

# Forest access and polycentric governance in Zambia's Eastern Province: insights for REDD+<sup>1</sup>

C. CARON and S. FENNER

Clark University, 950 Main Street, Worcester, Massachusetts 01610, United States and The Cloudburst Group, 8400 Corporate Dr., Landover, Maryland, 20785, USA

Email: ccaron@clarku.edu and stephanie.fenner@cloudburstgroup.com

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## SUMMARY

Increased attention to the role of forests in mitigating climate change through Reducing Emissions from Deforestation and Forest Degradation (REDD+) underscores the importance of taking local forest access and user rights into account to protect forest-based livelihoods. This paper uses baseline data from a USAID-funded impact evaluation of a REDD+ program in Zambia to examine the multiple interests and institutional actors that converge on forests and explore how they intersect to shape forest access and tenure security. We analyze how forest users in this site on the cusp of REDD+ program implementation view local governance and navigate the institutions that shape current forest access and management, finding low rates of forest user participation in local forest governance and a weak accountability system. REDD+ safeguards potentially present both an opportunity and a mechanism to improve forest governance, but only if embedded into REDD+ processes and accompanied by structural change.

Keywords: accountability, forest tenure, forest governance, institutionalism, Zambia

## Accès forestier et gestion polycentrique dans la province occidentale de la Zambie: aperçus pour la REDD+

C. CARON et S. FENNER

L'attention accrue portée au rôle des forêts dans le ralentissement du changement climatique par la réduction des émissions provenant de la déforestation et de la dégradation forestière (REDD+) souligne l'importance de prendre en compte l'accès local à la forêt et les droits d'usage pour protéger les revenus basés sur la forêt. Ce papier utilise les données de base d'une évaluation de l'impact de la REDD+ en Zambie, fondée par USAID, pour examiner les multiples acteurs institutionnels et intérêts convergeant sur les forêts et pour explorer la manière dont leurs actions se croisent pour modérer l'accès forestier et la sécurité du droit à l'usage. Nous analysons la vision que les utilisateurs de la forêt ont de la gestion locale, à l'issue de mises en application de programmes de la REDD+, et comment ils naviguent les institutions actuellement en charge de l'accès forestier et de la gestion. Le taux de participation des utilisateurs de la forêt dans la gestion locale est bas et le système de prise de responsabilité est faible. La protection de la REDD+ offre potentiellement une opportunité et un mécanisme pour améliorer la gestion forestière, mais ce, uniquement s'ils sont incorporés dans les processus de la REDD+ et s'ils sont accompagnés de changements structurels.

## Acceso a los bosques y gobernanza policéntrica en la provincia Este de Zambia: perspectivas para REDD+

C. CARON y S. FENNER

La mayor atención a la función de los bosques en la mitigación del cambio climático mediante la Reducción de las Emisiones de la Deforestación y la Degradación de Bosques (REDD+) subraya la importancia de tener en cuenta el acceso a los bosques locales y los derechos de los usuarios para proteger los medios de vida basados en los bosques. En este documento se utilizan datos de línea de base de una evaluación de impacto financiada por USAID para un programa REDD+ en Zambia, con el objeto de examinar los múltiples intereses y actores institucionales que convergen en los bosques y explorar cómo se entrecruzan para conformar el acceso al bosque y a la seguridad de la tenencia. Se analizó cómo ven los usuarios de los bosques de este lugar, en la cúspide de la implementación del programa REDD+, la gobernanza local y cómo se orientan a través de las instituciones que dan forma al acceso y manejo forestal en la actualidad, y se encontraron tasas bajas de participación de los usuarios forestales en la gobernanza forestal local y un sistema de rendición de cuentas débil. Las salvaguardias de REDD+ pueden presentar tanto una oportunidad como un mecanismo para mejorar la gobernanza de los bosques, pero sólo si están integradas en los procesos de REDD+ y acompañadas de cambios estructurales.

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## INTRODUCTION

With more than a billion people worldwide relying on forest resources to meet their livelihood needs (FAO 2011), increasing global attention to the role of forests in mitigating global climate change through Reducing Emissions from Deforestation and Forest Degradation (REDD+) underscores the importance of taking into account forest access and user rights throughout REDD+ processes to ensure the protection and sustainability of forest-based livelihoods. As forest tenure concerns the relationships between local forest users and other institutional actors, this paper employs an institutional approach (Agrawal and Gibson 1999, Andersson and Ostrom 2008, Cleaver 2012) to investigate local forest user perceptions of forest access and governance in a site on the cusp of REDD+ project implementation in Zambia. As these institutional arrangements exist across scale, the notion of polycentric governance (Ostrom 1999, Ostrom 2010) is used to examine the larger socioeconomic and political context that shape forest access and tenure security prior to REDD+ implementation.

We use quantitative and qualitative data collected during the 2015 baseline study of the United States Agency for International Development (USAID)-funded Impact Evaluation of the Community Forests Program (CFP), Zambia's largest REDD+ program to date.<sup>2</sup> Our analysis examines the multiple interests and institutional actors that converge on the study area and explores how local forest users navigate and perceive the differentiated nature of forest access and governance to address two inter-related questions:

1. How do current institutional arrangements influence forest resource governance, local forest access, and differentiated perceptions of tenure security among men and women in the study area?
2. How can a close consideration of current institutional arrangements and power relations shaping forest access provide insight to help new actors in the context of REDD+ navigate complex systems of forest tenure in environments characterized by polycentric governance?

The structure of this paper is as follows. We outline the analytical framework that links institutional actors to polycentric systems of power and authority. Then we present a brief introduction to the research context and the study site, followed by the study methodology. Results from the analysis are then presented, discussing their implications for forest governance and tenure security. The conclusion draws on relevant REDD+ social safeguards that attend to the shortcomings identified and emphasizes their respective gender dimensions.

