house, which is chaired by Chief Mumena of Solwezi agreed on the motion after it resumed sitting yesterday.

Chief Shaibila of Mkushi moved the motion while Chief Hamusonde of Monze seconded it. Chief Shaibila said land is a sensitive issue which should not be sold but rather vested in traditional authorities. He said it is saddening that some investors and individuals who own huge pieces of titled land have not fully utilised it adding that others usually use it for speculative purposes.

Chief Shaibila said a law should be passed to review the Land Act and policy adding that it should be made clear that land is not for sale but rather for all Zambians. "Land is a very important issue which should not perpetually be invested in individuals or the Ministry of Lands but rather traditional leaders as they are able to preserve land for future leaders. Government should in future make it clear that land is not for sale but rather for people to develop. People who have huge portions of land should not use it

for speculative purposes, where they sub-divide and sell part of it," he said.

Chief Nsamba of Samfya said it is only logical for Government to repossess titled land which is idle and hand it over to traditional leaders. "There is no need for us as a country to give people land when they can not develop it. The same way Government repossess land which some individuals fail to develop, it should apply in our various chiefdoms where land is lying idle, its should be given back to the chiefs," he said.

Chief Nkweto of Chinsali said land is a contentious issue, which should be preserved for posterity. "If we are not careful as a country, in a few years to come, we shall have farms covering the whole country and chiefs will squat from there," he said.

Chieftainess Nyakuleng'a of Zambezi said untitled land must be reverted to customary and allow traditional leaders to take over as they are able to look after it in a dignified manner. "Traditional rulers are usually careful when giving out land as they have the concerns of the people at heart," she said.

And the traditional leaders have appealed to Government to recognise certificates of ownership issued by chiefs on traditional land. In a motion moved by Chief Shaibila, the chiefs unanimously agreed that letters or certificates of ownership of land issued to subjects by chiefs should be recognised by Government.

Chief Shaibila said it was of grave concern that some people in rural areas have been moved from their land on the basis that they do not have legal documentation. mHe said people in rural areas should be given security of tenure to own land adding that Government should honour the certificates issued by traditional leaders.

“At the moment, people in villages do not have security of tenure of land and usually they are at risk of being removed by outsiders who obtain title deeds from Government. The same way Government recognises the letters we issue to certain investors, they should do like wise to our subjects so that they can be secure where land is concerned,” Chief Shaibila said.

Chief Anananga Imwiko of Lukulu said majority of people in the country live on traditional land and that no one should be allowed to move them out.

Chief Nzamane of Chipata said the certificates which traditional leaders issue to their subjects should be accepted by Banks as collateral to enable them borrow money. “It’s a known fact that most people in rural areas are too poor to develop land and so Banks should allow them to borrow money as they can use the same papers as collateral, the same way titled deeds are accepted. The certificates by traditional leaders are accepted in Ghana and South Africa and so I see no reason why this cannot be done in this country,” he said.

And Chief Kashiba of Mwense said recognising the certificates issued by traditional leaders will give them the honour and power to control customary land.

[The Zambia Land Alliance](#) echoed these calls earlier in the week calling on the the National Constitution Conference (NCC) to adopt a clause in the Constitution that will adequately address issues of customary land in the country :

In an interview, Machina said it was important that customary land rights and administration system were strengthened and protected by law. “It is important to protect and equalise the rights of Zambian

citizens especially poor weak women in the country,”Machina said.

He said the NCC members should adopt clauses on land matters because the Constitution must encompass democratic avenues in the provision of land. “At national level, they should be a board that should democratically allocate land to the citizens equally,”Machina said. “Not the current situation where an individual has been assigned to give land, these are laws that the NCC are supposed to amend in the Constitution as they will help achieve transparency in allocation of land in the country.”

He said the proposals made by the ZLA were important because the Constitution was a supreme law of the land and therefore it needed to protect the running of land systems in the country. “At present, the chiefs enjoy legal recognition in their capacity as traditional leaders, but do not have legal rights as an institution to administer land,” Machina said. “This means that customary land under their custodianship is weakly protected.”

He said if the NCC adopted a clause on the administration of customary land, it would give traditional institutions legal powers to allocate land. “This National Constitution Conference should adopt this clause in recognition of the need to tackle poverty in rural areas, the traditional institutions should be given legal powers to administer land through transparent, accountable and well-structured arrangement accessible at all local level,” said Machina.

More discussion on land related issues can be found at the [Zambian Economist](#) including a recent post on [land tenure, titling and access to credit](#).

Go forth and multiply.

[Chief Chitambo of Serenje](#) has reportedly encouraged couples in his chiefdom to have more children. The chief says there's plenty of idle land in his chiefdom which must be utilized for production : *"I have got 26 children and I am remaining with four to make 30. So you should also work hard and produce more because my policy is to have a minimum of 10"*.

As it turns out the Chief's statement has some validity to it. Whether having more children is good or bad simply depends on whether the "spillover benefits" outweigh the "spillover costs". The external benefits include greater diversity, increase in food production, more ideas, technological improvements, etc. The "spillover costs" include increased crime, fights over land, pollution, etc. It does NOT include starvation etc because those costs are largely "internalised" within families. No father would *rationally* decide to expand the family size that he cannot feed or was inconsistent with the family's economy.

Incidentally, the external costs are slightly overrated because institutions exist that constrain them e.g. policing, rule of law etc. But even if we had doubts over their robustness, the problem would then become whether these institutions are adequate in their present state and not whether population is the problem.

The spillover costs are more likely less than the spillover benefits. The problem is that people ask the wrong question. The question is not "how many people Serenje can support?" because Serenje is not a decision maker. The question is whether the people in Serenje are capable of making rational decisions about what is good for their families. That ultimately should be their decision!

In the future, I'll do an extensive blog on this issue on the [Zambian Economist](#).

[“Go forth and multiply..”](#)

1 Comment - Show Original Post

[FRIENDS OF LOWER ZAMBEZI](#) (IPAM) said...

My old friend, Chief Freddie Chitambo, must be expecting hard times, such is the ‘natural economy’. But perhaps, being a canny old codger, he understands more fully than I the workings of the Malthusian model in good old Kafinda, knowing the birth rate – that being dictated by custom – and increasing with material livings standards, and knowing that the death rate has dropped off in his country, for whatever reason. But he has had little experience with the fact that material living standards decline as populations increase, a perilous situation in the Chipya if you are having your arm twisted to take the nitrogenous fertilizer and hybrid seed route so as to feed the clamouring urban masses. And those same masses now need his charcoal, his fish and what bushmeat there is left to be had.

On land allocations: June 2009

Senior Chief Kalasamukoso this weekend warned that he plans to grab land from farmers who did not follow procedure in acquiring their farm land. The Chief is concerned some people have been overlooking his palace and going to village headmen to ask for land. The traditional ruler argues that this practice has brought a lot of confusion, and to ensure that order prevails he was going to start getting back land from anyone who did not use a proper channel to acquire land. More detail via [this ZANIS article](#).

2 comments:

FRIENDS OF LOWER ZAMBEZI (IPAM) said...

Doubtless Kalasa Mukosa is trying to stem the hordes of people who have long descended in search of fish on the Luapula bridge at Makuka and then spilled over into his chiefdom. If he had a Landsafe in place with a land registry book for his headmen, and a community Trust which could enter into co-management agreements with government over the fishery, then life would be made easier for him and his people. The chief's problem is increasingly the problem of all chiefs in Zambia who rule over what are open access regimes but which should be semi-autonomous enclaves of sustainability. The search for free natural resources to supply the cities is relentless, and endless. Without Landsafe or a comparable system, Zambia will be transformed into a socio-ecologically impaired country.

30 June 2009 at 07:35

Yakima said...

Chosang'anga,

Indeed the Landsafe methodology would seem appropriate in the example you give at the Luapula bridge at Mukuka. More locally to me, Tribes on the Columbia River were able to use their Treaty Rights to fishing to work with local conservation groups, making the area a fish preserve for State and National purposes, but allowing for a yearly quota by the tribes. Federal and State law enforcement can then check those fishing for Tribal licenses, or the fish themselves on the way to market for Tribal quota tags. The enforcement cost to the Tribe is justified by the ability to manage the yield to their benefit, and the cost the Government offset by the Tribal contribution to primary overhead in issuing and processing licenses and yields, as well as the prosperity and goodwill generated in the local community. The Landsafe method would grant similar ownership rights to Tribes, enabling similar cooperation in stewardship of national resources.

30 June 2009 at 10:47

* * *

SATURDAY, 25 JULY 2009

Calling for dissolution..

[Chief Musungwa](#) (Itezhi-tezhi) is calling for the dissolution of the Musungwa Community Resource Board (CRB) for alleged collecting money from safari hunters and other tourist operators without tangible benefit to the community :

“Ever since the Community Resource Board was elected some five years ago, they have been collecting money from tourist operators and safari hunters but that money has not been put to any tangible development to uplift the community in my chiefdom.....This board to which I am the patron has always been antagonistic to my plans for development in the chiefdom. A good example is their fervent criticism of the setting up of the Horse back riding Safaris which I think will offer employment to people in my poor chiefdom..”

In pursuit of community ownership..

An important contribution from chiefs, on an issue we have previously discussed :

***Grant communities ecological and game management ownership -
Chief Nsamba (Source : ZANIS, September 28, 2009)***

Six traditional leaders have appealed to government to consider granting the community 100 percent ecological and game management ownership in the Banguelulu Game Management Areas (GMA).

And the six chiefdoms sharing the Banguelulu (GMA) include Bwalya Mponda, Nsamba, Kopa, Chunda ponde, Kabunga and Chitambo have since initiated the formation of the 'Chikuni Partnership Park' meant to coordinate the GMA.

Speaking in an interview with ZANIS in Samfya, Chief Nsamba, who was among the six man traditional leaders' entourage wildlife conservation knowledge sharing program in Namibia, described the trip as very beneficial and educative.

Chief Nsamba said the entourage which was hosted by Chief Mayuni of Katima-Mulilo and an NGO specializing in game conservatories, proved to be a model of how the community could play a pivotal role in game conservation, once given a sense of ownership in wildlife management.

He explained that under host Chief Mayuni, wildlife conservation and management was 100 percent in control of the community and this had significantly curtailed poaching and flourished the wildlife sector in the area.

The Chief explained that in Namibia the community in the host Chiefdom were in active and full participation of game conservation through voluntary registration of membership in the community wildlife conservatories.

He said establishment of 'Community Game Conservation Parks', apart from National Parks were another way of effecting good wildlife management and collective responsibility for game preservation among communities.

Chief Nsamba said the initiative which had free membership had also proved beneficial to the social and economic wellbeing of the community as resources generated from it were ploughed back towards addressing various concerns in the game conservation area.

He said cases of animal human conflict, where domestic animals or humans were attacked were easily solved through compensation by the initiative to the aggrieved persons provided they were registered members of the community wildlife conservation body.

The chief has implored government to consider granting full control to the Chikuni Community Park initiative in the bangweulu sharing game management area when the Zambia Wildlife(ZAWA) Act is being reviewed.

[“In pursuit of community ownership..”](#)

2 Comments - Show Original PostCollapse comments

[FRIENDS OF LOWER ZAMBEZI](#) (Ian Manning)said...

The appeal by six traditional leaders to government to consider granting them the ecological and game management ownership of that part of their customary land denoted Game Management Area in south-east Bangweulu, as well as to consider granting full control to the Chikuni Community Park initiative in the Bangweulu when the Zambia Wildlife(ZAWA) Act is being reviewed, is a natural progression towards building the customary commons, particularly where they have significant wildlife populations.

Clearly the chiefs have now learned from Chief Mayuni of Namibia that

chiefdom conservancies in his country have considerable control over their land and the wildlife resources. Guided by Common-Property Resource (CPR) management theory, the CAMPFIRE programme and the successes of the NGO, Integrated Rural Development and Nature Conservation (IRDNC), CBNRM policy legislation was approved by the Namibian Cabinet in March 1995.

The rights enjoyed by registered conservancies are, however, limited. They are allowed the ownership of game, the sale of government approved hunting quotas, the powers to lease out the area as a tourism concession, and allowed to control common problem animals, other than endangered species. But the policy and legislation does not take landuse planning into consideration, nor does it allow for hired community game guards to be legally mandated as law enforcement officers. In addition the policy framework for land reform in communal areas is unclear. In some areas there is no broadly accepted authority over land with growing tension between those who are fencing large areas of land for their private use, and the majority who are thereby excluded from access to this land. And, confusingly, not all communal area residents are registered conservancy members, Wildlife Councils being established in order to manage wildlife for the benefit of non-conservancy members.

In Zambia the chiefdoms offer a massive opportunity for villager and conservation development by slowly regaining their rights to wildlife and other natural resources through a variety of mechanisms such as provided by REMNPAS in Chiawa and Chikuni, by Landsafe in Luembe and Nyalugwe, and by another 16 or so Trusts serving people and conservation ends. The way forward is a gradualist one of creating the necessary institutions within chiefdoms to safeguard their land, of entering into co-management agreements with government over wildlife, fisheries, forestry and water, building, by slow degrees, what will one day be the promised land of productive chiefdoms with land that can not be alienated either to investors or itself. This will enable the government to concentrate on its regulatory functions: a tight, well organized entity having the luxury of knowing that

94% of the country is in good hands.

10 October 2009 at 12:38

Anonymous said...

Chosang'anga said" This will enable the government to concentrate on its regulatory functions: a tight, well organized entity having the luxury of knowing that 94% of the country is in good hands."

Here, here! Zambia can only be as wealthy as its ability to manage its natural resources. A system that clearly demonstrates benefits to the disenfranchised masses will achieve the "buy-in" so lacking under the current alien political set-up that is so prone to manipulation by the self-serving. Similarly, local institutions that more clearly represent the cultural, social and economic needs of Zambians will attract investment from both private and good-will partners, many of whom have understandably become sceptical and hesitant. No country has developed without solid partnerships and investment.

There is hope for a more harmonious prosperity!

Rural starvation?

A report earlier this month from Chief Nabwalya that people in his chiefdom are starving :

Chief Nabwalya complains of hunger in his area

Kasama, Sept 17, 2009—ZANIS—; People in Muchinga ward in Chief Nabwalya's area in Mpika District are said to be faced with hunger. Chief Nabwalya disclosed the development in an interview with ZANIS

in Mpika. The Chief revealed that people in Muchinga area were now surviving on wild fruits due to lack of food.

He said the affected villagers had their crops destroyed by heavy rains during the last farming season. Chief Nabwalya appealed to government to urgently send relief food to his area in order to mitigate the effects of hunger among his subjects.

Chief Nabwalya also complained over the lack of market for agricultural produce in the area. He explained that the Food Reserve Agency (FRA) does not have any satellite depots in his chiefdom, a situation which has disadvantaged his people from selling their maize to the Agency during the on-going crop marketing season.

Chief Nabwalya wondered how his people would overcome poverty if they do not have readily available markets to sell their produce.

And Mpika District Commissioner John Chinyanta also confirmed the hunger situation in Muchinga ward in Chief Nabwalya's area. Mr. Chinyanta however pointed out that that government through the Disaster Management and Mitigation Unit (DMMU) under the Office of Vice President would soon dispatch some relief food to the hunger stricken areas in Chief Nabwalya's area.

He assured Chief Nabwalya that government was taking the plight of his people seriously.

On Witchcraft, 2nd Edition

[Chieftainess Nawaitwika](#) has weighed in on the problem of increased number of elderly people murdered on suspicion of practicing witchcraft. The Chieftainess is asking her subjects to surrender all illegal firearms usually used in the killing of the elderly in the area before the law takes its course.

On Witchcraft

Chief Nyawa is not happen with increased witchcraft in his area because it is retarding social and economic development. In the meantime, the Chief continues to rely on his special witch finders. This appears to be the case of aspiring to be the only witch in the village :

Increased witchcraft practices disappoint Chief

Chief Nyawa of the Toka-leya people of Kazungula District says he is disappointed with increased witchcraft activities in his chieftom.

The chief said this when three suspected wizards appeared before a traditional court at his palace recently for allegedly killing people through witchcraft. He warned the suspects to refrain from witchcraft practices saying it retards social and economic development in the country.