## ANALYTICAL FRAMEWORK

**Getting institutions right: critical institutionalism and polycentric governance**

The concept of forest tenure encompasses the ownership, occupation, and use of forest land, in addition to the arrangements that manage forest use and inform forest-related decisions (Sunderlin *et al.* 2009, FAO 2014). As scholarship on resource access and governance as social and political processes mediated through institutionalized relationships of power and authority theorizes (Agrawal 2001, Ribot and Peluso 2003, Sikor and Lund 2009, Cleaver 2012, Pederson 2016), the nature of forest tenure is ultimately shaped by relationships between forest users and the institutional arrangements that enable and constrain forest resource access and use over time (Ribot and Peluso 2003, Larson 2011). Critical institutionalism brings together the long-standing critiques of scholars who argue that policy makers and practitioners must pay more attention to power, politics, and the complexity of institutional arrangements in order to understand how actors and their interests mediate natural resource access and control (Leach *et al.* 1999, Agrawal and Gibson 1999, Agrawal 2003, Haller and Merten 2008, Pahl-Wostl 2009). Employing a critical institutionalist approach to examine forest access and governance in post-colonial contexts such as Zambia that are characterized by dual and parallel tenure systems, legal pluralism, and polycentric systems of governance illuminates "relationships among multiple authorities with overlapping jurisdictions" (Andersson and Ostrom 2008: 71) and how competing interests converge upon and shape resource access and governance (Lund 2006, Haller and Merten 2008).

Critical institutionalism posits that studies of institutions need to focus on contradictions and power relationships to enhance the robustness of institutional analyses towards "getting institutions right" (Cleaver 2012: 1). The authority of no one institutional actor consistently dominates a polycentric system (Andersson and Ostrom 2008, Ostrom 2010). Yet, keeping the power of those with authority in check is costly and can be risky. Actors who do not benefit from current arrangements can be constrained by the demands of material survival, restricting their ability to leverage accountability systems that are in place, such as the local (traditional) court, the state's Land Tribunal, or judicial system (GRZ 1995, Caron 2017). As we show below, the power of chiefs coupled with their paternalistic relationship with their subjects together with local forest user reported experiences with law enforcement helps to explain what limits many users from taking action.

Getting institutions right in forested environments to protect local forest users that rely on forests for their livelihoods requires attention to scale (Ostrom 1990, Andersson

<sup>2</sup> CFP, a five-year \$14 USD million investment, aims to lessen the drivers of deforestation and to implement pay-for-performance and/or revenue-sharing programs for forest conservation and carbon sequestration (USAID 2014).

and Ostrom 2008, Ostrom 2010). Orienting institutional analyses spatially towards scale shows both how natural resource governance occurs within a larger social and political-economic context and how the ability to access resources is contingent upon that context (Ribot and Peluso 2003: 154, Pederson 2016). As REDD+ introduces new institutional actors and additional interests into forest environments already characterized by a range of conservation and development initiatives (Lund *et al.* 2017, Leach and Scoones 2015), a growing REDD+ scholarship on resource access and governance employs such a multi-level approach (Larson 2011, Chomba *et al.* 2016, Dwyer *et al.* 2016, Broegaard *et al.* 2017). Other branches of this scholarship include but are not limited to an analysis of safeguards (Chhatre *et al.* 2012, Arhin 2014) and the role of the state in forest carbon projects (Leach and Scoones 2015, Dwyer *et al.* 2016).

Critical institutionalism enhances institutional analyses by *politicizing* social life beyond narrow instrumentalism to *situated practice* (Cleaver 2012: 85) that is attentive to how people's behavior is strategic not only economically but also with respect to *less visible institutional structures*, such as traditional practices and gender roles, that may uphold dominant views or existing relations of authority (Cleaver 2012). Critical institutionalists embrace power and politics to expose 'institutional deficits' and pay attention to how institutions reproduce power or erode trust (Ostrom 2010) to create new forms of or re-enforce exclusion.

In focusing on the institutional dynamics that mediate relationships between people and natural resources in the study area and the interplay between formal and informal and state and customary arrangements, this paper explores current forms of tenure security. Our analysis of forest tenure focuses on forest rights in terms of the *perceived ability* or *perceived rights* among local forest users to access and use forest resources and to participate in forest governance. We purposefully focus on *perceived rights* and *ability* rather than the *formal rights* of forest users to bring "attention to a wider range of social relationships that constrain or enable people to benefit from resources without focusing on property relations alone" (Ribot and Peluso 2003:154). This formulation complements Agrawal *et al.* (2008) who argue that factors "beyond ownership patterns" (1460) influence resource governance. Such factors, as noted above, include the presence of and ability to access a system of accountability.

## RESEARCH CONTEXT AND BACKGROUND TO THE STUDY AREA

The CFP project area spreads across 700 000 hectares of non-contiguous forest and game management areas (GMAs) mostly on customary land in Zambia's Muchinga, Lusaka and Eastern Provinces. The study took place only in the Eastern Province. The Eastern Province borders Malawi to the south and east and shares its northwest border with the Luangwa

Valley, famous for its network of national parks and wildlife reserves. The main forest cover is secondary forest containing both Southern miombo and Zambezian and Mopane woodlands (Day *et al.* 2014). More than 87% of the Eastern Province's population reside in rural areas (USAID 2014). Agriculture supports livelihoods of over 70% of the Province's population; 78% of women are engaged in agriculture (Sitko *et al.* 2011).