In attendance at the meeting was Rolland Kalyalya a witch finder from Siakambala village within Chief Nyawa's area who discovered the wizards. Mr. Kalyalya testified that he, through his witch finding skill discovered that Mulala and Siatulye were behind the recent death of an infant.

He disclosed that he uses a radio cassette player and a leaf to tell who has committed any crime.

The witch finder disclosed that he managed to discover all the charms in the named suspects' homes.

Chief Nyawa who could not hide his annoyance said he was saddened at the manner in which the little boy was murdered.

In a similar development, Gideon Siyanyaba another wizard from Chief Nyawa's Chiefdom confessed and narrated before the chief how he wanted to make his 24 year old daughter Lesi Siyanyaba mad.

Mr. Siyanyaba disclosed that he used to send three ghosts to haunt his daughter so that she could be mad for the rest of her life.

Ms. Lesi Siyanyaba who is married to Webby Matebele became ill in August 2007 and only recovered in October this year after Kalyalya the witch finder was brought to her village.

The wizard testified that his mission came to a halt after Kalyalya came to his house to destroy all the charms he had been using.

Mr. Siyanyaba disclosed that his late uncle who died in 2002 left all his charms with him unknowingly.

He thanked the witch finder for destroying the charms saying he never used to sleep well with his charms around in the house adding that now he is a free person who can spend peaceful nights without problems.

Land for development?

Reports earlier this month that Chiefs Shibuchinga and Fungulwe have “given” the government 100,000 hectares of land. It is silent under what framework this land is be given away. We have previously touched on the [Land Safe Investment Model](#) as the ideal mechanism for chiefs to negotiate new arrangements over land.

Chiefs Shibuchinga, Fungulwe give govt. 100,000 hectares of land

Lufwanyama, November 02, ZANIS Two chiefs of the Lamba people in Lufwanyama district have offered over 100,000 hectares of land to government for the development of a farm block in their chieftdom.

Chiefs Shibuchinga and Fungulwe provided over 50,000 hectares of land each for the same developmental project.

Lufwanyama District Commissioner, Evans Pwele, commended the two traditional leaders for providing land for projects that would bring about significant economic development to the district.

Mr. Pwele told ZANIS today that the development of a farm block in the district will enable people to benefit from the land that had been laying idle for a long time.

He urged the two chiefs to continued working with government in efforts aimed at alleviating poverty and improving the living standards of their subjects.

He said currently, the over 100,000 hectares of land from the two chiefs are being surveyed in preparation for the development of a farm block.

The farm block will have among other social amenities, schools, a clinic, and a good road network.

Mr Pwele said the people in the area were happy with the development because they hope the development would create employment for them and will also bring economic development.

He added that people, who might be displaced during the development of a farm block in the area, will be given alternative land for resettlement.

Mr. Pwele has since encouraged other traditional leaders to emulate chiefs Shibuchinga and Fungulwe in supporting government's developmental projects instead of keeping vast tracts of unused land for prestige.

Chiefs and the economy: Rise of entrepreneurship (January 2010)

The [last post](#) in this series asserted that the role of chiefs in the local economy is intrinsically embedded in the nature of the economic system. In particular, chiefs continue to provide the basis for economic activity through mediation of local social order in face of the short /ineffective arm of central government. We noted that this role manifests itself in the entrepreneurial sphere. Chiefs are constantly shaping the nature of the ensuing economic activity through access to factors of production and financial capital. Far from being a threat to central governments, the chieftaincy should rightly be viewed as providing an opportunity for government to achieve its economic and societal goals. That left a number of questions. Is the economic influence of chiefs increasing or decreasing? What factors shape their reactive or proactive influence on

economic change? What does it tell us about the likely future of chiefs in a modern Zambia? These are some of the questions we attempt to explore in this post.

In recent time there has been a growing movement of local chiefs directly becoming involved in securing a fair economic share for their subjects (or perhaps simply for themselves). The level of activity has taken on many forms. At the basic level, **we have seen the gradual move towards commercialisation of existing traditional activities**, principally traditional ceremonies. In recent years these ceremonies have become big businesses with dedicated business sponsorship. For example, at last year's Nc'wala, Zain Zambia carried out repair works on the main arena, with National Credit and Savings (Natsave) bank sponsoring lunch for dignitaries that attended the ceremony. There was even the Nc'wala Ceremony Golf Tournament, a one-day 18- hole golf tournament that saw 55 from golfers compete across the country. The tournament was sponsored by Aupie-Agro Foam with proceeds donated to the Ngoni Royal Establishment (NRE). All of these of course are accompanied and fuelled by the politicisation of ceremonies, where last year alone we saw the likes of Zuma, Mugabe, Mutharika and Katumbi attend traditional ceremonies.

At the fundamental level, **there has been a significant transformation towards significant direct involvement of chiefs in the production processes**. As we have previously discussed, entrepreneurial actives are not alien to chiefs. Indeed it's these entrepreneurial activities that partly financed the independence struggle. However, under the one party state this spirit was stifled. It cannot be mistaken that until full liberalisation of the economy in the early 1990s, no serious rise in chieftdom led capitalism had taken place, for reasons we'll touch on later on. This trend has been changing in recent years, with Chief Chizela, of the Kaonde in Mufumbwe, becoming the first traditional leader to get a full-scale mining licence as back to 2005. This saw fruition in 2008 when the Chief inked a deal with American Company to develop eight mining licenses in the next few years. These licenses are owned

by the Chief, who also has a 40% share of the Joint Venture to be set-up by Mayfair. The company paid Chief Chizela \$50,000 as 'signing amount' and has promised \$500,000 in loans to be paid back from dividends on his share.

Senior Chief Kalile also emulated this approach by appealing to the Government to grant him a licence for small-scale mining in his chiefdom. The traditional leader went on to form a mining company, Fyesu Minerals Limited, with the view of mining copper. The motivation to the chief appears to have been to give a greater stake in the development process for his people: *"there are copper deposits all over my chiefdom, but people are not mining it because of the difficulties faced in the acquisition of small-scale mining licences"*. The chief is also looking to branch with a timber licence in order to *"earn extra income as money received from the Government was not enough to support his family and subject"*.

Other chiefs are following suit. A friend of mine narrates how a Chief in Northern Province has worked to develop a "tribal corporation". They have set up a "company" run by the Chief and his sub-headmen as partners. Their main goal is to encourage self reliance through agriculture and tourism. The ground is good in the area, so the Chief has been soliciting for funds through the company from donors, locals and people in the diaspora, as well foreign investors. At the moment, on the agriculture side, they have establish smaller subsidiaries or enterprises where subjects are able to source for seed and fertilizer. Their produce is first supplied to the locals and the excess is exported. They have also collaborated with a few NGOs. On the tourism side, there is much work required but the plan is to exploit the vast natural scenic locations the area offers from bush to hot springs. The intention is to structure the deal in such a way that the locals have control but through the enterprise. This has all been the vision of one chief in Northern Province, and with no government help!

All of this has led to interesting questions on why chiefs who clearly have always held significant advantages in terms of social position for developing

business are only until recently beginning to move towards recapturing the pre-independence entrepreneurial spirit. There are a number of reasons to this :

Historical factors : As we have previously discussed during colonial times chiefs worked well within their constraints and were local engines of growth. Certainly many of the local stores that emerged were led by them. They used the “native treasuries” to their advantage, investing in a lot of profitable activities whose revenues partly funded the independence struggle. After independence, with the One Party state reforms, that entrepreneurial spirit was restricted (the land reforms did not help), and perhaps Chiefs are only again beginning to realise the opportunities that exist within their chiefdoms! In that sense the market and constitutional reforms of the Chiluba era, in particular the land reforms of 1995 and the constitutional amendment in 1996 which defines the chieftaincy as *“a corporation sole with perpetual succession and with capacity to sue and be sued and to hold assets or properties in trust for itself and the peoples concerned”*, effectively gave chiefs a new lease of economic life. The land chiefs possess is of immense value, and some have used this intelligently to amass wealth for themselves and provides the basis to engage in contracts as we have seen with Chief Chizela and others.

Reduced role of government : Related to historical factors discussed above, the reduced role of government support post 1990 has provided sufficient incentive for chiefs to pursue economic activity. Increased poverty levels especially with the SAP reforms have forced chiefs to become more involved in pushing ways to get people out of poverty. The breakdown in social cohesion continues to pose significant threat to the authority of the chieftaincy. Chiefs now realise that cultural and economic objectives are inter-twinned. Unlike under One Party State where the government operated a command and control economy. In the new liberalized economy, the people are largely left to fend for themselves and define their voices to compete for investment and political support.

Educated chiefs : We now have a number of well educated chiefs who are able to discern economic opportunities. Chief Kapalaula recently expressed the mood of this new educated generation best when he noted: *“I must make it abundantly clear to all megalomaniacs who have become swollen-headed as challenged heroes of sarcasm i.e., the fake sophisticates who look down upon chiefs as yokels with little intelligence....as a new breed of traditional leaders, we are just as educated, intelligent and politically enlightened as anybody else”*. The steer towards education is both natural in so far it may reflect the increased pool of educated rural dwellers, but it's also as a result of the transformation role chiefs are expected to play given the new incentives they face, as discussed above. The skills of the chiefs to impose himself on the national scene in order lobby economic investment and government support has become critical. Rural dwellers are now increasing demanding articulate representative or local traditional leaders who can drum up support for their economic and political causes. Educated chiefs can help attract investment, secure political support and bring new ideas to support local cohesion whilst simultaneously enriching existing traditions.

New political pluralism : The advent of multi party politics and associated increased electoral competition has spurred economic involves by giving chiefs unparalleled opportunities to emerge as “kingmakers” and use this exact significant economic rents from political players. Since the dawn of multi-party politics, chiefs have emerged as critical players in a way they had not been during the first and second republic. Securing support from chiefs is instrumental in building momentum and showing that that the nation is united behind the vying party. The pandering to chiefs usually takes the form of rehabilitation of palaces, increased subsidies, financial gifts and famously, loans for expensive vehicles. In recent months we have even witnessed chiefs offered foreign medical care and even foreign trips by government backed investors. All of these things have tended to enrich chiefs.

Political gifts, rewards and other “bribes” has fuelled further demand from various constituency for chiefs to be seen undertaking productive activities.

In 2008, President Mwanawasa regretted that a number of chiefs were applying for chief loans to buy small cars instead of buying bigger vehicles or tractors that will be of benefit to the chiefs themselves and their subjects. In his view, chiefs had sufficient resources in form of subsidies, payments from community resource boards and sources, such that they should be able to transform themselves into rural entrepreneurs : *"subsidies should not be the only source of income for our traditional rulers...Chiefs should take the lead in business in their chiefdoms"*. A politician' response to the increasingly pressure by ordinary Zambians for resource transfers to chiefs to become 'developmental'.

Taken together, these factors are spurring entrepreneurial pursuit. Of course the obvious question is whether this resurgence in entrepreneurship is a "good thing". Very few people would deny that in so far entrepreneurship can spur local economic activity, it helps increase local economic development. There's consensus that growth is a prerequisite for development. In so far as chiefdom led entrepreneurship is spurring local growth this must be welcome. That is not to say there are no social side effects which need to be managed. In particular the rise in chiefdom led capitalism may slow down land reform and intensify boundary disputes. Both issues should be addressed by government in any case, unfortunately not much is being done to address them.

In summary we can conclude that spurred on by intrinsic economic nature of the institutions, chiefs in recent years have recaptured their entrepreneurial spirit. The increase in economic and political liberalisation has provided new opportunities, as well as challenges to be managed. Not all chiefs have grasped these opportunities nor is there a systematic framework for managing the downsides. In the next post in this series we'll explore the constraints that chiefs are facing to achieve their full potential what steps government should take, if any, to spur further growth in chiefdom led entrepreneurship.

Previous posts in this series :

Chiefs in Colonial Zambia

Chiefs and the Law in independent Zambia

Chiefs and Politics (1) – The historic lenses

Chiefs and Politics (2) – The rise of political chiefs?

Chiefs and politics (3) – Towards Free Participation?

Chiefs and the economy (1) - An economic institution

Chiefs and the economy : An Economic Institution

The starting point for understanding the role of chiefs in economic development is appreciating that the chieftaincy is inherently an “economic institution”. That is to say that the chieftaincy provides the basic foundation for economic activities in areas under traditional jurisdiction. Chiefs are to all intents and purposes as economic as any government, although the scope and depth of their reach is naturally restricted by historic and social factors. We have touched on this both [here](#) and [here](#).

This observation becomes obvious when we consider that a foundational part of the operation of the local economy, indeed any economy, is the existence of social order that allows citizens and other “economic units” to conduct their economic affairs unhindered or in safety and security. In developed countries, social order is principally maintained through formal government structures. In Zambia, and much of Africa, the majority of people live in remote rural areas where the reach of state institutions is minimal or at best absent. To resolve ambiguities in social rules, rural dwellers typically do not rely on the government sanctioned system of social order, at least not primarily, but rather than on the local chieftaincy or other traditional organisations (as was the case in *some* parts of Zambia before “chiefs” as currently were imposed by colonialism). These essentially constitute village elders and tribal chiefs who

collectively maintain and disperse “customary” governance.

The chieftaincy therefore serves a critical function in promoting economic development, when it fills this critical gap in maintaining social order. Equally the chieftaincy may be seen to stand in the way of “economic development” where it’s system of administration appears to restrict the expansion of stronger reforms of social order e.g. expansion of formal state structures with greater accountability, all things being equal. It goes without saying that the existence of traditional authorities is essentially a function of history and current demand for their services. That chiefs exist is clearly because their existence is “demanded”. Or to put it differently, chiefs locally exist for the similar reasons that national governments exist- namely as a solution to the “collectivism problem”. The negative effects are therefore minimal given the counter-factual is “no – order” at all. If chiefs don’t provide local governance or maintain social order the government would not immediately fill the gap. The result would be break down in social order with minimal economic activity nor is there any guarantee that such an outcome would necessarily be superior to the current situation.

A key aspect of maintaining social order is the provision of a legal system that allows for resolving disputes and provides for protection of societal rights as “naturally” and socially conferred. By fostering justice, dispute resolution mechanisms reduce the prevalence of crime and insecurity which keeps vulnerable groups and people in position of dependency and poverty.

Prior to independence traditional and native courts were the main providers of legal justice. As part of Zambianisation of the new institutions (without indigenisation), the post independence government abolished the existing native authorities and local administration were stripped of most of its predecessor’s functions, which were distributed among central government ministries and their agencies. A key part of this was that the Local Courts Department of the Ministry of Justice took over the reorganization and running of the old Native Authority courts. Similarly, responsibility for law

and order was devolved on the police, although local authorities retained a small force of constables to assist in the enforcement of council bye-laws.

But it was in the area of court administration where significant problems emerged which has continued to fuel significant demand for customary justice as mediated through traditional courts. This demand has principally emerged from two critical sources : insufficient capacity by central government to provide appropriate court capacity and necessarily expertise to adjudicate cases. This is despite the fact that traditional courts (and customary laws) have no formal status and exist parallel to the formal legal system.

Local courts run by central government officers have been ineffective in administering justice. They lack both the knowledge of customary law of tribal chiefs and the respect given to traditional leaders. The local courts are the lowest courts of the formal system but share a common jurisdiction in customary law matters with the unrecognised chief's courts. This lack of respect for the local courts has driven people to constantly resort to traditional courts.

It could also be argued that traditional law mediated through the traditional courts is inherently superior to our setting. Although English law provides the main foundation for the national system, it is effectively alien to the majority of our people. This is largely because it is not fully embedded in the customs and tradition of many of our traditional societies. But also because it is complex, technical and expensive for local citizens individuals to understand. For ordinary people it is inaccessible and usually with cases conducted in a language they do not understand. Traditional courts potentially offer a solution to these many challenges, which has ensured their continued use.

There are two additional factors working in favour of traditional courts.

First, customary laws have a *strong advantage of having never been unified or codified*, with the application of the exact law depending on the tribal region

concerned, as well as the authority administering it. Whilst this may impose “transaction costs”, with limited rural mobility this has not be a problem (unless it can be demonstrated that these laws do prevent rural mobility). In fact the diversity of laws is one of the great benefits of traditional justice. Since it is not written it can evolve with the needs of communities at a local level.