Four contextual factors are relevant to forest access and governance in the study area and the analysis and interpretation of study results. First, Zambia is one of the most forested countries in southern Africa with approximately 67% of the country under forest cover (FAO 2011). Estimated rates of forest cover loss vary by the measurement method and unit used. The Food and Agriculture Organization (FAO), for example, estimated average annual rates of deforestation at 167 000 ha per annum between 2000 and 2010 (2011,111). USAID cites Mukosha and Siample's (2009) estimated deforestation rate of 250 000 – 300 000 hectares per year in CFP program documents (USAID 2014, USAID and BCP, 2016). Global Forest Watch reports that tree cover loss fell from an annual high of 174,221 ha in 2010 to 87,626 ha in 2015<sup>3</sup>. Wood extraction for charcoal production, agricultural expansion and infrastructure are considered the key drivers of deforestation (Day *et al.* 2014).

Second, legal pluralism (i.e., the co-existence of statutory and customary law) characterizes land and forest governance in Zambia (USAID 2010, Sitko *et al.* 2014). All land is vested in the President under two categories: customary land and state land. The majority of Zambia's forest land is customary land, managed by headpersons and chiefs under traditional law. Land may be converted from customary tenure to leasehold (statutory) land with a Chief's permission (GRZ 1995). The rights to all wildlife, trees, and forest produce, including those on customary lands, lie with the President (GRZ 2015a, 2015b, 2016). Other forests in Zambia are located on state land in state reserves classified as National Forests or Local Forests (Table 1).

State forest land is managed by the Forestry Department of the Ministry of Lands, Natural Resources and Environmental Protection. The Forestry Department through the District Forest Office (DFO) manages forest resources and enforces regulations on state reserves, where use of products without licenses or other contractual arrangements is prohibited (GRZ 2015b). Forest policy emphasizes the role of local community participation in forest management (GRZ 2015b). In National Parks and Wildlife Reserves, forest management falls under the jurisdiction of the Department of National Parks and Wildlife (DNPW) (GRZ 2015a). Previously referred to as the Zambia Wildlife Authority (ZAWA), the Department of National Parks and Wildlife manages wildlife in Game Management Areas<sup>4</sup> (GMAs); however customary rights to use non-wildlife resources for consumption in GMAs are not restricted (GRZ 2015a).

<sup>3</sup> <http://www.globalforestwatch.org/country/ZMB>

<sup>4</sup> GMAs act as buffer zones surrounding national parks and cover approximately 22% of Zambia's land area (WWF, 2004, ZAWA, no date).

TABLE 1 *Tenure systems and governing authorities of land in Zambia*

	Forest Management Regime	Tenure System	Forest Rights Holder
<b>State Land</b>	National Forests	Designated as state reserves	The Forestry Department
	Local Forests	Designated as state reserves	The Forestry Department
	National Parks and Wildlife Reserves	Designated as protected areas	Department of National Parks and Wildlife
<b>Customary Land</b>	Game Management Areas (GMAs)	Customary land, designated by state as GMA	Department of National Parks and Wildlife
	Open-access forests	Customary	Chief and Village Headperson
<b>Leasehold Land</b>	Leasehold Title	Form of private ownership.	Holder of leasehold land title.

Third, though the state retains *de jure* ownership over all land, wildlife, trees, and forest produce, traditional leaders exercise considerable authority over customary land (GRZ 2015a, 2015b, 2016). Chiefs act as trustees holding land on behalf of communities and grant occupancy and use rights to it. Headpersons administer customary land at the village level on a day-to-day basis (Adams 2003, Brown 2005, Sitko *et al.* 2014, Baldwin 2016). Chiefs are the main point of contact for development in the Chiefdom including the delivery of public/state resources and private investment. Chiefs are not elected, but rather succeed one another based on kinship and membership in a royal family and virtually rule for life (Baldwin 2013, 2016).

Fourth, Zambian women rely heavily on forests and collect a wide range of forest products for consumption and income (Moore and Vaughan 1994, USAID 2010, Spichiger and Kabala 2014). At the same time, land tenure for women in Zambia is insecure, as statutory and customary laws governing land and forest resources in Zambia “provide no affirmative support for the protection and improvement of women’s rights” (USAID 2010: 2). The 1995 Lands Act does not address traditional customs and practices that limit women’s ability to own and control land.<sup>5</sup> Women’s access to customary land and forest resources is contingent upon gendered and social relationships with traditional authorities and kin as well as a broader range of socio-economic and political factors that affect men as well (Kajoba 2002).

DATA AND METHODOLOGY

This paper uses quantitative and qualitative data collected in 321 villages (158 treatment and 163 control) across three

districts (Lundazi, Mambwe, and Nyimba) and six chiefdoms (Luembe, Msoro, Malamya, Nyalugwe, Mwanya, and Mwasemphangwe) in Zambia’s Eastern Province<sup>6</sup>. The CFP impact evaluation was conducted by a third-party evaluation team. The authors provided inputs into survey design and data collection tools. The second author traveled to Zambia for pre-testing and enumerator training. The quantitative component of the baseline study included: a household survey administered to 4343 randomly selected households (3118 male-headed and 1225 female-headed households), a wives’ survey administered to 814 wives in male-headed households,<sup>7</sup> and a headpersons survey administered in 280 villages. The qualitative component included 70 focus group discussions (FGDs) facilitated in 40 villages that engaged participants in discussions on forest use and access, perceptions of forest governance and decision making, and relationships with external social actors, such as the state and private sector.