Secondly, customary laws also *incorporates strong mediation and restorative elements*: compensation can be paid to the wronged and reconciliation is emphasised within a framework in which the entire community is engaged. These elements are in tune with local traditional culture and especially suitable for non-criminal dispute.

Linked to dispute resolution is the traditional authorities maintenance of law and order through direct provision of “policing services”. The Chiefs Act (1965) which defines the role of chiefs also places a significant responsibility on chiefs to maintain public order in their area of influence. It requires them *“to preserve the public peace in his area and to take reasonable measures to quell any riot, affray or similar disorder which may occur in that area”*. Presumably the idea was for the Chief to rely on the “ba kapaso” (messengers), however in recent times Chiefs have often been forced to “contract out” these services.

Not long ago Chieftainess Mwenda of Mazabuka hired four retired Police officers in her chiefdom to train 14 vigilantes whose duties will be among other things to maintain law and order in the chiefdom. Her Royal Highness has taken such steps because Police in Mazabuka have lamentably failed to provide security to her subjects: *“There is lawlessness in my chiefdom. I can’t trust Police in Mazabuka to protect lives and property of my subjects, so these vigilantes will assume the role of police”*. Such actions are only too common in the absence of ineffective centrally provided police services.

As initially hinted, the provision of “social order” is the foundation for local economic life. However, there are other ways in which chiefs shape the scope

and nature of economic activity. A crucial element is the control of the factors of production or strategic resources. In rural areas this are principally land (and including water sources).

Land is a critical factor and one which gives chiefs significant de-facto power. No land, no chief. Zambia inherited four categories of land in 1964: State Land (formerly Crown Land); Freehold Land; Reserves and Trust Land. But this changed after independence, when chiefs were relieved of their de jure responsibilities for land allocation. The Land (Conversion of Titles) Act (1975), vested all land in Zambia in the hands of the President, to be held by him in perpetuity on behalf of the people of Zambia. Freehold land held by commercial farmers was converted into leaseholds for 100 years and un-utilised tracts of land were taken over by the state. Freehold titles in residential areas were similarly treated. All sales of land per se (excepting the developments on the land such as buildings, farm infrastructure, etc.) were prohibited.

However, in spite of these legislative changes, chiefs' de facto position remained broadly unchanged as they were not replaced by effective structures. Indeed, in 1985, partly to gain favour with the chiefs and partly in recognition of their custodianship of customary law and rights, government decided that the chiefs ought to be formally consulted when customary land was being granted for leasehold purposes. These powers are confirmed by the Lands Act (1995), which continues to be the substantive land law in place. A significant concession considering customary land accounts for 94% of the land, giving chiefs significant amount of economic (and political) influence. This power is often leveraged through the way chiefs allocate land.

Historically, chiefs did not allot the land directly to their subjects who used it. Rather, land was allocated to sub-chiefs who in turn allotted shares to village headmen. The headman then allotted land to heads of subsections or heads of families and they distributed the land to their dependants. Each of the persons granted land in this way was therefore sort of secure in his rights

and could not be expropriated without fault. He could transmit his rights to heirs, but could not transfer them to anyone else without the permission of his seniors. If rights are vacated they rest in the next senior in the hierarchy. In many parts of Zambia, this practice continues but increasingly, with the lure of cash from "foreign investors", have led chiefs to more direct allotment. The lure of men in brief cases has clearly turned out to be too hard for the existing system to resist. Why let the headman take the bait when you can do it yourself? With that closer involvement chiefs have become even more influential in direct economic fortunes of their subjects, and indeed the nation at large.

The other thing it has done of course is given some chiefs opportunities to change their own economic standing. This becomes self-evident when we observe the main land and succession disputes ravaging various chiefdoms. The increasing lucrative nature of land has increased the attractive of chieftainship and the desire for some chiefs to go beyond their existing boundaries.

Significant succession disputes have developed, with anyone with a hint of royal connection seeking to be a chief. The current power struggles among chiefs reflect the de-facto power that the Land Act (1995) confers, and the lack of clear territorial boundaries among chiefdoms.

Successive governments have always struggled over the role of the chiefs in land administration and a great deal of ambiguity surrounds their current status. For their part chiefs (and many of their supporters) argue that far from leveraging de-facto economic power, chiefs are the victims. Many argue that chiefs are not well informed about the law and there are many widespread reported incidents of 'land grabbing' by government officials. To complicate matters, it appears if customary land is leased and for some reason is repossessed, it no longer falls under the jurisdiction of the chief. Thus it would seem that once land is granted in leasehold, all customary rights to that land are extinguished and so is the authority of the chief over that land.

Taken on the balance, there had certain be some erosion of their power but by and large chiefs continue to shape economic fortunes of their locals through land administration. This occurs through providing land directly and accommodating foreign investors. But it also occurs through chiefs themselves using the land to undertake productive activities. The extent to which that happen depends on another critical factor they possess more than individual subjects : financial capital.

As we discussed in [Chiefs in colonial Zambia](#) local chiefs and their officers in the Native Authorities used Native Treasuries to enrich themselves. The revenue from the treasuries became sources of capital which they invested in productive ventures (and presumably non-productive as well, though this aspect is not well documented in Zambia). The investment patterns generally tended to follow regional specialisation. Although these privileges have somewhat diminished, chiefs maintain preferential access to significant revenue through their ability to use royal influence to exact concessions from investors and other tributes given to them. Chiefs also benefit from significant privileges as conferred by the state. These include motor vehicles, subsidies and other financial inducements.

An equally important dimension is that chiefs also act as informal magnets for investment. Chiefs provide an immediate solution to the collectivism problem in the local economic sphere, by virtue of their position. Chiefs are able to get rural dwellers to pool credit together for common investments. Crucially they can also act as conduits for building investment alliances across tribal areas, helping overcome coordination failures and enhance economies of scale. This is especially the case for large scale investments traversing various local boundaries.

The discussion above suggests that the general relationship between chiefs and the local economy can be viewed in two ways. First, chiefs are intrinsically embedded in the system as social actors as they provide the basis for economic activity through mediation of social order in face of the short or ineffective

arm of central government. Secondly, chiefs are also active players in shaping the nature of the ensuing economic activity through access to factors of production and financial capital. These observations lend weight to an important observation. Traditional authorities are a broader part of our legal and economic system, as embedded through history, culture and practical realities on the ground. Many of the benefits local people enjoy from social order and economic well being is derived from this. Viewed in the best light, they provide an opportunity for government to work with to improve our local judicial systems and enshrine further rule of law that supports wider societal goals.

In the next post in this series, we'll examine the extent to which chiefs are actively engaging in entrepreneurial activities.

Previous posts in this series :

[Chiefs in Colonial Zambia](#)

[Chiefs and the Law in independent Zambia](#)

[Chiefs and Politics \(1\) – The historic lenses](#)

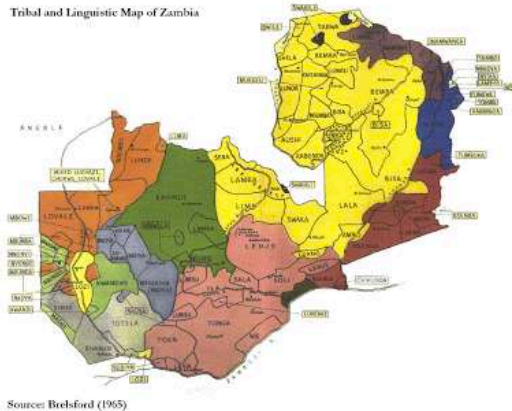
[Chiefs and Politics \(2\) – The rise of political chiefs?](#)

[Chiefs and politics \(3\) – Towards Free Participation?](#)

* * *

Tribal and Linguistic Map of Zambia

Click to enlarge



A governance deficit.

Chief Chibesakunda provides [further reflections](#) on the apparent deficit between traditional and political governance :

“Our rural areas in this country are not developed because of the problem of governance...We have the traditional system, where most of the poor and vulnerable are, operating without budgetary support and the state governance whose benefits do not trickle down to the lowest member of society. We need to address this deficit in governance for this country to see meaningful development...Our governance structure is such that as chiefs we don’t even know if we are below the members of parliament or councillors, where do we fall?...Infumu mwashibika pesa (where do you place the chiefs)? We need to define the fusion point for the two governance systems so that we find a way of delivering services to our

people.”

[“A governance deficit..”](#)

1 Comment - Show Original Post

1 – 1 of 1

[FRIENDS OF LOWER ZAMBEZI](#) (IPAM) said...

Chief Chibesakunda and his Royal Empowerment Foundation need to bear in mind that power is what you assume. To expect government to shower largesse upon the 94% of Zambia under customary authorities is to expect the impossible. It will just not happen. Empowerment must be driven by chiefs, their headmen and their subjects by using their powers under customary and statutory law, by safeguarding their land, by entering into equitable dealings with investors and by sharing the benefits of the natural resources being supported on their land with government. Government, made up of the elite, has become obscenely over-centralized. After all Zambia is really an example of authoritarian statism, a cocktail of three nations: the urban poor having fallen back on trade and barter to survive; the villagers of the chiefdoms i.e. the customary commons, engaged in survival strategies honed over thousands of years; and the elite, living on the donors and what they can harvest from investors, and attempting somehow to become part of the Western league of nations. The first two actually have little connection with government – other than at election time when the trucks bearing blankets arrive. The Chief should take my earlier advice and establish a community trust in which customary land may be invested and which can enter into co-management agreements with forestry, fisheries and wildlife. This way the chiefdom takes control. This way it will cease to be an open-access plunder area, or an area where the elite get their rentals. This way Zambia will have re-discovered its own genius. Faga moto, baMfumu!

* * *

Chiefs and the economy: Rise of entrepreneurship

The [last post](#) in this series asserted that the role of chiefs in the local economy is intrinsically embedded in the nature of the economic system. In particular, chiefs continue to provide the basis for economic activity through mediation of local social order in face of the short /ineffective arm of central government. We noted that this role manifests itself in the entrepreneurial sphere. Chiefs are constantly shaping the nature of the ensuing economic activity through access to factors of production and financial capital. Far from being a threat to central governments, the chieftaincy should rightly be viewed as providing an opportunity for government to achieve its economic and societal goals. That left a number of questions. Is the economic influence of chiefs increasing or decreasing? What factors shape their reactive or proactive influence on economic change? What does it tell us about the likely future of chiefs in a modern Zambia? These are some of the questions we attempt to explore in this post.

In recent time there has been a growing movement of local chiefs directly becoming involved in securing a fair economic share for their subjects (or perhaps simply for themselves). The level of activity has taken on many forms. At the basic level, **we have seen the gradual move towards commercialisation of existing traditional activities**, principally traditional ceremonies. In recent years these ceremonies have become big businesses with dedicated business sponsorship. For example, at last year's Nc'wala, Zain Zambia carried out repair works on the main arena, with National Credit and Savings (Natsave) bank sponsoring lunch for dignitaries that attended the ceremony. There was even the Nc'wala Ceremony Golf Tournament, a one-day 18- hole golf tournament that saw 55 from golfers compete across the country. The tournament was sponsored by Aupie-Agro Foam with proceeds donated to the Ngoni Royal Establishment (NRE). All of these of course are accompanied and fuelled by the politicisation of ceremonies, where last year alone we saw the likes of Zuma, Mugabe, Mutharika and Katumbi attend

traditional ceremonies.

At the fundamental level, **there has been a significant transformation towards significant direct involvement of chiefs in the production processes**. As we have previously discussed, entrepreneurial activities are not alien to chiefs. Indeed it's these entrepreneurial activities that partly financed the independence struggle. However, under the one party state this spirit was stifled. It cannot be mistaken that until full liberalisation of the economy in the early 1990s, no serious rise in chieftdom led capitalism had taken place, for reasons we'll touch on later on. This trend has been changing in recent years, with Chief Chizela, of the Kaonde in Mufumbwe, becoming the first traditional leader to get a full-scale mining licence as back to 2005. This saw fruition in 2008 when the Chief inked a deal with American Company to develop eight mining licenses in the next few years. These licenses are owned by the Chief, who also has a 40% share of the Joint Venture to be set-up by Mayfair. The company paid Chief Chizela \$50,000 as 'signing amount' and has promised \$500,000 in loans to be paid back from dividends on his share.

Senior Chief Kalile also emulated this approach by appealing to the Government to grant him a licence for small-scale mining in his chieftdom. The traditional leader went on to form a mining company, Fyesu Minerals Limited, with the view of mining copper. The motivation to the chief appears to have been to give a greater stake in the development process for his people: *"there are copper deposits all over my chieftdom, but people are not mining it because of the difficulties faced in the acquisition of small-scale mining licences"*. The chief is also looking to branch with a timber licence in order to *"earn extra income as money received from the Government was not enough to support his family and subject"*.

Other chiefs are following suit. A friend of mine narrates how a Chief in Northern Province has worked to develop a "tribal corporation". They have set up a "company" run by the Chief and his sub-headmen as partners. Their main goal is to encourage self reliance through agriculture and tourism.

The ground is good in the area, so the Chief has been soliciting for funds through the company from donors, locals and people in the diaspora, as well foreign investors. At the moment, on the agriculture side, they have establish smaller subsidiaries or enterprises where subjects are able to source for seed and fertilizer. Their produce is first supplied to the locals and the excess is exported. They have also collaborated with a few NGOs. On the tourism side, there is much work required but the plan is to exploit the vast natural scenic locations the area offers from bush to hot springs. The intention is to structure the deal in such a way that the locals have control but through the enterprise. This has all been the vision of one chief in Northern Province, and with no government help!

All of this has led to interesting questions on why chiefs who clearly have always held significant advantages in terms of social position for developing business are only until recently beginning to move towards recapturing the pre-independence entrepreneurial spirit. There are a number of reasons to this :

Historical factors : As we have previously discussed during colonial times chiefs worked well within their constraints and were local engines of growth. Certainly many of the local stores that emerged were led by them. They used the “native treasuries” to their advantage, investing in a lot of profitable activities whose revenues partly funded the independence struggle. After independence, with the One Party state reforms, that entrepreneurial spirit was restricted (the land reforms did not help), and perhaps Chiefs are only again beginning to realise the opportunities that exist within their chiefdoms! In that sense the market and constitutional reforms of the Chiluba era, in particular the land reforms of 1995 and the constitutional amendment in 1996 which defines the chieftaincy as *“a corporation sole with perpetual succession and with capacity to sue and be sued and to hold assets or properties in trust for itself and the peoples concerned”*, effectively gave chiefs a new lease of economic life. The land chiefs possess is of immense value, and some have used this intelligently to amass wealth for themselves and provides the basis to engage

in contracts as we have seen with Chief Chizela and others.

Reduced role of government : Related to historical factors discussed above, the reduced role of government support post 1990 has provided sufficient incentive for chiefs to pursue economic activity. Increased poverty levels especially with the SAP reforms have forced chiefs to become more involved in pushing ways to get people out of poverty. The breakdown in social cohesion continues to pose significant threat to the authority of the chieftaincy. Chiefs now realise that cultural and economic objectives are intertwined. Unlike under One Party State where the government operated a command and control economy. In the new liberalized economy, the people are largely left to fend for themselves and define their voices to compete for investment and political support.

Educated chiefs : We now have a number of well educated chiefs who are able to discern economic opportunities. Chief Kapalaula recently expressed the mood of this new educated generation best when he noted: *"I must make it abundantly clear to all megalomaniacs who have become swollen-headed as challenged heroes of sarcasm i.e., the fake sophisticates who look down upon chiefs as yokels with little intelligence....as a new breed of traditional leaders, we are just as educated, intelligent and politically enlightened as anybody else"*. The steer towards education is both natural in so far it may reflect the increased pool of educated rural dwellers, but it's also as a result of the transformation role chiefs are expected to play given the new incentives they face, as discussed above. The skills of the chiefs to impose himself on the national scene in order lobby economic investment and government support has become critical. Rural dwellers are now increasing demanding articulate representative or local traditional leaders who can drum up support for their economic and political causes. Educated chiefs can help attract investment, secure political support and bring new ideas to support local cohesion whilst simultaneously enriching existing traditions.