Data analysis included statistical analysis of quantitative data, and content analysis of FGD transcripts to discover patterns and themes. The quantitative data present what study participants say that they do and who does what with respect to forest access and governance. The narrative qualitative data present how access and governance occur and document local men’s and women’s experiences accessing resources, navigating the arrangements and authorities that shape access, their perceived ability to participate in forest governance, and their ability to hold others accountable when rights are denied. Results are presented under the headings forest access and forest governance based on suggestions of natural resource theorists, such as Ribot and Peluso (2003) and Sikor and Lund (2009), who define *access* as “the ability to benefit from things” (Ribot and Peluso 2003:153) that is contingent upon relations of *power and authority* that enable or constrain that ability to benefit.

<sup>5</sup> The amended 2016 Constitution redresses the gender neutrality of The Lands Act. The relevant provisions of the new Constitution include Part 1: “This Constitution is the supreme law of the Republic of Zambia and any other written law, customary law and customary practice that is inconsistent with its provisions is void to the extent of the inconsistency.” Article 8 that states that non-discrimination is a fundamental principle of the constitution. Discrimination is specifically defined as pertaining to sex.

<sup>6</sup> A Zambian firm, with no affiliation to CFP, administered the baseline survey tools under third-party evaluation team supervision.

<sup>7</sup> Household head is defined as the household’s primary decision maker. Household heads self-identified when participating in the household survey. For the majority of married households, this was the husband. As Nyimba District is a heavily-matrilineal area, many women respondents self-identified as the household head. Wives, if home at the time of the survey, were interviewed separate from their husbands.

FINDINGS

**Forest access**

The survey data show that the majority (83%) of households in the study area reported access to forests, and that the majority (71%) of those surveyed also reported access to forests located on communal land outside of GMAs (Table 2). The high rates of reported access to forests on customary land are unsurprising given that over two thirds of Zambia's total forest area is on customary land (Kalinda *et al.* 2013). Female-headed households (FHHs) reported lower rates of forest access compared to men, particularly in relation to forests on communal land. The most notable differences between FHHs and wives pertains to access to forests and forest on communal lands, which might be related to gendered dynamics within the household that were not included in the scope of the study.

Alongside high rates of forest access, the household data also suggest that the use of forest products is important for local subsistence, as 84% of survey respondents reported collecting at least one forest product for home consumption. The most common forest products collected for consumption purposes in the study area are fuel wood, wood for poles, mushrooms and woody fiber. Examining the data on forest resources use for income, 19% of household survey

respondents reported that their household collects at least one forest product for income purposes. The most common forest products collected by households for income purposes in the study area are charcoal, mushrooms, and fuel wood. Female-headed households and wives are approximately half as likely as male-headed households to collect forest products for income, highlighting notable differences between the levels at which men and women utilize forest resources for income.

Alongside high levels of forest access and utilization, 14% of households reported new conservation-related restrictions within the past year that had affected their ability to access a forest or collect forest resources. Data from the headperson survey and focus group discussions further suggest that communities have lost access to forest areas they previously had access to. More specifically, according to village headpersons, approximately 25% of villages in the study area have lost access to a forest it once had access to. When headpersons were asked about the reasons for this lost access, the most common reason provided was that forest land was purchased or leased by outsiders (Table 3).

In over half of the focus group discussions, participants reported lost or decreased access to forests due to land reallocation or increased conservation-related restrictions.<sup>8</sup> While village headpersons and focus group participants were not asked to specify what kind of forest they had lost access to, among household survey respondents reporting new forest

TABLE 2 Household data on forest access and resource use

Forest Access	Household Survey			Wives Survey (N=814)
	N=4343	MHH* N=3118	FHH* N=1225	
Reported access to forests	83%	84%	78%	68%
Reported access to a forest on communal land	71%	72%	67%	59%
Reported access to a state forest or GMA	10%	11%	8%	9%
Reported new conservation or resource-related restrictions affecting forest access	14%	14%	12%	9%
<b>Forest Resource Use</b>				
Collects forest product for home consumption	84%	87%	79%	75%
Collects forest product for income purposes	19%	24%	12%	13%

\*MHH- Male-headed Household; FHH-Female-headed Household

TABLE 3 Village headpersons on forest access

Forest Access	N	#	%
Village lost access to a forest the village previously had access to.	272	66	24%
<i>On reason for lost forest access:</i> Forest land purchased or leased	66	42	63%
<i>On reason for lost forest access:</i> Chief said village could no longer use forest	66	6	9%
<i>On reason for lost forest access:</i> Zambian Government or Forestry department said village residents could no longer use forest	66	14	21%

<sup>8</sup> Focus group discussions did not inquire about forest type or tenure system (Table 1). Reference to lost forest resources refers to forest resources that local residents expressed they previously had access to within the past three years.

restrictions, the large majority (84%) reported the restrictions on communal land. Coupled with the high levels of reported reliance on forest resources for subsistence use, reported lost access to forests and growing restrictions on forest use on communal land signal a threat to local usufruct rights and forest tenure security in the study area. To explore this further, we examine institutional actors shaping forest governance, focusing on “the practical elements of governance - allocation of resources, administration of rights . . . [and] authorization of certain practices” (Lund 2006: 690).

### Forest governance

The results reveal that three main institutional actors are involved in forest land and resource allocation and administration: 1) customary authorities, 2) state officials, and 3) private sector actors. The perceived role of these actors in shaping forest governance and participation of local forest users in forest governance is discussed first, before discussing how the intersection of actors’ interests and power and authority influence the ability of men and women to access forest resources.

### Role of customary authority

Consistent with the literature and the legal framework of Zambia (Brown 2005, Sitko 2010), our research shows that customary authorities play a significant role in forest governance with respect to forest rules and controlling access to land. The household data on forest governance show that forest-related decision making is in the domain of customary authorities. When asked about decision making related to forest management, nearly half of all household survey respondents identified the Headperson as the most important decision maker with respect to forests; a quarter identified the Chief (Table 4). Female-headed households more commonly noted the Headperson as the most important decision maker compared to male-headed households and their wives.