New political pluralism : The advent of multi party politics and associated

increased electoral competition has spurred economic involves by giving chiefs unparalleled opportunities to emerge as “kingmakers” and use this exact significant economic rents from political players. Since the dawn of multi-party politics, chiefs have emerged as critical players in a way they had not been during the first and second republic. Securing support from chiefs is instrumental in building momentum and showing that the nation is united behind the vying party. The pandering to chiefs usually takes the form of rehabilitation of palaces, increased subsidies, financial gifts and famously, loans for expensive vehicles. In recent months we have even witnessed chiefs offered foreign medical care and even foreign trips by government backed investors. All of these things have tended to enrich chiefs.

Political gifts, rewards and other “bribes” has fuelled further demand from various constituency for chiefs to be seen undertaking productive activities. In 2008, President Mwanawasa regretted that a number of chiefs were applying for chief loans to buy small cars instead of buying bigger vehicles or tractors that will be of benefit to the chiefs themselves and their subjects. In his view, chiefs had sufficient resources in form of subsidies, payments from community resource boards and sources, such that they should be able to transform themselves into rural entrepreneurs : *“subsidies should not be the only source of income for our traditional rulers...Chiefs should take the lead in business in their chiefdoms”*. A politician’ response to the increasingly pressure by ordinary Zambians for resource transfers to chiefs to become ‘developmental’.

Taken together, these factors are spurring entrepreneurial pursuit. Of course the obvious question is whether this resurgence in entrepreneurship is a “good thing”. Very few people would deny that in so far entrepreneurship can spur local economic activity, it helps increase local economic development. There’s consensus that growth is a prerequisite for development. In so far as chiefdom led entrepreneurship is spurring local growth this must be welcome. That is not to say there are no social side effects which need to be managed. In particular the rise in chiefdom led capitalism may slow down land reform and

intensify boundary disputes. Both issues should be addressed by government in any case, unfortunately not much is being done to address them.

In summary we can conclude that spurred on by intrinsic economic nature of the institutions, chiefs in recent years have recaptured their entrepreneurial spirit. The increase in economic and political liberalisation has provided new opportunities, as well as challenges to be managed. Not all chiefs have grasped these opportunities nor is there a systematic framework for managing the downsides. In the next post in this series we'll explore the constraints that chiefs are facing to achieve their full potential what steps government should take, if any, to spur further growth in chiefdom led entrepreneurship.

Previous posts in this series :

[Chiefs in Colonial Zambia](#)

[Chiefs and the Law in independent Zambia](#)

[Chiefs and Politics \(1\) – The historic lenses](#)

[Chiefs and Politics \(2\) – The rise of political chiefs?](#)

[Chiefs and politics \(3\) – Towards Free Participation?](#)

[Chiefs and the economy \(1\) - An economic institution](#)

* * *

Chiefdom led capitalism

[Chief Chibesakunda](#) (Bemba People, Northern province) has commenced discussions with the World Wide Fund (WWF) for financial support to develop a 20,000-hectare game ranch in his chiefdom. The ranch will apparently create one thousand jobs. It will proceed in two phases - phase one of the project would be to establish the game and nature reserve; and

phase two phase two of the project would be to identify other partners to set up tourism products in the game reserve :

“We are currently discussing with our strategic partners WWF for funding of a 20,000 hectare game ranch in my chiefdom....We have to create an economy where there is no economy....This is a huge development taking place and I cannot quantify how much the game ranch and nature reserve will cost but we are working with the community to develop the game reserve...We will also be developing a hot spring as part of the tourism products in the district and we are involved in a number of projects such as commercial mushroom, honey and wild fruits in order to utilise the resources we live next to and realise its potential”.

We have previously discussed the [rise in entrepreneurship](#) and the various constraints facing chiefs, also in terms of what government can do to facilitate development.

[“Chiefdom led capitalism”](#)

2 Comments - Show Original PostCollapse comments

1 – 2 of 2

Chosang’anga (IPAM) said...

I am glad that Imfumu Chibesakunda of the Royal Foundation is setting up a game ranch in his country, though WWF has a poor CBNRM track record (a failed concept) in Zambia and no record at all in game ranching development - a non-profit venture. The Chief must be careful that he is not simply alienating his land? We would like to know more about his formalization procedures so that we may adjudge?

20 June 2010 at 07:49

Anonymous said...

Where’s the money?

At Copenhagen COP15, President Obama promised \$10 billion for 2010 for climate change mitigation increasing to \$100 billion by 2020. Much of

this money is earmarked to pay custodians of the forests and biodiversity for caretaking and non-development costs.

With accountable structures and a good marriage of traditional and modern technology, rural communities stand to earn good money and restore their fast-dwindling natural capital whilst soaking up the world's excess carbon dioxide which is disturbing the climate.

Will we feed the chicken and share the eggs or eat the chicken and surely starve?

Think wise!

Prophet for profit

* * *

Fight for land rights.

Mary Banda and her personal struggle against inheritance tradition of land :

Fighting traditions, MS Zambia Newsletter (May 2010), Commentary

⋮

The sweet smell of newly baked bread surrounds Mary Banda as she shows off her fresh loaves of bread. Her family has had to support itself through baking bread and brewing beer for the past two years. This harvest, however, it will be different, because now Mary has a field to cultivate. When the ground nuts and the maize ripen in April, the family will be able to feed themselves better and generate more income from the sale of the produce. The future is definitely

[Read more](#)

[Sambwa](#) said...

The story makes a sad reading for women who find themselves victims of such circumstances. Considering that much of the wealth creation activities in rural areas are performed by women, it is important that women and society take seriously the issue of land ownership.

However, I have a an observation to make in your publication above. The matters raised are inheritance of land by women. As said in your article , our customary laws require that, “a piece of land will always go back to the husband or father’s family when he dies before his wife or offspring. – “

These are laws that these women and their spouses know about, therefore, it is important to educate these families to prepare themselves for such eventualities. The customary law seem to have a prenuptial agreement built in it that protect loss of Extended Family land from the blood line. This is inline with the basic theory of inheritance anywhere in the world.

Even the English law you describe above does not give this woman in your article entitlement to the land especially that she is a step child , married and probably over 21 years!

The other thing that you should tell your readers is that Family Land In Zambia is customary given by Chiefs to the whole Extended Families. The chief keeps a record of the registered families and their children. Thats why the national Registration Card System require you to list your village as one of the requirement to confirm you as a citizen since each one is entitled to own land in their maternal or paternal village by law. The families that feel they need more land can negotiate with the Chief for another land to create a new village. Otherwise, you will have to pack your bags and leave, especially if you do not qualify for inheritance.

Then How can such women fight for their Land? They need to realize that the customary law is real and will be here for sometime. They need to get land or proof of ownership from the chief before their husbands die. Their husbands need to tell families, if possible write down, to say that their wives are entitled to the land since a “verb will” is honorable in most cases in Zambia.

But as you have said this is a hard nut to crack! Though educating families and individuals is way to go.

* * *

On Witchcraft, 3rd Edition

[The House of Chiefs](#) recently failed to reach resolution on what the government should with respect to witchcraft. It is all a bit baffling because we already have a Witchcraft Act. It appears Chief Mukwile wants more careful “study” of the issues and less severity of punishment (don’t laugh!). There was though an important point regarding “herbalists” which fits in within current debate on harnessing Indigenous Knowledge Systems (e.g. [here](#)) :

The House of Chiefs on Tuesday failed to reach consensus and withdrew the motion that the state should recognise the existence of witchcraft and sorcerers. And chief Simaamba of Siavonga district said witches and sorcerers who kill others are murderers who deserve to be punished severely. The motion received mixed feelings in the House as some chiefs supported it while others felt that if adopted, innocent people would lose lives.

After listening to various views in the House, chief Mukwikile of Chinsali district who proposed the motion asked for guidance from the House as

he was winding up debate. Chairperson of the House, chief Madzimawe of the Ngoni people of Chipata district said chief Mukwikile's action to seek guidance was a clear indication that he had withdrawn the motion and everyone agreed to it.

However, chief Madzimawe said it was not the first time the House debated the motion in question and asked the secretariat to avail resolutions of the previous one and see the way forward. Chief Madzimawe cautioned chiefs to be careful when handling such matters because they had the potential of causing problems in the nation if not properly handled.

During debate, chief Mukwikile said it was important that the state recognises witchcraft so that research could be carried out on how best cases could be handled. He observed that the current Witchcraft Act worked against the victim instead of the culprit because whoever was complaining ended up being punished. Chief Mukwikile said the Act should be amended to enable chiefs administer matters of witchcraft effectively without conflict.

And chief Imwiko of Lukulu district said he was worried that the law to deal with witchcraft was not implemented effectively. He said there was need to look at it and see how various actors could come up with some form of law that could work towards witchcraft. Chief Imwiko also said while those practicing witchcraft deserved to be punished, herbalists should be preserved because they cured various ailments.

And senior chief Nsokolo of Mbala district, who debated against the motion argued that if the state officially recognised the existence of witchcraft, many innocent lives would be lost.

* * *

Cleansing the chieftdom, 2nd Edition

[Distressing developments](#) in Chilubi. Five people have been killed in the last four months at the island over suspicions of witchcraft. The five—all men, have either been stoned or burnt to death in separate incidents. The local area MP allegedly confirmed the killings attributing it “to lack of police presence in the area”. I have previously noted the poor rule of law that exists in our remote villages. The reach of the state is severely limited and this is a clear demonstration.

* * *

Traditional healers and HIV/AIDS

An interesting piece in the Times of Zambia on the potential role of traditional healers in fighting medicine. The question of traditional healers has largely been neglected in national policy development due to the absence of an adequate [indigenous knowledge policy framework](#).

[*Traditional healers and HIV/AIDS, Jessie Ngoma-Simengwa, Times of Zambia, Commentary :*](#)

The inclusion of traditional healers in the Copperbelt Province AIDS Task Force (PATF) signifies the important role they play in health care services. It is a big shift from the days when traditional healers were simply dismissed as 'black magicians' who could only be consulted in matters of witchcraft. They also carried an unfortunate tag of being called ignorant ,uncivilised people. Not any more.

* * *

Wising up?

“We have problems with roads and a number of issues. We have a maternity ward at the clinic just here [near the palace], it was built four years ago but it is still very dormant. It has not been handed over. Now what are we waiting for to do these things? All these are some of the projects that we have been complaining about but it’s falling on the deaf ear...We have our member of parliament here who can tell them the truth about the problems in the constituency but he has been ignored in most cases...Now this is bad because an MP cannot be government to do things on his own. Now because of this a rural person like me will accuse an MP that he is not doing anything to help the people but it’s not true. If truly things starts from the grass root level as they say, they should be listening to our complaints. As we are nearing elections you will find that so many bicycles are coming in. Vote for me! Vote for what!”

[Chief Luembe](#) bemoaning the lack of attention during non-electoral period. It also appears that the chief has recognised what few people fail to comprehend that MPs are not there for development. That is the job for the Executive. I have previously touched on this on - [Myth of A Development Parliamentarian](#).

[“Wising up?”](#)

1 Comment - Show Original Post

1 – 1 of 1

Chosang’anga (IPAM) said...

I was very pleased to hear my old friend - and adversary at times -

speaking up for his people. However, he should look to our Luembe Trust for development answers, not to a distant government tied to a now fully embedded patrimonialism. But, nevertheless, he is to be lauded for speaking up and directing his spear at part of the problem: Mfumu ikaperowona kaingo ipoza fumo lya ine.

* * *

Chieftdom led capitalism, 2nd Edition

October 2011

Chiefs in Luapula province have [formed a company](#) called Bangweulu Investments Limited with the aim of opening up fish farms and restocking the water bodies whose resources are fast depleting :

Chief Mwansakombe said the company was formed by traditional rulers in Samfya and surrounding areas after carrying out a series of consultations with officials from the Zambia Development Agency (ZDA), the department of fisheries. This was done through the Programme for Luapula Rural and Agriculture Development (PLRAD). Chiefteness Mulongwe of Mbabala Island, senior chief Mwewa, Chiefs Kalima Nkonde and Bwalya Mponda, are the board members of the company whose offices would be opened in Samfya district soon.

* * *

[“Chieftdom led capitalism, 2nd Edition”](#)

1 Comment - Show Original Post

I.P.A. Manning (Chosang'anga) said...

The idea that the Chiefs, working through their company, Bangweulu Investments, will be able to turn around the fishery without the protection of the group interest is debatable. In the Bangweulu-Mweru-Luapula fishery, where resources were never common property before colonialism (as David Gordon in his book *Natchituti's Gift* explains) complex tenure systems linked to clan groups governed the use of the lands, lakes and lagoons. These rights were largely sidelined by the colonial authority when a chiefs' commons was created as a result of the appointment as chiefs of 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. However, social networks based on entrepreneurial Big Men and their families and evangelical Christian Churches had begun to challenge the authority of both colonial chiefs and owners, and State attempts to intervene in the economy and environment in the form of marketing boards, nationalisations, closed fishing seasons, and restricted areas failed due to a lack of capacity alongside the resilience of trader-fisher networks.

Were my old friend and game scout, Cotton Mateyo, still alive when finally on his Chipuna as Chief Bwalya Mponda, I would have advised him to resurrect his ancient guardians and to place the fishery under a Landsafe. Without this, Bangweulu Investments will sink without trace - sunk doubtless by a Chipekwe.

* * *

MONDAY, 26 MARCH 2012

Facing starvation

“In my chiefdom, we have Munikashi area where most of the people depend on fishing for their survival. But right now, they have no food because the streams no longer have fish....Near my palace, there is a satellite depot with bags of maize which are just rotting. We are appealing to the Government to consider giving the people the bags of maize to enable them to feed their families..”

Chief Kopa (Bisa, Mpika) [appealing to Government](#) to send relief food to Munikashi area in his chiefdom where people are apparently facing starvation because the streams where they fish from are depleted.

People in Munikashi engage in a fish-for-maize or cassava barter system, so without the fish there's almost nothing to continue with the “in-kind of trade. The people in the area are now walking long distances to search for food while others are doing some pieces of work in neighbouring villages to get a meal.

The solution the chief proposes is logical, but clearly a short term measure. Interesting that the chief does not mention the local area MP who presumably should be aware of the dire needs. There's an urgent need to devise ways in which chiefs can be proper conduits for flagging up such problems. Incidentally, the “in kind” nature of the problem reveals yet again just how interconnected local challenges are.

“Facing starvation”

1 Comment - Show Original Post

1 – 1 of 1

I.P.A. Manning (Chosang'anga) said...

Kopa had the opportunity to adopt Landsafe in 2003; he did not do so. He

and chiefs Chitambo, Chiundaponde, and Bwalya Mponda are also members of the Chikuni Community Partnership Park concessioned out to African Parks from which they will see little benefit given the way African Parks operates. They are also members of the Bangweulu Management Board, supposedly there to see that just such a situation on the Munikashi and other rivers does not occur. When will the chiefs learn. And how is Chief Luchembe and his people faring with a massive oil-palm project on their land? A project ushered in by the hapless MMD. Customary land is now just open-access plunder land in which the people get ever poorer and more desperate. The M.P.? Don't think so.

* * *

Restoration of the Native Authority Act?

[Chief Chibesakunda](#) and other chiefs are calling for the restoration of the Native Authority Act to enable chiefs to participate actively in the development of rural areas. He says that this will restore respect for chiefs and enable them create village industries which can add value to agricultural products produced by local people. This would of course require the repeal of the Chiefs Act (1965) something that the politicians would be very wary of doing.

* * *

Land Organizations

Zambia Land Alliance

The ZLA was formed in 1997 to deal with the government's land reform process.

Its Mission

A platform for collective action committed to promoting equitable access, control and secured ownership of land by the rural, peri-urban and urban poor and marginalized, through lobbying and advocacy, networking, research and community partnership.

Its National Members

Association of Land Development

Caritas Zambia

Disability Rights Watch

Extractive Industry Transparency Alliance
Green Living Movement
Rural Women Assembly
Women for Change
Zambia Alliance of Women

It has eight branches, including one in Mansa. The ZLA has been long concerned with the absence of a national land policy and, in December 2019, produced [a fact sheet](#) on the issue as follows:

<quote>

1. They question the official statistic of 94% customary and 6% state land.
2. The absence of a comprehensive national land policy has long-term consequences for its political, social and economic development.
3. In 2002 cabinet adopted a draft land policy, one rejected because of the absence of a transparent system in the preparation of the document and the inappropriateness of some of the proposed policy measures that were considered not to be pro-poor. The government further stalled the process of finalizing the draft land policy on the grounds that it had embarked upon a constitutional review process whose outcomes were considered critical to guide the land policy development.
4. In 2015 the process was restarted, which has seen a number of steps being taken, including the setting up of a multi-stakeholder Technical Committee, which involves the participation of civil society organizations such as Zambia Land Alliance (ZLA). Within the same period, The Ministry of Lands engaged the House of Chiefs on the policy, but the meeting ended prematurely because the Chiefs were not satisfied with the amount of time they were given to review the document and understand its content.
5. In 2016, the Government held 10 provincial consultative meetings on the land policy. Participants were drawn from the government, traditional leaders, the private sector and the general citizenry. In 2016, civil society

organizations (CSOs) lead by ZLA developed a Shadow Land Policy and simplified it in 2017. The submissions informed the basis for the development of the document from the district consultative meetings, stakeholder engagement meetings, Television and radio programs.

6. In November 2017, a prevalidation meeting with civil society, Cooperating partners, academia and other special interest groups was held.
7. In 2018, the Chiefs convened an Indaba on 28th and 29th May, from which the Chief's recommendations on the draft land policy were developed and submitted to the Ministry of Lands and Natural Resources in August.
8. In June 2019, the Ministry of Lands and Natural Resources had an engagement meeting with the House of Chiefs (HoC) during which the two stakeholders agreed on some provisions in the draft policy. Further, in 2019, the Minister of Lands and Natural Resources made pronouncements that the draft land policy would be finalized in the 3rd quarter of 2019.
9. Additionally, a subcommittee made of up different like-minded CSOs was established to spearhead advocacy around the land policy. The committee has been meeting to plan and mobilize resources for advocacy around the land policy.
10. Furthermore, ZLA has had radio programs with the private and state radio stations, issued press statements and television programs to discuss the draft land policy and provide a platform for the general public to take part by calling and texting. Further information on the draft land policy has been shared with the general public on the organizational Facebook page and WhatsApp group.
11. Through the subcommittee, several engagements have been held with traditional leaders such as Chief Chamuka of Chisamba, Chief Ndake of Nyimba, Senior Chief Kopa of Kanchibiya, Chief Luchembe, Chief Mukungule, and Chief Chikwanda of Mpika district on the draft Land Policy.
12. In 2019, the CSOs developed a position paper on the draft land policy. The document proposed a vision statement that read, " A

Zambia where equitable access and secure land ownership for all citizens is guaranteed as a basis for sustainable development”. The organizations proposed several overarching policy statements whose aim was to promote a pro-poor National Land Policy. The position paper was published in both print and electronic media to reach a wider coverage.

<unquote>

Comment: The vision statement in No. 12 is unclear about just what kind of land ownership is envisaged.

Zambia CBNRM forum

The [Zambia CBNRM Forum](#)'s work is focused on creating secure livelihoods for communities in Zambia through sustainable utilization of natural resources that include; forestry, fisheries, water, agriculture, land and wildlife.

The Zambia CBNRM Forum was established in 2005 and launched by the Former Ministry of Tourism, Environment and Natural Resources (MTENR) with the aim to reduce poverty through community based management of natural resources.

The Forum's focus is around creating secure livelihoods for communities in Zambia through sustainable utilisation of natural resources that includes; forestry, fisheries, water, agriculture, land and wildlife.

The ZCBNRM Forum works with organisations across Zambia to share best practice, learning and create a unilateral voice in influencing policy and government decision makers on Natural Resource Management .

The Forum has a Secretariat based at WWF's Offices in Long Acres,

Lusaka. We additionally have regional offices in Livingstone and Namwala.

GOAL: To improve rural livelihoods at the household level through sustainable management of natural resources by communities in Zambia.

Key objectives:

To promote community based approaches to the wise use and sustainable management of natural resources for rural development and sustainable livelihoods

To advocate for the formulation and implementation of appropriate legal and policy frameworks that support CBNRM equitable sharing of costs and benefits

To facilitate dialogue, development and adoption of best practices for sustainable utilization and management of natural resources in Zambia

The Forum has the following Thematic Working Groups

Policy and Legislation

Management Oriented Monitoring Systems

Performance Monitoring and Evaluation

*Community based Enterprise Development combined with CBO
Institutional Capacity Building*

CBNRM Training

Some Board Members: Senior Chief Luembe (centre), Chief Muwezwa (left)



Senior Chief Luembe (Nyimba)

Noah Chongo – National Coordinator: **nchongo.zcbnrm@gmail.com**

General queries – **zcbnrm.org@gmail.com**

Pauline Carron – Programmes Officer: **pcarron.zcbnrm@gmail.com**

Vincent Ziba was a former coordinator when we cooperated on the campaign against the

Lower Zambezi mining. (vziba@wwfzam.org)

Donors and Government

The CBNRM Forum works with a number of insitutional donors and government funded organisations to: deliver pilot projects across

Zambia; to showcase best practice; to influence policy and to support communities in creating sustainable business, ensuring secure livelihoods for rural communities. Since inception of the forum we have worked with the following organisations to support our work:

UNDP – working to establish a community-based enterprise, producing, marketing and selling Baobab fruit juices in Luangwa

DFID – for establishing a civil society climate change network in Zambia

USAID – funding our Combating wildlife crime project

Government of Zambia – creating a memorandum of understanding with Zambia Forestry College, and working in an advisory role around environmental and Natural Resource Management issues on a number of technical committies

GRZ / World Bank – promoting climate change resilience

Finnish Government – supported through the Civil Society Environment Fund to provide institutional capacity development and showcase our pilot projects

The Scottish Government – funding our Climate Justice Initiative project in Southern province, to empower women and support communities in managing their water resources and increase secure livelihood options

The Tides Foundation – working to support the Community Resources Board in the Western Province: <https://www.tides.org/>

International Climate Change Initiative (IKI) – operationalizing the landscape approach for biodiversity benefits

Partnerships

The CBNRM Forum is currently working with partners, to share experience and expertise and deliver high quality projects across Zambia, we always welcome interest from our members and new organisations to explore new partnerships and support rural communities within Zambia. Examples of the Forum's partnerships include:

Oxfam Zambia – in partnership we are working on the Climate

LAND ORGANIZATIONS

Justice Initiative in Namwala and Kazungula districts to build capacity of communities to sustainably manage their water resources, learn about water management and irrigation technologies and ensure that women are engaged in decision making at a community and district level

Zambia Institute of Environmental Management (ZIEM) – funded through the UNDP SGP programme, we are working in the Kasonso Busanga region of Zambia to support communities in exploring opportunities diversifying livelihood activities including Beekeeping and establishing fisheries within the region

The Nature Conservancy (TNC) – in partnership we are working to build the capacity of communities, village scouts and national organisations in Mulobezi, Southern Province, to monitor their natural resources for effective decision making and establishing management systems

Action Aid Zambia – working in the Copperbelt to support communities in understanding their rights with regard to mining developments, additionally building their capacity to advocate and lobby for themselves and support successful engagement at a government level

WWF Zambia – providing institutional support to the Forum to enable ongoing support to community based natural resource management issues across Zambia and ensure engagement with government and relevant ministerial departments is possible.

March 2013

ZCBNRM Forum Policy Working Group Members

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Zambia CBNRM Forum lead role in GAPA

Governance Assessment in Protected Areas (GAPA)

The Convention on Biological Diversity (CBD) Aichi Target 11 calls for “effectively and equitably managed... protected areas”, and goals 2.1 and 2.2, the CBD’s Programme of Work on Protected Areas (PoWPA) calls for parties to:

Assess the economic and socio-cultural costs, benefits and impacts arising from the establishment and maintenance of protected areas; and

Carry out participatory national reviews of the status, needs and context-specific mechanisms for involving stakeholders, ensuring gender and social equity, in PA policy and management.

While progress has been made on understanding and assessing effective protected area (PA) management, equitable PA management has not been defined, and there are few examples of a comprehensive approach to assessing local governance and social equity.

Over the last 3 years IIED has been leading a global effort to understand and assess local governance and social equity in a PA context with partners GIZ and IUCN. Our work addresses the gap between international policy intentions on ‘equitable management’ and actual practice by proposing relatively simple, low cost approaches to local

governance and social equity assessment that are feasible under the typical constraints of human and financial resources affecting PAs.

IIED's governance and equity assessment methodology comprises an analytical framework, a multi-stakeholder assessment process, and tools for the five phases of the assessment process – (1) preparation, (2) scoping, (3) information collection, (4) self-assessment and (5) action planning. Eleven good governance and equity principles serve as the analytical framework of the assessment, with the first of the nine principles relating to both equity and management effectiveness, and principles ten and eleven dealing primarily with issues of effectiveness (see Table 1).

Objectives

The project has two focal countries – Zambia and the Philippines. The Zambia CBNRM Forum will be the lead agency at the national and local levels in Zambia and will organise and mobilise the relevant rightsholders and stakeholders to take part in the governance and equity assessment process.

The main objective of the Zambia CBNRM Forum is to facilitate local rights-holders and stakeholders to strengthen the governance of their ICCA and its relationships with other contiguous PAs, with a particular emphasis on social equity. A secondary objective of the is to feed into the further development, field-testing and refining of IIED's governance and equity assessment methodology and site level guidance.

This project supported a governance and equity assessment at two CBNRM areas (GMAs) in Zambia, focusing on the "Community Resource Boards" that jointly manage the GMAs and their relationship with communities, the Department of National Parks and Wildlife (DNPW), local government, and the traditional chiefs. CBNRM-related governance challenges within the chiefdoms, and the relationship of CBNRM areas and contiguous national parks will also be covered. Each assessment will generate practical ideas for action and judging by experience at other sites we can be confident that some of these actions will be low cost measures that can be implemented with no need for external support.

The first site is Mumbwa GMA.

The second site is Chiawa GMA.

The Zambia CBNRM Forum will be responsible for convening the governance and equity assessments and will provide an expert facilitator that will lead the governance and equity assessment process. The CBNRM Forum will additionally be responsible for coordinating and convening a national workshop to disseminate the assessment results and suggested next steps.

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Capacity Building Project - Kafue Ecosystem

*Contact Person Alimakio Zulu, National Coordinator Award Date
Date/Time Stamp: 02/24/2017 - 2019 (Two years)*

Activities Accomplished;

Applying Appreciative Inquiry Tool in the Community Resource Boards of Kaingu, Shimbizhi and Chilyabufu

A comprehensive assessment of Initiative to Indigenous Peoples and Community-Conserved Territories and Areas (ICCAs) in the North Western Province

Annual General Meeting and one Board meeting held

Description of Activities undertaken under Tikva Support;

The Zambia CBNRM forum with support from Tikva and TNC conducted a governance and viability assessment of 17 CRBs in the Kafue River Basin. A report was produced from which the following issues were raised:

Over dependence on the Department of Wildlife and National Parks (DWNP) and other projects for Community Resource Boards (CRBs) revenue.

Limited strategic visioning targeted at enhancing CRB viability

Prohibitive Institutional mechanisms that do not facilitate effective CRB governance

In response to these issues, and after conclusive analysis- the following recommendations were arrived at:

Build capacity in strategic visioning and enterprise development planning

Increase access to continuous mentorship in CRB governance and Viability aspects

Increased bio-cultural awareness and legal empowerment of the communities

Capacity Building Assignment for CRB.

The engagement tools included the following:

Natural resource mapping exercise

Focused Group Discussion

Group work and report back

Plenary discussions

The main objective of the capacity building activity is to:

Develop manual template for enhancing CRB viability and governance structures needed to guide enterprise development for harnessing their endowed natural resources. This template will then be used as a guide by the WRCRB association members as a guide for enhancing the viability and governance structures needed for Natural

Methodology and Approaches;

The methodology used is a merger of the CARE International “Appreciative Inquiry Tool” for community visioning, “Future Search methodology” and the “FAO Market Analysis and Development Model” combined together for visioning and Community Based Enterprise Development planning. The approach was a participatory interactive engagement with participants to have a community vision and identify suitable Community Based Enterprises (CBEs) for each CRBs’ oversight at landscape scale.

* * *

Forest Reserve Support Project (FRSP)

“Delineation Of Boundaries And Dissemination Of Forest Extension Materials For Protected Forest Reserves In Eastern Province”

GOAL

Promote sustainable forest management in all the protected forest reserves by ensuring that forest boundaries are clearly defined, mapped and marked with forest beacons and provide extension services to communities living around forest reserves.

OBJECTIVES

To delineate forest boundaries in 17 selected protected forests reserves in 6 selected districts in Eastern Province in order to make them distinct.

To enhance extension services and the production of information materials for communities living around protected forest areas.

To produce maps for the 17 selected protected forest reserves.

These objectives are in line with the National Forestry Policy of 2014 which has set sustainable forest resources and ecosystem management and local community empowerment as some of the policy measures to be implemented. Therefore, this program will contribute towards operationalizing some of the policy measures outlined in the National Forestry Policy of 2014

ICCA Conservation Territories

Supporting Indigenous and Local Community Conservation Territories and Areas (ICCAs) in Zambia (Responding to the UNDP -GEF/SGP call for Concept Notes)

Background

As part of the “Supporting Indigenous and Local Community Conservation Territories and Areas (ICCAs) in Zambia: Setting Cornerstones Project”, a national stakeholder workshop was held on 31st March, 2017 at Protea Hotel, Lusaka in which tentative ICCAs were identified in Zambia. This was followed by field visit to Kaindu Natural Resources Trust (KNRT) where a field mission tool was tested with facilitation of the ICCA Consortium Coordinator, Dr Grazia Borrini – Feyerabend. Thereafter, field verification mission activities commenced starting with North Western, Western and finally Central Province. A field mission report back meeting was organized and was held at the Nature conservancy (TNC) board room on 13th April, 2018. In attendance were the national Coordinator (ZCBNRMF), two Southern Africa regional ICCA representatives based in Zambia namely Mr. Vincent Ziba and Dr Patricia M. Mupeta, and the two members who carried out the field verification mission Mr. Alimakio Zulu and Mr. Chezen Suede.

In order to ensure that the recommendation of the meeting was delivered, CBNRM plans to conduct a capacity building activity in four selected emblematic ICCAs namely; Chilyabufu on the Kafue Flats, Zambezi Source and Chimbwika-Ntambu landscapes including Kaindu Natural Resource Trust (KNRT) as a pilot in line with objective six of the project document to assist in the self –strengthening process. It is envisaged that the process will facilitate the development of credible concept notes for the four (4) desired ICCAs in order to build on the

previous work undertaken under the catalytic grant of the UNDP - GEF/SGP.

The main objective of the capacity building campaign would be to:

To engage and plan with the ICCAs local teams to develop concept notes for enhancing specific initiatives in support of each ICCA. These Concept Notes could then be submitted to UNDP -GEF/SGP for consideration of funding nevertheless, through the Zambia CBNRM Forum who would then assume overall responsibility of fund management and oversee the ICCA activities under each emblematic ICCA once approved. Each emblematic ICCA shall be considered as an individual entity in the application and each will be reviewed as such by the National Steering Committee.

Justification;

The identified potential four emblematic ICCAs will need support to develop concept notes for supporting the site specific initiatives of their needs. However, these entities have no capacity to write concept notes on their own and therefore require assistance in defining what initiatives would meet their needs arising from the findings of the field verification mission which was conducted in three regions. The Zambia CBNRM Forum therefore intends to provide this support of capacity building of the local teams to come up with such initiative through an interactive workshop process in Mwinilunga and Mumbwa in order to cover the identified emblematic ICCAs. Below is a brief description of status quo in each of identified emblematic ICCAs:

Source of the Zambezi- Chief Kanong'eshia

The community claimed that they possess strong historical, cultural and spiritual connection with the territory through ancestral domains of their indigenous peoples. The initiative will pursue and ensure community customary rights to the Zambezi source territory and surrounding forested areas are fully recognised including fair cost/benefit sharing arising thereof.