The village headperson data also show that forest governance is in the domain of customary authorities. In terms of decision making, 21% of headpersons surveyed reported that they are the most person making forest management decisions, while 35% reported the Chief. Headpersons also claimed that either they themselves or the chief as primarily responsible for making forest rules (79%; Table 5). One group of women in the Lundazi District noted, “*The headman gets the rules from the chief because he is the one*

TABLE 4 Household perceptions of forest governance

Forest Governance	N=4343	MHH	FHH	Wives Survey
		N=3118	N=1225	N=814
Headman as most important decision maker about forests used by community.	49%	48%	52%	48%
Chief as most important decision maker about forests used by community.	25%	26%	22%	21%
Reported existence group in village or village area that organizes activities related to the management of the forest	8%	9%	7%	8%
Reported existence of a local community institution or committee that helps manage the local forest(s)	4%	5%	3%	4%
Reported knowledge of meeting on forest issues in the past 12 months	15%	17%	12%	11%
Reported attending meeting on forest issues in the past 12 months	15%	17%	10%	8%
Reported sufficient knowledge about forest management to participate in developing forest management rules	65%	67%	57%	59%

TABLE 5 Village headpersons on forest governance

	N	#	%
Headperson primarily responsible for making forest rules	272	110	40%
Chief primarily responsible for making forest rules	272	106	39%
Government institution primarily responsible for making forest rules	272	32	12%
Headperson as most important forest management decision making body	272	58	21%
Chief as most important forest management decision making body	272	94	35%
Reported existence of process for addressing village grievances around forest management	272	59	22%
Reported village members are NOT involved in the negotiation process with outsiders wishing to acquire access to land.	272	255	94%

who communicates direct with the chief. . . we don't, he is our mediate [intermediary]. . . in this village the rules come from the chief through the headman to the village members" (April 2015).

Customary authorities control land access and allocation, with the role of the headman and chief visible in the statement that if an outsider wanted to use the forest s/he would, "need to get permission from the Chief for them to access the forest, then see the headman to show them where to work from" (May 2015). Further, 99% of household survey respondents that cleared forestland for farming reported requesting permission from either the Chief or Headperson (Table 6).

#### Role of the state

The survey data suggest that state actors play a limited role in forest rule and local decision making in the study area, yet an important role in managing forest access. For example, only 12% of headpersons surveyed reported a government institution as the most important rule-maker about forestland management, while a similar percentage identified a government institution as the most important forest-related decision-maker (Table 5). Nonetheless, the perceptions of village headpersons and local residents suggest that state actors do play an important role in managing forest access. For example, headpersons reported that state institutions play a key role in restricting forest access, as 21% of headpersons who reported their village had lost access to a forest the village previously had access to stated that either a local government official or the DFO now restricted access (Tables 3 & 6). The household survey data suggest a strong presence of state actors restricting forest access. Among the household survey respondents that reported new restrictions within the last year on forests they previously accessed, 44% noted that the DFO imposed these restrictions, followed by ZAWA<sup>9</sup> and private owners or companies (Table 6).

When discussing changes in forest access over the past three years, participants in nearly three quarters (N=51) of the focus group discussions facilitated across the study area mentioned that either the physical presence of or restrictions

put in place by state actors had reduced forest access. We share men's and women's explanations and experience of how such restriction takes place in the discussion below.

#### Role of private sector actors

Private sector actors also shape forest governance. When asked about reasons for lost forest access, the most common reason village headpersons provided was that the forest land was purchased or leased by outsiders. The survey data show that, among households reporting new forest restrictions, 11% reported that a private owner or company imposed these restrictions (Table 5). Women<sup>10</sup> in Nyimba explained how lodge owners restrict access to a forest they once they had access to,

(Participant): The forests which we have are these ones nearby and in the village. The one that is far away is under rules, the chief has sold it. . . . You cannot even stone a bird; you can be arrested. . .

(Facilitator): Who did the chief sell it to?

(P): The whites, lodges.

(F): Who restricts access . . . , is it the chief or the lodge owners?

(P): It is the lodge owners. It is the ones who bought the lodges who now restrict."

(March 2015).

While land in Zambia cannot legally be "sold" to a private individual or entity, both customary and state land can be converted to leasehold title. The conversion of state land and land in GMAs to leasehold title is at the discretion of the state, while the conversion of customary land to leasehold title is at the discretion of the rights holder who must obtain the Chief's written approval to convert (USAID 2010, Spichiger and Kabala 2014).

#### Role of local residents

The household data show that local forest users have little involvement in local forest governance, particularly female-headed households. Less than 10% of all respondents reported

TABLE 6 Household Data: Forest Governance

<i>Among households reporting new restrictions:</i>	N	#	%
Reported new forest restrictions imposed by District Forest Office	611	269	44%
Reported new forest restrictions imposed by ZAWA	611	71	12%
Reported new forest restrictions imposed by private owner or company	611	70	11%
<i>Among respondents reporting clearing forest land for farming</i>			
Reported requesting permission from the Chief or Headperson to clear forest land for farming	210	207	99%

<sup>9</sup> At the time of the study, the Department of National Parks and Wildlife was called ZAWA. ZAWA was the term used in data collection instruments and referred to by research participants.