Chibwika-Ntambu Landscapes

The community bemoaned potential threats from mining activities and land grabs thus the communities want to claim legal and customary rights to land, water and other natural resources on which they directly depend for subsistence e.g. for food, medicines, housing material; they also possess a strong historical and cultural and spiritual connection (ancestral domains in form of shrines)

Chief Chilyabufu – Customary fish Conservation method (Kuzela)

The community claimed that they have demonstrated a long term positive relationship with the Kafue River lagoon system fisheries in particular because of their unique and sustainable harvesting methods – “Kuzela”. The customary fisheries are experiencing physical degradation because of siltation over the years and the community intends to restore the fishery and enhance their community governance role to foster recognition of their traditionally fish harvesting methods in the pond system of the chief Chilyabufu’s area.

Kaindu – Natural Resources Trust

The community claimed that they have demonstrated positive strides in establishing a community conserved area in a form of a game ranch however the larger community appears to be out of the loop and thus the KNTR intends to enhance their community governance role in conservation to the wider Kaindu community to instill a sense of ownership among community members in order to foster community participation in conservation

Methodology and Approaches;

The proposed methodology and approach will be through a participatory interactive engagement with local teams of the identified ICCAs to have a community vision around the community conserved areas and identify specific initiatives in support of the ICCA. The engagement tools may include the following:

Focused Group Discussion

Group work and report back

Plenary discussions

Outputs;

Two cluster workshops/meetings held to share information on UNDP(GEF)-SGP 1st call for Concept Notes

Four (4) Concept notes from identified emblematic ICCAs developed and submitted to UNDP(GEF)-SGP

DURATION:

3 YEAR PROJECT (2017 TO 2019)

Grant Purpose: *to create regional associations of Community Resources Boards to strengthen influence with government and to build capacity for local.*

Ownership;

GEF-small grants program(SGP)together with ICCA Consortium(ICCAs-C)

[PDF report](#)

World Bank: Pilot Program For Climate Resilience Project

The participation adaptation component of the strategic program for climate resilience aims to strengthen the capacity of vulnerable rural communities in the barotse and Kafue sub-basins to adapt to climate change. It assists communities in highly vulnerable areas to identify and address the impacts of climate change in their local development plans and their community's development projects. The beneficiary communities themselves implement, manage and maintain the sub-projects

Main activities of the projects

Participatory Adaptation Planning

The participatory adaptation activities assist communities in highly

LAND ORGANIZATIONS

vulnerable areas to identify climate risks and hazards, and address the impacts of climate change in their local development plans. Participatory adaptation supports climate resilient planning processes at community, ward and district levels by:

Disseminating information related to climate risk

Developing improved participatory planning tools

Training people in how to use the information and tools

Assisting beneficiary groups to prioritize strategic adaptation options

Assisting beneficiary groups to prepare sub-projects

The capacity of national, provincial, district and local organizations to mobilize, train and facilitate communities in climate risk and planning is improved as a result of the support.

Implementation:

Once strategic adaption options are identified, support to participatory adaptor assist target groups to prepare sub-projects and to undertake the processes related to stages of sub-project cycle. Participatory adaptation makes sure that there is adequate technical assistance and training available to provincial, district and sub district institutions.

Scope of work;

A) Participatory Planning for climate Adaptation

b) Improve Access to Climate Information and Other Information

c) Community training (i.e conservation farming techniques, diversifying agricultural practices etc)

Duration: 5 year project funded by World Bank

LeAP Project

The Kasane Conference made a recommendation to “Establish, facilitate and support information-sharing mechanisms... to develop knowledge, expertise and best practice in practical experience of involving local

people in managing wildlife resources, and in action to tackle IWT". This project responds to that recommendation by establishing a "learning and action" platform which comprises 1) an online information portal and 2) an on-the-ground forum for locally-driven initiatives from different countries to meet, share lessons and inject community voices into IWT policy-making.

This project addresses site-level poaching of high-value species in source countries (with a particular focus on African elephants but drawing on experience of poaching other species in other countries where valuable lessons can be learned).

Responses to IWT in Africa have focussed on increasingly militarised approaches state-led law enforcement. It is clear, from the continuation of poaching, that enforcement approaches are not enough on their own. Furthermore, such approaches have resulted in some reported cases of heavy-handedness and even human rights abuses. In these cases poverty has been exacerbated by deliberate destruction of property and livestock, as well as death, injury or imprisonment of key household members (often income earners). In less extreme cases, poorly targeted enforcement activities have undermined local confidence in conservation authorities, resulting in further disincentives for communities to cooperate with enforcement authorities and conserve or sustainably manage wildlife.

In a number of localities however, poaching has been reduced (even if not completely eradicated) through empowering communities to manage and protect wildlife including motivating or supporting them to be active partners in enforcement efforts. Such experiences are, however, in danger of being overlooked in the rush to tackle IWT. In part this is because the current spate of poaching has put the conservation community into crisis mode and there is a scramble to find rapid-response solutions that can be rolled out at scale – a model that community-based approaches are perceived not to fit. But there is also a problem of a lack of knowledge as to different types of community-based approaches and the conditions under which they will and won't work. Furthermore, communities themselves are rarely consulted in IWT programme design processes

and lack capacity and voice to engage in policy debate, meaning policies and programmes often do not reflect their priorities and views.

The project's overarching theory of change is that solutions to sustainable development challenges (including IWT) must come from the bottom up — grounded in local context and local evidence, owned and driven by local people — and that local experience can help shape effective national and global policy too. This theory is reflected in the methodology of this project, in which we first build a strong body of evidence on the role of communities in tackling IWT and then build capacity and voice of community-based organisations to wield that evidence, including through more effective dialogue and interactions with key national and international decision-makers that shape anti-IWT policy and practice (including governments, donors and NGOs). Our approach thus entails:

1. **Build the evidence base:** Building on the nascent CCC database, we will establish an interactive online portal (with co-funding from GIZ) for collecting and disseminating evidence and examples of community-based initiatives to tackle IWT. We will collect written and oral (via video) evidence on effective approaches to supporting communities in tackling IWT (both in externally driven projects (we will identify major IWT funding and implementation programmes to identify these) where, for example, community members are often employed as game guards and in community-driven conservation initiatives such as Indigenous and Community Conserved Areas (ICCAs)). We will work with country partners to document experience from their own countries – through community consultations – but also draw on evidence from other countries that are sources of species and commodities for IWT. Using the [IIED-IUCN Theory of Change for Engaging Communities in Tackling IWT](#) as an analytical framework, we will use the evidence to generate lessons learned on what works and what doesn't and share this – though briefings and guidance material – with IWT project funders and implementers.
2. **Strengthen voice and dialogue:** Country partners will convene

national- or landscape- level IWT dialogues that bring together communities, government policy-makers and IWT project funders and implementers in key IWT hotspots. The dialogues will explore how to better support community-based efforts to tackle IWT using the evidence collected under output 1. Tanzania and Zambia will act as pilots in this process but we will document the lessons learned from the dialogue process and share it with others to encourage similar processes in other countries. We will also map policy opportunities at the regional (African Union, EAC and SADC) and international (London Conference 2018, CITES) level and find opportunities to insert community voices into those processes.

3. **Facilitate South-South learning:** We will use a mix of face-to-face and online interactions to share case studies and experiences – both in community approaches to tackling IWT and strategies for engaging with, and influencing, IWT decision-makers and programme implementers. A dynamic community of practice will be fostered, building on the network of contacts already built up through the Beyond Enforcement activities. Recognising that online resources and learning opportunities are not accessible to all we will prioritise support for more remote communities in face to face learning exchanges include at least one African and one international event, bringing communities from many countries together. We are also seeking additional co-financing for an innovative bicycle – powered cinema to further share community experiences in remote locations.

Developing a Theory of Change

Abstract

The escalating illegal wildlife trade (IWT) is one of the most high-profile conservation challenges today. The crisis has attracted over US\$350 million in donor and government funding in recent years, primarily directed at increased enforcement. There is growing recognition among practitioners and policy makers of the need to engage rural communities that neighbor or live with wildlife as key partners in tackling IWT. However, a framework to guide such community engagement is lacking. We developed a theory of change (ToC) to guide policy makers, donors, and practitioners in partnering with communities to combat IWT. We identified 4 pathways for community-level actions: strengthen disincentives for illegal behavior, increase incentives for wildlife stewardship, decrease costs of living with wildlife, and support livelihoods that are not related to wildlife. To succeed the pathways, all require strengthening of enabling conditions, including capacity building, and of governance. Our ToC serves to guide actions to tackle IWT and to inform the evaluation of policies. Moreover, it can be used to foster dialogue among IWT stakeholders, from local communities to governments and international donors, to develop a more effective, holistic, and sustainable community-based response to the IWT crisis.

Increasing incentives for stewardship of wildlife (pathway B in Fig. 1) is a key element in tackling IWT (Child 2012; Biggs et al. 2013; Ihwagi et al. 2015). The actions in pathway B aim to develop or support initiatives or enterprises that can generate local benefits from wildlife and build individual and community capacity to benefit from these initiatives. An example in the first category is developing a community tourism enterprise and in the second training local people to become nature-tourism guides. The outputs are that communities are able to capture greater financial and nonfinancial benefits from wildlife. The

outcomes of this are that the community will value wildlife more and have greater incentive to protect wildlife and to not engage in IWT (e.g., Frost & Bond [2008](#)) (see Table [1](#) & Supporting Information for assumptions underlying this results chain). Enabling ownership and use rights of wildlife in and of itself is considered by some scholars to be critical to communities playing a strong role against IWT (Child [2012](#); Roe [2015](#)). Ownership of natural resources and the ability for communities to actively participate in their management is a critical ingredient of sustainable natural resource management more broadly (Ostrom [1990](#), [2005](#); Cox et al. [2010](#)).

Table 1. Examples of assumptions in the theory of change for community-based actions against illegal wildlife trade.*

Pathway	Assumption
A. Strengthen disincentives for illegal behavior	Community rangers use equipment and training to combat illegal wildlife trade and do not use them to poach themselves or for other purposes.
B. Increase incentives for stewardship	Benefit sharing within communities is sufficiently equitable, and capture of benefits by elites does not undermine success.
C. Decrease costs of living with wildlife	Compensation does not lead to perverse behavior (e.g., damage from wildlife is not actively induced to receive payments).
D. Support nonwild life-related livelihoods	The value of wildlife products poached or traded in illegal markets is not so high that all other forms of income cannot come close to competing.

IKI – Operationalising the landscapes

This project aims to address persistent gaps between strong scientific theory and weak implementation by operationalising an integrated landscape approach in Burkina Faso, Indonesia and Zambia. Through

application of ten landscape approach principles, the project facilitates multi-stakeholder dialogue to benefit actors across multiple sectors and decision-making scales; while simultaneously raising awareness of the value of biological diversity in complex multi-functional landscapes to inform national sector policies. We will enhance the capacity of stakeholders engaged in the target landscapes to better identify trade-offs and synergies amongst competing objectives. In doing so, the project will contribute to existing knowledge on landscape approach effectiveness, improve capacity for implementation, enhance landscape sustainability, empower marginalized groups to more effectively participate in decision-making dialogues, and through the GLF(s) feed into global landscape discourses.

The project is fundraised by the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB) of Germany. The ZCBNRM Forum is implementing the project in collaboration with CIFOR in Zambia.

Documentation:

https://drive.google.com/open?id=13G4b6ro_KqgagtjEQk9US4NsFL5WXHPc

Error

Annual 2018 Report and June 2019 Newsletter

Nsansala Conservancy

[Expression of Interest for Private Management Concession](#)

Christopher C. K Kangwa & Pieter Swanepoel

Luangwa National Forest N0. 25 December 28, 2015

PROJECT SUMMARY

To recognize the Luangwa National Forest Reserve (LNF) as a high priority area of deforestation and provide immediate improvement, enforcement and implementation of current forest and wildlife regulations to reduce harmful and unsustainable land use while gradually incorporating the affected local communities into a conservancy based conservation model.

Eventually it is hoped that the entire LNF as well as core parts of the Munyamadzi GMA would exist as part of one large conservancy providing benefits to both community welfare and livelihoods as well as biodiversity security.

The Luangwa National Forest reserve (LNF) lies along the western edge of the Luangwa Valley system, an expanse of plateau, valley floor and Muchinga escarpment comprising mostly Zambezian Miombo woodland in excess of 2800 sq kms. Within its boundaries lie varying important ecological zones as well as populations of protected fauna and flora. A large part of the LNF, mostly towards and within the Luangwa Valley overlaps into the Munyamadzi Game Management Area (GMA) and borders the North and South Luangwa National Parks which holds important populations of IUCN Red Book species and is currently designated for Safari Hunting.

The reserve runs mostly south to north being approx. 170 kms at its longest points while the widest part is approx. 35kms within the Munyamadzi corridor.

The western edges and certain sectors within the Luangwa Valley are inhabited by local communities under the customary structures of chiefdoms and utilisation of the land as well as the forest and wildlife is mostly under customary traditions/law. At first glance it appears the mainstay of community land utilisation is chitmene farming followed by small scale beekeeping and timber cutting. In addition deforestation of the miombo woodland is evident for charcoal making along the

western boundaries, particularly to the northern side near Mpika.

Land use appears to be focused away from the unsuitable terrain of the Muchinga escarpment and concentrated along the valley floodplain and foothills while the western side appears to be restricted due to road accessibility however clearcutting and chiteme farming is apparent from aerial surveys.

There is limited access to the communities living within and on the edges of the reserve with two main arterial roads running from the Great North road in Northern province, eastward down into the Luangwa valley.

At district and local levels, law enforcement of both Forestry and Wildlife regulations has been poor and lacking, resulting in unabated deforestation, poaching and land degradation. Government departments charged with this task suffer severe budget shortages to manage vast areas of inhospitable terrain and operational staff and equipment is mostly underfunded and lacking.

While the concerned departments have made great strides in initiating National Policy and operational methods and recommendations towards Forest and Wildlife management, it remains the hands-on implementation of these new forms of land use and regulations towards biodiversity protection that has seen difficulty in the field.

Local communities have seen little benefit from much of the land and resources that surround them mainly due to ambiguity within the land tenure system and the structures of distribution of wealth and accountability. Thus there has been poor and suspicious support at any attempts to incorporate them into conservation projects.

PROJECT OBJECTIVES & ACTIVITIES

Primary Objectives

Ultimately securing the resource that is LNF by providing protection for the forests as well as wildlife and flora in the form of localised law enforcement management and support thus ensuring the forest remains intact and unmolested allowing the realisation of numerous community and national benefits. Core Forest management goals will follow the new 2015 Forestry Bill as well as incorporate synergy from the Wildlife Act of 2015 to arrive at a firm but sensitive private partnership role whose primary purpose is to provide Biodiversity Conservation in a rural setting along conservancy based participation.

A key part of the focus will establish Community Forest Management Groups (FMG) which will be party to the core management values set forth in the Forestry Bill plus those which have already been identified as primary deforestation issues:

Strengthening and enhancing governance of Forests, Fauna and Flora at the local on the ground level to ensure a constant law enforcement presence

- *Establish forest protection teams (FPT) comprised of local community members selected/proposed through FMG in each area. These teams will be trained at Forestry HQ as forestry officers, some will be sent to ZAWA to train as village scouts and will be managed by local forestry posts and ZAWA Camps*
- *their primary role will be to halt deforestation for Charcoal as well as illegal Timber cutting*
- *Identify core unmolested forest areas under each FMG and declare these temporary safety zones placing a moratorium on all use until the actual forest situation has been assessed.*
- *Identify critical deforestation problem areas within each FMG and develop approaches to halt unsustainable use while introducing new alternatives*
- *ensure only local communities benefit mostly from their resources*

Supporting the development of livelihood and income generating activities of the communities that rely upon the forest

- *Establish the role of beekeeping and benefits processing and certification. In*

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areas where elephants exist, introduce bee fences.

- *Wild mushroom collection – processing centre, certification, access to markets*
- *Caterpillar collection*
- *better collection methods and access to markets*
- *Explore nature based tourism in tandem with partners in the Luangwa valley as well as new private investors*
- *gain game ranching concessionary rights from ZAWA to utilise the resurgence of game for sustainable use and alternatives to livestock farming*

Increasing the sustainability and efficiency of agricultural practices

- *discourage and change chitemene methods of farming*
- *work with Dept of Agriculture to ensure supply of fertiliser and extension services*
- *look at alternative crops such as hemp, paprika etc*
- *explore alternative soil management and rotation practices.*

Continuing Adult and youth Education Programs

- *begin a conservation-oriented curriculum in existing schools for younger children and the benefits of conservation of land and key species as opposed to harvesting and utilisation*
- *establish adult and youth community education centers for the dissemination of knowledge about the benefits of forest conservation, such as the possible income from the UN REDD+ program, tourism ventures, alternative farming methods etc.*
- *Centers to act as HQ for each FMG where education, meetings, ceremonies as well as storage for supplies, processing of forest products such as timber, honey etc. Auction site for timber etc*
- *teach adults various basic life skills as well as skilled trade classes for alternative livelihoods*

Promoting the role of women

- *adult classes related to infant and child health and security*
- *address the birthing situation and solve any existing crisis as a start in existing clinics – possible development of a revolving fund at FMG level specifically for women based smallscale projects and farming*
- *form women's groups to encourage sharing and learning of various skills and trades as well as shared labor*

Establish land tenure rights and responsibility

- *set parameters over land use and ownership rights in consultation with government and the incumbent Chief*
- *ensure prudent financial management of benefits received for forest and wildlife conservation on a democratic voting basis. Priority should be given to basic services such as health care, education, child welfare, women's rights etc.*

Wildlife Control

- *in light of the recent worldwide interest in the welfare of the African Lion as well as other predators, funding for conservation will be sought from animal welfare groups to solve the Problem Animal Control issue, especially in the Luangwa side. This will not be limited to Lions but for all crop-damaging species such as elephant etc.*
- *encourage and seek funding for community game farming projects as a source of protein, employment and income (as opposed to the keeping of livestock)*

Worldwide promotion of LNF

- *the sheer size and complexity of the LNF invites a myriad of funding possibilities for donor governments, NGO's, civil society groups*
- *from a scientific viewpoint, the area holds a rich tapestry of flora and fauna, which will be made available to students worldwide to develop and extrapolate ideas and designs.*
- *Private enterprise partnerships will be encouraged and actively sought – such*

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as the establishment of lodges and wilderness trails, forming of supply chains with US companies for Honey and beeswax, distribution of local forest produce to major cities

- *international public relations campaign to address both biodiversity and poverty issues associated with the Forest reserve and immediate surrounding communities."*

Directors:

Christopher Kangwa - Board Chairman of the Kasanka Trust. The trust has now taken joint control of the Lavushi Manda National Park, in addition to the Kasanka. Nsansala lies to the east of Lavushi, linking with the Nabwalya Chiefdom.

Pieter Swanepoel -Professional Safari-Hunter

The Ransom Economy: Canadian Indigenous Land Rights

<https://www.youtube.com/watch?v=787R8HDcEOM>

Chronology

1887

Chief Nkula (Chinsali-Bemba) creates two elephant reserves.

1889

BSA Company takes over the two parts of present-day Zambia, North-Eastern and North-Western Rhodesia.

1890

By this time, elephant greatly reduced by the slave and ivory trade.

1890

Paramount Chief Lewanika of Barotseland declares Liuwa Plain a protected area. The BSA Company declares the Mweru Marsh Game Reserve with villagers included.

1896

Regulations for the control of hunting and the establishment of game

CHRONOLOGY

reserves were produced by the Nyasaland Protectorate, including much of North-Eastern Rhodesia.

1900

In North-Western Rhodesia, land given out to settlers by the paramount chief of Barotseland (Litunga). By the late 1920s, about one-tenth of the Batoka plateau had been alienated to European settlement, a highly fertile tenth. As Melland and Young recorded in 1937: "These natives are complaining that restrictions on the sale of their crops to Europeans, legislation for enforcing their continuance of big villages, and the like, are thwarting their natural aspirations and tending towards stagnation and repression."

1901

North-Eastern Rhodesia administration reduces Mweru Marsh Game Reserve's size to exclude villages and allow them to hunt certain game species.

1901

A hut tax introduced in NE Rhodesia

1902

The Chiwinda hunting guilds decline, and the BSA Co claims the ground tusk - formerly chiefs' property. **A highly significant action.**

1904

Under Section 4 of the Game Regulations of 1902, the second game reserve was proclaimed, intended for the protection of Thorneycroft's giraffe; this was the Luangwa Game Reserve near Old Petauke - the Sasare Mine on its border, also known as the Lusangazi Game Reserve (de-gazetted in 1913).

1904

Hut tax introduced in NW Rhodesia. The Tonga had no money to pay it, and as a result, a BSA Co official went and burnt 970 of their huts.

1907

NW Rhodesia brought in regulations controlling recruitment. In the same year, the Southern Rhodesia administration responsible for all recruitment north of the Zambezi recruited 4,743 men, and in 1908, 7,009. The high death rate of miners was cause for great concern. In 1907 and 1908, the death rates from scurvy, dysentery and pneumonia were some 40 per 1,000.

1908

There were 68 settler farms in North-Western Rhodesia.

1911

North-Eastern and North-Western Rhodesia become Northern Rhodesia. Crown land and Native Reserves created -in 1947, Trust Land was added.

1914

General Jan Smuts was invited to join the British War Cabinet, where he expounded his theory for a British Commonwealth of self-governing states, under a British sovereign, as opposed to a British Empire ruled from Westminster. During the 1920 San Remo Conference, which established the League of Nations, Smuts introduced what became known as the Smuts Resolution for the establishment of the Mandates over territory that had been captured during the First World War. This established the principle that the victors did not take possession of captured territory but rather governed these territories in trust until they could be handed over to a government of the local inhabitants. This formed the basis in Northern Rhodesia of what was known as Indirect Rule.

1917-1921

African elephant control guards employed to protect the villagers.

1921

There were 3,634 Europeans, 983,539 Bantu and an unknown number of Bushmen and Twa (pygmy).

1924

Northern Rhodesia Protectorate declared

1925

Northern Rhodesia Ordinance No. 19 declared consolidating the laws of the North-Eastern and North-Western Rhodesia.

1925-1931

Villagers allowed to hunt; the bag generous (Pop. +-a million people)

1928

Nine Native Reserves were created for Africans' sole use by the Northern Rhodesian Crown Lands and Native Reserve Order in Council. Native Authorities and Courts introduced. Where tribes had no chiefs, e.g. the Soli, chiefs were appointed.

1929

Introduction of Indirect Rule

1931

Ordinance amendment registered the Victoria Falls, Kafue Gorge, Mweru Marsh, Kafue and David Livingstone Memorial game reserves – with wardens provided by the Provincial Administration.

1935

To alleviate villagers' suffering, elephant control officers employed- 4,600 elephant shot - plus 573 killed on licence.

1935

Sir Stewart Gore-Brown called in his impressive maiden speech to the Legislative Council of Northern Rhodesia in November 1935 for the creation of a partnership with the African, a relationship of equals rather than an imposed will and imposed rule.

1936

The Native Authorities given financial responsibility and the scope extended of the 1929 ordinances to Barotseland. Treasuries established by the Native Authorities.

1936

On 30 November, Senior Chief Luembe wrote to the acting Governor, thanking him for the elephant control officers' assistance.

1938

Luangwa Valley Game Reserve southern section gazetted.

1942

Game & Tsetse Control Department created. Game reserves created on Native Trust Land for the benefit of the natives.

1943-1968

Game Ordinance Chapter 106 of 1943 remained in force until 3rd December 1968, when it was repealed and replaced by the Wildlife Act. No. 57 of 1968.

1945

Chiefs were given responsibility for wildlife in the controlled hunting areas. Kunda and Munyamadzi Controlled Hunting Area (CHA) declared.

1946

Sport hunters encouraged to hunt in controlled areas with payment made to the Native Authority treasuries.

1946

The Anti-Slavery and Aborigines Protection Society lobbying reduced the massive labour recruitment for the mines.

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1947

The Native Trust Order was passed, which gave birth to native trust land (land portal). Petauke Controlled Hunting Area (CHA) declared.

1949-1962

Government controlled hunting scheme for safari-hunting introduced in Nsefu's chiefdom with 50% of revenue going to the chiefdom.

1953-1963

1953 - 1963 The Federation of Rhodesia and Nyasaland comprising the self-governing British colony of Southern Rhodesia and the British protectorates of Northern Rhodesia and Nyasaland was imposed by the British Government between 1953 and 1963 - in spite of the almost unanimous opposition of their African populations.

1957

Allan Savory, the Provincial Game Officer and Biologist Northern Province put forward a proposal entitled, *Conservation of lechwe for native nutrition in Northern Province*. In 1958, he also proposed that a project entitled, *Conservation for protein production* is mounted in the Mweru Marsh Game Reserve. Nothing resulted from this. But these areas continued to deteriorate as the state ignored the customary people. In the 1960s, Savory was a pioneer of the game ranching industry in Rhodesia - for whom I worked in 1965.

1950

Governor Rennie, doubtless under the strong influence of my friend Len Vaughan, proclaimed the Kafue National Park, set aside within what was native trust land; the Order in Council defining trust land as,

Land set apart for the sole use and benefit, direct or indirect, of the natives of

Northern Rhodesia' and ...Out of the profits or rents accruing from

any area of Native

Trust Land set aside as a forest or Game Reserve there shall be paid first the expenditure

necessarily incurred by the Government in connection with the said area, whether by

maintenance, development or otherwise, and the balance shall be paid into the (native

trust land) Fund, or into the treasury of the native authority concerned, as the Governor

shall direct.

A consultant, Fraser Darling, commented that being native trust land first and a national park second conflicted with the concept of national parks as outlined by the 1933 International Convention. Darling recommended that an amendment be tabled of the Order of Council altering the boundaries of trust land, or by invoking Section 5(1) (d) of the Order in Council which empowered the governor to acquire trust land for public purposes. (Darling, Frank Fraser. Wildlife in an African Territory: A study made for the Game and Tsetse Control Department of Northern Rhodesia 1960.)

1954

The Fauna Conservation Ordinance was approved in 1954 but only gazetted in 1957. Under the Ordinance, existing controlled hunting areas became First or Second Class Hunting Areas and a category of private game area defined. There was considerable opposition in the legislative assembly to the new game ordinance, with one member, Reuben Kidson (father of Ron Kidson, founding Chairman of the Professional Hunters' Association), speaking out on behalf of the villagers who were suffering from wildlife impacts - demanding that the hunting areas be abandoned.⁴⁴ Some new African members requested

⁴⁴ 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.42.

CHRONOLOGY

that the Native Authority shoot out their animals if they so wished. Vaughan-Jones reminded members that controlled hunting areas(CHAs) were created at the request of the NAs, the government agreed, hoping that they would manage their areas.

1955

Fip Parnell, Director of the Game Department, was not in favour of creating a game reserve as it would negatively affect Nsefu (in 2012, the chief was arrested for shooting 3 impala).

1957

Control of Second-Class Hunting Area (CHA) given to Native Authorities (NA)

1958

Native Authorities had full responsibility for controlling wildlife outside of the KNP for 17 first-class and 22 second-class controlled hunting areas on crown land, the Provincial Administration(PA) pro-people, the Game Department, pro game control. Both the Game Ordinance Chapter 106 of 1943 and the Fauna Conservation Ordinance Chapter 41 of 1954 remained in force until 3rd December 1968, when they were repealed and replaced by the Wildlife Act. No. 57 of 1968.

1961

The Ministry of Native Affairs issued *A Wildlife Policy for Northern Rhodesia* that accentuated preservation, conservation, cropping, and villagers' protection from crop raiders. But with moves towards self-government, power was centralized with frightening rapidity. In the same year as I hitch-hiked around the Northern Province, Kaunda's UNIP Party militants went on the rampage.

In 1962 The Natural Resources Act Cap 315 provided a Natural Resources Board and a Natural Resources Tribunal responsible for conservation plan provision and implementation.

1961

It is estimated that the population of Northern Rhodesia comprised 74,000 Europeans, 2,400,000 Africans and 10,000 persons of other races, mainly Asian.

1962

The government-controlled hunting scheme abolished, the scheme privatized.

1962

The Natural Resources Act of 1962 provided a Natural Resources Board and a Natural Resources Tribunal responsible for conservation plan provision and implementation. The board could allocate certain responsibilities to decentralized bodies, i.e. to villager natural resource management committees, in this case, called natural resource committees. These were to be elected by villagers and were to be corporate bodies. The powers of the committee were holistic and highly decentralized. But this was all theory, there being little sign of its prescriptions being implemented. The Act of 1962 should have been the quantum leap forward.

1964

On 3 January, self-rule granted to Northern Rhodesia by the UK. Crown land becomes state land; the remainder, trusts and reserves. On 23 January, Kenneth Kaunda appointed Prime Minister. On 18 May, the Barotseland Agreement 1964 laying out the conditions for the merger of two British protectorates in a unitary state was signed. On 3 August, Kaunda arrests Alice Lenshina and bans the Lumpa religious movement, many of its members massacred. On 6 August, Kaunda announced that Barotse independence would be fully recognized at Zambia's independence and that:

In particular, the Litunga of Barotseland and his Council shall continue to have the powers hitherto enjoyed by them in respect of land matters under customary law and practice; the courts at present known as the Barotse

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Native Courts shall have original jurisdiction (to the exclusion of any other court in the Republic of Zambia) in respect of matters concerning rights or interest in land in Barotseland. Provided that nothing in this paragraph shall be construed as limiting the jurisdiction and powers of the High Court of the Republic of Zambia about writs or orders of the kind at present known as prerogative of writs or orders.

1964 - First Republic

In November, full Independence

1965

Contrary to Clause (8) of the [Barotseland Agreement 1964](#) stating that “The Government of the Republic of Zambia shall take steps as may be necessary to ensure that the laws for the time being in force in the Republic are not inconsistent with the provisions of this Agreement.”

Kaunda and Sikota Wina (Minister of Local Government) abrogated the Agreement by enacting the Local Government Act No 69 of 1965. Section 113 declared, “The provision of this Act shall apply in Barotseland and the powers contained here may be exercised about Barotseland notwithstanding anything to the contrary contained in any other written law as or in the Barotseland Agreement 1964.”

1965

The Local Government Act No. 69 of Zambia finally replaced the Native Authority Ordinance.

1965

Chiefs Act 1965 empowered the president to recognize or withdraw the chiefs’ recognition, including the Litunga of Barotseland and the chiefs serving under him.

1967

Warden Johnny Uys and IM do an aerial count of elephant on Chifungwe

plain - now part
of the South Luangwa NP - and count 2,000.

1968

National Parks and Wildlife Act (No. 57) of 1968 completely centralized control and management of wildlife in the country by vesting the absolute ownership of wildlife in the President on behalf of the public. It abolished powers that had been delegated to landholders declared private game areas and to the Litunga of Barotse Protectorate to hunt and to exercise the same powers on their land as those conferred by the Fauna Conservation Act upon game officers. The categories of protected areas were reduced from four to two namely; National Park (category II of IUCN) and Game Management Area (category VI of IUCN).

1968

Nsefu declared a game reserve.

1969

The Zambian Constitution (Amendment No. 5) Act No. 33 of 1969 (the Referendum Act) utterly destroyed the Barotse Agreement.

1969

Chief Justice Skinner (d.2008) resigns and returns to Ireland after Kaunda summons him to explain a judgment passed by Justice Evans that the President disagreed with. "I am satisfied that Justice Evans has acted on the principles of Justice," Skinner said. "It is one of the judiciary functions to criticize the action of the executive or its individual servants whenever the need arises. If that right is denied, then the courts would no longer effectively carry out their duties." A physical attack was then made on the High Court in Lusaka by the Zambia Youth Service, a Republic's uniformed force.