<sup>10</sup> Marital status of women participating in FGDs (e.g., married, widowed or single/never married) was not collected and is a study weakness.

the existence of a local community institution or committee that helps manage local forests and an even smaller percentage (4%) reported the existence of a group in their village area that organizes activities related to forest management (Table 4). The data show that household knowledge and household attendance of meetings related to forest issues are rare. Female-headed households were less likely than male-headed households to report having knowledge of or attending a meeting related to forest issues. Female-headed households and wives were also less likely to report that they felt they had sufficient knowledge about forest management to participate in developing forest management rules to guide forest management. Lack of local participation is also particularly evident in data obtained from village headpersons on decisions related to land allocation, with 94% of headpersons noting that village members are not involved in the negotiation process with outsiders wishing to acquire access to their land (Table 5).

## DISCUSSION

When taken together with the legal pluralism that characterizes land tenure in Zambia (USAID 2010, Sitko *et al.* 2014), the findings on forest access and the multiple institutional actors contributing to forest management demonstrate the complex and the polycentric nature of forest governance in the study area. Acquiring and securing access to forest resources is not a straightforward process (Lund 2011). Local forest users may not only need to consider the physical presence of institutional actors shaping forest use and access to fulfill subsistence needs, but may also need to traverse a complex mix of often-adjacent boundaries of forest areas designated as open forests, GMAs, state forest reserves, or private land held by lodge owners when doing so. Women in Nyimba expanded on the challenges of navigating such boundaries and the subsequent effects on access to forest resources,

*“Access to the forest has reduced, because of a lodge you may need some medicine from the forest but you could find that the tree that contains the value of medicine is between the boundaries of that area which was sold, and it’s difficult to pass through and get the medicine”* (March 2015).

Overlapping institutional authority (Table 1) and the resulting complexity of tenure security evident in the study area affirms the existing argument that Game Management Areas have “sub-optimal tenurial structure” (Metcalf 2005: 7) and claims by Sichilongo *et al.* of “poor GMA governance in terms of stakeholders’ right and responsibilities,” and the “poor definition of user rights in GMAs” (2012: 7). Local confusion in relation to access and user rights is evident when women in Lundazi state,

*“We have limited access to our forest. We can only go up to a fixed point; because there are these ZAWA people who came. They divided the area and apportioned us a specific area for our use. We do not access their area because we would be arrested. . . . sometimes even when they find us the area designated to us, they still chase us. They chase us even from what they call open areas. An open area is when they demarcate the area for animals and the remainder for humans to use”* (May 2015).

Furthermore, the expression of perceived loss of local user rights to use forests on customary land, referred to in the quote above as “open areas”, highlights how the complexity of overlapping tenure arrangements can lead to an inability to access and benefit from forest resources. To examine this further, the complex socio-political relationships among the institutional actors shaping forest tenure are discussed next via two themes: multiple interests among multiple actors and overlapping relations of power and authority.

### Multiple interests, multiple actors

The data show a tension between the state’s interest in wildlife conservation and the perceived ability of local users to pursue forest-based livelihoods. A group of women in the Nyimba District expressed frustration over increasing state restrictions on local forest use:

*“(Facilitator): Would you explain the reasons why you cannot access the forest to collect what you want to collect from there?”*

*(Participant): The game officers are found in the bigger forests, if you go to collect wood there and they see you, they would conclude that you are after other things and not just wood. So you would get arrested . . . it has gone bad. . . it was not so some time ago”* (March 2015).

Further contributing to understanding forest access are perceived changes in how conservation-related restrictions are enforced, particularly in relation to the use or threat of violence. While conflicts over livelihood and conservation goals are not new in Zambia<sup>11</sup> (Virtanen 2003, USAID 2010), participants in 29% (20) of focus groups mentioned violence ranging from arrests to beatings and imprisonment when discussing how state actors enforced restrictions. Women described the use or threat of violence in statements such as:

*Men can . . . say. . . oh let me go and look for rattan from the forest. When he is found he is apprehended to say he is a poacher hunting for animals, yes. They are arrested sometimes. . . . even when that person did not go there to kill for animals, he just went there to look for rattan or to collect bamboos. So even going there, they do not have full rights . . . . They go with fear”* (March 2015).

<sup>11</sup> There is a rich scholarship that demonstrates that states govern through violence and may use violence to expropriate natural resources from the poor (Thompson 1975). Agrawal (2003) notes that the arrival of new interests, such as wildlife management for tourism, “is not a bloodless or innocent process” (250).

Increasing fear of entering forests among women may help explain the lower rates of forest access reported by female-headed households and wives compared to men (Table 2), such as when women in Lundazi said,

*"When you go the forest and you meet the game rangers, you are arrested. We are afraid, you could be jailed and leave your children suffering, that is why access to the forest has reduced"* (May 2015).

Local users also must consider the risks of collecting forest products. Women in the Lundazi District indicated that they change their behavior and may not enter areas to collect non-wildlife resources.

*(Participant): "There are many . . . berries because no one uses them. When we are passing through the forest, we just look at the berries because we are scared."*

*(Facilitator): Why do you fear getting wild fruits?*

*(P): . . . We are scared because wild fruits are not found near [the village]. They are found deep in the forest so if you are found by the game rangers they will think that you are with your husband to kill the animals. So we do not go there and when we see these wild fruits we just look at them because we are scared. We cannot risk our lives because of berries"* (April 2015).

While women might either limit their entry into the forest or collect less, a group of young men in Nyimba characterized their forest access in an increasingly restrictive environment as follows:

*"It is the government that comes to stop us from doing these activities but there is nothing they give us so . . . in the end we go in the forest to collect whatever we want"* (April 2015).