1969-1973

Black Lechwe Project funded by Anglo-American Corp. and based at

CHRONOLOGY

Chikuni (Chief Chiundaponde) Bangweulu.

1970

Natural Resources Act of 1962 repealed and replaced by the Natural Resources Act of 1970 and then taken over by the Environmental Protection and Pollution Control Act. The Land Acquisition Act of 1970 inspired the Zambianization (nationalization) program, which led to the 1975 Land (Conversion of Titles) Act that abolished freehold tenure in Zambia.

1970

The Western Province (Land and Miscellaneous Provisions) Act No 47 of 1970 and the National Parks and Wildlife (Amendment) Act (No. 65) of 1970 removed the *Litunga's* powers over wildlife and natural resources and vested them in the President, all land in the Western Province being "Hereby vested in the President as a Reserve within the meaning of and under Zambia (State Lands and Reserve) Orders 1928 to 1964." This was the willful destruction of the Barotse Guardians of Nature, for in a stroke was ignored, not only the Agreement but the fact that Barotseland was a model for future decentralization and the careful use of natural resources, where, from 1936, the Barotse Orders, Rules and Regulations saw the indigenous knowledge and management systems codified.

1971

32 GMAs created by statutory instrument selected purely as areas needing recognition and protection, not as rent-collecting landgrabs by the government. As Mulonds stated (p.13):

In as far as the declaration of game management areas was concerned, local communities living in those areas were never consulted though the Act expected them to co-operate with the authorities when it came to the conservation of wildlife and the scenic beauty. In a nutshell the Act never provided for effective local community participation in the management of the country's wildlife estate wherever it occurred

1971

International Game Park and Wildlife Act (No. 27) of 1971 - customary land being taken from a chieftdom and converted to the International Game Park

1971

The Zambia Wildlife Act No 65 of 1971 Govt. Gazette (Acts).

- This confirmed that the powers placed in the civil service head of the Game Department, the Director, were now under the sanction of the Minister. Penalties for poaching were increased as the hunting-safari industry expanded as part of the patronage system.
- The government passed a further eight statutory instruments outlining new regulations governing hunting licenses, trophies, protected animals and legal methods of hunting.
- The controlled hunting areas (CHAs) were converted to 32 game management areas (GMAs), implemented by statutory instrument on 1 February 1971. This was a massive and surreptitious landgrab of customary area

Reuben Kidson (father of Ron Kidson, founding Chairman of the Professional Hunters' Association),[xxxvi] speaking out on behalf of the villagers suffering from wildlife impacts - demanding that the hunting areas be abandoned.[xxxvii] Some new African members requested that the Native Authority be allowed to shoot out their animals if they so wished. Vaughan-Jones reminded members that controlled hunting areas (CHAs) were created at the request of the NAs, the government agrees, hoping that they would manage their areas.

1971

Registration and Development of Villagers Act 1971

1972 - Second Republic

Declaration of the One-Party State by President Kaunda

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1972

350,000 elephant in Zambia.

1972

All the game reserves converted to national parks, including Nsefu Game Reserve. Chifungwe Plain, part of the Munyamadzi GMA within the Nabwalya chieftdom, is excised and becomes part of South Luangwa National Park.

1972

Nchete (Ncheta?) island wildlife sanctuary declared (2.023 km²). “From protected planet <https://www.protectedplanet.net/555626091> the information shows that the status year is 1993 - this is the year in which a site’s current status came into effect. The Island is still listed as a wildlife sanctuary, but the IUCN category is not reported. The last update we received for this PA was from the Department of National Parks and Wildlife Authority in Zambia, so perhaps they would be the best people to follow up with for more information.” NYAMGEROH Beryl (IUCN)

1973

Britain joins the European Economic Community.

1973

The Bangweulu Command with the Kasanka, Lavushi Manda and Isangano national parks, plus all the attendant game management areas, established by the Department of National Parks, Wildlife and Fisheries with Ian Manning as OIC and biologist. With the departure of British expatriate seniors officers, the command reverted to the control of the department’s Northern Province office at the end of the year. IM continues as a biologist at Chikuni Research Station.

1973

The Kalasa Mukosa GMA declared within the Bangweulu chieftdom of

Senior Chief Kalasa Mukosa to protect the black lechwe on the western bank of the Luapula within the Samfya district.

1975

Kaunda's Watershed Speech: Zambianization imposed – ex-pats not allowed to go into private enterprise on leaving GRZ service. Under the Land (Conversion of Titles) Act, Kaunda abolished freehold tenure, with all commercial farming land converted to leasehold for 100 years and idle farms converted to state land.

1975

The governing UNIP Party appropriated the Times of Zambia newspaper.

1975-1989

On 28 January 1975, Kaunda declared a full state of emergency, suspending constitutional guarantees: 684 people detained under this instrument, 72 for more than two years without going to a trial held in preventative detention under the emergency powers.

1976

Last British/Irish expatriates in Wildlife Department depart. The funding of the National Parks and Wildlife Service greatly reduced.

1977

The NPWS reduced its labour force by 30% and its budget by 38%.

1978

The Ministry of Finance reduced the budget by a further 50% - a reduction since 1976 of 88%.

1979

Rhino removed from the hunting-safari license at the end of the season.

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1982

National Parks and Wildlife (Amendment) Act (No. 32) of 1982,

1983

Elephant removed from the hunting-safari licence.

1984

I suggested to David Lloyd that he assist the government in managing the Kasanka National Park, to which he agreed. I then negotiated a preliminary public-private partnership (PPP) MOU agreement for the park's management with the Director of Conservation in the NPWS, Lewis Saiwana. Lloyd then took up residence in the park. Moss and I were involved with a tourism management contract in the Luangwa entered into with Vice-President Kavindele. Moss began applying for funding for Kasanka - obtaining an EU grant, while Gary Williams - a Mkushi farmer - invested considerable time and effort into its operations.

The original concept, elaboration, strategy, approach and technical evaluations for a public-private partnership (PPP) for Kasanka were developed after by Moss, with inputs from myself, Lloyd, and Chief Kafinda - the latter chiefdom replaced by Chief Chitambo.

1985-1993

As outlined in *Plunderers of Eden*, Moss laid the full foundations for Kasanka's future.

1985

I am appointed honorary scientific advisor to the Kasanka Trust (London)

1985

With Malcolm Freed in charge, Kaunda nationalizes some tourist lodges, removes land from Sumbu NP, and makes it a GMA (Inangu).

1986-1995

LIRDP project implemented with Kaunda as chairman (Richard Bell in charge; his deputy, Fidelius Lungu).

1986

Integrated conservation and development (ICDP) scheme negotiated for Kasanka NP with the NPWS and Moss, myself and Lloyd founders, and Chief Kafinda.

1986-1989

My Black Rhino Project attempts to save the rhino fails. WWF-I cancels their funding, and Government declines the extension of my work permit. The project ceases. The rhino effectively extinct c. 1993.

1987

I founded Safariland Ltd, in partnership with Kerry Curtis, a former shareholder of the hunting company, Amalgamated Safaris, Ron Kidson - founder of Zambia Safaris; and Eric Balson - former Senior Game Warden of Tanzania and Director of the International Game Park, now known as the Lower Zambezi National Park. Eric Balson and I went to Chiundaponde, where Chief Chiundaponde (d.2013) awarded me the usufruct rights to Lake Waka Waka lying between Chiundaponde and the Kasanka National Park, as well as an island lying on the edge of the flood plain near Chikuni. Waka Waka and Shoebill island were to be developed as safari lodges. At Shoebill, Balson and I constructed a *chitenje*, kitchen and storeroom. When the interest in the scheme failed, I gave the rights to Shoebill and Waka Waka (with the chief's blessing) and the camp to David Lloyd for use by the Kasanka Trust. In 2016, African Parks commandeered the two camps.

1987-1999

ADMADE project: The Administrative Management Design for Game Management Areas, a massively damaging CBNRM scheme. It was established and managed by the big international NGO (BINGO), Wildlife

CHRONOLOGY

Conservation International (WCI), and funded by USAID, WWF-US, and WCI, with its HQ in the South Luangwa at the 'Nyamaluma Institute.'

1988

The Wildlife Act of 1988 created the Zambia Wildlife Authority (ZAWA)

1989

100th centenary of the colonization of the territory now called Zambia.

1990

On 18 July 1990, after a protracted period of negotiations by Lloyd, guided by Moss, and assisted by Tony Mitchley, Ali Hamir, Harry Chabwela, John Wright and Jackie Shisholeka - Deputy Permanent Secretary of the Ministry of Tourism, there took place the signing of the Kasanka Management Agreement between the Kasanka Trust Limited (E.D.M. Lloyd) and the NPWS - witnessed by Moss - the trust agreeing to finance and manage the park in partnership with the NPWS.

1991 - Third Republic

One-Party rule ousted; introduction of multi-party elections: Kaunda voted out. Land value re-instated under the MMD. Reserves and trust land collapsed into customary area. MMD followed the money.

1991

[RAMSAR Convention](#) on Wetlands introduced. Bangweulu designated a RAMSAR site.

1991

The National Parks and Wildlife Act (No. 10) of 1991 created, which introduced Community-based Natural Resource Management (CBNRM)

1993

Wildlife Policy of 1993 formalized local communities' recognition as co-partners in managing wildlife, reversing wildlife's centralized management. This led to the Natural Resources Management Project (NRMP) funded by USAID.

1993

The black rhino population of Zambia became extinct at about this time.

1993

The Game Management Declaration Order, Statutory Instrument No. 67, proclaimed 35 GMAs, the 32 from 1971 added to by Kalasa Mukosa in 1973 – established in the Bangweulu Command to protect the black lechwe on the west bank of the Luapula, Inangu in 1985 on Lake Tanganyika - to accommodate the ZCCM landgrab (later cancelled), Chiawa in 1989 - on the upstream side of the Lower Zambezi National Park, and Rufunsa in 1993 – taking up the rest of the area surrounding the Lower Zambezi National Park (10,000 ha alienated to Iqbal Alloo in 2001, this later increased to 39,000 ha).

1994

The Witchcraft Act No. 13 of 1994. Witchcraft and sorcery are here taken to be the same thing - as it was under the Witchcraft Suppression ordinance, a malign force. In contrast, Ng'angas or witchdoctors who deal with sorcerors are a force for good and essential to the equilibrium of Africans and other traditional peoples worldwide.

1995

Lands Act of 1995

1996

The Lands (customary tenure) (conversion) regulations: S.I. 89 of 1996

1997

Zambia Land Alliance formed.

1998

The Zambia Wildlife Act (No. 12) of 1998 proclaimed the establishment of the Zambia Wildlife Authority (ZAWA), stating that the minister, in consultation with the local community and ZAWA, may declare a GMA for 1) the sustainable utilization of wildlife, 2) land may be alienated to leasehold without the permission of ZAWA. Although the Wildlife Act No.12 of 1998 allowed for the co-management of GMAs between ZAWA and their proxy community resource boards - and devolved authority to CRBs for wildlife management, they are viewed by the government as state land under their control, a view supported by the GMA's importance in providing government income from hunting-safari concession fees and hunting licenses. Few management plans of any substance have been forthcoming for GMAs and national parks. Little credible scientific work carried out to provide the basis for a sustainable offtake of wildlife for hunting, 3) Anyone living in a GMA must conform to a management plan, 4) anyone hunting game would be fined or imprisoned for up to five years. This legislation was proclaimed without the agreement of customary commoners or the chiefs and headmen. The Act of 1998, in making certain legal assumptions of the control of the GMAs on customary area, was contradicted by both customary and statutory law (the Lands Act of 1995) and by such traditional practices under common law as contracts of agistment whereby owners of livestock are obliged to pay rent for grazing rights.[xxxix] Furthermore, ZAWA (1998-2016) had by dint of statutory instruments attempted to further control customary area commoners by laying out draconian punishments for such as setting or not reporting fires. ZAWA, as the 'owner' of wildlife, was supposed to pay 50% of the money received from hunting concession and game licence fees to the chiefdom's customary authority where hunting was taking place. This they failed to do.

1998 - The National Parks and Wildlife Policy of 1998 provided for the development of private game ranches.

1999 - 2002

LIRDП converted to the South Luangwa Management Unit (SLAMU), and the Zambia Wildlife Authority established.

2001

Zambia Wildlife (Amendment) Act of 2001. [See Chansa et al. \(2011\).](#)

2001-2004

CONASA project. A USAID-funded project mounted in the Bilili/Nkala, Sichifulo and Mulobezi GMAs in Southern Province. This was an \$8.5 million program intended to support rural livelihoods through agricultural production, small business development, policy and advocacy, and tourism-based natural resource management. Implemented by CARE International, the African Wildlife Foundation and the Wildlife Conservation Society of New York (WCS). A failure.

2002-2010

Introduction of Landsafe commons empowerment scheme by Gamefields Ltd. in Luembe and Nyalugwe chiefdoms – funded by safari-hunting and an investor. My disclosure of SLAMU/ZAWA's poaching and other predatory operations led to the removal of the hunting concession in 2006 and the directors from the country in 2008. The total capital loss was in the order of 2 1/2 million dollars.

2002

MOU signed between the Kasanka Trust and ZAWA and automatically renewed in 2007. The MOU's substance made it clear that the trust's park manager should report to the ZAWA Warden and submit quarterly reports. The trust agreed to pay ZAWA and the Kafinda Community Resource Board 10% and 5% respectively of its gross income from tourism within the Kasanka.

2004-2011

SEED: The Support for Economic Expansion and Diversification program (2004-2011) was a \$23 million, World Bank-funded, four-component project

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in the Kafue covering: tourism, protected areas, agribusiness and gemstones sector development, and project management. Another failure.

2006-2011

REMNPAS: The Reclassification and Effective Management of the National Protected Areas System Project (2006-2011) was a \$7.3 million project executed by the Ministry of Tourism through its division of environment and natural resource management and ZAWA. The Global Environmental Fund (EF), the United Nations Development Program (UNDP) and the government jointly funded the project. The project had three main areas of intervention: providing the regulatory, legal and institutional framework for public-private partnerships; strengthening the institutions responsible for protected area management; and implementing new protected area categories within these partnerships—a failure.

2006

Citizens' Economic Empowerment Act No 9 of 2006 introduced by President Mwanawasa – a dictator's move

2008

Landsafe ICDP project in Luembe chieftdom closed down.

2009

The NGO Act issued: an Act unfriendly to civil society.

2013

Leopard and lion removed from the hunting-safari licence.

2014

[Report](#) of the Auditor-General on the Management of Wildlife. Auditor-General of

Zambia, 1 July 2014. Web. 7 July 2017.

2015

The Wildlife Ac No. 14 of 2015 replaces ZAWA with the Department of National Parks and Wildlife (DNPW)

2015

CRB definition: Community Resource Boards (CRBs) In Part V of the 2015 Wildlife Act, CRBs

2015

Auditor-General report on ZAWA

2015

The Urban and Regional Planning Act, 2015.

2015

[The Forestry Act](#) 2015

2015

[The A-G Report on Natural Fishery](#) (2015)

2016

[Protection of Traditional Knowledge](#), Genetic Resources & Expressions of Folklore Act Number: No.16 of 2016 section 27: Subject to this Act, a traditional community has the following rights over its genetic resources:1) the exclusive right to regulate access to its genetic resources; 2) an inalienable right to use its genetic resources; 3) the exclusive right to share the benefits arising from the utilization of its genetic resources; 4) and the right to assign and conclude access agreements.

2017

[Report of the Committee](#) on Agriculture, Lands and Natural Resources on the Report of the Auditor General on Government's Efforts to Ensure Access to Land in an Effective Manner.

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2019

Local Government Act of 2019

2020

- [The Non-Governmental Organisations \(Amendment\) Act, 2020\(Act No. 13 of 2020\)](#)
- [The Land \(Perpetual Succession\) \(Amendment\) Act No.pdf](#)

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Conclusion

Faga Moto!

Epilogue

When shall we be saved?

We who love the country of darkness!

We who love the country of slavery.

When shall we be saved?

Alice Lenshina – Hymn