While both men and women indicate that they are losing access to forests as a result of increased restrictions, this analysis illustrates how institutions may reproduce power or erode trust (Ostrom 2010), and create new forms of or re-enforce exclusion. Such exclusion occurs when state-enforced rules restricting forest access not only limit forest-based livelihood activities, but also in the gendered experience and perceived threat of violence that limits women's access.

Women's caution to enter the forest has potential consequences for social reproduction. A possible visit to the forest could lead to an arrest, creating an absence at home (i.e., children suffering). While men and women both mentioned risk being associated with entering the forest, the data do not indicate that men change their behavior, which provides a gender-disaggregated micro-analysis of the "distinctive position of . . . particular social actors" (Leach *et al.* 1999: 234) in the political economy of wildlife and forest management within which men and women live.

Finally, focus group participants perceive that private sector interests compete with local livelihood interests and that customary authorities privilege the interests of investors

over their own subjects, even though, "*chiefs . . . are put to be in charge of the people*" (March, 2015) and hold land on their behalf. For example, women in Nyimba noted how a Chief reallocated a piece of customary land to lodge owners,

*"Our parents used to go into the forest up to Nyimba river, now the land where the river is has been sold to lodge owners . . . the freedom to collect things like insects or grass is not there or even just mlaza [a type of fiber] is not allowed, . . . the forest land . . . is no longer ours"* (March 2015).

The findings show that when institutional actors use force or the threat of violence to maintain their interests, their power and authority operate across scales in ways that influence forest governance.

### Accountability within the study area

Open-ended discussions about forest-related decision making underscored the limited power of forest users. The perceived capacity of local community members to engage in resource-related decisions is low, as is the perceived capacity to challenge persons or entities with the power to allocate forest resources and grant access to forestland. The power relations shaping these perceptions are evident in peoples' statements that they are powerless to publicly question decisions made by the chief or state representatives. As a group of women in the Nyimba District noted when asked what they could do if they were unhappy with a decision made by the government,

*"Nothing. We just look since it is government, which makes decisions. What can we do? There is . . . nothing. . . There is nowhere to go complain since the government should complain on behalf of the people. When it is the one making such rules what can we do?"* (March 2015).

In response to the same question, a group of women in Mambwe District noted,

*"It's not easy to discuss because government has its own machinery, power and we are just people in the village. So there is nothing to talk about after they have already reached a conclusion on this issue"* (May 2015).

When forest users passively accept forest management mandates from above, leaders and other powerful actors reconstitute their power and authority. Mentions of arrests, imprisonment, and other forms of violence when encountering authority figures in the forest, also reveal the vertical *relationships* of power within the system (Ostrom 2010, Pahl-Wostl 2009) shaping forest access. The exercise or fear of violence is a way of governing forest access and creates tenure insecurity for local users. Insecurity is exacerbated in the study area by the inability of local users to hold those who use violence accountable for the denial of their customary rights and the injuries they sustain as they pursue these rights.

Competing interests and the oft-dominant power of chiefs, private sector actors, and the state draws attention to the lack

of a functioning accountability system. Only 22% of headpersons reported that a grievance process for forest management problems exists (Table 5), indicating that the system is weak. A young man in Lundazi explained:

*“We have nowhere to report to, there is no office, no human rights, and we also observe that those with money are favored. There is no radio where we can report, sometimes when you report to some people, they change the record when they reach their offices. They change the record and just leave the information [in the record] that favors government”* (May 2015).

His comment *“they change the record when they reach their offices”* indicates a lack of trust in the documentation process.

When describing how their chief gave some land to a lodge owner without first consulting the community, women highlight the lack of transparency in forest governance and the paternalistic relationship between chiefs and subjects,

*“He did not tell us, his children, his people, . . . . Even if he told [us] we just go ‘um!’ . . . we fear punishment . . . from the look of things there is no help even if we go the police . . . nothing can be done”* (March 2015).

Though the 1995 Lands Act states that customary land cannot be converted to leasehold title “without consulting any other person or body whose interest might be affected by the grant” (Part II section 4c), Brown (2005) notes that “this . . . . is seldom adhered to, especially if the chief . . . is either unaware of the interest of existing inhabitants or is unwilling to protect these interests over those of investors” (90). That local community members perceive an alliance between chiefs and the state as represented in police action or the favored interests of lodge owners illustrates Lund’s (2006) point that traditional authorities occupy the space ‘in between’ the state and society. Local residents are aware of their powerlessness vis-à-vis authority figures, who rather than look after their ‘children,’ compromise their livelihoods and do not come to their assistance when needed. Given a chief’s power in land matters, challenging a Chief’s decision is risky. Even though a chief violates the trust of custodianship when giving land to investors, there are no provisions a Zambian community can use to remove a chief (Baldwin 2016).<sup>12</sup>

Local perceptions of powerlessness to challenge decision-making coupled with threats of or direct violence in livelihood pursuits highlights the need for a functioning and transparent accountability system which “ensures that the actions and decisions taken by those in power are subject to oversight and respond to the needs of . . . constituents” (Gupta *et al.* 2012: 728). Such an accountability system does not exist in the study area. Yet without one, subsequent

REDD+ activities might reproduce rights violation and forms of inequality that already exist (Ingalls and Dwyer 2016, Chomba *et al.* 2016).

## CONCLUSION AND RECOMMENDATIONS

This baseline data collected on the cusp of REDD+ program implementation shows how local residents perceive their ability to pursue forest-based livelihoods, participate in forest governance activities, and hold the powerful accountable. Focusing on relationships among social actors and across scales provides a conceptual framework that takes into “account the real complexity of governance regimes” (Pahl-Wostl 2009: 363). The survey results indicate high levels of forest use and access alongside expressions of lost forest access and diminishing user rights. Diminishing user rights are mainly due to growing forest restrictions enforced by the state and private actors, the reallocation of land by chiefs, and a lack of recognition of customary use rights in GMAs - all of which are amplified by the lack of an accountability system to address such infractions. These points draw attention to a gap between policy and practice that are pertinent in an African context, where customary and statutory tenure and legal systems often co-exist in rapidly changing regulatory environments. With formal recognition of the role that forests play in addressing climate change at the 21st Conference of Parties (COP 21) to the United Nations Framework Convention on Climate Change in 2015, safeguards and political will shall be critical. Otherwise, how will forest users address REDD+-related grievances when they are reportedly unable to address those that already exist (Table 6)?

This paper’s analytical approach is relevant and timely given the increasing global attention being paid to the role of forests to address climate change. Attention to the politics of governance and scale are important for the success of REDD+ and sustainable livelihoods for forest-dependent communities in Zambia and elsewhere.

This analysis presents a strategy that a REDD+ practitioner might employ, as it tries to locate itself and spheres of authority operating in any new forested environment and contributes to a growing REDD+ literature that emphasizes the need for REDD+ practitioners to understand socio-historical context and institutional relationships in project areas (Ingalls and Dwyer 2016, Chomba *et al.* 2016, Mickels-Kokwe and Kokwe 2015, Leach and Scoones 2015, Dwyer *et al.* 2016, Broegaard *et al.* 2017). Ostrom notes that in polycentric systems actors learn from one another across scale and adapt “better strategies over time” (2010: 552) to manage system complexity and address ‘institutional deficits’. Next, we focus on how three particular REDD+ safeguards<sup>13</sup> if

<sup>12</sup> The state also cannot remove a Chief. In cases of gross negligence or if a lawsuit against a chief is won in court, a Paramount Chief may remove a chief. If a subject has a complaint about a Chief, s/he may write a compliant letter to Ministry officials who place that letter in the Chief’s file (Baldwin 2016). There are two known examples of displaced farmers using the state’s judicial system to sue their respective Chiefs following the reallocation of their land to investors. Decisions on these cases are pending (Caron 2017).

<sup>13</sup> <https://unfccc.int/resource/docs/2011/cop17/eng/09a01.pdf> (UNFCCC 2011).

embedded in REDD+ implementation might help to address the types of structural challenges identified in the study area. Given the paper's attention to the differentiated perceptions of men and women, we highlight gender issues, where applicable.

1. *Safeguard b) Transparent and effective national forest governance structures:* While REDD+ practitioners cannot make the structural changes to national-level legal and political systems necessary to improve access to information and justice and such changes cannot occur without the political will of state and customary authorities, practitioners can commit to transparency and working with other actors with shared interests in such systemic improvements. Broegaard *et al.* (2017) cautions that local forest users might be unable to make use of legal and political changes due to their weak positioning (171). In such cases, REDD+ practitioners might assist forest users to access justice through formal or informal mechanisms in an attempt to hold state and customary authorities accountable when customary rights are violated or disregarded in for pursuit of private interests. Given the power of chiefs and unaccountable local authorities in the study area, practitioners may need to rely on transnational governance structures and oversight from donors and NGOs to accomplish these goals (Dwyer *et al.* 2016). Embedding this safeguard into implementation assumes that REDD+ practitioners commit to the same accountability standards that they expect of others.
2. *Safeguard c) Respect for the knowledge and rights of indigenous people and members of local communities:* This safeguard encourages practitioners to have a clear understanding of land tenure systems and statutory and customary law and how they operate in project areas. It further emphasizes the role of national legislation and international obligations and special mechanisms such as of Free, Prior and Informed Consent (FPIC). Embedding this safeguard improves the potential to elevate local user concerns, integrate local knowledge into project design, and recognize local tenure rights (Chhatre *et al.* 2012). Recognizing how REDD+ activities intersect with local forest users' customary rights, increases the chance of creating context-relevant opportunities and incentives to encourage users to commit to carbon mitigation measures and in ways that they do not compromise livelihood interests. As shown above, gender-differentiated perceptions of governance and risk affect forest use with important implications for forest-based livelihoods and future REDD+ benefits.
3. *Safeguard d) Full and effective participation of relevant stakeholders:* The elements of this safeguard draw attention to actions that ensure rights of resource access, an enabling environment for local user participation, re-emphasizes FPIC implementation, and access to justice (Braña *et al.* 2014). Based on national legislation in Zambia (2015 Forest Act), FPIC buttresses already-existing provisions for community

participation and provides a process and a methodology for practitioners to learn from local forest users either in mixed or single-sex groups. Taking the time to understand what men and women do and why, the history of actors with one another and the resource base, and how their carbon-based interests intersect with them will help practitioners to integrate local users' concerns into the creation of context-relevant livelihood opportunities or provide insight needed to propose new innovations to current institutional arrangements, all of which influence project success. As Leach and Scoones (2015) note, a REDD+ project risks failure through the alienation of project beneficiaries if full and effective participation is not integrated across the project cycle.

The forward-looking perspective that REDD+ safeguards offer present both an opportunity and mechanism for just and sustainable forest management outcomes that do not necessarily ignore "the complexity of the social and political dynamics inherent in reforming forest tenure and governance at any scale" (Chhatre *et al.* 2012: 659). In embedding safeguards into projects and drawing attention to the lack of political will, REDD+ practitioners can help catalyze the structural changes needed to improve forest access and governance. This might be a risky proposition, as the implementation of safeguards challenges power relations, upsetting the status quo. As REDD+ programming continues to garner resources, attention to how power and authority operate across scale and the use of safeguards present a way to address political obstacles and institutional deficits identified in project areas.

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